World Governance
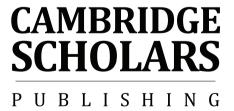
World Governance:
Do We Need It, Is It Possible,
What Could It (All) Mean?

Edited by

Jovan Babić and Petar Bojanić

TABLE OF CONTENTS

FOREWORD

The process of globalization seems to be among one of the most intriguing issues in the modern world. The speed in transport, the computerization of society which, through the Internet, is making the world more transparent and information easier than ever to acquire, the global media which brings almost everything in front of everyone's eyes, the accumulation of capital and enormous production of goods, all this appears to have a very strong unifying impact, making the world seem to be *one* as never before. On the other side there are still many aspects of the dark side of human nature, conflicts, division, wars. In such a situation it seems natural to ask: *World governance, do we need it, is it possible, what could it (all) mean?* This was the title of a conference held at the Belgrade University in June 2008, within the project ILECS (International Law and Ethics Conference Series). The event triggered the invitation of *Cambridge Scholars Publishing* for editors to compile a volume devoted to this theme, and the book before us is the result. We would like to express our gratitude for the opportunity to organize this edited volume; Amanda Millar was the first who contacted us and Carol Koulikourdi did most of correspondence showing a lot of patience and understanding in the process leading to the final result.

Several papers from the Belgrade conference are included in this book in their revised form (Pavković, Narveson, Sharon Anderson-Gold, and Paul Gilbert), and some others come from a previous conference within the same project (Pauline Kleingeld and Ingeborg Maus, both of these articles appeared also in Luigi Caranti, ed. *Kant's Perpetual Peace: New Interpetive Essays*). Most chapters, however, are independently solicited articles, some of which are published here in this version for the first time (Richard Falk, Otfried Höffe, Jovan Babić, Alfred Rubin, and Petar Bojanić). Michael Walzer's text was published in *Dissent*, Fall 2000. Stanley Hoffmann's appeared under same title in *Daedalus*, 2003, 132(1). Cambell Craig's essay has previously been published in *Ethics & International Affairs*, Vol. 22(2), Summer 2008. Thomas Pogge's paper was originally published as "Kant's Vision, Europe, and a Global Federation" in Jean-Christophe Merle, ed.: Globale Gerechtigkeit (Stuttgart: Frommann-Holzboog 2005), 500-518, and in Luigi Caranti, ed.: Kant's Perpetual Peace: New Interpretive Essays (Rome: LUISS University Press

2006), before it appeared, in a revised version, as "Kant's Vision of a Just World Order," in *The Blackwell Guide to Kant's Ethics* edited by Tom Hill in 2009. Allen Buchanan and Robert Keohane piece was published in *Ethics & International Affairs*, Volume 20(4), Winter 2006. Larry May's text is a cut from his book-manuscript *Global Justice and Due Process*. Anthony Ellis' article was partly published as "War Crimes, Punishment and the Burden of Proof" in *Res Publica*, vol. 16 for 2010. Virginia Held's paper is partly based on her books, *The Ethics of Care: Personal, Political, and Global* (2006) and *How Terrorism Is Wrong: Morality and Political Violence* (2008) both published by Oxford University Press. Luis Cabrera's paper appeared in *Journal of International Political Theory*, 4(1) published in April 2008.

We are very grateful to all of the authors who generously gave us the permission to include their pieces in the volume and helped us with the copyright issues. We would also like to thank Miloš Babić, Rastko Popović, Vojin Rakić and especially Julia MacKay for their help in proofreading some of the texts written by those whose native language is not English.

Our hope is that the volume will find its path to readers and be useful. It does not reflect a unifying standpoint, on the contrary it contains many divergent and contrasting opinions, and it does not offer any final theses or solutions. This is so not only because the topic of the book is vague and evolving, it is also because we believe that philosophers should keep a distance from any standpoint, be ready to listen, let the reasons do their work before taking any side, and be prepared to change their beliefs if the reasons command it.

—Jovan Babić and Petar Bojanić

INTRODUCTION

JOVAN BABIĆ

In the age of globalization and increased interdependence in the world that we face today, there is a question we have to raise: Do we need and could we attain a world government, capable of insuring peace and facilitating worldwide well-being in a just and efficient way.

We may think that the issue of world governance is something new, but it is not. Every era has its version of "globalization". The "issue" of world governance has always existed. There are two main ways in which the authority of a state, or a country, can be territorially articulated: first, as a "kingdom" (in a sense) where *a people* claims a right to self-rule and independence, and then the jurisdiction should be defined as the territory that the people are inhabiting, and, second, as an "empire", where the country is defined just as a territory on which there is a certain law accepted as a common rule of the social life. In the second case there is no space limitation of the territory, and the state might be as big as the central government could possibly extend its control and enforcement of its laws. In principle an empire could cover the whole world; there is nothing contradictory in that concept.

So, conceptually, a world government *is* possible. But many things are theoretically possible although not possible in reality. What would certainly prove that it is really "possible" would be to show an example of its factual occurrence. And indeed there are such examples. The Roman Empire was an almost realized world state. Similar in magnitude was the Christianization of the then known world accomplished in the first centuries of the new era. Colonialism is but another example, where the parts of the world outside of Europe, assumed to be uncivilized and uncultivated lawless territories, were put on the path of bringing to civilization in a world-wide process of cultivation and introduction of the progress of happiness and well-being to the whole world. The process of colonization was fast and impressive in magnitude. We now know that it ended in a collapse, in an even greater and faster process of "decolonization," when the principles of self-determination and nationalism took the primacy, which is a social and political development with ongoing consequences. Let us

call the reasons for these kinds of globalization "the imperialist reasons." These reasons might be ideological to a great extent, especially on the declaratory level, but at the same time they facilitate peace, commerce and expediency of the governance. They seem to be present in an efficient way in many periods of the history.

