

GLOBAL DEMOCRACY: COERCION- BASED APPROACH

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Abstract

This article explores arguments for democratically arranged global governance. Beside practical questions, this issue entails many moral considerations such as those of duties we owe to people living outside our borders. I explore several arguments that seek to explore the ground and scope of justice by focusing on the characteristics of basic structure, the three most prominent being the coercion-based, the pervasive impact/all affected principles and the cooperation argument. Their critical assessment shows how none is able to refute the need for global application of duties of justice. Although global application of duties of justice does not necessarily entail global democracy, I argue that some kind of coercive power is required and that necessarily entails the need for democratic accountability. Furthermore, there are problems of global collective action and certain policy problems in solving which democracy proves to be the best method, since it gives everyone an equal say.

Keywords: global democracy, distributive justice, basic structure, collective action, accountability.

1. Introduction¹

The idea that there is a need for constituting some kind of global governance is becoming more and more prominent in the contemporary discussions in political theory. The world is becoming more interrelated and the events in one part of the world often have very serious impact on the places and people in other parts of the world. Although there are many different views on the process of globalization, ranging from hyperglobalist to skeptical views, there is no doubt that there are several issues that can be clearly identified as global concerns, because of their influence on almost every society and individual on the planet to some extent. Global issues are matters of great social concern that affect human populations both globally and locally.

However, it has to be noted that global issues are not only of practical matter, but also entail serious moral considerations. What kind of duties do we owe to other people and on what grounds do we base these duties? If we do owe some kind of duties to other people, do we think that those duties should be merely humanitarian duties, duty to intervene in order to help in the cases of absolute deprivation, or we

1 This article is based on my MA thesis (Central European University 2012). I wish to thank Zoltan Miklosi and Nenad Dimitrijevic for their valuable comments and advice.

think that we owe them stronger duties, those of justice? Duties of justice are concerned not only with helping those in need, but also with relative deprivation and overall redistribution of resources, duties and rights on the global level.

Many argue that while certain conditions for application of some principles are present on both levels, conditions for application of principles of distributive justice are present only at the state level. The relationship between compatriots possesses certain special trait or is based on condition relevant for generating duty to alleviate inequality. This kind of arguments poses serious challenge to proponents of global duties of justice. In order to refute this kind of argument it is necessary to show the special condition of justice being met at national level is either not relevant or it can be found on global level as well.

In this paper, I identify and critically assess the most important arguments that are usually used in justifying or denying global duty of distributive justice. I broadly divide these arguments into three groups: arguments from coercion, arguments from pervasive impact/all affected interests, and arguments from cooperation. After careful consideration of these arguments, I will show why the cooperation based argument is the most successful one.

Further, I will show that although we can justify the existence of global duties of distributive justice, that does not necessarily entail the need for constituting global demos because, ideally, it is possible to discharge these duties by just behavior of each state on their own territory. However, due to the fact of "partial compliance"², there is a need for coercive mechanism that will secure implementation of duties of justice on global level. In order to avoid non-compliance and free-riding, we need to form some form of central institution or set of institutions that will secure that parties participate equally and fairly in global system. We need an institution or network of institutions which will secure that first, all states respect basic rights of their citizens, second, participate in common redistributive scheme, third, respect the solutions commonly made among states in order to solve common issues and fourth, has an ability to mediate and settle the issues that could arise between some states.

Hence, in order to realize duties of justice and address problems of global collective action, we need coercion. I argue that global institutions have to be democratically arranged because they are coercive, and this creates the need for authorizing the enforcement of power on the coerced people (in this case, the global population) and for creating system of accountability against the misuse of power.

² John Rawls, *A Theory of Justice*, Revised Edition (Cambridge: Harvard University Press, 1999), 8.

The second argument for creating the global demos that I propose is the need to resolve the problems of global collective action, in which individuals have to make joint effort and split the costs of an action to achieve benefit for all. Global problems, such as global warming, require actions that are precisely of this kind.

I will show why democracy is so important in resolving such issues. I will argue that although the democratic method does not satisfy some objective, epistemic standard, it is important in situations where the reliable method for achieving a “correct” answer is not available, and the solutions for problems of global collective action are mostly of this kind. Since it is not possible to decide upon the issue in some other way (through expertise, for example), the fairest thing to do is to give everyone an equal say in the decision-making process through some kind of representation in global assembly.

