



Rethinking security: towards Third World Approaches to European Union Law

Nizamuddin Ahmad Siddiqui & Max Steuer

To cite this article: Nizamuddin Ahmad Siddiqui & Max Steuer (06 Aug 2026): Rethinking security: towards Third World Approaches to European Union Law, Journal of Contemporary European Studies, DOI: [10.1080/14782804.2026.2701985](https://doi.org/10.1080/14782804.2026.2701985)

To link to this article: <https://doi.org/10.1080/14782804.2026.2701985>



© 2026 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.



Published online: 06 Aug 2026.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

Rethinking security: towards Third World Approaches to European Union Law

Nizamuddin Ahmad Siddiqui ^a and Max Steuer ^{b,c}

^aFaculty of Shariah and Law, Villa College, Malé, Maldives; ^bJindal Global Law School, O.P. Jindal Global University, Sonipat, India; ^cDepartment of Political Science, Comenius University Bratislava, EU/Slovakia

ABSTRACT

Amidst the second Trump presidency and the Putinist invasion of Ukraine, European Union (EU) discourse has taken a 'security turn'. The need to defend 'European constitutional values' amidst auto-cratization amplifies earlier concerns of limited democratic oversight over security policies. Critical EU security studies, despite highlighting these deficits, largely neglect the domination vis-à-vis polities beyond the EU. This article discusses how Third World Approaches to International Law (TWAIL) advance critical studies of EU security by developing the concept of 'normative deficiency' and applying it to the EU. We argue that TWAIL enriches existing critical EU security studies by recognising normative deficiency not only in the limited formal regulation but also in the ignorance towards the uneven spillover of the regulation towards the Global South. The de-centering of European security with the help of TWAIL enables to draw the contours of 'Third World Approaches to EU Law' (TWAEL). We illustrate how TWAEL can strengthen the EU's capacity to live up to constitutional values in relation to the deployment of private military and security companies (PMSCs). TWAEL highlights how the normative deficiency of EU law fuels the omission of non-EU citizens from democratic oversight over PMSC deployment.

ARTICLE HISTORY

Received 6 January 2026
Accepted 5 July 2026

KEYWORDS

EU security; Global South; Third World; TWAIL; Private military and security companies (PMSCs); critical security studies

Introduction

When security appears in European Union discourses, governments, rather than communities, are expected to speak. For decades, this elitist nature of (EU) security was not considered a deficit for the ambition to make the EU more democratic, one that stems from its founding commitments (Coman 2020). The open Russian invasion of Ukraine and the subsequent second victory of Donald Trump in the US (Dück and Stahl 2025; Kundnani 2025) have amplified attentions to security discourse. Yet, this growing interest is not accompanied by dispelling the perceptions of closedness and antidemocratic practices of EU security policies. Even today, security is not constructed as

CONTACT Max Steuer  ms2632@cantab.ac.uk; max.steuer@uniba.sk  Jindal Global Law School, O.P. Jindal Global University, Sonipat Narela Road, Sonipat, Haryana 131 001, India; Department of Political Science, Comenius University, Gondova 2, Bratislava 811 02, EU/Slovakia

© 2026 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.

This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author(s) or with their consent.

a constitutional value of the EU, and its relation to the list of values as enshrined in Article 2 TEU remains unclear.

Traditional solutions address the deficit of democracy through more legal regulation. However, they struggle to explain the causal link between increased regulation and greater democracy, especially given the EU's tendency to regulate 'by stealth' (Majone 2005). This article explains why calls for more regulation alone fail to address the democracy deficit in EU security policy. Building on Third World Approaches to International Law (TWAIL), it shows how the normative deficiency identified by TWAIL is exacerbated in EU law due to the presence of legal hybridity. However, TWAIL, when applied to EU law via what we call Third World Approaches to EU Law (TWAEL), has resources to begin addressing the normative deficiency.

Following the outline of our approach, we expand on the limitations of the discourse of 'more regulation' to remedy the democracy deficit in security policy. We then discuss the hitherto overlooked relevance of TWAIL beyond broader critical perspectives, as TWAIL can account both for the boundaries between the private and the public and the tendency to confine legal regulation behind closed-door negotiations of governing elites. We argue that TWAIL helps recognise the *normative deficiency* in the thinking about EU security, which tends to ask for *more laws*, but neglects how the *discourse surrounding their enactment influences their impact* (Friedman 2016). Even when norms emerge, they entrench domination of elite power to oversee the implementation of these norms. In the EU, this problem is exacerbated by its *legal hybridity*: the parallel existence of private and public ordering, thus complicating regulating that ordering (Teubner 2017). Subsequently, we underscore the normative deficiency in EU security policy and argue that TWAIL, thanks to having been less influenced by the traditional Western separation of the private and the public and more open to the robust role of the public, is capable of identifying and critiquing legal hybridity. We introduce TWAEL for rethinking the logic of EU discourse over the regulation of security, illustrating its potential through references to private military and security companies (PMSCs), the deployment of which underscores the lack of democracy in EU security policy.¹ Ultimately, TWAEL offers normative resources to start addressing this deficit.

Methodology

We offer a conceptual study supported by illustrations based on primary documentary evidence from the deployment of PMSCs. This helps understand how normative deficiency under the conditions of legal hybridity foregrounds a deficit in EU security policy. The core of this deficit is the embrace of a hierarchy between the EU and the 'rest of the world' that antagonises communities outside the EU and undermines the imagery of the EU as a constitutional polity (Cebeci 2025).

TWAIL challenges neat distinctions between discourses and legal regulation of security, criticising the interconnectedness of claims spread by decision makers and elite stakeholders in the public and the way law is *practiced*: in terms of implementing existing regulations, identifying the need for new ones, and engaging in the process of adopting them (Chimni 2017 Chapter 3). Therefore, our account of normative deficiency helps bridge the gap between critical security studies, which focus on security as a discourse, and the role of law, which is more durable and

'sticky', creating and foreclosing options and capable of triggering exclusions: 'the security of the few [is spearheaded] through the violation of the human rights of many – especially through the use of law' (Aboueldahab 2024). We thereby advance critical scholarship on EU security and on TWAIL. The former focuses on sources of marginalisation and oppression *within* the EU, having extended its agenda to those seeking refuge in the EU due to various forms of persecution and domination elsewhere. However, those who are 'outside' the EU and wish for dignified lives without migrating to the EU member states are rarely scrutinised. Moreover, the impact of EU security policies on security discourses beyond the EU remains largely neglected in the existing literature.

TWAIL, on the other hand, has not placed security centre-stage in its conceptual apparatus. There is surprisingly little discussion of security as a concept and of the role of security law in TWAIL scholarship, despite the extensive set of legal regulations of security arrangements globally.² General concepts of domination have been mentioned in relation to TWAIL's role in security (Bergtora Sandvik 2010, 119), but not scrutinised in EU law. The employment of TWAIL in a critical reading of EU security policies also becomes relevant due to the former's ambivalence to move beyond the rhetoric of power and domination, without yielding much to the technicalities of reading security in the Global South. Linking such an aspiration to the existing critical security studies framework has the potential to yield a better understanding of how security performs vis-à-vis where the discourse emerges ('North') and where it is deployed ('South'), moving beyond the confines of an inward EU-centred study. Such a reading also helps highlight why the 'North' and the 'South' are not mere 'territories' but 'conditions' that are equally represented by elites and the institutions guided by them and the citizenry guided through democracy, in both geographies.