Now, we have again a very powerful process of globalization supported and facilitated strongly by enormous and fast-paced technological and economic developments. However, this process, it seems, is based partly on reasons which are not necessarily "imperialist" in the old sense, but in the sense of the ever-growing interdependence present in our world today. We are currently witnessing tremendous advancements in technology that are making the world truly interdependent in a way which might not have been the case in the past, like technology related to issues of climate change, or economical dependence. This interdependence is, or might be seen as a reason for a world government, a reason which cannot be reduced to the purpose of the mentioned tendency to make the world globalized for the sake of facilitating commerce and making politics more expedient, i.e. the imperialist reason. These new reasons seem to be even more powerful in support of the concept of world governance.

Technology has a strange ability to change some aspects of borders between states, and make some other aspects hard to sustain. Sometimes it looks as if national sovereignty is disappearing, and is being replaced by globalization in what are some of the most important aspects of life: which ends will be the ones we will value and choose, and what will the articulation and organization of our living together on the same planet look like? This has become almost the mainstream in contemporary social and political theory. The main part of the theory says that the laws which we should abide by are not freely set limits of our natural freedom, limits within which we can freely set all the aims whose realization makes the legitimate content of our life, but they, the laws, are something we should read out from the definition, or description, of what we consider to be "good".

This might seem to be necessary if we wish to speak of a unified world—there has to be something uniting the world, and this has to be a shared common definition of what is "good." What else could it be? However, globalization always was a process that was going parallel to another process of producing *changes* and *differences*, and *accumulating* them. This second process opposed to globalization, is what in essence makes the world so big and complex; globalization, on the other hand, is making the world more transparent, simpler and in a sense smaller; simplification of the world appears to be a price of globalization.

So, what is "World governance"? It should be an articulation of power that has authority above or superior to all other authority, and it should be *one.* This "oneness" is crucial, as we already know that the world *is* one (as the universe is one), so what might be wrong here? It is a fact that today's world is not one in a political sense; it is rather an *international society*, which is a set or an aggregate of different parts living alongside each other. Different goals and values characterize those different parts, and their governing laws vary as well. The laws are of special interest—they presuppose a kind of consensual acceptance without which they cannot function: they have to be "our laws," rules that we voluntarily accept and this fact of acceptance grants them their validity.

The international society contains all persons and all states. Therefore the expression "The whole world" can designate two radically different things: 1) humankind, or 2) international community of states or peoples (e.g. United Nations). In the second sense only, it is a set of all sources of valid laws, or the set of all legislatures and legislative wills that exist in the world. The first meaning, the humankind, is not a political term because it does not have, and perhaps cannot have an identity, a collective identity, which one political community that has the capacity and the authority to issue laws must have.

So, in a political sense the whole world is a community of states and not a universal world-nation. The community of states has not been taken as a surrogate for something else, as it would have been if we had conceived the world governance as the ideal state, the only one capable to secure true peace, but for some reason not yet existing by now, and what now must be considered as something that will, in the long run, be replaced by the genuine state of affairs in accordance with the ideal. In this picture the states have been perceived as valid holders of legislative wills capable of securing peace and justice within their borders. Guaranteeing such peace is the actual purpose of any state.

Peace is a valid articulation and distribution of social power; it is valid when it is accepted and when its acceptance is shown through laws. The purpose of laws is to provide predictability, the most desirable item in the context of living with others. Therefore, the purpose of the state is peace, and the purpose of peace is to control (our) future time, which has been made possible through the laws. We may say with Plato, or Socrates, that the purpose of the laws is to make us better and in fact this is literary true. Without laws we couldn't afford to be "good" at all, as our whole energy and time would be spent obtaining security and survival. But laws, as sets of legal rules, have to be *accepted* in order to be valid, and this requires a

collective with a unifying identity strong enough to be able to make decisions about the content and character of the laws.

Therefore, the laws have to be "*our laws*." Otherwise, they would not be obligatory for us. If not "ours," they would be imposed by force and would not be considered as valid even if they were just or even perfect. Nor would they be "obligatory" in a proper sense, even if they were obeyed, as the obedience would be the result of fear or calculation, rather than consent. (If a group of angels, or for that matter extraterrestrials, came here to our planet and saw how imperfect and bad we are, and, therefore, used their overwhelming power to make us better, it would still constitute violence and usurpation, and the laws they would try to impose would not have validity.)

"Our laws" presuppose that there is a "we" capable of having laws of our own, and for our topic the question is: Can that "we" be the (whole) humankind, and not only a part of it? This is very close to the idea of a world state and world government, a government that would administer the laws of the world state.

The advantage of such a state is obvious: the conflicts and wars which characterize our past and present would be prevented and avoided. These conflicts cause most of the misery we experience, and it certainly would be good to eradicate them. And their eradication would be complete: even the possibility of a war would not be present if we had a world state and world government. The aggressive potential of human nature would be controlled. There would be no more conflicts, or they would be effectively prevented.

