

## **Global Governance: Some concerns about authentic democracy addressed**

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### **Abstract**

In this paper I take up a commonly voiced concern about the viability of global governance in general, and cosmopolitan democracy in particular, namely, whether genuine democracy can be achieved at the international level. Some (such as, Will Kymlicka) argue that genuine democracy is only possible within nation-states, because authentic deliberation requires common nationality or identity, which generates the trust and solidarity necessary to sustain deliberation and democracy. Through analysis of the argument and consideration of the requirements of genuine democracy, we can see that these concerns can be addressed. I go on to suggest that the major challenge facing models of global governance is not one concerning lack of common identity, solidarity, or opportunities for authentic deliberation, rather, it lies elsewhere. We can assess global governance arrangements in terms of two main variables, which are sometimes in tension: effectiveness and accountability. We want systems of global governance to incorporate both considerations. Accountability can take the form of democratic procedures but alternative forms of accountability are also possible. Furthermore, a system of governance that both effectively attends to people's interests and is suitably accountable can certainly claim to have adequate democratic credentials on the "Responsive Democracy" view I discuss.

### **Keywords**

Democracy, Global Governance, Cosmopolitan Democracy, Accountability, David Held, Will Kymlicka, Responsive Democracy

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## Introduction

Global governance refers to the management of interests affecting residents of more than one state in the absence of a single body that has legitimate authority to enforce rules. Arguments for the desirability of global governance often begin from the observation that many pressing problems have global scope, and because our fates are interdependent in many domains, we ought to have some institutions in place that can act effectively to address these. Moreover, since we already have a de facto system of global governance, we ought to ensure it is fairer than it currently is. We have duties to ensure a fairer system of global governance than our current one (it is variously argued) given our associations with others in the global economic order, the benefits we derive from it, the need to ensure burdens are more evenly shared, what all humans are owed as humans, concerns about power and its effects on freedom and democracy, and so forth, as I discuss elsewhere.<sup>1</sup>

One of the most developed models for improving the fairness of global governance is that of David Held, a model he used to call "Cosmopolitan Democracy" but now seems to call "Global Social Democracy". (I continue to use the older term because, at this point, it is referred to in print a great deal more than the newer term.) As Held's model is, arguably, the most developed account, it has been the target of some of the most notable criticisms. I begin this paper by briefly outlining the core features of Cosmopolitan Democracy. I then move on to some of the strongest criticisms that this model has encountered — indeed that models of this kind are likely to encounter — namely, that authentic democracy can only be properly achieved in nation-states, not fora that are bigger than the boundaries of nation-states. The suspicion that democracy cannot be adequately realized transnationally is widespread and one that deserves some careful examination. Some of the strongest versions of these arguments are made by Will Kymlicka, so it is worth looking at his particular account of the problems, which we do next. Kymlicka's central worry involves the absence of necessary prerequisites for democracy at the global level, especially concerning lack of common identity and hence, opportunities for authentic deliberation. I then argue that these worries about cosmopolitan democracy are unfounded.

I go on to suggest that the major challenge facing models of global governance is not one concerning lack of common identity or opportunities for authentic deliberation, rather, it lies elsewhere. We can assess global governance arrangements in terms of two main variables, which are sometimes in tension: effectiveness and accountability. We want systems of global governance to incorporate both considerations. Accountability can sometimes take the form of democratic procedures but alternative forms of accountability are also possible. Furthermore, a system of governance that both effectively attends to people's interests and is suitably accountable can certainly claim to have adequate democratic credentials. I examine two models of democracy, an agency conception and an interest-based view. While they both have strengths, I suggest that at the global level, we may often have good reasons to prefer an interest-based view, for example, when agency views fail to protect all the relevant interests. We see also that a system of governance that both effectively attends to people's interests and is suitably accountable can certainly claim to have good democratic credentials on the "Responsive Democracy" view I discuss.

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<sup>1</sup> See, for instance, *Global Justice: A Cosmopolitan Account* (Brock 2009), and also, "Global Justice" (Brock 2008).

## 1. David Held's model of Cosmopolitan Democracy

Held's central contention is that the nation-state cannot remain at the center of our thinking about democracy. Nation-states are situated in a world characterized by complex interdependence and power relations such that they are no longer always capable of guaranteeing democracy, autonomy, or sometimes even the basic wellbeing of their citizens. Though nation-states still retain some power, transnational institutions, geopolitical processes, and market forces can be more significant in shaping the prospects for democracy in our world today. There is no longer a symmetrical relationship (if such symmetry ever existed) between those who make political decisions and those who will be affected by those decisions. Local events can have devastating consequences for those very far away. Regional and global interconnectedness create chains of interlocking political decisions that have consequences for state sovereignty. For instance, the institutionalization of free markets through free trade agreements and monitoring organizations (such as the IMF and WTO), coupled with the fact that national governments are under pressure not to interfere with capital accumulation because investors might relocate to other markets where conditions are more favorable to them, seriously undermine individual governments' abilities to improve conditions for their citizens unilaterally.