TWAIL contains 'a set of very useful and penetrating analytical tools that international law scholars as a whole can benefit from using' (Anghie 2008, 480). The applicability of these tools beyond international law, however, has rarely been studied. As other critical approaches, TWAIL represents more of a movement that prompts ways of thinking than a rigorous, reproducible method (Burgis-Kasthala 2016). This can fuel criticisms from a positivist perspective but boosts the potential of TWAIL to contribute to critical studies, including in relation to security (Gilder 2021, 2).

The blindspot of EU regulation: accounting for the Third World

With the increasing uncertainty globally, previously asked questions about the relationship between security and democracy have become amplified. References to security in the EU have typically enabled openings to evade public oversight (Nicolaidis 2021a), because decision-making, at least in traditional 'hard' security areas, is intergovernmental, subjecting it to strong control by EU member state governments and unanimity requirements (Lodge 2003). Moreover, EU security experts tend to defend differentiation (Mahníč and de Elera 2024), which further undermines the generation of unified standards of regulation prone to democratic oversight. The lack of public oversight has been noted by EU-centric studies, but it is mostly critiqued from the inward-centred perspective: that *EU citizens* have a limited say (Bono 2006).

Missing are perspectives that would emphasise the absence of peoples beyond the EU in the decision-making despite the impact of the decisions on them.³ Calls for more regulation, we argue, are doomed to have limited impact for advancing the EU's professed constitutional values. Instead, we can use a theoretical apparatus developed beyond the EU to reflect back on EU regulation.

Countering the normative deficiency of law: the contribution of Third World Approaches to International Law (TWAIL)

The combination of recognition of colonial domination and the impact of norms beyond the communities that legitimated them makes TWAIL uniquely suited to understand the challenge of regulation of security in the EU amidst its 'security turn'. TWAIL began in the late 1990s, asking whether a Third World approach to international law could be developed and what could its main concerns be (Gathii 2011, 28). 'Third World' referred to the 'states that emerged from colonialism' and incorporated their 'vision of international relations and international law' while ensuring independence from the 'West and Communist/Socialist worlds, the First and Second Worlds' (Anghie et al. 2025, 4). The meaning of the 'Third World' within TWAIL has evolved. The 2025 *Research Handbook* defines 'Third World' not as a 'place' but as a 'project' that calls people from all locations to contribute to the understanding of international law based on their experiences (Anghie et al. 2025, 7).

Scholars defined TWAIL rather loosely as 'a dialectic' (Mutua 2000, 31), 'a scholarly enterprise' (Anghie et al. 2025, 1), 'a tradition' (1), 'a movement' (Eslava 2025, 20), 'a network' (20), and 'a sensibility' (10) which highlights 'how power works in creating inequality and immiseration not only in the Third World, but throughout the globe' (also Anghie et al. 2025, 9; Anghie 2023, 41). In essence, TWAIL stems from the people and the world they inhabit and not from the nation-states and institutions thereof.

TWAIL has attempted to highlight the presence of *normative deficiency* in international law, yet without calling it that way. 'Normative deficiency'⁴ highlights the inefficiencies in the structure of legal norms that limit their ability to address the conditions they were meant to address (Bix 2018, 40).⁵ These structural inefficiencies stem either from the substantive core of these norms – for instance, their limited capacity to address social phenomenon – or from the perspective of the subjects upon whom the norms are made applicable. The reason why norms remain deficient is twofold: either due to faulty recognition of legal lacunae, for instance, the vague engagement with 'security' within EU studies, or due to faulty readings of the conditions within which such norms are to be made applicable, for instance, the near absence of studies that demonstrate the role of/ impact on the Global South within the security discourse of the EU. The same reasoning can be extended to the study of environmental governance, global trade regime or humanitarian response to war situations.

Normative deficiency concerns the effectiveness of norms on account of either weak norm-construction or implementation gaps in governance (Krieger 1995, 1239). Awareness of this deficiency in norm construction (Chimni 2018) and the 'implementation gaps' in international governance (Alessandrini 2025, 379) is occasionally evidenced in TWAIL scholarship.

Going beyond international governance, how do we read the *normative deficiency* in the EU? Is there a model that helps us understand how this *deficiency* operates, applies and evolves there? Why is such a mapping relevant at all? What could be the possible contours of such *deficiency*? In what ways could deficiency be studied and potentially remedied? Engaging these questions helps analyse and develop specific regulation. Accordingly, we next expand the horizons of EU law by highlighting ways in which the EU legal regime often thrives on the marginalisation of the Global South in a subtle fashion (Jayashankar 2025).⁶ The reading of security within the EU from a TWAIL perspective is thus among (if not the) first readings of *the EU* using TWAIL.⁷

Despite its value, TWAIL's insistence on colonialism and imperialism and focus on marginalised/deprived voices has not been able to highlight how the structural limitations of international law have impacted the legal regimes in the EU. Accordingly, this analysis attempts to improve the TWAIL methodology,⁸ thus helping identify the deficits of EU security policy. Indeed, TWAIL offers a loose methodology to rethink EU law. It helps understand its trajectory post-World War II, in the wake of decolonisation and the material emergence of 'Europe' (see also Kundnani 2023). It also helps us understand how grounding legal norms in the Global North has impacted the implementation of these norms in the Global South, or even *vice versa* (see Singh 2020).

Thereby, we add to the emerging critical study of EU law (Vauchez 2025, 346) where the need to account for colonialism and imperialism gradually gains recognition (Eklund 2025b, 2), albeit without using TWAIL methodology yet (Eklund 2025b, 16).

Normative deficiency in the EU: introducing TWAIL

TWAIL is uniquely suited to make sense of the current discourse on EU security and PMSC regulation thanks to its origins beyond Western-centric literature, which is essential to acknowledge the impact of EU security laws and policies beyond the borders of its member states and to highlight the historically dominating character of EU law (Eklund 2025b).⁹ TWAIL helps understand not only how international law shapes the world, but also the architecture of international law when it engages with the world (Mutua 2000, 31), extending our understanding of 'not only the Third World but also the First World' (Anghie 2023, 1, 33–34; see generally Linarelli, Salomon, and Sornarajah 2018). An undertaking whereby the Third World is read into the First on account of the resultant *normative deficiency* thus contributes to TWAIL scholarship as well (Thomas 1999, 229).¹⁰

Normative deficiency goes beyond the absence of common regulatory standards and represents structural obstacles to democratically compliant lawmaking vis-à-vis entities that blur the boundaries between the private and the public and that impact developments beyond the EU. The practice of *differentiation* (Nicolaidis 2021b) in EU defence and security policy does not help the aspiration of higher standards (Leruth, Gänzle, and Trondal 2022). Instead, it pushes a view of these policies driven 'by *interests* rather than by *values*' (Howorth 2019, 263) and sidelines the requirements for it to meet constitutional values.¹¹

Despite the unexplored linkage between TWAIL and the EU, EU law does not leave TWAIL untouched either. The normative *deficiency* in the EU is boosted by 'legal hybridity' (Teubner 2002). Legal hybridity accounts for a parallel existence of private and public

ordering, thereby creating difficulties in the regulation of the legal order (Teubner 2017). It is a byproduct of the globalisation of the neo-liberal order, which has favoured the expansion of private ordering mechanisms (Teubner 2011). In the face of legal hybridity, the distinction between the First, the Second and the Third World does not remain static (Krahmann 2013; Leander 2012).