However, it is not clear what the real results would be. British philosopher Bertrand Russell in his Reith Lectures (Russel, 1949) believes that it is uncertain whether it is possible to convert human competition—which is the source of all or most of our conflicts—into a scheme of benevolence and cooperation. We know that cooperation is beneficial, but as a means to a greater good, not as the original source of human motivation; cooperation has to be derived from and justified by the goal to which it leads. But a great part of our motivation comes from stimulation such as fear or negative feelings like envy, and other competitive feelings which should be replaced by something that provides the same cohesive force which now works by creating schemes of caring based on the fear of dangers and risks which may threaten existent laws. This is the main energy of patriotism, and there is a question as to what would be a replacement for this in world state? What patriotism could we expect to find there? In the absence of a *possible* foreign enemy, what nature of cohesion could there be? A tyranny, a dictatorship? How stable would such a construction be? What

could prevent some new Christians from mobilizing human desire for a tangible meaning of the life and converting it into a destructive force which would destroy the state by enjoying being thrown to the lions in some new kind of a circus?

The purpose of the world government would be lasting world peace. Conflicts would not be tolerated, and all perpetrators involved in a conflict would be treated like criminals. The specificity of criminals is that they are a concern of the police, so the police would regulate the peace. There would be no need for an army. But this could only be a conceptual issue. We have the elements of this already, in the widespread practice of intervening: military interventions, often designated as "humanitarian," contain all the characteristics of a police action. These are not conceived as "wars." The consequences are far-reaching: the other side has been designated as criminal in its nature, as per supposition weaker, and the "action" as an act of punishment. The distribution of power is determined in advance, and the whole issue is only an internal disturbance as if it exists within the scope of the same legal order. It is known in advance who the "good guys" and who the "bad guys" are. There is something Manichean in this picture, a kind of dualism, very much at odds with our previous world-view. It is strange: a hypothesis of a unified world order implies dualism, a theory of two worlds, world of good which has the authority and entitlement to govern all worldly issues, and the world of evil, which is devoid of any such entitlement but seems to be ineradicable despite renewed defeats.

The laws in such a structure would not be "international" (as being ratified by sovereign interested parties) but real laws with all the instruments of enforcement and, by hypothesis, based on presumed consent of all members of the human race. In a way, it would be everyone's law. In this picture, there would be only one state—the world state. This also means that there won't be any borders.

Does this look like a viable state of affairs, or only as a utopia? Most utopias were called "negative utopias" (dystopias), but could this be a "positive utopia"?

Furthermore, does this mean that the laws of such a state should or could not be defended (i.e. defended from change to the point of making a different legal and political order)? What would be a constitutional and legal arrangement for such a purpose? Or should it be supposed that it would function as a kind of a frozen, eternal, system of governance?

There are several other issues of some interest here:

In the time of globalization national sovereignty might look like something that is "overcome," something that doesn't fit in the historical

scheme of today, and national states, countries, should be phased out and replaced by "multinational" agencies and corporations with the rules that articulate the game of the balance of power. Contemporary capitalism shows a great power of accommodation. It is possible that it will, through the principle of maximizing happiness and the need to cultivate the world for that purpose, realize a form of this scheme. In this scheme we might have an illusion that nothing has really changed, that all of the old cultural diversity and all of our collective rights had been preserved, while in fact there won't be any really "living" collective identity, instead of which there will be only a simulacrum and decor without any cohesion and without any real decision-making power. To some extent, the world already looks like this.

There is another point of interest here, and this is the size or magnitude of the world state: it would be, we may presume, sizable. However, it is not clear what is the meaning of that, and which size is the best for a country; for example, one of the arguments used by opponents of Italian unification in the mid 19th century clearly favoured maintaining small principalities: in case you get into a dispute or a conflict with your prince or master, it would be impossible to jump on the nearest horse and gallop out of the country if the country were too big. This means that really big countries may have an increased, not diminished—as we might suppose— power of control over their citizens. Contrary to what we might presume at a first glance, a chase is more efficient if the country is bigger: there is a greater chance for a chase to end successfully, i.e. to catch a fugitive before he succeeds in running away.

However, the notion of a world state is not at all conceptually connected to the magnitude of the state, but to the normative presupposition that there should be no other states. The question of size and magnitude would then be a matter of factual size of the world, not of the state, and would include all inhabitable space. This means a world state could not tolerate the existence of any other state, regardless of where that state were located, and that it would, normatively, treat all space as being under its control.

Another point: Presumably the world state would promote business, workforce mobilization, and social mobility. There is no room for particular interests beyond those of the universal prosperity and progress in happiness. It is the best suitable context, or environment, for the utilitarian thesis that "more is better," more good, more wealth, more pleasure, more real opportunities for those who really may be in the position to exploit those opportunities. It is a good basis for maximizing profit. In that sense imperialism suppresses partial interests when they hinder this kind of

progress and development. Such hindrances nowadays are, among other things, national boundaries, which would be absent in a world state. Nationalism and national selfishness would be overcome as well. Also, all kinds of sentimentalism and all inclinations towards anything that is not productive for business and the progress of general happiness would be forbidden. A world state would remove all these hindrances, obstacles, and limitations.

There is a question which deserves special attention: the sovereignty of now existing states: what would happen to it? Would this sovereignty just disappear or would it be transferred to a supranational level? This issue is very sensitive, of course, and it is the central issue at stake here: where should the authority reside and how should the governance be articulated? We started with the question: Do we need and could we attain a world government, capable of insuring peace and facilitating worldwide well-being in a just and efficient way? This question provokes multitude of others: How would the representation in such a political structure function? How would *I* be represented in that structure, and for that matter how would anyone else? Is such representation possible on the global level? Would anything that is *mine* (*or thine*) stay preserved there for which I could say "It is my government?" Would any of my thoughts, projects, desires, anything that constitutes the value and meaning of my life, or anyone's life, still be present there? Or, on the contrary, would there be a point of power which takes all, or most, of my power to decide for myself, and would start to think, to decide, and to act on my behalf instead of me? Would it be that I am a robot living within a program in which I would have to take a place and finish my part of it, regardless of what I am and what I want? In other words, should we be optimists or pessimists regarding this option for our future, the option which is not yet available but is obviously becoming more and more viable?

