

## **Moral Cosmopolitanism and Democratic Values**

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### **Introduction**

From Hobbes to the international lawyers Grotius, Pufendorf and Vattel, and of course Kant, modern philosophy has always attempted to define the nature and shape of a just international order. A just international order, broadly defined, is one in which right and justice prevail over political power and economic interests as the main criteria for evaluating the conduct of states, individuals, and other types of agents. Put differently, a just international order gives priority to normative evaluations of global political life – it is a moral order. While seeing global politics as a moral order is something that political thinkers have been doing for a long time, it is fair to say that, in the past four decades in particular, topics related to the moral evaluation of global politics have occupied a central part of the philosophical debate.

Providing a detailed history of this relatively recent intellectual shift is beyond the remit of this essay. Yet we believe that at least one part of the story pertains to the globalization of political relations. The first three sections of this essay provide a reconstruction of what we see as the defining features of the globalization of politics and of the ways in which the latter have contributed to the increased philosophical attention on the moral aspects of global affairs. The deep forms of social, economic and political interdependence that characterize globalization have pushed the disciplines of moral and political philosophy to find a central place for the normative aspects of world politics.

In sections four to six, we move to the current debate in global political theory. This debate has reached what we call a cosmopolitan plateau. Moral cosmopolitanism has come to articulate the boundaries of reasonable disagreement in global political theory. We trace what we take to be the most important implication of this cosmopolitan plateau, namely, the commitment to basic human rights. However, we argue in section six, agreement on basic human rights has not evolved into widespread convergence on a range of central political concepts such as political and distributive justice and legitimacy.

Against this backdrop, in sections 7 to 10, we move on to consider the role of democracy as the appropriate benchmark for a wide array of institutional forms that populate global

politics. We start by articulating the meaning that we attribute to democracy beyond borders. We then explore an important recent criticism of the democratic ideal of legitimacy for global governance. Finally, we suggest a way of rescuing the democratic approach that rests on the distinction between democratic values and democratic procedures. The main conclusion that the essay will put forward is that the complexity of the institutional landscape beyond traditional state borders does not automatically lend itself to the mechanical application of democratic institutional forms, but that democratic values are still central to evaluate normatively international and transnational institutions. A different way of articulating the latter idea is to say that the relationship between the (moral) cosmopolitan plateau and democracy is a complex and multifaceted one. The two ideas are intimately related but, as we claim in the final section of this essay, their relationship is not linear – it is one, broadly defined, of moral and political congruence rather than logical entailment.

#### 1. Globalization and global politics

Globalization can best be understood if it is conceived as a spatial phenomenon, lying on a continuum with ‘the local’ at one end and ‘the global’ at the other. It involves a shift in the spatial form of human organization and activity to transcontinental or interregional patterns of activity, interaction and exercise of power (Held et al., 1999). Globalization embraces at least four distinct types of change. First, it involves a stretching of political, social and economic activities across frontiers, regions and continents. Second, globalization is marked by the growing magnitude of networks and flows of trade, investment, finance, culture and so on. Third, globalization can be linked to a speeding up of global interactions and processes, as the development of worldwide systems of transportation and communication increases the velocity of the diffusion of ideas, goods, information, capital and people. And, fourth, it involves the deepening impact of global interactions and processes such that local events can come to have enormous global consequences. In this particular sense, the boundaries between domestic matters and global affairs become fuzzy. In short, globalization can be thought of as the widening, intensifying, speeding up and growing impact of worldwide interconnectedness.

Against this backdrop there has been a marked change in the nature and shape of political life. The distinctive form this has taken can be characterized as the emergence of ‘global politics’: the increasing reach of political networks, interaction and rulemaking activity, formal and informal. Political events and/or decision-making can become linked

through rapid communications into complex networks of political interaction. Associated with this ‘stretching’ of politics is an intensification of global processes such that ‘action at a distance’ permeates the social conditions and cognitive worlds (i.e. the ways in which meaning is constructed) of specific places or communities (Giddens, 1990: ch. 2). The idea of global politics challenges the traditional distinctions between the domestic and the international, territorial and non-territorial, inside and outside, as embedded in conventional conceptions of interstate politics and ‘the political’. It also highlights the richness and complexity of the processes and connections that link states and societies in the global order. Moreover, global politics today is anchored not just in traditional geopolitical concerns, but also in a large diversity of social, economic and environmental questions. Climate change, pandemics, financial instability and terrorism are among an increasing number of transnational issues which cut across territorial jurisdictions and existing political alignments, and which require international cooperation for their effective resolution.

People, nations and organizations are enmeshed in many new forms of communication, which range across borders. The digital revolution has made possible virtually instantaneous worldwide links, which, when combined with the technologies of the telephone, television, cable, satellite and jet transportation, have dramatically altered the nature of political communication. The intimate connection between physical setting, social situation and politics, which distinguish most political associations from premodern to modern time, has been ruptured.

The development of new communication systems generates a world in which the peculiarities of place and individuality are constantly represented and reinterpreted through regional and global communication networks. But the relevance of these systems goes far beyond this, for they are fundamental to the possibility of organizing political action and exercising political power across vast distances (Deibert, 1997). For example, the expansion of international and transnational organizations, the extension of international rules and legal mechanisms – their construction and monitoring – have all received an impetus from these new communication systems, and all depend on them as a means to further their aims. The present era of global politics marks a shift towards a multilayered regional and global governance system, with features of both complexity and polycentricity.

