

7. The System of States and the Prospect of Global Governance

7.1 The Democratic Challenge

Dimensions of the democratic challenge.

1. The nation-state's ability to regulate matters and to address the needs of its citizens has been reduced.
2. Political changes and policy outcomes result now from interlocking processes that cross traditional levels of jurisdiction from the local to the national to the regional and to the global. This *interconnectedness* across levels is altering the way our familiar national political systems work.
3. These regional and global processes are reshaping and creating new avenues for the development of *cultural and political identities*. Accordingly, many local and regional groups, social movements, religious groups, and nationality groups are questioning the nation-state as a representative and accountable power system.

Legitimacy, consent and democracy

Core Question: *can we think of a way of building democracy in a situation where sovereign nation-states remain important but are increasingly coexisting with other structures of power and authority, many of which have minimum if any mechanisms of accountability?*

7.2 The principle of autonomy

persons should enjoy equal rights and, accordingly, equal obligations in the specification of the political framework which generates and limits the opportunities available to them; that is, they should be free and equal in the determination of the conditions of their own lives, so long as they do not deploy this framework to negate the rights of others.

This definition contains two basic ideas according to Held:

- ▶ people should be self-determining
- ▶ democratic government is limited government.

Government upholds a legally circumscribed structure of power.

Associated Assumptions

- 1 Protection from the arbitrary use of political authority and power. (A public-private divide exists).
2. Citizens should be involved in determining the conditions under which they associate with each other by providing their *consent* in the maintenance and legitimation of regulative institutions.
3. The creation of the best circumstances possible for citizens to develop their nature and to express their diverse qualities.

4. The expansion of economic opportunity to maximize the availability of resources. There is an assumption here that persons will be best able to realize their ends when they are free from the burdens of unmet physical need.

Further Conclusions

1. *Legitimacy* will come from justifying political power on the basis of the principle of autonomy.
2. Persons should enjoy a *common structure of political action* so that they can pursue their individual and collective projects. Such a structure must be impartial or even-handed with respect to the personal ends, hopes and aspirations of persons.
3. Rights are *entitlement capacities*, that is, they create the capacity to act (or not to act). If they are purely formal and cannot be made to count in practice, they are not rights.
4. The definition of these rights and obligations that are designed to realize the principle of autonomy are the foundation for *democratic public law*.
5. The idea that people should be free and equal in the determining the conditions under which they live means that they should be able to participate in *a process of deliberation, open to all on a free and equal basis, about matters of public concern*.

6. The idea that these rights should be protected is also associated with the idea that there will be *constitutional government*.

7.3 Power and Autonomy

Is a system of power which generates systematic asymmetries of life-chances and political opportunities compatible with the principle of autonomy? Power in this sentence refers to the capacity of social agents, agencies and institutions to maintain or transform their environment and to the resources that underlie this capacity.

Nautonomy: in this situation, a common structure of political action is not possible and democracy becomes a privileged domain operating in favour of those with few resources. Equality and rights become formalities not realities.

Evaluating Sites of Power:

▶ *access*

▶ *are opportunities within the site open or closed?*

▶ *are outcomes from the site biased in favour of certain groups or interests?*

Site 1: *The Body*, the way in which physical and emotional well-being is organized.

Site 2: *Welfare*, the organization of those capacities that people require in order to ensure that they are competent to take part in economic, social and political life.

Site 3: *Culture*, those realms of social activity where matters of public interest and identity can be discussed, where differences of opinion can be explored, and where local custom and dogma can be examined. It refers to the organization of concepts and categories of meaning which are essential to the mobilization of the community.

Site 4: *Civic Association* refers to those institutions and organizations in and through which individuals or groups can pursue their own projects independently of the direct organization of the state or of economic collectivities such as corporations or trade unions

Site 5: *Economy* refers to the collective organization of the production, distribution, exchange and consumption of goods and services.

Site 6: *Organization of violence and coercion*.

Site 7: *Legal and Regulatory Institutions*

Site of Power	Category of Rights	Examples of Rights
Body	Health	-physical and emotional well-being -clean, non-toxic, sustainable environment -control over fertility
Welfare	Social	-universal childcare -universal education -community services
Culture	Cultural	-freedom of thought and faith -freedom of expression and criticism toleration
Civic Association	Civic	-ability to form or join autonomous associations -active membership of civic associations - freedom of information

Economy	Economic	-guaranteed minimum income -able to access avenues to productive and financial resources
Coercive relations and organized violence	Pacific	-peaceful coexistence -accountability of leaders for crimes, civil and criminal
Legal and regulatory institutions	Political	-due process and equal treatment before the law - adequate and equal opportunities for deliberation

What would the sphere of public affairs look like if these rights were secured?

