

Enacting a parallel world: Political protest against the transnational constellation

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journals.sagepub.com/home/ipt**Christian Volk**

Freie Universität Berlin, Germany

Abstract

Global capitalism is a transnational “operational space” (Sassen) which is (re)produced by the practices of states, policy- and issue-specific government networks, and private organizations such as transnational corporations, global law firms, and standard-setting agencies. This “operational space,” which I call the transnational constellation, works through and beyond distinct spatial settings (i.e. local, glocal, national, global), endowing them with a global financial capitalistic logic and limiting the scope of democratic self-determination. In the second section, I analyze political protest against this transnational constellation in terms of democratic theory. I argue that transnational protest and activism have to be appreciated for their reshaping of spaces of the political, for developing and delivering a genuinely global perspective on political problems, and for their politicization of the transnational constellation by revealing and contesting structures and strategies of domination. However, it would be misleading to conceive of protest against the transnational constellation as constituent power. Instead, as I argue in the third part of the article, this kind of protest enacts a parallel world which very often lasts only for a fleeting moment, but where alternative political and social life forms are exercised and experienced. Perhaps their time is yet to come.

Keywords

Global capitalism, Occupy, social movements, transnational politicization, transnational protest

Introduction

Today, we live in times of transnationalization. Whether we look at Manuel Castells’ thoughts on the network society and the “informational age” (Castells, 1996), revert to studies on the formation of transnational spaces (see Pries, 2001), draw upon research in

Corresponding author:

Christian Volk, Arbeitsbereich Politik und Recht, Otto-Suhr-Institut für Politikwissenschaft, Freie Universität Berlin, Ihnestraße 22, D-14195 Berlin, Germany.

Email: Christian.Volk@fu-berlin.de

transnational law (Zumbansen, 2011: 50), or investigate the formation of new forms of private regulation (Büthe and Mattli, 2011), sociological and political-economic research points out that “the international domain becomes increasingly transnational” (Sassen, 2006: 195).

Generally speaking, the term “transnational” refers to a situation where actors with different qualities (nation-states, transnational corporations (TNCs), international organizations (IOs), nongovernmental organizations (NGOs), courts, etc.), located in different places and territories with different logics, practices, agendas, programs, goals, and recognition interact with each other (see Vertovec, 2009). Furthermore, *transnational settings* are characterized by the suspension of traditional and well-established binary patterns and boundaries (local vs global, territorialized vs de-territorialized, digital vs non-digital, institutionalized vs non-institutionalized), establishing translocal topographies around the globe that link multiple subnational spaces together. Migration and its practice of remittances serve as a prominent example; another is the global financialized economy.

However, democratic and political theory has not fully grasped the twist yet that a transnational perspective causes for the studies on globalization. While a transnational perspective highlights that the “most complex meanings of the global” are being constituted “inside the national,” where “... the national is also often one of the key enablers and enactors of the emergent global scale” (Sassen, 2006: 1), democratic and political theorists frequently use the phrase “beyond the state” to specify the challenge. Seen from this analytical angle, the problem of globalization is a democratically unrestricted inter- and supra-nationalization: it is the usurpation of public authority by political or administrative elites. Peter Niesen’s (2019) proposal of a *pouvoir constituant* beyond the state seeks to address this challenge just as much as Jean Cohen’s (2012) dualism of peoples and the “compound federal demos” (2012: 132) as the ideal conception of a *pouvoir constituant* for such supranational constellations.

Without a doubt, there are pressing problems to examine that affect the relationship between processes of supra-nationalization and democratic theory—for example, issues with respect to Chapter VII/UN Charter; restrictions on the principle of consensus in international politics; courts or tribunals in the context of international human rights protection; or the dispute settlement system of the World Trade Organization (WTO). However, if we conduct political and democratic theory in the traditional categories of democratic theory, we risk adopting a public, national, or international law bias. When it comes to analyzing globalization, there is the acute danger of losing track of the economic materiality of existing power relations. One severe consequence of such a bias is the disregard for how interwoven public authorities can be with private-economic actors in the formation of the forces, structures, and logics that prevent democratic transformation and the implementation of true democratic standards.

To avoid such shortcomings, I refer to sociological and political economic studies on transnationalization in the first part of this article. What I derive from these studies is a notion of global financial capitalism as a transnational “operational space” (Sassen, 2008: 65) which is (re)produced by the practices of states, policy- and issue-specific government networks, and private organizations, such as TNCs, global law firms, and standard-setting agencies. This “operational space,” which I call the transnational constellation, works

through and beyond distinct spatial settings (i.e. local, glocal, national, global), endowing them with a global financial capitalistic logic and limiting the scope of democratic self-determination. In the second section, I analyze political protest against this transnational constellation in terms of democratic theory. I argue that transnational protest and activism have to be appreciated for their reshaping of spaces of the political, for developing and delivering a genuinely global perspective on political problems, as well as for their politicization of the transnational constellation by revealing and contesting structures and strategies of domination. However, it would be misleading to conceive of protest against the transnational constellation as constituent power. Instead, as I argue in the third part of the article, this kind of protest enacts a parallel world which very often lasts only for a fleeting moment, but where alternative political and social life forms are exercised and experienced. Perhaps their time is yet to come.

What is the transnational constellation?

