Phil / Pol / Val 207
Global Justice
Week 8 Overview: World Government or Only Transnational Institutions?

- David Held: Yes, a cosmopolitan democracy understood as a democratic community of democratic communities. Multiple citizenships.

- Peter Singer: Yes, in the long run, a single world government with a directly elected world legislature, if practicable. A single global citizenship.

- Will Kymlicka: No world government, only targeted transnational institutions with state members. Parochial not global citizenship based on membership in a “community of fate”.
Forms of Transnational Governmental Institutions

- All are treaty-based. There is no other feasible way to establish transnational governmental institutions.
- We can classify transnational governmental institutions by identifying the sources and exercisers of the following three powers:
  (1) legislative power
  (2) executive power
  (3) adjudicative power
Examples of Transnational Governance Institutions

(1) Trade Relations: World Trade Organization

- 159 member countries
- Negotiates trade agreements and resolves trade disputes (as specified in trade agreements).
- Not a democratic institution. Decisions taken by consensus (with those who fail to agree left out).
(2) International Criminal Court

- 122 state parties: Parties are states, including almost all of the world’s democracies, but only a few dictatorships.
- Jurisdiction: war crimes, crimes against humanity, and genocide [and aggression may be added in 2017].
- Judges elected democratically. Each state party has one vote.
(3) European Court of Human Rights

- Enforces the provisions of European Convention of Human Rights
- Binds all 47 states that have ratified the convention.
- Complaints can be filed by individuals.
(4) United Nations

- 193 member states
- General Assembly includes all members. Resolutions are not enforceable.
- Security Council has five permanent members (US, Britain, France, Russia, and China) and ten rotating members. Resolutions are enforceable. Permanent members have veto power.
- Members are states. Not limited to democracies or to states that respect human rights.
(5) European Union

- 27 member states
- Has a legislature that make laws that are enforceable against member states.
- Parties are all democracies with human rights guarantees.
- Members of European Parliament directly elected by citizens of EU nations.

This is the only truly transnational government in the world, because it has all three branches: legislature, executive, and judiciary, and the legislators are directly elected by citizens.
Problems That Lack Transnational Governmental Institutions for Addressing Them

- (1) Economic Development: An International Development Agency with taxing authority? This agency would also address the problem of government leaders who use the resources and borrowing power of their country to enrich themselves rather than to benefit their citizens.

- (2) Immigration: Could there be an international institution that established immigration policies at a global level?

- (3) Climate Change: An International Environmental Protection Agency?

- There are many more that we have not discussed.
The Lack of Transnational Institutions and the Lack of an Adequate Understanding of the Requirements of International Justice

- Nation-states have been the dominant unit of political organization since the 17th century.
- Theories of domestic justice are theories of justice for nation-states.
- Not only do we lack effective transnational institutions for addressing transnational problems.
- One of the themes of this course: We lack an adequate understanding of the requirements of international justice for transnational governmental institutions.
Have You Ever Heard “Imagine” by John Lennon?

A. Yes
B. No

89% Yes
11% No
Which of the Following Quotes from John Lennon’s “Imagine” Does Peter Singer Use to Articulate the Alternative He Favors?*

A. “Imagine no possessions”
B. “Imagine there’s no heaven”
C. “Imagine there's no countries”
D. “Imagine all the people living for today”
David Held

- University Professor of Politics and International Relations, Durham University.
- Author of *Cosmopolitanism: Ideals and Realities* (2010) and numerous other books and articles.
- Advocates a *cosmopolitan democracy*. 
What is Cosmopolitanism?

• “I am a citizen of the world”
  --Diogenes
  (4th century BC)

Moral cosmopolitanism = We have the same moral obligations of assistance to all human beings. (Peter Singer is an example.)

Political cosmopolitanism = All human beings should have equal political rights under a single world government of federation of governments.
Held’s Models of Transnational Governance:
1. Colonialism

(1) Colonialism

“By the end of [the 19th] century the spread of the British Empire had been so great that it comprised nearly a quarter of the land surface of the world and included more than a quarter of the population” (Held, 93).
2. Globalization: What is Globalization?

- “A set of processes which shift the spatial form of human organization and activity to transcontinental or interregional patterns of activity, interaction and the exercise of power . . .

