



GLOBAL DEMOCRACY

THE PROBLEM OF A WRONG PERSPECTIVE

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ABSTRACT

This study examines the problems around the defense of Global Democracy to legitimize Supra-National Institutions. Section I sets the question up by introducing the conceptual approach to the concept of democracy, concluding that the democratic intrinsic value, if any, is not applicable to the supra-national sphere. Section II discusses the notion of contestatory power in all of its branches. Section III explores supra-national institutions legitimacy and instrumental approach to global risks governance. The conclusion argues that the claim for democratic institutions for supra-national sphere is just a wrong-perspective solution.

KEY WORDS: instrumental, legitimacy, democracy, intrinsic value, local government, global governance, supra-national institutions.

INTRODUCTION

The academic debate about the legitimacy of the international institutions is usually surrounded by the problem of democratic deficit. However, the habitual analysis does not consider that maybe it is not necessary that they are democratic to be legitimate. In any case, the significance of the global risks makes it essential to have global rules and rulers that are able to give practical solutions. The role that individuals have towards that decision making process will be discussed in this lecture. Section one comes to Alessandro Ferrara's *Global Governance and Deliberative Democracy* option as a recent approach, taking one step back and analyzing if democracy has any intrinsic value. Section two analyses the contestatory power dimension of democracy as a factor applicable to international sphere. Section three presents the idea that democratic deficit views are just the result of a wrong perspective. The paper concludes that global governance is necessary but it has not to be, necessarily, democratic.



INTERNATIONAL GOVERNANCE: DEMOCRATIC DEFICIT OR WRONG PERSPECTIVE PROBLEM?

Authors that defend supra-national level rules and institutions that ensure the creation and accomplishment of that rules consider that the best way to achieve that global scenario is by implementing an appropriate democratic order. Alessandro Ferrara continues Michael Walzer's proposal of a Global Government deepening in three main topics: governance, international government and democracy. Related to the first, Ferrara considers governance to "coordinate without ruling (...) to the extent that a widespread and persistent consensus exists on the objectives of coordination" (Ferrara 2011, 6). Governance goes further than the mere government in the sense that order is not established by a sanctioning authority but by some common needs, priorities, etc. that are harmonized. Second topic defends that the supranational scope needs "the coordination and regulation of action in the absence of the capacity to impose sanctions for non-compliance: sanction that down along the line must contain a dimension of physical force" (Ferrara 2011, 4). There is not a single established authority, but a global rule managed from multiple instances. The third topic, in which Ferrara introduces his proposal, rises from the question about the friction between global governance and democracy, known as democratic deficit (cf. Ferrara 2011, 7). Ferrara considers that friction a result of a category-mistake where Democracy is considered in a single way: citizens are ultimately the author of the laws obeyed by them. His alternative to this problem is an alternative democratic order: deliberative democracy.

Going a step forward his point, it seems necessary to see why is assumed that supra-national order needs to be democratic. For that aim, let's start analyzing what is the basic moral claim related to democracy: that any individual has the right to exercise political power. Does this mean that political power is an intrinsic value for every individual? This lectures approach develops from the idea that democratic value of "political power for all the individuals" is assumed because of its consequences. Many authors defend that democracy is necessary because is a just process (procedural argument) with just consequences. In that sense, the more democratic is a society, more just it will be. Against that statement, this article follows the idea that democracy is just as far as produces outcomes that are just according to some moral standards. Is true that we don't know the optimal moral standards (even if humanity's evolution seems to develop more and more its moral values), but we just assume that those values somehow exist. Furthermore, as it will be explained in section three, these values are not necessarily moral, but just practical, in the global sphere.



A democratic society that meets the requirements to be democratic¹ (cf. Arneson 2004, 12) is better because makes easier to achieve the moral standards. In that sense, the right of an individual to have democratic say is not an intrinsic right, but an instrumental right. This is a pure instrumental approach to democracy. Following Arneson's example, same as parents have the right to impose some rules over their children not because of an intrinsic value but because it allows the children to flourish in proper way, a citizen has the right to democracy: to make the moral standards rise (in form of basic human rights, for instance). Rational agents disagree in current societies on those moral standards and that is precisely why democratic say is a needed value: just in an instrumental way. No other political system in current society (and nothing suggests that future societies will have a so different rationality to reach a full consensus, and if they do, then other political order will be justified) can channel the rational disagreement on moral standards better than democracy. Thomas Christiano opposes to this point in a way that, as we consider it here, can be applied to national scope but not to supra-national (cf. Christiano 2008). He considers the two dimensional idea that democracy has an intrinsic value and that citizens are entitled to develop their own values. In that sense, his approach might be valid for the national sphere, as we may see later, but not in the supra-national. Considering democracy as an intrinsic value makes parties the most relevant actors of supra-national politics, and that, as we will explain, is too dangerous as well as unnecessary.