## 2. The changed landscape of global politics

A number of trends can be identified within the changed landscape of world politics. First,

there has been a notable trend involving the integration of the national and the international political spheres (Milner, 1998; Slaughter, 2004). The relationship between national governments and international bodies is no longer unilinear, but rather shaped by overlapping pressures coming from all sides (domestic constituencies, international organizations, global civil society, etc.). From global trade rules to intellectual property rights, from the global financial crisis to climate change, issues are posed for many levels of politics. A second trend that can be observed since 1945 is the emergence of powerful nonstate actors in the development of transborder governance. Nonstate actors such as international nongovernmental organizations, multinational companies and even individuals have always been active agents in political debate, but the manner in which they influence international politics has changed in significant ways (Haas, 1991; Keck and Sikkink, 1998; Betsill and Corell, 2008). For instance, through the direct lobbying of global governance bodies, nonstate actors shape political debate internationally, in turn impacting the behaviour of states from both above and below. Today, the emergence of nonstate actors creates a more complex governance system than one made up of traditional principal–agent relationships between states and purely intergovernmental organizations. This can potentially pose problems of governance fragmentation, but it also broadens the platform for political deliberation and debate (Risse-Kappen, 1995; Anheier et al., 2006; Betsill and Corell, 2008).

Third, there has been a shift in how regulation and governance are enforced. The diverse forms of global governance produce diverse types of regulation intended to influence and delimit the behaviour of states. Traditionally, compliance in international agreements is linked to the possibility of sanctions that penalize violators in order to ensure appropriate conduct. Increasingly, however, trends can be detected that ensure that rules are enforced through alternative means such as voluntary arrangements and initiatives, as well as international standards that are adhered to by actors because of their reputational and coordinative effects (see Kerwer, 2005). Of course, these types of regulation are not sufficient in and of themselves to solve the problem of compliance and enforcement as a spiral of global bads, from global financial market instability to climate change, continues to grow.

Fourth, overlapping with these trends, there has been a proliferation of new types of global governance institutions in the postwar era, and especially since the end of the Cold War (Hale and Held, 2011). These are not multilateral, state-to-state institutions, but instead combine various actors under varying degrees of institutionalization. In some areas of global governance, these kinds of institutions rank among the most important (see Held and Young, 2011). This development has added to the growing polycentricism observed in many areas of

global governance. A polycentric approach can have advantages and disadvantages. On the one hand, it can mean that more issues are addressed in effective ways – through specialized bodies qualified to regulate and govern a specific issue area. On the other hand, it can exacerbate institutional fragmentation.

As demands on the state increased following the end of the Second World War, a whole host of policy problems emerged that cannot be adequately resolved without the cooperation of other states and nonstate actors. Accordingly, individual states on their own can no longer be conceived of as the appropriate political units for either resolving many key policy problems or managing effectively a broad range of public functions. Globalization has eroded the capacity of states to act unilaterally in the articulation and pursuit of domestic and international policy objectives; political power, in short, has been reconfigured.

In this context, the traditional questions of political philosophy gain a new inflection. Since early modern times, it has typically been assumed that the political good is inherent in the state. Sovereignty, democracy and social justice, among other concepts, have been deeply contested, but within a fixed normative framework bound to the territorial political community. Yet, with the reconfiguration of political power, further issues arise. In a world of complex interdependence, where social and political processes spill across borders, not only do activities in one country impact others, but they can also escape the control of individual states altogether. What is the appropriate jurisdiction for handling transnational forces and impacts? What is the meaning and relevance of sovereignty, democracy and social justice when some of the most pressing issues of our times pose existential threats, and require new forms and types of cooperative and collective action amongst states (something which they typically have not been good at)? Who gets what, where and how, and who the relevant agents are – local, national, regional, global – takes on a new urgency.

Unpacking these concerns has led political philosophy to engage broadly with the global political domain. As we will see below, the links between globalization and the emergence of global political theory defy a formulaic presentation. However, it is still possible to affirm that globalization has challenged the basic framework in which political concepts have been traditionally developed, and in so doing opened up the possibility for a wide array of moral and political concerns and arguments to be developed and discussed.

### 3. Globalization and global political theory

There are at least four ways in which globalization has had an impact upon normative

debates. These, it should be stressed, are not presented here as part of a systematic intellectual history of the debate. Intellectual history is difficult, and we have, accordingly, more modest ambitions. Further, the links between globalization and global political theory are clearly mediated by several cultural, political and intellectual trends that defy a mechanical or formulaic reconstruction. To name just a few: the end of the Cold War, the emergence of the human rights regime and of the responsibility to protect doctrine, and the spread of democratic ideas, etc. Instead, our aim is simply to suggest that the globalization of politics is an important contributing factor to the increased significance that global political theory has gained within the wider discipline of moral and political philosophy.

First, globalization has intensified global and regional patterns of exchange (political, economic, cultural) and thus has made us aware that our actions have implications that do not stop at our own borders, but have wider and more far-reaching effects.

Second, globalization has accelerated the emergence of global collective action problems. Yet, it has also contributed to a new sense of urgency about establishing global cooperation to address them. It is appreciated that to do nothing about financial market risks, terrorism in the Middle East or climate change, among many other global challenges, is to encourage enormous instabilities and to invite lasting damage to the fabric of our institutional lives. There has been the realization that our overlapping collective fortunes require collective solutions – locally, nationally, regionally and globally. And there has also been a widespread acceptance that some of these challenges, if unaddressed, could be apocalyptic in the decades to come.

Third, globalization has increased our awareness of distant suffering. This may seem like a trivial point, but it should not be underestimated. From a purely causal perspective, awareness of a given situation is a necessary condition of our ability to do something about it. But there is more to it than the latter idea suggests. Awareness of suffering, especially through the kind of visual awareness that modern telecommunication technologies allow, can play an important part in the development of empathy and, paraphrasing Peter Singer (2002), in expanding the ‘moral circle’.

Fourth, globalization has also made us aware of the fact that we can do something about the plight of those who live very far from us. How much we can do for ‘distant strangers’ is of course a matter of great controversy. Witness the endless debates on the effectiveness of humanitarian and development aid (see for example Easterly, 2006). However, most would accept that our role should not be limited to that of spectators, and that passivity in the face of the suffering of distant others is unacceptable.

