Chapter 3
The Diversity Premise: The Legitimacy Gap in International Relations

Abstract This chapter focuses on the diversity premise as the second thinking tool. To that end, it draws on diversity claims following empirical accounts of diversity along the ethno-methodological dimension of indexicality, on the one hand, and normative arguments about culturally multiverse constitutional contexts, on the other. It refers to research on governance in the global realm as the terrain where the prospect of establishing and maintaining just and legitimate governance has been considered the greatest challenge and hence been most thoroughly imagined and contested by cosmopolitan philosophers ranging from Kant to Tully. It is argued that Tully's philosophical contestation of Kant's regulative ideal for a political order in Europe on cultural grounds is crucial for the premise of maintaining diversity. The chapter's critical investigation into international relations theories hence applies the diversity premise to challenge the community ontology.

Keywords Diversity premise · Indexicality · Multiverse · Kant · Tully · Legitimacy gap · Normative baggage

Building on the previous chapter's discussion of the normativity premise the following addresses the diversity premise as the second 'thinking tool' towards the theory of contestation. It is argued that the expectation of a high degree of contestation at the implementing stage is not necessarily surprising, given the likelihood that individual agents will consider their own specific preferences prior to deciding in favour of compliance with a global or an international norm. Consider, for example, fishing folks who generally share a sustainable approach to fishing, yet when expected to implement varying fishnet sizes and fishing quotas at specific times of the year, will begin to contest the specific quotas, pointing to their observations of recovering fish stock (e.g. often fishing folk will observe growing fish stock, when governance procedures have just reduced the quotas). This chapter addresses this discrepancy between generally rather high acceptance of fundamental norms such as sustainable fisheries, on the one hand, and highly contested standardised procedures and regulations, on the other. It argues that the emerging 'gap' is not merely coincidental, demonstrating empirical phenomena, but can be conceptually derived as a 'legitimacy gap' in global governance more generally. Following this assumption, it

is argued that the 'gap' ought to be filled, therefore, by deriving ways of addressing the legitimacy deficit at the referring stage of the norm implementation process. To do that, this chapter applies the 'diversity premise' as the second thinking tool.

Generally, as the previous chapter has demonstrated with the review of the norms literature, it has been noted that both contravening individual interests and a lack of social recognition work against compliant behaviour. That formal validity does not automatically generate social recognition. This is, due to the fact that design of norms (i.e. constitution stage) and compliance with norms (i.e. the implementation stage) are not directly connected. I argue that the 'in-between' step of reference to norms (i.e. the referring stage) provides an empirical access point to explain why this is so, and under which conditions 'design' and 'compliance' might match. The referring stage sheds light on the puzzle that while fundamental norms enjoy wide acceptance both by signatories of international treaties as well as with the wider public, the standardized implementation of these widely accepted norms is contested on the ground on behalf of the designated norm-followers. As noted above, this reference to norms is conceptualised as the practice of re-/ enacting the normative structure of meaning-in-use. While enacting is a social practice, it is interactive rather than purely habitual, and it is reconstitutive rather than cognitive. Shedding light onto the referring stage therefore opens a second empirical access point with regard to the project of assessing the normativity of norms. By doing so, it establishes a conceptual link between the potentially diverse range of individual agents on the one hand, and the changing normative substance of norms, on the other. This practice of 'cultural validation' is therefore considered as the third segment on the cycle of norms (in addition to formal validation and social recognition, compare Table 2.1). Notwithstanding major conceptual advancement in the understanding of the social embeddedness of norms the practice of cultural validation remains under-researched. Therefore this chapter focuses on the diversity premise. The following proceeds in three further sections. Section 3.1 elaborates the argument; Sect. 3.2 introduces the distinction of three—rather than two—distinct norm types; Sect. 3.3 turns to the diversity premise as the second thinking tool of the theory of contestation Sect. 3.4 sheds light on the concept normative baggage Sect. 3.5 addresses the shift from dialogue to mulitlogue.