The challenge facing all democratic thought with global aspirations and every protest with an alternative idea of global coexistence today is the transnational constellation. The transnational constellation is the name of the specific form in which a global financialized economy was constituted “in the last years of the twentieth century” (Castells, 2003: 326). This specific form of the global economy is transnational insofar as it is partially embedded in the national, that is, in the national legal, political, and social system, but it also operates beyond this boundary. Today, the global financialized economy operates through *and* beyond distinct spatial settings, dissolves traditional and well-established binary patterns and boundaries (local vs global, territorialized vs de-territorialized, digital vs non-digital, institutionalized vs non-institutionalized), and establishes translocal topographies of financial-economic action around the world. In doing so, the relevance of a decision’s reach, including its territorial and spatial isolation, is largely suspended. This suspension causes problems of imputability and diffusion of responsibilities, which result in short-term political and legal vacuums. Here, new juridical-political arrangements emerge, leading to new forms of social inclusion—and exclusion. However, since the guiding principle of the transnational constellation is to foster a global financialized economy, only new arrangements and forms of inclusion that contribute to this goal have a chance at being implemented. Both the logic and structure of global financial capitalism shape the lives of many people—ranging from the comprehension of an individual’s status (as a site and node) in the international production network of the global economy to issues like the availability of affordable housing and the existence and structure of a welfare system. Therefore, the ability to form and change the transnational constellation in democratic-political terms is quite limited:

Following Manuel Castells, the transnational constellation is characterized by a fundamental asymmetry between countries, in terms of their level of integration, competitive potential, and share of benefits from economic growth. This differentiation extends to regions within each country ... The consequence of this concentration of resources, dynamism, and wealth in certain territories is the increasing segmentation of the world population, following the segmentation of the global economy, and ultimately leading to global trends of increasing inequality and social exclusion. (Castells, 2003: 325)

It is of paramount importance to recognize that a global financialized economy did not incidentally evolve somewhere beyond the state, for example, as a result of the policies of WTO or International Monetary Fund (IMF), or due to the retreat of the state (in the sense that the state simply created legal vacuums for private-economic endeavors). A global financialized economy is the result of political acts of founding and forming the social, as Marchart (2013) conceives it, in transnational terms. In this regard, sociological and political economic studies strive to demonstrate that profound transformations in the rationale and form of the state have led to the formation of a global financialized economy. Central “*capabilities*”¹ that once served the public interest, such as instruments of economic, fiscal, or monetary control, have been reprogrammed in the spirit of a new private-economic normativity. Thus, these acts of reprogramming on the national level shape transnational public-private economic power structures.

One out of many examples Saskia Sassen provides to illustrate this process of formation is the politically enacted transformation of the rule of law. The rule of law used to characterize the central accomplishment of the nation-state. Today, the key components of the system of the rule of law (clarity and consistency of laws, legal security and non-retroactivity, legal protection, etc.) contribute to the possibility of a globalized and financialized economy in the first place. In the area of intellectual property rights (patents, copyright, trademark law) or standardized principles of accounting, globally operating companies have demanded globally standardized types of instruments. To ensure the success of these demands, these companies continually require the establishment of legal standards, and states must actively cooperate in their development and implementation. Significant driving forces in this process of reprogramming are national legislators, the judiciary and executives, internationally operating companies and markets that are nevertheless located in the nation-state. In turn, these companies impact the social practices and institutions based in the national sphere, endowing them with a new global logic. This new logic is of a financial capitalistic nature, and its primary goal is to foster the global economy. By this means, an “operational space” (Sassen, 2008: 65) has been produced: the operational space of a global financialized economy. This operational space is also of a transnational nature: partly embedded in the national, it transcends its own confines and establishes translocal topographies. Global economic governance organizations (WTO, IMF) and courts (e.g. the European Court of Justice (ECJ)) maintain this operational space, but so do government networks, global law firms, private standard-setting agencies, rating agencies, and the European Commission. Although the “code” of the transnational constellation is not stored with any of these actors, that is, there is no central regulatory authority, their actions and interactions contribute to institutionalizing and materializing this operational space of global financial capitalism.

In the course of stabilizing this operational space, the reprogramming of rights and law only marks one step. In addition to this, the meaning of state action has been reconfigured as well. The key terms for this are de- and re-regulation, privatization, and the marketization of public functions (Strange, 1996: 211). Authors such as Manuel Castells, Saskia Sassen, Susan Strange, and Claire Cutler (2001) point out that the privatization, denationalization, or dismantling of the state go hand in hand and that “the rise of private authority [is] not simply an external force” that limits the power of the state, but is “endogenous to the state” (Sassen, 2006: 223). The state acts, but the context of the meaning of its actions

has changed. The balance between work and capital, social peace, redistribution, and the common good has been replaced by principles of market conformity, such as competitiveness, locational advantage, flexibility, cost pressure, privileged access to capital, technological control, or entry into rich and wealthy markets (see Strange, 1996: 211). Accordingly, Sassen (2006) argues that “key elements of this new normative order ... enter the public realm where they get represented as part of public policy or public objectives” (2006: 223). Similar arguments are put forward by Wolfgang Streeck. For him, the consolidation state—the new state model of the twenty-first century—is a product of denationalization, internationalization, and economic liberalization, which is primarily obligated to securing market conformity (see Streeck, 2013: 141–176).

This reconfiguration of the context of the meaning of state action is synonymous with a new mode of domination. In the era of the liberal-capitalist model of society, the state limited its horizon of action to such an extent that private economic interests could unfold freely. In the late capitalist model, purely private, state-free areas no longer existed but some economic interests, due to their capacity to organize and sustain in conflict, had an exorbitantly higher chance than others to be involved at the level of the political system and to trigger consequences at the level of executive action (see Offe, 1969: 178). In the transnational constellation, however, the logic of a global economy is embodied by the state and has become the new *raison d'État* (see Brown, 2015). Besides, the state also becomes a pillar of the transnational constellation in the context of ideology.

