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INDEX

SPECIAL ISSUE	Guest Editors: MATTEO DIAN, GIULIA DUGAR Contesting the Liberal International Order: Assessing the sources and impact of the current challenges	
INTRODUCTION	MATTEO DIAN, GIULIA DUGAR A post-Western World in the Making: the conceptual framework	233
	CARLO CATAPANO, ANDRÉ LEITE ARAUJO The International Financial System and Its Discontents: China, Argentina, and the Contestation of Western-led Institutions	247
	CARLOTTA MINGARDI, RICCARDO NANNI Gambling with the East, Challenging the Liberal Order. Hungary and Serbia Contesting European Union Normativity	265
	CECILIA DUCCI, FLAVIA LUCENTI 'Contestation from Within': US Escalating Aversion to the International Criminal Court and the Non-impunity Norm in the Trump Era	281
	ALICE MARTINI Global hegemonies, power, and identities: The Liberal International Order, the international community and international terrorism	299
BOOK REVIEW	KEVIN NIELSEN MAGAT AGOJO The Making of Global International Relations: Origins and Evolution of IR at its Centenary, by Amitav Acharya & Barry Buzan, Cambridge: Cambridge University Press, 2019, pp. 392	315

RESEARCH ARTICLE

A post-Western World in the Making

The conceptual framework

Matteo DIAN

University of Bologna

Giulia DUGAR

University of Bologna

Abstract

The capacity of the liberal West to achieve a normative consensus and shape the international order is decreasing. In this context, the West has become both contested and contestant. Internally, rising inequality, emerging populism and political polarisation have undermined the consensus on liberal values in Western democracies. Externally, the rise of China and the consolidation of increasingly autonomous forms of regional governance in South-East Asia, Africa, and Latin America have led scholars to question the resilience of Western hegemony, resulting in the emergence of a normatively, institutionally, and economically more plural international order. The special issue provides an original perspective on how the international order has been evolving, integrating non-Western interests and norms with Western and liberal features. The introduction offers key concepts and theoretical framework to provide the relevant context for readers to address the contributions included in the special issue.

Keywords: Liberal International Order; Contestation; Pluralism; Post-Western; Global Governance

Introducing the Special Issue

The Liberal International Order (LIO) that emerged after the Cold War has been grounded on material and ideational factors. Both economically and militarily, the United States emerged from the bipolar confrontation as the unchallenged leader. This preponderance was reinforced by the fact that the majority of the other economic and military powers both in Europe and Asia were Washington's allies. This unbalance of power existed also in the ideological realm. The West had won what Melvin Leffler had described a struggle for "the soul of mankind" against Communism (Leffler, 2007, p.3). As Francis Fukuyama put it at the time, democracy and liberalism appeared as the only viable universalistic path to modernity and progress (Fukuyama, 2006).

This situation led policy makers on both sides of the Atlantic to believe that there was a significant opportunity to promote stability, prosperity and justice. To do so, the liberal order that had developed in the West during the Cold War era needed to be expanded, through a strategy of enlargement and inclusion able to embrace the entire globe (Ikenberry, 1998). Engagement, enlargement and socialization of powers re-emerging from the ashes of the Communist bloc would have ensured both the general stability of the system and the interest of Western actors (Kelley, 2004).

CONTACT Giulia Dugar, giulia.dugar2@unibo.it – Department of Statistical Studies, University of Bologna, Italy

Both the US and the EU rooted their strategies on explicit liberal assumptions: unfettered trade, inclusion in international institutions and deepening of international law and global governance, democratization and people to people exchanges were considered key transformative elements to turn former rivals into friends and partners. These approaches relied on a liberal optimism entrenched in a twofold assumption, namely that history was clearly pointing towards the direction of progress and peace and that democratization could lead governments of former rivals' powers to realize that their best interests rested in being active and willing members of a new global liberal order (Dunne & McDonald 2013).

This faith in the transformative power of the liberal order and its key normative elements deeply shaped both US and EU member states' foreign policies. The US promoted a strategy of engagement towards China in the hope that trade, membership in international institutions and people to people exchanges could socialize China to the point of turning it into a "responsible stakeholder" of the international order (Schell, 2020). Up to the early 2010s, Beijing's clear aversion towards Western democracy did not necessarily prevent hopes that economic growth could generate a gradual liberalization in the PRC. The US supported processes of democratization in East and South East Asia, and actively promoted the integration of the region in global finance and trade. The creation of the WTO in 1994 and the new activism of the International Monetary Fund and the World Bank represented another important leg of the strategy of consolidation of US-led, market driven globalization (Wade, 2002; Thirkell-White, 2005; Kapur et al., 2011; Woods, 2014).

In Latin America the consolidation of the democratic forms of government and the ultimate demise of military backed dictatorships appeared to be another important element of the consolidation of the liberal order (Hagopian & Mainwaring, 2005). In the post-Soviet space, the Russian transition to democracy in the Yeltsin period (1991-1999), the prevention of nuclear proliferation, and the containment of ethnic conflicts at the periphery of the former Soviet empire could be considered a success for the post-Cold War Liberal International Order (Goldgeier & McFaul, 2003).

The European Union and its member state followed even more explicitly a liberal grammar. Firstly, doubling down on economic and political integration within Europe, permanently enmeshing Germany in a "ever closer union", creating a monetary community, and definitively embracing its post-modern and post-national identity (Sarotte, 2014). In the meanwhile, the EU expanded, including Central and Eastern Europe as well as Mediterranean countries (Gheciu, 2005). Even beyond its borders, the EU sought to exercise its "normative power", and strived to promote what the Germany government defined "*Wandel durch Handel*" (change through trade) (Manners, 2006). From this point of view, commercial integration, membership in regional and global international organizations, a policy of conditionality by the EU and its members were considered to be key elements to generate processes of modernization and liberalization. This approach inspired both the relations with the Middle East and North Africa, as well as other actors such as China, India, and main Latin American states (Bergmann, 2019).

The LIO was also characterized by a particular interpretation of the legitimacy of the use of force. The West reshaped the boundaries of war as a legitimate practice of the international order, rooting into a liberal vision centred, at least in theory, around international law, human rights, and the role of international organizations. This trajectory started with the humanitarian interventions of the 1990s in the Balkans and culminated with the theorization of the principle of "Responsibility to Protect" (R2P), later used to legitimize the intervention in Libya in 2011 (Pejcinovic, 2013).

Despite this assessed and prolonged period of emergence and stability of the liberal internal order, starting from the mid-2000s, its equilibrium has been increasingly challenged by different actors. Contestation over its legitimacy has come both from non-

Western states and regional organisations and, more recently, from the same Western countries that have underpinned such order. This has led to significant changes that suggest a transition towards a post-Western international order. So far, International Relations literature has concentrated more on the possible consequences of this shift rather than on the processes of contestation on the main pillars of the LIO. This special issue intends to address the identified gap of the state of the art by investigating the growing resistance against liberal norms and values and the emergence of political and institutional alternatives, surfacing both from non-Western actors – contestation from the outside – and Western ones – contestation from within. It is especially this focus on both internal and external dimensions of the processes of contestation to represent the most innovative aspect of the proposed issue.

The special issue contributions thus seek to offer an original perspective on how the international order has been evolving, integrating non-Western interests and norms with Western and liberal features. Catapano and Araujo (2022), for instance, investigate how initiatives implemented in the global financial system fit into Beijing's larger strategy of contestation towards the existing Western-led financial system. The authors do so by looking at the case of Argentina, which offers crucial insights both on China's approach and the perspective of the countries in the Global South and thus at the margins of the international order. Mingardi and Nanni (2022) also focus at the contestation of the Liberal order from a less conventional perspective, namely by how dissatisfied European actors leverage their partnership with China to contest EU norms. From the outside, 16+1 is in fact perceived as China's attempt to 'divide and conquer' EU states. Through their analysis the authors find that the 16+1 has raised concern among EU policy-makers, despite scarce economic results, because it has been used as a discursive leverage by both China and Eastern European countries against the EU.

The third contribution, on the contrary, relies on the case of the US hostility towards the International Criminal Court as offering a valid ground to observe the contestation-from-within phenomenon (Ducci & Lucenti, 2022). By drawing on the constructivist literature on norm contestation, this article seeks to understand on what grounds the Trump administration has discursively contested the ICC and the principle of non-impunity. This case study exemplifies what we term a "contestation from within", hence, originating from one of the leaders of the international order, namely the US.

Lastly, the fourth contribution to the special issue furtherly expands the point of view through which to understand and analyse the making and contestation of the Liberal International Order to a more theoretical level. Martini (2022) draws from previous works inquiring into the discursive otherization of "international terrorism" (Herschinger, 2013; Ditych, 2014; Martini, 2021). These works have inquired into the discursive formation of "international terrorism" (Herschinger, 2013) and linked it to the emergence of a global *dispositif* put in place by the international community (Ditych, 2014). Building on these works, the article explores this construction as a result of the power relations structuring the LIO – and its outsiders. To do this, the article will first analyze these three *raisons* as levels on which the violence that is constructed as "international terrorism". Or, in other words, it will focus on the three LIO's levels where the struggle for legitimacy and power is carried out – i.e., the state *raison* (2.1), the system *raison* (2.2), and the civilization *raison* (2.3). It will then LIO (2.4) as a constellation of power which shapes the global *dispositif* of international terrorism. Lastly, it analyses the role of the *dispositif* in the (re)production of these global relations of power.

Assessing the sources and impact of contestation

Today's Liberal International Order appears into a deep state of turmoil (Boyle, 2016; Emmott, 2017; Luce, 2017). As John Ikenberry argued, it is important to distinguish two different types of crises: A "Polanyi crisis" (Polanyi, 1957) and an "E.H. Carr crisis" (Carr, 1951).

The first is generated by "growing turmoil and instability resulting from the rapid mobilization and spread of global capitalism, market society and complex interdependence, all of which has overrun the political foundations that supported its birth and early development" (Ikenberry, 2018, p. 10). As captured by Brank Milanovic's "elephant curve", the spread of capitalism and financial globalization have generated a substantial amount of economic growth, concentrated especially in emerging markets of Asia and Middle East and in a lesser extent Latin America and Africa. However, economic and financial globalization has also been associated with rising inequality, lack of social mobility, social marginalization and political polarization, especially in Western countries (Ravallion, 2015; Milanovic, 2018). The European and American middle classes, once the political and social backbone of the liberal order, found themselves at the receiving end of most of the negative externalities of global capitalism, from delocalization and enhanced competition to erosion of labour rights to lack of meaningful expectations of social mobility and economic amelioration (Pressman, 2007; Flaherty & Rogowski, 2021). The Polanyi crisis has clearly manifested itself in the aftermath of the Global Financial Crisis and the Euro-crisis. However, before reaching the centre of the international economic order, the disruptive consequences of financial economic liberalization and the application of neo-liberal economic receipts had generated a succession of disruptive crises in the peripheries who involved South East Asia (1997-98), Mexico (1994), Argentina (2001), Brazil (1999) and Russia (1998).

The Polanyi crisis has contributed to the emergence of populism in Europe and in the US. The revolt of the Western middle class against the global order has been both cultural and economic. On the one hand the populist appeal to the need of economic protection against global competition. On the other hand, right-wing populists sought to merge economic grievances with cultural fears, articulating a xenophobic political discourse that blamed cultural, national, ethnic and racial "others" for the problems affecting their constituents (Inglehart & Norris, 2016; Mishra, 2017). The wave of populism that led to the election of leaders such as Trump, Bolsonaro or Orban, and the empowerment of others such as Salvini and Le Pen, or events as Brexit, significantly contributed to erode the attractiveness of the Western liberalism in the eyes of developing countries outside the West. This paved the way for non-democratic models to be perceived as viable attempts of "exporting democracy" via military means, as Western democracies cannot present themselves as "shining cities upon the hill", to echo Ronald Reagan's beloved expression. On the contrary, the legitimacy of liberalism as the only universalist ideology to provide the necessary keys to processes of modernization is increasingly challenged.

The second type of crisis currently experienced by the contemporary Liberal International Order is defined as E.H. Carr crisis, namely the re-emergence of great power competition, fuelled by the presence of security dilemmas, territorial disputes and revisionist approaches to the established international order (Ikenberry, 2018, p. 10).¹ Recently, the material and

¹ John Ikenberry in its 2018 article on International Affairs attributed much more relevance to the Polanyi rather than to the Carr crisis. "The troubles facing liberal internationalism are not driven by a return of geopolitical conflict, although conflicts with China and Russia are real and dangerous. In fact, the Liberal International Order has succeeded all too well. It has helped usher in a world that has outgrown its political moorings."

normative foundations of the liberal order have been challenged by several rising or returning powers. China and Russia are the most evident challengers to the LIO.

China is the only rising power able in the longer term to challenge the US economic and military might. Beijing rise has been associated with a rapid expansion of its military capabilities and a more frequent use of coercion using both the threat of use of force and economic means. Beijing attempts to enforce its claims in the South China Sea, economic coercion towards South Korea, Australia and several South East Asian states are only few examples of the revisionist aspects of China's rise (Le Thu, 2019). Nevertheless, China's rise has not had only destabilizing consequences for Asia and for the world. It has also generated tremendous opportunities for economic growth, especially at the regional level, since Beijing has turned into the economic and commercial centre of gravity for the region. But not only. The case of Beijing ascent and proposition of an alternative financial system appears to find interest and support from countries that have so far been virtually excluded from the traditional financial system gravitating towards liberal actors. For instance, this emerges from the attitudes shown by Global South and Argentina in particular, who perceives the Chinese alternative as an opportunity to pave its own way back into the international financial system. (Catapano & Araujo, 2022). Moreover, China has articulated its own proposals for the future of the order both at the regional and at the global level (Dian 2021). Beijing's alternative vision is rooted in a primacy of sovereignty and non-interference over human rights, a significant role of the state in the economic realm, a selective multilateralism, merged with high levels of trade and economic integration. In terms of status China sees itself as main great power and "norms maker" in Asia and a peer to the US at the global level (Foot & Walter, 2010).

The emergence of the E.H. Carr crisis, and increase of overtly revisionist practices highlights the necessity to explore the limits of the liberal order as it has developed in the three decades after the Cold War.

Firstly, was the Liberal International Order ever global? In which extent non-Western states felt represented by the post-Cold War project? In which extent was the order representative of the plurality of interests and norms present at the global level? In which extent the process of socialization and inclusion in the LIO generated new grievances, humiliations, and new normative and political hierarchies? These questions are crucial to understand the main topics the special issue will deal with, all associated to the proposals by non-Western states in the realm of global governance.

The case of China is once again very illustrative. On the one hand, China's rise largely depended on its integration with the world economy, on trade with Western markets and on importation of technology and practices. This process of integration not only favoured the country's rapid economic development but also facilitated the end of its self-isolation and the return to the centre of the region in economic and political terms (Huang, 2017). Despite this, China in the last three decades has developed a political narrative that paints its political relation with the West in increasingly competitive and Hobbesian terms. Nationalism and grievances associated to the memories of the century of humiliation have assumed an increasingly relevant space in the country's political discourse, especially under the leadership of Xi Jinping. The liberal and democratic features of the order as promoted by the West, such as emphasis on human rights and political freedoms are perceived as parts of a larger plot to contain China's rise and to undermine the power of the Chinese Communist Party (Dian, 2017). However, this emphasis on sovereignty and non-interference is not limited to China. ASEAN and most of its member states assume a similar position, considering the preservation of national self-determination as a key objective of the Association itself (Ba, 2020).

Russia's invasion of Ukraine has highlighted the extent of the Russian grievances towards the post-IIWW international order. In Europe and in the United States the expansion of NATO and the EU were perceived as legitimate solutions to put an end to five decades of unnatural and coercive division of the continent, ensuring its security, peace and prosperity. Moscow saw the post-Cold War settlement as a major geopolitical confrontation that fundamentally undermined its great power status and put at risk its own security. As underlined by Isabella Weber, Russia's experience with the "shock therapy" is another crucial element to consider (Weber, 2021). The sudden and radical liberalization of what remained of the Soviet economy in the early 1990s created a deeply unequal and corrupt economic system, that did not have anything in common with the functioning capitalist system it was meant to originate. This undermined the social and economic foundations of the Russian democracy, laying the preconditions for the formation and consolidation of a hybrid regime led by Vladimir Putin (Malinova, 2021). The Russian leader then actively exploited national grievances, the memories of the "decade of humiliation" of the 1990s (Wang, 2014) and the partial and uneven integration in the Liberal International Order to articulate a revisionist position on the post-Cold War order and to turn the Russian political system into a *de facto* autocracy. These tendencies manifested themselves with the invasion of Ukraine. Launching a full-scale invasion of a neighbouring sovereign country, Putin has accelerated both Russia's isolation from the West and the transition towards a much more openly authoritarian domestic political system, further undermining the rule of law and freedom of expression.

At the time of writing, it is hard to foresee a negotiated solution of the conflict. What appears clear is that, barring an implosion of the regime, Russia is likely to face a long period of international isolation from the West and from much of the rest of the international community. Overall, today Russia does not seem able to provide any alternative legitimate proposal to the international order and global governance. On the contrary, it appears as a revisionist country ready to resort to a full-scale invasion to exert control over a liberal democracy that has attempted to distance itself from its sphere of influence.

The emergence of the great power competition between the US and China and the war in Ukraine can be considered symptoms of more structural trends: a contestation of both the material and the normative foundations of the liberal order. This means that countries such as China and Russia have increasingly rejected aspects associated to the military and institutional arrangements as well as ideation elements of the liberal order.

In the security realm, China perceives the US-led network of alliances in East Asia and the US military presence in the region as threats. Similarly, Russia perceives the expansion of NATO as an existential threat to its security. In the institutional and diplomatic realm, the degree of contestation is less evident and less urgent, but still relevant. It had manifested itself with China's search of an influence in international organizations such as the UN, the World Bank and the International Monetary Fund or with the creation of the so-called new type of international institutions as the Asia Infrastructure and Investments Bank (Dian & Menegazzi, 2018).

Looking only at the material dimension, this debate could possibly be reduced to a discussion on whether it is necessary to recognize a legitimate sphere of influence for non-Western great powers and where to draw a line to their ambitions of political and military influence, through a balanced and steady exercise of extended deterrence (Jackson, 2020).

Including the normative dimension and considering the possibility of an increasingly marked ideological polarization of the international order between democracies and non-democracies greatly complicate the picture. The events in Ukraine, but also China's approach to Hong Kong and Taiwan, lead to think that the regimes in Beijing and Moscow are ontologically threatened by an international order rooted into liberal principles of

democracy, human rights, and political freedom (Mitzen, 2006). As a consequence, they perceive the capacity of the people of Ukraine and Taiwan respectively to freely choose the domestic and international orientation of their countries as a threat to their security. In this case the fracture between Russia and China and the rest of the international order seems to be much deeper than a mere matter of recognizing their “great power rights” to sphere of influence.

These questions are important to understand how and to which extent processes of normative and material contestation of the liberal order can lead to forms of post Western global and regional governance. The flourishing of forms of global and regional governance such as those analysed in this special issue point to an evolution towards a “thin and wide” rather than a “thick and limited” form of order (Ikenberry, 1998), in which most countries agree on some key normative elements and “agree to disagree” on others. This means that the relative decline of the material and normative influence of the West can be translated into the emergence of multiple forms of cooperation at the regional and global level rooted on alternative principles and managed by one or more non-Western great powers.

Similarly to Acharya’s vision of a “multiplex world”, these positions imply that under the same big tent constituted by global, non-hegemonic and inclusive institutions such as the UN and its agencies, a decentralized and plural structure of global governance can emerge (Acharya, 2017).

The vision of a multiplex world is surely fascinating and appealing, but premises on several optimistic assumptions. Firstly, this scenario assumes that a transition to a post-Western, post-hegemonic and plural world order would be peaceful. The absence of a hegemonic stabilizer would be compensated by the enduring stabilizing effects of economic interdependence, people-to-people exchanges and international institutions (Gilpin 1981; Ikenberry 2014). Secondly, it assumes that powers that today are contesting the existing international order would be satisfied with the new “post-Western” version. This would mean that they could consider the progresses they will make in the decades to come in terms of political, economic and ideological influence to be considered sufficient by their leaders, who will not, to use an expression typical of the Chinese diplomatic jargon, “seek hegemony”. This entails they would tone significantly down their nationalism and their emphasis on historical grievances. At the moment, this seems particularly optimistic since their grievances are integral part of their legitimacy and their political narrative.

Similar positions have been articulated among others by Kupchan (2012), Flockhart (2016) and Buzan (2011). All these scholars argue that the future of the global order will be characterized by a deep pluralism in terms of distribution of power, but also admit the process of contestation and competition for power and influence might undermine the stability of a post-Western order.

Beyond the necessary questions on the stability of a post-Western international order, the crisis of the current order, the limits of its capacity to include and socialize, and the emergence of non-liberal proposals open up several normative dilemmas.

The main proponents of alternative visions reject the centrality of individual rights and propose state sovereignty as the key political foundation of the international order. As a consequence of this, they tend to substitute equality among people with equality among states. This represents an effort to contest an implicit but very relevant element of hierarchy in the international system, which attributed a different type of legitimacy to liberal regimes (Mattern & Zarakol 2016; Adler-Nissen & Zarakol 2021).

Concluding remarks

The dilemma generated by the tensions between the abovementioned positions is clear: are proposals for the future of global governance coming from non-democratic powers

legitimate and acceptable? Can democratic states participate to forms of global governance rooted in the primacy of sovereignty and non-interference? Can democratic states willingly participate to forms of cooperation that assume that liberal democracy is just another type of political regime? Does a critical understanding of the process of expansion of the liberal order after the Cold War entail necessarily forms of political and moral equivalence between liberalism and non-liberalism?²

The rise of non-Western visions of the international order has also been associated with a wider return of the state over the market. At the domestic level this has led to the development of various forms of state capitalist economic model, in which market mechanisms live side by side with the state control over key sectors of the economy, spanning from banking and finance to telecommunication and new technologies, but also more traditional sectors as steel, transports, shipping and raw materials (Naughton & Tsai, 2015; Eaton, 2016; Kurlantzick, 2016). State capitalism has been wedded to forms of protectionism and more broadly attempts to strategically used trade and investments to further the states' influence over their economic partners (Nye, 2020; Drezner et al., 2021).

The destabilization of the present Liberal International Order is catalysed by forms of contestations arising from within, namely countries that have fully participated in its underpinning. Ducci and Lucenti (2022) extensively present how the US, for instance, and more in particular the Trump's administration, has furtherly contributed in contesting the international normative framework by questioning the International Criminal Court's non-impunity principle.