Held reconstructs the account of democracy to allow for new features of the landscape. For Held, above all, the ultimate justification for democracy rests with its promoting and enhancing autonomy. Why should people support a central place for it in political theory? A thought experiment along Rawlsian lines gives us Held's answer. If people do not know what positions they might find themselves in during the lottery of life, they would choose "certain minimum levels of political opportunity and need-satisfaction" (Held 2005, p. 169). They would also "define their good or interest in direct relation to the rules and resources that would be necessary for them to cooperate or compete fairly with others — subject to the limits of their life-plans and abilities — as equal members of their political community" (Held 2005, p. 169). Asymmetries and deficits in life-chances would be rejected in a democratic thought experiment, so they are not justified according to Held.

According to Held, democracy is only meaningful if citizens are able to be active as citizens. Moreover, they are entitled to demand the pre-conditions for democratic participation, and these pre-conditions must be protected by various rights (Held 2005, p. 190). We need at least seven clusters of rights to enable free and equal participation in communities; namely, health, social, cultural, civic, economic, pacific, and political rights (Held 2005, p. 191).<sup>2</sup> We need a constitutional structure and democratic public law to set out the rights and obligations that would derive from our commitment to the importance of democracy and autonomy. This will have implications for many spheres of human endeavor but, notably, political intervention in the economy is warranted when it is needed to protect the basic requirements of autonomy. Powerful economic organizations and relations can distort democracy in systematic ways. We may regulate economic organizations and systems to ensure their anti-democratic effects are minimized. New conditions need to be written into the ground rules governing free-markets and trade. We should make a new Bretton Woods agreement that ties investment, trade, and production to the requirements for democracy. Restrictions, penalties, and so forth should be imposed on those agents and organizations that do not satisfy the conditions specified for democratic autonomy. Inducements, such as low interest rates, should be offered to attract investors into social investments that bolster the conditions for autonomy.

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<sup>2</sup> The right to physical and emotional well-being is identified as perhaps the most fundamental right of all.

Held's preferred economic model is a democratized form of capitalism. Market exchange still has a significant role to play in determining supply and demand, but there should be more scope for public deliberation and decisions about the aims and levels of public expenditure. For instance, a 10% reduction in military spending in the developing world combined with a 1% reduction in military spending in the developed world would be sufficient not only to feed all those currently going without enough food, but would also make a significant contribution to ensuring that everyone has a basic education. Making people aware of such possibilities, giving them an opportunity to debate priorities and express their views in referenda, might mean that current priorities will change. Managing social and public investment in the conditions for autonomy would be undertaken publicly, but otherwise investment in economic sectors would be left to the private sphere and the market.

The goal of international institutions and organizations should be to oversee democratic progress. We need a new economic coordinating body because the current situation is one of fragmentation in policymaking that results from so many organizations (such as the IMF, World Bank, OECD, and the Group of Seven) having different briefs in making economic policy. The key issue is to recognize the need for a new economic coordinating body, though we can still debate the details.

Another important issue Held discusses is how we might democratize transnational institutions and decision-making. He suggests various mechanisms that could help us approximate the ideal of democracy more closely. These include making greater use of referenda and allocating public funding for deliberative bodies, such as a second chamber of the United Nations only for democratic nations in which representatives would be elected and accountable directly to democratic peoples. This body would initially be introduced to complement the General Assembly of the UN, but with the aim of replacing it in the long run. He also believes we should create regional parliaments and governance structures (in places such as Latin America and Africa) and enhance the role of such bodies where they already exist (for instance, in the case of the European Union). The decisions of these regional bodies could, in time, become recognized as having legitimate force for those regions (Held 2004, p. 112). Furthermore, we should open up international governmental organizations (such as the WTO, IMF and World Bank) to public examination and agenda setting. Such bodies should "be open to public scrutiny (on the basis perhaps of elected supervisory bodies, or functional deliberative fora, representative of the diverse interests in their constituencies), and accountable to regional and global assemblies" (Held 2004, p. 112). He would also like to see the establishment of new organizations and mechanisms (where these do not exist or are weak) to address pressing environmental and social affairs, such as global poverty and welfare. This is vital to counterbalance the asymmetry of power currently enjoyed by market-oriented agencies such as the WTO and IMF (Held 2004, p. 112). He also recommends the "enhancement of the transparency and accountability of the organizations of national and transnational civil society, addressing the potentially disturbing effects of those who are able to 'shout the loudest' and the lack of clarity about the terms of engagement of non-state actors with IGOs and other leading political bodies" (Held 2004, p. 112). One more recommendation I mention here concerns security. He suggests we develop law enforcement and coercive capacity to assist in dealing with serious regional security threats (Held 2004, p. 113). This could be operationalized "if a proportion of a nation-state's military were permanently seconded to a UN peacemaking force or if international enforcement capacities were increased by creating a permanent independent force recruited directly among individuals who volunteer from all countries, and who could be trained in an international military academy" (Held 2004, p. 113).

Held says:

"...the cosmopolitan model would seek the creation of an effective transnational legislative and executive, at regional and global levels, bound by and operating within the terms of the basic democratic law ... Alongside the establishment of these bodies, the model anticipates the possibility of general referenda cutting across nations and nation-states in the case of contested priorities concerning the implementation of democratic law and the balance of public expenditure. ... In addition, the opening of international governmental organizations to public scrutiny and the democratization of international 'functional' bodies (on the basis perhaps of the creation of elected supervisory boards which are in part statistically representative of their constituencies), would be significant. Extensive use of referenda, and the establishment of the democratic accountability of international organizations, would involve citizens in issues which profoundly affect them but which — in the context of the current lacunae and fragmentation of international organizations — seem remote. These mechanisms would help contribute, thereby, to the preservation of the ideal of a rightful share in the process of governance, even in contexts where dispute settlement and problems resolution would inevitably be at some considerable distance from local groups and assemblies" (Held 2005, p. 273).