Any discussion on *deficiency* within the EU should, therefore, investigate whether the existing normative order on security is reflective of EU values. Why and in what ways were other important 'sites' of EU life (for instance, public consciousness, democratic institutions, non-governmental organisations) ignored during the production of these normative understandings around security? What kind of expertise is shaping EU policy on rearmament? Which forms of knowledge are ignored while expanding such an understanding? For instance, does any discussion of security also include information/understanding about how its operation affects the normative universe in which international law and EU law function, or an investigation into how its operation builds/rebuilds/frames the legal life of the Global South? This is particularly important, as the Global South is often the object of EU security discourses (Bonifert 2025), with PMSCs deployed there being one manifestation of such objectification.

Any exploration of the *deficiency* brings forth what Eslava and Pahuja (2012, 202) call the 'praxis of universality'. A close reading of this *praxis* shows us ways in which the geography around security addresses the already existing privatisation in the EU's armament. This also pushes enquiring '... what kind of universality we want to embrace and what kind of universality we should resist' in the critique of the security policy (Eslava and Pahuja 2012, 202). Understanding EU law as also a 'material project' helps read security policy beyond the usual sites of EU law, i.e. courts, government policies, EU resolutions, etc., and into more subjective formulations – for instance, in democracy deficit that the discourse introduces in the regulation of *security* across the region.

The two-pronged normative deficiency materialised in the challenges to the Weberian understanding of the state (premised on monopoly over the legitimate use of force) in the form of private ordering makes it even more difficult to understand the nature of security (Leander 2019, 137). The dominant, if any, reading of *deficiency* in the EU in the context of security operations is as a 'scarcity' of norms instead of an 'inefficiency' of norms. The *scarcity* stems from the understanding that improving security in the context of the push for 'rearming Europe' (Marsh, Oliveira Martins, and Mawdsley 2026) can be achieved by more regulatory oversight alone (Kis Kelemen and Mohay 2024). We argue, in contrast, that the deficiency should be located more precisely in the *inefficiency* of the norms – either as weak norm construction or as implementation gaps at the level of governance.

The sources of normative deficiency have gained limited recognition within existing critical approaches to EU law. For instance, in the *Routledge Handbook* dedicated to 'Critical European Studies', there is no mention of TWAIL (Bigo et al. 2020), and security is not its prominent theme altogether.¹² The combination of (a) the neglect towards TWAIL in approaching the security and regulation nexus in critical EU studies and (b) the growing prominence of the security discourse and the obvious effects of empowering PMSCs as 'private' actors to carry out missions in the 'Third World' countries, for instance, offers an opportunity to pursue TWAEL (Chart 1). TWAEL is premised on *normative deficiency* not only on account of the EU's colonial history but also based on the 'epistemic deprivation' of the citizenry due to the emergent legal hybridity, which places one of the

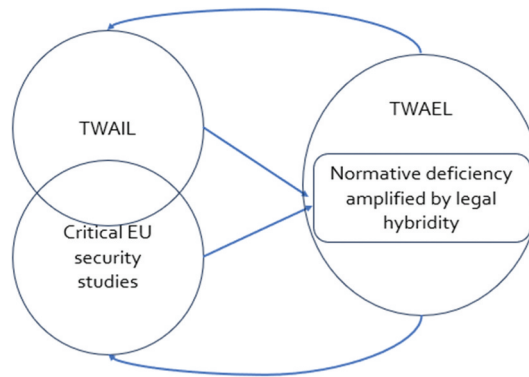


Chart 1. The emergence of TWAEL as a result of combining perspectives of TWAIL and critical EU security studies, and the feedback loop from TWAEL to both of these fields. Source: authors.

most important functions of the modern state – the monopoly over the use of force – beyond the confines of public scrutiny. TWAEL can capture the normative deficiency through EU law’s own terms, given that international law in the EU is mediated through EU regulations in a ‘descending fashion’; and in ‘ascending fashion’, it is the EU regulations that contribute to the ossification of international law.¹³ Focusing on PMSC regulation, the next section explores the implications of normative deficiency present at the EU level and boosted by legal hybridity.

TWAEL applied to PMSCs: unmasking the de-democratising effects of corporate codes

PMSCs are entities traversing the private and public sectors that offer combat services and can fulfil a range of other functions (Prem and Krahmann 2024, 2). PMSCs in Europe were initially studied exploratorily through a potential ‘European’ approach, driven by a Swiss-led initiative of the ‘Montreux document’ that the EU ratified (Sossai 2013). Concerning the human rights implications of PMSC operations (Kalnina and Zeltins 2011), there are limited avenues to hold the EU responsible for violations committed by PMSCs acting in EU missions (White and MacLeod 2008, 988). Even where PMSCs are used to facilitate EU policies, such as border control or migration management, EU institutions retain limited control vis-à-vis the member states (Ambroso 2022; Davitti 2019; see also Wilson 2020). PMSCs perform various tasks in these processes, including those that can infringe fundamental rights, e.g. by expelling refugees without legal grounds, harming civilians in security operations or preventing public oversight through opaque command structures (Bátora and Koníková 2025, 1786–1788).

Prem studied the broadening of ‘security’ by PMSCs beyond the traditional ‘military’ involvement (Prem 2018) and the legitimising effect of the invocation of PMSCs (Prem 2021b) – but these studies tend to focus on the deficits from the perspective of EU citizens only. Moreover, traditional accounts of PMSC operation in the EU argue for merely more regulation (van Meegdenburg 2015). Critiques stressed the danger of the *depoliticising* effects of this regulatory security narrative, in which legal solutions as technical fixes can address excesses by private actors (Prem 2021a).

Even critical literature has nevertheless omitted how the so-called Third World has been disproportionately underrepresented in the shaping of the regulations, despite the frequency of PMSC deployment there (Macías-Tolosa et al. 2025).¹⁴ PMSCs have been used to absolve the state from responsibility globally (e.g. Bamigboye and Kinsey 2025, 232). This sense of superiority vis-à-vis the 'inside' and regulatory malaise vis-à-vis the 'outside' is not absent in the EU either (see, e.g., Mejino-López and Wolff 2024). From among institutional documents, a paper by the General Secretariat of the Council (European Union 2023) discusses the PMSCs' operation in the context of 'third countries', at most the former sphere of influence of the Soviet Union. PMSCs thus illustrate the democracy deficits of EU security policy.

TWAEEL helps illuminate the dangers of the current mode of PMSC employment in EU security policy – without structured regulation and the practice of robust public oversight – for adherence to the EU's constitutional values. As discussed, TWAEEL does not stop with criticising the lack of a comprehensive regulatory framework for PMSC operations. Rather, it shows how the *combination* of the lack of regulation with the blurring between the private and the public amplifies the exclusion and domination imposed by EU law on communities, especially those beyond its borders.

Several scholars noted the phenomenon of capital accumulation fostered by regional and global integration processes in general (Tzouvala 2020) and the EU in particular (Sotiris and Sakellariopoulos 2018; van Apeldoorn 2001, 70). Accordingly, European integration is also a 'class project', where the emergence of a 'transnational capitalist class' played a critical role (Chimni 2010, 69). Chimni (2012, 24) argues that 'the need for capital to expand to non-capitalist spaces' also determines the mechanisms behind 'privatization of the public sector'. This 'accumulation by dispossession', as David Harvey (2004) calls it, can be linked to the growth of the armaments industry.¹⁵ Tzouvala argues that 'war and war preparedness' act as formidable 'terrains of capitalist accumulation and profit-making' while 'ensuring the viability of capitalism' in its entirety (Tzouvala 2024, 206). The emergence of the transnational capitalist class (TCC) fuels domination following the logic of class categories (Anderson 2005, 1272).