However, not only the rationale of state action has changed in the course of fostering this operational space of global financial capitalism, but the state has gone through a change in form as well. The modern state now appears increasingly as a disaggregated state (Slaughter, 2004). In other words, it acts in the form of policy- and issue-specific government networks and “transnational cooperation of authorities” (Möllers, 2005)—from the G20 to the International Organization of Securities Commissions to the Basel Committee on Banking Supervision. What we can observe are embedded and networked practices of governing, wherein the state remains a vital actor, even though it does not act in a uniform or self-contained and centralized manner. Rather, it has transnationalized in the form of these government networks and in administrative cooperation. In this way, it meets the requirements of global financial capitalism insofar as its need for regulation is also mostly transnational in nature, that is, standards and rules have to be implemented through and beyond spatial settings. The transnationalized state adapts to the governing logic of these newly emerging institutional and spatial settings and plays a decisive role in fostering the operational space of financial capitalism.

Thus, with the term “transnational constellation” I refer to the result of the political foundation of a global financial capitalist operational space. First and foremost, the operational space of financial capitalism is enacted and maintained by the interaction of single states, policy- and issue-specific government networks, the transnational cooperation of authorities, IOs and, importantly, by private organizations such as TNCs, standard-setting and rating agencies. It is this type of interaction that justifies conceiving of the operational space of financial capitalism as a *constellation* (and not just as a mere setting, network or arrangement) that works through an ensemble of institutions, legal principles, and practices of rule. For this reason, Gill and Cutler (2014) are right to refer to the “de facto governance structure for the global political economy” (2014: 13) as “new constitutionalism.” However,

my analytical perspective adds a social theory dimension to the analysis of global power relations. In addition to the politico-juridical framework of new constitutionalism, the transnational constellation takes “the generation of knowledge and information processing” (Castells, 2003: 320), cultural process and logics of valorization (Reckwitz, 2017: 111–224), vocabularies, and social imaginaries into consideration as well.

The transnational character of this operational space is due to its foundation as well as to its structure. However, the transnational constellation is neither always nor everywhere in place—there are still sites, social practices, political and legal arrangements, etc. which are not part of the transnational constellation or are less inflicted by it. In short, in addition to the transnational constellation, there are a number of other powerful political structures and logics that either run parallel to the transnational constellation or even stand in tension with it. For example, migrants, particularly undocumented migrants, and people without official residence status fit perfectly into the transnational constellation, not least by providing a cheap labor force. However, they challenge a different order, namely a national normative one, and come under the crosshairs of renationalization efforts. Nevertheless, due to the importance and primacy of economic relations, the transnational constellation shapes the social life of many people to a very high degree, either by linking them to “the global networks of value making and wealth appropriation” (Castells, 2003: 325) or by switching them off the networks (as superfluous and not of value, according to what is valued).

Protest and the politicization of the transnational constellation

As the political foundation of the financial capitalist operational space, the transnational constellation has become the object of criticism of political protest movements—from the global justice movement (GJM) of the late 1990s to the anti-austerity protests of recent times by Occupy or Indignados. Inspired by the aforementioned transnational movements² as well as others, the following chapter is devoted to the analysis of protest against a global financialized economy in terms of democratic theory. I argue that transnational protest and activism must be appreciated in terms of democratic theory in a threefold manner: first, transnational protest reshapes spaces of the political by creating multi-local and transnational counter-public spheres which circumvent the established spatial determination of the transnational constellation. Second, it comes up with an alternative understanding of a shared world, sketched from a “truly” global perspective. Within these newly enacted transnational spaces, new imaginaries, logics, vocabularies, forms of inclusion, and so on for a global community emerge and are exercised. Both the reshaping of the spaces of the political and the development of an alternative global perspective contribute—third—to the politicization of the transnational constellation by revealing and contesting structures and strategies of domination.

Transnational activism and the reshaping of the spaces of the political

Dieter Rucht raises the objection that political activism across borders is not that new (Rucht, 1999). He points out that anti-slavery movements, labor movements, women’s

movements, and so on had long histories of organization across national boundaries. However, what Rucht fails to take into consideration is that many of these shared efforts “remained non-systematically restricted to specific goals . . . , whilst articulating central concerns across borders” (Hosseini, 2010: 64). What is new about transnational political protest today is its “connection to the current wave of globalization” (Tarrow, 2005: 5) and its relation to the changing structure of social and political order formation, including its “politics of scale” (Brenner, 2000: 374). For we have seen in the first section that the operational space of global financial capitalism is institutionalized and secured by the interaction of a variety of agents (local and national governments and administration, government networks, IOs, TNCs, private agencies), which exercise their political power through and beyond distinct spatial settings. To challenge these public-private economic power structures of the transnational constellation, protest itself has to become transnationalized in the first place. Transnationalized protest does not merely mean to establish relations across borders but to organize political protest and activism in the form of transnational networks. In this respect, Sidney Tarrow (2005) identified a whole set of processes, such as “global framing,” “scale shifts,” and “transnational coalition formation” (2005: 32–34), where domestic activism connects the local with the global. The transnationalization of protest leads to reshaping the spaces of the political by enacting multi-local and transnational counter-spaces, which circumvent the dominant spatial determination of the transnational political order. This process not only leads to a multiplication of public spheres but also provides the possibility for a pluralization of the venues of political-democratic conflict-staging.