Many of the alternative and non-Western proposals are, implicitly or explicitly, based on the contestation of political and economic hierarchies existing in the liberal order. More importantly, it emerged that such alternative and post-liberal systems are in high demand not only from those proposing it (i.e., China) but also from smaller and more limitedly influential actors (Catapano & Araujo, 2022; Mingardi & Nanni, 2022). Therefore, the objective is to produce an alternative order in which developing countries can reach a parity of status and role with the rest of the international community. However, non-Western proposals might lead to constitute new forms of hierarchy in the economic and political realm. China's Belt and Road Initiative and the Russia-led Eurasian Economic Union constitute a tangible realization of such alternative proposals. Far from seeking to produce a world of equality among states, these proposals present very significant elements of hierarchy and inequality.

ORCID

Matteo Dian 0000-0002-1908-6751

Giulia Dugar 0000-0002-6074-7400

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² Examples of critical re-reading of the formation of the liberal order and its expansion are brought by Suzuki (2009), Zarakol (2010), Buzan and Lawson (2015) and Persaud and Sajed (2018).

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RESEARCH ARTICLE

The International Financial System and Its Discontents

China, Argentina, and the Contestation of Western-led Institutions

Carlo CATAPANO

Roma Tre University

André Leite ARAUJO

University of Bologna

Abstract

As China's economic rise unfolded over the last two decades, its dissatisfaction with the existing architecture of the global financial system has grown accordingly, creating a common ground between the PRC and several actors from the Global South. One manifestation of this convergence has been the proliferation of currency swap agreements between Beijing and many developing countries. This paper investigates whether those initiatives fit into Beijing's larger strategy of contestation towards the existing Western-led financial system. It does so by looking at the case of Argentina. Two tentative conclusions are drawn: in line with Beijing's overall contestation strategy, the swap deals do not yield disruptive effects on the current order; however, those arrangements contribute to strengthening China's position and, by offering an alternative to other dissatisfied actors, they bear the potential to modify the architecture of the international financial system over the long run.

Keywords: China; Contestation; International Financial System; Argentina; Currency Swap

Introduction

Within the broad and urgent topic under discussion in this Special Issue – the current state and the future of the Liberal International Order (LIO) – the financial dimension of the post-WWII architecture and the challenge posed by China's ascendancy deserve a special mention.

China's rise over the last two decades has transformed the structure of the world economy. Nevertheless, the international financial architecture – modelled on the centrality of the United States and the Western European economies – has not changed accordingly. Beijing has shown a mixed attitude towards the main International Financial Institutions (IFIs)¹. Indeed, it has pushed for the reform of the system's core organisations – such as the International Monetary Fund (IMF) – signalling the intention to adapt rather than disrupt those institutions (Xiao, 2015). At the same time, it has implemented several initiatives that have the potential to undermine the centrality of the current financial institutions and question their future role (Sundquist, 2021). Overall, China has taken an

¹ For an overview of the interaction between China and the international financial system (IFS), see Helleiner and Kirschner (2014).

CONTACT Carlo Catapano, carlo.catapano@uniroma3.it, at Department of Political Science – Roma Tre University, Italy

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ambiguous position, contesting some initiatives without apparently altering the foundations of the system, which makes it difficult for the scholarship to conclusively define the Chinese project as “revisionist” (Zhao, 2018).

In various degrees, Beijing’s stance is shared by many actors that feel dissatisfied with the current structure of the Western-led institutions (Hooijmaaijers, 2019). One of the consequences of this convergence has been the proliferation of new financial arrangements between China and many countries in the Global South.

Among the China-sponsored financial deals, the currency swap agreements offer revealing insights². On the one hand, they allowed Beijing to boost the renminbi’s (RMB) internationalisation and attempt to reduce the reliance on the dollar, whose dominance is one of the key features of the current system. On the other hand, they offered countries with limited access to the financial markets to obtain new credit lines outside of the conditionalities set by the traditional IFIs.

Do these initiatives offer an alternative to the other actors of the system? Do these initiatives represent an attempt by Beijing to undermine the IFS and lay the foundations of an alternative structure? This article attempts a preliminary answer to these questions by looking at the case of Beijing’s swap deals with Argentina. Two main reasons explain this selection. Firstly, Argentina is one of the few countries (the only one in the Western hemisphere) to have activated the swap mechanism. Secondly, Argentina has experienced a stormy relationship with the IMF, which has pushed the South American economy to the margins of the IFS (Kedar, 2013). Therefore, although this case presents peculiarities that prevent simple generalisations, it assists in understanding the broad context in which Beijing-led financial arrangements take place and what fruits they might bear in relation to the current financial architecture.

In line with the framework elaborated in the Introduction of this Special Issue, this paper posits that China’s strategy for consolidating the renminbi globally and creating alternative paths to the IMF represents a form of contestation of the existing order. Indeed, Beijing has deliberately targeted those countries more in need of foreign reserves and more critical of Western institutions. However, the paper also argues that Beijing’s initiatives have not represented an attempt to dismiss the existing institutions or create a new financial structure in the short term. Rather, they seem to conform to a broader strategy put in motion by Beijing to acquire a greater role in the current financial structure. The paper also contributes to unveiling the conditions under which countries from the Global South can accede and legitimise Beijing’s sponsored deals.

Employing data from official sources and the literature, the present article is structured as follows. The first section provides the essential elements of China’s quest for reforming the international financial system. The following section explores whether the internationalisation of the Chinese currency fits within the framework of Beijing’s contestation. Successively, the focus has been placed on bilateral swap agreements (BSAs). Then, the article presents the case of the relationship between Argentina and China. In particular, the signing and activation of the various BSAs between the two countries are analysed as an example of how China’s push for the transformation of the current order can combine and match with the financial needs (and the dissatisfaction) of a country with limited opportunities on the international markets.

² A bilateral currency swap is an agreement to exchange currency between the contracting parties at a fixed interest rate. “BSAs have typically been used as a way to deliver foreign exchange from one sovereign to another facing a liquidity crisis” (Liao & McDowell, 2015, p. 405). Beyond this use, BSAs can be employed for cross-border trade settlement.

China's rise and the future of the LIO: beyond the revolution-integration dichotomy

China's role within the LIO has long been debated in the literature. A major tendency – rooted in the liberal/realist divide – has been to depict a rather dichotomic scenario, in which either China will act as a revolutionary force running against the very existence of the order or it will turn into a responsible stakeholder by complying the liberal norms and values (Ikenberry, 2011; Mearsheimer, 2019).

However, many scholars have questioned this binary vision, arguing that the interaction between China and the LIO is way more nuanced, falling between the extremes of revolution and co-optation (Johnston, 2019). Accordingly, China is expected to contest some of the norms and institutions of the order while complying with others, pushing for the radical reform of several components of the liberal architecture while adapting to other ones (Breslin, 2018). This intermediate position between contestation and integration is not grasped by the traditional labels of “status quo” or “revolutionary” power. As pointed out by Zhao, Beijing could be better described as a “revisionist stakeholder”, “dissatisfied not with the principles but its status in the hierarchy of the order” (2018, p. 644).

What has been said so far applies also to the economic and financial fields. Scholars are divided on the interpretation of China's goals concerning the current financial institutions, whether it aims to reform them or mould new ones fitting its preferences and interests. Again, these alternatives have often been presented dichotomously, as if the rising power only had to choose between embracing the liberal principles of the financial system or challenging it by promoting its state-driven, illiberal model (Breslin, 2018).

However, several voices have suggested that the empirical evidence of Beijing's policies points towards a different scenario. For instance, China has actively engaged with and within major institutions like the IMF and the World Bank. However, it has also repeatedly manifested its quest for reforming them or laid the foundations for brand-new organisations, such as the Asian Infrastructure Investment Bank (AIIB). Therefore, Beijing does not seem willing (or ready) to challenge the very existence of the order, but it is certainly not complying with all its rules and values (Drysdale et al., 2017; Xiao, 2015; Weinhardt & ter Brink, 2020).

Within the debate about Beijing's intentions, the internationalisation undergone by the Chinese currency has occupied a prominent space (Eichengreen & Kawai, 2015; Helleiner & Kirschner, 2014). Embedded in the debate on the RMB's path towards the global currency status is the discussion on the spread of the BSAs signed by the People's Bank of China (PBOC) over the last decade. According to Drysdale et al. (2017), Mingqi (2016), and Medhora (2017), the network of swap lines built over the years by Beijing is primarily related to the dissatisfaction with the ongoing reform of the IFIs (notably the IMF).

However, as McDowell noted, those deals can be interpreted as “a power play by Beijing” (2019, p. 126), through which two foreign policy goals were pursued. The first one has been defensive: to expand the use of the RMB internationally (by allowing partner countries to pay for Chinese imports in that currency) and, consequently, reduce the reliance on the US dollar, whose use for trade settlement exposes the contracting parties to the volatility of the foreign exchange rate. The second goal, instead, has been prominently offensive: to advance China's role as a lender of last resort for countries facing severe shortages of liquidity and limited access to financial markets – which is a tool for enhancing Chinese leverage on partner countries (McDowell, 2019).

The evaluations of the effectiveness of such bilateral agreements have generally been negative (McDowell, 2019; Mingqi, 2016). Those assessments parallel the considerations on the broader issue of RMB's internationalisation. Scholars have found that both external and domestic factors preclude – at least, for the moment – the renminbi's capacity to pose

a structural challenge to the dollar's dominance (Bowles & Wang, 2013; Eichengreen, 2015). However, Liao and McDowell have highlighted that these evaluations tend to "characterise RMB internationalisation as a predominantly supply-side story" (2015, p. 401). The process, those authors argue, is far more complex than a mere attempt by Beijing to expand its power; it also involves market-driven factors – such as other countries' need for liquidity or foreign reserves – that cannot be ignored. Therefore, further research on the demand side of the process is still needed.

The few studies dedicated to the perspective of China's partners have mainly tackled the issue through a quantitative approach (Chey et al., 2019; Garcia-Herrero & Xia, 2015). Instead, very few studies – as Chey's work (2015) on South Korea – have provided in-depth, qualitative analyses of specific case studies. Consequently, there is still little understanding of the specific circumstances under which each partner country has decided to converge with China. The present paper aims to move several steps in this direction by providing a qualitative analysis of the Sino-Argentinian financial cooperation.

Although Argentina, Brazil, and Chile have each come to sign a swap deal with the PBOC, only a few studies have been dedicated to the South American region (Laufer, 2020; Yu, 2019). Regarding the Argentinian case, the works by Brenta and Larralde (2018, 2019) have provided in-depth accounts of the bilateral arrangements signed by Buenos Aires and Beijing. Other studies on Argentina's foreign policy have only marginally dealt with the topic (Actis & Creus, 2015; Nemiña, 2018; Oviedo, 2018). Most importantly, little attention has been paid to how the Argentinian case stands within the broader issue of China's contestation of the current international order. The present paper attempts to proceed in this direction by bridging the gap between the two branches of the literature mentioned above – the case-specific one on Argentina and the broader one on China's global strategy.

China's contestation of the IFIs and the internationalisation of the renminbi

Amid the 2008 financial crisis, during the first-ever G20 Summit on Financial Markets and World Economy, Hu Jintao (2008) spelt out openly China's call for "a comprehensive reform [...] to improve not only the international financial system, monetary system and financial institutions but also international financial rules and procedures". The call was firstly motivated by the shortcomings that the financial system had shown after the 2008 collapse. However, Hu Jintao's words pointed to a much deeper issue than the simple recrimination against the inefficiencies of the global financial architecture. In his speech, Hu called for a substantial reform process that – beyond the critical conjuncture – had to overcome the deficiencies of a global system crafted many decades before and shaped by the interests of the Western, advanced economies.

Chinese authorities were mainly concerned with the lack of representativeness inherent in the IMF, for which they asked the review of the quotas, and the system's over-reliance on the US dollar, which had proved to be a source of instability for the world economy (Zhou Xiaochuan, 2009).

The pressure coming from China and the other emerging economies initially seemed to bear fruit. Concluding the consultation process started in 2008, several reforms concerning the IMF's governance and quotas were approved (IMF, 2010). However, both the results and the pace of the process turned out to be largely disappointing from the Chinese perspective.³

³ Western actors kept their veto power almost intact after the redistribution of the quotas; the US still accounted for over 16.5%, while the BRIC bloc did not obtain such power, as its voting share remained below 13.5%. In addition, the implementation of the reform took many years – well beyond the initial deadline set

Partially due to these shortcomings, another relevant change was introduced in 2016: the Chinese renminbi was added to the Fund's Special Drawing Right (SDR) basket⁴ as an international reserve currency – together with the dollar, the euro, the yen, and the pound (IMF, 2016). The inclusion into the SDR basket represented the direct consequence of the internationalisation process that the Chinese currency had started after the 2008 crisis (Eichengreen & Kawai, 2015, pp. 1-2). According to Bowles and Wang (2013), the experience of the crisis accelerated Beijing's effort for RMB's internationalisation. Indeed, the diffused awareness among the Chinese elites about the risk of liquidity shocks and trade disruptions associated with the excessive reliance on a foreign currency pushed for increasing the use of the renminbi and differentiating foreign reserves.

Beyond these purely defensive goals, however, the internationalisation of the RMB was also intended to enhance China's influence within the financial order, or what Chin (2014) has defined as the "second face of structural power" in international monetary relations – which consists in providing new options to states and market actors, creating alternative monetary tools other than the existing, dollar-dominated ones (pp. 185-186).

Beijing's currency swaps: purpose, accomplishments, prospects

The renminbi's internationalisation process can be read according to two different interpretations. On the one hand, as a supplementary part of the quest for reforming the existing financial system and as a defensive initiative against its shortcomings. On the other hand, as the attempt to undermine the centrality of the dollar and increase China's influence globally. Although these views are often seen as alternatives, they can also be considered complementary pieces of Beijing's strategy, both contributing to the expansion of the country's financial power.

The double-edged nature of Beijing's attitude is easily visible in relation to one of the most relevant tools employed by Chinese authorities to promote the global use of the renminbi – i.e., the BSAs. As noted by McDowell (2019), these agreements were intended as both a shield against the vulnerability deriving from the dependency on the US dollar and as offensive financial statecraft to enhance China's influence over partner countries.

The People's Republic of China (PRC) has not been the first country to resort to such instruments⁵. However, China's sponsored deals have marked a significant difference from other antecedents. Indeed, while the latter were all anchored to the US currency, the swaps proposed by Beijing were based on the exchange between local currencies and the renminbi, intentionally created to bypass the mediation role of the dollar (Mingqi, 2016, p. 142).

The first bilateral deal signed by China and a partner country outside of the dollar-dominated system dates back to 2008 when the PBOC and the central bank of South Korea agreed to a swap scheme worth RMB 180 billion. Since then, Beijing has rapidly expanded its network of currency swaps (see Figure 1), and by 2016, it held 33 bilateral deals worth almost \$500 billion (Steil, 2019). An important acceleration occurred under Xi Jinping, as between 2013 and 2015, the PBOC signed over 15 agreements – almost the same figure as the previous five years (Yelery, 2016). Although the expansion of the swap network regarded the Asian theatre primarily, it has become evident over time that the PRC had no

for 2012. Indeed, pending the ratification of the US, the reform entered into force only in early 2016 – when the US Congress finally approved it.

⁴ The international reserve asset created by the IMF in 1969 to support the official reserves of its member countries.

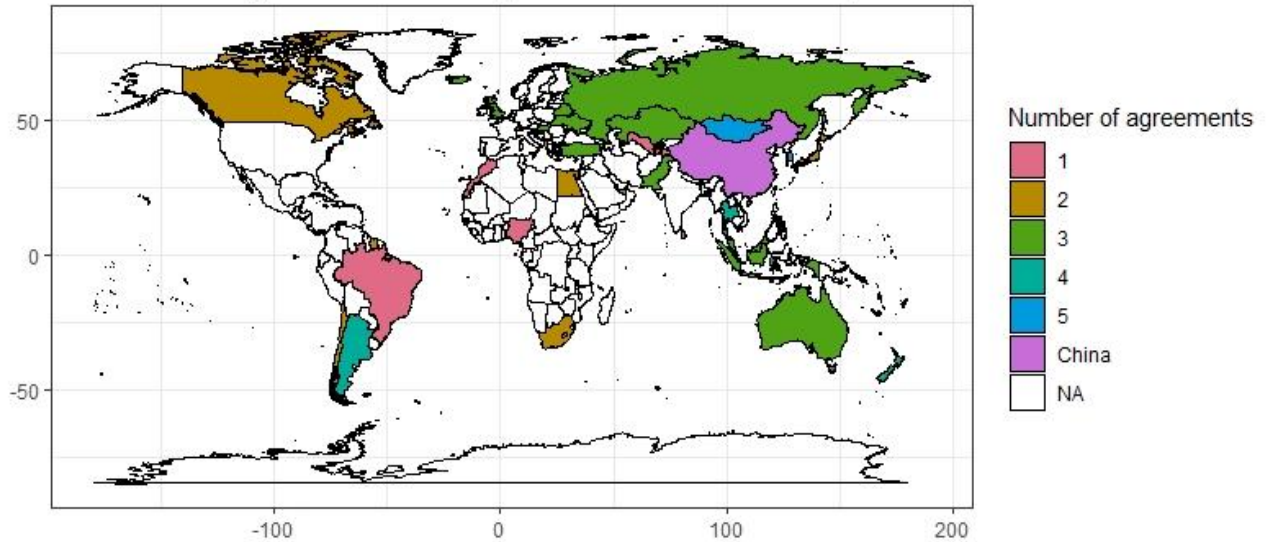
⁵ The US Federal Reserve has historically been the most active player in this field (particularly after 2008). Moreover, one of the responses to the 1997 Asian crisis was the establishment of the Chiang Mai Initiative, a network of BSAs among ASEAN countries plus Japan, South Korea, and China itself.

preference for the countries belonging to its neighbourhood but rather was interested in reaching out to all corners of the world indistinctly (Eichengreen & Lombardi, 2017, p. 49).

Figure 1. Number of China's BSAs.

Bilateral Swap Agreements

Total number of agreements/renewals signed between 2008 and 2018 per country



Source: authors' own elaboration, compiled from Yelery (2016), Liao & McDonnell (2015), Brenta & Larralde (2018), IMF (2021).

The impressive pace of growth of the China-sponsored currency swaps following the 2008 financial crisis fostered interest among academics and practitioners. Alongside the expansion of Chinese trade and investment worldwide, the foundation of new institutions, or the launching of the BRI, the spread of Beijing's swap deals promised a greater international role for the RMB and, more broadly, a much larger voice for China in global financial governance.

However, despite the promising start, many of Beijing's initiatives have delivered much less than expected (Hooijmaaijers, 2019). This is also the case of the Chinese swaps, particularly for the post-2016 period, when the initial push behind those agreements started to lose strength and the use of the renminbi for trade settlement slowed down (McDowell, 2019, pp. 131-133). Mingqi has noted that the temporary nature of most of China's deals and the limited implementation by partner countries mean that "currency swaps could only generate some indirect impacts" (2016, p. 149). Discordant voices have nevertheless been heard, finding empirical evidence of the positive effect of the BSAs on the use of the RMB for cross-border trade (Song & Xia, 2020) or for boosting the liquidity of non-OECD partners (Li et al., 2020).

Moreover, even those arguing against the immediate impact of Beijing's swaps have recognised the indirect effect that those deals might have. For example, McDowell argues that "through its negotiations of BSAs, Beijing may be developing the potential to manipulate access to liquidity in ways similar to Washington" (2019, p. 133). Although he expresses several doubts about the viability of such a strategy, the "offensive" use of the swaps is recognised as the most promising dimension of China's initiatives, considering how attractive Beijing's proneness to offer liquidity without strict conditionalities is for developing countries (McDowell, 2019, p. 139). Other observers have emphasised the potential of this latter employment of the BSAs by China. In particular, Medhora (2017) and

Sundquist (2021) have noted how currency swaps between central banks might work (and have done so in some cases) as bypasses of the Western-led liquidity safety net – namely, as a way for countries experiencing liquidity shocks, to avoid the support of the IMF and its rigorous programs.

According to this view, China might be developing the long-term capacity to act as the lender of last resort and substitute the existing international institutions. At the same time, China does not seem to be ready to dismiss the IMF or promise unconditional financial assistance to all its partners. As Sundquist (2021) has pointed out, too hazardous steps by China would run against its interests. Indeed, even if it opposes the Fund's prescriptions on the ideological ground, "providing all troubled countries with a financial exit option would require colossal sums of money" (Sundquist, 2021, p. 2).

Yet, the appearance of a potential alternative to the Western-centred institutional channels is a significant development, which might have a long-term impact on the IFS itself. In particular, the success of Beijing's initiatives might depend as well on the connection between the aspirations and policies of the rising power and the demands of the Global South. By promoting the reform of the financial institutions and offering new channels for liquidity, trade and investments, China might not be able to subvert the current order in the short run. However, as Beijing provides new options or promises a larger role in the existing institutions, many actors might join its effort. The net result of such convergence would be the advancement of Beijing's influence and leverage and the weakening of the IFS in its current form.

Consequently, China's strategy towards the financial order cannot be correctly interpreted without considering the "demand side" of the story. South America, and Argentina in particular, offers an insightful (and often neglected) angle from which this aspect of China's rise and contestation can be best appreciated.

Argentina's troubled relationship with the IMF and the search for alternative paths: the role of China

Notwithstanding the early entrance into the main post-WWII institutional bodies and the active contribution in shaping them, the expectations of Latin American countries towards the LIO have been recurrently disappointed (Long, 2018). This troubled record might be connected to the "intermediate position" between advanced and developing economies with which the region has historically been associated (Hurrell, 1990).

In this respect, the experience of many Latin American countries with the IMF throughout the second half of the 20th century is highly exemplificative. Despite being among the main recipients of the organisation's funds, the regional economies have cyclically gone through periods of macroeconomic instability, slow growth, and external shocks, which progressively lowered confidence and led to the questioning of the IMF-sponsored programs (Hutchinson & Noy, 2003). This became all the more true after the 1980s when the Fund took up the role of "crisis manager" for the region (Boughton, 2000), faced with the burden of unsustainable foreign and forced to follow dramatic fiscal adjustment programs. Then, the disastrous effects of the neoliberal turn occurred during the 1990s (when most regional economies had adapted to the policy script identified with the Washington Consensus) irreversibly impaired the relationship with the IMF (Ortiz & Béjar, 2013). This negative record then combined with both internal and international factors – the rise of political leaders that gave voice to the widespread contestation of the orthodox economic policies or the commodity boom fostered by China – and led to the detachment between the Fund and the region during the first decade of the XXI century (Nemiña & Larralde, 2018).