TWAEEL shows that the gradual constitutionalisation – at global (Peters 2009) or regional level (Weiler 1991) – of normative constraints has its limits. It might enable 'the articulation of the sense of injustice and the struggle of classes and social groups for emancipation' (Brunkhorst 2014, 467) but, as long as capital guides positive law (Hudson 2018, 58), constitutionalisation mainstreams capital interests (Commons 2012). Legal hybridity, for instance, in the form of corporate codes that do not replace binding regulation (Leander 2012; Teubner 2011), creates public orders of authority while challenging the state monopoly over the legitimate use of force (Leander 2019).

The operation of PMSCs in the EU is akin to transnational corporations (TNCs), whose codes, according to Teubner (2011), are co-existent and co-equivalent with the public and private codes of international organisations. The resultant legal framework creates an interplay of 'hybrid networks' (Teubner 2002, 323) not always guided by the logic of law (Teubner 2011, 637).

PMSCs' corporate codes are both 'voluntary' and of 'extra-legal origin' because 'they are not legally required', merely induced through pressure exerted by 'NGOs, customer requirements, industry association rules, and other forces' (Abbott and Snidal 2009, 506, note 25). The compliance of corporate codes with public standards is then

dependent upon the strength of democratic processes. Without them, the corporate codes have the propensity to become less responsive. Chimni's variant of TWAIL has been instrumental in highlighting the interests of capitalist military elites and how this shrinks the space of the public.¹⁶ This applies in the EU as well, with the added hierarchy that emerges through distinguishing between those who are 'part of Europe' (EU) and those who are not, on the basis of citizenship, historical ties or other factors (Kochenov 2019, 114–117). The dominance of corporate practices within PMSCs (Cusumano 2021) as a manifestation of legal hybridity is not democratically scrutinised even within the EU, not to mention the involvement of affected communities beyond the EU. For example, one scholar tried to analyse contracts that the European Asylum Support Office (EASO) concluded with PMSC G4S for the provision of 'security services' – itself a vague label that prompts the objectification and securitisation of migration, framing it as a security threat without clarifying the linkages with EU constitutional values and the mechanism of democratic authorisation. Full access to the contracts was denied, while the framework contract only absolves the EASO from responsibility for potential misconduct committed by the PMSC against migrants and refugees (Kis Kelemen 2020, 171–173).

Whilst other mechanisms of contracting PMSCs might offer more transparency, there are no indications of attempts to involve affected communities from beyond the EU to discuss the scope and responsibilities of PMSCs and only minimal efforts appear vis-à-vis EU citizens too – such as the 2026 European Citizens' Panel on Preparedness (European Commission 2026) or even the more ambitious Conference on the Future of Europe in the early 2020s (Steuer and Organ 2025). As Bures and Cusumano (2025, 482) argue, the EU institutions will continue to resort to the use of PMSCs as their decision to do so 'stems from political expediency, as well as functional considerations and organisational preferences'. In other words, the obstacles of joint transparent decision-making, especially in the European Council and the Council fuel alternative solutions that can bypass the consensus requirements (for example, Fabbrini 2024) – decisions on PMSCs are among these.

Back in 2011, recommendations to increase the use of PMSCs were made in the interest of overcoming the 'gap between [the EU's] security ambitions and the reality of its military capabilities' – with little regard to human rights implications (Marilli 2011, 46). More than a decade later, not much has changed in the neglect towards the democracy costs entailed in PMSC deployment. This tendency does not diminish the EU's role as a 'regulatory security state' (Schilde 2023, 1255), but it illustrates the limits of the EU to offer a robust alternative vision that would prevent triggering dominating effects over the areas which historically have been most exposed to – and not infrequently suffered the most from – the deployment of PMSCs. TWAEL shows us that the implicit hierarchies between the EU and the 'rest' of the world in EU lawmaking and practice reinforce the inability to regulate PMSCs as long as they claim to operate in the 'private' domain.

Conclusion

The threats to 'European constitutional values' in the 2020s amplified the belief that 'the key to integration lies in the methods by which the defense of the West is organized' (McLachlan 1951, 286). Yet, the current deficient democratic architecture of the EU

(Eriksen and Fossum 2018) is combined with the limited recognition of the EU's global responsibility. The prioritisation of 'security' (Krahmann 2018) not seen as boosted by democracy (Steuer 2023) normalises the discourse on security policy, for instance on PMSC use. Given the latter's 'private' face, they easily remain in the shadows of public scrutiny.

This article, for the first time, employed TWAIL to help explain and rethink the tendency to advocate for at most formal regulation, illustrating it with the practice of PMSC use. It proposed to adapt TWAIL to the EU as TWAEL (Third World Approaches to EU Law) when combining the former's insight on the inherent normative deficiency with the recognition of the Union's hybrid legal arrangements known from strands of critical theorising of EU security and integration. Its added value is in highlighting that the lack of democracy is futile to overcome without regulators taking seriously public participation in lawmaking, and the impact and responsibility of such laws vis-à-vis the 'non-EU world', especially the Global South. While explorative in nature and in need of further empirical case studies, our analysis offers a new way of recognising the global implications of democracy deficits in the EU (Nicolaidis and Youngs 2023).

TWAEL contributes to understanding how the intersecting regimes regulating the use of force and international security manifest through PMSC operations (Citroni et al. 2025). More broadly, TWAEL yields lessons for EU law, which, in the conventional narrative, praises itself as an 'autonomous legal order' that is 'supreme' (see Schütze 2015). It points to the need for greater attentiveness towards the dominating effects of EU regulatory practices beyond the areas of 'four freedoms' where such critiques have traditionally been raised (e.g. Joerges 2014; Wilkinson 2019). This can help pinpoint the EU's share of responsibilities for the atrocities committed under the name of the EU project vis-à-vis vulnerable communities (Ganty and Kochenov 2024). It helps question the merely 'more regulation' approach and boost the value of participatory approaches in security-related decision making.

Our initial, albeit limited, proposal for TWAEL goes beyond the colonial tenets of EU law (Eklund 2025a; Kinnvall 2020) and encourages a framework for thinking about regulatory practices in the longer term. Such an account, which requires exploration in more areas of regulation and through more diverse methods, is not free from criticism for failing to satisfy the demand for emergency responses. Still, it may illuminate a pathway for reducing the propensity for a vicious circle of situations requiring such responses without time for a more long-term vision. Further consideration is needed for how such a vision should look like for security in the EU in general, and for PMSC operations in particular. That vision needs to be developed with the people globally affected by EU policies.

Notes

1. Due to the focus on the EU, European Convention on Human Rights (ECHR) law is not discussed and is subject to future research.
2. For example, the TWAIL handbook does not list security as a keyword, and there is no dedicated chapter on security.
3. This contrasts studies that recognize the deficits stemming from non-member European states (such as Norway and Switzerland) in EU policies (Eriksen and Fossum 2015).
4. Although the term has been employed before, its contexts are radically different and lack a clear definition. For instance, Somek (2011, 12) defines normative deficiency in

terms of under-regulation: ‘... anti-discrimination law is *normatively deficient*. Put simply, it does not regulate enough’ (emphasis in original). Gordon (2019, 188) argues that ‘modernity as a whole suffers from a fatal deficit in normative resources’, while for Deabler (2003, 38), ‘Kant’s theory appears to operate in a vacuum devoid of normative content.’