## 2. Nationalists' concerns

These suggestions have not found favour with nationalists.<sup>3</sup> It is important to examine their concerns, as these are voiced about many other global democracy projects that make similar suggestions. Will Kymlicka articulates one of the most instructive accounts of the nationalists' worries. While Kymlicka is apparently somewhat sympathetic to the rationale underlying Held's project, he nevertheless identifies what appear to be some insurmountable problems with it. In this section I discuss these.

Will Kymlicka accepts the following claims:

1. We need international political institutions to deal with a variety of common issues, such as economic globalization, common environmental problems, and international security (Kymlicka 2001, p. 234).
2. We can no longer take the nation-state as the "sole or dominant context for political theory. We need a more cosmopolitan conception of democracy and governance" (Kymlicka 2001, p. 235) that addresses the sorts of issues articulated in (1). We also need to make transnational institutions "more accessible and accountable to citizens" (Kymlicka 2001, p. 236).
3. We must strengthen efforts to enforce human rights and "the rules for according international recognition to states should include some reference to democratic legitimation" (Kymlicka 2001, p. 323). Each state should be encouraged to respect human rights and principles of democracy.

Kymlicka does not believe that those views commit him to accepting Held's vision for a new global order, especially if this involves attempting to democratize transnational organizations or institutions. According to Kymlicka (2001, p. 225), liberal democracy involves commitment to three distinct, though related, principles; namely, principles of social justice, deliberative democracy, and individual freedom. His view seems to be that all of these can be achieved best within national political units. He adds that perhaps they can be achieved only in national political units as well. He holds this view because, he argues, we need a high level of trust and solidarity before we are motivated to make sacrifices for one another. If we are to fulfill our obligations of social justice by, say, engaging in redistributive practices that help needy citizens, there must be some sense of shared identity between donor and recipient. When we look at history, we notice that people are willing to

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<sup>3</sup> By "nationalists" I mean, those who believe in the central importance of nations, though they may also have other ideological commitments, such as to liberalism as well.

make sacrifices for others only when they believe those people are "one of us" in some way. There must be a shared sense of identity or shared membership of some group for us to be motivated to help other needy citizens. Also, there must be enough trust that sacrifices made today will be reciprocated, should the need arise later. Similarly, for authentic deliberation to be possible, there must be shared identity and trust: how else can we be confident that others will genuinely consider our opinions and interests? Furthermore, a common language is also crucial: how else can we be confident that others will even understand us?

Though Kymlicka recognizes the need for transnational institutions to deal adequately with a host of common problems, he is skeptical about the possibility of democratizing transnational institutions in a meaningful way and his consideration of Held's proposals confirm a pessimistic prognosis. According to Kymlicka (2001, p. 239), the central problem with Held's position is that it "provides no real account of the preconditions which make... democratic political agency possible". Nationhood provides the necessary solidarity and trust needed to sustain democracy and social justice. As Kymlicka (2001, p. 240) sees it, the central problem is "how we can develop the sort of common identity and solidarity needed to establish and sustain this sort of cosmopolitan democracy".

Kymlicka believes there are some genuine transnational identities (for instance, those shared by members of Greenpeace or Amnesty International) but these fall short of the sort of collective identities necessary to underwrite broad-based solidarity, trust, and willingness to sacrifice. Could we, perhaps, build on these collective identities? Kymlicka does not believe so.

"[D]emocracy requires us to trust, and to make sacrifices for, those who do not share our interests and goals. The emergence of issue-specific transnational identities may explain why Greenpeace members are willing to make sacrifices for the environment around the world but it doesn't explain why Greenpeace members are willing to make sacrifices for, say, ethnocultural minorities around the world, particularly those who may demand the right to engage in practices harmful to the environment. Democracy requires the adjudication of conflicting interests, and so works best when there is some sort of common identity that transcends these conflicting interests. Within nation-states, a common national identity ideally transcends differences between pro-development and pro-environment groups, and enables some level of trust and solidarity between them. It is difficult to see what serves this function at the transnational level" (Kymlicka 2001, p. 239).

The worry, then, is that when we find ourselves in conflict over specific issues, we will have no underlying commonality that can help us work through our disagreement, so building on identities that emerge around particular interests cannot provide a solid foundation for common identity and, thereby, for conflict resolution. Another option Kymlicka considers is to rely on existing national identities, by making international institutions more accountable to people through nation-states. He does not believe this strategy is promising, since most states are not democratic. A final option he considers is to try to increase the number of agents involved in deliberation; for instance, through having a second chamber of the United Nations, as Held recommends. He is not optimistic about this strategy, because it has to confront the crucial problem of developing common identities to underwrite authentic deliberation. His preferred model for realizing a more cosmopolitan conception of democracy is that we should hold international institutions accountable "indirectly, by debating at the national level how we want our national governments to act in intergovernmental contexts" (Kymlicka 2001, p. 324).