One example that could help us to better grasp the formation of these newly emerging transnational counter-spaces and the role and function protest and activism play within and for its formation is given by the NATO Chicago Summit in May 2012. The summit discussed the impact of events such as the Arab Spring, Libyan civil war, the global financial crisis, and the transition for NATO forces in Afghanistan. The NATO summit draws protests from the Occupy movement and other transnational networks (e.g. ANONYMOUS). In particular, the transnational network “Women Waging Peace” harshly criticized that the Afghan government’s delegation included only one Afghan woman, a member of President Hamid Karzai’s official entourage. The network was strongly involved in the Afghan peace process and seeks to ensure that women’s perspectives on peace, security, and economic reconstruction are addressed in both domestic and international decision making. It is convinced that the participation of women was crucial to countering extremist narratives. As Travis Wheeler reported, “with women shut out of the security talks in Chicago,” the network supported and took part in a “shadow summit, put on by Amnesty International” and other groups at the same time, “to highlight the lack of attention given to women’s inclusion in the future of Afghanistan” (Wheeler, 2012). Their summit featured Afghan women leaders discussing their perspectives on peace and transition. The summit has been designated a National Special Security Event by the Department of Homeland Security (see Goodman, 2012). Final authority over law enforcement thus belonged to the Secret Service of the United States. Some of the wards of the City of Chicago opposed this designation and proposed legislation for the City Council that prohibited police from interfering with online media and cell phones during the event. However, that legislation was not passed (see Johnson, 2012).

This example reveals that we are experiencing a pluralization of political agents and of the political scale, and a change in the relationship between those agents and the respective scales. Such forms of interaction lead to a reshaping of the spatial structures of politics: the territorial boundedness of politics is transcended, although it remains a strong reference concerning the national. The enactment and formation of these transnational political counter-spaces, which stretch from the practices of local activists in the villages through Kabul's backyards, to the living rooms of activists in London, New York, and Tunis and up to the shadow summit in Chicago, are the first essential contributions of transnational activism from a democratic theory perspective. For without these practices of reshaping spaces of the political, the chances of opposing the networked character of governing and its politics of scale would be nil. Transnationalized protest is in the unique position to contest the prevailing organizational logic of the transnational constellation and to establish counter-powers.

Protest as an enactment of a global-political perspective

Pointing out the practices of reshaping the spatial structures of the political and of enacting new political arenas marks the first necessary steps in outlining the merits of transnational protest from a democratic theory perspective. Certainly, the pluralization of voices and perspectives, coupled with the establishment of these political conflict constellations, might as such be already regarded as of democratic value—not-yet-considered voices can be raised and heard due to transnational coalition formation. However, we need to be careful not to narrow down protest simply to its pluralizing effect, for this would amount to a functionalist reduction of protest. This interpretation would fall short of adequately conceptualizing the attempt that many protest movements make in building up a democratic form of life in a global perspective: they challenge the substantiation and concrete implementation of the idea of democratic politics as such.

Recent interpretations of transnational protest, however, suffer precisely from these shortcomings: Michael Zürn's account, for example, proceeds from the observation that "a growing utilization of international institutions to the extent that they exercise authority" has led to a rise of criticism and protest (Zürn et al., 2012: 70). Against this backdrop, he argues that the primary importance of protest lies in the fact that it draws upon issues that have been previously neglected into the public political sphere and, if the protest is successful, feeds them into the political decision-making processes. The background to this functionalist (and policy-centered) understanding of protest is the (system-theoretical) assumption that each different social subsystem operates within its own logic. Following this account, transnational political protest movements "transport" an "issue from one subsystem into the political subsystem." Such a "process of transport" (Zürn, 2013: 15) takes place, for example, when economic issues, being decided according to the logic of price and profit, become the object of political confrontation.

Such an interpretation of protest, however, is not in a position to discriminate between interests and lobbying politics of pharmaceutical or automotive industries on one hand and political protest movements on the other hand. This poses a serious problem when we take into account that, for Zürn, the rise in transnational protest seems to confirm that the widespread assumption about de-politicization in times of globalization is misleading.

Seen from Zürn's conceptual perspective, the political lobbying of TNCs would appear as a revival of democracy as well since they also "transport" a specific business issue "into the political subsystem"—a truly unconvincing conclusion that Zürn would not like to draw either. Furthermore, in contrast to pure interest politics, transnational protest movements very often provide a perspective of the society as a whole, regarding democracy as a form of life. They address questions of identity, act in a prefigurative manner and refuse a purely instrumental approach. These movements are adamantly concerned with establishing forms of exchange and self-organization that respect the effects on individuals but do not target the collectivization of interests for the purpose of political claims-making (keyword: *n* minus 1 principle). Expressiveness and the symbolic representation of new forms of political exchange already mark the claim.

Neither is the level of symbolic representation properly conceived of by all those who interpret protest merely as a "struggle ... for rights" (Colliot-Thélène, 2011: 208) or as "capable of advancing rights in new and unexpected ways" (Lang, 2017: 30). For example, Catherine Colliot-Thélène argues that the essence of democracy in an age of globalization no longer lies in the realization of popular sovereignty. Since the principle of self-legislation has lost all real significance and the asymmetrical distribution of power is constitutive of all politics, only the struggle for rights and their enforcement remains. She addresses the hybrid character of social movements and engages with these new forms of transnational activism. Similarly, Colliot-Thélène (2011) sees the emancipatory quality of transnational activism in these movements and networks fighting against powerful governments and supranational regimes to "secure acquired rights, to extend the circle of beneficiaries and/or to ensure new rights" (2011: 190).