The four aforementioned points can be given a more precise interpretation if we look at them through the lenses of the traditional concerns highlighted in moral and political theory. The first and second elements relate to the traditional Rawlsian idea that cooperative activities generate benefits and burdens and that these burdens and benefits have to be distributed in a non-arbitrary fashion (see Rawls, 1971). In a similar way, drawing from a broadly democratic perspective, the first and second elements have highlighted the great array of issue areas in which power is exercised without clear accountability mechanisms, and the associated potential for political and economic domination that unaccountable power inevitably generates (Held, 2006). The third element, increased awareness of distant suffering, creates the possibility for empathy, which, at least according to a broadly Humean tradition, is a key factor in motivating individuals to act morally (for a critical discussion see Prinz, 2011). The fourth element, our ability to affect the life prospects of distant individuals, reinforces the motivational pull of empathy by signalling that normative ideas can have significant implications for the real world. Furthermore, the fourth element also partially shapes our reflections about the nature of our moral universe, as it implies that our relationship with distant strangers can be a source of genuinely normative obligations, that is, obligations that specify a set of actions and policies that we may realistically try to implement.

In the first three sections of this essay (1-3), we have provided an account of the key features of the globalization of politics. Furthermore, we have traced the basic elements that explain the links between globalization and global political theory. Globalization is an important element in explaining the emergence of a political theory with global scope and aspirations. The characterization of the fundamental features of this new philosophical debate is the aim of the next three sections of this essay (4-6).

#### 4. The cosmopolitan plateau

Ronald Dworkin once famously wrote that all contemporary political philosophy rested on egalitarian foundations (1986: 296–7). Libertarianism, utilitarianism and liberal egalitarianism, the most influential approaches to moral and political philosophy, can all be seen as providing different interpretations of what it means to treat persons with equal respect and concern. The idea of moral equality, in Dworkin's own words, provided 'a kind of plateau in political argument' (1983: 25).

Something similar can be said about the debate in global political theory. Here, we

can say that we have reached a cosmopolitan plateau (see Blake, 2013a). Of course, the term ‘cosmopolitan’ can be interpreted in several ways. Its history is particularly rich and goes back at least to the Stoics (Brown and Held, 2010). For the latter, human beings are better understood as citizens of the world rather than of territorially defined political communities. A second distinctive phase in the history of the term is represented by the Kantian understanding of the universality of human reason. In the Kantian picture, all human beings are part of a shared community, the community of moral argument. In more recent times, the term has also been used to refer to a wide array of approaches, ranging from the cultural, to the legal, to the political. However, the most influential of the contemporary understandings of the term is not related to culture, political institutions or international law. Rather, it relates to our understanding of the moral status of human beings.

Thomas Pogge has provided the most influential definition of moral cosmopolitanism:

Three elements are shared by all cosmopolitan positions. First, *individualism*: the ultimate units of moral concern are *human beings*, or *persons* – rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, *universality*: the status of ultimate unit of moral concern attaches to *every* living human being *equally* – not merely to some subset, such as men, aristocrats, Aryans, whites, or Muslims. Third, *generality*: this special status has global force. Persons are ultimate units of moral concern *for everyone* – not only for their compatriots, fellow religionists, or suchlike. (1992: 48–9; emphasis in original)

Pogge’s definition reminds us of what it means to assign a certain status to human beings as moral agents. Most importantly, though, it provides a framework for our political discussions; and it is a framework that is accepted by all those who participate in the conversation of global political theory. It is important to stress the latter point. Some will inevitably complain that a term or label that includes all participants in a given debate may not be particularly useful (Blake, 2013a: 35–7), since it fails to identify any form of serious disagreement. To the contrary, we think that the terminology and the underlying concept that lies behind it still have something to contribute. Namely, they help us delineate the boundaries of reasonable disagreement within our moral debates in a way that is philosophically consistent. They act as a screen to filter the range of plausible moral approaches to the moral understanding of the



global political domain. To illustrate, the cosmopolitan plateau tells us that to subscribe to forms of value collectivism, or to deny the equal moral status of all human beings, implies that one's views are beyond the boundaries of reasonable disagreement and thus have no standing in the debate about the moral bases of global politics.

##### 5. The implications of the cosmopolitan plateau

Of course, to be committed to moral cosmopolitanism is to be committed to a very abstract moral outlook. What are the political and moral implications, if any, of such an outlook? The most important political implication of the cosmopolitan plateau is, in our view, the commitment to basic human rights (e.g. those specified by international legal documents such as the Universal Declaration of Human Rights). Basic human rights have come to articulate the normative focal point of global political theory. They constitute the most important benchmark (though of course not the only one) for the evaluation both of internal and external state conduct, for the actions of global governance institutions, for the norms and principles that constitute international and transnational regimes, for the policies of multinational corporations and for the behaviour of political leaders and public officials. Or, in Henry Shue's words, they articulate what he calls the 'moral minimum', '[t]he lower limits on tolerable conduct, individual and institutional' (1996: xi).

The universal support for basic human rights is best described as an overlapping consensus. This is so for two reasons. First, because to some extent all approaches to the justification of human rights rely, directly or indirectly, on the importance of individual interests, and on the respect that is owed to the basic moral status of human beings (see Vlastos, 1984; Valentini, 2012). In other words, basic human rights are considered by all as deriving, at least in part, from a shared set of 'shallow' but common foundational commitments. The latter implies that emphasis on human rights is not a mere 'convergence'.

Second, however, it is an overlapping consensus because conceptualizations of human rights vary. In the first instance, the common foundational commitment is, as we have just stated, 'shallow'. One can reach this conclusion by asking the following question: what exactly is meant to ground respect for the moral status of human beings? Utilitarians, Kantians and Christians would give decidedly different answers; answers that they would insist go to the heart of their characterization of normative ethics. In a similar way, there is no agreement on how to understand the grounds and justification of basic human rights. Do they reflect the requirement to protect basic needs (Miller, 2012)? Are they drawn from a broader

capability framework (Sen, 2005)? Are they to be understood as standards for the articulation of membership in a political community (Cohen, 2004)? Are they an emergent practice in international society to place limits on the internal and external sovereignty of states (Beitz, 2010)? Or are human rights simply a subset of our most fundamental moral rights, which protect the most important human interests (Griffin, 2008)? Or, as Rainer Forst (2016) and Allen Buchanan (2013) suggest, do they act as a tool in the emancipatory struggle to end humiliation and to recognise the equal social and political standing of all human beings (see also Buchanan, 2013)?