### **3. Analysis of these concerns: do they undermine the prospects for Cosmopolitan Democracy?**

#### *3.1. Shared identity, democracy, and justice*

We can summarise the key argument of the last section as follows:

1. Common nationality or identity is the glue that makes solidarity and trust possible.
2. Solidarity and trust are required for authentic deliberation.
3. Authentic deliberation is necessary for genuine democracies to work properly.
4. Nothing can take the place of common nationality at the international level.
5. So, genuine democracy is not likely to be achievable at the international level.
6. Held has failed to understand the preconditions necessary for functioning democracies.

How plausible is this line of argument? Does Held fail to understand the preconditions for democracy to work? Held is certainly aware of at least some of the preconditions for democracy: recall his assertion that we need at least seven clusters of rights in order to enable free and equal participation in communities, so that meaningful political participation is possible. It is not that Held fails to understand the preconditions for democracy to work, but rather, that Kymlicka and Held disagree over what preconditions are most central for democracy to be best advanced. Do citizens most need to be able to communicate in the same language or do they need to be sufficiently autonomous? Kymlicka prefers the former while Held prefers the latter. Arguably, the considerations Held discusses are more fundamental to the ability to be an agent (let alone a political agent), so ensuring Held's conditions are met could be seen as more pressing.

Another difference between Held and Kymlicka seems to revolve around what proper deliberation involves. While they agree that a key element (perhaps even, the essence) of democracy involves deliberation among all who will be affected by a collective decision, they emphasize two different aspects. Kymlicka concerns himself more with the content of the communication during authentic deliberation, while Held concerns himself more with setting up mechanisms for gathering the views of all who will be affected (advocating, for instance, public funding for international deliberative bodies and the possibilities for cross-national referenda). These two features are potentially in tension anyhow: the greater the set of deliberants, the greater the likelihood of imperfect communication. Kymlicka thinks that, without a common language and nationality, the chances of authentic deliberation are reduced. Held believes that without debate among a full set of the people who will be affected, we have not realized the democratic ideal sufficiently well.

Recall Kymlicka's reasons for thinking that trust and solidarity, and hence common national identity, are crucial. Kymlicka claims that if these are not present, people will not be willing to make sacrifices for each other and they will not be inclined to carry out their obligations of justice. So, even if sacrifices are required as matters of justice, we simply will not be willing to do what is just. Essentially, then, the worry seems to be that we will not be motivated to act responsibly toward people unless they are part of a common national team. He appeals to "what history suggests" as evidence in support of his view (Kymlicka 2001, p. 225). (I return to this appeal to the suggestions of history further on, since it cuts both ways.) Here, then, Kymlicka's central claim is that we need a shared sense of team membership or we will not care enough to act responsibly toward non-nationals or non-citizens. One response cosmopolitans might offer to this suggestion is to present (or remind



people of) more arguments concerning why people should act responsibly toward non-nationals even when they do not feel like doing so. There are plenty of such arguments, as I discuss elsewhere.<sup>4</sup>

Another response to Kymlicka's argument is to challenge the assumption that we cannot extend the identities non-nationals share (that is, to challenge claim 4 above). We might do this by looking at the civic virtues and the thin identity he says holds citizens together, and examine whether these could be extended in scope, to create a more widely felt sense of a minimal shared identity.

First of all, what is it that we would need to achieve for Kymlicka to be satisfied we had created the right sort of identity? I turn to look at the account he offers of the civic identity necessary to sustain democracy. According to Kymlicka, the health of modern democracies depends not only on how just its basic structure is but also on the characters and attitudes of its citizens. Citizens need to show a certain amount of public-spiritedness; a sense of justice and "the capacity to discern and respect the rights of others, and moderate one's own claims accordingly;" (Kymlicka 2001, p. 296) civility and tolerance; and a "shared sense of solidarity or loyalty" (Kymlicka 2001, p. 296). Also, social unity rests on shared identity. He writes:

"What then makes citizens in a liberal state feel that they belong together, that they are members of the same nation? The answer typically involves a sense of shared history, and a common language. Citizens share a sense of belonging to a particular historical society because they share a language and history; they participate in common social and political institutions which are based on this shared language, and which manifest and perpetuate this shared history; and they see their life-choices as bound up with the survival of this society and its institutions into the indefinite future. Citizens can share a national identity in this sense, and yet share very little in terms of ethnicity, religion, or conceptions of the good" (Kymlicka 2001, p. 312).<sup>5</sup>

If the identity Kymlicka talks about is all that holds us together, it is not clear why thin shared identities cannot be promoted globally, as identities of this kind certainly seem to be extendable beyond the nation-state. Indeed, perhaps the items identified could prove to be the dimensions through which we could forge more of the collective identity Kymlicka thinks is needed. After all, there is much shared history among the nations of the world, we do participate in various common social and political transnational institutions that reflect our shared history, and even if we are not very imaginative, we should see how our life-choices and, indeed, our very survival are bound up with international agreements and institutions into the indefinite future. Moreover, if it is true, as Kymlicka (2001, p. 234) repeatedly emphasizes, that sharing a sense of communal identity makes us more likely to fulfill our obligations of justice, and he recognizes that we have international obligations of justice, it must be that, by his own lights, it is very important for us to try to forge such identifications.

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<sup>4</sup> For instance, we could appeal to issues about what all humans are owed as humans, how everyone should have the prospects for decent lives and, importantly, how benefiting from unjust institutional schemes implicates us in them if no reasonable efforts at institutional reform are made. See "Liberal Nationalism versus Cosmopolitanism: Locating the Disputes" (Brock 2002). If Kymlicka supports public law or global human rights protection, he must be committed to some story about why we could impose this worldwide and we could perhaps remind him of his preferred story here.