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World governance is broader of an issue than the world state. In the world we live in today it is more the matter of the world order of the many points of mutual or multilateral interests and those are the issues which demand common approach because they are of great importance and cannot be resolved other than jointly.

This is the approach of the first contribution, Richard Falk's "(Re)imaging the Global Governance." Although Falk did not mention the world state, his article deals with the most urgent issues of world governance. It is rather obvious that many of the pressing issues in today's world

have to be settled on a global level. However, Falk's article offers another important insight: he states that we already have a global state as a matter of fact. That state is the USA, a political entity which is not confined within its geographical borders (having ties with the rest of the world, influencing it, etc.); rather it is global in the sense that most of the planet, and in some aspects all of it, is under effective and to a great extent official control of the US government. The USA is not (only) the leader of the world, it "exists" throughout the world. In many ways it exercises its governmental power much beyond its borders, governing more than leading, and more globally than, e.g., British Empire ever controlled the high seas of the world. The pockets outside its control, and globally widespread anti-Americanism (in many fashionable and less fashionable forms), cannot disguise this fact. We may add the control, in a direct way and not only through the influence, of many multinational companies, most of which are originally American. This "new American orientation toward law and power" produces a "need for American military dominance everywhere," while, according to Falk, efforts to implement (new) global norms took on a new shape especially after September 11, making the "encounter between the United States and al Qaeda" borderless, producing a new kind of war without a clear concepts of "victory" and vision. This process of shifting patterns also changes the nature of the promise of international institutions, focusing more on enhanced global policing, intelligence gathering, and law enforcement" and losing the connection with "values associated with human rights and global democracy". However, Falk sees the world becoming "more multipolar but less Western," and he identifies four new emerging global players, besides the worldwide present US: China, India, Brazil, and Russia. The declining confidence in capitalism might have a role in this process as well. Falk's timely and comprehensive analysis covers a range of problems at the outset of the 21st century, from economical and security challenges to ecological concerns to the issues of justice and equality.

Michael Walzer in "Governing the Globe" reintroduces the issue of the world state by setting up its idealized types located on a continuum going from unity to pluralism, from global state to international anarchy. He believes, however, that the politics of difference is stronger than any unifying process, that diversity and multitude is a feature of the human world. In a unified world diversity and autonomy would lose their political relevance. Borders and sovereignty are means of self-protection and guard against insecurity and fear. "Sovereign statehood is a way of protecting distinct historical cultures, sometimes national, sometimes ethnic/religious in character," but the identities contained in these distinct political forms

are felt to be worth fighting for: "The passion with which stateless nations pursue statehood and the driven character of national liberation movements reflect..." the reality of common human life. Walzer draws a very interesting and morally important hypothesis from this: "So, the *morally* maximal form of decentralization would be a global society in which *every* [emphasis – J. B.] national or ethnic/religious group that needed protection actually possessed sovereign power." On the other hand, "dividing up the world in this way would be (has been) a bloody business." Nevertheless, what also has been a bloody business, and even more than bloody, was creating artificial divisions without any respect to real distinctions and differences in the world; this was the case in the employment of *uti posidetis iuris* rule in the process of decolonization which produced many still-born nationless "countries" worldwide—mostly in Africa—a process that could be more unjust than the colonization in the first place, and perhaps one of the gravest, if not the gravest, and most sinister crimes in the last few centuries. It seems that the "passion" with which such "countries" fight their civil wars, often incomprehensible to the rest of the humankind, are a very good corroboration of this insight of Walzer's.

Walzer is more optimistic in the conclusion of his paper, envisioning a mixture of two schemes in a hybrid combination of international control that preserves some sovereignty in the existing political entities. His strategy is "many avenues of pursuit, many agents in pursuit." The problem he detects here is how to secure any sovereignty to *new* political, national and ethnic/religious, entities, allowing them potential access to the scheme. Stanley Hoffmann, who shares this optimism, explores new possibilities, such as giving new kinds of tasks to UNESCO and other international organizations. He shares with Walzer the belief that the UN should have its own military force which would be supranational, along with many other instruments (international instruments of global economic control, international courts, etc.). Otfried Höffe also shares most of this optimism in his contribution, giving a description of an ongoing globalization, and of a possible scheme of the world governance that could be attained in various fields of our common everyday life from a more historical and philosophical perspective.

Campbel Craig is even more optimistic in his contribution. He believes that "the chances of attaining of some form world government have been radically enhanced by the end of the Cold War and the emergence of a unipolar order." For Craig the deepest and almost conclusive argument for world government is the threat of nuclear war. This threat will exist "as long as sovereign nations continue to possess nuclear arsenals" and the only way to avoid the risk is to create "some kind of world government....

with sufficient power to stop states" from being such a threat by "acquiring nuclear arsenals and waging war with them." It is not clear, however, how the world government would do this, especially in its second part. What comes to mind is just the opposite—that the only final defence of an independent sovereign entity might become acquiring nuclear weapons, and that all those countries *without* such weapons would easily become prey of any kind of international controlling and sanctioning, which would not be affordable after the moment of acquiring a nuclear shield. Many would say that nuclear deterrence is the main factor in preventing major wars in contemporary world.