Within this regional framework, Argentina is by far the country that has experienced the most troubled relationship with the IMF and, more broadly, with the international financial community. Although the roots of the Argentinian record might be traced back to the country's political traditions and the trauma of the immediate post-war period⁶, the current trajectory is most closely related to the events that unfolded in recent decades. During the dictatorship (1976–1982), the Fund had kept close relations with the militaries, opening several credit lines to the junta, which envisaged economic deregulation and liberalisation as complementary to the “process of national reorganisation” (Kedar, 2013, p. 135). The dependency on the Fund was then strengthened throughout the 1980s when the country – as most of the region – went through the storm of the debt crisis (Nemiña & Larralde, 2018, p. 289). Finally, under the presidencies of Carlos Menem (1989–1999), Argentina underwent an intense transformation of its economic model in a neoliberal sense (privatisations, removal of the restrictions on foreign capital, dollarisation and lowering of all tariffs on trade, among other measures), becoming the poster child of the Washington Consensus (Gerchunoff & Torres, 1996; Kedar, 2013). Throughout the decade, the IMF provided the Argentinian government with technical and financial support (Smith, 1991). The Fund kept providing credit lines to the South American country even after the 1999 election⁷ when a spiral of economic, social, and political crisis led Buenos Aires to announce (in December 2001) the impossibility of repaying its foreign debt and, therefore, declare a default (El País, 2001).

These events – and the role played by the Fund and the US – are intimately connected to the path followed by the South American country over the past two decades. In particular, the pattern of engagement established between Buenos Aires and Beijing during the following years can be traced back to the conditions brought by those events.

In 2003, Néstor Kirchner became President with a clear anti-neoliberal platform, promising a renewed role of the state within the national economy and the rupture of the vicious cycle of indebtedness and austerity (Rapoport & Madrid, 2011; Wylde, 2011)⁸. Consequently, closing the dependency cycle with the IMF became the priority of the Argentinian government for both practical and symbolic reasons. Kirchner first managed to reach a deal for the restructuring of the defaulted debt, to which 77% of the creditors adhered (Government of Argentina, 2005). Soon after, he announced the complete repayment of the outstanding debt (\$9.81 billion) with the IMF (Kirchner, 2005).

Two circumstances favoured this move. On the one hand, the Argentinian government took advantage of the general climate of resentment against the Fund that, in the early 2000s, was resonating in the whole Latin American region and beyond⁹. On the other hand, Kirchner could count on an increasingly favourable economic context. Indeed, Argentina's economy had started a slow but sustained recovery, driven mainly by the increase in exports and the consequent accumulation of foreign reserves. In turn, this trend was stimulated by several governmental choices – such as the devaluation of the national currency (Gerchunoff & Aguirre, 2004) or the control on the exchange rate (Wylde, 2011) –

⁶ Argentina was the last Latin American country to join the Fund (1956), as relations with the US were conditioned by Buenos Aires' prolonged neutrality during WWII (Kedar, 2013, Ch. 1-2).

⁷ The IMF approved a Stand-By Agreement (SBA) in March 2000 worth \$7.2 billion, lately (January 2001) increased to over \$14 billion (IMF, 2001).

⁸ Kirchner's approach has been defined as neo-developmentalism (or *neodesarrollismo*), as it implied an active role for the state in stimulating economic growth and industrialisation with an eye to social demands and welfare spending (Grugel & Rigirozzi, 2007).

⁹ The Argentinian announcement, indeed, arrived only a few days later Lula had announced the intention to repay all Brazilian outstanding obligations with the Fund (IMF, 2005).

and, above all, by the substantial increase of the commodity prices on the international markets.

In this conjunction, Beijing started to play a crucial role. After recognising China with the market economy status (Foreign Ministry of the People's Republic of China, 2004), Argentina's export to the Asian market grew exponentially. By the end of Kirchner's government, China already came to absorb almost 10% of Argentina's outflows; in 2003, this figure was below 5% (IMF, 2021). Over those years, Beijing also intensified its financial cooperation with the South American country. According to Oviedo (2015), for the first time in 2007, Chinese direct investments surpassed the Argentinian outflows to the Asian country.

China's role became all the more prominent during the following presidencies of Cristina Fernández de Kirchner (2007–2015). Most importantly, however, the relationship grew progressively more asymmetrical. The portfolio of the Argentinian export remained limited to very few products – mainly (over 65%) soybean and its derivatives – while the range and value of the Chinese import continued to rise. Over time, Buenos Aires started accumulating large deficits with Beijing, intensifying its dependency on the Asian market and progressively deteriorating its financial reserves (Bernal-Meza & Zanabria, 2020; Oviedo, 2015).

Therefore, when the 2008 crisis arrived, Argentina found itself in a weak position due to the disruption of international trade (Nemiña, 2018, pp. 161-162). As a result, with the risk of witnessing a substantial reduction in the main source of foreign reserves (trade surplus), Buenos Aires had to look for alternative means to guarantee its solvency over the short-to-medium term (Nemiña, 2018, p.162). It was in this context that the first BSA (worth \$10 billion) between the Banco Central de la República Argentina (BCRA) and the PBOC was signed (BCRA, 2009). Although the swap was never activated, it functioned as a preventive measure to safeguard Argentina's reserves and reassure its trade partners (Brenta & Larralde, 2018, p. 74).

Beyond this conjunctural event, the partnership with Beijing became an integral part of Fernández's strategy of "post-hegemonic financial insertion" – which meant pursuing economic autonomy from the international financial sector and the US-led multilateral institutions (Nemiña, 2018, p. 150). The turning point came in 2014 when Argentina had to face the consequences of its isolation and the challenge posed to the international financial community (Actis & Creus, 2015). That year, the US Supreme Court refused Buenos Aires' appeal against the 2011 sentence of New York's federal judge Thomas Griesa, which had condemned the government to repay the creditors left out from the second swap of sovereign debt (approved in 2010)¹⁰. Unable to meet this demand, Argentina was again declared in technical default (Scigliuzzo, 2014)¹¹.

Cut out from the international markets and faced with the deterioration of its foreign reserves (due to the trade deficits), Buenos Aires turned to China as a lender of last resort.

¹⁰ In 2010, the Argentinian government had reached a second agreement with the bondholders affected by the 2001 default. After this deal, only 7% of the original creditors had not acceded the restructuring. This group was composed by the so-called *vulture funds*, specialised in speculative operations on defaulted debts. In 2011, they initiated a legal dispute against the Argentinian government at the New York federal court to reclaim the sums invested (Actis & Creus, 2015, p. 2).

¹¹ The confirmation of Griesa's sentence created an impasse. By repaying the *vulture funds*, Argentina would have violated the RUFO (Rights Upon Future Offers) clause included during the restructuring process, by which it had committed not to offer better conditions to the remaining bondholders in future negotiations. At the same time, without complying with the sentence, Argentina cannot repay the interests on the restructured debt, as the US mediating agencies were ordered not to process the transactions (Actis & Creus, 2015; Nemiña & Val, 2018).

In July 2014, a second BSA with China (worth \$11 billion) was signed (BCRA, 2014). Then, after the country was declared in technical default, the swap mechanism was officially activated by the BCRA (30 October 2014).

Both the timing and context of the agreement are revealing. Indeed, the deal was announced during Xi Jinping's visit to the Argentinian capital, just a few weeks after the Supreme Court's decision. In his meeting with the Argentinian President, Xi stated that "the Chinese side understands and supports the concerns of the Argentine side" over the debt-restructuring process (Foreign Ministry of the People's Republic of China, 2014). Meanwhile, Cristina Fernández highlighted Beijing's role in reshaping the international order along the principles of cooperation and "win-win", upon which Argentina fully converged (Fernández, 2014). Most importantly, the two countries established a Comprehensive Strategic Partnership on that occasion, and a total of 19 deals (worth over \$7.5 billion) were concluded (Government of Argentina, 2014).

The credit line opened by Beijing represented a way out for Buenos Aires as its foreign reserves were rapidly declining – when the BSA was activated, they were below \$30 billion. Moreover, China's helping hand allowed Fernández's government to keep its inflexible position with the *vulture funds* without compromising with the IMF. In this vein, the Chinese swap offered an alternative for the Argentinian counterpart to the Fund's credit lines.

From the Chinese point of view, the rationale for providing such support to the South American country has been dual. On the one hand, Beijing was interested in guaranteeing Buenos Aires the necessary resources to pay for its import from China directly in RMB – which in turn meant its expansion as an international currency for trade settlement. On the other hand, the increased incidence of the RMB on Argentina's reserves (35% of the total reserves after the activation of the BSA) gave Beijing significant financial leverage over the South American country (Brenta & Larralde, 2018, p. 80). Indeed, the BSA was part of a larger scheme of bilateral cooperation and integration between Buenos Aires and Beijing, which by the end of Fernández's mandate had expanded into particularly strategic sectors (infrastructure, space technology, nuclear energy) where Chinese companies gained a prominent position (Government of Argentina, 2015).

Finally, the long-term impact of the Chinese BSA can be appreciated by referring to the experience of Fernández's successor, Mauricio Macri. During the presidential campaign, Macri had been particularly critical of Fernández's partnership with Beijing, promising a substantial rapprochement with Western partners (Busso, 2017). Once in power, however, he had to face the reality of Argentina's dependency on Chinese capital. Soon after the election, Macri sought new resources from Beijing to implement one of his first and most significant policy moves – the relaxation of the controls on the foreign exchange rate – and signed a supplementary agreement to the 2014 BSA, which allowed Buenos Aires to swap 20 billion in RMB into dollars (BCRA, 2015). A few days after Macri's inauguration, this decision symbolised the continuity of the relationship with Beijing despite the ideological and partisan change at Casa Rosada. In addition to that, in 2017, the swap with China was renewed under the same conditions (BCRA, 2017).

The leverage gained by Beijing is also evident from another episode. Before the elections, Macri had criticised the lack of transparency inherent in the deals signed by Cristina Fernández during her last year in power. These criticisms were the object of a formal letter sent to the Chinese ambassador in Argentina, Yang Wanming, in which the then-candidate Macri speculated on the constitutionality of those arrangements and promised to inspect them closely in case of electoral success (Curia, 2015; Diálogo Chino, 2015).

However, as argued by Bernal-Meza and Zanabria (2020, pp. 129-130), once in power, the new Argentinian President found out that a cross-default clause was included in the

Chinese deals. The suspension of one of them, in other words, would have automatically interrupted all the other projects as well. Therefore, when Macri's government attempted to halt two of the ongoing projects – in particular, the construction of two hydroelectric plants in the Southern province of Santa Cruz – it found that its room for manoeuvre was tight. Indeed, in addition to the financial leverage, Beijing also seemed prepared to exploit the commercial asymmetry with Buenos Aires. For instance, throughout Macri's first year in power, China dropped its purchases of soybean oil to put additional pressure on the Argentinian counterpart (Centenera, 2017; LPO, 2016).

Ultimately, the combined effect of Argentina's financial and commercial reliance on Beijing led Macri to – at least partially – retrace his own steps. During his visit to Beijing in May 2017, Macri signed several new deals with Xi Jinping and some of the previous contested arrangements were reactivated (Fontdeglòria, 2017). For instance, the two parties convened on a joint project worth almost \$400 million for the construction of a solar power plant in the Argentinian province of Jujuy (Ministry of Foreign Affairs, International Trade and Worship of Argentina, 2017b) and agreed to speed up the renewal of the Belgrano Cargas railway and the construction of two nuclear reactors (Ministry of Foreign Affairs, International Trade and Worship of Argentina, 2017a). Moreover, Macri expressed his support for the Belt and Road – whose launch occurred on that occasion – and the intention to adhere to the Asian Infrastructure Investment Bank (Government of Argentina, 2017).

Meanwhile, as his main foreign policy goal was re-establishing ties with the Western institutions and the international financial system, Macri strongly pursued the reactivation of the relationship with the IMF and sought the approval of the US government to accede to a new SBA with the Fund. In the end, the largest program (\$50 billion) in the organisation's history was approved in 2018 under such conditions as a substantial fiscal adjustment and the reduction of the country's inflation rate (IMF, 2018).

The deal represented a radical turn in comparison to the trajectory followed by the previous governments and marked the return (or the attempt thereof) to the international capital markets (Bernal-Meza & Zanabria, 2020, p. 128). Macri's turn, however, could not escape the pattern that had emerged over the previous decades and the role assumed by Beijing. Indeed, during the G20 summit of December 2018 held in Buenos Aires, Macri and Xi Jinping signed a supplementary agreement to the 2017 BSA. The deal expanded the swap mechanism for an overall amount of \$19 billion – one of the largest ever signed by Beijing – which represented over one-third of Argentina's foreign reserves (Brenta & Larralde, 2019, p. 27).

Nevertheless, the agreement contained a new, restrictive clause. Article 5 prescribed that, during the entire period of validity of the swap mechanism, Argentina had to report to the counterpart the advancements made with the SBA, and in case the deal with the IMF had to “be cancelled or suspended for any reason, no new drawing or renewal requests from BCRA would be accepted by PBOC” (BCRA, 2018). This clause signalled both the priority assigned by Macri to the relationship with the IMF and the intention to avoid the further extension of Beijing's financial leverage.

Overall, Macri's experience is particularly indicative. The Argentinian President sought a rebalancing of the asymmetrical relationship with the Asian power by restoring the ties with Washington and the Western-led institutions. However, he found his options constrained by the course of action followed by the previous administrations. Either for necessity or choice, the *kirchnerista* governments had to rely heavily on the Chinese partner. The strength of these ties – particularly, but not only, the financial ones – is testified by Macri's pragmatic decision to keep the dialogue with Beijing open and alive. In

turn, this dynamic gives a clear sense of how Chinese policies, although not subversive in the short term, can act as powerful tools of influence over the medium-to-long period.

Conclusion

The first consideration that can be drawn from the previous discussion refers to how China has employed the currency swaps. The Argentinian case seems to confirm the dual rationale that underlies most Chinese BSAs. On the one hand, Beijing was interested in supporting Argentina's short-term liquidity. This meant guaranteeing Buenos Aires the necessary resources to pay for its imports and do it directly in RMB – which in turn was functional to expanding the currency's international use. On the other hand, Beijing aimed to position itself as an alternative lender of last resort to the Western partners and, in doing so, gain leverage on the South American country over the longer term.

Most importantly, the record of the Sino-Argentinian partnership can provide a tentative answer to the two questions raised at the beginning of this paper. First, do Chinese initiatives offer an alternative for other actors? The case of Argentina suggests an affirmative answer. As we have seen, a diverse set of factors – the troubled past with the IMF, the dramatic events of the 2001 default, and the political choices made by the Kirchner and Fernández governments – had pushed the South American country to the margins of the international financial system. Then, when the restricted access to the international capital markets combined with an economic slowdown, the Chinese swaps represented for Argentina an option to ensure foreign reserves and liquidity and a mechanism to guarantee foreign trade payments; in other words – and under those specific conditions – an alternative to the IMF and its financial and technical support.

Thus, the Argentinian case provides a revealing insight into the demand side of Beijing's initiatives: the contestation of the current financial architecture is not exclusively related to China's strategy and ambitions but also to the agency of other dissatisfied actors. For countries like Argentina, isolated – by choice or imposition – from the international financial system and its institutions, cooperation with China can be perceived as a viable alternative to secure their financial position. Needless to say, this single case does not allow any generalisation, and further research is needed to expand the sample and verify the reliability of the above reflections.

Secondly, and relatedly: do these initiatives represent an attempt by Beijing to undermine the international financial system and lay the foundations of an alternative structure? There seems to be no willingness in the Chinese strategy to replace the current system in the short term. Instead, China has constantly attempted to present its initiatives as complementary to the existing framework. In the Argentinian case, this is testified by the pragmatic attitude maintained by Chinese authorities regarding Macri's requests when the Article 5 clause (introduced by the Argentinian President) was accepted, and the country's return under the IMF's umbrella did not prevent the renewal of the BSA with Beijing.

In this vein, the record of the Sino-Argentinian partnership confirms that the BSAs do not bring disruptive effects on the financial architecture in the short run. Nevertheless, our case study also suggests two elements that might yield long-term consequences for the current order and its institutions. On the one hand, as already mentioned, the proliferation and eventual success of Beijing's initiatives are related to the position of those actors from the Global South – like Argentina – that are excluded from or openly contest the current IFIs. These countries might be encouraged to reach out to China to seek alternative financial tools, which in turn can contribute to weakening and delegitimising the current institutions. On the other hand, independently from their immediate impact, the use of the BSAs to support partner countries during liquidity crises

provides Beijing with powerful leverage and sensibly increases the counterparts' dependency on Chinese financing; in turn, this might entail strengthening Beijing's international position.

Overall, both elements invite caution against any simplistic assessment of China's initiatives, as they carry the potential to transform the international financial framework in the next future. In turn, this insight might also be applied to other aspects of Beijing's interaction with the LIO. Indeed, while Chinese contestation might appear (and be deliberately presented) as anything but radical or revolutionary, its long-term transformative power for the international order should not be underestimated.

ORCID

Carlo Catapano 0000-0002-8617-6263

André Leite Araujo 0000-0002-9203-1247

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RESEARCH ARTICLE

Gambling with the East, Challenging the Liberal Order

Hungary and Serbia Contesting European Union Normativity

Carlotta MINGARDI

University of Bologna / University of Siena

Riccardo NANNI

University of Bologna

Abstract

The 16+1 forum can be observed as a dual challenge to the Liberal Order. We argue that the EU is both an outcome and representation of the Liberal Order in normative terms, as a winner of the Cold war whose norms have extended to former communist countries. Such EU norms as free movement of people and capitals are tenets of the liberal thought and pillars of the Liberal Order. From within, dissatisfied European actors leverage their partnership with China to contest EU norms; from the outside 16+1 is seen as China's attempt to 'di-vide and conquer' (prospective) EU states. We observe this process through Chinese investments in selected 16+1 countries: Hungary and Serbia. Applying Speech Act Theory, we find that 16+1 has raised concern among EU policymakers, despite scarce economic results, because it has been used as a discursive leverage by both China and Eastern European countries against the EU.

Keywords: European Union; China; Economic Cooperation; Eastern Europe; Belt and Road Initiative

Introduction

Cooperation between China and Central and Eastern European Countries (CEEC), known as China-CEEC Cooperation and 16+1 (17+1 between 2019 and 2021), is an initiative of economic cooperation that brings together sixteen European countries and China. After raising media and policymakers' attention in the last few years of the 2010s, it appears now to be in a descending phase, with reports changing from a tone of concern to one that points at the failure of China to build coalitions in the CEEC region (Stec, 2021). However, despite this trend, the level of attention posed by European Union (EU) policymakers to China's engagement in Central and Eastern Europe, and specifically in the involved countries, remains significant. We posit that this occurs because, despite the underachievement of China's investments in the region, this relation is successfully communicated and conveyed by all the involved players, and used as leverage to contest EU normativity from different perspectives. Therefore, this has continued over the years, despite the lack of concrete economic results and a feeling of general alert within a broader context of redefinition of bilateral relations between China and the EU. This paper thus starts by asking the following research question: Why does 16+1 still raise concern among EU policymakers despite its scarce economic results?

As anticipated, we observe the EU as such both an outcome and representation of the Liberal Order in normative terms, the EU norms as a facet of the norms of the Liberal International Order (Ikenberry, 2018; Parsi, 2022): therefore, we conceptualise 16+1 as an

CONTACT Riccardo Nanni, riccardo.nanni9@unibo.it, University of Bologna, Italy

example of contestation to the Liberal International Order from within (Central and Eastern European Countries) and from without (China) - coherently with the objective of this special issue titled Contesting the Liberal International Order. Furthermore, by taking Hungary and Serbia as case studies, we account for small- and medium-size state actors' agency in engaging with non-Western and non-Liberal global superpowers as a tool for contestation.

While answers to this research question can be manifold, we maintain that the strength of 16+1 as a tool for contestation vis-a-vis the EU does not lie in the economic cooperation practices formally envisaged by the partnership, but mainly in the power of its discursive elements, within the general context of changing relations between China and the EU in the observed timeframe. In more formal terms, we find that 16+1 is an example of economic cooperation used as a discursive practice for normative contestation. In other words, a speech act (Harris & McKinney, 2020). However, despite the disattended expectation of 16+1 countries in terms of China's economic investments, this appears enough to create a leverage for countries such as Hungary and Serbia within and towards the EU. This, in turn, contributes to maintain high the level of concern among EU policymakers about China's role in the region.

Throughout the article, we look at discourses and practices related to economic investments and technological infrastructures, given their salience in the ongoing geopolitical contestation between the West and China (Poggetti, 2021). We will be taking Hungary and Serbia as case studies for two reasons: first that both countries are since at least a decade key contesters of EU norms, especially in the fields of rule of law and fundamental rights (European Parliament, 2022). Second, because they respectively constitute the strongest supporters of the forum among 16+1 countries, and the biggest receivers, respectively for Central and Eastern Europe and for South-East Europe, of Chinese investments, among which the inclusion of Belgrade in major Beijing-funded infrastructural projects is one relevant example, (Fardella & Prodi, 2018). Furthermore, and for all these reasons, their alignment with Beijing has taken the media and EU policymakers' attention.

Through this analysis, this article sheds light on discursive practices that accompany foreign (economic) policy choices by great and middle-size powers, focusing on a cooperation forum that feeds into the broader and undefined economic cooperation design of the Belt and Road Initiative (BRI).

The article is structured as follows: after the review of existing literature and the presentation of the methodology used, the analysis divides into two main parts. The first presents the general framework of the economic partnership between China and the two selected case studies, Hungary and Serbia. It traces China's economic footprint in both countries, with a specific focus on the technological infrastructures and a dedicated section to economic cooperation within the frame of the Belt and Road Initiative. Hence, the first part of the analysis aims at providing an overall picture of the existing economic investments in the case studies. The second part of the analysis, instead, focuses on the discursive representation of China's economic cooperation with Hungary and Serbia, to highlight how all involved countries, China, Hungary, and Serbia, use such connection as a leverage to contest the EU's normativity.