<sup>5</sup> Notice some of the moral and social dangers with this view, even if it is true. Since many recent immigrants and some national minorities do not share history, language, or institutions with fellow citizens, the view undermines social cohesion in multicultural societies. Perhaps people who see only those who share their language and history as belonging together should overcome this limited perspective, because it excludes immigrants or national minorities who do not really share (or identify with) the dominant language or history. So even if the claim is true, perhaps this is an important prejudice that needs overcoming: we should learn to extend our abilities to feel social unity with many who do not share either but live in the same political community as us. As to the idea that citizens see their life-choices as bound up with the survival of their society, I wonder whether citizens' preferences here just reflect a failure of imagination, if this is the outer limit of what they see as relevant.

Is lack of a common language in the international arena really a stumbling block? Can we create the necessary collective identity without a shared language? It seems we must be able to do this, given Kymlicka's own reasoning. According to Kymlicka, language increasingly defines the boundaries of communities, of who people identify as belonging to the same political community as themselves. Multilingual democratic nation-states must find a way to forge identities across the language barriers if they are to stay together. If we can and should do this within states, why not across them? Perhaps states have easy access to some other tools — common institutions and some shared history. Yet, there is hardly a region of the world that cannot help itself to these as well. Can we really find a part of the world that does not participate in any of the following: international trade, that is, either the production, distribution, or consumption of products made elsewhere; international air, road, train or sea traffic; international sporting contests, arts festivals, and cultural exchanges; rules governing the movement of people across borders; the diplomatic system; the international postal system; and so forth?

Furthermore, wouldn't some of the civic virtues "spill over" from the learning context of the nation-state? If we had really learnt virtues, such as, public-spiritedness, a sense of justice, "the capacity to discern and respect the rights of others, and moderate one's own claims accordingly" (Kymlicka 2001, p. 296), civility, and tolerance, it is hard to see how these virtues would "be able to stop themselves" once the boundaries of nation-states had been reached. If we properly have the virtues of (say) justice or "the capacity to discern and respect the rights of others, and moderate one's own claims accordingly" it is difficult to believe that we would fully have them within the nation-state but lose them entirely when the context is broadened. In short, it is hard to see that Kymlicka's virtuous citizens (or the virtuous citizens of liberal nations) would be unable to transfer their virtues to an international arena.

### *3.2. Is shared collective identity really necessary for authentic deliberation?*

Why does Kymlicka believe shared collective identity is necessary for authentic deliberation? The following passage contains his typical line of reasoning:

"[D]emocracy is not just a formula for aggregating votes, but is also a system of collective deliberation and legitimation. The actual moment of voting (in elections, or within legislatures) is just one component in a larger process of democratic self-government. This process begins with public deliberation about the issues that need to be addressed and the options for resolving them. The decisions which result from this deliberation are then legitimated on the grounds that they reflect the considered will and common good of the people as a whole, not just the self-interest or arbitrary whims of the majority.

Arguably, these forms of deliberation and legitimation require some degree of commonality amongst citizens. Collective political deliberation is only feasible if participants understand and trust one another, and there is good reason to think that such mutual understanding and trust requires some underlying commonalities. Some sense of commonality or shared identity may be required to sustain a deliberative and participatory democracy... there are good reasons to think that territorialized linguistic/national political units provide the best and perhaps the only sort of forum for genuinely participatory and deliberative politics." (Kymlicka 2001, pp. 323-4).<sup>6</sup>

Does Kymlicka's reasoning imply that authentic deliberation at the international level is doomed? Kymlicka may have described one dimension of what aids authentic deliberation, but there are others. The following preconditions also aid authentic deliberation and are frequently jointly sufficient for it: first, we need an awareness and understanding of our collective problems, our interdependence, and

<sup>6</sup> Though it may not look like Kymlicka makes much of the issue of shared identity in this passage, he certainly does elsewhere, for instance, p. 212, p. 214 and p. 239. I selected this passage as it is a succinct summary of the whole argument I want to criticise here.

our vulnerabilities to events that occur in other nation-states; second, we need a commitment to try to work toward something that is collectively in our interests; and, third, we need enough shared values. We can have whatever other more substantive identities we want, but these are not needed for authentic deliberation to occur.<sup>7</sup> Moreover, within nation-states, similar preconditions are also needed. For instance, it is not enough to have a shared identity, since people may still not be committed to working out various problems, in which case authentic deliberation is not possible either. Without sufficient understanding, commitment, and shared values as well, there can be no sustained authentic deliberation either; democracy then will not work and cannot function as a decision-making mechanism.

Sharing a collective identity might, in some cases, be *useful* to sustain authentic deliberation, but it is not *necessary*. All we really need is enough understanding of our situation, commitment to face our collective problems, and shared values. So, if we can create sufficient understanding, commitment and articulate enough shared values, this will do the job that Kymlicka thinks can be done only by shared collective identity. What about the issue that we will not be sufficiently motivated to make sacrifices for each other unless we have a shared identity? If a solution to a global problem is urgent enough, we have sufficient shared values, and in the face of adequate leadership, we can create the necessary motivation. We have these same problems at the domestic level too and must rely on their solution in the same way.