1. Participation would be *effective*.
2. Understanding would be *informed*.
3. Citizens would *control the agenda*.
4. Citizens judgements expressed through voting would be *equal* to one another. Some votes would not count more than others.
5. These powers would be *inclusive* of all mature adult persons

7.4 Cosmopolitan Democracy

cosmopolitan democratic public law. It would be a domain of law different from the law within states and from the law governing the relations between states or *inter-national law*. It complements these two areas of law. In this respect, then, cosmopolitan law transcends the particular claims of nations and states and extends to all in the ‘universal community.’

Envisions a *confederal* order

How does one decide which level in this order deals with a given issue of concern?

► *The test of extensiveness.* What is the range of peoples within and across delimited territories who are significantly affected by a collective problem or policy question.

► *The test of intensity.* To what degree does the given policy question impinge on a group of people(s) and therefore what is the extent of the need for national, regional or global legislation or other types of intervention?

► *The test of comparative efficiency.* Is it possible that any proposed national, regional or global initiative can be addressed by those operating at a lower level of decision-making.

Just beyond the horizon of current events lie two possible political figures -- both bleak, neither democratic. The first is a retribalization of large swaths of humankind by war and bloodshed: a threatened Lebanonization of national states in which culture is pitted against culture, people against people, tribe against tribe — a Jihad in the name of a hundred narrowly conceived faiths against every kind of interdependence, every kind of interdependence, every kind of artificial social cooperation and civic mutuality. The second is being borne in us by the onrush of economic and ecological forces that demand integration and uniformity and that mesmerize the world with fast music, fast computers and fast food — with MTV, Macintosh and McDonald's, pressing nations into one commercially homogeneous global network: one McWorld tied together by technology, ecology, communications and commerce. The planet is falling precipitantly apart and coming reluctantly together at the very same moment.

Benjamin Barber, "Jihad vs. McWorld", p. 208 (Course pack, p. 247)

7.5 Democracy within National and Local Communities

Scholte: “supraterritorial space has become significant in the everyday routines of the greater part of humanity.”

The growth of self-identifications and communities that lack a specific territorial grounding:

- ▶ supraterritorial religious identities (Hindu, Buddhist, Judaic, Christian, Islamic, Sikh, various New Age faiths)
- ▶ transborder class identities, especially in the business community
- ▶ supraterritorial racial solidarities
- ▶ global gender identities. Virginia Woolf: “As a woman I want no country. As a woman my country is the whole world.”
- ▶ global youth culture
- ▶ lesbian and gay revolution.
- ▶ supraterritorial nationalisms

Two qualities assumed to be important to democratic governance, *trust and solidarity*

Does the cultivation of trust and solidarity become ever more difficult the more different we citizens become from one another?

Scholte: the need for a new politics of interculturality

based on seven characteristics of interactions.

1. *Relaxation*. Inhabitants of a globalizing world should accept that their collective identities are multifaceted, fluid and liable to radical transformation.
2. *Recognition*. Listen to others and acknowledge their 'otherness' as something more than the not-self.
3. *Respect*.
4. *Reciprocity*.
5. *Responsibility*. A will on all parts of a world community to advance one another's welfare in mutually acceptable ways.
6. *Restraint*. Avoid violence at all costs.
7. *Resistance*. Oppose any actions and situations that violate the above principles.

7.6 Democracy in International Organizations

Basle Committee on Banking Supervision

What kinds of properties might we expect international institutions to have if they are to be democratic?

1. *Transparency*. Can all interested observers inform themselves fully on the core questions and tradeoffs under consideration?
2. *Openness to direct participation*. Is political influence within processes of deliberation and decision-making equally accessible or available to affected or concerned parties?
3. *Quality of discourse*. Do supranational governance arrangements create their own public spaces where policy discourses can take place?
4. *Representation*. Is there a formal and institutionalized mechanism for aligning the interests of citizens at large with the smaller number of actors which are required if bargaining, deliberation or decisions are to be effective?
5. *Effectiveness*. Is there a minimum level of institutional capacity needed to develop and implement policies? Effectiveness here refers to the development of an executive-like grouping with small enough numbers to engage in meaningful interactions.
6. *Fairness*. Fairness refers to a set of rules about rules which are based on shared principles of justice rather

than simply tradition, empirical modelling, or political expediency. Equals should be treated equally, and unequals unequally. *Procedural* fairness refers to the types of considerations which have been discussed in the above four criteria. *Substantive* fairness refers to the distribution of benefits from policy outcomes.