China in 16+1: carefully managing failure? Preliminary observations based on literature

Ten years have passed since the 16+1 forum first met in 2012. Conceived to enhance cooperation with Central and Eastern European countries, it attracted new members in time, with Greece joining in 2019. While informal, such cooperation became tangible in many ways, piking with the Chinese-led investments in Serbia, Belgrade being a key logistic point within the Piraeus-Budapest train line. The building of this train line by a Chinese state-owned enterprise (SOE) following the acquisition of two-thirds of the Piraeus port by China's COSCO

sparked concern within the EU of a workable divide et impera design by China (Fardella & Prodi, 2018). Fitting within the broader policy and rhetorical framework of the Belt and Road Initiative, the 16+1 cooperation project is described as

a cross-regional cooperation platform based on traditional friendship and shared de-sire of all the participants for win-win cooperation and common development [...] covering a variety of areas including economy and trade, culture, education, youth exchange, agriculture, tourism, science and technology, health, think-tank exchange and sub-national cooperation [...]. (China-CEEC Cooperation 2021)

Clearly recalling China's foreign policy rhetoric (Poh & Li, 2017), the 16+1 forum has a variable scope in its description, leaving the possibility open for any issue of cooperation to be framed within the forum's objectives.

Yet, two years into the global Covid-19 pandemic, China's design for 16+1, whether aimed at dividing the EU or not, does not look as successful as it did in the past. Lithuania left calling it a divisive project, while its parliament approved a non-binding resolution referring to China's Xinjiang practices as 'genocide' (Tonchev et al., 2021). While this episode may appear secondary in the global picture of China's relations to the EU, the diplomatic reaction it triggered are telling. Stec (2021) reports that the Chinese Ministry of Foreign Affairs' (MFA) spokesperson Zhao Lijian provided a diplomatic answer by stressing the still-alive cooperative nature of 16+1. Zhao Lijian authored some of the most caustic anti-US (United States) social media posts throughout the Covid-19 pandemic, including one in which he raised the doubt that the US army may have brought Covid-19 into China in the first place (Palmer, 2021). To many observers, he is the head of China's so-called 'Wolf Warrior Diplomacy' (Palmer, 2021), an aggressive in-person and social media practice made of loosely coordinated verbal attacks to political adversaries by senior Chinese diplomats, then followed up by social media users. The fact that China's MFA mandated Zhao Lijian with a mild diplomatic response could be construed as an attempt from China to keep quiet tones and keep relations going with no major turmoil amid mixed economic results.

Observing Chinese investments in Central and Eastern Europe's EU members as summarised in Table 1, one can see that by 2019 only Greece, Hungary, and Estonia featured a cumulative value of Chinese FDIs over 1% of the national GDP. More precisely, such a value was 1.01% for Greece, 1.64% for Hungary, and 4.27% for Estonia (Poggetti, 2021). This is the situation at a time of ever-low Chinese investments in the EU, as Chinese FDIs peaked in 2016 and then decreased steadily thereafter. By 2020, Chinese investments in infrastructure-related projects and ICT make up a total of € 2.4 billion solely.

Looking at sensitive and strategic investments of Chinese industries in the EU member states, at the time of writing Slovakia is the only 16+1 member who had 5G trials by ZTE as a manufacturer. As for Huawei, it had 5G equipment trials only in Bulgaria, Poland, and Romania (European 5G Observatory, 2022) (see Table 1). This excludes some of China's putatively closest allies, such as Greece, who hampered several EU consensus foreign policy actions against China (Emmott & Koutantou, 2017), and Hungary, who by July 2021 is the only EU country having accepted China-made anti-Covid vaccines (Wee & Novak, 2021).

At the time of writing, 5G is still undergoing standardisation. The main organisation involved in 5G standardisation, the Third Generation Partnership Project (3GPP), is elaborating new standards (called "releases" in 3GPP jargon). However, the United Nations' International Telecommunication Union (ITU), the body in charge for 5G standards approval, has already approved three largely interoperable 5G radio interfaces that are being deployed worldwide. Therefore, deployment is already ongoing, although outcomes are still developing (Nanni, 2021; Ten Oever, 2022), and early results are visible.

Table 1. Summary Comparison on Chinese investments (selected EU members and Serbia).

	Hungary	Greece	Estonia	Serbia
Chinese FDIs over GDP (2019)	1.64%	1.01%	4.27%	0.67%
Chinese 5G investments	None	None	None	None retrieved

This lower-than-expected presence of Huawei is not solely related to the company's policies, but also due to the fact that many 16+1 countries have either de jure or de facto excluded it from domestic 5G infrastructures. These include the Baltic countries, Poland, Czechia, Slovakia, and Romania, that is, several countries in which Chinese manufacturers have previously conducted trials (Poggetti, 2021).

In other words, several Central and Eastern European members of the EU are progressively pulling out of cooperation with China reframing their investment policies more in line with the 'Atlantic' will. While Hungary remains an important political ally for China within the EU given its support to China-made vaccines and its openness to Huawei, Chinese investments in the country remain relatively low and do not feature a strong presence in the ICT (Information and Communication Technology) sector, whereas the Piraeus-Budapest railway remains the most controversial infrastructural project (Fardella & Prodi, 2018).

These figures are counterintuitive if observed in the backdrop of the EU's policy concern vis-a-vis China-CEEC cooperation as well as the development of the BRI. The latter is a policy project started in the wake of 16+1. Launched in 2013 as an Asia-focused initiative, it came to label a wider variety of infrastructural projects throughout Eurasia and Africa (Huang, 2016). Within the framework of 16+1, for example, the Piraeus-Budapest railway is often portrayed in the official Chinese discourse as a backbone of the BRI in the Balkans (Fardella & Prodi, 2018).

Despite the interconnection of 16+1 with the BRI, whose scope is expanding and remains blurred, the former has achieved strong political hype but small economic outcome.

Approaches and methods

In this article, we adopt an interpretive approach to China-CEEC relations through 16+1 as a discursive practice to contest liberal normativity. Through the analysis of policy documents and literature on the backdrop provided by secondary data on technological investment, we compare China's and selected CEE (Central and Eastern Europe) countries' discourses towards the EU.

As we observe 16+1 as a discursive practice, we ground our analysis on Speech Act Theory. Applied to International Relations Theory through Securitisation Theory (Hansen 2012), Speech Act Theory pinpoints the performativity of speech as action (Callahan 2020). In other words, a verbal utterance has a real-world effect on its receiver. In International relations, a speech act can shape perceptions that in turn shape third actors' foreign policy actions (Harris & McKinney, 2020). As illustrated by Williams (2003, cited in Callahan, 2020: 91), "[security is] not an objective condition, but is the outcome of a specific social process." Equally, in this article we look at the discourse around 16+1 exercised by the forum's members as a speech act that triggered EU concern despite having had, so far, no major economic outcome.

Recalling from the introduction, we observe Hungary and Serbia as two major cases in point. The former is the EU country that has shifted closer to Russia and China in discourse and practice, while undergoing rule of law-related procedures at the EU level at the time of writing (Reuters, 2021). The latter is a "front-runner" EU candidate (EU Delegation to Serbia, 2018). The choice of Hungary and Serbia as case studies, thus presenting the case of an EU

Member State and of an EU candidate, is relevant for several reasons. First, as it will be illustrated, both are receivers of a significant share of China's investments, compared to other countries of Central and South-Eastern Europe. Since the Eurozone crises, both countries welcomed Chinese investments during the last decade to diversify their respective economies and reduce dependence from the EU (Lukács & Völgyi, 2021), or, particularly in the case of Serbia, to further balance their foreign policy among different international actors.

The second reason is related to the EU internal context: in recent years (predominantly during the Juncker Commission), the rising concerns about rule of law issues in EU Member States pushed the EU to strengthen the already present measures to prevent and contain the consistent breaches of rule of law by its members. Besides sanctioning measures such as infringement proceedings, this also included some monitoring mechanisms such as the Justice Scoreboard, the European Semester and, since September 2020, the European Rule of Law mechanism, launched by the European Commission (Maňko, 2022). Together with Poland, Hungary is among the Member States who experienced a severe democratic backsliding during the last EU institutional cycle. In addition, in recent years the EU's concern about democratic backsliding also extended to enlargement countries. To prevent potential setbacks in rule of law, and to guarantee the respect of rigorous and fair conditionality, the latest update of the enlargement methodology included the possibility to reverse the steps of the process, should the acceding country stop meeting the required standards (European Commission, 2020). Serbia is an EU official candidate that, according to the Commission's annual reports, lately experienced heavy regression in its level of political pluralism and freedom of expression (European Commission, 2019) In 2019, Freedom House index also downgraded the country from "free" to "partly free": a status that so far has not been reversed. (Freedom House, 2021).

Hence, the choice to focus on Hungary and Serbia as exemplificative case study gains sense also in view of the rising concerns on rule of law by the EU institutions and the Member States. The above-presented elements—the significant cooperation with China and the EU concern for rule of law, have direct implications for the relations of both countries with the EU and on the EU's relations with China: Serbia's shift eastwards during the first months of the Covid-19 pandemic, when Chinese sanitary cooperation came with a powerful communication campaign from China's part; Hungary's block of EU statement of condemnation for China's new security law in Hong Kong in April 2021, in addition to Orbán's opening towards "illiberal democracy" since 2014 (Bottoni, 2019), all contributed to raise Western attention on the cooperation between China and the selected countries (Chalmers & Emmot, 2021; Euronews, 2021a; Vladislavljev, 2020).

In observing technological investments, we focus on 5G investment while fitting it within the broader framework of Chinese investments in Hungary and Serbia. The relevance of 5G investment for this study lies in its embeddedness in the US-China technological competition, thus serving as a proxy for a country's geopolitical positioning. We then move into discourse analysis on policy papers.

The documents we analyse are press articles and reports featuring speeches by Serbian and Hungarian members of government (or spokespersons thereof) on Sino-Serbian and Sino-Hungarian relations. We used the 16+1 official website of the Cooperation between China and Central and Eastern European Countries as the main authoritative source of such documents. The website contains four press sections, our focus being on "Policies and Activities" and "Economic Cooperation". In total, we thematically analysed 41 such documents, dated from 2019 to 2022. The thematic analysis allowed the authors to identify the points of interest in Hungary's and Serbia's bilateral relations with China that most often

are stressed upon by the two CEE countries' respective governments in foreign policy speeches.

The timespan has been chosen for two main reasons: availability on the aforementioned website and timeliness in the 16+1 history. That is to say, the period between 2019 and 2022 spans between the highest hype around the forum in European policy and media arenas, with the forum's enlargement to Greece, and the recognition of its steady decline with the exit of Lithuania (Stec, 2021).

Thematic document analysis, backed up by literature and secondary data, allowed the authors to build a systematic interpretation of the discursive practices embedded in 16+1.

China's economic footprint in Serbia and Hungary: an asymmetric relation

Since the Eurozone crisis and for almost a decade, China's economic presence in Serbia and Hungary constantly increased. This was in line with the objectives of the "China Go-Global" policy, which contributed especially since 2009, to the shift of China's previous FDI-inward focus towards an outward FDI's focus. By 2016, China had become the second largest source country of FDI after the USA, with the boom in FDI occurring between 2009 and 2016. (Lukács & Völgyi, 2021). Therefore, the same timeline also witnessed the increase of China's economic investments throughout Central and Southeast Europe (Amendolagine & Rabellotti, 2017). In terms of foreign direct investments, while Europe accounted in 2018 only for 6.4% of China's total OFDI (outward foreign direct investments), studies point out how Hungary rapidly gained the lead by becoming in 2017 the major recipient of Chinese FDI among CEEC countries (Hanemann & Huotari, 2018). In broader terms, several central European countries, but especially Hungary and, among the EU-candidates, Serbia, welcomed the increasing Chinese investments in their countries. These last were perceived as a way of diversifying the economy, reducing the dependence from the EU, and balancing (especially in the case of Serbia) a foreign policy characterised by close ties with several actors, including China and Russia (Lukács & Völgyi, 2021).

Over the same decade, both Hungary and Serbia articulated their economic cooperation with China across multiple levels: they play crucial roles in China's Belt and Road Initiative project, like in the case of the Budapest-Belgrade Railway (Matura 2016). Within the BRI, Serbia is involved especially in the infrastructure field: highways, railways, and power plants (Mardell 2021). Furthermore, during the last decade, the cooperation between China and Serbia experienced a turn also in the military sector. Not only the two countries started joint military exercises: Serbia also purchased from China in 2019 an FK-3 missile defence system (Vasovic & Heritage, 2020).

However, the main sources of economic cooperation among the three countries remain the 16+1 forum. The last sees Serbia among the most proactive and China-oriented countries on the platform. According to a study by the Center for the Study of Democracy-CSD on China's economic footprint in Serbia, in 2016 China positioned itself as the fourth-largest trading partner, and the second-largest import originator (Centre for the Study of Democracy-CSD, 2021). Furthermore, China's FDI towards Serbia grew significantly during the years of the Juncker Commission, reaching the top of two billion dollars in 2018 (Centre for the Study of Democracy-CSD, 2021). Hungary, instead, positioned in 2020 as ninth among EU member States importing Chinese goods: within the CEEC region, it was the third recipient after Poland and Czechia (Eurostat, 2021b).

In the years approaching to the considered timeframe, this increase in bi-lateral relations was met, however, by specific challenges within the 16+1 partners. This reflected some problematics already underlined in the analysis of infrastructural projects linked to the Belt and Road Initiative: especially in terms of receiving countries' potential indebtedness, and the fight against corruption (Holzne & Schwarzappel, 2018; Hurley et al., 2018). Therefore,

notwithstanding the initial enthusiasm for the 16+1 platform, smaller countries involved in the network reported from the beginning an unfair treatment: this especially concerned inward access to investments (Grieger, 2018).

Over the analysed timeline, this lack of reciprocity in the access to Chinese internal market became apparent also for the Serbian and Hungarian cases. According to Eurostat's analysis of China's economic footprint in the Western Balkans, in 2020 China accounted for around 10% of the Western Balkans' imports, but less than 2% of its exports (Eurostat, 2021a). In line with the increasing relevance of China as a foreign international actor in the country's economy, China featured in 2021 among the top ten destinations for Serbian exports. However, China's share remained below 4% (Trading Economics, 2022). Hungary instead positioned 9th among the countries of destination for Chinese exports in Europe but remains at the bottom for its own exports to the Asian country (Eurostat, 2021b). Thus, both Hungary and Serbia started experiencing, in line with the trends already existent in the rest of the region, highly asymmetric economic relations with China, added to the consistent lack of transparency, circumvention of national competition and public procurement law, and trending lack of consistency with the EU standards and objectives already pointed out by some latest studies addressing the indirect consequences of Chinese investments in partner countries societies (Centre for the Study on Democracy-CSD, 2021). Arguably this, more than the actual impact of China's economic investments, might contribute to further misaligning both Hungary and Serbia from the EU's standards.

Consequently, despite the registered growing political concern in Europe about Serbia becoming "China's open door to the Balkans" (Le Corre & Vuksanovic, 2019) and of Hungary being China's "Trojan horse to Europe" with increasing concern for the former's domestic rule of law conditions, (Panyi, 2021), strategic investments from China's part may lead one to build a different argument.

Hungary and Serbia have indeed been access-points for Chinese state-owned enterprises (SOEs) into Europe at various stages. First, through the Budapest-Piraeus trainline, which crosses Belgrade (Fardella & Prodi, 2018). Second, through anti-Covid vaccines produced by Chinese companies and unrecognised by the EU health authorities: in this context, Serbia hosts Sinopharm vaccine production, while Hungary has become the first EU country to approve it (Euronews, 2021a; 2021b). However, concrete economic cooperation between China, Hungary, and Serbia, actually lies on strongly asymmetric basis.

Furthermore, observing 5G network investments one finds a scenario where Chinese economic engagement is lower. Given the economic and political salience 5G obtained amid the US-China competition, with a growing number of countries establishing market restrictions based on security arguments, we maintain that 5G-related investments signal diplomatic closeness among countries.

In fact, countries taking confrontational stances against China, in line with the US administration, adopted stricter measures against such companies as Huawei. Conversely, countries with closer diplomatic ties such as Hungary imposed no restrictions (Poggetti, 2021). Despite this, investments in Hungary's domestic network infrastructure from Chinese companies are lacking (European 5G Observatory, 2022).

For a general overview of 5G deployment in the EU, the European 5G Observatory is a good starting point for secondary data. According to its October 2021 report, Hungary lags behind most EU countries in 5G deployment in several ways. First, one of the three so-called "pioneer bands" had not been assigned yet. Second, Hungary was not involved in any cross-border 5G corridor, an infrastructural project that would be meant to stimulate the use of 5G connectivity in the transport sector. Third, the three Internet Service Providers (ISPs) active in providing 5G connectivity to end users all seem to rely on non-standalone (NSA) infrastructure (European 5G Observatory, 2021).

In terms of private network deployment for market verticals, by October 21 one such deployment had taken place at the Foxconn Komarom factory. Foxconn is a Taiwanese electronic equipment manufacturer and its private network is provided by Ericsson and operated by Vodafone. Once again, no visible investment is in place in Hungary's 5G infrastructure by Chinese network manufacturers (European 5G Observatory, 2021).

Such systematic data is not as easily retrievable for Serbia, whose data on 5G investment is most often unavailable in English. Nonetheless, while Chinese technological investment towards Belgrade is relatively low, a more sustained presence in the heavy infrastructural sector is visible (Mardell, 2021). Mardell (2021) from the Mercator Institute for China Studies (Merics) describes Chinese investments in the Balkans as "still shallow, [growing] rapidly over a short period of time", thus pointing at a situation that can potentially become more challenging to the EU in the near future.

In particular, automotive-related industry and traditional physical infra-structures such as roads and railways are among China's targets in Serbia, along with vaccine production (Mardell, 2021).

In short, mixed results emerge from economic cooperation between China, on the one hand, and Hungary and Serbia, on the other. However, in strategic sectors such as telecommunication ties appear to be very loose. Such mixed findings suggest relations with China are far less strategic (and economically threatening for the EU) than often claimed.

Economic cooperation as discursive practice: evidence from documents

Secondary evidence illustrated in section 4 shows limited economic outcomes in economic cooperation between China, on the one hand, and Hungary and Serbia, on the other. However, media documents made available on the 16+1 website highlight why this forum has generated concern among EU policy communities despite the now-emerging limitedness in outcomes.

To start with, the press content made available on the 16+1 website is from Chinese news agencies, mainly Xinhua and CGTN. This shows that communication related to 16+1 was largely left in the hands of Chinese media in a unilateral manner. However, the content of the press coverage often features praises of the Chinese economic and political model by Hungarian and Serbian institutional profiles. Arguably, this displays a use of Chinese media by Serbian and Hungarian leaders to cast a discursive challenge to EU normativity.

The following quote from a Xinhua (2019) report is exemplary of this practice:

Serbian President Aleksandar Vucic hailed China as the most honest and trustworthy friend of his country at a concert marking the 70th anniversary of the founding of the People's Republic of China (PRC) in Belgrade on Saturday.

In the same news report, Serbian Prime Minister Ana Brnabic was quoted praising China's domestic development and releasing the following statement:

There is a bond of friendship like steel between China and Serbia, and many high-level meetings frequented the past few years. It is something that we highly appreciate here in Serbia and we are so happy for China's progress.

These statements, released on 22 September 2019, were celebratory of the seventieth anniversary of the PRC's foundation - officially celebrated in China ten days later, on 1 October. However, the strong use of words that signal closeness in terms of values hints at Serbia's geopolitical collocation. While these instances can be deemed rhetorical and

celebratory, they were followed up by Serbia's supporting stance towards China on key political issues such as Taiwan and Hong Kong.

In May 2020, when Hong Kong pro-democracy protests were spiking and the so-called "National Security Law" was about to be passed, a letter by president Vucic of Serbia to Xi Jinping was quoted by Xinhua (2020a) saying:

Serbia supports China's National People's Congress to adopt the decision on establishing and improving the legal system and enforcement mechanisms to safeguard national security in the Hong Kong Special Administrative Region. [...] As an independent and self-reliant country, Serbia opposes the act of interfering in the internal affairs of a sovereign state.

Such statements arguably serve a double function in President Vucic's political agenda. Domestically, the nationalist audience that supports his presidency has a recent memory of national disintegration, with the independence of Montenegro and the (still not fully recognised) separation of Kosovo preceded by the collapse of Milosevic's Serbia-centric Yugoslavia (Jovanovic, 2018). Arguably, these statements make a stance not only vis-a-vis China, but also towards Serbia's nationalists, which constitute a core of Vucic's electoral basin.

Externally, it signals the EU some political red lines. If Serbia is to access the EU, President Vucic seems to say, European countries must recognise the national integrity of Serbia as defined by Serbia itself. Should this not be the case, Serbia does not need the EU as it fosters relations with such powerful nations as China (Markovic et al., 2019). This acquires significance as President Vucic is still widely regarded as a supporter of Serbia's integration in the EU, despite its China-oriented position and nationalist stances (Bieber, 2022).

At the same time, this gamble remains, though powerfully, at the rhetorical level: especially given the unconditional requirement for Serbia to solve its bi-lateral dispute with Kosovo to enter the EU, and the crucial importance given by the EU to the relaunch of the Belgrade-Pristina dialogue, marked among other things by the appointment of Miroslav Lajčák as EU Special Representative for the Belgrade-Pristina dialogue in 2020 (Council of the EU, 2020).

Nevertheless, such vicinity is stressed in 16+1 press-based communication not only in such rhetorical terms, but also with reference to tangible economic cooperation - although in practical aggregate terms it is limited, as illustrated in the previous section. The Piraeus-Belgrade-Budapest trainline is possibly the most well-known example (Fardella & Prodi, 2018). However, railway connectivity between Budapest and Belgrade features broadly within Belt-and-Road-related rhetoric. In particular, when launching the upgrade of the Belgrade-Nis sector, Serbian Minister Zorana Mihajlovic was quoted saying (RailTech, 2020):

When we talk about financing, we will see whether the construction will be financed via some kind of a preferential loan because there is such cooperation with the People's Republic of China on infrastructure projects.

Here, again, the stress falls on the special relation between Serbia and China, where loans are seen not as a bond but rather as a special-condition assistance that helps Serbia develop its infrastructure, with Xinhua (2021a) quoting President Vucic saying: "Chinese loans have propelled Serbia's infrastructural development rather than adding its public debt burden".

Overall, the Serbian state leadership appears to use Chinese media to convey messages of economic partnership and shared values in a confrontational stance towards the EU. A similar tendency is visible in Hungary.

As a relevant node in China's infrastructure policy in Europe, with the Piraeus-Belgrade-Budapest railway, talks on rail-based goods exchange between China and Hungary are strong (Xinhua, 2021b). However, the Chinese press promotes investments in other sectors, too. In particular, Hungary is historically attractive for automotive manufacturing activities, with China's Chervon Auto taking stock of the economic environment.