3.1 Argument: The Legitimacy Gap

At the constituting stage treaty law is purposefully broad-versed so as to be able to include as wide a range of signatories for a document as possible (Chayes and Chayes 1993). Given this emphasis on general agreement, the subsequent contested interpretation of the details of the agreement (whether of legal quality of not) at the implementing stage in specific local contexts is to be expected. Deitelhoff and Zimmermann suggest distinguishing two types of contestation as "justificatory contestation" and "applicatory contestation" (Deitelhoff and Zimmermann 2013,

pp. 7–8), which according to the three stages in the norm compliance process would acknowledge possible critical intervention by stakeholders a the constituting and implementing stages, respectively (compare Table 2.1). Both types of contestation reveal the need to develop a more concise analytical understanding of how and where the very normativity of norms is—or ought to be—negotiated in order to obtain and/or maintain fair and legitimate governance in the global realm (see also Müller and Wunderlich 2013). In addition to distinguishing types of contestation, the increasing diversity of the involved agency (including a diversity of types, quality and composition of agency) therefore remains to be addressed. As Zürn, Binder and Ecker-Ehrhardt rightly observe, "the right to justification" (citing Forst 2007) has been demanded by a range of global actors including non-state actors, as well as "formerly less-powerful states against the dominance of strong Western states in international institutions" (Zürn et al. 2012, p. 70). The question of who has access to contestation and how to exercise that right is thus brought into the realm of inter-national relations.

The observation suggests a qualitative shift in global governance theories that take into account the growing diversity of agency. Conceptual advances need to begin by empirically taking 'account of' diversity based on empirical case studies (Wiener 2008; citing Garfinkel 1967; compare also Hofius 2013). The following argues that notwithstanding critical interventions into compliance research and a subsequent growing interest in 'contestation' by critical norm research, the resulting "two level" perception of "norm discourses" (Müller and Wunderlich 2013, p. 9) falls short of the *intermediary level*. Yet, it is here where the *legitimacy gap* in global governance is hidden. To 'uncover' its location and bring its potential for norm research to the fore, I suggest working with a practice-based approach to study inter-national relations as inter-*cultural* relations. To demonstrate how the legitimacy gap may potentially contribute to establish such a platform from which to address contested normativity in international relations, the following section two recalls the distinction of three types of norms and elaborates on the concept of "organising principles" as an intermediary type of norm (Wiener 2008, 2009) with reference to the typology of norms, before turning to the concept of 'multilogue' in the third section.

3.2 Three Types of Norms and the Legitimacy Gap in International Relations

While in principle normative meaning is often agreed, in practice meaning is more likely to be misunderstood. Indicators of this mismatch are provided by situations, in which either the compliance agreement (i.e. the specific norms, rules or regulations that are at stake) is contested by the designated norm-followers (Wiener 2004; Brosig 2012), or where prior commitments (i.e. agreed treaties or conventions) are later called into question (Harmsen 2002). Both international interactive

Table 3.1 Three norm types and the legitimacy gap in international relations

Category	Norms	Moral reach	Degree of contestation
Type 1	Fundamental norms	Broad	Low
Type 2	Organising principles	*Legitimacy Gap*	
Type 3	Standardised procedures	Narrow	High

Source Adaptation from Wiener (2008, p. 66)

law and constructivist norm research have concluded that the formal validity of an agreement does not provide sufficient indication about its implementation. As this section argues, the distinguishing aspect of norms, which would work as an indicator for the degree of normative contestation (and hence the place where normativity needs to be negotiated in order to reflect the diverse experiences and expectations expressed by the multitude of norm addressees, i.e. those who are governed by a norm and expected to comply) is not the fact that a norm is social— for all norms are by definition social, and even the 'legality' of norms requires being demonstrated through practice as Brunnée and Toope have convincingly shown with reference to Fuller (Brunnée and Toope 2010a). What matters instead is the distinct level, where a norm is located on a scale ranging from wide to narrow moral or ethical reach, on the one hand, and low to high degree of contestation, on the other (compare Table 3.1). The following details how and why these three levels matter for the theory of contestation.

Norm research suggests distinguishing three levels for as many types of norms (Wiener 2008, 2009; Wiener and Puetter 2009; Liese 2009; Park and Vetterlein 2010). The levels capture both the diversity of meanings in-use and the diversity of the involved agents. Based on this information multiple actorship and distinct meanings can be related and the level where the highest number of diverse agency is involved should reasonably be the place where normativity stands to be regularly negotiated—whether norms are contested or not. Through *a priori* 'regular contestation' it would thus become possible to pre-empt spontaneous contestation that might turn into conflict afterwards. According to this approach, three norms are distinguished (compare Table 3.1).