5. ‘[Many contemporary legal theorists] ... purport to “explain legal normativity”, but often fail to articulate what it means to say that law is normative or in what way that property requires explanation.’ In the EU context, the phenomenon has been identified as ‘normative incongruence’ (Coninck 2024, 39): ‘[There] is “normative incongruence” between the EU’s human rights commitments on the one hand, and the EU’s (positive, negative, procedural and substantive) human rights obligations on the other hand.’
6. ‘The persistent exploitation of Global South recruits within the private military and security industry calls for decisive transformation in how PMSCs are regulated and held accountable.’
7. The TWAIL literature does not indicate such scholarly attempts made so far (Anghie 2023, Anghie et al. 2025; Gathii 2011; Mutua 2000). Makaza-Goede (2024, 562–63) highlights the value of TWAIL in German law schools.
8. For instance, Modirzadeh (2023) or Bianchi (2016, 225).
9. The volume edited by Eklund, however, indicates only limited focus on security and discourses thereof.
10. Although TWAIL encompasses different strands of critical approaches, for instance feminist, race and language studies, we build on the Marxist framework here.
11. For an early concern pertaining to the risk of undermining the rule of law by PMSCs, see Minow (2005, 1026).
12. It features on a few pages of Merlingen’s (2020) chapter when it discusses the framework of an ‘internationalized state system’ created by (also) EU security policies, whereby the security services supported by the EU serve to ensure that regulations in ‘developing’ communities are upheld, without the EU itself being bound by its own standards internally.
13. We adopt the ‘ascending’ and ‘descending’ arguments from Koskeniemi (2006) as relevant to understand the EU law-international law relationship.
14. ‘The Global South has become a key labor pool for PMSCs, exacerbating existing inequalities based on citizenship, socioeconomic status, gender, social class, and race.’
15. We draw these insights from Chimni (2012, 24); see also Banerjee (2008); Luxemburg (2003, 446).
16. Chimni (2012, 24), citing Luxemburg (2003); Leander (2012).

Acknowledgments

The comments by Caroline Batka, Jozef Bátora, Erik Láštík, Darina Malová and other participants at the research seminar of the Comenius University in Bratislava (Department of Political Science), and of the anonymous reviewers, are gratefully acknowledged. Max Steuer acknowledges the support of the Schumann Fellowship (Karina and Erich Schumann Centre for Advanced International Legal Studies) at the University of Münster, Faculty of Law. The usual disclaimer applies.

Author contributions

CRedit: **Nizamuddin Ahmad Siddiqui**: Conceptualization, Investigation, Writing – original draft, Writing – review & editing; **Max Steuer**: Conceptualization, Investigation, Writing – original draft, Writing – review & editing.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This research received funding from the project PRIMILIEU: Private Military and Security Companies and the dynamics of change in the European Union's security policy (Slovak Research and Development Agency [APVV-21-0404]). The usual disclaimer applies.

ORCID

Nizamuddin Ahmad Siddiqui  <http://orcid.org/0000-0002-5466-0683>

Max Steuer  <http://orcid.org/0000-0001-7638-5865>

Data availability statement

All data sources used for the preparation of the article have been listed in the reference list.

Ethics statement

All sources used in the article were declared in the references section. This article does not contain any studies with human participants performed by either of the authors.

References

- Abbott, K. W., and D. Snidal. 2009. "Strengthening International Regulation Through Transnational New Governance: Overcoming the Orchestration Deficit." *Vanderbilt Journal of Transnational Law* 42 (2): 501–578.
- Aboueldahab, N. 2024. "TWAIL and Critical Security Studies [WWW Document]." *The Beirut Forum*. <http://www.thebeirutforum.org/qatar-roundtable-aboueldahab>.
- Alessandrini, D. 2025. "Trade Law." In *Research Handbook on Third World Approaches to International Law (TWAIL)*, edited by A. Anghie, B. S. Chimni, M. Fakhri, K. Mickelson, and V. Nesiiah, 372–385. Cheltenham: Edward Elgar. <https://doi.org/10.4337/9781789901528.00040>.
- Ambroso, M. S. 2022. "Offshoring and Outsourcing Border Control: The EU's Use of Private Military and Security Companies." *Migration Policy Center*. <https://migrationpolicycentre.eu/offshoring-and-outsourcing-border-control-the-eus-use-of-private-military-and-security-companies/>.
- Anderson, K. 2005. "Squaring the Circle – Reconciling Sovereignty and Global Governance Through Global Government Networks." *Harvard Law Review* 118 (4): 1255–1312.
- Anghie, A. 2008. "TWAIL: Past and Future." *International Community Law Review* 10 (4): 479–481. <https://doi.org/10.1163/187197308X36663>.
- Anghie, A. 2023. "Rethinking International Law: A TWAIL Retrospective." *European Journal of International Law* 34 (1): 7–112. <https://doi.org/10.1093/ejil/chad005>.
- Anghie, A., B. S. Chimni, M. Fakhri, K. Mickelson, and V. Nesiiah. 2025. "Introduction." In *Research Handbook on Third World Approaches to International Law (TWAIL)*, edited by A. Anghie, B. S. Chimni, M. Fakhri, K. Mickelson, and V. Nesiiah, 1–8. Cheltenham: Edward Elgar. <https://doi.org/10.4337/9781789901528.00006>.
- Bamigboye, O. M., and C. Kinsey. 2025. "Private Force in Africa: Reassessing Regulatory Frameworks and Advocating for an African-Centric Approach to PMSCs." In *Mercenaries and Security*