While the Chinese automotive industry is by far not alone in investing in Hungary, Chinese automotive investment has been used to portray a flourishing economic partnership between the two countries. In October 2020, Xinhua (2020b) quoted Minister Szijjarto saying:

Last year, 60 percent of the investment influx to Hungary came from the east, and 40 percent of the jobs created were also tied to eastern investors. [...] In the first seven months of this year, Hungary's trade turnover with China increased by 19 percent and its exports increased by 10 percent.

More in general, in 16+1 communication, infrastructural investment is less central in relation to Hungary than Serbia. While goods exchanges along established China-Hungary links are mentioned, there is a stronger emphasis on high-tech investment by Chinese companies in Hungary. For example, device manufacturers Huawei and Lenovo.

In celebrating the fifteenth anniversary of Huawei's investment in Hungary, Xinhua (2020c) boasted the company's capillary presence in the Hungarian telecommunication market. Nonetheless, data in section 4 show that Huawei's presence in the 5G infrastructure is limited, thus maintaining its powerful position mainly through the device market - that is, where end-users purchase such products as laptops or smartphones. Likewise, Lenovo's investment is on the device manufacturing side, although it must be stressed that the latter is not a network manufacturer, contrary to Huawei.

Rhetoric around China-Hungary economic ties grounds on historical ties between the two countries. This is a general characteristic of China's foreign policy rhetoric, which stresses historical linkages between countries to narrate their ideological justification (Strauss, 2009). In Hungary's case, the Embassy of the PRC to Hungary (2019) stated:

Bilateral relations between the two countries are at their best in history. Hungary is located in the hinterland of Europe. [Ambassador] Duan also said that as the first European country to sign the Belt and Road cooperation document with China, Hungary is a natural partner of China-EU cooperation and the Belt and Road Initiative (BRI).

Such statement was issued in the context of a 2019 ceremony for the signing of an agreement on a locomotive rental project between CRRC Zhuzhou Locomotive and Rail Cargo Hungaria, during which the two countries' representatives took the opportunity to celebrate the seventieth anniversary of the PRC founding (Embassy of the PRC to Hungary, 2019).

Taken together, Serbia's and Hungary's attitudes towards China as observed here display a speech act towards the EU. Despite low overall economic engagement between the two countries in question and China, strong ties are boasted and this raised concern among EU observers, especially as 16+1 countries started siding politically with China on contentious issues in global fora (Emmott & Koutantou, 2019; Stec, 2021).

Such speech act is not only enacted on Serbia and Hungary's part, but also on China's. As illustrated at the beginning of this section, the 16+1 communication is almost fully in the hands of China's press, at least as far as the media coverage officially shared on the forum's official website is concerned.

In this view, one can see that China is displaying its positive ties to Central and Eastern European countries to more or less implicitly show its disunity within. Therefore, it is no surprise that despite poor economic results the EU has feared 16+1 as a divide et impera attempt (Fardella & Prodi, 2018).

Conclusion

Drawing on the analysis illustrated throughout this article, we observe that China, Serbia, and Hungary make use of their cooperation in their effort of contesting EU normativity. An established trend that grew over the last decade and which became even more explicit during the first months of the COVID-19 crisis, the 'China leverage' is especially used in the two case studies by their ruling élites to send powerful political messages to the EU, despite their evident violation/backsliding in rule of law. In this view, defining the EU and its set of norms as outcome and representation of the Liberal Order, the use of the 'China leverage' is a tool for normative contestation.

More in practice, these three countries boast their cooperation ties and contrast them with what they portray as EU ineffectiveness. This shows that EU concerns around the 16+1 forum despite its economic ineffectiveness stem from the discursive effort built around it. That is to say, cooperation between China, on the one hand, and Serbia and Hungary, on the other, was performed as a speech act by the three state actors in question to narrate an alternative model of cooperation. As illustrated in the previous section, media coverage in 16+1 cooperation is dominated by Chinese media outlets, but they are used by the Serbian and Hungarian governments to convey meanings that challenge EU normativity. To this end, it is worth recalling Serbia's support for Beijing over the Hong Kong question to repress nationalistic and anti-secessionist stances domestically and vis-à-vis the EU on the Kosovo question.

Framing 16+1 as a discursive action sheds light onto another open question in EU-China relations. Contrary to the divide et impera narrative around China-CEEC cooperation, normative contestation to the EU on a discursive basis is not merely a China-led process. Instead, CEE countries (in this article, Serbia and Hungary) make use of their partnership with China to signal political red lines to the EU. While the press section of the China-CEEC website is very much centred on Chinese media, thus taking the outlook of a seemingly China-driven project, the analysis shows that the Serbian and Hungarian state leaderships make use of Chinese media to convey their political message to the EU.

To be sure, several other venues for interpreting EU behaviour vis-a-vis China-CEEC cooperation remain open. For example, EU concern over the 16+1 forum could be attributed to lack of complete information, China's faster economic growth, growing tensions between the US and China forcing the EU to take a position, and a myriad of other factors. Furthermore, cross-referencing discourse on 16+1 and BRI cooperation can bring new insights on the EU's drivers in its stance towards China-CEEC cooperation.

However, the use of 16+1 as a discursive tool against EU normativity is a powerful explanation of the mismatch between EU concern and 16+1 economic outcomes, as illustrated in the analytical sections of this article.

From the carried-out analysis, a final point could be made on China's way to partner with the considered countries. Through its statements and the proposed definition of 16+1, China claims to aim at friendly and cooperative relations, based, recalling from the introduction, on "traditional friendship and shared desire of all the participants for win-win cooperation and common development". It, therefore, uses words that might recall, at a first glance, the ideas and praxis endorsed by the EU also in its economic partnerships. However, the analysis of China's economic investments conducted in this article shows on this point a

strong preference for asymmetric, non-reciprocal partnerships, added to the evident preference for bilateral over multilateral frameworks of cooperation.

Overall, this article sheds light on the use of economic cooperation as a discursive practice for normative contestation as well as on the agency of smaller states vis-a-vis supranational organisations and world powers.

ORCID

Carlotta Mingardi 0000-0003-3583-6521

Riccardo Nanni 0000-0002-2773-4093

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RESEARCH ARTICLE

'Contestation from Within': US Escalating Aversion to the International Criminal Court and the Non-impunity Norm in the Trump Era

Cecilia DUCCI

University of Bologna

Flavia LUCENTI

University of Bologna

Abstract

Despite the US longstanding opposition, the Trump administration's contestation of the International Criminal Court ('ICC' or 'Court') has been unprecedentedly severe. Not only did it turn against the wholesale legitimacy of the Court, but it ultimately led to sanctions against the ICC Prosecutor and senior prosecution official, while hindering the enforcement of the principle of non-impunity at the international level. Investigating the US stance towards the ICC during the Trump presidency exemplifies one of the most representative moments of what we term a 'contestation from within', hence, a contestation of the Liberal International Order originating from one of its founders, in this case, the US. Drawing on the constructivist literature on norm contestation and a narrative inquiry, this article seeks to explore how the US contestation over the Court and the norm of non-impunity intensified, shifting from applicatory to justificatory, and from discursive to behavioural contestation, specifically, in the Trump era.

Keywords: International Criminal Court (ICC); Trump; Norm contestation; Non-impunity; Sanctions

Introduction

When Donald Trump came to the White House, he did so as an outsider, a businessman without any first-hand experience as a politician. During his presidential campaign, he promoted an electoral programme mainly through nationalist slogans (Restad, 2020), such as "Make America Great Again", while sponsoring US disengagement from multilateralism at the international level (Fehl & Thimm, 2019; Pennanen & Kronlund, 2020). In line with this approach, once elected, Trump withdrew the country from the Paris Agreement, the Human Rights Council, the Trans-Pacific Partnership and then, in the midst of a global pandemic, the World Health Organisation, raising concerns about what role the US would take in the existing international order. Moreover, as will be further explored in this article, the Trump administration vociferously contested the International Criminal Court (hereafter referred as ICC, or "the Court") after the Court's decision to investigate alleged war crimes and crimes against humanity committed by US and NATO personnel in the war in Afghanistan. On that occasion, in 2020, Trump went so far as to sanction the former Prosecutor, Fatou Bensouda, the senior prosecution official, Phakiso Mochochoko, and their families (The White House, 2021). No other US administration had ever got to the point of sanctioning the Court's personnel. Therefore, far from arguing that the US contestation over the ICC is novel, since the seeds of contestation were sown in the

CONTACT Cecilia Ducci, cecilia.ducci2@unibo.it, at Department of Political and Social Sciences, University of Bologna, Italy

281

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previous administrations, we claim that Trump aggravated the US dissent and, above all, the contestation against the exercise of the ICC jurisdiction.

Since its adoption in 1998 and entry into force in 2002, the US has never ratified the Rome Statute, which established the ICC. On the contrary, its scepticism towards this body is longstanding, dating back to its incipient phase. Specifically, the George W. Bush administration (hereafter referred to as “the Bush administration”) signalled his opposition not only by refusing to endorse the Rome Statute but also obstructing the Prosecutor’s agenda concerning the investigations into US military activities in the war in Afghanistan through so-called Bilateral Immunity Agreements (BIAs) and the American Service Members Protection Act (ASPA)¹. BIAs and, more importantly, the ASPA represented a clear case of contestation of the ICC and its role as a supranational institution responsible for guaranteeing respect for the norm of non-impunity. Non-impunity refers to the notion that anyone who has committed crimes amounting to genocide, crimes against humanity, war crimes, and the crime of aggression should be held accountable for their wrongdoing either by the State itself or by the ICC when the former fails to meet its obligations (ICC, 2002, Art. 5). This is a principle that has been turned into an international norm through the ICC foundational treaty, the Rome Statute, to ensure the functioning of the Court itself (Deitelhoff, 2009, p. 151). It follows that by affecting the Court’s capability to ensure international justice as an independent supranational body, the application of the non-impunity norm is also contested.

Nonetheless, Bush’s contestation towards the Court and the non-impunity norm did not translate into a broad opposition policy to ICC actions as took place under the Trump administration but remained relegated to the case of the investigation in Afghanistan. Indeed, in 2005, the US abstained from vetoing UNSC Resolution 1593, allowing the ICC Prosecutor to investigate any grave crimes committed in Darfur (UN, 2005). Conversely, President Trump escalated the US contestation of the ICC by challenging its integrity while questioning the overall validity of the norm of non-impunity, as epitomised by the imposition of sanctions on the Court’s personnel. Sanctions were a full-fledged and direct attack on the Court, whose activities were branded as illegal, and consequently worthy of punitive measures. In addition, Trump depicted the Court as a serious danger to national security, as enshrined in the Executive Order 13982 through which sanctions were implemented (The White House, 2021). The legal basis of this Executive Order can be found in the 1977 International Emergency Economic Powers Act (IEEPA) (US Congress, 1977), which allows the US President “to declare a national emergency with respect to ‘any unusual and extraordinary threat’” (Silingardi, 2021, p. 208).

Thus, the position of the US towards the ICC, in particular during the Trump administration, emerged as a highly iconic case of what, in this Special Issue, we term a process of ‘contestation from within’, i.e., a contestation of the Liberal International Order (LIO) carried out by those countries that have founded and traditionally portrayed themselves as guarantors of such a rules-based order (Adler-Nissen & Zarakol, 2020;

¹ BIAs were negotiated during the Bush administration under Article 98 of the Rome Statute, which affirms that the Court cannot request another State for surrender or assistance when this is inconsistent with its obligations towards a third State (ICC, 2002). This was done “to ensure that states parties would not transfer any US citizens to the court ‘without US consent’” (Patrick, 2018, p. 112). The ASPA, in turn, allows the US President ‘to take any action necessary’ to prevent the ICC from investigating American citizens (U.S. Senate, 2002). ASPA was referred to by Human Rights Watch as the “Hague Invasion Act” because, as Mills and Payne write, it “[...] authorised the United States to use force to ‘liberate’ US citizens or citizens of allied countries being held by the Court” (Mills & Payne, 2020, p. 406; see also Human Right Watch (2003)).

Börzel & Zürn, 2021)². Although much of the literature focuses on non-Western agency and contestation of the LIO (Bode, 2019; Draude, 2018; Jose, 2018; Newman & Zala, 2018; Stefan, 2016), this analysis suggests that it is not confined to these non-Western countries. On the contrary, the US itself has also contributed to corroding the LIO's legitimacy, selectively questioning institutions and norms perceived to be at odds with its idea of sovereignty. This article therefore contributes to the focus of the Special Issue from a different angle by shedding light on the fact that the LIO and its institutions have also been contested by one of its founders, namely the US. Although the literature has paid scant attention to this issue and has generally dealt with non-Western actors, focusing on the US is relevant because it opens up the debate on the potential fragility of the LIO.

The article proceeds as follows. Section two concerns the theoretical framework of the enquiry, which draws on the constructivist paradigm of International Relations (IR) theory. More specifically, this analysis deals with the constructivist literature on norm contestation to explore the arguments used by the Trump administration to contest the norm of non-impunity and the ICC (Bloomfield, 2016; Deitelhoff & Zimmermann, 2020; Lantis, 2017; Wiener, 2014; Wiener & Puetter, 2009; Zimmermann et al., 2017). Consistent with such a theoretical approach, we distinguish between discursive and behavioural contestation (Stimmer & Wisken, 2019), as well as applicatory and justificatory contestation (Deitelhoff & Zimmermann, 2020), in order to fully understand the modalities, levels, and trajectories of contestation³. We argue that discursive contestation can pave the way for behavioural contestation, leading to concrete action, such as the imposition of sanctions in this case. At the same time, drawing on the difference between applicatory and justificatory contestation (Deitelhoff & Zimmermann, 2020), we recognise an intensification of the contestation practices. This turned from questioning the applicability of the jurisdiction of the ICC and non-impunity to the specific case of alleged violations committed by US soldiers in Afghanistan, above all, during the Trump presidency, to disputing their wholesale legitimacy, as evidenced by the sanctions themselves.

As illustrated in section three, it follows an interpretive and qualitative two-stage methodology. In stage one, it proceeds through a content analysis of the discourses of the Trump administration to investigate the mounting discursive contestation. In stage two, it studies the actions (e.g., sanctions) that signal a contestation, or altered understanding, of the ICC and the norm of non-impunity. This methodology allows us to combine discursive and behavioural elements of contestation to not only gain a more comprehensive picture of the Trump administration's contestation of the ICC and non-impunity, but also to illustrate the shift in contestation from the discursive to the behavioural level. In section four, we briefly reconstruct the history of the relationship between the US and the ICC, exploring the reasons for the US longstanding contestation to the ICC. In section five, we examine the intensification of the contesting attitudes of the Trump administration towards the Court and the norm of non-impunity.

The article makes two main contributions, as discussed in the conclusions. On the one hand, in line with the aims of the Special Issue, it examines the US posture over the establishment and operation of the ICC as a case of contestation of the LIO. In this respect, it enriches the discussion by drawing attention to the process of "contestation from within", which the Trump administration's contestation of the ICC and non-impunity

² The contribution of this article to the Special Issue can be found in more detail in its Introduction. The Introduction also illustrates the different aspects of contestation, including contestation from within, which this article investigates, as opposed to contestation from outside, i.e., carried out by non-Western actors.

³ In this respect, discursive contestation refers to "disputes about the meaning, validity, and applicability of norms" expressed through language, while behavioural contestation concerns the "behaviour that undermines or otherwise influences implementation [of norms]" (Stimmer & Wisken, 2019, pp. 518-520).

exemplifies. On the other hand, it also speaks to the literature on norm contestation. By building on the differentiation between discursive and behavioural contestation, as well as between applicatory and justificatory contestation, it delves into the pathways through which contestation practices intensify. Therefore, we observe how under the Trump presidency not only did words turn into actions, as was the case during the Bush administration, but also broadened the scope of contestation from applicatory to justificatory.

Norm contestation: from discursive to behavioural

Constructivism is one of the IR approaches that focus on the impact of international norms on State actors, exploring, among others, the relations between State identity and norms (Finnemore & Sikkink, 1998, p. 902; Katzenstein, 1996; Risse & Sikkink, 1999; Risse et al., 1999). Early institutional constructivists defined norms as “collective expectations for the proper behaviour of actors with a given identity” (Katzenstein, 1996, p. 5). They also conceptualised them as both “regulative”, insofar as they set the standard for States’ conduct, and “constitutive”, as they shape or define the identity of those actors, who reinforce their sense of selves around the values they agree to respect. In particular, early constructivists believed that in the LIO norms directed at guaranteeing respect for human rights have established States’ appropriate behaviour, turning into a marker of identity and legitimate membership in such order (Risse & Sikkink, 1999, p. 8). This should be particularly true for Western powers, which have linked their identity to these norms, and especially the US, which has taken the lead in the promotion of liberal values.

Some of these scholars have investigated the role of norm entrepreneurs and postulated the concept of the “norm life cycle” (Finnemore & Sikkink, 1998). It describes a “linear” process that eventually leads to the diffusion of norms through international organisations (Barnett & Finnemore, 2004) and the full acceptance of norms by their recipients via the mechanisms of socialisation and internalisation. Despite its popularity, however, over time this model proved to offer an overly simplistic analysis of norms’ formation and diffusion at the international level, assuming that a liberal version of the international order would be ultimately accepted by all States (Hoffmann, 2010). Furthermore, these authors only highlighted the role of norm entrepreneurs, neglecting the possibility that norm-takers may question norms after their spread. Following their logic, Western powers would certainly accept norms inspired by the liberal tradition and then convince other States to conform to international norms by persuading them of their rightness.

Contrary to this view, more recent constructivist scholarship argues that norms may be disputed during their development, considering contestation intrinsic to them (Bloomfield, 2016; Deitelhoff & Zimmermann, 2020; Lantis, 2017; Wiener, 2014; Wiener & Puetter, 2009; Zimmermann et al., 2017). According to this interpretation, contestation concerns the so-called “meaning-in-use” of norms, and their implementation, which depends on the ever-evolving intersubjective beliefs of actors within the international order (Wiener, 2009). Some scholars have therefore emphasised the role of “norm antipreneurs” (Bloomfield, 2016 p. 311; Bloomfield & Scott, 2016) who, as opposed to “norm entrepreneurs” (Finnemore & Sikkink, 1998, p. 895), challenge and resist norms, affecting their meaning and acceptance.

Authors in this field further observe how contestation can have several modes and impacts on the survival of a norm. Stimmer and Wisken (2019) distinguish between “behavioural” contestation, which takes place by means of actions, and “discursive” contestation, which rather occurs through the use of language. In a similar vein, Deitelhoff and Zimmermann (2020, pp. 56-57) differentiate between “applicatory” and “justificatory”

contestation: whereas “applicatory contestation” concerns the application of the norm to a specific situation; “justificatory” relates to the contestation of the overall validity of a norm, which is seen as neither legitimate nor fair on the grounds that it clashes with other established norms. As a result, the latter kind of contestation is thought to potentially lead to the eventual erosion of the norm contested⁴. At the same time, however, Deitelhoff and Zimmermann (2020, p. 58) argue that repeated applicatory contestation may also affect a norm; if a new consensus over the meaning of the norm struggles to be found, it will likely provoke a justificatory contestation.

In this article, we depict the US as an antipreneur actor against the ICC, and in particular, against the norm of non-impunity. We also draw our analysis on the existence of different types of contestation to shed light on the trajectory of intensification of the US contestation of the ICC, in particular during the years of the Trump presidency⁵. In detail, we argue that the US contesting behaviour of the Trump administration has evolved from discursively contesting the jurisdiction of the ICC and the applicability of the non-impunity norm to the specific case of alleged violations of US soldiers in Afghanistan, to full-fledged contestation over their legitimacy, which has also been pursued through actions, in particular, sanctions. While behavioural contestation was also employed by the Bush administration through BIAs and the ASPA, sanctions targeting single individuals working for the Court had never before been imposed. This represented an exacerbation of US opposition towards the Court, whose activities aimed at complying with the rule of non-impunity were considered as if they were illegal – and therefore, the object of punitive measures. This is what made the Trump attitude distinct from that pursued by previous US administrations, and thus merits further study as a crucial case of contestation from within.

Assessing contestation: a two-stage methodology

In order to investigate the evolution of the US contestation of the ICC and the non-impunity norm, this analysis follows a two-stage methodology. First, we identify the core arguments used to discursively dispute the ICC and non-impunity (Heinkelmann-Wild et al., 2021). It lends itself to a content analysis of the narrative released by Trump administration. Narratives permit the understanding of how actors make sense of events and the actions that flow from them, which is useful to decode actors’ contestation. A narrative can be defined as a discourse “with a clear sequential order that connect[s] events in a meaningful way [...] thus offer[ing] insights about the world and/or people’s experiences of it” (Hinchman & Hinchman 2001, as cited in Hagström & Gustafsson, 2019, p. 390). It makes narrative “an instrument of comprehension [...] by means of which we express our understanding of a given set of events and/or acts, [...] to ourselves and to others, thereby necessarily producing an explanation of it” (Suganami, 1999 as cited in Bode, 2020, p. 353). To conduct such a narrative inquiry, we have systematically investigated all speech acts available, including the official spoken and written statements concerning the ICC, produced and published mainly in the period between late 2017 and late 2019 by President Trump and the key figures of his cabinet. Among them are National

⁴ While justificatory contestation represents a direct challenge to the norm under contestation as it discredits its wholesale legitimacy, applicatory contestation may have different consequences on the validity of a norm. Indeed, by better specifying the scope of application to which the norm is to be applied, applicatory contestation can generally lead to a broader acceptance on the part of recipient actors, thus enhancing the overall legitimacy of such norm (Deitelhoff & Zimmermann, 2020, p. 58; Wiener, 2014, p. 34).

⁵ Analogously, Deitelhoff (2020, p. 723) has explored the shift from “normal” contestation to backlash in the ICC case in the context of African states, arguing that the lack of change following the applicatory contestation resulted in the intensification of the discourse of contestation to a justificatory level.

Security Advisor John Bolton and his successor Robert O'Brien, Secretary of State Mike Pompeo, Secretary of Defence Mark Esper and the US representative to the United Nations (UN), Nikki Haley.

Second, with regard to behavioural contestation, we explore the actions that interfere both with the authority of the ICC and the implementation of the non-impunity norm, showing an alternative understanding of the norm, if compared with its original meaning resting on sovereignty as responsibility (Stimmer & Wisken, 2019, p. 521). In other words, we identify actions that illustrate a disagreement with how the norm of non-impunity is broadly understood or implemented. Indeed, BIAs, the ASPA, and most importantly the sanctions imposed by Trump have signalled that non-impunity may be contingent on the State's willingness and ability to defend its sovereignty. This showed not only a dissent against the Court, but also an understanding of the non-impunity norm that can arguably impact on the idea that justice can be guaranteed by a supranational court under any circumstances and with respect to any State.