Of course, these debates have implications for the concrete lists of rights that different authors see as ‘real’ human rights (see Buchanan, 2013). Yet, they have not, so far, affected agreement across the whole spectrum of theoretical approaches on the fact that a core set of basic human rights is justified and that their protection should constitute the most urgent moral imperative for global political action. Such core entitlements include at least basic rights to political representation (though not necessarily to a fully democratic system), rights against basic forms of discrimination, rights connected to freedom of conscience, religion and expression, and rights to basic subsistence.

At the same time, however, the cosmopolitan plateau has not generated the same type of consensus when it comes to global distributive justice. The best way to characterize the debate is to see the disagreements about global distributive justice as disagreements about the extent to which accepting the idea of moral cosmopolitanism should have implications, beyond respect for basic human rights, for how human beings should be treated. More specifically, the central question, much as for domestic political philosophy, is to what extent notions of equal moral status demand specific forms of equal treatment in the global political context (Blake, 2013a: 41). To the latter question there is no shared answer in global political theory.

## 6. Political justice and legitimacy

Disagreements about the institutional implications of moral cosmopolitanism have long characterised the evolution of global political theory. A central source of disagreement between global political theorists has clearly been the extent to which conceptions of social and distributive justice developed for domestic political societies should be extended beyond borders. In a similar fashion, disagreements about global distributive justice are replicated in debates that deal with what we can call global political justice (see Macdonald and Ronzoni,

2012). The distinction between distributive justice and political justice is not clear-cut, and the two obviously overlap. To illustrate, a given ‘currency’ of distributive justice (e.g. Rawls’s primary goods) may be partly defined by access to equal rights, including rights to political participation, which, in turn, has implications for the range of permissible forms of political organization. Yet, in our view, the distinction is useful in contrasting questions of institutional design and evaluation from questions relating to specific distributive patterns and about the nature of the goods that are to be distributed accordingly. In this context, we can think of distributive justice as broadly concerned with the patterns of distribution for a range of ‘currencies’, while political justice refers to the wider question of the institutional context in which such distribution should take place. It follows that we can think of global political justice as a set of normative conceptions meant to specify the institutional architecture of global politics.

The central question in global political justice pertains to the very shape that global politics should take. Should we opt for a system of separate political communities close to those we presently experience, or should we favour some form of radical reshaping of the current system? On the one hand, according to a broadly statist outlook, a reformed state system (a system in which states are internally well ordered and take their international obligations seriously) could, in principle, be just (see Sangiovanni, 2007). It could represent, in Rawls’s words, a ‘realistic utopia’, something towards which we could be reconciled morally speaking. On the other hand, some cosmopolitans argue for deep revisions to the idea of territorial sovereignty (see Pogge, 1992; Held, 1995), while others go as far as advocating the creation of a world state (Cabrera, 2006). As with arguments about global distributive justice, the labels ‘cosmopolitans about global political justice’ and ‘statists about global political justice’ do not map precisely on particular or predetermined answers to these questions. More specifically, while all statists are committed at least to the *pro tanto* justifiability of a reformed state system, not all self-defined cosmopolitans are necessarily committed to superseding all forms of territorially defined political communities (see Valentini, 2011).

The issue of global political justice is conceptually close but nonetheless distinct from the issue of legitimacy. Both questions refer to institutional architecture broadly understood. However, at least according to a widely shared intuition, questions of legitimacy are different from questions of justice. At its most basic, the difference between the two lies in the fact that legitimacy seems to allow more latitude, so to speak, compared to justice (see Buchanan, 2004). In other words, legitimacy is often thought to be a less demanding standard of

evaluation for institutions and political arrangements. Justice is about what we think is ideal, while legitimacy is closer to what we think we can accept morally speaking: institutions may be considered to be legitimate even if we do not deem them to be fully just. Legitimacy is also intimately related to the kind of attitudes that one should adopt towards a given institution, namely, the standing that we give to its commands, and the extent to which we consider institutional directives to be authoritative. To say that an institution is legitimate is, at a minimum, to say that one has weighty reasons to comply with its directives (see Buchanan and Keohane, 2006; Buchanan, 2013).

Within the framework of global political theory, the question of legitimacy can be articulated in the following way: *what kinds of principles and values should be used as standards of evaluation for international, transnational political and economic institutions?* Here too, the literature has developed a series of canonical answers (but see Lefkowitz, 2016; Macdonald, 2016; and Held and Maffettone, 2016). Instead of rehearsing these, we wish to highlight that all of them share something in common; namely, the refusal to accept a background picture in which states are sovereign in the traditional Westphalian sense of the term and, consequently, a refusal to see their international obligations as only justifiable through voluntariness or consent. To paraphrase Rawls (1999), we now live in a (normative) world where states are no longer considered the originators of all their powers. The upshot is that it is untenable to evaluate international institutions and regimes through the lenses of state consent alone.

While the aforementioned question is, in our view, central, it has not received the attention that it deserves within mainstream debates. The global political theory literature has poured considerable amounts of ink on the scope of egalitarian distributive principles, yet, with the exception of debates addressing the desirability of global democracy (see Held, 1995; Marchetti, 2008) it has paid *comparatively* less attention to the more specific questions pertaining to legitimacy and institutional design (but see Buchanan and Keohane, 2006; Christiano, 2011, 2012). Nonetheless, the reasons to address the topic in greater detail are pressing. The number and range of activities that are shaped or regulated by international and transnational institutions has skyrocketed in the last five decades. Moreover, their role and the pervasiveness of their influence in the internal politics of most nation-states is widely acknowledged. The question of their legitimacy, not simply how they should be optimally designed in order to be congruent with the demands of justice, is thus of central importance.