THE NON-INTRINSEC VALUE OF INDIVIDUAL CHOICE

Then, the question is how democracy appears in reality and which its relevance is, both in national and supra-national scopes. The word democracy itself comes from the Greek *demos* and *kratos*, people and control, which leads to a two-dimensional ideal (cf. Petit 2006, 303): the authorial democracy and the editorial democracy. First one consists, basically, in the plebiscitary use of democracy (used by collectives) and second to the *facto* possibility of impelling rotation in power. A proper democracy needs both aspects (cf. Petit 2006, 305). Authorial democracy is less relevant here (both in its direct and indirect versions), as far as the problem on the international level is not about how is people's will represented but about how effective is that representation. People choose their representatives and that allows authority being transferred, in an ideal sense, to every upper power sphere. The problem is that in a non ideal scenario, the transfer of power undermines the effectiveness of the representation. Democracy is characterized by three aspects: it is of the people, for the people and by the people. Leaving the first aspect aside (as taking it for granted), this means the actors of democracy are the people (or their representatives) and that they work *for* the people (in an instrumental sense). In other terms, "the by-ness of democracy possesses instrumental value insofar as

¹ Equal opportunity, Respect of minority rights and real representation.



it promotes for-ness” (Brennan and Lomasky 1993, 238). That’s why this work considers only the contestatory power.

A collective having contestatory power needs the preconditions of a common conscious of the relevant and governments transparency. According to Petit’s view, if a government satisfies those preconditions, there will be three fronts from where people will exercise the editorial control: reactive contestation (public opinion and legal initiatives), representative contestation (parliamentary opposition) and regulative contestation (sanctions in form of constitutional constraints, depoliticized institutions, such as the Central Banks, etc.). The three of them will ensure the collective right to contestatory or editorial power in the sense that gives to the collective a moral responsibility. In the case of the supra-national sphere, the contestatory power appears just in the form of a reactive constitution. As it will be explained later, the supra-national sphere deals with matters that transcend individual choice, both in the special and the temporal sense. The global risks to which humanity is attached are not related to the factor linked with the individual: territorial identity, ideological affiliation, limited perspective, etc. In that sense, the local perspective does not allow to notice the magnitude of the risks. In the temporal sense, individuals are jointed to their time and do not have, at least still, the conscious of the atemporality of the risks. Imagine the case that individuals of a region are called to leave their cars for a year to avoid a future catastrophe. In a non conscious society there will be political parties that will oppose giving locally based arguments. If, on the contrary, they are conscious of the problems magnitude, then there will not be any problem but neither that will be an argument in favor of democratic choice. The practical risk is too big to even start considering the intrinsic value of individually choosing in supra-national level.

In fact, individual and collective choices are not analogous as far as a group can make a choice just as a sum of individual choices that is not the collectively preferred one². In fact, the fulfillment of these clauses is what makes true the claim that “governance in a Democracy is something that the people do, that it is something for which they bear moral responsibility” (Brennan and Lomasky 1993, 242). But, is it the same in the national and the supra-national sphere? Can the collective right to democracy, as a way to achieve just results, be transferred to a supra-national level? That will be discussed below, in Section III.

² See the example given by Brennan and Lomasky (cf. Brennan and Lomasky 1993) where an individual decides to throw the litter to the floor in the beach, same as the rest of the individuals. At the end of the day, the beach is completely full of litter. Even if the action has been the result of the individual choice, it cannot be said that the collective as such would have chosen that result.



THE INFLUENCE OF INTERNATIONAL RISKS AND THE AIM OF GLOBAL GOVERNANCE

The way democratic say appears in the international sphere has mainly two problems (cf. Christiano 2008, 3): the lack of mitigating circumstances and the non-democratic states. By the first we mean that in the national sphere the goals pursued by the majority party, if they are not just, are mitigated by particular clauses. That circumstance has no analogy in the international sphere. Second, almost every state in the world is far from being plenty democratic and, even if we low down the requirements, there are still a majority of states that are not democratic at all. In that sense, the political actors of international sphere are not representatives of the power of the individuals of the states. In that sense, a completely indirect democracy appears too problematic to be applied without having a great lack of justice. Academia has traditionally stated the alternative view of a global democracy, based on the equality of the individuals and their right to be involved in common concerns. This generates three main problems (cf. Christiano 2008, 5):

First, the stakes that are common in a small community, easily identified as relevant by the individuals of the community, are not so in the supra-national level. As we have said, for an effective contestatory power we need the precondition of a common conscious of the relevant issues. In the supra-national arena, this appears to be as neither possible nor desirable. Second problem of global democracy are the persistent minorities. Their accommodation seems to be necessary in order to consider political regime as democratic (we are not going to go further in this point). The problem is that the measures that need to be taken to ensure this requirement tend to be not global (in the sense that they focus on particularities) or not democratic. Concluding that if supra-national order bears in mind the issue of persistent minorities, the order will stop being global or democratic. Third and last problem is the one regarding citizenship. In national democracies there is an increasing lack of objective information (not politicized, to say so) and a consequent lack of democratic responsibility of the citizens. In the national arena this is lessened by the work of the local political parties that somehow approach to the citizens. In the supra-national arena the “great size of the issue and its great complexity” (Christiano 2008, 12) makes it almost impossible. That situation, if a global democracy is applied, can lead to a complete elite control of government which, once more, will not be democratic.