Sources have been selected by following a content criterion. Hence, we select parts of the US texts or speeches in which a contesting discourse against the ICC and the non-impunity norm clearly stood out both in terms of applicatory and justificatory contestation. Then we further distinguish between these two types. We identify the narratives that refer to the applicability of the norm and the jurisdiction of the ICC, like those elaborated to dispute the Court's intention to open an investigation on the US and NATO military personnel for their alleged crimes during the war in Afghanistan. Conversely, we label the speech acts through which Trump and his staff called the Court an illegitimate body, consequently impinging also on its authority to ensure the non-impunity norm, as justificatory contestation.

Consistent with this methodology, the article proceeds by examining the US contestation of the ICC and, consequently, of the non-impunity norm, considering the stance adopted by the Bush administration and above all, that of former President Trump.

The US, the ICC, and the non-impunity norm

First drafted in 1998, the Rome Statute entered into force in 2002, officially establishing the Court as a permanent tribunal and turning non-impunity into a fundamental norm under international law (ICC, 2002). Until that moment, the State had been in charge of investigating and prosecuting criminals for the gravest international crimes, which made its compliance with international law too fragile. Conversely, the establishment of the ICC paved the way for a re-conceptualisation of States' exclusive right to punish perpetrators of grave international crimes by guaranteeing non-impunity at the international level (McDermott, 2019, p. 359).

The ICC is, nonetheless, grounded on the principle of complementarity⁶, according to which the State preserves its primary right to conduct investigations and prosecutions. However, whenever the State fails, or is unwilling to do so, the responsibility for

⁶ The principle of complementarity is different from that of universal jurisdiction. The principle of universal jurisdiction, indeed, "allow[s] or require[s] a State to bring criminal proceedings in respect of certain crimes irrespective of the location of the crime and the nationality of the perpetrator or the victim" (Philippe, 2006, p. 377), while the principle of complementarity is more limited as it specifies that the primary responsibility lies with the State. According to this interpretation of the principle of complementarity, the supranational jurisdiction of ICC does not necessarily collide with the institution of national sovereignty. While the two principles are often confused and those who contest the ICC often claim that it impinges on their national sovereignty, it is important to stress that the principle of complementarity enshrined in the Rome Statute permits States to maintain their national sovereignty by specifying that the primary responsibility for ensuring accountability lies with them.

prosecuting is devolved to the ICC (ICC, 2002, Art. 17). It means that the ICC has affirmed itself as a court of last resort, which has jurisdiction when justice is not achieved at the national level⁷. However, while relying on the complementarity principle, the Court can be granted jurisdiction under a United Nations Security Council (UNSC) referral (ICC, 2002, Art. 13), a proprio-motu initiation of investigations on the part of the Prosecutor (ICC, 2002, Art. 15), or when transgressions have been committed in a State Party, or by a national of such a State, or a State that has accepted the ICC's jurisdiction (ICC, 2002, Art. 12). It follows that, despite respecting the State's primary responsibility, the ICC is an independent institution to the extent that it can initiate investigations without necessarily having the State's consent (Piccolo Koskimies, 2017). Such a "supranational character" of the ICC, and the fact that non-impunity rests on an idea of sovereignty that is conditional to the respect for human rights and may also entail the involvement of this institution, are the main reasons why the US has traditionally been sceptical of the ICC (Patrick, 2018, p. 111). Indeed, while President Clinton signed the Rome Statute to remain engaged in negotiations and limit the scope of application of the Statute (Ralph, 2007, p. 125), the Republican administration of George W. Bush chose not to ratify its final version (Kersten, 2016, p. 6). In particular, the US opposed the fact that the Court is not entirely subjected to the UNSC's scrutiny – as the US had obtained in the 1994 draft of the Rome Statute, which was however not included in the finalised version – but retains several avenues to open investigations (Schabas, 2004)⁸. The US understanding of sovereignty thus remains ingrained in the traditional conceptualisation of sovereignty, as an innate right of the State, rather than as conditioned on the State's responsibility for guaranteeing accountability for grave international crimes (i.e., sovereignty as responsibility)⁹. In so doing, it referred to the idea that the US being a great power in international order that is responsible for global peace and security, its soldiers and personnel should consequently be exempt from ICC jurisdiction (Patrick, 2018; Ralph, 2007, p. 120).

This discursive contestation over the jurisdiction of the ICC was evident in former Secretary of Defence Caspar Weinberger's speech in June 2000:

We are a superpower. We are a country whose great good fortune and our strength and our resources requires us to bear certain responsibilities. We cannot bear those responsibilities if we are going to have the people who are carrying out these very difficult and dangerous duties for us are subject to prosecution by anyone who does not particularly care for American foreign policy or anyone who does not particularly care for America (US Government Printing Office, 2000)¹⁰.

The statement was at the core of the US mounting contestation of the ICC and illustrates the US opposition to an institution potentially acting without the direct consent of States,

⁷ On the State's "responsibility to prosecute" see Turan (2016).

⁸ Schabas (2007, p. 24) argues that "exclusion of United States nationals from the jurisdiction of the Court was never a policy objective of the United States when the Statute was being drafted." According to the author, what the US actually wanted, is a UN court subjected to the control of the Security Council. That is, the Security Council determines which cases can be considered by the ICC (Schabas, 2007, p. 25).

⁹ On whether the US President chooses to cooperate with the ICC based on US national interests, see Ralph (2007, p.128). Conversely, as Piccolo Koskimies (2017) argues, the ICC rests on the tension between absolute sovereignty and sovereignty as responsibility, meaning that, although States have the primary responsibility for holding perpetrators of grave international crimes accountable, their sovereignty is conditioned on their capability and willingness to ensure justice and the respect for human rights.

¹⁰ Weinberger's quote illustrates that discursive opposition to the ICC was already in place during the Bush administration, which, however, did not assert that the Court was an illegitimate body, as the Trump administration did, thus provoking a justificatory contestation.

even in the circumstances provided by the law. In addition, it shows that the contestation was also directed at the non-impunity norm, insofar as this dictates that national sovereignty cannot be used to shield away from justice.

The US aversion towards the Court further increased in the aftermath of the 9/11 attacks and the beginning of the War on Terror, as BIAs and the ASPA show. Notwithstanding, the Bush administration's actions were more directed at circumventing the ICC's jurisdiction, to both protect US sovereignty and its jurisdiction over its own citizens and argue that the national justice system was fully sufficient to ensure accountability for serious crimes without the interference from any supranational body. Hence, President Bush's discursive and behavioural contestation mostly remained applicatory while a more lenient stance towards the Court was demonstrated in cases that did not involve the US (UNSC Resolution 1693). As Mills and Payne (2020, p. 406) point out, at that stage, the Bush administration "[...] acknowledged that the ICC could be useful for US strategic interests" by using the ICC's jurisdiction as a tool of "coercive diplomacy" (Birdsall, 2010). In other words, the US exploited the Court to oppose, in a non-military way, terrorism-sponsoring and "rogue states like Sudan" (Birdsall 2010, pp. 463-464).

The election of a Democratic government, led by President Barack Obama, did not completely alter the overall position of the US towards the ICC but, in the wake of the 2005 resolution, it turned towards a slightly more cooperative attitude. In 2011, the US even voted in favour of UNSC Resolution 1970 on Libya, which authorised ICC investigations and collaborated with this for the arrest of wanted individuals, in addition to participating in the ICC Assembly of State Parties¹¹. The Obama administration's engagement with the Court was also supported at the discursive level. Then Secretary of State Hillary Clinton declared that the US would "end hostility towards the Court", while former US ambassador to the UN Susan Rice declared that the Court "look[ed] to become an important and credible instrument" to hold mass atrocity perpetrators accountable (Birdsall, 2010, p. 464). In the words of Stewart Patrick "the United States ha[d] developed a quiet, pragmatic working relationship with the court [...]" to the point that "by 2016 many international observers regarded the United States as a de facto member of the ICC – albeit one that remained outside of its jurisdiction" (Patrick, 2018, p. 113).

The situation changed again when, starting from late 2017, the Court proposed to open a set of investigations into the crimes allegedly committed by American citizens in the Afghan war. This was a decision that coincided with the advent of Trump at the White House, who made the idea of protecting national sovereignty at all costs and the disengagement of the US from globalism his main direction. As a result, the Trump administration further amplified the US narrative of contestation towards the Court, both at the rhetorical level by portraying it as an illegitimate institution, and at the practical level, by obstructing it through sanctions. Trump exacerbated the contestation both by using a much harsher narrative, directed at undermining the ICC's wholesale legitimacy, rather than its mere jurisdiction, and by limiting the concrete implementation of the non-impunity norm at the international level, keeping the ASPA in force, and hindering the work of Prosecutor Bensouda and her staff.

Evolving contestation: how the Trump administration disputed non-impunity

¹¹ UNSC Resolution 1970 regarding the referral of the situation in Libya to the ICC practically supported the transfer to the Court of Bosco Ntaganda and Dominic Ongwen, respectively in 2012 and 2015, and included rewards for people collaborating for the arrest of foreign individuals wanted by the ICC (Stromseth, 2019). For more information, see Kersten (2016, pp. 115-143).

With Trump at the US presidency, the insistence on the non-derogation of national sovereignty further intensified (The White House, 2018), fitting rather well with the patriotic and populist narrative of “Make America Great Again” (Rowland, 2019). In his first speech as President at the 72nd United Nations General Assembly (UNGA), Trump uttered the word “sovereign”, or “sovereignty” more than twenty times (Trump, 2017). To reiterate the concept, he declared “we will never enter America into any agreement that reduces our ability to control our own affairs” (Trump as cited in Patrick, 2018, p. 9).

Trump’s cabinet staff also played a major role in exacerbating the US reticence to cede sovereignty. President Trump was joined by personalities who shared his aversion to international institutions. Among them was National Security Advisor John Bolton, who had matured hostilities towards the ICC during his service in the previous Bush administration. At the same time, Mike Pompeo, designated Secretary of State in mid-2018 to succeed Rex Tillerson, had a negative perception of the Court, sharing Trump’s will to disengage the US from participating in multilateral organisations. Such a conglomerate of politicians also included Defence Secretary Mark Esper and US Representative to the UN Nikki Haley. Intolerant of the ICC and led by a populist President with such an unpredictable temperament, the Trump administration therefore exacerbated the US reaction against the ICC, especially when its investigations about the Afghan war began. In November 2017, former ICC Prosecutor Bensouda asked Pre-Trial Chamber for the authorisation to investigate the alleged war crimes and crimes against humanity committed since March 2003 in Afghanistan, involving both Afghan and Taliban forces, as well as US military personnel (ICC, 2017)¹². Underlying the Prosecutor’s request were two main circumstances, enshrined under Articles 12 and 17 of the Rome Statute, which provided its legal foundation. First, Afghanistan is a member State of the ICC, and the alleged crimes were committed within its territory. Second, the US proved unwilling to pursue investigations on this case at home¹³. Nonetheless, despite the formal legality of the Prosecutor’s claims, the reaction from Washington against the Court was sharp.

One of the first and most remarkable episodes that epitomised the response of the Trump administration was John Bolton’s speech at the Federalist Society on 10th September 2018. Referring to the initiative of the ICC to open investigations regarding US nationals in Afghanistan, Bolton opened his address by saying:

Today, on the eve of September 11th, I want to deliver a clear and unambiguous message on behalf of the president of the United States. The United States will use any means necessary to protect our citizens and those of our allies from *unjust* prosecution by this *illegitimate* court. (Bolton, 2018, emphasis added)

The investigations were soon narrated as a personal attack on the nation and its soldiers, who sacrificed their lives to counter terrorism, while affirming that ICC investigations contravened the national law, in particular the ASPA. Patriotism, which was a recurrent trope in the political discourse of the Trump administration (Holland & Fermor, 2017),

¹² In April 2019, the authorisation was first rejected by the Pre-Trial Chamber. On the basis of the political changing scene in Afghanistan, “the Chamber believes that, notwithstanding the fact all the relevant requirements are met as regards both jurisdiction and admissibility, the current circumstances of the situation in Afghanistan are such as to make the prospects for a successful investigation and prosecution extremely limited” (ICC, 2019). However, this decision was later overturned by ICC Appeals Chamber in March 2020 (ICC, 2020).

¹³ Despite the opening of investigations by the U.S. Department of Justice in 2009 and the Senate Intelligence Committee’s summary on the CIA’s use of torture against detainees, the Department did not press charges against those responsible for these violations (Human Rights Watch, 2015).

stood out as one of the talking frames to dispute the rightfulness of the ICC investigations, which were thus portrayed as unjust (Bolton, 2018; Trump, 2018; US Department of State, 2020). Furthermore, and more importantly, it was said that neither Afghanistan nor any other State party to the Rome Statute had requested this not just “unfair” but also “illegal” investigation, contravening US federal law (Bolton, 2018). Shortly before Bolton’s speech, Nikki Haley had also argued that the activities of the Court would clash with the ASPA (Bolton, 2018; US Government Publishing Office, 2017). This argument was then echoed in a declaration released to the press by Mark Esper, who accused the Court of contravening States’ legitimate right to protect their national security. Rather Esper affirmed:

We expect information about alleged misconduct about our people to be turned over to US authorities so that we could take the appropriate action as we have consistently done so in the past. (Esper in US Department of State 2020)

Such a narrative revealed the applicatory contestation of the US against the Court, which was initially confined to the jurisdiction of the ICC to the specific case. The main arguments revolved around the illegality of the ICC’s actions because of the clash with national legislation (in particular the ASPA), the primacy of national security protection, and the precedence of national jurisdiction in line with the complementarity principle. In this respect, by questioning the role that is inherent in the ICC, namely that of complementing domestic justice, it also targeted the application of the norm of non-impunity by making American military personnel internationally unaccountable for their alleged violations.

Within a short time, such applicatory contestation deepened and intensified to the point of turning into a full-fledged justificatory contestation (Bolton, 2018). As early as 2018, Trump and his staff had defined the Court as a “free-wheeling global organisation” pursuing “vague crimes” and had threatened it with eventual sanctions (Bolton, 2018). Nonetheless, contestation was this time addressed at disputing the wholesale legitimacy of the Court, by portraying it as an unfair, unwarranted, and illegitimate institution allegedly violating the core principle of national sovereignty. It involved contesting its existence as an independent international tribunal, responsible for ensuring accountability for grave violations of international law. Such a posture inevitably also questioned the respect of the non-impunity norm.

When, in March 2020, the ICC Appeal Chambers authorised the investigations, the Trump administration depicted the Court as a corrupt, inefficient, and double-sided institution (Pompeo, Barr, O’Brien in US Department of State, 2020). On this note, O’Brien called it a “corrupt and international politicised body”, while Pompeo referred to it as “grossly corrupt and ineffective” and a “kangaroo court” (Pompeo, O’Brien in US Department of State, 2020). In the same vein, at the 73rd UNGA Trump said:

As far as America is concerned, the ICC has no jurisdiction, no legitimacy, and no authority [...] America is governed by Americans. We reject the ideology of globalism, and we embrace the doctrine of patriotism. (Trump, 2018)

Since the Court’s requests on the US were not revoked, the Trump administration further ramped up its justificatory contestation, arguing that the Court was a defective judicial body to the point of paving the way for pursuing punitive measures against it. What was initially an applicatory contestation changed to a justificatory one while also shifting from discursive to behavioural. On 11th June 2020, the US issued Executive Order 13928, authorising a set of economic sanctions, visa restrictions, and asset freezes addressing the

ICC Prosecutor, Fatou Bensouda, and a Senior Prosecution Official, Phakiso Mochochoko, because of their “illegitimate assertions of jurisdiction” (Trump in Executive Office of the President, 2020, p. 1). As stated in the Executive Order:

The United States is not a party to the Rome Statute, has never accepted ICC jurisdiction over its personnel [...] Furthermore, in 2002, the United States Congress enacted the American Service-Members Protection Act [...] which rejected the ICC’s overbroad, non-consensual assertions of jurisdiction. [...] These actions on the part of the ICC, in turn, threaten to infringe upon the sovereignty of the United States and impede the critical national security and foreign policy work of the United States Government and allied officials. (Executive Office of the President, 2020)

This episode was evidence of the practical implications provoked by a repeated applicatory contestation as well as a justificatory argumentation, even when it ‘only’ occurs at the discursive level. The analysis of the narrative adopted by Trump hence unveils an important lesson about the implications of adopting a hostile language as this can eventually turn into actions that constitute a concrete threat to the application and legitimacy of international norms. Despite BIAs and the ASPA during the Bush administration, the US had never challenged the ICC to this extent of imposing *ad personam* sanctions.

Outstandingly, hence, the sanctions pursued by the Trump administrations were applied against individuals within the ICC, involving even their family members, who were forbidden from travelling to the US. The former Secretary of State, Mike Pompeo, explained,

[...] we cannot allow ICC officials and their families to come to the United States to shop and travel and otherwise enjoy American freedoms as these same officials seek to prosecute the defender of those very freedoms. (Pompeo in US Department of State, 2020)

Such an approach implicitly suggested that analogous provisions would also be imposed on “anyone who dares work for the ICC”.

In this regard, we argue, this attitude was mainly the result of President Trump and his staff’s tendency to exasperate existing tensions and transform any potential challenge into an enemy of the country, as occurred also with the Court. As Pompeo’s statement stresses, the ICC investigations were considered “an ideological crusade against American service members” (Pompeo in US Department of State, 2020) – a rhetoric that eventually echoed that of African States towards the Court with the difference being that this time the most predominant actor within the LIO was the one complaining.

Conclusions: how far has the US contestation gone?

In line with the aim of the Special Issue to analyse the contestation and legitimacy crisis of the LIO from alternative angles, this article has examined a case of ‘contestation from within’, advanced by one of the founders of this order, namely the US. Hence, it focuses on the role of the US as a contestator of liberal institutions and norms, specifically, during the Trump presidency. To do so, it has analysed the Trump administration’s contestation over the ICC and the non-impunity norm, both considered fundamental institutions of the LIO for the maintenance of justice at the international level.

In detail, this research contributes to the literature on contestation in two fundamental ways. First, it fills in the gap regarding the oft-overlooked contestation carried out by Western States as it demonstrates that the LIO and its normative framework are not exempt from criticism on the part of its founding States, in this case, the US. Second, it analyses different forms of discursive contestation, casting a new light on the escalation of discourses of contestation and the challenge that narratives can pose to the legitimacy and enforcement of international norms. Therefore, the inquiry differentiates between discursive (including both applicatory and justificatory discourses) and behavioural contestation to provide a clearer picture of the arguments and policies pursued by the Trump administration. As the analysis has shown, contestation intensified from an applicatory discourse, aimed at questioning the jurisdiction of the Court and the applicability of the non-impunity norm to the investigations into the Afghan war, to a justificatory discourse, directed at the legitimacy of the ICC. It eventually culminated in a behavioural contestation through the imposition of sanctions.

The article has also elucidated how discursive contestation, in particular in its justificatory form, can more easily turn into behavioural contestation. Hence, the analysis of US-Court relations adds to the current literature the idea that a justificatory challenge arises as an aggravating factor of the applicatory contestation. This perspective opens a line of research into how contestation can evolve from applicatory to justificatory, as well as from a discursive to behavioural one, more deeply affecting the sustainability of international norms and the order itself. Indeed, although, at least at the narrative level, Biden's administration is seeking to recover from the hostile relations that Trump created with the Court by lifting the sanctions on the ICC (US Department of State, 2021), the US remains sceptical of any international institution impinging on its national sovereignty. In proposing a restrictive interpretation of non-impunity anchored onto absolute sovereignty, the US may inadvertently encourage other States, such as African States (Bower, 2019; Börzel & Zürn, 2021, pp. 295-296) or other non-Western States that do not share a liberal tradition and have no identity link with the international normative framework, to follow suit and disregard the role of the Court and the respect of the non-impunity norm (Bower, 2019, p. 100; Heinkelmann-Wild et al., 2021). At the same time, the US antagonistic stance towards the Court may also influence other Western States. As some authors have recently emphasised, the US contestation of the ICC also posed a problem for the European Union, leading to divergent positions on the matter (Costa et al., 2021). This demonstrates that "Any position the United States takes has ripple effects" (Cleveland, 2021, p. 60) in the field of the protection of human rights and respect for liberal norms.

To conclude, in addition to contributing to the norm contestation scholarship, and in line with the focus of the Special Issue, this article fosters future research on the status and prospects of liberal norms and institutions losing traction and support internationally, especially when such a reverse process is advanced by a Western State that has portrayed itself as guarantor of such order. The hard-to-overcome legacy that Trump left behind and which made the US temporarily abdicate from the role of guarantor of liberal values, indeed, has inevitably posed an obstacle to their preservation (Mills & Payne, 2020), as the case of the ICC and non-impunity illustrates.

ORCID

Cecilia Ducci 0000-0003-1775-4864

Flavia Lucenti 0000-0001-5484-3546

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RESEARCH ARTICLE

Global hegemonies, power, and identities

The Liberal International Order, the international community and international terrorism

Alice MARTINI

Universidad Complutense de Madrid

Abstract

The present article argues that the Liberal International Order is structured around specific dynamics of power that constitute and shape the whole international community. In this sense, the LIO is deeper than the big powers competition that are shaping the international sphere nowadays. All of these actors belong to the international community and they are shaped by the same power hegemonies. To better appreciate the systematic nature of the LIO and its sustaining power hegemonies, therefore, it is useful to study the actors placed outside of the international community – i.e., international terrorism. It is on international terrorism that this article focuses arguing that it is the potential challenging nature of this violence that allows us to see the power relations shaping the international sphere. These are the reason of the state, of the system, and of civilization. Discursively legitimised by liberal narratives, these are the main systemic pillars of the LIO.