2. Three arguments

Rawls considers the basic structure of society to be the location of justice. He defines basic structure “as the way in which major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that arise through social cooperation”.³ Basic structure includes the fundamental political, social and economic institutions of society: the political constitution, the legal system, judiciary and the market. It is important because the institutions comprising basic structure are responsible for distribution of the main benefits and burdens in the society. However, it is not completely clear what is the main characteristic of these fundamental institutions. As Arash Abizadeh points out, there are at least three different ways in which we can define the institutions comprising this basic structure: as the institutions that define and direct the basic terms of social cooperation; as the institutions that have extensive and pervasive impact upon person’s life prospects or as the institutions that have coercive power.⁴ Depending on the position on basic structure we take, we will come to the quite different conclusions on the scope justice should have.

When it comes to the content of justice, we can accept some form of Rawlsian principles of justice as valid ones, regardless of whether we support cosmopolitan or anti-cosmopolitan positions. I believe that Rawls gives an agreeable account of people’s fundamental interests, or primary goods.⁵ Principles of justice are rules

3 John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 285.

4 Arash Abizadeh, “Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice”, *Philosophy and Public Affairs* 35.4 (2007), 318-358.

5 Primary goods are the goods that all people could agree on to be essential for ability of each person to form a rational plan on his/her life and to pursue his/her own conception of the good life. Some of the primary goods include the basic rights and liberties, income and wealth, powers of office, opportunities, health and so on.

according to which these primary goods should be distributed in the society. Rawlsian principles, while being attentive to inequality, leave enough space for personal freedom, since they allow wealthy people/nations to continue to prosper, with only limitation being that resulting inequalities must be to the greatest advantage of those least advantaged. However, I will not pursue the issue of content of justice further, since the primary focus is on the scope of justice.

I will now explore three above mentioned interpretations of basic structure in order to see which one gives the best account on our intuitions and understanding of social justice. After evaluating each argument, I will explore what the possible consequences on the scope of justice that each of these arguments entail are. The choice of the relevant principle as the distinctive feature of the basic structure will strongly influence on our position about the scope of justice, and subsequently, on the justification or rejection of global democracy.

I will also explore the capability of each argument to serve as justification for global democracy. Each of them entails certain conclusions about the boundaries of the demos, the issue often neglected in the democratic theory. The constitution of demos cannot be perceived simply as a democratic process, since for democratic decision-making to be possible, we should already have a designated group of people who are entitled to vote on that issue. Therefore, we need to find a principle that although it is not democratic in itself, corresponds with underlying values of democracy to a great extent. This means that we cannot simply state that any kind of procedure can be used for constitution of demos, no matter what is the eventual composition of the demos. We cannot leave the demos to define itself on whatever ground they choose, as Joseph Schumpeter⁶ suggests. We need to explore what are principles that can justify the constitution of demos. In this respect, I will examine how successful the three arguments are in serving as basis for justification of global democracy. Which of them provides the most successful justification and grounds for constituting global demos: "All people who are affected by a decision should have a say in decision-making"; "All people belonging to the same system of coercion should have the right to participate in decision-making process" or "All people who are participating in the same cooperative scheme should have an equal right to participate in decision-making process"?

6 Joseph A Schumpeter, *Kapitalizam, socijalizam i demokracija* (Capitalism, socialism and democracy) (Zagreb: Biblioteka Novi svijet, 1981).

3. Coercion- based argument

According to argument from coercion, proposed by Blake⁷ and Nagel⁸, what limits the scope of justice to state level is the fact of state coercion. Although they both base their arguments on the fact of the state coercion, they have different explanations for the significance of coercion for creating duties of justice.

Blake states that one of the most important values in human life is autonomy. In order to act autonomously and pursue his/her own goals, each person has to have decent conditions. Therefore, we have a humanitarian duty to reduce absolute deprivation, on a global scale. However, state membership is morally significant because the state is coercive. It limits the number of options available to us, and puts some restrictions on our exercising autonomy. Therefore, if autonomy is valuable, state coercion should be justified somehow to the citizens, and that is done by state's devotion to equality. The principles of justice in relative terms are only applicable within the state borders, because there is no coercive political power on the global level. There are no institutions that have coercive power comparable to states; states have legitimate coercive power only over their own citizens.

