

## **2. National Interest and its Legitimacy: An Attempt at a New Approach**

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### **Introduction**

National interest is one of the key terms used in international relations (IR) theory as well as in analysis of foreign policy. It was already classical realism, one of the most influential IR theories, that declared national interest to be an irreplaceable element of the study of IR: “The main signpost that helps political realism to find its way through the landscape of international politics is the concept of interest defined in terms of power” (Morgenthau, 1993: 6). In spite of the later criticisms of realism, national interest has never lost its dominant place in analysis of IR. Be it in a laudatory or critical manner, national interest is discussed by realists, liberals, the English School, neoliberals, liberal and critical constructivists, and many others. Although national interest was often repudiated – suffice to mention the Marxists who interpreted national interest as a typical consequence of class exploitation and a manifestation of the false consciousness of the proletariat – it has remained an ever-present feature of political practice. If a state representative declares that a policy serves the national interests of the nation, hers is one of the most effective rhetorical figures for legitimising the policy.

The aim of this chapter is to link these practical political considerations with the theoretical aspects of national interest and show that national interest understood as a legitimisation instrument occupies an irreplaceable position both in political theory and in practice. We will proceed in four steps. In the first, we will point to the problem that arises as a consequence of the absence of normative questions in IR studies. Second, we will link the normativity debate to two distinctive types of legitimacy. In the third, we will connect a general discussion of legitimacy to a concrete analysis of the legitimacy of national interest. Finally, we will formulate the basic criteria that a certain policy must fulfil to be declared a legitimate national interest.

## **Normativity in Political Theory**

Notwithstanding the frequency with which national interest is mentioned in IR theory, the question of its legitimacy had been gradually tabooised since the end of the 19<sup>th</sup> century until it entirely disappeared in the course of the 20<sup>th</sup> century. This happened on such a grand scale, as it pertained not only to IR theory but also to other normatively oriented fields, that some authors declared that political philosophy, as a discipline exploring the normative foundations of politics, was dead (Laslett, 1956). There are many explanations for the disappearance of normativity. In political philosophy, the dominance of analytical philosophy surely played an indispensable role in the denial of normative questions since for an analytical philosopher, the truth value of normative questions cannot be ascertained. In addition, normatively oriented political philosophy was also rejected by the philosophy of natural language, as it built on Wittgenstein's later work. An analogical shift can be detected in IR study as well. When it was born, the discipline stressed its normative commitments to finding the best international arrangement, but this stress was retreating over the course of the 1930s to be fully replaced by political realism in the post-war period. True, some realists kept on asking normative questions but starting with the 1960s, when the behavioural revolution swept through the discipline, mixing up facts and values became entirely unacceptable, leading to a de facto exclusion of values from the discipline as a whole.

As Kis shows (1997), this argumentation has its weaknesses. In defiance of analytical philosophy, normative questions remained a constant in many subfields of philosophy, such as moral philosophy. On the other hand, normative issues were not studied in Continental Europe, even though analytical philosophy was always seen as suspicious there. It sounds more plausible to explain this question by pointing to the dominance of one political doctrine which became so hegemonic that the doctrine's concepts were reified and their normative dimension was forgotten. This doctrine is liberalism in political philosophy. Many right- and left-wing critics of liberalism moved towards totalitarianism, which was, however, repeatedly defeated. Others left political philosophy and declared social science their home turf, turning to empirical argumentation. The consequence of these developments was a shift from the debates between liberals and their opponents to a heated discussion within liberalism itself. Yet the basic fact of the liberal dominance remained undisputed for a very long time.

In the discipline of IR, the dominant stream is not liberalism, but rather a broadly conceived statecentrism. It is true that this statecentrism shares much with realism (another front-runner for hegemony), but at the same time it is rooted in a much wider and older tradition. Statecentrism not only posits the state

as the basic actor in international politics, but it also sees it as the fundamental factor of human existence, which is not subject to normative questions. Quite to the contrary, following Hegel, statecentrism claims that it is the state who first defines the normative concerns and that it is, again, the state who gives comprehensive answers to these questions. In addition, the rejection of normative questions (a serious problem in itself) has, however, led to an even more serious problem – the lack of attention to the legitimacy of the societal institutions and instruments that serve the self-reproduction of the society and its communication with other societies.