Type 1 norms at the meta-level entail universal moral claims that are widely shared, in principle. As fundamental or meta-norms they include both foundational principles of the United Nations community such as, for example, the principle of non-intervention, abstention from torture, human rights or the rule of law (Jackson 2005; Müller and Wunderlich 2013; Liese and Jetschke 2013; Kumm et al. 2013) as well as globally shared norms that are not legally stipulated but taken for granted such as, for example, sustainability or the global commons (Ostrom 1990; Hardin 1968; Scott 2002; Friedman et al. 2005). Given the formal validity as well as the moral weight that is attached to the latter, and which is sustained through the formal framework of treaties, conventions or universal declarations within the framework of international organisations or convents, they are highly likely to be agreed in principle. However, when it comes to implementing these norms 'on the ground' they are most likely to be contested in practice. In turn, *type 2* norms

evolve through the very practices of policymaking, jurisprudence or political processes. They are the result of interaction and reflect intersubjective meaning. As organising principles they include, for example the principle of common but differentiated responsibility, the equal culture of sovereignty or the responsibility to protect. For their rootedness in interactive practice they enjoy a more balanced degree of legitimacy in theory *and* in practice, as their moral claims evolve in direct relation with practice.[1] Last not least, *type 3* norms entail specifically defined standards, rules and regulations for specific policy measures.[2] These norms identify specific procedures, which are clearly detailed, for example, by specific provisions of treaties and conventions. They are therefore rarely expected to generate moral issues. However, they are likely to contravene individual interests at the implementation stage.

By distinguishing the morally most broadly defined fundamental norms (such as for example the right to non-intervention, abstention from torture, the rule of law and so on) from organising principles (such as, for example, the responsibility to protect, the culture of sovereign equality or the principle of common but differentiated responsibility) which are generated through politics or policy processes or, for that matter through jurisprudence or jurisgenerative practice, and from standardised procedures (such as stipulated for example by treaties, agreements or conventions) which entail straightforward instructions, it is possible to address specific conditions of compliance, contestation and potential conflict. To demonstrate how this works, Table 3.2 summarizes the sector of security governance and indicates how deliberations at the intermediary level may contribute to fill the legitimacy gap that emerges between fundamental norms of substantially moral quality and, accordingly, a relatively broad scope of generalisation, on the one hand, and standardised procedures of technical quality and a high degree of specialisation, on the other.

What is of prime interest here for the theory of contestation is defining the space where contestation becomes possible, so that conditions for access to contestation can be considered, and subsequently proposals for institutional and/or constitutional change of global governance settings be developed from that vantage point. Once this space is defined theoretically, empirical stages of contestation can be identified. It is argued that, as intermediary level norms, organising principles are conceptualised as the analytical 'space' where normativity becomes negotiable. It is at the point where the intermediary *level* of norms and the *referring stage* of compliance intersect—in politics and/or policy-making—that a conceptual opportunity to establish institutionalised access to regular contestation for multiple stakeholders could be established. In the absence of stable social groups, which would facilitate social recognition that is required to implement international law,

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[1] Compare Kratochwil and Ruggie's claim about intersubjectivity in regimes, which substantiates this observation (1986).

[2] These norms have also been called "ordinary norms" or "standards" compare, for example, Finnemore and Sikkink (1998), Liese (2006), March and Olsen (1998), Müller and Wunderlich (2013).

Table 3.2 Filling the legitimacy gap in security governance

Category	Norms	Level (Agency)	Example
Type 1: fundamental norms	*Non-intervention* abstention from torture human rights rule of Law Civilian Inviolability	Meta-level (community)	*Type 1* norms are widely shared. They are therefore also considered as global norms such as, for example, the norm of *non-intervention*
Type 2: organising principles	*Responsibility to protect (R2P)* common but differentiated responsibility culture of equal sovereignty	Intermediary level (group)	Legitimacy Gap: *Type 2* norms such as *R2P* are generated within the space indicated by the *legitimacy gap* (i.e. between shared *type 1* and contested *type 3* norms). *Type 2* norms therefore allow for negotiated normativity on a case-by-case basis based on the inclusion of involved stakeholders
Type 3: Standardised Procedures	*Article 2(4) UN Charter* Article 2(7) UN Charter	Micro-level (individual)	*Type 3* norms are contested in international relations. For example: *Article 2(4)* leaves room for different understandings of the non-intervention norm