According to Nagel, duties of justice arise only under two conditions: if there is coercion and if that coercion claims authority while coercing us by doing it, so to say, in our name. The state coercion is different from other forms of coercion because it is endorsed by centralized authority, and although we have an opportunity to participate in forming the general will, we have to comply with the decisions no matter if we agree with them or not.). Since the state generates many arbitrary inequalities by its coercive action, it is necessary to justify these inequalities and gain consent by giving place to some duties of distributive justice. If there is no accountability to those that state coerces (foreigners) than state can endorse pure coercion without meeting demands of distributive justice.

Blake's and Nagel's argument have problems with understanding of coercion, as well as with the empirical fact that states also coerce people that are not their own citizens. For them, the state is seen as the one that somehow "direct" the distributions of burdens and benefits in the society, by imposing certain laws or for example property rights. This is certainly true. However, most of the disadvantages and advantages in the society are not result of the conscious plan of the state and are not enforced by state power. The prevailing standard of beauty in each society, for example, is not supported by any kind of intentional and deliberate decision of

7 Michael Blake, "Distributive Justice, State Coercion, and Autonomy", *Philosophy and Public Affairs* 30 (2001), 257-296.

8 Thomas Nagel, "The Problem of Global Justice", *Philosophy and Public Affairs* 33 (2005), 113-47.

the state or some particular part of society. Morally arbitrary inequalities are produced by the basic structure, but understood more broadly than coercion-based argument suggests. Blake himself defines coercion as:

an intentional action, designed to replace the chosen option with the choice of another. Coercion... expresses a relationship of domination, violating the autonomy of the individual by replacing that individual's chosen plans and pursuits with those of another.⁹

He points out that coercion cannot simply be detected by the number of options that a person has. Coercion, therefore, has more specified, intentional dimension than simply having an effect on someone's choices.

If we accept that coercive power of the state defined in this manner is the prevailing feature of basic structure, we will have to omit many ways in which basic structure shapes the distribution of advantages and disadvantages, going well beyond and beneath the scope of the state's coercive power. We can, for example, include the legal system as the obvious way in which state coercive power has a great influence on someone's autonomy. However, this sort of distinction would not be able to include more subtle, gray areas of basic structure, such as market activities or the way in which certain inborn talents transform into social advantages.

Insisting on "political" coercion enforced by the state simply fails to grasp many of our intuitions and understandings of justice. One intended implication of Blake's theory is to show that even though there are some global problems that came up as the result of synergy of different individuals' or governments' actions, citizens and governments cannot be held responsible for something they did not consciously decide or plan. Although they have humanitarian duties toward other people, states owe duties of justice only to their citizens because of these special, intended coercive actions toward its citizens, which are morally more significant than the mere influence on someone, since those actions infringe autonomy.

However, if we accept this definition of coercion, we may lose a case for duties of distributive justice even on domestic level. Without the usual, broader understanding of basic structure, it is quite hard to defend the existence of duties of justice in cases where people are affected by arbitrary inequalities that are not generated by the state. Hence, it cannot be explained why society has the right to claim a part of the rewards acquired by using people's inborn talents. In this way, the whole notion of morally arbitrary inequalities, especially natural ones, which is central for justification of redistributive policies, makes little sense.

9 Blake, "Distributive Justice, State Coercion, and Autonomy", 27.

The second problem with Blake's argument is that it fails to address the coercion of the state towards non-citizens in an appropriate manner. It is clear that some form of coercion exists on the global level, and it can be claimed that the structure of the global order which consists of nation states is coercive. The boundaries of states can be perceived as a form of coercion, since they, to begin with, limit the freedom of movement of individuals. Although states do not coerce citizens of other states directly, they prevent them from crossing their borders and have power to deny residence to them. Blake's response is that this kind of coercion is qualitatively different from the coercion imposed by the state, because it does not affect the life of individuals so profoundly and pervasively as state coercion does. Therefore it is necessarily limited in scope, and duties that arise from it are weaker. The reason is that they coerce in different ways, because their impact is not as pervasive as my own state's is. But this presumed fact is simply empirically false.