- Contractors in the 21st Century*, edited by E. Cusumano, C. Kinsey, and R. Parr, 232–250. London: Routledge. <https://doi.org/10.4324/9781003411659-19>.
- Banerjee, S. B. 2008. "Necrocapitalism." *Organization Studies* 29 (12): 1541–1563. <https://doi.org/10.1177/0170840607096386>.
- Bátora, J., and K. Koníková. 2025. "Private Military and Security Companies and the European Union as an Enmeshed Security and Defence Actor." *JCMS: Journal of Common Market Studies* 63 (6): 1783–1804. <https://doi.org/10.1111/jcms.13724>.
- Bergtora Sandvik, K. 2010. "Security and International Law." In *The Routledge Handbook of New Security Studies*, edited by J. P. Burgess, 110–119. London: Routledge. <https://doi.org/10.4324/9780203859483>.
- Bianchi, A. 2016. *International Law Theories: An Inquiry into Different Ways of Thinking*. Oxford: OUP. <https://doi.org/10.1093/acprof:oso/9780198725114.001.0001>.
- Bigo, D., T. Diez, E. Fanoulis, B. Rosamond, and Y. A. Stivachtis, Eds. 2020. *The Routledge Handbook of Critical European Studies*. London: Routledge. <https://doi.org/10.4324/9780429491306>.
- Bix, B. H. 2018. "Kelsen, Hart, and Legal Normativity." *Revus* 34. <https://doi.org/10.4000/revus.3984>.
- Bonifert, R. 2025. "The Global South as 'Europe's Jungle': A Postcolonial Critique of EU Foreign Policy in a Changing World Order." *Central European Journal of International and Security Studies* 19 (3): 107–128. <https://doi.org/10.51870/EMCB9028>.
- Bono, G. 2006. "Challenges of Democratic Oversight of EU Security Policies." *European Security* 15 (4): 431–449. <https://doi.org/10.1080/09662830701306037>.
- Brunkhorst, H. 2014. *Critical Theory of Legal Revolutions: Evolutionary Perspectives*. London: Bloomsbury.
- Bures, O., and E. Cusumano. 2025. "Bridging which Gaps? The European Union's Use of Private Military and Security Companies in Common Security and Defence Policy Missions." *Defense & Security Analysis* 41 (3): 464–489. <https://doi.org/10.1080/14751798.2025.2468530>.
- Burgis-Kasthala, M. 2016. "Scholarship as Dialogue? TWAIL and the Politics of Methodology." *Journal of International Criminal Justice* 14 (4): 921–937. <https://doi.org/10.1093/jicj/mqw044>.
- Cebeci, M. 2025. "'Europe and the Rest' in Official EU Discourse: Legitimising 'Geopolitical Europe' Through the 'Jungle' Analogy and Beyond." *JCMS: Journal of Common Market Studies* 63 (5): 1438–1459. <https://doi.org/10.1111/jcms.13770>.
- Chimni, B. S. 2010. "Prolegomena to a Class Approach to International Law." *European Journal of International Law* 21 (1): 57–82. <https://doi.org/10.1093/ejil/chq009>.
- Chimni, B. S. 2012. "Capitalism, Imperialism, and International Law in the Twenty-First Century." *Oregon Review of International Law* 14 (1): 17–45.
- Chimni, B. S. 2017. *International Law and World Order: A Critique of Contemporary Approaches*. 2nd ed. Cambridge: CUP. <https://doi.org/10.1017/9781107588196>.
- Chimni, B. S. 2018. "Customary International Law: A Third World Perspective." *American Journal of International Law* 112 (1): 1–46. <https://doi.org/10.1017/ajil.2018.12>.
- Citroni, G., G. Chiara, D. van der Straten Ponthoz, and J. Bardèche. 2025. "The Business of Security: New Frontiers and Old Challenges in Private Military and Security Companies Regulation – Introduction to the Symposium." *Opinio Juris*. <https://opiniojuris.org/2025/07/14/the-business-of-security-new-frontiers-and-old-challenges-in-private-military-and-security-companies-regulation-introduction-to-the-symposium/>.
- Coman, R. 2020. "Democracy and the Rule of Law: How Can the EU Uphold Its Common Values?" In *Governance and Politics in the Post-Crisis European Union*, edited by R. Coman, A. Crespy, and V. A. Schmidt, 358–377. Cambridge: CUP. <https://doi.org/10.1017/9781108612609.021>.
- Commons, J. R. 2012. *Legal Foundations of Capitalism*. "Clark: The Lawbook Exchange, Ltd."
- Coninck, J. D. 2024. *The EU's Human Rights Responsibility Gap: Deconstructing Human Rights Impunity of International Organisations*. Oxford: Hart Publishing.
- Cusumano, E. 2021. "Private Military and Security Companies' Logos: Between Camouflaging and Corporate Socialization." *Security Dialogue* 52 (2): 135–155. <https://doi.org/10.1177/0967010620923586>.

- Davitti, D. 2019. "The Rise of Private Military and Security Companies in European Union Migration Policies: Implications Under the UNGPs." *Business and Human Rights Journal* 4 (1): 33–53. <https://doi.org/10.1017/bhj.2018.21>.
- Deabler, C. A. 2003. "The Normative and Legal Deficiencies of Public Morality." *Journal of Law and Politics* 19 (1): 23–52.
- Dück, E., and B. Stahl. 2025. "Introduction: The Russia–Ukraine War as a Formative Event in Global Security Policy?" *Politische Vierteljahresschrift* 66 (1): 1–17. <https://doi.org/10.1007/s11615-025-00603-z>.
- Eklund, H., Ed. 2025a. *Colonialism and the EU Legal Order*. Cambridge: CUP. <https://doi.org/10.1017/9781009508490>.
- Eklund, H. 2025b. "Colonialism and the EU Legal Order: An Introduction." In *Colonialism and the EU Legal Order*, edited by H. Eklund, 1–40. Cambridge: CUP. <https://doi.org/10.1017/9781009508490.001>.
- Eriksen, E. O., and J. E. Fossum. 2015. "Hegemony by Association." In *The European Union's Non-Members: Independence Under Hegemony?*, edited by E. O. Eriksen and J. E. Fossum, 230–242. London: Routledge.
- Eriksen, E. O., and J. E. Fossum. 2018. "Deliberation Constrained: An Increasingly Segmented European Union." In *The Oxford Handbook of Deliberative Democracy*, edited by A. Bächtiger, J. S. Dryzek, J. Mansbridge, and M. D. Warren, 842–855. Oxford: OUP. <https://doi.org/10.1093/oxfordhb/9780198747369.013.43>.
- Eslava, L. 2025. "TWAIL coordinates." In *Research Handbook on Third World Approaches to International Law (TWAIL)*, edited by A. Anghie, B. S. Chimni, M. Fakhri, K. Mickelson, and V. Nesiah, 10–22. Cheltenham: Edward Elgar. <https://doi.org/10.4337/9781789901528.00008>.
- Eslava, L., and S. Pahuja. 2012. "Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law." *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America* 45 (2): 195–221. <https://doi.org/10.5771/0506-7286-2012-2-195>.
- European Commission. 2026. "Citizens Panel on Preparedness [WWW Document]". https://citizens.ec.europa.eu/citizens-panel-preparedness_en.
- European Union. 2023. *The Business of War – Growing Risks from Private Military Companies*. Brussels: Council of the European Union - General Secretariat.
- Fabbrini, F. 2024. "European Defence Integration After Trump's Re-Election: A Proposal to Revive the European Defense Community Treaty and Its Legal Feasibility." *European Law Journal* 30 (4): 614–628. <https://doi.org/10.1111/eulj.12531>.
- Friedman, L. M. 2016. *Impact: How Law Affects Behavior*. Cambridge, Mass: Harvard University Press.
- Ganty, S., and D. V. Kochenov. 2024. "EU Lawlessness Law." *Columbia Journal of European Law* 30 (1): 78–156.
- Gathii, J. T. 2011. "TWAIL: A Brief History of Its Origins, Its Decentralized Network, and a Tentative Bibliography." *Trade, Law and Development* 3 (1): 26–64.
- Gilder, A. 2021. "Human Security, TWAIL, and the Importance of Self-Reflection in Our Own Scholarship." *NU Journal of International Law and Politics* 54 (1): 1–13.
- Gordon, P. E. 2019. "Contesting Secularization: The Idea of a Normative Deficit of Modernity After Max Weber." In *Formations of Belief: Historical Approaches to Religion and the Secular*, edited by P. Nord, K. Guenther, and M. Weiss, 184–201. Princeton: Princeton University Press. <https://doi.org/10.2307/j.ctvdtpk0c>.
- Harvey, D. 2004. "The 'New' Imperialism: Accumulation by Dispossession." *Socialist Register* 40:63–87.
- Howorth, J. 2019. "Differentiation in Security and Defence Policy." *Comparative European Politics* 17 (2): 261–277. <https://doi.org/10.1057/s41295-019-00161-w>.
- Hudson, A. 2018. "Law as Capitalist Technique." *King's Law Journal* 29 (1): 58–87. <https://doi.org/10.1080/09615768.2018.1475845>.
- Jayashankar, M. 2025. "Symposium on PMSCs: From Power to Peril – Risk Transfer by Private Military Security Companies and the Global South's Burden." *Opinio Juris*. <https://opiniojuris.org/2025/07/17/symposium-on-pmscs-from-power-to-peril-risk-transfer-by-private-military-security-companies-and-the-global-souths-burden/>.