On the other hand Craig, unlike Walzer and Pavković, thinks that world government would not pose any threat to distinct national cultures. He believes that "it is the only entity that can preserve them." In this he closely follows the standpoint of Alexander Wendt, who, in his article "Why a World State Is Inevitable" (Wendt, 2003) argues that a world state will necessarily come into existence in the foreseeable future.

Aleksandar Pavković, in his contribution, gives a potentially devastating critique of the above mentioned text by Alexander Wendt. Pavković construes a thought-experiment from a distant future in which a group of people actually did usurp the interpretation of the final value of life (namely to prolong it as long as possible by using advanced technology). They also suppress another group which finds the value of life in something else, playing a special game and enjoying the life through it. The second group is coerced to pay, through high taxes, for the realization of the first concept of life. The other group then attempts to secede which would lead to reintroduction of the old anarchy, avoidance of which was the main reason to create the world state in the first place. According to Wendt, and unlike Walzer, the secession is not only bad, but also unnecessary because the world state is capable of securing equal recognition of all rights, not only individual but also group ones, and also all differences except those which aspire to superiority and imply discrimination, would be granted in that state. Pavković claims, however, that the superiority is not the aim of the seceding party, but as a matter of fact, superiority is present in the monopolistic position in the structure of distribution held by the group that has the power. The seceding party demands, unsuccessfully, equality, not superiority. But Pavković also claims that secession from the world state does not necessarily lead to anarchy among states, characterized by the (strong) right of states to kill people unilaterally, or to war against each other. This is similar to Babić's thesis, in his interpretation of Kant, that truce, a characteristic of the anarchy of contemporary world, is more akin to peace than to war. Pavković concludes that the world state

could hardly avoid becoming "a 'bad,' that is, a murderous agency," just the opposite of what its primary purpose was.

Jan Narveson is categorically against the world state. Any state is a bad thing, and a world state is even worse. We do not actually need a state, the state is making our lives worse than they would be without it, but the world state is not the remedy. It would not solve any real problems, even if it could exist. On the other hand, it "would certainly attempt to impose a welter of wrongheaded laws about any number of things." The world government would contain all the ills of actual governments, but "in much higher degree. Who … needs that?" To think otherwise is, according to Narveson, only wishful thinking. We may think that the world government "would be an overall nanny who could keep her unruly charges in line," but the analogy is farfetched. "Nannies are usually large in relation to their charges, but would world government be?"

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The second part of the book contains the issues of Kantian approach to world governance. Although many philosophers analysed the idea of world governance, Kant's approach appears to be most relevant today. His works *Metaphysics of Morals* and *Perpetual Peace* are rich sources of relevant and valuable ideas regarding this topic. Sometimes his theories make rather complex web of concepts and arguments, but always end with one which is plausible and revealing. Although a universalist in morality, Kant is not a universalist in matters of happiness and wellbeing. What constitutes happiness cannot be determined in advance, before people set their goals and structure them in some life plan (Kant, 4:418). Political diversity and plurality seem to be morally demanded by Kant. Morality is only a demarcation line that should not be crossed; but to that point we have the terrain of freedom with ample room for all kinds of differences in pursuing happiness. Universal respect for moral autonomy requires of me to allow others to have different goals. The concept of justice valid within these limits is not easy to construe. We have a moral duty of beneficence, which requires adopting the happiness of others as our own end if that is within our reach. But this duty is constrained by, among other things, our primary duty to respect the autonomy of others, i.e. their right to conceive and pursue their own idea of good within the limits of the freedom possible for all. To some this might seem to be a small demand, but after due reflection it might turn out to be much more than many of us are prepared to sacrifice.

In the first selection of this part, Pauline Kleingeld explores the tension that exists between different possible interpretations of Kant's idea of world state as world federation. In her interpretation Kant advocates the establishment of a non-coercive league of states, and not a strong world state with a universal law (which might be more in accordance with the demands of reason). Her reasoning is subtle and precise both regarding the exegesis of Kantian texts and its relevance to the contemporary world. Despite the fact that in international affairs we have anarchy, there are important differences between individual persons, who have a moral duty to abandon the lawless state of nature by establishing a state with enforceable laws, and states, which have the right *not to be compelled to* establish one unified political structure with enforceable universal laws. This right is the essence of the principle of non-intervention. When individuals leave the state of nature and create civil condition there is always progress, while the case of states leaving the state of international anarchy would mean the destruction of all established and already existing rights, which would lead "to a 'soulless despotism' and the peace of graveyard." The international character present in relations among different states could not be grounded, "and international right would not be applicable." And here we face the issue that the state of states still would be based on a particular conception of justice, which means that any coercive inclusion of a state would disrespect the political and personal autonomy even if that occurs for the presumed good of those upon whom this law would be imposed. Kleingeld however concludes that despite the fact that "a fully legitimate world government may remain out of reach," it is still an ideal toward which humankind might strive and the creation of a league of states "constitutes a first important step on the road towards an ever greater transnational regulation of the interaction among states, a process that should be guided by the ideal of a global federative state of states".

Ingeborg Maus is more critical. Similar to Kleingeld, she believes that Kant is against a global state but adds some sharp remarks regarding the idea of a world state. She starts from Kant's thesis that the source of law is "only the general united will of the people." Kants "Cosmopolitan right" is "free of contradictions when it provides the rules to be observed in cross-border exchanges between jurisdictions of various legal systems; it thereby actually presupposes the existence of borders." The idea of international law presupposes the plurality of nations. The idea of a unified universal state ("universal monarchy"), not based in peoples legislative will, decreases the effectiveness of the law and leads to a 'soulless despotism.' So the attempt to realize peace by setting up a global state would actually lead back to a state of nature, or to tyranny.