Source Adaptation from Wiener (2008, p. 66)

the process of negotiating which organising principle might be appropriate, offers to fill the legitimacy gap between shared fundamental norms and contested standardised procedures. In other words, by facilitating the negotiations of the formal validity of fundamental norms with recurrence to the respective cultural experience of the involved actors, cultural validation allows for establishing the lacking sense of appropriateness when social recognition is absent. The following takes this focus on culturally distinct experience that forms each single agent's expectation in inter-national relations up with regard to the diversity premise as the second thinking tool of the theory of contestation. To that end it draws on the diversity debate in public philosophy.[3]

3.3 The Diversity Premise

Substantially, political philosophy offers two distinct approaches to diversity: On the one hand, Kantian regulism, which—for all its merits—is definite and establishes universal principles, and on the other hand, Wittgensteinian pragmatism, which as an agonistic approach, allows for an analytical perspective onto constitutive practices in a constitutional multiverse.[4] While both approaches address the constructive role of 'dialogue' in the process of establishing political order, their respective understanding of the role dialogue plays with regard to cultural diversity differs significantly (Owen 2011). As Tully notes, Habermas expects "that cultural differences would be filtered out in the course of the dialogue, by processes of generalisation and role-taking, and citizens would reach agreement on a difference-blind constitution" (Tully 2008b, p. 41). In turn, the cultural ideal of democratic governance assigns a central constitutive impact of democratic constitutionalism to cultural practice as a constructive dimension of democratic constitutionalism. Thus, Tully emphasises that, "[I]f citizens take into account the culturally different or 'concrete' other, as well as the 'generalized' other, in the course of their deliberation, as they must, then there is no reason in principle why citizens may not be able to give good public reasons for the respect for and public recognition of those differences in diverse forms of constitutions and federations: reasons that are not particular to the members of that culture but are based on considerations of justice, freedom, equality, non-subordination and so on that are shared by citizens generally" (Tully 2008b, pp. 41–42). The practice matters for the principle for it alone reflects the cultural experience which enables the understanding required to follow the moral principles. It works like a cultural footprint to those bothering to look for it. It is the interaction among the

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[3] Compare Kymlicka (1995), Owen (2011), Tully (2008a, b, 1995, 1993), Tully and Gagnon (2001), Young (1991).

[4] Compare Brandom for this distinction (1998, p. 8, 14; cited in Wiener 2008, p. 205).

participants of a multilogue about shared fundamental norms and principles then, which provides the opportunity to generate shared understandings.

While the public philosophy literature goes much deeper into the conceptual nuances, for the purposes of the theory of contestation, it suffices to summarise that this adds different purposes and possibilities to 'dialogue' in general, and 'contestation' as specific form of critical dialogue with the intention of 'change' by either rejecting the status quo, or making claims towards changing the status quo. To elaborate on contestation as a critical practice, the diversity premise draws on Tully's seminal conceptual insights from studying the phenomenon of "strange multiplicity" within the multi-national Canadian context (Tully 1995). In doing so, it proposes to begin by posing the 'diversity' issue as a central condition, which International Relations theories need to incorporate in a productive manner. For contestations are often ignited by hidden diversity positions. The following elaborates on this proposition. To that end, it recalls the way Tully addresses diversity by raising a simple question, namely, "[C]an a modern constitution recognise and accommodate cultural diversity?" (Tully 1995, p. 1). To answer that question, Tully recovers hidden cultural practices that are constitutive for diversity of the Canadian constitutional frame. In turn, the perspective advanced by this book is interested in respect for diversity as a condition for legitimate and fair governance in the global realm. While the global realm frames an entirely different type of normative order, and the theory of contestation is not aiming to advance a global constitution, the previous two chapters have demonstrated that the international relations literature has encountered contested compliance precisely *because* present diversity conditions of inter-national relations as inter-cultural relations have not been paid sufficient conceptual attention. Accordingly, the diversity premise, as a recurring yet invisible *cause* for contested compliance at the implementing stage, on the one hand, and as the explanation for a *call* for regular contestation at the referring stage, on the other, needs to be explored in more detail.