An alternative view to the global democracy is the one that compares the international treaties (as the main juridical element in that sphere) with contracts. Initially there are three main differences that need to be considered so as to assume this option as valid. While treaties are a way to create laws consistent with the value of justice, contracts are done according to some pre-established law. Likewise, contracts entail the need to be voluntarily signed, while treaties can be decided by a reduced



number of supra-national actors to be universally applied (Human Rights Charter of the United Nations, for instance). Finally, contracts consider all the subjects involved as equals while treaties sometimes are intrinsically unequal in order to be effective (to favor developing countries, for instance). In any case, the most relevant difference between treaties and contracts, somehow related to the three elements just mentioned, is that treaties are a way to achieve goals of distributive justice (not only in economical but also in social and political terms). In fact, “states must pursue the aim of justice in the context of treaty making” (Christiano 2008, 26). The aim of treaty making, according to Thomas Christiano, is then to achieve a global distributive justice.

Going a bit further than his view, we may consider that global government is related to issues of global concern, which are different from local issues. Ferrara is right, in that sense, when consider that the democratic-deficit-problem is just a perspective problem. Distributive justice, in that sense, is one of the global topics, but not the only. In fact, the way Christiano does his approach to the treaties is just a reflection of the main global political issues: environmental care, financial order, security, respect and development of human rights, technological risks management, etc. The subject affected by all this issues is humanity. Humanity is composed by a sum of individuals. The point here is that, as we have said, there is not an intrinsic right of democratic say for each individual. Individuals don't have the power to decide the laws they should bind just because they are individuals, at least in the supra-national sphere. In the national-sphere, following Christiano's argument, democratic say can be considered an intrinsic value as a matter of justice. However, supra-national sphere is regarded to issues that transcend the particular world of each individual and the risk is too high to be assumed. The litter in the beach, in this case, appears as a minimized example. As in the case of justice, which is not an intrinsic value of democracy in the supra-national sphere (even if democracy is the only best way to achieve it in the national level), the rest of the issues just mentioned are not values rooted in democracy. Are elements – and values, if we consider taking care of the environment, for instance, as a value – that supra-national agents need to fulfill. But they are not, in any case, intrinsically attached to democracy.

The main point here is that the democratic deficit that Ferrara tries to go beyond is related to individuals. The problem is that even if we can debate whether national matters have to be treated in a non instrumental way (as Christiano defends); supra-national issues are too relevant to be considered in a non-instrumental way. They affect the whole humanity (as the litter in the beach affects to all the individuals there), but not every subject of humanity, each individual, has to have the power to decide on how to face it. As Christiano himself affirms, “When serious interests conflict, they fail to make decisions and tend to favor the *status quo*. And it tends to be the most powerful and wealthy states who benefit most from the *status quo*, so they have significant bargaining advantages in multilateral”



(Christiano 2008, 29). As Christiano himself assumes, the alternative to this is not clear, but what is clear is that does not need to be democratic. The solution to the democratic deficit is not, at least necessarily, a renewed sense of democracy. Approaches similar to Ferrara's omit this element and focus on trying to develop a democratic option (either deliberative, direct or assembly kind democracies). This does not mean that the options they develop are necessarily good, but that they may go further in their aims if they go from a different departure. Democracy is settled in nation-states and the challenges global governance is facing involve the whole humanity. The individual identity and the parties that represent it are still too much linked to the national sphere to be considered as a supra-national political valid agent. We need a trans-national humankind (cf. Beck 2004, Innerarity 2011) that is able to achieve the practical goal and, in fact, some institutions (NGOs, International Courts or supra national institutions, for instance) are working in this direction.



CONCLUSION

Global governance, as shown here, is related to matters that affect the whole humanity (even in a temporal way, looking not only to the current humanity but also to the future one). In that sense, there is an increasing need to establish clear rules and rulers to regulate it. The problem of the democratic deficit ascribed to supra-national institutions in charge of that responsibility is not a political order problem, but a wrong-perspective problem. Supra-national institutions have too relevant tasks to make them conditional on individuals' choices. There is a consensus needed, and maybe deliberation is a way to achieve that consensus, but citizens don't need to feel represented in that consensus actively. The contestatory power of the citizens towards the supra-national agents has to be reactive, not representative nor regulative. The process, in this case, is far less relevant than the goal (humanity's practical survival, up to a point), so it cannot be politically managed the same way as local issues. Democratic way of dealing, in this sense, presupposes a kind of individual attachment to the local, and in this case appears as a not necessary moral claim. Humanity needs to agree in some normative bases for international order without considering the morality of the process. As both Ferrara and Christiano agree, deliberation is needed, but in this particular case the result is unquestionably more relevant than the process and individual active say is far from being crucial.

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