The article by Thomas Pogge is only one of his many works in a series dealing with Kantian themes regarding the contemporary world. In his "Cosmopolitanism and Sovereignty," published in 1992, he states that Kant would have endorsed a world federation with different levels of political power if he was not prevented by too strong of a concept of absolute and indivisible sovereignty where resides the ultimate political authority. In his contribution in this volume Pogge offers an example and illustration of how such divisibility could be maintained; it is the European Union, in its attempt to unite a rather diverse map of many former kingdoms and remnants of former empires. Will this be a process like German unification throughout and prior to the 19ᵗʰ century, only without a visible usage of force, making Europe just another country among countries, or, as Pogge predicts (or hopes) a free federation of independent states, devoted to the cause of peace and prosperity? If the second is the case then we have another question: will the world follow the model? Pogge believes that Kant did not pay enough attention to economic factors that can influence such a project, and therein lies one of the main sources of his, as well as European, optimism—in belief that most important values are in the end economic values, and that all values could be reduced to issues of welfare as the goal toward which all ambitions of people and peoples are aimed at.

More optimism, brought almost to perfection (except in the last sentence), we can find in the article by Sharon Anderson-Gold. Her opinion is that *cosmopolitan right,* based in norms of hospitality, "necessarily has universal jurisdiction." Since all individuals have a natural right to "offer to trade and to communicate" as part of "*original possession in common* (*communio possessionis originaria*)" (Kant, 6:262), there is also a need for a democratic representation on the global level. "The principle of hospitality …prohibits fraud, force and exploitation." Institutions in such a scheme must not be isolationist; hospitality is the supreme obligation, not self-centric "nationalist" interests that will inevitably lead to violence and war and result in exploitation that can permanently solidify the inequality between rich and poor. Relying on Pogge, Gold-Anderson criticizes the contemporary state of affairs in the world, characterized by an "alliance of international recognition of dictatorial power with internal underdevelopment." But in a state of realized ideal of cosmopolitanism (mutual?) control, including military interventions, becomes justified and a matter of law enforcement, not external aggression. We do not need a global government to make this possible, but it seems that we need a true democratic representation as required by the principle of universal hospitality. Otherwise, we may wonder if we don't already live in such a state of affairs, as Paul Gilbert suggests in his contribution. Gilbert claims that our "fundamental

identity, insofar as identity is ethically relevant, is a global identity." The real issue then becomes how to realize viable legitimate democratic representation of such a complex body as the whole humankind, without relegating the solution to a distant, or, as the last sentence in Gold-Anderson's article indicates, infinite future.

Jovan Babić, in his reading of Kant, claims that freedom, as the power to decide otherwise, produces differences in addition to changes brought by the flow of time, and accumulation of these differences makes a perpetual structure of the distribution of power impossible and stability and longevity of such a structure uncertain and tenuous. Peace is a specific articulation of power in a society capable of maintaining that power through laws, and part of that structure is a serious determination to enforce the laws and defend their existence. Therefore, the war is latently contained in the peace through the concept of defence.

<p align="center">* * *</p>

Institutionalizational articulation of world governance, its cosmopolitan nature and its various aspects, is the subject of third part of the book. Perhaps the most important of these issues is the legitimacy of global governance institutions, the topic of Alen Buchanan and Robert Keohane's article. Global institutions are novel and still evolving; the requirements for their acceptance are more complex and subtle than requirements for the acceptance of internal rules. Thus, the legitimacy of these institutions is still an urgent and important matter. The principle might be the same as in all issues of legitimacy—that acceptance in the end depends on acceptability, that the fact of being accepted does not imply the acceptability, and that disagreements about both the goals and applicable, or applied, standards of justice may be deep enough to make claims to authority of such institutions unfounded and unviable. Here, moral reasons are especially important not only for reasons of justice but also for reasons of stability and maintenance of global institutions. The overarching pattern for legitimacy seems to be democracy, the main ideological tenet of our time in legitimizing states, and now global institutions as well. An informed deliberation may help to build global institutions that would require more than a minimal moral acceptability, offering benefits only global institutions can provide. This is a two-fold process, including learning what is needed and instituting this in an institutional framework, and collective learning of how to accept this framework.

Territorial limits define the domain of the jurisdiction and legal control. In this context the concept of "piracy" is very important. What is

"international crime" may be defined simply as crime across borders, but piracy seems to be different. Usually it is restricted to acts committed on or from the sea or air. The other part is the lack of "national character" inherent in the notion of piracy. On the Internet we have another case of crimes committed in a legal space that is difficult to distinguish from theft or robbery. Also, it seems important to distinguish between "pirates" and "terrorists" (although some pirates may declare or proclaim to have political goals). As Alfred Rubin points out, the pitfalls of the definition of "piracy" are many. Certainly, it is the basis of an extraordinary jurisdiction having a global impact, but being, as it appears, necessarily restricted to the "external" aspect of acts or crimes committed. This implies that pirates are not considered rebels, and identifying pirates and characterizing their affiliation becomes crucial in determining what happens. Although "all agree that 'pirates' go too far," Rubin concludes that "the legal conception of 'piracy' has been so seriously abused over the centuries that it is doubtful that the word retains any useful content in law, whatever its value in morality or politics." For Petar Bojanić, on the other hand, pirates may be just latent rebels: "If an act resists the empire [or, for that matter, a world government] in a completely asymmetric way, then it can be called and treated as being piratical," an attempt to create or restore the lost "other" or "outside" (as there is no such a thing in a borderless world state). In this way pirates become "universal enemies" (enemies of the world order), as a condition for the very existence of international law. Bojanić cites a Somali pirate saying: "We will not stop until we have a central government that can control our sea," presenting himself as a tax collector of sorts, declaring, thus, an aspiration for some political aims.[1]