By addressing diversity upfront, contestation can be conceptualised in a focused way to enhance rather than undermine fair and legitimate governance in the global realm. While this suggestion does not at all aim to discuss diversity within the framework of a global constitution (compare Fassbender 1998, or Habermas 2011 for scholars who apply that frame), it does involve a normative argument about inserting regular contestation at the intermediary level of norms. To that end, I work with a practice approach, which engages the political impact of intercultural diversity in the global realm from the bottom-up (compare Tully 1995; Tully 2002, 2008a, b, as well as Owen 2011). Accordingly, the following elaborates the constitution of normative meaning through a "multilogue of mutual recognition" (Tully 1995, p. 24). It is proposed to adopt the concept of multilogue in order to conceptualise the generation of normativity through the practices of contestation of the diverse stakeholdership that is increasingly common to sectorial governance practices in the global realm (i.e. the sector of fisheries, security, finance, trade, development and so on, compare Krahmann 2010; Park and Vetterlein 2010; Epstein 2012). By linking the diversity premise with the normativity premise it is

explored where (i.e. at which of the three stages), normativity is most likely to be contested.

3.4 Normative Baggage

This exploration needs to acknowledge the substance and location of "normative baggage" (Wiener 2007, p. 55), for it provides the source of cultural validation at the implementing stage, and is also malleable and individually held. That is, it only comes to the fore in situations when individual experiences are so clearly opposed that they actually *clash.*[5] The clash situation is relatively likely and therefore requires careful conceptual consideration, because of an important conceptual twist: While normative baggage is not all pervasive, it does travel across borders shouldered by individuals, so to speak. Given this crucial observation regarding the potential impact of normative baggage, it is worthwhile noting that a conceptual distinction exists between the epistemic concept of 'background *knowledge*', which is by definition shared thus generating social recognition of practice understood as competent performance (Adler 2005, p. 21), on the one hand, and the semiotic concept of 'background *experience*' which is individually held and therefore apt to travel across borders is flexible and hence subject to change (Wiener 2008, Chap. 4). It follows that in the absence of social recognition, where nothing seems intuitively appropriate, individuals will turn to their individually held normative baggage for reference. In light of increasing inter-national encounters and the strong likelihood of more rather than less diversity in the world, a better assessment of normative baggage is therefore crucial for understanding the causes of normative conflict and deriving institutional approaches to regulate that conflict potential. It follows that instead of more or better law the legitimacy of governance in the global realm may actually depend on sorting out the normative baggage brought to bear in inter-national encounters because of the legitimacy gap.

To recall, while *conventional* constructivist research on compliance works with the assumption that the disposition to comply with norms is generated by belonging to a group or institution, *critical* constructivism challenges that assumption and explores explanations for and the impact of contested compliance—situated within a specific context. Subsequently, critical constructivists argue that in order to understand contested compliance, other actor constellations

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and conditions under which contestation occurred needed to be taken into account. The distinction between group-based and individual trajectories of experience and knowledge as indicators for compliance suggests that the more socio-cultural boundaries are crossed, the higher the likelihood of a situation of contested compliance becomes. Given that diverse meanings of fundamental norms are to be expected as being *in use* at all times, our knowledge about normative baggage, including its constitution and use, matters crucially for global governance. While power constellations in international politics will always allow for cutting dialogue short and implementing the norms shared by those in power, this shortcut comes at the cost of legitimacy. This focus on political contestation suggests that by providing the opportunity to question the substantive value of fundamental norms of governance through regular contestation, less powerful agents even though rightful claimants obtain the right to act as stakeholders and, as such have a firm place in the process of re-/negotiating normativity (Owen 2011, p. 134). Tully asks for this potential right to contest and change the rules of the game as the freedom of public philosophers; Fierke has noted this potential with global decision-makers (Fierke 1998); and *the theory of contestation* suggests establishing it as a right for stakeholders of sectorial governance in the global realm.

The subsequent plea for access to contestation is derived from a cultural platform, which conceptualises cultural diversity as a constitutive element of the normative global structure (compare Tully 2008b, esp. Chap. 1). It holds that "[C]onflicting interpretations of norms or contested norm implementation are not necessarily due to a lack of agreement about a norm's meaning. Instead, it may be due to a lack of understanding of that meaning." (Taylor 1993, pp. 47, 50) This insight regarding *agreement* about the inclusion of a specific fundamental norm or principle as part of a constitutive script, on the one hand, and *understanding* the substantive value of that norm with regard to its meaning-in-use from the perspective of diverse agents, on the other, allows for the distinction of several empirical steps. It is therefore of crucial importance for empirical research that seeks to establish, where (i.e. at which of the three stages from norm constitution to norm implementation) to integrate 'nodal points' of contestation in an institutional or, for that matter, a constitutional setting (compare Schwellnus 2006).