Indeed, it seems that a collective identity, a too narrowly shared sense of "us," may prove to be an obstacle to working out solutions to global problems. Arguably, it is just the sort of "we're a team and what's in it for us?" mentality that prevents national leaders from signing treaties that are in our collective interest (or worse, reneging on others, such as the Kyoto agreement). Presumably Kymlicka would not accept that this sort of behavior necessarily follows from his view, and surely that is right. But does his preferred model not encourage this way of thinking? If he is fond of appealing to "what history suggests" in some contexts, he will have to accept that, in this respect, the historical facts suggest a strong connection between the division of the world into national decision-making units (coupled with a sense of national identity) and a tendency to act in the international arena in a way that favors national interests at the expense of considerations of justice and the global collective good.<sup>8</sup>

### 3.3 Can Held accommodate Kymlicka's concerns?

As I read Held, he *could* agree with most of Kymlicka's criticisms, while preserving his cosmopolitan model of democracy. Consider, for instance, these passages:

1. "However cosmopolitan democracy is conceived, it is based upon the recognition that democracy within a particular community and democratic relations among communities are interlocked, absolutely inseparable, and that new organizational and binding mechanisms must be created if democracy is to develop in the decades ahead" (Held 2005, p. 236).
2. "The establishment of a cosmopolitan model of democracy is a way of seeking to strengthen democracy 'within' communities and civil associations by elaborating and reinforcing democracy from 'outside' through a network of regional and international

<sup>7</sup> To illustrate, solving the so-called Y2K problem did not require some shared identity for us to work out what needed to be done. Nor does sorting out an international mailing system. We notice that it is in our collective interest to have (say) a reliable mailing system and with enough commitment we can make this happen, because we share enough of the same values.

<sup>8</sup> It is worth noting that creating the necessary awareness, commitment, and shared values is a project that is already underway. Witness, for instance, the attempts of the Global Commission as discussed in *Our Global Neighbourhood* (Global Commission 1995).

agencies and assemblies that cut across spatially delimited locales" (Held 2005, p. 237).

3. "It is possible to conceive of different types of democracy as forming a continuum from the local to the global, with the local marked by direct and participatory processes while larger areas with significant populations are progressively mediated by representative mechanisms. The possibilities for direct participatory democracy in communities and workplaces are clearly extensive compared to those which exist in highly differentiated social, economic and political circumstances" (Held 2005, p. 280).

As I read these sorts of passages, there would certainly be considerable scope for debate in a shared language (or "in the vernacular", as Kymlicka is fond of saying), both to decide local issues and to inform transnational debates. Representatives could communicate the views of their constituents, debate with fellow representatives on behalf of constituents, take views back to constituents to show how they should be modified in the light of pressing considerations made by others, and so forth. Politics in the vernacular can still flourish, but, of necessity, representative democracy will have to play a role as well, because of the sheer number of people involved.

Indeed, in some cases, democracy might be better furthered when mediated through representatives. Representatives will probably be exposed to a greater range of viewpoints offered by others with very different perspectives and needs, and they might feel more pressure to agree to proposals or treaties (such as ones concerning human rights protections) even when these do not straightforwardly reflect the will of the people in their particular constituencies. Just because something has emerged as the will of the people — the consensus view that is arrived at in politics in the vernacular — this is, of course, no guarantee that it will automatically further the cause of meaningful democracy (in the sense of promoting people's basic interests or protecting their basic human rights).<sup>9</sup> Democracy is sometimes better advanced from the top down and at other times from the bottom up, depending on the content of a particular policy.

A danger with Kymlicka's preferred model is that, in privileging deliberation at the national level and deciding there and only there how we want our national governments to act in intergovernmental contexts, it is too likely to lead to the sort of "us-first" mentality that seems to be typical of the way most governments operate in the world today. For them, questions of "what's in it for us?" loom large and are, in practice, pretty much decisive. If appeals to the empirical world and data are key, as I believe they are, what we need is persuasive evidence that bolstering the importance of national deliberation does not at the same time undermine global efforts to solve some of our pressing problems.

My interpretation of Held's view, then, is that the people must govern themselves, but they must do this within a framework that makes *meaningful* democratic life possible. Such a framework protects or establishes the necessary social, political, and economic conditions for citizens to engage in democracy. Held believes that it is possible to recover a more participatory democracy at lower levels, which could complement some of the other more global changes. Sometimes more participatory democracy at higher levels is possible too. He envisages a political order composed of democratic associations including cities, nations, regions, and global networks. He does not believe states or nations will become redundant, but he does think states should be "relocated within and articulated with, an overarching global democratic law" (Held 2005, p. 233).

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<sup>9</sup> I discuss this alternative model in more detail in the final section of this article.

Notice also that Kymlicka's central claim is about which forum is *primary* for genuine participatory democracy. Kymlicka believes that "language-demarked political communities remain the primary forum for participatory democratic debates, and for the democratic legitimation of other levels and forums of government" (Held 2005, p. 215). They are primary because they are more genuinely participatory and this is where legitimacy is conferred through the consent of the people.

Held *could* agree with the idea that language-demarked political communities are the primary fora for genuine *participatory* democracy, but still urge us to do what we can to democratize other venues in which decision-making must take place. Democratizing international institutions might be complementary or even *necessary to support the primary fora*. Held's and Kymlicka's claims on this issue could be made consistent. Held might agree that decision-making in national communities is more genuinely participatory, but still insist that, given that "we can no longer take the nation-state ... as the sole or dominant context for political theory" (Held 2005, p. 235), perhaps we must give up some scope for genuine participation when we move to dealing with certain problems that have global reach, and also, where possible we should do what we can to facilitate genuine participation in all the fora in which democratic decision-making occurs.