We are all human beings. Besides, in the world of divided identities and loyalties, we are Americans, Germans, Canadians, Britons, Serbs, etc., along with many other affiliations we can maintain. Do we have a right to be citizens of the world in the sense of being a subject to international law? This is the theme of Larry May's article. In his opinion it is not necessary to be a citizen of any state "in order to be effectively a rights-bearer," but this idea presupposes that there is some other entity that may endorse and grant a kind of "universal citizenship." This is not entirely new, this is the case in Europe right now, where some are, and some others consider themselves as citizens of Europe more than citizens of their native states, making Europe a country. There were similar cases in the past: Prussians became Germans, Serbs were for a while Yugoslavs, etc. But is there a *right* to be or become a subject of international law? In the case of someone who is stateless and, thus, a non-citizen (a rightless outlaw?, a pirate?, a refugee?, an emigrant?) this might be important. In the case of

someone who is seeking refuge from her own state this might become urgent. The third possibility is being deprived of citizenship rights. May finds roots of a right to not be forced to lose the protection of one's rights as a 'citizen of the world'" in a "slight amendation" of the *Magna Carta* in 1255. At the bottom line this is the right "not to be deprived of citizenship rights," something that might be added to any list of human rights. It is "the right not to be outlawed to something like the right to trial by a jury of one's peers." May's claim is that this might be incorporated in the list of rules that any government should respect. Moral and legal implications of this are rather obvious, for example in the case of Guantanamo detainees, but also, obviously, much further than that. The conceptual and normative clarifications in this area seem to be of utmost importance perhaps even more than ever.

In close connection with the issues raised in Larry May's article is Anthony Ellis' critique of another of May's pieces. In the world in which the absence of the world government has been substituted by strong national sovereignty the idea of an international criminal court (unlike, perhaps, an international court of justice) could not find its place. Ellis claims, however, that the strength of national sovereignty has been eroded, and sees the establishment of an International Criminal Court as a symptom of this erosion. Although the creation of the ICC might be an experiment, it is welcome, at least in showing this particular erosion of national sovereignty. Arguably, Ellis contends that the main source of concerns against international tribunals is based on theoretical tenets about "rights of jurisdiction and the sovereignty of states." In a fine analysis of the relation between universal and particular properties of those who are harmed, group based harms, etc., Ellis criticizes the thesis that a specific "harm to humanity" is the justification for the international prosecution, holding that what should be justified is the reverse: how to justify not punishing some harm *outside* the supposed scope of sovereign jurisdiction, accepting a form of pure utilitarian justification of punishment: "The correct starting point is to ask: why should the international community *not* have a right to prosecute and punish certain behaviour? *Everyone* has a right, within limits, to prevent people from aggressing against others. That is simply a commonplace extension of the right of self-defence." State sovereignty does not add anything to this scheme of justification. In the end the articulation of what will be justified depends on many "practicalities, legal, political, financial and bureaucratic… (and… traditional habits of thought)."

The articles by Virginia Held and Paul Gilbert develop some other aspects of our topic. While Gilbert is searching for "better arguments for

cosmopolitanism which do not rely on the idea of a global civil society," Held believes that the best way to "seek change and maintain order as non-violently as possible" is in "addressing the world as it is, in contrast with ideal theories based on hypothetical contract between states." In her contribution she emphasizes the role of care, without demanding the replacement of justice by care but searching for the place of care, "building the trust, and practices of responding to actual needs".

The last contribution in the book is a refreshing piece by Luis Cabrera. His paper starts with a description of disputes from Arizona. "Thirsty people should be given water," says one party. "The country belongs to us. The country doesn't belong to them," says the other. Which of these two opposite standpoints is right and which is wrong? Is the "global citizenship," or "a cosmopolitan moral outlook," possible without creating a proper institutional frame of a supra-state capable of providing the global citizenship and the cosmopolitan right? In his article Cabrera gives a comprehensive survey of modern literature regarding these issues.

The material contained in this book is diverse and provocative. We hope that it will contribute to the debate about world governance in a timely and relevant way. Many issues raised in the book will not find a complete and satisfying solution for some time, and some others may not find solution ever, but what is important is the continuing debate that may encourage and inspire further research on this important topic.

Notes

1. In John Updike's novel *Toward the End of Time* the role of such self-proclaimed (?) taxmen was, after some initial tussles, taken by FedEx.

Bibliography

Kants Gesammelte Schriften, 1902–, "Grundlegung der Metaphysik der Sitten (1785)" Bd. IV, edited under the auspices of the Royal Prussian Academy of Sciences, Berlin: Walter de Gruyter

—. 1902–, "Metaphysik der Sitten (1797)," Bd. VI

Russell, B. 1949, *Authority and the Individual*, New York:Simon and Schuster

Wendt, A. 2003, "Why a World State Is Inevitable," *European Journal of International Relations* 9(4)

FOR AND AGAINST

(RE)IMAGINING THE GLOBAL GOVERNANCE

RICHARD FALK

I. Preliminary Complexities

There are three sets of concerns that bear upon a discussion of global governance, and related discourses on the adequacy of world order to meet the challenges of the early 21st century. As used here global governance is concerned with the establishment of order in the absence of world government or strong enough international institutions to implement global norms in relation to political actors strongly opposed. These governance concerns raise a series of difficulties that if left unattended will have serious negative policy consequences for the peoples of the world. Closely related into global governance is the idea of world order, which is primarily focused on the structure of relations and interplay among those political actors that are the makers of world history at any given time.