In the next two sections of the essay we articulate and discuss what many consider the default position on legitimacy, namely the idea that institutions need to be democratically

organized in order to be legitimate. As we will see, there are different ways of understanding the latter idea. At the same time we will also argue that while the relevance of democracy to legitimacy should not be downplayed, the way in which we extend the democratic account of legitimacy beyond borders is less straightforward than one would initially conjecture.

## 7. The Democratic Account

Given the success of democratic forms of governance at the domestic level, it is hardly surprising that democracy has been proposed as a form of benchmark for the assessment of the legitimacy of institutions at the global level, i.e., global governance arrangements. There are different ways of conceiving both how democratic decision-making confers legitimacy on institutions in general and how democracy can be understood as a relevant standard for global governance institutions.

Some accounts of democratic legitimacy rest exclusively on the empirical claim that democratic forms of governance are uniquely placed to produce good outcomes or decisions, while other accounts claim that the legitimacy of democratic institutions is the result of the democratic character of the decision-making procedure (for a discussion of the distinction and its relevance to legitimacy, see Peter, 2010; see also Christiano, 2008). Others still (see Peter, 2008; Christiano, 2012b) argue that the two dimensions (i.e., substantive and procedural) are irreducible to one another and, thus, that a successful account of the legitimacy conferring properties of democratic governance will rest on some form of combination between the two.

The idea of a democratic conception of the legitimacy of global governance is also closely connected to the idea of global democracy. Needless to say, there is more than one account of global democracy, and hence it is useful to say something more specific about what we mean by a democratic account of the legitimacy of global governance institutions. One characteristic way of classifying different models of global democracy is to analyse the different conceptions of the *demos* upon which such models are built (Archibugi et al., 2011; Held, 1995, 2006; see also Marchetti, 2008). The first model of global democracy is based on intergovernmentalism and views global democracy as an international form of association based on the membership of democratic states. The second, transnational model, is based on the idea of stakeholderism and constitutes global democratic *demos* through the application of the all-affected principle. The third model is the most inclusive and considers all human beings as members of a global *demos* qua individuals, rather than as national citizens or

affected parties. In the latter model, a necessary condition for global governance institutions to be legitimate is that every human being should have an equal say in how these institutions operate and function. Accordingly, each model of global democracy offers a different account of the democratic bases of the legitimacy of global governance institutions.

In what follows we will not take a stand on which account of democratic legitimacy is the correct one. Our discussion below will be largely compatible with a number of ways of understanding what grounds democratic legitimacy. Rather, we will assume a specific account of *global* democracy, namely, the global demos model. This is for two reasons. First, we consider the latter to be the most inclusive and coherent one in order to assess the plausibility of democracy as a standard for global governance; and, second, most of the arguments we address below use, implicitly or explicitly, the global demos model as a critical target.

#### 8. An Important Critique of the Democratic Account

An important criticism has been recently levelled against the democratic account of the legitimacy of global governance institutions. The latter, initially developed by Allen Buchanan and Robert Keohane (2006), contends that the democratic model of legitimacy is constructed on the features of the traditional territorial state and thus is simply not applicable to institutions (i.e., global governance institutions) which are different in several normatively salient respects. We are broadly sympathetic to the overall concern. We tentatively agree with Buchanan and Keohane that the complexity of global governance institutions may put pressure on the appropriateness of the applicability of the democratic standard. Having said this, we want to suggest that the democratic approach is more ‘flexible’ than they contend and thus that it may still have a role to play.

Buchanan’s and Keohan’s critique relies on what we take to be an important methodological insight, namely, that conceptions of legitimacy should be congruent with the empirical reality that they are trying to assess. The latter view is, of course, controversial (at least when applied to debates about the nature of justice and other core moral and political concepts; see, for example, Valentini, 2009). Nonetheless, taking this point of departure seriously, they are able to put forward what we think is a *prima facie* sound criticism of the adequacy of democracy as a standard for the legitimacy of global governance institutions. The problem is essentially one of fit: fit between the features of global governance institutions taken generally and the features of the democratic account of legitimacy. We will

not belabour the point excessively, as it has already been extensively developed elsewhere (see Buchanan and Keohane, 2006; Buchanan, 2010, 2013). The democratic account of legitimacy is a demanding one. It has been, at least initially, developed for institutions, political communities broadly understood, which possess certain important features that are morally speaking salient when it comes to the types of normative expectations we have about them. Such features are, among others, the claim to possess a right to rule and to have exclusive jurisdiction over a given domain, and the ability to attach penalties, usually physical coercion, to non-compliance. The democratic account of legitimacy is geared to reflect these features of domestic political communities: from Greek city-states to the modern nation-state, these features were and are essential elements of our understanding of the exercise of political power in territorially bound political communities (Held, 2006).

However, political power is not simply the exercise of power by institutions claiming a right to rule backed by the use of coercion and physical force. Moreover, many institutions, strictly speaking, neither aim to, nor credibly exercise, political power in any recognizable meaning that we can attribute to the notion. This is precisely what we find in global politics. From NGOs to transnational public and private bodies that issue standards and regulations, to the various UN agencies and the pillars of the international economic order such as the IMF and the WTO, the array of characteristics displayed by the institutions in question cannot be fully captured by traditional ideas concerning the exercise of political power. Many such institutions do not claim a right to rule, most cannot really attach penalties to their commands, the vast majority make no claim to exclusive jurisdiction, while even those institutions that come close to claiming a right to rule and attach some form of enforcement mechanism to their rulings do not rely on the use of coercion or, at least, do so in a very decentralized and/or indirect fashion. It would thus be surprising if exactly the same standard of legitimacy applied across all these types of institutions and if that standard were to be the demanding one we attach to more traditional exercises of political power, as we experience them in domestic political societies. Yet, we routinely speak of the legitimacy of such institutions, and we judge them from a moral and political point of view. While these institutions have different constituencies, different goals and different ways of advancing such goals, we nonetheless portray them as legitimate or illegitimate. Of course, it is entirely possible that, when describing these institutions as legitimate or illegitimate, we may be using entirely different concepts altogether. It may be the case that our use of language is simply loose in this respect. However, it is also possible that the very concept of legitimacy is broader than the democratic account suggests alone and that to require every institutional

form at the global level to be governed democratically is, simply put, not very useful or appropriate.