Keywords: LIO; International Terrorism; Power Hegemonies; International Community; Liberalism

Introduction

In the last decades, International Relations has seen the unfolding of the debate about a possible crisis of the Liberal International Order (LIO). Here, many are the voices that argue that the LIO is seeing the emergence of different types of contestations over its main standards and that the current international sphere is shifting towards a post-liberal order (see, for example, some other works in this special issue). Despite scholarly disagreement about the desirability or not of this change (Cuadro, 2021, p. 439), the general understanding seems to be that international politics is in a process of a post-liberal world in the making, an order that will be characterised by an increased normative, institutional, and economic plurality (see this special issue introduction). This debate implicitly adopts a normative position about the meaning of the LIO, one that identifies it with the US and Western leadership (Cuadro, 2021). This can also be observed in the claims that these contestations take place from within the LIO – e.g., with populism raising in EU countries or the US – or from outside the LIO – e.g., where actors such as Russia or China may be challenging this order (see some of the other works in this special issue). This article adopts a different position towards this debate. It argues that what these analyses are concerned with is a post-West version of the international system which, however, does not imply the transformation of the order into a post-liberal one. In other words, these scholarly analyses leave aside the relevance that liberalism has nowadays “in and for world politics” (Jahn, 2013, p. 11).

CONTACT Alice Martini, alice.martini@ucm.es, at Department of International Relations and Global History, Universidad Complutense de Madrid, Spain

This article argues that, coming together through a long genealogical process of formation (Dunne & Reus-Smit, 2017; O'Hagan, 2017), the post-1945 international community was established as a LIO (Schmitt, 2003). The LIO represents the systemic relations of power that structure the international community and its main institutions, all of these embedded in a liberal discourse. In other words, the LIO represents the international community's structure, and, in as such, it is inhabited by both Western and non-Western actors (Schmitt, 2003) that share the LIO's systemic characteristics. Furthermore, as Cuadro reminds us that, at a systemic level, liberalism is a rationality of Foucauldian governmentality (Cuadro, 2021, p. 440). For Cuadro, liberalism impregnates the LIO and it represents "the main global force constituting subjects and subjectivities" (Cuadro, 2021, p. 440). Put it differently, liberalism functions as a technology of power that constitutes subjectivities compatible with the LIO and, at the same time, legitimises this order.

The LIO's systemic nature, as this article argues, can be appreciated the most in its encounter with the LIO's outsiders – i.e., those actors that challenges to the LIO's structural power relations and its legitimacy. One of these challenges, this article argues, is represented by those non-state actors that, structured around an "Islamic-core", perpetrate violence – i.e., the so-called "International (Islamic) terrorist" groups such as Al-Qaeda, ISIL, and their affiliate organisations. Throughout the last decades, the international community has focused its global fight against international terrorism on the groups mentioned (Boulden & Weiss, 2004, p. 7; Kundnani & Hayes, 2018; Martini, 2021). It is in this clash that liberalism emanates its power as a global force in governing subjects and subjectivities and leads to the emergence of a global dispositif of counter-terrorism – i.e., discourses but also practices of governmentality coming together to govern "international terrorism" (Foucault, 1980, p. 194). This dispositif, this article argues, is shaped by three LIO's dimensions of power, i.e., the reason of the state, the reason of the system, and the reason of civilisation (Buzan & Lawson, 2015).

The present article thus draws from previous works inquiring into the discursive construction of "international terrorism" at a global level (Herschinger, 2013; Dityrych, 2014; Martini, 2021). Building on these works, the present article explores this construction as a result of the power relations structuring the LIO – and its outsiders. The work argues that it is the study of the LIO and the three main global hegemonies mentioned – the reason of state, the reason of the system, and the reason of civilisation – that allows the understanding of the crystallisation of the dispositif on 'Islamic terrorism' – i.e., a kind of political violence that is carried out by "Islamic, international, non-state actors" and thus challenges the LIO's legitimacy, as this article explains. At the same time, through this reflection, the article also wants to reflect on the LIO and its systematic and structural nature.

All in all, this work bridges together different theoretical approaches in IR. On the one hand, the article draws on Critical Security Studies and Critical Terrorism Studies (CTS) in its understanding of "international terrorism" as a discursive formation (Dityrych, 2014; Martini, 2021). On the other hand, it draws from the British School to examine the relations of power shaping the LIO (Buzan, 2015; Buzan & Lawson, 2015; O'Hagan, 2017). Bridging these different theoretical positions, this research wants to contribute to the existing critical literature on security and terrorism. Filling a gap in the literature, the article analyses these international hegemonies together to formulate a theoretical approach to the study of the power dynamics shaping global counter-terrorism but also the constructions of international threats more in general. Although to a lesser extent, illustrating a process of formation of global identity and of legitimisation of global hierarchies, the present work is, in part, also a contribution to the literature centred on the study of the liberal international community

and the liberal hierarchies shaping it – and, in as such, it wants to provide a different perspective on the debate about the LIO.

To do this, the article will first analyse these three *raisons* as levels on which the violence that is constructed as “international terrorism”. Or, in other words, it will focus on the three LIO’s levels where the struggle for legitimacy and power is carried out – i.e., the state *raison*, the system *raison*, and the civilisation *raison*. Lastly, it will analyse the role of the *dispositif* in the (re)production of these global relations of power.

On the LIO’s global hegemonies and international relations of power

The three LIO’s systemic power relations have influenced and shaped the emergence of a global, standardised *dispositif* of “international terrorism”. Foucault defined the concept of *dispositif* as an “heterogeneous ensemble” consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid” (Foucault, 1980, p. 194). In this sense, *dispositif* refers both to the discourse but also to “the system of relations that can be established between these elements” (Foucault, 1980, p. 194).

As such, the study of the global *dispositif* of “international terrorism” captures practices, understandings, behaviours, but also subjectivities, and ideas constructed for and in relation to a certain violence and the actors perpetrating it, and the (re)production of these practices. At a global level, the international *dispositif* has focused on groups such as Al-Qaeda, ISIL, and their affiliates. This means that, at an international community level, these groups have been interpreted as the “epitomes of terrorism” (Boulden & Weiss, 2004, p. 7) and that global counter-terrorism strategies have narrowly focused on these actors (Ditrych, 2014; Kundnani & Hayes, 2018; Martini, 2020, 2021). In other words, the *dispositif* has constructed these groups as “international (Islamic) terrorism” and centred the international practices of countering terrorism on these actors (Ditrych, 2014, p. 14). Furthermore, the global *dispositif* has played a key role in the processes of depoliticisation, criminalisation, moralisation, and delegitimisation of this violence and in the discursive depiction of its perpetrators as barbaric, inhuman and irrational actors (Behnke 2004; Ditrych, 2014; Gray, 2003) – thus delegitimising the possible challenges to the LIO.

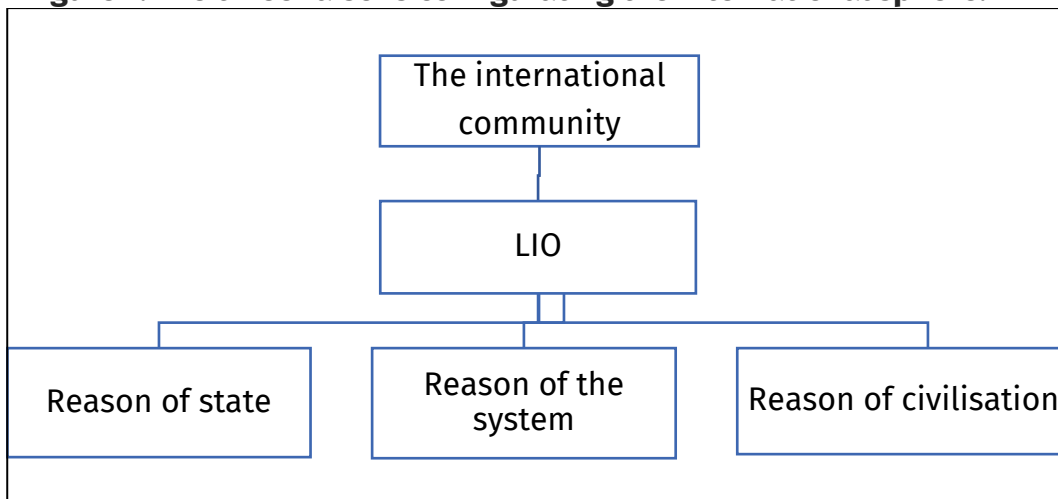
From a Schmittian point of view, this discursive construction renders this violence into foe – i.e., an enemy that needs to be annihilated because it represents an ontic negation of the Self (Schmitt, 2004). Here, the Self is represented by the international liberal order and its characteristics – i.e., its relations of power and the liberal discourse that maintains them and legitimises them. In other words, this violence has been interpreted as challenging the LIO’s status quo and thus been rendered into a Schmittian foe – i.e., depoliticised and Otherised. This depends on the fact that its political aims are understood as challenging the relations of power shaping the international sphere and, above all, the legitimacy of these hierarchies. The global *dispositif* of counter-terrorism thus works as a technology of power that delegitimises this violence and, in turn, legitimises the LIO and its institutions. It is in these processes of (re)production of the structure that the LIO’s systemic nature is observable – a nature that shapes the actors inhabiting this structure.

As said, this article identifies the relations of power that shape the inside and outside of the LIO as the reason¹ of state, of the system, and of civilisation (Peñas Esteban, 1999; Dunne & Reus-Smit, 2017). Importantly, this position does not deny the existence of other actors in

¹ It should be acknowledged that reason and *raison* may not always convey the same meaning, being the former a wider concept in English and the latter a term linked to specific philosophical and theoretical matters. However, in this work, reason and *raison* are used as synonyms.

the international realm. At the same time, it recognises that the coming together of the international community was shaped by extrastate and intrastate institutions and forces, and by Western and non-Western actors – in a process of co-constitution of actors described by Dunne and Reus-Smit as ‘globalisation of the international society’ (Dunne & Reus-Smit, 2017). All in all, this article builds on Barry Buzan’s definition of these relations of power as “*primary institutions*” of the international community, “deep, organic, evolved ideas and practices that constitute both the players and the game of international relations [...]” (Buzan, 2015, p. 129; Buzan & Lawson, 2015). Buzan adds, “These primary institutions define both the rightful, legitimate membership of, and rightful, legitimate behaviour within, international society. [...] it is these institutions that dominate discussion” (Buzan, 2015, p. 129). It is these institutions that shape the structure of the LIO and it is these institutions that liberalism as a discourse legitimises (Schmitt, 2003). The global dispositif has crystallised on the political violence whose aims question the fundamental principles of the international (see Figure 1). The following sections will dissect these different levels.

Figure 1. The three raisons configurating the international sphere.



Source. Author’s elaboration. See also, Martini, 2021, p. 27.

The state raison

The first element that needs to be discussed when analysing the crystallisation of the dispositif on the violence perpetrated by the groups mentioned is sovereignty. Considered to begin in 1648 with the Peace of Westphalia, the formation of the sovereign state is a long genealogical process and cannot be discussed here extensively (Bartelson, 1996; for an overview, see, among others, Thorup, 2010). Nevertheless, what is relevant for the present analysis is the mutual relation between the dispositif under study and the consolidation of the sovereign state and, more specifically, of the reason of the state – i.e., the “theory of the interests of the state” (Meinke, 1983, p. 20; Peñas Esteban, 1999). The reason of state, or, the safeguarding of the reason of state, is the idea that justifies state’s actions even when these are considered transgressive of moral principles. This justification is usually formulated under the imperative of necessity or in the name of the safeguarding of the state and its characteristics (Peñas Esteban, 1999, p. 84).

When analysed in relation to sovereignty and the reason of state, it can be argued that the global dispositif of ‘international terrorism’ has evolved around the political struggle for legitimacy of the use of force at an international level (Thorup, 2010). There are two historical processes of the formation of the state which influenced the evolution of dispositif. The first is the establishment of the state as sovereign and as the (only) entity with the legitimate right to the monopoly of force. As Max Weber argued, the state is “that

human community, which within a certain area or territory [*Gebiet*] [...] (successfully) lays claim to a monopoly of legitimate physical violence” (Weber, 1919, pp. 510-511). Historically, as the modern state emerged, “the blood [...] dried in the codes of law” (Foucault, 1975, p. 3) and the state successfully naturalised and legitimised its own violence (Thorup, 2010, p. 126). Here, legitimacy implies two elements: the state’s duty to monopolise force, but also people’s acceptance that this monopoly is legitimate because it is established for their own protection (Stohl, 2012, p. 47). Being the security of its population among its primary functions, the state has both the legitimate right and the duty to monopolise violence and to use it. That is to say, the state conferred upon itself the monopoly of force, self-legitimised itself hiding its own violence, and self-regulated this privilege through international law (Crelisten in Stohl 2012, p. 47).

The constitution of the state as the only institution with the right to the legitimate use of force created the idea of the state as “as neutral conflict manager or arbiter of social conflict within society” (Stohl, 2006, p. 4). It also rendered illegal all the other kinds of armed violence and, above all, the violence that is usually directed against the state – being this usually the case for contemporary “international terrorism” (Erlenbusch-Anderson, 2018; Martini, 2021; Townshend, 2011, p. 15). Furthermore, once established as the basic political unit in the structuring of the social-international sphere, the sovereign state erected itself in the international system as the only authority in charge of “policing the frontier between the legitimate [...] and the illegitimate (violence)” (Thorup, 2010, p. 126). Consequently, the understanding of legitimacy shifted from a violence/nonviolence differentiation to an actor-based differentiation between state/nonstate violence (Thorup, 2010).

This genealogical conformation of sovereignty paved the way for the consolidation of the second, more recent, element. The genealogical analyses of the conformation of the *dispositif* reveal that this was attached almost exclusively to non-state actors in the late 1990s-early2000s (Ditrych, 2014; Erlenbusch-Anderson, 2018; Author, 2021). This does not imply that the idea that “there is no such thing as state terrorism” (Stohl, 2006, p. 101) is not contested. Rather, that the consolidation the LIO drove the crystallisation on non-state actors. The First and Second World Wars shaped the system into state unities (Peñas Esteban, 1999) and the decades of the Cold War saw the coming together of various LIO’s institutions (Dunne & Reus-Smit, 2017). However, it was during the last decades of the Cold War and the beginning of the post-Cold War era that the LIO imposed itself as a political rationality. This was legitimised by a global discourse of liberalism that constructed the whole international community as in charge of a ‘global humanity’. The strengthening of a new language of human rights, democracy, free market, and individualisation (Buzan, 2015; Cuadro 2019, 2021) consolidated the understanding of sovereignty as a relation between the state and the individual rather than the state and the territory (Ruiz-Giménez Arrieta, 2005, p. 137). In the making of the US-led Liberal International Order, the sovereign was tasked with the protection a universal humanity and with the provision of human rights to the population as primary duty (Thorup, 2010, p. 151).

Therefore, sovereignty and the state’s hegemonic status as main organisation of the political were further legitimised. Here, the possibility of the state as a sovereign institution being a violent illegitimate actor was gradually dismissed. Violations of human rights and the use of violence against the population were not interpreted as manifestations of sovereignty and state’s power, rather as abuses of it (Buzan, 2015; Thorup, 2010). Considered the exception, this use of extreme violence was understood as a perversion and exploitation of sovereign power by the respective government. Consequently, (re)produced by the international community of sovereign states, the global *dispositif* of ‘international terrorism’ crystallised on the violence perpetrated by non-state actors. Understood as a violence directed against a state and its population, terrorism challenges the legitimacy of

state's power, established on the understanding of the state as provider of security to its own population (Townshend, 2011, pp. 8-11). Terrorist attacks prevent the state to comply with its primary duty of protecting its population, being this the state's function legitimising its hegemony. Moreover, non-state actors' violence reveals the fictionality of sovereignty's duty and right to the monopoly of force and they display that the state's claim to the monopoly of power is "just a claim" (Stohl, 2006, p. 48). Furthermore, by challenging it, this kind of violence jeopardises the hegemonic narrative of the legitimacy and universal acceptance of sovereignty as main normative model of organisation of the political and social spheres (Thorup, 2010). It thus reveals its constructed and, above all, contested nature.

The challenging nature of "terrorism" is among the elements that drove the crystallisation of the *dispositif* on non-state actors' violence. In this sense, counter-terrorism represents 'the ultimate manifestation of political sovereignty' (de Benoist, 2013, p. 77). In fact, as Schmitt famously argued, "sovereign is the one who decides on the exception", implying that the sovereign establishes that a situation is no longer normal and decides on the measures to apply in an exceptional situation (de Benoist, 2013, p. 76). By deciding on the exception to the norm, the sovereign also defines the norm: by countering non-state terrorism under exceptionality, the sovereign also normalises its violence, its role in the system and its exceptional powers (de Benoist, 2013, pp. 85-92).

Within this context, the "(non-state) terrorist" became the figure that reinforces the sovereigns' legal order. States created international law, and it is the international community of states that also created the "terrorist" (Thorup, 2010, p. 42). Now established as always criminal and illegal violence, "terrorism" only exists outside the law. In other words, "terrorist" violence is always marginal and irregular because it is the violence that is constructed outside the law, *hors la loi* in Schmitt's words (Schmitt, 2004, p. 67). In this light, the terrorist should be understood in relation to the state, but the state should also be understood in relation to the terrorist. This institution came into being and is continuously shaped by its answer to terrorism. The articulation of the terrorist on the 'outside' reifies the established order. As Thorup argued, paraphrasing Tilly, "states fight challengers and challengers (inadvertently help) make states" (Thorup, 2010, p. 42). Nevertheless, to understand how this *dispositif* took shape at a global standardised level, the reason of the system should also be discussed.

The system raison

The *raison* of state cannot take place in a system that does not present a high degree of homogeneity (Peñas Esteban, 1999, p. 85). Therefore, the underlying *raison* of the international community is not solely the reason of state but rather the *raison de système*, "the idea that it pays to make the system work" (Watson, 1992, p. 14). In this sense, the *raison* of the system is not only the sum of its parts but rather the order which composes the international and that structures interactions among its parts (Wight, 1977). The system serves and is structured around different goals, as identified by Hedley Bull (Bull, 1977). The first goal is the "preservation of the system and the society of states itself", which, as Bull explains, means that "The society of (sovereign) states has sought to ensure that it will remain the prevailing form of universal political organisation, in fact and in right" (Bull 1977, p. 16). The second goal is "maintaining the independence or external sovereignty of individual states," while the third is the "goal of peace". Here, peace is not understood as the absence of conflict. Rather, Bull argues, "What states seek to make secure or safe is [...] their independence and the continued existence of the society of states itself which that independence requires" (Bull 1977, p. 17). The fourth goal is the "limitation of violence" that,

for Bull, means that “States co-operate in international society so as to maintain their monopoly of violence, and deny the right to employ it to other groups” (Bull, 1977, p. 17).

States regulated their interactions and reified these norms through the creation and shared acceptance of International Law (IL), International Humanitarian Law (IHL) and the principle of *pacta sunt servanda* (Bull, 1977, p. 53). Referring specifically about the rules of law, Bull points out that, rather than serving the interests of all the members of society, these rules are “imbued with the special interests and values of those who make them” – i.e., those who inhabit the system (Bull, 1977, p. 53). Shaping IL and IHL, the goals of the system (re)produce and reify the hegemonic status of sovereign states at an international level, and their privilege over the legitimate and legal, but also exceptional use of force – i.e., the reason of state (Bull, 1977, p. 17). All in all, within the reason of the system, “(sovereign) powers recognise that their interests are broadly compatible” (Watson, 1992, p. 14). Again, this does not mean that their relations will see the absence of conflict – rather, that they will share the priority of the preservation of the (LIO) system’s status quo.

While hegemonies are present among its members, the society of sovereign states presents a homogeneity in the sovereign shape of its constituting units. As Bull argued, states manage to form a society when they are able to recognise certain common interests and values (Bull, 1977, p. 13). In this sense, sovereignty plays a central role in the maintenance of the community together and in the formation of the dispositif of ‘international terrorism’ crystallised on non-state actors’ violence. Sovereignty thus draws a frontier between, on the one side, the members of a system that accept sovereignty as one of the main institutions – including its characteristics, i.e., the monopoly of force. And, on the other side, outside actors that reject these institutions and challenge the system’s defining features – e.g., challenging the state’s monopoly of force, but also the rules of the system mentioned above.

All in all, while the World Wars gave the system its final shape, the establishment of liberal international organisations such as the League of Nations and, after it, the UN, institutionalised the goals of the LIO and the sovereign’s privilege on violence. They also institutionalised the LIO and, at the end of the Cold War, liberalism with its focus on individualisation processes, human rights, and free market as the international community’s language (Cuadro, 2019, 2021). Perpetrated by “the enemy of humanity” (Cuadro, 2016), non-state actors’ uses of violence became an ‘attack on civilisation’ (Thorup, 2010, p. 129). Carried out against a – now, global – “civilisation”, violence that did not respect the internal rules and was, for example, perpetrated by non-state actors, challenged the whole global society of sovereign states and it was thus interpreted as “international” (Ditrych, 2014; Kundnani & Hayes, 2018; Martini, 2021). In other words, the violence challenging the rules of the system was perceived as a threat for the whole system, and, therefore, it was constructed as an “international” threat – i.e., a threat “to the international”.

This process led to the formation of a “global frontierland” (Thorup, 2010, p. 205) which shaped an international inside/outside division (Walker, 1993). Inside, the monopoly of force belonged to the sovereign units; outside, those who were denied this privilege and that were now interpreted as “international foes”. Here, the gradual formation of a global dispositif of ‘international terrorism’ played a central role in the performance of this division and in the maintenance of these global hierarchies. Jeopardising the legitimacy and the narrative of the universal acceptance of this global (b)order and its hierarchical status, non-state actors’ violence was constructed as “international terrorism” and depoliticised, demonised and delegitimised. Countering this violence in a global fight, led and institutionalised by, for example, the UN (Herschinger, 2013; Ditrych, 2014; Kundnani & Hayes, 2018; Martini, 2021).

The categories of “international terrorism” and “international community” were placed in a hierarchical but also mutually constitutive relation. Here, the identity constructed for the former – i.e., as criminal, illegitimate and immoral violence – reinforced the identity of the other – as just, legitimate and moral violence. This process also internally homogenised these two categories, shaping an international Self challenged by – and thus fighting – a global Other. However, to understand the crystallisation of the global dispositif on a violence that is usually interpreted as “Islamic”, a third relation of power shaping the global sphere needs to be discussed: the reason of civilisation.

The civilisation raison

The civilisation *raison*, the related “standard of civilisation(s)” and the inscription of the Other(s) in the outside is a racialised and racialising logic that has a long genealogy and that has been extensively debated in International Relations (see, among others, Salter, 2002; Vv. Aa., 2014). This *raison* has characterised the encounter of the Christian, European, then Western world and the rest of the world throughout modernity. Driving the *mission civilisatrice*, the reason of civilisation identified as central goal of the Western expansion the creation of humanity and civilisation in “barbaric” non-European, then non-Western and uncivilised societies (Ruiz-Giménez Arrieta, 2005, p. 41). As Itziar Ruiz-Giménez argued, the standard of civilisation ‘served to strengthen the hierarchical nature of the (international) society’, opposing the civilised societies with the savages and the barbarians, whose sovereignty was not recognised (Ruiz-Giménez Arrieta, 2005, p. 51).