3.5 From Dialogue to Multilogue

Notably, the concept of 'multilogue' reflects the notion of place (and therefore the practice of crossing borders) as a source of experience and practical identity. Thus Tully follows Wittgenstein's and Descartes' respective conception of the "map" of a city that has been expanding and developing, street in addition to street and layer upon layer of meaning over centuries (compare Tully 1995, p. 105). By recovering diversity, he seeks to reclaim the terrain upon which "the map of

modernity was projected" thereby "hiding the diversity beneath" (Tully 1995, p. 105). The concept of the multilogue summarises the diversity premise well, for it offers an important normative starting point to accommodate diversity in the global realm by maintaining rather than overcoming it. With regard to this book's assessment of the role and resonance of contestation in international relations by way of a critical investigation into International Relations theories, the question arises, *how to account for the normativity generated by multilogues in international relations?* If we define diversity in international relations with reference to, first, the *type of agent* likely to engage in inter-national relations (i.e. including a multiplicity of agents from individuals via social groups to states), and second, with regard to the *type of norm,* which is addressed in specific inter-national encounters (i.e. regarding a specific norm type), we will be able to account for a diversity of normative meanings in-use by drawing on individual background experience and normative baggage. It can be concluded then, that the distinct cultural validation that is advanced through multilogue in these respective contestations reveals the political instances of contestation for cultural cosmopolitanism. That is, it is expected that by making the relation between contested normativity and diversity accessible, normative and institutional (or constitutional) conditions for negotiated normativity be derived. The following Chap. 4 will discuss 'cultural cosmopolitanism' as the third thinking tool for the theory of contestation.

Providing access to contestation for all involved agents—beyond the most powerful and/or legally entitled—would make a difference for a range of global governance decisions, including, for example, enlargement processes of international organisations or regimes. For it would facilitate a procedure to account for and identify different understandings and to develop sustainable agreements. This way, situations prone to backlash such as, for example, when compliance is achieved despite prior disagreement with the rules of others can be avoided. Conceptually, the proposed link between *type 1* and *type 3* norms allows for innovative ways of thinking about solutions to the problem of contested compliance. In order to bridge the gap the proposed turn towards negotiating organizing principles provides a link between the moral claims attached to *type 1* norms on the one hand, and the practical enactment of *type 3* norms, on the other. It establishes a conceptual bridge between the contested universal validity and the constructed socio-cultural quality of norms. In doing so, it highlights the Janus-faced quality of universal claims versus particular expectations towards leading principles of democratic polities in late modernity (Onuf 1994). *Organising principles*—therefore—mark the space where normativity is negotiated by a group and which is constituted by the interrelation between a diversity of agents, arenas and normative meaning-in-use. At the intermediary level normativity is negotiated by a diverse range of agents of global governance. It therefore offers key information about the social construction of legitimacy, which—as international relations theories have shown—is remarkably more important to agents of global governance than legality. The following Chap. 4 will detail the process with regard

to establishing the principle of contestedness as a central organising principle for democratic governance in the global realm.

3.6 Conclusion

This chapter has elaborated on the notion of the legitimacy gap and its allocation in the space of everyday politics and policy-making. By doing so, it proposed focusing on the legitimacy *gap*, as an alternative to explaining the democracy *deficit* as an unintended consequence of international institution building, and it suggested for this legitimacy gap to be understood as a theoretical oversight. It was argued that by way of introducing a third level instead of two-level discourses in the norm research literature, a platform for institutional change is created. From this platform access to regular contestation stands to be developed in the following two chapters. In conclusion therefore, this chapter notes that the highest degree of interaction and intersubjectivity is potentially facilitated at the intermediary level where organising principles are contested at the referring stage. This level is therefore considered as the space where *a priori* or routine negotiation about normativity ought to take place. It follows that access to regular contestation would target this space. From this empirical observation about norm types, the following chapter will move on to develop the normative argument about the principle of contestedness. To that end, I take Tully's cultural approach to democratic constitutionalism further towards cultural cosmopolitanism in international relations theories. It is argued that as the third thinking tool 'cultural cosmopolitanism' offers the platform from which to address the legitimacy gap. The following chapter *four* elaborates on the proposal to facilitate a multilogue among stakeholders so as to facilitate the negotiation of normativity under conditions of diversity in global governance.