This can be illustrated by the example that David Miller¹⁰ employs in order to distinguish coercion from what he calls mere prevention. He uses immigration policies aiming to exclude illegal immigrants from the territory governed by the state. This policy is not coercive, at least in the narrow sense, because it does not force a person to follow a certain course of action, but is preventive, since a person is only denied one of the possible courses of action. Miller himself notes, however, that this depends significantly on the importance of the blocked action for prevented person. However, in most cases it is quite difficult to distinguish prevention from coercion, because sometimes by preventing someone from doing something means taking away his/her only option, or one of the very few ones.

In such cases, such as the one mentioned above, the whole system of prevention in the end results in coercion. It is clear that mere refraining from action in cases of violation of human rights or forced migration cannot be the appropriate solution for dealing with these issues. As Abizadeh¹¹ correctly notes, since the coercion imposed to non-citizens is not legally defined, states can coerce the non-citizens lawlessly and without owing them any kind of duties of justice.

With or without direct state coercion, the distribution of burdens and benefits is present on the global level. There are many issues in which a decision by one state can profoundly affect citizens of other states. The United States' decision not to ratify the Kyoto protocol profoundly affects all the other countries, especially developing ones. The pervasiveness and immediacy of this kind of global issues becomes even more obvious if we take the example of the Maldives, future existence of which is questionable with the current level of global warming, since

10 David Miller, "Democracy's Domain", *Philosophy and Public Affairs* 37:3 (2009), 201-228.

11 Abizadeh, "Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice", 318-358.

the islands are on average only two meters above sea level which has been constantly rising in recent decades. In this and in many similar cases it becomes apparent that a distinction between direct, intended or immediate state coercion and other indirect forms of coercion becomes morally irrelevant. It is possible to show that other forms of coercion have significant effect on exercising people's autonomy.

This kind of argument does not provide a sufficient justification for refraining from the exercise of our duties of justice globally, since it is possible to show that the injustice can emerge even if everyone is acting justly. Even if no one is guilty, someone has to be held responsible for the consequences of certain action. In the present institutional arrangement some nations and individuals are suffering injustice as the mere result of existing institutional arrangement, in which the supremacy of national sovereignty allows basically every regime to be considered legitimate. If the effects of other kinds of coercion are the same or even larger than those of state coercion, why should we insist on existence of different standards and principles for them?

If we accept the argument from coercion, that does not lead us to the conclusion that our duties towards our co-nationals are somehow stronger because of the system of coercion, but on the contrary, it leads to the conclusion that we are not responsible for restricting the type of inequalities that Nagel calls social and non-political (such as market outcomes) even when it comes to our co-nationals. Such position does not show us why there should be significant difference in treatment of our compatriots and other people.

On the other hand, if we manage to show that the creation of coercive institutions in the narrow sense, or sovereign institutions, on the global level is absolutely necessary for discharging duties of justice globally, the argument from coercion can be employed in order to justify the need for creation of some kind of democratic institutions on the global level. Nagel takes a Hobbesian stance, claiming that government, or sovereign power, is necessary as an enabling condition of justice. Although he uses this argument as a justification for opposite position, by claiming special importance of the state and government, I believe that his argument can partly be used if modified by considering coercion as something that needs to be established as a necessary tool for implementing duties of justice, not as something that generates the duties of justice. Justice requires coercion, not the other way around.