- It involves a stretching and deepening of social relations and institutions across space and time such that, on the one hand, day-to-day activities are increasingly influenced by events happening on the other side of the globe and, on the other, the practices and decisions of local groups or communities can have significant global reverberations” (Held, p. 92).
Economic Globalization is “Globalization without Territory”

- Governments continue to claim individual sovereignty over territory: In Europe, this claim derives from the Treaty of Westphalia (1648).
- In economic globalization, there need be no transnational governmental institutions. The transnational actors are not governments (e.g., Coca-Cola, General Motors, Exxon, Rupert Murdoch (media holdings), Google, and Facebook). They exert “non-territorial forms of power and domination” (Held, p. 94).
  “Approximately 20,000 multinational corporations now account for a quarter to a third of world output, 70 percent of world trade, and 80 percent of foreign direct investment” (Held, p. 96).
  “The influence of Western commerce, trade, and political organization outlived [colonialization], giving rise to new patterns of non-territorial globalization—globalization without territory” (Held, pp. 94-95).
In Your Opinion, Which Has the Most Global Influence?*

A. England  
B. Bangladesh  
C. Google  
D. Facebook  
E. Apple  
F. Exxon  
G. Goldman Sachs
Five Aspects of Globalization

(1) Multinational corporations: “The balance of power has shifted in favour of capital vis-a-vis both national governments and national labour movements” (Goldblatt, Held, McGrew, and Perraton 1997: 74, quoted by Held, p. 98).

(2) the power of global media: Hollywood; even Al Jazeera has a USA cable channel.

(3) global environmental problems: climate change, ocean pollution, species extinction, and nuclear power (e.g., the Fukushima reactor accident).

(4) changes in international law that have limited state sovereignty: e.g., human rights law.

(5) shift to collective defense and cooperative security.

Held argues that these problems show the inadequacy of the traditional nation-state, regarded as sovereign.
(1) “The locus of effective power can no longer be assumed to be national governments” (103).

(2) “The idea of a political community of fate [self-determining collectivity] can no longer meaningfully be located within the boundaries of a single nation-state alone” (103).

What is a “political community of fate”? Held gives it a thin reading as a self-determining collectivity. But it, as Kymlicka and others use the term, it has a more robust meaning.
“People belong to the same community of fate if they care about each other's fate, and want to share each other's fate—that is, want to meet certain challenges together, so as to share each other's blessings and burdens. Put another way, people belong to the same community of fate if they feel some sense of responsibility for one another's fate, and so want to deliberate together about how to respond collectively to the challenges facing the community. So far as I can tell, globalization has not eroded the sense that nation states form separate communities of fate in this sense” (Kymlicka, 115).
(3) “There is a growing set of disjunctures between the formal authority of the state—that is, the formal domain of political authority that states claim for themselves—and the actual practices and structures of the state and economic system at the regional and global levels”(103).

(4) “There are significant regions and areas marked by criss-crossing loyalties, conflicting interpretations of rights and duties, interconnected legal and authority structures, etc., which displace notions of sovereignty as an illimitable, indivisible, and exclusive form of public power”(103).

(5) A variety of “boundary” problems (e.g., climate change).
Held’s Solution: A Cosmopolitan Democracy = A Democratic Community of Democratic Communities

- The key idea is the idea of a democratic legal order – “an order which is bound by democratic public law in all its affairs. A democratic legal order . . . is an order circumscribed by, and accounted for in relation to, democratic public law” (Held, p. 106).

- Meaningful democratic control in an era of globalization requires a common structure of democratic law: “In the context of contemporary forms of globalization, for democratic law to be effective, it must be internationalized. Thus, the implementation of what I call a cosmopolitan democratic law and the establishment of a community of all democratic communities - a cosmopolitan community- must become an obligation for democrats; an obligation to build a transnational, common structure of political action which alone, ultimately, can support the politics of self-determination” (Held, p. 106).

- “States need to be articulated with, and relocated within, an overarching democratic law” (106).

- The result would be a *cosmopolitan democracy*: An overarching global structure of democratic law would define the limited sovereignty of regional associations, states, and local association (e.g., municipalities), all themselves governed democratically.

- The European Union is a model.
“Cosmopolitan law would demand the subordination of regional, national, and local sovereignties to an overarching legal framework, but in this framework associations would be self-governing at different levels. A new possibility is anticipated: the recovery of an intensive and more participatory democracy at local levels as a complement to the public assemblies of the wider global order; that is, a political order of democratic associations, cities, and nations as well as of regions and global networks. I call this elsewhere the *cosmopolitan model of democracy*” (Held, p. 107, emphasis added).
Held’s Cosmopolitanism: Levels of Citizenship

- Global
- Transnational
- National
- Regional
- Municipal
Why would a utilitarian oppose multiple levels of citizenship?

National boundaries are used as an excuse to weigh the well-being of some more heavily than others (e.g., citizens vs. aliens). Singer believes everyone’s well-being should count the same.

“Imagine there’s no countries . . . Imagine all the people/Sharing all the world.” (John Lennon, quoted by Singer, p. 196).

“We should be developing the ethical foundations of the coming era of a single world community” (Singer, p. 198).
Singer’s Final Goal

- Singer’s long-term proposal: A single world community with its own directly elected legislature” (199).

- Problem: “How to prevent global bodies from becoming either dangerous tyrannies or self-aggrandizing bureaucracies” (199)?
Global federalism (similar to Held’s proposal) comes before a single global government. At this stage, employ the European Union’s principle of subsidiarity: “Decisions should always be taken at the lowest level capable of dealing with the problem” (200).