However, in the last quarter of the twentieth century, this trend was reversed and the first attempts to rehabilitate normative questions slowly emerged. In political philosophy, Rawls's reformulation of classical liberalism and its claim about the primacy of freely acting individuals (Rawls, 1999) is a typical example of this change (cf. Kis, 1997). In IR theory, the interest in normative questions appeared first in the context of critical theory's investigations into IR (e.g. Linklater, 1998), but it also appeared in connection with the quick expansion of social constructivism, which some consider an heir of critical theory (Price–Reus-Smit, 1998). Interestingly, normative issues in IR study are always related to some form of the critique of the state, and thus a struggle soon ensues between the normative approaches and the dominant statecentrism. The arrival of the constructivists meant the final fall of the state from the throne of the undisputed hegemon in IR. The ability of the state to fully separate the domestic and external policies and subjugate both of these areas is particularly challenged by the constructivist analysis of identities and norms. Constructivists show the dependence of state behaviour on the domestic context and on the level of its socialisation into international structures. In both political theory and IR theory, the state is therefore forced to newly justify its role in both domestic politics and foreign policy. In other words, the process of state *legitimation* comes to the fore.

## Two Conceptions of Legitimacy

It is possible to conceive legitimacy in two different ways. The first, narrower interpretation understands a certain action or a certain state resulting from that action as legitimate if it fulfils the criteria that are generally considered legitimate (i.e. by the actor). This interpretation focuses on the question of good and justice and it constitutes a typical part of political philosophy. Liberals usually adopt this understanding of legitimacy as their own since they do not formulate their basic claims about a concrete political community in particular terms, but always as universal statements that seek applicability to all *liberal* societies (or to all societies). Yet it is exactly this type of legitimacy that is now under assault from

the communitarians, who march into their battle with liberals on two fronts: downwards, against the stress on the pre-social liberal agent as the bearer of fundamental human rights; and upwards, against the cosmopolitan universalisation of the liberal individual.

The second interpretation is broader, and it explores the general way in which political actions and political institutions gain legitimacy in the eyes of those who are subject to them. It is, for instance, possible to reject the legitimacy of royal succession based on the divine origin of the dynasty in the first interpretation. But the divine-ancestry strategy can still be successful from the point of view of the second. The ruler will not be legitimate in the former case, but he will be legitimate in the latter. The key to understanding this type of legitimacy is the analysis of ways through which political institutions justify their existence and their actions, coupled with the consequent exploration of the effectiveness of these legitimisation processes. Importantly, the second interpretation is compatible with both liberalism (for which, however, this is a preliminary task at best, and not a sufficient definition of real legitimacy) and the communitarian conception of historically and socially contextualised legitimacy.

No matter how obvious an approach stressing the role of legitimacy may seem, currently another approach is dominant in IR theory. This approach posits institutions as unproblematised social facts. Here, the stress is put on the noun “fact” and not the adjective “social”. The phobia of IR theoreticians of the analysis of values and the prohibition against taking one’s own value orientation seriously give rise to a situation where the basic distinction between explanatory accounts that simply point out the causes of some action and the legitimisation accounts which try to understand how the action is justified is missing. Even worse, some theoretical works directly substitute an *explanation* of an action for its *justification*, which by the way means that in some theories (like in the above mentioned political realism), any politics that can be rationally explained is justified.

The reduction of socially constructed legitimacy to facticity and justification to explanation is the key weakness of all positivist political theories of the twentieth century dealing with IR. The positivists are no doubt able to quite convincingly explain the rise of the statecentric system and to shed light on the link between the existence of modern states and the emergence of the category of state/national interest. Yet if we ask the question “How can we defend national interest?”, we will always receive one of two contradictory answers: either national interest is interpreted as an empirical necessity, or it is rejected altogether. The idea that we could qualify the validity of national interest by its acceptability for citizens and/or for the international community is entirely absent from the traditional analysis of national interest in the twentieth century.

## The Legitimacy of National Interest

If we understand legitimacy in the broader sense, i.e. as the justification of a state institution or policy in the eyes of relevant actors (who may be the state's citizens or citizens of other states), then such legitimacy is a *necessary* trait of any durable institutional set-up or any long-term policy. The denial of legitimacy as the essential building block of societal institutions and concepts or even of politics as such is typically achieved in two rather unconvincing but frequently used strategies. The first is to replace legitimacy with force. According to the corresponding thesis, the state is constituted by force and kept functioning by force. Even the contemporary legal order rests, in the end, in the Weberian *Gewaltmonopol* of the state. This conviction has a venerable pedigree indeed – a long row of thinkers from Machiavelli (1995) to Schmitt (1922). The other option, which is not too frequent in political theory, but rather present in political practice, is the utter denial of the social nature of a political institution (such as a state or a war) or concept (such as national interest). Instead, the institution is declared a natural, permanent and immovable ingredient of political life. Unlike the first, the second thesis does not confront the concept of legitimacy directly but it implies that the question about legitimacy makes sense only in so far as it explores social constructs, and not the “natural” or “necessary” institutions.