While their central claims about participation and democracy might be made consistent, Held and Kymlicka would still differ on whether national communities are the primary conferrers of legitimacy. Held believes that, under the cosmopolitan democracy model, systems would enjoy legitimacy to the extent that they enacted democratic law, so direct consent of the people is not always necessary for all policies to have legitimacy. Ideally, people would consent, but consent is not necessary for legitimacy in all cases. Initially, cosmopolitan democracy requires the consent of peoples and nations — that is, the introduction of a democratic international order must be based on consent — but after that, "in circumstances in which people themselves are not directly engaged in the process of governance, consent ought to follow from the majority decision of the people's representatives, so long as they — the trustees of the governed — uphold cosmopolitan democratic law and its covenants" (Held 2005, p. 231).

While there is room for some agreement between Held and Kymlicka, there are genuine differences too. My aim in Section 3 has been to show first, that there are good reasons to side with Held in their debate and, second, that Kymlicka's criticisms and nationalist concerns more generally, are not yet devastating to the project of cosmopolitan democracy.

#### **4. Taking stock: What do we want from our global governance arrangements, anyhow? Does it matter whether they are democratic?**

We can assess global governance arrangements in terms of two main variables, which are sometimes in tension: effectiveness and accountability. We want systems of global governance to incorporate both considerations. A key aim of global governance should be to secure both. If we have a system of global governance that is effective at promoting and protecting people's interests and is accountable, does it matter whether or not it is democratic? What model of democracy (if any) should be guiding reform at the global level, anyhow? The latter, in particular, is an important question and one that deserves investigation. Fortunately, when we examine two central models of democracy we discover that a system of governance that both effectively attends to people's interests and is suitably accountable can claim to have adequate democratic credentials on the Responsive Democracy account, as I go on to discuss.

Leading theorists in accountability, Robert Keohane and Ruth Grant (2005) define the term, thus: "accountability implies that some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of those standards, and to impose sanctions if they determine that these responsibilities have not been met". There are two central models of accountability: a 'participation' model and a 'delegation' model. The International Criminal Court is an example of an accountability mechanism that does not involve participation, but rather the delegation of power to judges, lawyers, and other experts on legal matters. An effective accountability system should combine elements from both the participation and the delegation models. So far, perhaps rather too much emphasis has been placed on the role of participation in legitimating governance. There are often reasons to prefer the delegation model, for instance where (1) complex issues are at stake that require significant expertise and detailed knowledge of relevant factors, and (2) there are tensions between what is in our collective interest and yet might be so immediately unpopular that those who take bold but necessary action will be punished at the next election. A clear example here might be a panel (comprised of scientific, economic, and other experts) empowered to formulate policy that has binding force in addressing the problem of global warming. In all probability, the policies such a panel needs to recommend would involve significant costs to current generations (but ones that it may not be unreasonable to expect them to bear). Would the existence of some panels empowered to make such decisions threaten the democratic credentials of our global governance arrangements? In order to see why this would not be the case (indeed why failure to incorporate such features might threaten meaningful democracy), let us examine the much-promised two central models of democracy.

As Daniel Weinstock (2006) argues in a recent paper, there are two conceptions of democracy discernible in practice and theory, which come to the fore when we ask about the point of global democratic reform. On the first (and arguably dominant) model, global democracy is desirable because it would enhance political agency. Because human beings should be agents (rather than passive subjects) of their fates, more democracy at the global level should allow more participation in collective decision-making at the global level. On the second account, realizing more democracy globally would be desirable because it would enhance the realization of people's interests. On the interest account (which I shall refer to as "Responsive Democracy"<sup>10</sup>), if you want to improve democracy at the global level you have to make it more responsive to people's interests and make it better at securing people's interests. There are several reasons to think that if this is an important aim of democratic institutions, then it is not enough simply to give people more opportunities to voice beliefs about their interests. We will need to supplement with institutions that correct several shortcomings that the agency view has. These include:

1. Cases of collective action problems. These can occur when we identify situations that, though they are collectively rational for us to pursue, require the necessary assurance that others will be made to play their parts, if it is not to be more rational to act selfishly.
2. The agency view does not always take account of all the relevant people whose vital interests will be affected, notably, future generations. Democratic institutions may enhance the agency of those adults who currently participate in the collective decision, however, those are not the only relevant agents that deserve our consideration.
3. We may be able to identify our interests clearly enough, but be at a loss about how to design policies that will best realise those interests. Examples

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<sup>10</sup> This is a term introduced by Andrew Kuper to describe a model not dissimilar to the interest-account Weinstock discusses. See *Democracy Beyond Borders* (Kuper 2004).

include how to deal adequately with global warming, bird flu, or SARS. For instance, we all can identify the interest in minimizing the impact of avian flu on humans (should it eventuate), however, there are a number of possibilities as to how this might best be achieved and it is not clear that without the necessary expertise the average citizen is best placed to make this decision. (For instance, some experts argue that the best course is to emphasize isolation and other public health measures aimed at stopping the spread of the virus. Others believe stockpiling and distributing antiviral medication would be best. However, there are questions about the medication's effectiveness, side effects, and whether distributing it would create more opportunities for the spread of the virus. Deciding the best course of action would require more understanding of the issues than the average citizen is likely to have or be willing to gain.)