Singer’s first step to global federalism: Begin with single purpose global governance institutions—for example, the International Criminal Court or institutions to establish and enforce global environmental and labor standards.
Singer’s Step-Wise Progression to Global Citizenship

- Begin with single purpose international institutions (e.g., International Criminal Court)
- Then a democratic federation of democracies (Held’s proposal of multiple citizenships)
- Final Goal: A single world democracy (global citizenship)
Will Kymlicka

- Canada Research Chair in Political Philosophy at Queen's University in Canada.
The effects of globalization on national autonomy have been greatly exaggerated.

- (1) Power of capital markets. Loss of national economic autonomy is not due to globalization, but to national indebtedness.
  
  “If you put yourself in massive debt to other people, you lose some control over your life” (113).

- (2) Capital Mobility. Most of the corporations that can move overseas have.
  
  “The option of moving overseas is irrelevant for large sectors of the economy - health care, education and training, construction, most retail, most services, agriculture, and so on” (114).

- (3) Shared identity in “communities of fate.” Different nations respond to economic forces differently, based on their shared identity and shared caring.
Kymlicka on “communities of fate”

“People belong to the same community of fate if they care about each other's fate, and want to share each other's fate—that is, want to meet certain challenges together, so as to share each other's blessings and burdens. Put another way, people belong to the same community of fate if they feel some sense of responsibility for one another's fate, and so want to deliberate together about how to respond collectively to the challenges facing the community. So far as I can tell, globalization has not eroded the sense that nation states form separate communities of fate in this sense” (Kymlicka, 115).

Consider the differences between Canada and the US.
Problems of a Transnational Democracy

- Democracy is a system of deliberation, not just voting.
- Collective political deliberation requires commonality among citizens. Language is important in defining the boundaries of political communities: “Countries are becoming, in effect, federations of territorially concentrated, self-governing language groups” (118).
- “There are good reasons to think that these ‘national’ linguistic/territorial political communities - whether they are unilingual nation states or linguistically distinct subunits within multination states – are the primary forum for democratic participation in the modern world” (120).
- “Democratic politics is politics in the vernacular” (121). What does this mean?
“Decisions made by larger units - whether they are federal policies in multination states, or EU policies - are seen as legitimate only if they are made, under rules and procedures which were consented to by the national unit, and similarly changes to the rules are only legitimate if they are debated and approved by the national unit”(122).

EU is a model again. But this time it is a model of what not to do: “Paradoxically, then, the net result of increasing direct democratic accountability of the EU through the elected Parliament would in fact be to undermine democratic citizenship”(125).
Secession is the Future, Not Integration

- The break-up of Yugoslavia: Croatia, Bosnia-Herzegovina, and Serbia
- The autonomy of Kosovo (majority Albanian) in Serbia
- Czechoslovakia broke up into the Czech Republic and Slovakia
- Scotland’s Vote on Secession from Great Britain
- The potential division of Belgium into Flanders (Dutch) and Walloon (French)
- The Basques in Spain
- The Kurds in Turkey and Iraq
- Others?
Don’t internationalize democracy. Internationalize activism: “Transnational activism is a good thing . . . Transnational activism by individuals or NGOs is not the same as democratic citizenship”(124).

Kymlicka agrees we need transnational institutions: institutions to address economic globalization, common environmental problems, and issues of international security. But they should be organizations of state parties and accountable to states, not to individual citizens.
Democracy requires co-deliberation. This is only possible between citizens who share a common language and between citizens who share a conception of the common good ("communities of fate").

Citizenship is parochial (limited) because languages are parochial and "communities of fate" are parochial.

How might Singer reply to Kymlicka?
Is the Idea of Global Citizenship Utopian?

- Evolutionary biology explains “We/Us” by contrast to “They/Them”. Global citizenship would require a “We/Us” that included everyone, so without a “They/Them”.
- Psychologically, empathy is triggered by resemblance.
- But Singer points to the history of overcoming barriers to empathy (*The Expanding Circle*).
- We are all part of an historical experiment to determine the possibility of a “community of fate” that encompasses all of humanity.
Kymlicka Favors Parochial Rather than Global Citizenship Because:*

A. He thinks that some groups are not capable of governing themselves democratically

B. He thinks that each country should pursue its own national interest and ignore others

C. He thinks that democracy depends on citizens having a shared collective identity and caring about each other.

D. He thinks that the US would dominate a world government
Which Kind of Citizenship Do You Favor?*

A. Singer’s Global Citizenship
B. Held’s Multiple Citizenships
C. Kymlicka’s Parochial Citizenship

Singer’s Global Citizenship: 9%
Held’s Multiple Citizenships: 50%
Kymlicka’s Parochial Citizenship: 41%