Both of these alternative explanations must be subjected to critique. Nevertheless, our rejection of the thesis about violence as the basis of politics and the state does not equal the claim that force does not have any place in politics whatsoever. Nothing would be easier than to point to concrete empirical examples of when one or another empire was created by a conqueror (such as the empire of Alexander the Great or the Mongolian empire). What we, however, deem impossible is building an *enduring* political organisation only on repression and threats of violence. An institution can indeed be established by force, but if it does not gain legitimacy (and let us recall that we are talking about the broader definition of legitimacy, meaning approval by relevant actors), it necessarily collapses. Even totalitarian regimes, where repression of dissenting voices is a common occurrence, must possess some level of support by the society. In the end, the need for legitimacy is visible in the multiple ways in which such regimes use propaganda. If force alone was sufficient for the ruling elite to have a happy life, such legitimisation strategies would be useless.

While the first critique of the violence thesis is empirical, the second is theoretical. We are convinced that a thorough analysis of the works of those authors who are considered prime advocates of the thesis would show that in the end, none of them defend the thesis in such an extreme form as the one presented above. Quite to the contrary, in the works of each and every one of them,

legitimacy has some substantial role to play. We could, for instance, point to Machiavelli's *Discourses* (1531), probably a more precise reflection of Machiavelli's thought than the more famous *Prince* (1513), which was written with a very specific purpose in mind. In the *Discourses*, Machiavelli does not speak about the state as a goal in itself, but as an instrument for fulfilling two basic needs – security and freedom. Hence state legitimacy does not depend solely on the state's power, as some might be misled to think by *The Prince*, but also on the state's ability to guarantee its citizens' basic values. The distinction between security and freedom also allows Machiavelli to categorise states in terms of their political organisation. A secure life (*vivere sicuro*), which is the basic requirement of every good political organisation, can be achieved even in an absolute monarchy. But a free life (*vivere libere*) is a goal that only republics can guarantee, thus gaining a higher legitimacy.

Machiavelli is an epitome of the kind of legitimacy that links the sovereign's actions to the domestic environment. A second, historically prevalent alternative is legitimisation of national interest through the state's interaction with other states. This is the approach of the early advocates of *raison d'état* like Richelieu or his contemporary foe-turned-servant Duke Rohan, the author of one of the most concise treatises on state interest, *De l'Interest des Princes et Etats de la Chrestienté* (1899). Both Richelieu and Rohan are considered embodiments of the egoistic state interest, but their reasoning is much more complex, and it includes a big dose of legitimacy too. Rohan's conception is a conception of state interest resulting from the objective, mechanical application of elementary statecraft rules. At the same time, the key role is not assigned to domestic politics but to the international balance and *prestige* (as is the case with Richelieu's *Political Testament* as well /1964/): the French monarchy can attain both power and prestige, but only if it gains the approval and respect of the other European powers. So surprisingly for some, it is in these purported advocates of self-interest that the prolific tradition of treatises on balance of power and the European Concert found one of its antecedents.

The principal problem of these two types of legitimacy lies in their mutual incompatibility, which is the case particularly when the internal legitimisation is based on a democratic process in which a certain policy is accepted as national interest by all or almost all citizens. However, this policy may be consequently sharply rejected by other actors on the international stage. Different thinkers tried to solve this dilemma in various ways. Some, like Meinecke (1933) or classical realists, clearly prioritise international politics over domestic politics. They sometimes go as far as calling for some kind of limitation of the domestic democratic control of foreign policy (George Kennan and Walter Lippmann did exactly this – cf. Nincic, 1999). Others, on the other hand, elevate the will of the

people to the status of a virtually divine law that cannot be shaken from outside (one example would be Rousseau's general will /1789/).