- Joerges, C. 2014. "Law and Politics in Europe's Crisis: On the History of the Impact of an Unfortunate Configuration." *Constellations* 21 (2): 249–261. <https://doi.org/10.1111/1467-8675.12085>.
- Kalnina, I., and U. Zeltins. 2011. "The Impact of the EU Human Rights System on Operations of Private Military and Security Companies." In *War by Contract: Human Rights, Humanitarian Law, and Private Contractors*, edited by F. Francioni and N. Ronzitti, 80–92. Oxford: OUP. <https://doi.org/10.1093/acprof:oso/9780199604555.003.0005>.
- Kinnvall, C. 2020. "Postcolonialism." In *The Routledge Handbook of Critical European Studies*, edited by D. Bigo, T. Diez, E. Fanoulis, B. Rosamond, and Y. A. Stivachtis, 72–84. London: Routledge. <https://doi.org/10.4324/9780429491306-5>.
- Kis Kelemen, B. 2020. "Responsibility for Human Rights Violations of Private Military and Security Companies on EU Borders: A Case Study of the Contracts of the European Asylum Support Office." *EU and Comparative Law Issues and Challenges Series (ECLIC)* 4:155–180. <https://doi.org/10.25234/eclic/11900>.
- Kis Kelemen, B., and Á. Mohay. 2024. "Responsibility of International Organizations for the Conduct of Private Military and Security Companies." In *Reassessing the Articles on the Responsibility of International Organizations: From Theory to Practice*, edited by A. Berkes, R. Collins, and R. Deplano, 188–208. Cheltenham: Edward Elgar. <https://doi.org/10.4337/9781035309115.00018>.
- Kochenov, D. V. 2019. *Citizenship*. Cambridge: MIT Press. <https://doi.org/10.7551/mitpress/11351.001.0001>.
- Koskeniemi, M. 2006. *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge: CUP. <https://doi.org/10.1017/CBO9780511493713>.
- Krahmann, E. 2013. "The United States, PMSCs and the State Monopoly on Violence: Leading the Way Towards Norm Change." *Security Dialogue* 44 (1): 53–71. <https://doi.org/10.1177/0967010612470292>.
- Krahmann, E. 2018. "The Market for Ontological Security." *European Security* 27 (3): 356–373. <https://doi.org/10.1080/09662839.2018.1497983>.
- Krieger, L. H. 1995. "The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity." *Stanford Law Review* 47 (6): 1161–1248. <https://doi.org/10.2307/1229191>.
- Kundnani, H. 2023. *Eurowhiteness: Culture, Empire and Race in the European Project*. London: Hurst.
- Kundnani, H. 2025. "Europe Can't 'Trump-Proof' Itself." *Dissent* 72 (1): 35–37. <https://doi.org/10.1353/dss.2025.a950172>.
- Leander, A. 2012. "What Do Codes of Conduct Do? Hybrid Constitutionalization and Militarization in Military Markets." *Global Constitutionalism* 1 (1): 91–119. <https://doi.org/10.1017/S2045381711000074>.
- Leander, A. 2019. "Making Markets Responsible: Revisiting the State Monopoly on the Legitimate Use of Force." In *The Sociology of Privatized Security*, edited by O. Swed and T. Crosbie, 137–169. Basingstoke: Palgrave. https://doi.org/10.1007/978-3-319-98222-9_7.
- Leruth, B., S. Gänzle, and J. Trondal. 2022. "Introduction: Differentiation in the European Union as a Field of Study." In *The Routledge Handbook of Differentiation in the European Union*, edited by B. Leruth, S. Gänzle, and J. Trondal, 1–16. London: Routledge. <https://doi.org/10.4324/9780429054136-1>.
- Linarelli, J., M. E. Salomon, and M. Sornarajah. 2018. *The Misery of International Law: Confrontations with Injustice in the Global Economy*. Oxford: OUP. <https://doi.org/10.1093/oso/9780198753957.001.0001>.
- Lodge, J. 2003. "Transparency and EU Governance: Balancing Openness with Security." *Journal of Contemporary European Studies* 11 (1): 95–117. <https://doi.org/10.1080/14782800305483>.
- Luxemburg, R. 2003. *The Accumulation of Capital*. London: Routledge.
- Macías-Tolosa, A., J. de Deus Pereira, J. Jezdimirovic Ranito, and M. Small. 2025. "Symposium on PMSCs: Use of Maritime PMSCs, Weapons Procurement and Predatory Recruitment – New Frontiers in PMSC Regulation." *Opinio Juris*. <https://opiniojuris.org/2025/07/14/symposium-on-pmscs-use-of-maritime-pmscs-weapons-procurement-and-predatory-recruitment-new-frontiers-in-pmsc-regulation/>.