In order to implement duties of justice, we would have to coordinate many countries and people with different positions on global level, and therefore we need law that is backed up by some kind of monopoly of force. This coercive institution(s) does not have to be in the form of "world government", but it has to have some

coercive mechanisms in order to secure the compliance necessary for discharging duties of justice globally. As Nagel points out "...collective self-interest cannot be realized by the independent motivation of self-interested individuals unless each of them has the assurance that others will conform if he does."¹²

How is democracy important when it comes to creating global coercive structures? We can justify the creation of global demos in order to secure the accountability of the coercive structures. Although the principles of justice, especially basic rights, are not and should not be the object of democratic decision-making, democratic control and accountability are proven to be essential in preserving these rights. At the same time, it is quite hard to imagine a country in which liberal rights are protected by the law, but the country is not democratic. Although Hayek¹³ suggests that it is possible to have liberalism without democracy and the other way around, we can note that systems lacking some kind of democratic accountability never actually respected the rights of their citizens. Even though democratic decision-making does not possess some kind of extraordinary epistemic value, we can note its value in two key aspects: first, it is the best way to secure accountability of the rulers to those who are ruled over; and second, it is the best way to make decisions in situations of collective action in which we do not have any other reliable method for coming to the right answer. In these situations, giving everyone the equal chance to participate in decision-making process seems the most plausible solution.

4. Pervasive Impact/All Affected Interests

Rawls justifies the application of principles of justice on basic structure because the basic structure of the society has the "profound and pervasive" impact on the individual's life chances, attitudes and goals which is "present from birth".¹⁴ If basic structure is primarily important because of its impact, it seems logical that principles of justice should be applicable to all institutions that have pervasive impact on individual's life. According to this interpretation, both coercion-based understanding of basic structure and Rawls own cooperation-based argument define basic structure too narrowly. This argument, besides extending the scope of justice to global level, deepens it on the substantive level, by including in the basic structure internal relationships inside institutions. What matters is the scope of pervasive impact, not the scope of potential cooperation. Principles of justice should be applied to all people whose lives are pervasively impacted by basic structure. If we take into consideration the extent of global interconnectedness, it is clear that justice has to be global in scope.

12 Nagel, "The Problem of Global Justice", 115.

13 Friedrich A. Hayek, *The Constitution of Liberty* (London: Routledge, 2007).

14 John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 96.

G. A. Cohen, one of the proponents of pervasive impact argument, argues that since Rawls is concerned with pervasive impact of institutions on our lives, the principle of justice should be expanded on all actions that make such pervasive impact, even on individual actions. If we do not expand the application of principle, we necessarily collapse into coercion-based argument again.¹⁵ Cohen proposes different understanding of the basic structure as “the broad coercive outline of society”.¹⁶ Therefore, individual actions within institutions with pervasive impact on other people’s lives should be subject to principles of justice, too.

An argument similar to Cohen’s is also made in attempts to justify the need for constitution of a global demos. Robert Goodin explores the principle appropriate for constitution of the demos, and asserts that is logically incoherent to claim that demos can be constituted by “ordinary democratic decision making”.¹⁷ Therefore, we need a principle which is independent on democratic procedure itself in order to determine the membership in demos. Goodin claims that consideration of principles on which current demos around the world are constituted demonstrates that the principles commonly used are those of territoriality, nationality and history.¹⁸ Those principles are chosen because each of them represents an approximation for principle that underlies all of them: the principle of all affected interests. Mutual influence is crucial for appropriate determination of the membership in the demos. Goodin claims that use of this principle evokes the well-known notion of self-legislation: all those who are subject to the rule should participate in making the rule.¹⁹ Allowing people’s interests to be represented is the best way to secure these interests being protected. However, the demos rarely includes everybody that is being affected by its decisions and therefore, the only solution is to radically expand *demos* globally, since it is impossible to limit the effects of the *demos*.

The main problem with the pervasive impact/all affected principles argument is the wrong interpretation of the site that principles of justice should be applied. Although Rawls is indecisive and vague when it comes to specifying what institutions comprise the basic structure, he is quite specific on principles of justice being applied to institutions and institutions only: “By major institutions I understand the political constitution and the principal economic and social arrangements.”²⁰ As Pogge²¹ warns, we should not confuse the issues of justice with

15 G.A. Cohen, “Where the Action is: On the Site of Distributive Justice”, *Philosophy and Public Affairs*, Vol. 26, No. 1 (1997), 22.

16 *Ibid.*, 19.

17 Robert Goodin, “Enfranchising All Affected Interests, and Its Alternatives”, *Philosophy and Public Affairs* 35 (2007), 43.

18 *Ibid.*, 48.

19 *Ibid.*, 51.