Similarly unconvincing is the thesis about the naturalness of national interest. It is namely based on a simple reification of institutions that have existed for a long time and whose birth and historical evolution had been forgotten. In order to refute the thesis, we can explore the genealogy of such institutions or concepts, and we would certainly find a period of time when nobody saw them as natural. Ironically, the investigations of the origins of national interest (*ragione di stato*) show that many considered not the state but the previous arrangement, i.e. the hierarchical pan-European structure headed by the Pope or the Emperor, to be natural and that the state was seen as just a monstrous perversion of this natural order. Interestingly, the naturalness argument is in fact a legitimisation strategy too since its aim is obviously to silence all alternative "unnatural" conceptions. That is also why the words "natural" and "necessary" are so common in Machiavelli's *Prince*. In the end, however, "natural" institutions are nothing else than the winners of the ideational war of these institutions against their competitors.

## **The Criteria of the Legitimate National Interest**

To define the criteria of national interest, two points need to be clarified: first, how to connect the external and the internal legitimacy, and second, whether to define national interest substantively or in terms of procedures. The first is less problematic today than it was in the past when neither of the two types of legitimisation was based on democratic procedures, or when it meant the necessity to legitimise a domestic democratic consensus vis-à-vis undemocratic countries. Nowadays it is possible to couple the domestic democratic legitimacy to the acceptability for the international community comprised of democratic countries. Even though this move has some limitations (see below), the community of democratic countries is large enough to serve our purposes.

In regard to the second point, in our search for the criteria of national interest, we have to reject the substantive definition thereof. There are dozens of substantive definitions of national interest, ranging from maximum autarky (American isolationists) to maximum economic interdependence (functionalists in the integration theory or theoreticians of complex interdependence); from full independence (classical realists) to full political integration (European federalists); from the maximisation of military power (classical realists, again) to its exchange for economic power (liberals of all shades). This short list already gives some idea that not even the most general definition of national interest, such

as “integrity of the nation’s territory, of its political institutions and of its culture” (Morgenthau, 1952: 973), is sufficient.

Three streams of IR theory, liberalism, Marxism, and constructivism, have attacked the substantive understanding of national interest. Liberals believe that national interest is a useful metaphor, but that in reality we always have to talk primarily about the interests of individuals, from which the communitarian interpretation of interests is always derived. One of the most influential liberals in IR studies, Andrew Moravcsik, argues that “socially differentiated individuals define their material and ideational interests independently of politics and then advance those interests through political exchange and collective action” (Moravcsik, 1997: 517). The critique emanating from the other two streams is quite similar. Marxists insist that historically, national interest has corresponded with the interests of the ruling elites, and not the state’s citizens as a whole, and that the substitution of one part for the whole is merely a strategy of mass exploitation. Constructivists add that all institutions and policies are continuously being re-constructed; due to this fluidity, a permanent fixture of national interest is not possible. On the contrary, national interest must reflect the current political discourse. Hence, constructivists reject the realist notion that it is national interest that guides this discourse (cf. Weldes, 1999).

The conclusion from the above analysis is that a) it is not possible to fix the substance of national interest once and for all, but that b) we should insist on the double principle of internal and external legitimisation. This implies that if we want to define the criteria of proper national interest, we should focus on the *procedure* of its *legitimation*. We suggest that theories of democracy (e.g. Schumpeter, 1994; Habermas, 2002) constitute a suitable theoretical underpinning of the analysis of national interest’s domestic legitimacy since they too investigate the question of whether a given phenomenon (i.e. democracy) can be defined by means of procedures that must be carried out in order for the political action to be considered democratic (or, in our case, an expression of the national interest). The external legitimisation can draw on the insight from IR theory dealing with international legitimisation. Our aim is therefore to create a set of procedural criteria of national interest. In our conception, the three minimum criteria are the following: (1) the criterion of relevance; (2) the criterion of consensus; and (3) the criterion of external acceptability.

### ***1. The Criterion of Relevance***

The basic requirement is that a national interest must be a policy that (a) fundamentally impacts the (external or internal) functioning of the community, (b) substantially transforms its key features or (c) gives rise to important new rights and obligations for the community. In other words, a policy that is marginal for



the community cannot be its national interest. This means that no more than a few policies or objectives can be national interests at any one time. If, on the other hand, a policy claiming to be a national interest is of a more particular nature, for instance representing the interests of a region or a social group, this claim has to be rejected.