—*regulatory authority in the domain of transnational economic activity*: The era of neoliberal ideological hegemony following the Soviet collapse favoured a minimization of regulatory authority in the world economy, relying on market forces and crisis management to ensure optimal development and economic growth based on the efficient deployment of capital. This approach more or less dominated the policy scene in the 1990s, although coming under increasing scrutiny due to the mobilization of social forces dissatisfied with the neoliberal distribution of benefits and the hegemonic shaping of global economic policy. The backlash achieved notoriety initially in the so-called "battle of Seattle" in 1999 that exhibited a growing challenge being mounted by both populist forces ("globalization-from-below") and by many governments of the South no longer willing to defer to Euro-American control over domains of trade and investment (exclusionary regimes established in accord with the priorities of "globalization-from-above"). The worldwide deep recession that started in late 2008 was caused mainly by irresponsibly risky and abusive practices in the banking, financial, and real estate sectors. The painful impact of these market failures has pointed to the urgent need for greater governmental supervision and for socially sensitive forms of economic regulation at national, regional, and global levels. The unsatisfactory character of

American leadership on matters of trade, finance, and fiscal policy also underlay the push for global economic reform, including international financial institutions. This push for regulatory authority is strong, but so is corporate and banking resistance to interferences with either market self-management or national sovereignty. At present, governmental actors are seeking to shape a more benevolent world economic order by way of diplomacy, especially to address issues of alleged currency imbalances, as with China, and excess indebtedness, as with Greece. International economic institutions, especially the International Monetary Fund, are an important part of the governance pattern, but less than previously, having somewhat discredited by their handling of the Asian Financial Crisis that occurred a decade earlier, but these institutions do offer governments a somewhat flexible instrument for international cooperation and crisis management. As of now, the concern about inadequate regulation of the world economy persists on two levels: the continuing unwillingness to address claims of an unfair distribution of benefits, including insufficient attention to the plight of the poor throughout the world, and the absence of effective oversight over devious and imprudent banking and accounting practices associated with financing and indebtedness;

    —*climate change and nuclear weaponry:* In both settings, there is a rhetorical commitment by governmental leaders acknowledging the concern, and expressions of a willingness to take appropriate adaptive steps. For both climate change and nuclear weaponry the relationship to the problem and solution seems concentrated in a very few governmental representatives of sovereign states. For nuclear weapons, the nine states that possess the weaponry, led by the United States, appear to lack the political will to achieve their elimination, or even to embrace a declaratory policy that renounces any right of first use.[1] Those that possess nuclear weapons have devoted most of their political energy to preventing the further spread of the weaponry to additional countries, especially those countries believed to be challenging Western security interests. The overall preoccupation with the nonproliferation regime misleadingly implies that the principal danger arises from the countries that do *not* possess them rather from those that do. This diversion of concern serves to remove pressure from the nuclear weapons steps to engage in serious disarmament negotiations instead of engaging in a series of endless series of arms control negotiations whose modest outcomes are designed to provide the efficient and safe management of existing nuclear weapons arsenals.

    When it comes to climate change, the issues raised relate mainly to policy priorities and inter-governmental disagreements as to the appropriate allocations of adaptive obligations. To what extent should the level of

pre-1990 contributions to the overall build-up of carbon emissions be taken into account in assessing relative responsibilities? The insistence of China that these earlier patterns of industrial development must be factored into any overall scheme for global policy coupled with the refusal of the United States to accept such an approach was a major reason why the Copenhagen Conference was generally viewed as a failure. It is also evident that a state-centred approach to climate change will neglect the human security impacts that would be emphasized by a people-centred approach that accorded emergency priority to the peoples and persons most disadvantaged by and vulnerable to global warming. As fundamental as these disagreements about apportioning responsibility for reducing carbon emissions is a parallel obstacle arising from the determined reluctance on the part of most governments and societies to incur large *present* economic costs for the sake of *future* benefits. Short cycles of political accountability greatly hamper the capacity and willingness of governments to meet longer term challenges until they produce crisis conditions, and then it may be too late.

Against this background, both in relation to nuclear weaponry and climate change, sceptics believe that only in response to a catastrophe will it become political feasible to meet these challenges of global scope. It also appears to be the case that waiting for a catastrophe may well be a matter of waiting too long to deal with either nuclear weapons or global warming. In the first instance, the damage done by a nuclear war may be so great to preclude recovery, while in the second instance; the time lag associated with a carbon build-up would mean that the adverse effects would intensify even after a crisis response.[2]

—21ˢᵗ century security challenges: since the September 11 attacks on the United States there has arisen a preoccupation with the vulnerability of even the most powerful states to severe harm inflicted by non-state actors with scant resources but a dedicated will and a cadre of warrior ready to die for the cause, including even a readiness to sacrifice one's own life in pursuit of political goals. The ideas about security that developed in the modern era of inter-state warfare and rivalry do not seem to fit the new circumstances of extremist resentments and tactics that cannot be territorially confined, making traditional military doctrine and capabilities of questionable relevance. Recourse to war by the United States in response to September 11 illustrates the enormous costs and uncertain results of treating threats posed by transnational terrorism as if they created a suitable occasion for waging war. From a governance perspective it would have made more sense to rely on enhanced global policing, intelligence gathering, and law enforcement. Such a law and intelligence approach seems