Such a liberal rights-based approach, however, fails to grasp the specifically political character of many protest movements. A brief look at current transnational movements reveals that much of this protest is not first and foremost concerned with claiming or extending or ensuring rights. Transnational protest movements such as Occupy, Global Call to Action Against Poverty, or the World Social Forum (WSF) fundamentally question the neoliberal capitalistic design of transnational formations of orders which trigger isolation and should be overcome on all levels and matters of social life. For this reason, Occupy (and other protest movements) established not only a general assembly for matters of political organization but also libraries, medical utilities, food supply, and so on according to the principle of mutual assistance and collective self-management (see Graeber, 2012: 31 ff.).

In contrast to the policy- and the rights-centered approach, I want to argue that transnational political protest is concerned with radical political change (i.e. also changing the notion of how political change can be accomplished) and the establishment of alternative social life forms and practices—often explicitly to transcend the specific form of individual liberal rights. Within these newly enacted transnational counter-spaces, new democratic imaginaries, political symbolism, vocabularies, concrete practices of cooperation, dialogue and networking, forms of inclusion, and so on for a global community emerge, are formed and exercised. In short, these counter-spaces are arenas where an alternative understanding of a shared world can develop, despite the complexities that need to be taken into consideration given the sexual, gender, economic, colonial, and ethnic legacies in place. Furthermore, specific variants of transnational activism, like the WSF, still imagine and fight for a political understanding of the global that contests the compromises

fabricated behind closed doors, between sovereign nation-states, government networks, IOs, and private actors, always in line with the logic of global capitalism. Without such an alternative imaginary—the global *res publica*, the world, humanity—there is no *global politics* in the strictest sense (see also Ruggie, 2004). One of the most prominent slogans of transnational protest and activism, namely “another world is possible,” is a manifestation of this attempt to reformulate the pressing political, economic, ecologic, and cultural problems in a global perspective. In doing so, movements seek to transcend both the “managerial jargon” of global governance, its neoliberal ideology of public-private partnership and the nationalistic agenda.

Instituting democratic politics

For many activists, practicing alternative social and political forms of life is an end in itself. Beyond this, however, these practices and discourses also hold a “polemical meaning” (Schmitt, 2008 [1927]: 31). In our case, this means that they affect, combat, or negate the dominant logic and institutionalized structures of the transnational constellation. By enacting social and political practices that fundamentally oppose those of the dominant arrangements of order, transnational protest exposes the limits of what can be realized and changed by the essential practices that reproduce the current order. In other words, transnational protest discloses how central practices of reproduction of the transnational order are blocked or prevented from being publicly contested and open to political change. The consequence of this blockade is the fixation and hardening of the status quo, thereby ensuring the continuity of political domination in the transnational constellation. By political domination, I understand a constellation where the practices that contest an order are prevented or suspended, for example, by criminalizing activists and by depicting them as a security problem.

In what follows, I try to point out that we can further specify this “*domination-revealing dimension*” of transnational protest in three different perspectives: Transnational protest highlights and challenges (a) structures of political inequality, (b) dominant discourse formations, and (c) the fact that participation of a critical civil society on a global political scale is negated.

To the extent to which transnational activism contests all three dimensions of domination, it has to be conceived of as an attempt at instituting democratic politics in the transnational constellation from a democratic theory perspective. The phrase “instituting democratic politics” bundles up the variety of different attempts to reconstruct the transnational social and political framework in such a way that political equality and freedom, plurality, alternativity, contingency, and the controversial nature of political decisions can be experienced—both between people and between people and institutions.³ Besides reshaping the spatial structures of the political and endowing them with a democratic form of life in a global perspective, the third contribution of transnational protest can be made to democratizing the transnational constellation.

Struggle against consolidated structures of political inequality

The critique of existing patterns of political inequality is a critique of the category “legitimate political speaker.” With a whole bunch of different, sometimes fancy, sometimes

outlandish practices of protest, transnational activism seeks to re-enact political equality by redefining, *when, where, how, and who* may legitimately speak within a political conflict. In doing so, the protesters install themselves as new political speakers but also disclose the degree of exclusion from transnational political orders, which do not provide for their kind of political voice and claims-making.

The fact that this form of equality has neither been realized yet nor envisaged reveals itself in several ways: We can observe that democratic states do not take constitutional political rights as seriously as required when it comes to transnational protest events—not to mention non-democratic countries.⁴ The most extreme example is the G8-Summit in Genova 2001, where Carlo Giuliani, an activist, was shot, followed by a number of lawsuits against police officers on the basis of grievous bodily harm. Similarly, during the G8-Summit in Heiligendamm, the German government unconstitutionally deployed Tornado fighters for reconnaissance purposes within the country.

One possible explanation for such an abrogation of fundamental political rights might be given by the “discursive structure” (Rancière, 1999: 52) between dominant actors of the transnational constellation and those of political protest. This discursive structure can be described in terms of Rancière’s concept of “*la mésentente*” (dis-agreement). Dis-agreement as the discursive structure of real political conflicts is such that the political elite and decision-making powers do not acknowledge those political agents who question the status quo (such as Femen, Occupy, and Anonymous) as legitimate political agents whose concerns have to be taken seriously.⁵ Rather, these groups, movements, activists, and so on are labeled “dreamers,” “extremists,” “incorrigibles,” “hooligans” who just make irrational “noise” (Rancière, 1999: 52) or simply sound “unutterably foolish.”⁶ Their status as agents is depoliticized, and their concerns are dismissed as being unworkable, utopian, exaggerated, radical, or non-representative. Hence, there is no need to engage with these claims from the perspective of the political elites.

The interrelationship between protest practices, on one hand, and the reaction of transnational political elites, on the other hand, reveals that this kind of intervention and political claims-making is neither politically institutionalized nor expected. Rather, it needs to be fought for. Employing protest, “those who have no part” fight for their “part” (Rancière, 1999: 9) and seek to accomplish a hitherto unrealized form of political equality (Rancière, 1999: 31).