Empirically, relevance can be ascertained by asking whether the topic has been present in the community for a long time (at least several months, ideally several years) or whether the issue has been discussed by state institutions irrespective of these institutions' composition or political orientation. Relevance can also be verified by consulting programme declarations of the central institutions of the community, the speeches of its representatives and/or the opinion polls. Also, a long-term presence of the topic in the societal and media discourses is very important for judging its relevance.

## ***2. The Criterion of Consensus***

The criterion of consensus represents a somewhat more controversial claim: that a societally relevant question that becomes present in public deliberation will induce such a change of the stance of those partaking in the deliberation that it will lead to a political consensus regarding the solution of this question. This approach is different from the aggregation model, in which individual preferences are simply added up (since the aggregation model will almost never lead to a consensual position because individual preferences vary most of the time), but also from simple majoritarian views.

A common objection to this approach that seems plausible even for advocates of deliberative democracy (e.g. Elster, 1997) lies in the fact that the real political debate is fundamentally different from the ideal speech situation and that, as a result, a consensus is impossible to attain. In addition, the more pressing a question is, the more limited the debate must be, at least in terms of time (Ibid.). This objection can be countered by a more nuanced analysis of what consensus means. We should distinguish (a) the goal of a policy, (b) the strategies through which these goals can be reached, and (c) concrete tactical measures. This distinction is important since there is often a broad consensus regarding the basic goal (such as EU entry or the need for development aid), but consensus is harder to find in terms of the policy that would lead to this goal (e.g. in the case of development assistance, adherents of the modernisation theory may attack the precepts of neo-Marxists). The aim of empirical research should be to find the borderline between those areas where consensus exists and those where it is no longer present. We are convinced that particularly on the level of general goals, a societal consensus usually exists and that Elster is not entirely correct when doubting the practical attainability thereof (Elster, 1997).

As an optional criterion, a sufficient level of deliberation should also be mentioned. Under deliberation, we understand discussions in the public sphere in which all members of the community can, in principle, participate. The goal of these debates is, on the one hand, to find a shared stance to the discussed question, but also, on the other, to achieve the Millian transformation of the deliberating persons. The basic yardsticks of proper deliberations can be defined as the following conditions. The first condition is the general possibility to discuss a question publicly. If the negotiations are secret and the public is only informed about the result, the criterion is obviously not fulfilled. The second condition, which was already mentioned above, is a sufficient presence of the question in the public space – the interested subjects must be allowed to assist in the formulation of the policy or law. This includes, for example, participation in round table discussions or the possibility to comment on the norm during the process of its drafting.

The third condition is debate with those members of the community or those social groupings that are directly touched by the question. Some would argue here that such groups will always defend their particular interests, irrespective of the interests of the whole community. Nevertheless, the fact alone that the actors must enter the public sphere, where rational argumentation is required and where the principle of universalisation is implicitly always at hand, substantially reduces the risk of manipulation with the policy, which would be possible in a case of secret negotiations. For instance, if the debate is about the introduction of the Euro, the prime targets and subjects of the debate should be representatives of businesses, the banking sector and consumer associations.

### ***3. The Criterion of External Acceptability***

The previous two criteria, i.e. relevance and consensus, are the basic conditions for the domestic legitimacy of a policy. To couple domestic legitimacy with its external counterpart, we have to add a third criterion. While the first two are derived from the theory of democracy, the third is inspired by IR theory. Many IR theorists offer sophisticated models of external acceptability of a national policy, such as those working within the theories of classical realism (Kissinger, 1957), the English School (Bull, 1977), liberalism (Moravcsik, 1998), and constructivism (Wendt, 1999). Only a few of them, however, are consistent in coupling the two spheres, instead of simply subordinating domestic legitimacy to the external environment. A genuine double legitimisation of a national interest requires both that the policy be based on a domestic consensus and, *at the same time*, that it be accepted as justified by other countries and as compatible with their national interests. In other words, a national interest cannot be a policy that directly harms the interests of other actors which are seen as legitimate by the international

community. If the result of the domestic process of national interest formulation would be, for instance, an attempt at a forceful occupation of a part of another (democratic) state, it is obvious that such an attempt will/should be sharply rejected by the other members of the community.

The criterion of external acceptability serves several key functions. Most importantly, its presence in the set of the basic criteria of national interest is a safeguard against potential excesses of the decision-making process focussed exclusively on domestic politics. Many historical examples could be pointed out where a clear domestic consensus, sometimes even supported by democratic procedures, led to a violent foreign policy. These examples range from the colonial expansion of European powers to current wars waged by present-day great powers (e.g. the invasion of Iraq of 2003 and the Russian-Georgian war of 2008, which both enjoyed strong support domestically but were sharply criticised by the international community).