In the long process of globalisation of the international society, the genealogical “civilisational transformation” of the world started taking place. Gradually, the European, then Western community became the ‘international community’, as other nations joined it and previous “Other(s)” started inhabiting the inside, adopting – but also shaping – the existing structures. The sovereign state was globally consolidated as the model of political organisation in the XX century with the two World Wars and decolonisation (Buzan, 2015; Thorup, 2010). The latter led to the extension of sovereignty to the whole world – officially recognised with the General Assembly’s Resolution 1514 (1960) granting independence and the right to exercise sovereignty to colonial countries and peoples² (Ruiz-Giménez Arrieta, 2005, p. 36). These processes further shaped the inside as an ‘international community’ inhabited by actors that recognised the principal institutions of the LIO that was coming together.

Similar to how the “standard of ‘civilisation’ helped to define the international identity and the external borders of the dominant international society in the XIX and XX centuries’ (Peñas Esteban, 1999, p. 109), in the same way the global dispositif of international counter-terrorism divides these between the inside and the outside and maintains a specific structure of the global in a dominant position. As Foucault has argued, an island of civilisation could not exist without a barbarian existing outside of it (Foucault, 1975, p. 194; see also, Salter, 2002, p. 12) – an image that becomes even more productive when the Other resists or fights against the established order as in the case of ‘international terrorism’. In other words, the current ‘international “civilised” community of sovereign states’ encompasses all the states that participate in the enterprise of the fight against international terrorism, not in a material but in a discursive way – i.e., virtually, all the states of the international system (Herschinger, 2013; Ditrych, 2014; Erlenbusch-Anderson, 2018; Martini, 2021).

² Declaration on the Granting of Independence to Colonial Countries and Peoples. Contained in United Nations General Assembly Resolution 1514 (1960).

As mentioned above, the genealogical globalisation of the international society led to the configuration of the international system in the LIO, or, in other words, the universalisation of the, first European, then Western, now universal sovereign system shaped by liberalism (Peñas Esteban, 1999, p. 58). For all that, sovereignty, the reason of the state and of the system that are at the base of modern constitution of the LIO have been described as (Christian) European/Western concepts universalised (Peñas Esteban, 1997). While the mutual constitution of actors inside the community and the ones joining it cannot be denied (eds Dunne & Reus-Smit 2017), the process of modernisation that has transformed the international system can also be understood as a “Westernisation of the world” which has reached the status of *de jure* (Peñas Esteban, 1997).

The reason of civilisation may thus be considered as the ultimate explainer for the crystallisation of the *dispositif* on a violence understood as Islamic. Here, it is the transformation of the world in the 1990s that lays the conditions of possibility for the emergence and institutionalisation of the *dispositif* at an international level – i.e., its acceptance and (re)production by the whole international community. The end of the Cold War reified the US-led LIO (Salter, 2002, p. 128). It is in this moment that Western language of democratisation, human rights, and (neo)liberalism impregnated the international community’s social imaginary (Salter, 2002, p. 129; Cuadro, 2019). Paraphrasing Jacinta O’Hagan’s words, nowadays, “A pluralist discourse of civilizational politics features in the rhetorical policies and practices” of the members of the international community, including countries such as Russia and China (O’Hagan 2017, p. 198). In other words, these two countries may challenge the Western leadership of the LIO, but they do not challenge the structural power relations shaping the international community. Still taking from O’Hagan, both Russia and China “in their current foreign policy rhetoric – if not always in their actions – both declare their commitment to protecting the key norms and institutions of international society: sovereign independence, territorial integrity, international law, and the centrality of the UN. In this regard, these states seek to place themselves at the heart of international society rather than contesting its legitimacy. [...] there is ongoing and vigorous contestation about how institutions and values of international society are defined and whether they should be more fully represent a diversity of perspectives within a global international society. Civilizational discourse forms an important aspect of this contestation” (O’Hagan, 2017, p. 198).

In this sense, the LIO and its key institutions represent the new standard of civilisation that defines the inside of the international community brought together by the safeguarding of the structural international power relations. This allowed the global *dispositif* to crystallise on non-state actors that violently challenge this order – positioned outside by the LIO hegemonic position. As mentioned, this crystallisation depends on the fact that these groups contravene the key norms of the system and the legitimacy of the hegemonic character of sovereignty, as analysed so far. Moreover, articulated around an “Islamic core” (Cuadro, 2020), their project of establishing a global Caliphate, the language of the *ummah* and the transnationality and universality of this political model represent a direct challenge to the sovereign-state-system.

As O’Hagan argued, “their concept of political community unsettles conventional conceptions of the sovereign state’ to the point that they ‘do not simply contest, but directly challenge the political, normative, and institutional structures of the contemporary international society” (O’Hagan, 2017, p. 201). This depends mainly on the different understanding of the political sphere these two models formulate. As Luca Mavelli explains, “in the historical and political formation of Western/European modernity, Islam is perceived as a threat as it evokes the (problematic) image of an all-encompassing system of belief that conflates religion (private) and politics (public)” (Mavelli, 2012, p. 161). The groups

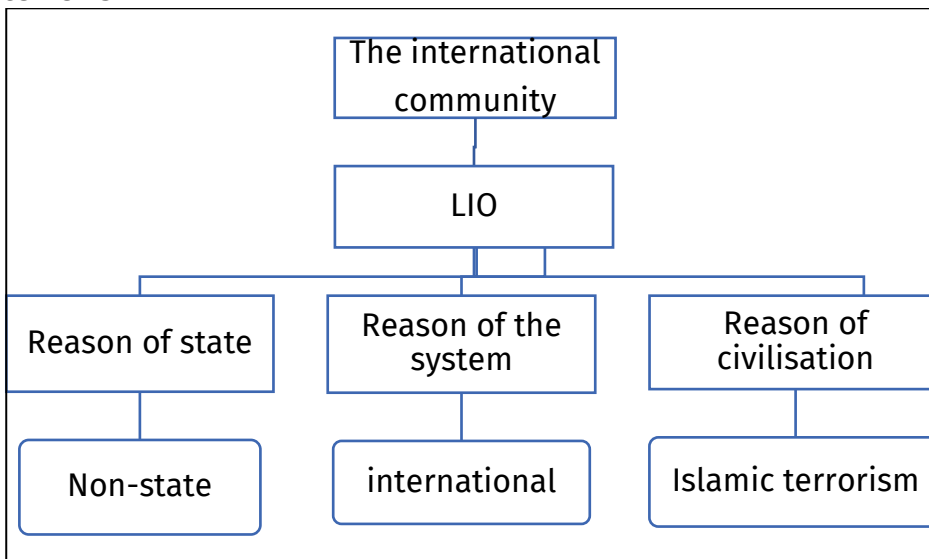
described as such are centred on an “Islamic ideological nucleus” and, as a consequence, express their grievances in a language that, “under Western eyes” (Mohanty, 1984), is rather religious than political. It is certainly true, as Mamdani argued, that the political violence that “does not fit the (Westernised) story of progress (and universality)” or even challenge it, as in this case, tends to be described in theological, civilisational and moral narratives (Mamdani, 2005, p. 4).

In effect, the *dispositif* separates the inside inhabited by the Western-shaped ‘global international community’ and the outside “international Islamic terrorism”. Or, in more general terms, it separates and performs two different understandings of the organisation of the social and of the international sphere, while maintaining and (re)producing the hegemony of one side through the standard of civilisation demarcation. Here, the terrorist foe’s contestation of this status quo leads to the international community’s need for the annihilation of an existential threat, a fight that is shaped by the same reason of civilisation and depicted as a moral enterprise.

The fight against terrorism is thus shaped by the language of morality, and the demonisation and depoliticisation of the Other. This language depoliticises this violence and neglects its political claims while justifying and legitimising the superiority of a political model – in this case, the political model of the sovereign nation-states system with its genealogical origins in the European, Western expansion and the standard of civilisations. In other words, a “normative horizon” has been constructed – based on the language of liberalism, the philosophy behind this international configuration – which has delegitimised other models of societal organisation (Peñas Esteban, 2003). This process has been carried out in the name of the elimination of conflicts, democratic peace and human rights, shaped and influenced by the LIO spirit (see, among others, Peñas Esteban, 2003; Thorup, 2010).

As Todorov argued, a civilisational conflict could be solved with either a conversion or a conquest (Todorov, 1989). “Islamic terrorism” represents a foe for the international community and therefore, the struggle against it is played out in theological and moral terms. In this respect, the fight against ‘international terrorism’ may be interpreted as a further step in the “standard of civilisation” hierarchy on which the international (European/Western-centric) community is based. The displacement of conflict to the binary categories of the struggle between Good vs. Evil and Civilisation vs. Barbarism can be interpreted as the (supposed) secularised version of the logics that have guided the conquest of other parts of the world, the subsequent redistribution of power within the international system and the resulting hierarchies that structure the global sphere. Together with the other two *raisons* mentioned above, the *raison* of civilisation structures and reproduces the hegemony of the inside based on the LIO. As said, the three reasons constitute the power dynamics that shape the global fight against international terrorism – understood as the formulation of global counter-terrorism as negotiated, agreed, and shared by the whole international community (Ditych, 2014; Erlenbusch- Anderson, 2018; Martini, 2021;), as depicted in Figure 2.

Figure 2. The three reasons and the crystallization of the dispositif on ‘international, Islamic terrorism’



Source. Author's elaboration

The LIO and the global dispositif of counter-terrorism

The LIO is not only shaped by the three hegemonies mentioned so far. It is also embedded and rooted in a liberal discourse that legitimises it (Behnke, 2004) based on claims of universality, morality and “humanity” (Erlenbusch-Anderson, 2018; Cuadro, 2021). Nonetheless, Cuadro argues that liberalism also needs to be understood as a rationality of Foucauldian governmentality (Cuadro, 2021, p. 440). In other words, it is not only that “liberal discourses and liberalization practices are still dominant in everyday international politics”, it is also that liberalism as governmentality currently represents “the main global force constituting subjects and subjectivities” (Cuadro, 2021, p. 440).

It is in this light that it can be claimed that the global dispositif of international terrorism (re)produces the dynamics of power shaping the LIO, performing and maintaining its hegemonic position. By way of Andres Behnke’s (Behnke, 2004) and John Gray’s (Gray, 2003) argument that “international terrorism” is a product of modernity, it can be sustained that the dispositif is the product of ‘the relationship between globalization, modernity, sovereignty’ – where modernity is understood as the LIO and its power relations. The safeguarding of the hegemonic structuring of the international in the three reasons is carried out through the construction of a (terrorist) foe placed in the fictional outside. Along these lines, as Odysseos has argued, the global fight against international terrorism can be interpreted as the “quintessential liberal cosmopolitan war” (Odysseos, 2007, p. 136): it has a “punitive character of social pest control” (Ditrych, 2014, p. 14), it aims at the complete annihilation of those who oppose this order – the foes. Put it differently, liberalism can be described as a political rationality that not only posits the universalisation of its principles but that only shapes the described dispositif as “a means of social defense in a global economy of power that exercises the right” (Erlenbusch-Anderson, 2018, p. 136) in a discourse centred on the protection of humanity and of the desirability of a model that is understood as international.

Furthermore, in line with Cuadro’s argument on liberalism, Odysseos adds that the global fight against international terrorism played a central role in the spreading of a modern liberal subjectivity through both military and governing practices (Odysseos, 2007, p. 137). It is in these practices, she claims, that it can be observed how the dispositif of international terrorism is also bearer of the LIO governmentality – i.e., it is in this way that power operated

to produce certain forms of subjectivities through governing, regulating, coercing, policing, controlling, surveilling the population (Odysseos, 2007).

Moreover, the governmentality of the *dispositif* has further undergone an individualisation process in the last decade. Here, the *dispositif* has slowly shifted from a focus on counter-terrorism to the incorporation of practices of countering and preventing radicalisation and extremism (P/CVE) (Martini et al., 2020; Kundnani & Hayes, 2018). Rather than reacting to violence – as in counter-terrorism, these practices are concerned with “extremist” ideas and ideologies that may radicalise individuals into violence and focus on preventing individuals from adopting them (Kundnani & Hayes 2018). In this sense, the binary category of extremist/moderate has emerged at the core of the *dispositif*, where moderate would correspond to the desirable (liberal) subjectivity to inhabit the inside (Cuadro, 2020). Contrastingly, the “extremist” category constructs the subject in need of P/CVE intervention. These interventions will happen in the realm of ideas and ideologies – therefore, on ideological contestations and on individual’s subjectivities (Kundnani & Hayes, 2018; Martini et al., 2020). Put it differently, P/CVE focuses security interventions on ‘extremist ideas and thoughts’ – reconducting the individuals towards moderation, a desirable subjectivity shaped by liberalism.

P/CVE’s focus mostly on the extremist (Islamic) Other, rendered into a foe by the evil, immoral and illegitimate nature of its ideas and thoughts that challenge the narrative of universality of the LIO – and thus, the legitimacy of its hegemony (eds author 2020; Kundnani & Hayes 2018). Incorporating the new P/CVE practices, the *dispositif* thus reifies liberal subjectivities, while disciplining (illiberal, Islamic) challenges to the LIO. Inserted within a global, liberal hegemonic interpretation of subjectivity, “extremist subjects” became undesirable because of the threatening nature of their ideas. Shaped by the LIO, the *dispositif* thus legitimises and enforces a liberal homologation of thoughts and reifying subjectivities based on the liberal, Western understanding of the modern, Muslim subject – compatible with liberalism (Cuadro, 2020). At the same time, it identifies dangerous Others inhabiting the inside based on a process of identification of potential challenging ideas, behaviours and (religious) identities (Kundnani & Hayes, 2018; Martini et al., 2020).

Drawing from these reflections, P/CVE bears liberal governmentality in various ways. On the one hand, the focus on possible threats has been leading to the securitisation of Muslim communities. In various Western – but also, non-Western – countries (see, for example, the various non-Western cases discussed in Martini et al., 2020), Muslim sub-groups of the population have been identified as at risk of contagion but also risky because of their “Islamic” nature (Heath-Kelly, 2013, p. 4), in a process that identifies them as “suspect communities” but also constructs them into threats. Here, the *dispositif* rendered these communities as places of intervention for preventing extremism initiatives and for enforcing (liberal) moderation (Heath-Kelly, 2013, p. 4). On the other hand, P/CVE also work as subjectivising processes – i.e., identifying threatening individuals based on their (non-liberal) ideas, behaviours and identities. Here, P/CVE act on subjects to discipline them into a desirable, moderate (liberal) subjectivity. All in all, rendering the “personal political”, the *dispositif* on extremism implemented a kind of governmentality that entered all spheres of the society (Auchter, 2020).

The incorporation of these new categories transformed the global fight against international terrorism from a (mostly) military and security enterprise into a disciplining process which permeates societies through the growing focus on individuals and sub-groups of the population. Eventually, all these practices have been put together in a historical and contingent interrelationship which controls and disciplines both the inside and the outside, the public and the private, co-constituting and reinforcing each other (Heath-Kelly, 2013; Ragazzi, 2017; Martini et al., 2020;). Rephrasing Odysseos and as a last

reflection, it can thus be argued that not only the global fight against international terrorism, but also the new practices of the prevention of radicalisation and extremism can be interpreted as “the latest (violent) form of a longer project intent on subjectivizing peoples, who have only partially been subjectivized through colonialism, through the expansion of global capitalism, through the international biopolitical operations of the UN system [...]” (Odysseos, 2007, p. 138). Nowadays, therefore, the *dispositif* is not only central in maintaining and performing the inside/outside division but in the disciplining of subjects and subjectivities into liberal ones.

Conclusion

While disagreements exist about other kinds of political violence and their political interpretation, the article examines the conditions of possibility for the international community’s common formulation of an international strategy of counter-terrorism focused on violent non-state actors articulated around an “Islamic” core – e.g., Al-Qaeda, ISIL, and their affiliates. These conditions of possibility reside in the global relations of power that structure the international community – the reason of the state, of the system, and of civilization. These compose the power constellation of the LIO and, as such, drive the formulation of counter-terrorism – understood as a violent elimination of possible challenges to the global status quo.

In other words, a Foucauldian *dispositif* of counter-terrorism bearer of liberal governmentality has focused on the groups violently challenging the status quo – non-state actors understanding the political in a non-liberal, religious way. These actors violently challenge the global status quo – i.e., the LIO based on the three reasons – and are thus at the centre of the *dispositif*. The LIO represents the conditions of possibility for the crystallisation of the *dispositif* on “non-state, Islamic actors”, a violence that challenges the legitimacy and the hegemony of the international community and that is thus depoliticised, demonised and moralised. Here, the *dispositif* has thus been central in (re)producing the hierarchy of the international community inhabiting the inside and projecting its violence toward the terrorist Others in the abstract outside. Furthermore, in its latest developments, the governmentality of the *dispositif* has also emerged in P/CVE practices that centre interventions on individuals inhabiting the inside and that thus act on ideas and identities considered as potentially threatening. Therefore, here, liberal governmentality becomes manifest not only in relation to the actual use of violence but in the shaping of ideas and subjectivities internationally.

Overall, and in the light of the debate put forward by the present special issue, the article aims to reflect on the LIO. Through the discussion of the crystallisation of the *dispositif* of counter-terrorism on this specific kind of political violence, the article wants to reflect on the systemic nature of the LIO and liberalism. The study of this global fight allows us to ask us what the conditions of possibility for the international community’s shared agreement are. In other words, the international community’s identification of a common and shared enemy to be placed in the outside allows us to reflect on what the characteristics of the inside are. All in all, the article understands that the three reasons represent the LIO, legitimised and reified by liberal discourses of universality and desirability of this order. The LIO is thus the international community’s structure – not its actors. It is its systematic and structural features that shape all of its actors. In other words, international politics may be in a process of transition into a post-West world. However, so far, the LIO pillars still represent the systemic forces shaping the international community. While non-Western – and, to some extent, Western – actors seem to be challenging Western leadership, they are, so far, reproducing and reifying the three systemic forces shaping the LIO status quo.

ORCID

Alice Martini 0000-0003-0513-4422

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BOOK REVIEW

The Making of Global International Relations: Origins and Evolution of IR at its Centenary, by Amitav Acharya & Barry Buzan.

Cambridge: Cambridge University Press, 2019, pp. 392

Reviewed by

Kevin Nielsen Magat AGOJO

City University of Hong Kong

To claim that the academic field of international relations was founded only in 1919 with the creation of the Department of International Politics and the Woodrow Wilson Chair in International Politics at the University College of Wales in the United Kingdom is a misleading, if not outright insensible, statement. The small ir (or the actual conduct of international relations) and big IR (or the discipline of international relations) have existed even before the said year. As rightly argued by Acharya and Buzan in *The Making of Global International Relations: Origins and Evolution of IR at its Centenary*, this founding myth not only establishes international relations as mainly about the repercussions of the First World War and the political affairs of the West, but it also spurns the periphery, which has long been instrumental in the conduct and discipline of international relations even before and more so after 1919.

Acharya and Buzan invite us to revisit and bestow due recognition to the long history of ir that shaped the development of IR. To thoroughly grasp the evolution of global international relations, the authors asserted the necessity of going beyond the perspectives of Western powers. And given their dominance, it is not difficult to understand why the initial thinking about international relations within the periphery centered on regional identities and anti-colonialism. For instance, Jose Protacio Rizal, a Filipino intellectual who was pivotal in the development of regionalism as an anti-imperialist reaction, was lionized by Acharya and Buzan as “a champion of the unity of the Malay race” (p. 60). Hence, while pre-1919 IR was fundamentally “an enterprise by and for the West,” it is also understandable why thinking about international relations within the periphery at that time was “in response to the encounters with both the West and modernity” (p. 55). IR in the periphery continued to prosper in the aftermath of the Second World War. Specifically, regionalism was regarded as an instrumental tool not only “for attaining national independence and sovereignty they had lost to the West” but also as a way for nationalist leaders “to advance decolonisation not only in their own countries but also more generally” (p. 125). Indeed, one needs to transcend West-centrism to gain a better and broader understanding of the making of global international relations.

Acharya and Buzan also underscored the importance of scrutinizing the unfolding of world affairs. In this book, they claimed that the current global international society is in a “deep pluralist form,” where there exists not only a “diffuse distribution of power, wealth and cultural authority” (p. 265) but also in which “both states and non-state actors play substantial roles [...] it describes a world not only without a global hegemon but in which

CONTACT Kevin Nielsen Magat Agojo, knagojo2-c@my.cityu.edu.hk, at Department of Public and International Affairs, City University of Hong Kong, Hong Kong SAR

315

the very idea of such a role is no longer legitimate” (Ibid.). Simply put, the West has less dominance in the contemporary period, thereby paving the way for the ascent of alternative centers of authority and influence. That the United States of America (US) remains a significant politico-economic world power is irrefutable. Nonetheless, one must not neglect China, which soared from being a measly “third wheel in the great game of power and ideology” (p. 80) to the “most likely to challenge the US, both materially and politically” (p. 187).

However, an essential perspective that the authors sorely missed was a dedicated discussion of the notion and contemporary relevance of the global cop. In the Cold War, the US assumed the role of a global cop by leading military operations to counter the expansion of Soviet interests and influences (Carroll, 1996). A discussion on this self-assigned role would have been thought-provoking, especially as we examine its (ir)relevance vis-à-vis the rise of Trumpism, the growing influence of China, the withdrawal of US military troops in Afghanistan, and their non-deployment in Ukraine amid the Russian invasion.

This missing perspective, however, still upholds the authors’ central point: it is imperative to understand the praxis and theory of international relations beyond the history and views of the West. Please make no mistake: the authors never claimed that Western IR should be disregarded to favor non-Western IR. The two should not be deemed mutually exclusive but meant to be “convergent and mutually reinforcing” (p. 258). The objective is not to displace extant IR theories but “enrich them with the infusion of ideas and practices from the Non-Western world” (Ibid.). Aspiring for and attaining greater pluralization of international relations should be essential to make IR a genuinely global and comprehensive discipline. Global IR, as aptly asserted by Acharya and Buzan, “needs to embody pluralistic universalism and be grounded in a truly world history” (p. 319). Therefore, a complex but crucial challenge for students and scholars of world politics is to strive to make meaningful impacts on the further development of IR.

ORCID

Kevin Nielsen Magat Agojo 0000-0002-9778-4491

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