Counter-hegemonic discourse

Transnational protest also institutes democratic politics in another way: The struggle for political equality articulates an opposing and alternative programmatic account of the status quo (in political, economic, cultural, and/or social terms). In providing such an account, protest discloses the degree of particularity embedded in existing laws, regulations, norms, and procedures of the transnational constellation and gives evidence that these norms are anything but neutral (cf. Wolin, 1994: 24). Hence, transnational protest movements are not concerned with minor corrections of the status quo but stand for thoroughgoing political changes, right up to revolutionizing the fundamental social, economic, and political order of the transnational constellation. In focusing their critique on the prevalent jargon of functionalism and necessity, they disclose a central strategy of domination in the transnational constellation.

Jargons of functionalism and necessity as domination strategies determine each other mutually. In functionalist jargon, the status quo is not only cemented but also becomes a filter and a supplier of criteria for useful solutions. A language of functionalism is depoliticizing insofar as it drastically reduces the number of alternatives and dismisses numerous political programs as useless and non-functional. In the case of necessity-jargon, the “(global capitalistic) constellation” (Žižek, 2000: 199) is considered to be ineluctable. In this case, the consequence is the “transfer of responsibility from the realm of deliberation (the ‘political’ realm) to that of necessity and fate (the ‘non-political’ realm). [...]”

Depoliticization of this type involves a disavowal of the capacity for deliberation, decision making and human agency” (Hay, 2007: 86). The result is technocracy and “expertocracy.” The language of functionalism and necessity transforms the dispute about political alternatives into discussions about questions of knowledge and insight.

In opposition to these dominant discourse formations, transnational protest argues that “another world is possible.” This may sound like political romanticism. However, the crucial point seen from a democratic theory perspective is that transnational protest movements strive to change “the parameters of what is considered ‘possible’ in the existing constellation” (Žižek, 2000: 199). Alternative accounts of the status quo and the counter-expertise generated in the course of protest formation challenge the epistemological basic structure of dominant discourse formations—and, in doing so, establish a counter-hegemonic discourse. This counter-hegemonic discourse essentially questions and contests everything that was hitherto portrayed as an important global problem or as a necessary and appropriate answer, problematizing the discursive and material construction of the problem itself. By establishing new and different patterns of thought and cognitive frames, transnational protest movements seek to overcome an “increasingly narrow range of policy spectrum” (Hay, 2007: 56). At the same time, the protest stresses the contingency of the given transnational constellation and the possibility of arranging things differently. In doing so, protest sheds light on a crucial, often forgotten character of social and political life, namely, the contingency of political decisions.

Struggle for experiencing democratic political action

Last but not least, transnational political protest seeks to facilitate the experience of political action. This third manner in which transnational protest can be interpreted is an attempt at “instituting democratic politics” in the transnational constellation.

Political protest is a communal political practice through which political arenas are established in which people experience moments of communality and solidarity and in which the democratic promise of a participatory moment in politics is reclaimed. Transnational protest initiates public awareness processes which create attention, a feeling of importance for political issues and which seek to open realms for the expressive and creative dimension of politics. These arenas counter the political disenchantment of broader parts of society and “atomized forms of citizenship” (Stoker, 2006: 11). Thus, it offers an alternative to political passivity, and the picture of the citizen as a monadic, politically uninterested consumer (produced by a media landscape) gets challenged.

The claim for this participatory moment in politics is directed against the fact that transnational political decision-making takes place within established channels and

institutions to which citizens are denied access. Moreover, political decision-making and standard-setting in the transnational constellation is even outsourced to semi-public or even private organizations such as global law firms, consultancies, expert commissions, and standard-setting agencies (see Büthe and Mattli, 2011: 13). Procedures ensure that well-informed experts conduct law-making and standard-setting processes. There are disputes and battles within these private organizations as well, producing winners and losers with tremendous political impact, although the public is neither aware of it nor involved. Rather, the manner in which the transnational constellation is shaped is not a matter of public debate and struggle in which political alternatives become visible as competing options on the political stage and with the need to justify and convince.

By inventing alternative forms of social and political life, transnational protests oppose these opaque and impenetrable forms of political decision-making. They carry the dispute onto the streets and make it publicly visible. Furthermore, in their “experimental spaces” (Graeber, 2012: 32), protests invent and establish new forms of political opinion-formation and decision-making which contest those outside of these experimental counter-spaces. These include drawing lots to determine who is the next to speak, open access, direct participation, and consensus-based decision-making (also through online deliberative forums; Haug and Teune, 2008), different kinds of non-profit-seeking practices of economic integration, such as “commons-based peer production” (Benkler, 2006), social information processing and the establishment of independent media networks, such as Indymedia (Origgi, 2012). Although few of these practices went beyond their fugitive and precarious status, they are, nevertheless, perfect democratic exercises.

Beyond civil disobedience and constituent power: Enacting a parallel world

In the preceding section, I tried to conceptually grasp the transnational constellation as the operational space of a global financialized economy and analyze the protest against it in terms of democratic theory. In the last section, I enter the debate about how to make sense of transnational protest and which language is best suited to comprehend its relation to and against the fabric of transnational orders in place. My thesis is that transnational protest enacts a parallel world that very often lasts only for a fleeting moment, always in precarious conditions and of ephemeral nature. Its distinctive characteristic is to establish these counter-spaces which run parallel to the spatial settings of the transnational constellation and in which alternative normative codes, social and cultural forms of life, and economic logics are exercised and experienced as well as new identities recognized. Naturally, there is a diffuse desire to change dominant normative and cultural codes through altering social practice, but the prefigurative dimension, especially in transnational protest, that is, the importance of living and realizing these alternative life forms at least on a small scale, clearly trumps any strategic and organizational concessions. From my point of view, political protest against the transnational constellation is neither adequately captured by reconstructing it as transformative in terms of constituent power, as Peter Niesen suggests, nor by the paradigm of civil disobedience, as Robin Celikates recommends.