The second reason for the inclusion of this criterion is more general since it relates our discussion of national interest to the debate between the communitarians and the critical theorists (cf. Linklater, 1998; Taylor, 2003). One might argue that our approach is too state-centric, taking the state as the only locus of political decision making and the construction of national interest. By introducing the check of acceptability for the international community, the potentially excessive communitarianism of our approach is mitigated and replaced by a balanced combination of the communitarian focus and the broadly conceived need for international legitimacy. The criterion, at the same time, has to settle several objections. The most serious of these is the vague definition of the international community. The most plausible solution would be to limit external acceptability only to the community of democratic nations. If the domestic procedures comply with the above criteria in all of these nations and if the state's policy is accepted by other states, then there is no doubt about both the external and the internal legitimacy of the policy. It is naturally conceivable that other – democratic – states will also raise their objections which have not resulted from their domestic discussions about national interests, but if these countries are generally democratic, their concerns should also be taken into account. In practical terms, in the case of the Czech Republic, we can limit our analysis to EU member states, which in most situations constitute the basic reference frame for Czech foreign policy.

When dealing with truly global issues (such as climate change, WTO trade negotiations and the like), the analysis has to be broadened so as to include other countries, some of which are definitely not liberal democracies. Following John Rawls (1999), we can also include illiberal but “decent” nations (Rawls talks about “decent peoples”). A “decent” nation, even though not fully qualifying as

a liberal democracy, is a nation that respects basic human rights (including the right of assembly and freedom of religion), while its government consults its steps with the society, allows protest and does not prohibit migration and similar activities.<sup>1</sup>

These criteria are quite flexible but simultaneously they constitute a relatively firm framework for an empirical analysis of the Czech Republic's foreign policy. In the process of their operationalisation, we should repeatedly ask the following questions: (1) whether the policy is relevant enough for the country's foreign policy, (2) whether it is consensually accepted and (3) whether it is also acceptable for the external partners. For instance, there is a widespread consensus about the country's integration into the EU in general. If we descend to a more concrete level, though, to the question of the most appropriate form and pace of political integration, the domestic consensus breaks down. This is why we can declare the EU entry a national interest, whereas the adoption of the Lisbon Treaty does not qualify as such. Similarly, when analysing the external acceptability, we should always look at democratic (and sometimes at decent) states. But it is also necessary to analyse the impact of a policy on other countries, even though these countries may not always belong to the fold of liberal and decent states. As a result, we can challenge the EU's policy towards its neighbours if the neighbours do not perceive the policy as acceptable, regardless of whether the neighbour state is democratic or undemocratic.

## **Conclusion**

The main aim of this chapter was to present the basic framework that can be used in empirical analyses of foreign policy. Although some of the criteria are optional (such as deliberation in the domestic context and weighing the consequences for non-democratic states in the international context), the key conditions are firmly defined. The key concern is whether a policy is both internally and externally legitimate. A policy turns into a national interest only if all the necessary criteria are fulfilled. Yet a policy can cease to be a national interest as well – as a consequence of the quite frequent shifts in both the domestic and the international spheres.

Our conceptualisation leaves several questions open. For instance, it is still not clear to what extent the input from the external environment can be transposed into the internal debates (the problem of a two-level game). How far should it be binding for the domestic deliberation that some relevant countries (that may or may not be liberal democracies) consider the discussed policy unacceptable? Another contentious issue is whether our model can also be applied in an analysis

of other entities than modern sovereign states. We believe that our criteria could be applied to political activities of transnational/supranational groupings, such as the European Union. What is unclear, however, is how far we can take the analogy between national interest and the “public interest” of a (usually intra-state) social group that does not constitute an autonomous political community. The question remains open whether our criteria break through the border between states and other form of societal self-organisation or whether the border between the two remains intact.

## **Endnotes**

<sup>1</sup> This principle does not exclude countries like China from the international community as such. We merely claim that the concrete set of countries that are relevant for an analysis of the external acceptability of a policy can range from comprising only liberal democratic countries to also including “decent” states, but the set cannot include states that are both undemocratic and non-“decent”. Other countries, in this sense, are merely subjects that can voice their critique, but the critique’s rejection does not imply that the policy is not a national interest.