#### 9. Democratic Values and Democratic Institutions

As we have initially stated, we are broadly sympathetic to some of the concerns raised by this critique of the democratic account. We also share with Buchanan and Keohane the goal of achieving a more encompassing and, at the same time, a more general understanding of the concept of legitimacy, one that is flexible enough to capture the wide array of institutional forms that populate global governance (more on this below). Nonetheless, we want to conclude by making a distinction and by explaining why such a distinction invites caution when it comes to the demise of the democratic model of legitimacy applied to global governance institutions. The distinction is, roughly put, one between democratic institutional forms, on the one hand, and democratic values and ideals on the other. As examples of the former, one can think of the different shapes that the majority principle can take, or of the role of parties in the democratic process. As examples of the latter one can think of political equality, accountability, public deliberation, self-determination and political autonomy. Needless to say, the distinction is not meant to be sharp. Furthermore, it is abundantly clear that the two ideas are intimately related. Yet, it is also patently clear that the two are not one and the same thing. Democracy as an institutional form has been articulated and interpreted in several different and historically contingent ways (see Held, 2006). The same goes for democratic values and ideals. What does this tell us? It tells us that to discuss the appropriateness of democracy as a standard for the legitimacy of global governance institutions is, at least in one important respect, an open-ended exercise in which the choice of target seems to matter as much as the content of one's arguments.

The distinction between the values and ideal of democracy and the institutional forms in which such values and ideals can be embedded suggests, in our view, that the democratic approach is potentially more flexible than many of its critics seem to suggest. For example, even if we do not think that a specific global governance institution should be organized according to the majority principle, we could argue that its governance should be inspired by broadly democratic values and ideals by stressing the importance of transparency and accountability, or the fact that those that are affected by its decisions should have their voices heard. This is something that Buchanan and Keohane (2006) clearly acknowledge when they



refer to the idea of ‘broad accountability’ as a key component of the legitimacy of global governance. Of course, broad accountability cannot be considered equivalent to a majoritarian account of democracy (Buchanan, 2010: 93). However, there is no reason to equate the democratic approach to a specific, majoritarian, model. Rejecting the latter, while plausible, does not allow us to assess conclusively the suitability of the former.

Moreover, just as a democratic country can embody a diversity of types of public institutions, which function according to different conceptions of legitimacy, there is no reason that this could not also be true for global democracy. The argument that institutional types vary is not an argument per se against assigning a role to democratic values at the global level. The ideal of global democracy is compatible with a diversity of types of public institutions that could be evaluated according to normative standards that are not institutionally democratic but still congruent with democratic values and ideals. The latter picture mirrors what many liberals think is the role of conceptions of justice at the domestic level. Conceptions of social and distributive justice are not meant to apply to institutional forms within civil society (nor, for that matter, to all public institutions), and yet they constrain and shape the evaluative criteria that we use to assess such institutions.

Whether these comments wholly rescue the democratic account is something that we cannot settle here. However, we do believe that the rejection of specific institutional instantiations of the democratic model should not necessarily be translated in the rejection of robustly and recognizably democratic values and ideals to be used as benchmarks for institutional evaluations. This is a point worth stressing. The complexity of global governance certainly cautions us against a one-size-fits-all approach. Nonetheless, there is no reason to believe that this is the only option that is open to a democratic approach to the legitimacy of global governance institutions. In the long run, the values and ideals of democracy may still have a part to play in the normative assessments of global governance institutions.

#### 10. A Democratic Plateau?

In this essay we have claimed that global political theory has reached a cosmopolitan plateau. Moral cosmopolitanism is the default position, one that simply seems impossible to avoid within the current philosophical debate about global political morality. We have also claimed that the shared commitment to moral cosmopolitanism has been translated into widespread political support for basic human rights but not into a shared vision of how other moral and

political values such as justice and legitimacy should be understood and entrenched at the global level.

More specifically, the idea that democratic forms of governance are the only type of correct normative benchmark for assessing the legitimacy of global governance institutions is not something that can be simply derived from the idea of the moral equality of all human beings as such, nor from the claim that democracy is entailed by a commitment to basic human rights. While some have argued that democratic government *is* a human right (see Cassese, 2005), we think that the latter argument is incomplete.

The argument is incomplete because even accepting the existence of a human right to democracy it does not follow that *all* institutions of which human beings are members should be structured according to democratic institutional schemes. A different way of stressing this point is to say that a human right to democracy establishes that some institutions, most notably the modern state, should be organized democratically, but that one needs to provide a further argument to extend this requirement to other types of institutions (see, for example, Held, 1995). A human right to democracy is not a human right to democracy everywhere all the time: churches, universities, sport clubs, states, and global governance institutions have different features and purposes and the way in which they are organized and governed should be able to reflect this diversity.

The latter point is worth stressing. As we have argued above, global governance is a complex and multifaceted set of institutional forms, and, as long as we aim for some congruence between the nature of an institution and the way in which we normatively appraise it, then, requiring all global governance institutions to be run democratically is something that seems unwarranted. This is especially the case if democracy is understood as a rigid set of institutional mechanisms.