Robin Celikates, who reads protest as civil disobedience, is notable for emancipating civil disobedience from a morally-legalistically abridged, liberalized interpretation. When Celikates talks about “democratizing civil disobedience” (Celikates, 2016), he is concerned with bringing all those confrontational practices of political protest back into the center of genuine democratic debate—and not having them marginalized as exceptional forms and subject to special justification. It is precisely in view of political protest events that I fully agree with this reinterpretation of civil disobedience. Protesters sometimes occupy squares and houses, resist a demonstration formation prescribed by the police, deviate from a given demonstration route in order to get closer to the location of a summit, resist state authorities, or violate a prohibition imposed by the police. This is illegal and sometimes even painful for both sides, but as practices of civil disobedience, they contribute to the democratization of democracy by making these fundamental criticisms visible and the subject of public debate. My reservations result from the fact that civil disobedience can be a practice (often also a tactic) of protest but does not denote the normative-democratic core of protest, as for example Étienne Balibar’s (2013) “democracy through resistance” or Miguel Abensour’s (2012) idea of rebellious democracy suggest. Such an interpretation amounts to the conceptual and normative narrowing of protest, as it disregards the broad and varied nature of the political repertoire of (transnational) protest movements, reaching from confrontational to cooperative forms of political action, from “conscientization” and education to pressure (see Della Porta, 2009). Furthermore, and closely related, it privileges one of the core elements of democracy, namely making the political dispute visible, over the second core element, namely to exchange and negotiate these conflictive viewpoints in public and maybe reach an agreement—where it can ultimately be concluded that there is agreement to disagree.⁷

Peter Niesen suggests interpreting transnational protest in terms of constituent power beyond the state. I share the emancipatory and radical-democratic trait that accompanies this conceptual intervention. In essence, it implies that the articulation of an institution-generating and transforming political agenda by protest movements does not require any authorization: “No authorization is needed for people to claim that all authorization must derive from them.” (Niesen, 2019).

My reservation against the language of constituent power for describing and conceiving of transnational protest is of a twofold nature. My first objection is that Niesen’s notion of constituent power as a “language” to conceive of “transnational protest ... [and] transnational non-conformist political action” (Niesen, 2019) reproduces a public law bias insofar as it identifies the “constructive transformation” feature of protest as its supposed aim to institutionalize “new laws and constitutions” (Niesen, 2019). Although Niesen explicitly argues against Colliot-Thélène’s anti-popular-sovereignty approach, the criticisms against a rights-based reading of transnational protest apply to him as well. Niesen may acknowledge all the practices of current transnational protest movements that are attempting to transcend modern political, organizational principles (hierarchy, authorization, the binary separation between inside and outside), the two-world metaphysics of constituent and constituted power and the prevalent form of political subjectification via (individual liberal) rights. However, by translating all these practices—direct-democratic, consensus-based decision-making, the establishment of lottery procedures, and so on—into the language of constituent power and embedding them in the “juristic agenda”

(Walker, 2008: 374), he forces them back into the traditional conceptual and ideational grid and misses one of their core concerns, which lies precisely in leaving this traditional grid of understanding behind.

Besides this public law reductionism, the language of constituent power not only seems to overstate the transformative potential of transnational protest but also does not really cover the objectives of the protest. There is no doubt that every political movement can describe itself in the ways it wishes. However, in order to be able to meaningfully speak of an actor as a constituent power at the level of theoretical reflection, at least some criteria must be fulfilled. One criterion is the articulation of an institution-generating and institution-transforming political agenda. A union rally on Labor Day is generally not perceived as an expression of constituent power. Another criterion for describing an actor as constituent power is a certain determination, tenacity, and permanence, by which the center of political power is besieged by them—and thus also the degree of support they receive from the rest of the population. From protest and movement research, we know that these states of siege, for example in the form of protest camps, are rather short-lived. On one hand, this is undoubtedly due to the organizational, logistical, and practical conditions that are necessary for maintaining such a state of siege. (For authors like Judith Butler (2016: 14), the short lifespan of protest is a normative seal of approval.) At the same time, however, the lack of longevity may indicate that the strategy and thus also the “objectives” of many transnational protest movements differ from what the talk of constituent power suggests. As social movement research points out, transnational protest movements “have been less likely to seek a redistribution of political power” in terms of constituent power, nor merely to represent someone else’s interests or just to accomplish a change in law but rather “to seek to change dominant normative and cultural codes by gaining recognition for new identities” (Polletta and Jasper, 2001: 284). For this purpose, continuous and everyday work in the field of a politics of culture is in much more demand. Against this background, it is true that protest camps and squatters can continue to be seen as acts of siege. To a much greater extent, however, these are “trade fairs,” at which alternative forms of political, social, and economic life are presented and practiced. The political demands that arise in such protest camps and are publicly articulated are correspondingly vague and general. On one hand, the articulation of demands would indirectly legitimize the existing regime (see, for example, Graeber, 2012: 31). On the other hand, the viewpoints of, for example, the transnational alter-globalization movements would not result in claims that could be realized within the existing order but would necessarily transcend it in every conceivable way.