Weinstock argues that if we look at real world institutions of democracy, we notice there are a "dizzying array" of practices and institutions that aim to better secure people's interests when more agency-oriented democratic institutions fail. Examples abound in contemporary practice, which include these: schemes to ensure

"forced saving (to counteract akrasia and ignorance of our long-term good), provision of public goods (to offset collective action problems), public insurance schemes, child protectors and environmental impact assessment mechanisms (to enact democracy's commitment to the interests of all concerned by a given policy, including future generations), expert panels, auditors general, and the like. These mechanisms complement democratic institutions' ability to realize citizens' interests, but they are not themselves democratic. In fact, many of them are overtly paternalistic in their rationale and in their operation. They protect certain interests, when necessary against the tendency of democratic decision-making procedures to ignore or overlook them" (Weinstock 2006, p. 9).

Weinstock argues that actually existing democracies are better understood along the lines of the interest account. Perhaps that is the fault of the world rather than the theory, but he does not believe so. As all mature, modern democracies instantiate the interest account, there may be something theorists should learn from this practice. If we want more global democracy because we want institutions to be more responsive to the interests of individuals than they currently are, we need to promote institutional forms that are appropriately mandated to protect people's fundamental interests. Ideally, we can realize both the agency and the interest conceptions of democracy at the global level, but there will sometimes be reasons to prefer the latter over the former, such as in the three kinds of cases concerning the agency conception's shortcomings outlined above.<sup>11</sup>

We might then categorize different officeholders by the ways in which they are connected to elections. In mature democracies there are three ways in which individuals who are entrusted with political power are connected to the electoral process. First, some officials are directly elected. Second, some officials who have legislative power are selected by officials that are elected, for instance, judges on high courts and cabinet ministers. Third, some officials are selected by officials that are elected, but have no direct legislative power. In some countries these would include auditors general, ombudsmen, public health officials, ethics commissioners and commissions of inquiry. We come, then, to appreciate several central tasks are performed in modern democracies by officials and institutions whose function is to

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<sup>11</sup> Moreover, at the global level, there are enormous issues concerning scale and the ability of individual agents to have meaningful input into effective policies. In any case an agent might need to have absorbed much technical information before an informed decision can be made and we do not all have the time or inclination to devote to such a task. Many of us are therefore happy to leave the job to others who will act on our behalf, so long as these others are adequately authorized and constrained (through, say, having to be made accountable in a robust fashion). The link to authorization and constraint is important if our basic interest in avoiding domination is not to be threatened.

“protect citizens’ fundamental interests against the perverse consequences that more paradigmatically democratic institutions can sometimes engender” (Weinstock 2006, 14). It may be a good thing that such officials are not directly elected because it is important that some officials have partial independence from popular opinion to allow the integration into policy-making of a more dispassionate and temporally extended view of the public interest (though it may be important also that some connection with elections be maintained, albeit in some cases quite indirect).

I imagine the biggest source of resistance to the idea of delegating responsibility for some decision-making to expert panels concerns abuse of power. Is it reasonable to delegate authority to experts to make decisions on our behalf? Why should we trust that experts will act responsibly? In coming up with an answer to this question it is useful to consider that such issues already arise all too frequently in our complex societies and perfectly good mechanisms to ensure that trust is well placed have been developed. Why, for instance, trust surgeons to act competently in performing operations? It is reasonable to trust persons empowered to act in my best interests when there are adequate mechanisms in place to make such trust reasonable, such as rules governing an appropriate process of skills’ acquisition and accreditation, bodies that regulate professions, adequate opportunities to impose sanctions for inappropriate conduct, legal protections, peer scrutiny, appropriate reporting requirements, and so forth. As Andrew Kuper notes, it is reasonable to place trust in certain others to act as good judges of our interests “when they have been adequately selected, empowered, and constrained” (Kuper 2004, 84). Furthermore, ensuring the separation of powers and clear demarcation of the domain of authority dramatically reduce the scope for abuse of power.

It is worthwhile to note that the answers to the question of when it is reasonable to trust experts do not occur in a vacuum. As Andrew Kuper observes in defending his account of responsive democracy: “the answers require detailed attention to institutional design. But we can note that markedly similar questions have arisen in respect of the judiciary, and quite powerful techniques have been developed for keeping members of the judiciary fairly autonomous. These include professional codes of ethics, long-term appointments, measures to prevent sacking by politicians, adequate salaries, clear criteria of selection, independent commissions of appointment, agreement from legislators on all sides, review by higher courts, and so forth” (Kuper 2004, 113).

So we see, then, that key issues will be designing adequate mechanisms of accountability and attention to institutional design. It is pleasing to note that there is already a rich literature developing in this area.<sup>12</sup> The key to ensuring effective policies at the global level that can gain wide support from citizens is ensuring that decision-makers are held suitably accountable. In this way we would truly have realized a more responsive and meaningful form of democracy.<sup>13</sup>

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<sup>12</sup> See, for instance, “The Preventive Use of Force: A Cosmopolitan Institutional Proposal” (Buchanan and Keohane 2005); several of the essays in *Global Governance and Public Accountability* (Held and Koenig-Archibugi 2005); and *Democracy Beyond Borders* (Kuper 2004).

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