In the same way, the difficulty of deriving a commitment to specific democratic institutional forms from the idea of moral cosmopolitanism can be grasped by looking at the historical instantiations of democratic governance. The seed of what we can call institutional indeterminacy is, in fact, internal to the very idea of democracy as a political system. As many have noted before, the very idea of democracy has always been sensitive to contextual political circumstances. Democracy in Athens in the 5<sup>th</sup> century B.C. is different from the kind of democracy most Western citizens experience today. These differences are not simply determined by the evolution of our political thinking concerning, for example, representation and inclusion. They also reflect radically altered political circumstances such as the dramatic increase in the size of the body politic and a more legalistic approach to territoriality (to name

just two obvious features characterizing these political changes). Taking these differences seriously or, in other words, seeing how democratic institutional forms have changed in response to the evolution of political circumstances, signals that what these institutions provide is a framework – a framework for the expression and embodiment of a set of values that characterise political relationships.

Having said this, we have also claimed in this essay that the latter position should be tempered by the appreciation that democratic ideals may still have a role to play if we are concerned with the legitimacy of global governance arrangements. Needless to say, to claim that democratic ideals have a role to play in assessing the legitimacy of global governance institutions does not provide a transparent picture of what such a role is or should be. Furthermore, the aforementioned narrative still leaves a significant question unanswered, namely: is there something specific to say about the relationship between moral cosmopolitanism and democratic values? In what follows, we can only enumerate a number of connections and illustrate their potential import.

First, given the commitment to basic human rights that many take to be inherent in moral cosmopolitanism, no institutional form can violate those rights and be considered legitimate. In turn, one can argue that basic human rights imperfectly mirror democratic values. The former could be seen as a subset of the latter. Both aim, among other things, at the protection of the political status of human beings from specific forms of humiliation and abuses of power. Clearly, democratic ideals provide a more robust set of guarantees in that respect, but basic human rights can claim to operate in a similar way when they set limits to state action. Assuming this type of link between democratic values and basic human rights, we can say that moral cosmopolitanism provides indirect support for democratic governance insofar as it implies respect for basic rights aimed at the protection of the political status of human beings. The human rights constraint, as we can call it, is, however, clearly subject to a significant amount of indeterminacy in at least two respects. The first form of indeterminacy pertains to the class of rights that are individuated as basic and thus affecting legitimacy claims. The second form of indeterminacy lies in what ‘respect for’ human rights means when it comes to global governance institutions. While we will not delve into a substantive discussion of the matter, it seems clear that ‘to respect’ may stand for anything between ‘not to actively interfere with the fulfilment of’ and ‘substantively contributing to the fulfilment of’. Once more, the institutional implications of our cosmopolitan commitments are far from pre-determined.

Second, the idea of a cosmopolitan plateau is at the very least strongly congruent with the idea of democratic values themselves. A more substantive way of making the latter point is to think about the kind of values that are central to the democratic ideal. Following Buchanan and Keohane we can say that "...among the most important democratic values are (...): first, equal regard for the fundamental interests of all persons; second, decision-making about the public order through principled, collective deliberation; and third, mutual respect for persons as beings who are guided by reasons" (2006: 29). Accepting this kind of picture of the foundational value commitments of democratic politics, and recalling the definition of moral cosmopolitanism suggested by Pogge, it is hard not to find a strong form of common core between democratic values and moral cosmopolitanism. One way to describe this shared core is to see both ideas as inspired by a form of respect for human beings, for their moral status - their ability to respond to reasons instead of being simply determined by their affiliations.

Finally, while the connection between moral cosmopolitanism and democratic values is, as we have repeatedly argued, by no means simple, one can argue that accepting moral equality (the backbone of moral cosmopolitanism) as a starting point creates some form of presumption in favour of the kind of political equality that democratic ideals embody. As the word 'presumption' suggests, the link between moral and political equality is not air tight. The presumption is, in other words, defeasible. But the fact that it is defeasible does not make it intellectually inert. For example, establishing a presumption concerning the existing link between two ideas means that the burden of the argument lies with those who want to deny such a link. Those who want to defeat the presumption may well be able to do so, yet the presumption will still be able to tell us something important about the map of the argumentative terrain.

### Conclusion

If we accept that moral cosmopolitanism generates some form of presumption in favour of political equality, the two together might be said to create what Robert Nozick once referred to as a 'framework for utopia'; that is, a framework for experimenting in different forms of institutional designs (1974). When combined in this way, moral cosmopolitanism and democratic values generate a predisposition towards pluralism and experimentation in institutional forms and an openness to the adoption of different kinds of policy solutions. To the extent that these uphold the core values of moral equality of all human beings, basic

human rights and democratic values, then we can regard them as legitimate pathways through the dilemmas of contemporary global governance.

## **Bibliography**

Anheier, H. K., Kaldor, M. and Glasius, M., eds. 2006. *Global Civil Society 2006/7*. London: Sage.

Archibugi, D., Archibugi, M. and Marchetti, R., eds. 2011. *Global Democracy: Normative and Empirical Perspectives*. Cambridge: Cambridge University Press.

Beitz, C. 2010. *The Idea of Human Rights*. Oxford: Oxford University Press.

Betsill, M. M. and Corell, E., eds. 2008. *NGO Diplomacy: The Influence of Nongovernmental Organizations in International Environmental Negotiations*. Cambridge, MA: MIT Press.

Blake, M. 2013a. 'We Are All Cosmopolitans Now', in G. Brock, ed., *Cosmopolitanism versus Non-Cosmopolitanism*, 35–54. Oxford: Oxford University Press.

Brown, G. and Held, D., eds. 2010. *The Cosmopolitanism Reader*. Cambridge: Polity.

Buchanan, A. 2004. *Justice, Legitimacy and, Self-Determination: Moral Foundation for International Law*. Oxford: Oxford University Press

Buchanan, A. 2010. 'The Legitimacy of International Law, Democratic Legitimacy and International Institutions', in S. Besson and J. Tasioulas, eds, *The Philosophy of International Law*, 79–96. Oxford: Oxford University Press.