- Mahníč, P., and Á. de Elera. 2024. "Differentiated Integration in EU Foreign, Security, and Defence Policy." In *Redefining EU Membership: Differentiation in and Outside the European Union*, edited by D. Fromage, 57–79. Oxford: OUP. <https://doi.org/10.1093/9780191948145.003.0004>.
- Majone, G. 2005. *Dilemmas of European Integration: The Ambiguities and Pitfalls of Integration by Stealth*. Oxford: OUP. <https://doi.org/10.1093/0199274304.001.0001>.
- Makaza-Goede, D. 2024. "Continuing Colonialities Through Epistemic Silences: Law Schools, Law Studies and Avenues for Transformation in Germany." *The Law Teacher* 58 (4): 551–564. <https://doi.org/10.1080/03069400.2024.2420684>.
- Marilli, M. 2011. "The Potential Use of PMSCs to Fulfill the EU's Security Strategy." *Central European Journal of International and Security Studies* 5 (3): 31–50.
- Marsh, N., B. Oliveira Martins, and J. Mawdsley. 2026. "The European Iron Network: The Remaking of the Political Economy of European Defence Production Following the Ukraine War." *Journal of European Integration* 48 (5): 835–855. <https://doi.org/10.1080/07036337.2025.2546621>.
- McLachlan, D. H. 1951. "Rearmament and European Integration." *Foreign Affairs* 29 (2): 276–286. <https://doi.org/10.2307/20030833>.
- Mejino-López, J., and G. Wolff. 2024. "A European Defence Industrial Strategy in a Hostile World." <https://www.bruegel.org/policy-brief/european-defence-industrial-strategy-hostile-world>.
- Merlingen, M. 2020. "A Poulantzian Perspective on EU Foreign Policy." In *The Routledge Handbook of Critical European Studies*, edited by D. Bigo, T. Diez, E. Fanoulis, B. Rosamond, and Y. A. Stivachtis, 464–476. London: Routledge. <https://doi.org/10.4324/9780429491306-30>.
- Minow, M. 2005. "Outsourcing Power: How Privatizing Military Efforts Challenges Accountability, Professionalism, and Democracy." *Boston College Law Review* 46 (5): 989–1026.
- Modirzadeh, N. K. 2023. "Let Us All Agree to Die a Little": TWAIL's Unfulfilled Promise." *Harvard International Law Journal* 65 (1): 79–131.
- Mutua, M. 2000. "What is TWAIL?." *Proceedings of the ASIL Annual Meeting* 94:31–38. <https://doi.org/10.1017/S0272503700054896>.
- Nicolaïdis, K. 2021a. "The Democratic Panopticon." *Noéma Magazine*. <https://www.noemamag.com/the-democratic-panopticon/>.
- Nicolaïdis, K. 2021b. "Differentiation, Dominance and Democratic Congruence: A Relational View." EU3D Research Paper Series, 21. <https://doi.org/10.2139/ssrn.4000968>.
- Nicolaïdis, K., and R. Youngs. 2023. "Reversing the Gaze: Can the EU Import Democracy from Others?" *JCMS: Journal of Common Market Studies* 61 (6): 1605–1621. <https://doi.org/10.1111/jcms.13477>.
- Peters, A. 2009. "The Merits of Global Constitutionalism." *Indiana Journal of Global Legal Studies* 16 (2): 397–411. <https://doi.org/10.2979/gls.2009.16.2.397>.
- Prem, B. 2018. "Who Am I? The Blurring of the Private Military and Security Company (PMSC) Category." In *Security Privatization: How Non-Security-Related Private Businesses Shape Security Governance*, edited by O. Bures and H. Carrapico, 51–76. Cham: Springer. https://doi.org/10.1007/978-3-319-63010-6_3.
- Prem, B. 2021a. "The False Promise of Multi-Stakeholder Governance: Depoliticising Private Military and Security Companies." *Global Society* 35 (2): 149–170. <https://doi.org/10.1080/13600826.2020.1791055>.
- Prem, B. 2021b. "The Regulation of Private Military and Security Companies: Analyzing Power in Multi-Stakeholder Initiatives." *Contemporary Security Policy* 42 (3): 345–370. <https://doi.org/10.1080/13523260.2021.1897225>.
- Prem, B., and E. Krahmann. 2024. "Private Military and Security Companies." In *Oxford Research Encyclopedia of International Studies*. Oxford: OUP. <https://doi.org/10.1093/acrefore/9780190846626.013.279>.
- Schilde, K. 2023. "Weaponising Europe? Rule-Makers and Rule-Takers in the EU Regulatory Security State." *Journal of European Public Policy* 30 (7): 1255–1280. <https://doi.org/10.1080/13501763.2023.2174582>.
- Schütze, R. 2015. *European Constitutional Law*. 2nd ed. Cambridge: CUP. <https://doi.org/10.1017/CBO9781316481790>.

- Singh, P. 2020. "Indian Princely States and the 19th-Century Transformation of the Law of Nations." *Journal of International Dispute Settlement* 11 (3): 365–387. <https://doi.org/10.1093/jnlids/idaa012>.
- Somek, A. 2011. *Engineering Equality: An Essay on European Anti-Discrimination Law*. Oxford: OUP. <https://doi.org/10.1093/acprof:oso/9780199693375.001.0001>.
- Sossai, M. 2013. "A European Approach to the Regulation of PMSCs." *Proceedings of the ASIL Annual Meeting* 107:205–208. <https://doi.org/10.5305/procannmeetasil.107.0205>.
- Sotiris, P., and S. Sakellariopoulos. 2018. "European Union as Class Project and Imperialist Strategy." *"Viewpoint" Magazine*. <https://viewpointmag.com/2018/02/01/european-union-class-project-imperialist-strategy/>.
- Steuer, M. 2023. "Democratic Security." In *The Palgrave Encyclopedia of Global Security Studies*, edited by S. Romaniuk, M. Thapa, and P. Marton, 270–276. Cham: Springer. https://doi.org/10.1007/978-3-319-74336-3_604-2.
- Steuer, M., and J. Organ. 2025. "Reductionism and Holism in European Union "Value Talk": The Case of the Conference on the Future of Europe." *International Journal of Constitutional Law* 23 (2): 435–462. <https://doi.org/10.1093/icon/moaf037>.
- Teubner, G. 2002. "Hybrid Laws: Constitutionalizing Private Governance Networks." In *Legality and Community: On the Intellectual Legacy of Philip Selznick*, edited by R. A. Kagan, M. Krygier, and K. Winston, 311–332. London: Bloomsbury.
- Teubner, G. 2011. "Self-Constitutionalizing TNCs? On the Linkage of "Private" and "Public" Corporate Codes of Conduct." *Indiana Journal of Global Legal Studies* 18 (2): 617–638. <https://doi.org/10.2979/indjglolegstu.18.2.617>.
- Teubner, G. 2017. "Corporate Codes in the Varieties of Capitalism: How Their Enforcement Depends on the Differences Among Production Regimes." *Indiana Journal of Global Legal Studies* 24 (1): 81–97. <https://doi.org/10.2979/indjglolegstu.24.1.0081>.
- Thomas, C. 1999. "Where is the Third World Now?" *Review of International Studies* 25 (5): 225–244. <https://doi.org/10.1017/S0260210599002259>.
- Tzouvala, N. 2020. *Capitalism as Civilisation: A History of International Law*. Cambridge: CUP. <https://doi.org/10.1017/9781108684415>.
- Tzouvala, N. 2024. "Aggression, Capitalism, and International Law: Missed Opportunities or Structural Constraints?" *Current Legal Problems* 77 (1): 201–232. <https://doi.org/10.1093/clp/cuae006>.
- van Apeldoorn, B. 2001. "The Struggle Over European Order: Transnational Class Agency in the Making of 'Embedded Neo-Liberalism'." In *Social Forces in the Making of the New Europe: The Restructuring of European Social Relations in the Global Political Economy*, edited by A. Bieler and A. D. Morton, 70–89. London: Palgrave. https://doi.org/10.1057/9781403900814_4.
- van Meegdenburg, H. 2015. "What the Research on PMSCs Discovered and Neglected: An Appraisal of the Literature." *Contemporary Security Policy* 36 (2): 321–345. <https://doi.org/10.1080/13523260.2015.1061755>.
- Vauchez, A. 2025. "The Missing View from the Cathedral: European Law During and After Colonies and Empires." In *Colonialism and the EU Legal Order*, edited by H. Eklund, 345–358. Cambridge: CUP. <https://doi.org/10.1017/9781009508490.019>.
- Weiler, J. H. H. 1991. "The Transformation of Europe." *The Yale Law Journal* 100 (8): 2403–2483. <https://doi.org/10.2307/796898>.
- White, N. D., and S. MacLeod. 2008. "EU Operations and Private Military Contractors: Issues of Corporate and Institutional Responsibility." *European Journal of International Law* 19 (5): 965–988. <https://doi.org/10.1093/ejil/chn067>.
- Wilkinson, M. 2019. "Authoritarian Liberalism: The Conjuncture Behind the Crisis." In *The Crisis Behind the Eurocrisis: The Eurocrisis as a Multidimensional Systemic Crisis of the EU*, edited by E. Nanopoulos and F. Vergis, 101–121. Cambridge: CUP. <https://doi.org/10.1017/9781108598859.006>.
- Wilson, P. H. 2020. "Foreign Military Labour in Europe's Transition to Modernity." *European Review of History: Revue européenne d'histoire* 27 (1–2): 12–32. <https://doi.org/10.1080/13507486.2019.1699504>.