Yet this is precisely the central problem that convinces me to comprehend transnational protest as the creation of a parallel world, rather than referring to it as constituent power. In contrast to the Arabellion, the Gezi Park protests or the Euromaidan, there is no clear object capable of being constitutionalized by transnational protest, in the sense of the achievement of modern constitutionalism.⁸ Transnational alter-globalization protest seems to perceive it in a similar way. Although authors like Anthony Lang (2017) suggest interpreting the founding of the WSF as a “global constituent moment” (2017: 28) with the aim of establishing alternative global institutions, the most recent anti-austerity protests show that these former hopes of the activists have dissolved. One of the central differences between the GJM of the 2000s and these anti-austerity protests is that

the loss of sovereignty and limited room for maneuvering on the part of its own national government is denounced in the course of the so-called neoliberalization process, rather than the large organizations of global economic governance (Della Porta, 2015: 217).⁹

As a matter of course, we can assume for the sake of normative argumentation that every power structure can be constitutionalized somehow and search for the respective agent, who, in view of the specific power structure of the transnational constellation, would qualify as constituent power. Instead, however, I prefer to focus on and analyze the forces and causes that prevent democratic norms (which democracy theory has spelled out) from coming into effect. We hereby note that in contrast to Egypt, Turkey, or Ukraine, the transnational constellation is not tied to a locality or territory. Instead, the transnational constellation as the operational space of global financial capitalism runs through and beyond distinct spatial settings (i.e. local, glocal, national, global). Accordingly, its power structure is created by the interaction of a plurality of agents, different in form, character, and rationale. As we have seen, the state (in the form of regulatory agencies, ministries, courts, legislatures) is one of these agents and fixed components of the transnational constellation. Therefore, it has little leverage for implementing a policy out of line with the rationale and demands of a global financialized economy. In the unlikely case of a protest movement taking over government responsibilities, its attempts to change economic policy in fundamental terms encounter fierce responses. The various “torture instruments” comprise questioning creditworthiness, the removal of investment, companies moving abroad, all of which lead to a tremendous loss of prosperity, “the devastation of the economy in the short term, and the closing of access to sources of growth” (Castells, 2003: 330). The supposed victory, as, for example, in the case of Syriza, turned out to be a curse rather than a blessing, and the transnational constellation remains untouched. Here, power is not centralized in any structure of authority that can be taken over or materialized in one or two specific legal documents, which can be transformed or programmed differently. Power in the transnational constellation operates as an ensemble of institutions, practices of rule, “the generation of knowledge and information processing” (Castells, 2003: 320), vocabularies, legal principles, and social imaginaries. It is almost impossible for a protest movement to override this ensemble. To put it in Gramscian terms, transnational protest fights a war of position, but the means on the one side are exceedingly unfavorable. Transnational protest shows some resemblances to the grassroots practices of *samizdat*—although not clandestine, it realizes and exercises alternative life forms, whose hour may at best come after the supposed breakdown of the system.

Notes

1. By “capabilities,” Sassen means the ability to take collective measures and achieve collective results. The term covers the monopolization of violence, legal security, the formation of political will, the provision of a system of beliefs and values, the organization of the food supply and on as far as the organized destruction of people or nature.
2. In addition to criticism of global financial capitalism, which is expressed by protest movements such as Occupy, that is typically classified as left-wing, economic criticism is also an integral part of right-wing protest movements. However, this criticism is very often embedded in racist (keyword: Jewish capitalism), tribal nationalistic or conspiracy-theoretical world views. In the context of this article I will not dwell on that.
3. My interpretation of protest and political action draws inspiration from Hannah Arendt. For further detail on my reading of Hannah Arendt, see Volk (2015a: 230–236, 2015b: 182).

4. An extreme example here is the Russian “foreign agent” law, which took effect in July 2012 and which, as in the case of Greenpeace activists, criminalizes “foreign agents” (e.g. those working for nongovernmental organizations (NGOs)) and allows to charge them with treason.
5. Rauch et al. (2007) have pointed out that mainstream media initially reported on the protests in Seattle in a delegitimizing manner, and just after a considerable amount of time slowly and gradually engaged with programmatic agenda of the protests at all.
6. This is how the former German president talked about the Occupy movement during a public event organized by the German newspaper “Die Zeit” in October 2011. For the patterns of criminalization by the state security apparatus during the protests against the G20-Summit in Toronto 2010, see Monaghan and Walby (2012).
7. For a more detailed analysis see Volk (2015b: 183).
8. For similar criticisms, although under changed premises, see Teubner (2010: 330) and Grimm (2010: 21).
9. Donatella della Porta pointed out that, despite many similarities, the Global Justice Movement differs from the anti-austerity protests in terms of strategy, organization, and composition of the participants. In this regard, it is noteworthy that in comparison with the Global Justice Movement, “the declining confidence in representative institutions is reflected in the weakening of the search for channels of access to public decision making through lobbying or critical collaboration” (Della Porta, 2015: 217).

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Author biography

Christian Volk is a Professor of Political Science, with a special focus on Political Theory and Law at the Otto-Suhr-Institute of the Free University of Berlin and Principal Investigator of the ERC Starting Grant “Protest and Order. Democratic theory, contentious politics, and the changing shape of western democracies.” His research interests include democratic and constitutional theory, critical theory, state theory, transnationalization, and social and political protest movements. He is the author of the book *Arendtian Constitutionalism: Law, Politics, and the order of Freedom* (Hart Publishing, 2015). Some of his recent articles have appeared in *Leiden Journal of International Law*; *Constellations*; *Philosophy and Social Criticism*; *Deutsche Zeitschrift für Philosophie*; and *Politische Vierteljahresschrift*.