Buchanan, A. 2013. *The Heart of Human Rights*. Oxford: Oxford University Press.

- Buchanan, A. and Keohane, R. 2006. 'The Legitimacy of Global Governance Institutions', *Ethics & International Affairs* 20(4): 405–437.
- Cabrera, L. 2006. *Political Theory of Global Justice: A Cosmopolitan Case for a World State*. London: Routledge.
- Cassese, A. 2005. *International Law*. Oxford: Oxford University Press.
- Christiano, T. 2008. *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford: Oxford University Press.
- Christiano, T. 2011. 'Is Democratic Legitimacy Possible for International Institutions?', in D. Archibugi, M. K. Archibugi and R. Marchetti, R., eds, *Global Democracy*, 69–95. Cambridge: Cambridge University Press.
- Christiano, T. 2012. 'The Legitimacy of International Institutions', in A. Marmor, ed., *The Routledge Companion to Philosophy of Law*, 380–394. New York: Routledge.
- Christiano, T. 2012b. 'Authority', *The Stanford Encyclopedia of Philosophy*, ed. E. N. Zalta. <http://plato.stanford.edu/entries/authority/>.
- Cohen, J. 2004. 'Minimalism About Human Rights: The Most We Can Hope For?' *Journal of Political Philosophy* 12(2): 190–213.
- Deibert, R. 1997. *Parchment, Printing and the Hypermedia*. Ithaca, NY: Cornell University Press.
- Dworkin, R. 1983. 'Comment on Narveson: In Defense of Equality', *Social Philosophy and Policy* 1: 24–40.
- Dworkin, R. 1986. *Law's Empire*. Cambridge, Cambridge University Press.

- Easterly, W. 2006. *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*. New York: Penguin Books.
- Forst, R. 2016 'The Point and Ground of Human Rights: A Kantian Constructivist View' *Global Political Theory* (eds. Held, D. & Maffettone, P.) Polity: 22-39
- Giddens, A. 1990. *The Consequences of Modernity*. Cambridge: Polity.
- Griffin, J. 2008. *On Human Rights*. Oxford: Oxford University Press.
- Haas, P. M. 1991. 'Policy Responses to Stratospheric Ozone Depletion', *Global Environmental Change* 1: 1–21.
- Hale, T. and Held, D. 2011. *Handbook of Transnational Governance*. Cambridge: Polity.
- Held, D. 1995. *Democracy and the Global Order*. Cambridge: Polity.
- Held, D. 2006. *Models of Democracy*, 3rd edn. Cambridge: Polity.
- Held, D. & Maffettone, P. 2016 'Legitimacy and Global Governance' *Global Political Theory* (eds. Held, D. & Maffettone, P.) Polity: 117-142
- Held, D., McGrew, A., Goldblatt, D. and Perraton, J. 1999. *Global Transformations: Politics, Economics and Culture*. Cambridge: Polity.
- Held, D. and Young, K. 2011. 'Crises in Parallel Worlds: The Governance of Global Risks in Finance, Security, and the Environment', in C. Calhoun and G. Derluigian, eds, *The Deepening Crisis: Governance Challenges after Neoliberalism*, 19–42. New York: New York University Press.
- Keck, M. E. and Sikkink, K. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press.

- Kerwer, D. 2005. 'Rules That Many Use: Standards and Global Regulation', *Governance* 18(4): 453–475.
- Lefkowitz, D. 2016 'The Legitimacy of International Law' *Global Political Theory* (eds. Held, D. & Maffettone, P.). Cambridge, Polity: 98-116
- Macdonald, T. 2016 'Global Political Justice' *Global Political Theory* (eds. Held, D. & Maffettone, P.). Cambridge, Polity: 75-97
- Macdonald, T. and Ronzoni, M., eds. 2012. 'Introduction: The Idea of Global Political Justice', *Critical Review of International Social and Political Philosophy* 15(5): 521–533.
- Marchetti, R. 2008. *Global Democracy: For and Against*. New York: Routledge.
- Miller, D. 2012. 'Grounding Human Rights', *Critical Review of International Social and Political Philosophy* 15(4): 407–427.
- Milner, H. 1998. 'Rationalizing Politics: The Emerging Synthesis of the International, American and Comparative Politics', *International Organization* 52(4): 759–786
- Nozick, R. 1974. *Anarchy, State, and Utopia*. Oxford: Blackwell.
- Peter, F. 2008. *Democratic Legitimacy*. New York: Routledge.
- Pogge, T. W. 1992. 'Cosmopolitanism and Sovereignty', *Ethics* 103(1): 48–75.
- Prinz, J.J. 2011. 'Is Empathy Necessary for Morality?' *Empathy: Philosophical and Psychological Perspectives* (eds. Coplan, A. & Goldie, P.). Oxford: Oxford University Press: 211-229
- Rawls, J. 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press
- Rawls, J. 1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press.



- Risse-Kappen, T. 1995. *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge University Press.
- Sangiovanni, A. 2007. 'Global Justice, Reciprocity and the State', *Philosophy & Public Affairs* 35(1): 3–39.
- Sen, A. 2005. 'Human Rights and Capabilities', *Journal of Human Development* 6(2): 151–166.
- Shue, H. 1996. *Basic Rights*. Oxford: Oxford University Press.
- Singer, P. 2002. *One World: The Ethics of Globalization*. New Haven: Yale University Press.
- Slaughter, A.-M. 2004. *A New World Order*. Princeton, NJ: Princeton University Press.
- Valentini, L. 2011. *Justice in a Globalized World: A Normative Framework*. Oxford: Oxford University Press.
- Valentini, L. 2012. 'In what Sense Are Human Rights Political?' *Political Studies* 60(1): 180–194.
- Vlastos, G. 1984. 'Justice and Equality', in J. Waldron, ed., *Theories of Rights*. Oxford: Oxford University Press.