20 Rawls, *A Theory of Justice*, 7-8.

21 Thomas Pogge, *Realizing Rawls* (New York: Cornell University Press, 1989).

those of morality. While justice is concerned with evaluation of social institutions, morality evaluates individual behavior. Justice is concerned with overall “rules of the game” in society; it is concerned with choice of certain social practice, not with choices made within them. Individuals do not have to follow the principles of justice in their everyday life choices, because there is background justice secured by principles. By virtue of background justice being maintained, individuals are free to pursue their own plans and goals. Therefore, the mere fact of affecting someone does not entail correction of individual behavior, except in the case of explicitly harming someone. Also, as Pogge rightly recognizes, not every collective action is considered to be institution. What Rawls has in mind when mentioning institutions are wider patterns of social practice, not corporations and other organizations, which he addresses as “associations”.²²

We can criticize Goodin’s conclusions in the same manner. All affected interests principle does not succeed to justify the creation of global democracy. In various situations in which people are being influenced by the decision of the demos they do not belong to, the main problem is not that affected people are excluded from the decision-making process, but the fact that background justice that serves as safeguard of equality is not maintained. A consistent application of duties of justice on individual behavior would lead to serious infringement of individual freedom. As Miklosi²³ points out, the fact that we are influenced by someone’s decision is not important; what is important is the fact that we do not have an equal opportunity to influence others. The opportunity to influence depends on democratic decision-making only when it comes to collective action problems; when it comes to private choices, opportunity to influence depends on the background justice being maintained. Put differently, what matters is that the rules and conditions of game are fair, not the outcome of the game. Hence, if we secure the proper application of principles of justice on global basic structure, we do not necessarily need democratic decision-making in order to include affected people.

I conclude, then, that pervasive impact/all affected interests principle is not successful as an argument for both global justice and global democracy, since it, first, has a wrong interpretation of basic structure and second, fails to distinguish between ordinary individual/ collective action and social practice. When closely examined, the pervasive impact/all affected interests principle happens to diverge from our usual intuitions on fairness.

22 Ibid., 23.

23 Zoltan Miklosi, “Against the Principle of All-Affected Interests”, 2012, forthcoming in *Social Theory and Practice*.

5. Cooperation-based argument

As Abizadeh points out, Rawls defines the elements of society's basic structure in three ways.

Rawls defines society's basic structure as comprising of "the way in which the main political and social institutions of society [a] fit together into one system of social cooperation, and the way they [b] assign basic rights and duties and [c] regulate the division of advantages that arises from social cooperation over time."²⁴

The primary subject of justice is basic structure. Principles of justice regulate the terms of social cooperation, and they do not apply to personal relations within society; individuals and organizations that are not part of the basic structure do not have the duty to apply principles of justice in their everyday conduct. Institutions of basic structure must secure the background justice of the system in which individuals and associations act. Although nobody is directly responsible for inequalities in the society, because they did not arise as a product of anyone's conscious plan, some terms of mutual cooperation have to be settled by basic institutions in order to make sure that cooperation is truly advantageous for everybody. Consequences of individual acts are so indirect that we cannot expect individuals to somehow presuppose and predict them; therefore, we need a system that will effectively maintain the "background" justice and make sure that people, although inevitably affected by other people choices and opportunities and distribution of advantages and disadvantages created by many individuals through many generations, have roughly equal chances to success and follow their life plans.

Even individual transactions that can be considered fair can accumulate over time and undermine the background justice. Differences in talents and family background would in time result in excessive inequality if not regulated by the principles of justice. The application of principles on basic structure instead on individual behavior avoids putting excessive burdens on individual conduct and therefore secures maximum of freedom.

What happens if we try to apply this argument on global level? Rawls himself, as well as many of his followers, denied the possibility of global application of principles of justice. Although a high level of global interdependence is present, since there are no global institutions that would regulate how institutions fit together into one system of social cooperation, the way in which institutions assign basic rights and regulate the division of advantages that arises from social cooperation over time, there is no global basic structure.

24 Abizadeh, "Cooperation, Pervasive Impact, and Coercion", 325.

Samuel Freeman's²⁵ argument from cooperation is influenced by Rawls' work. Freeman argues that the principles of justice apply to basic institutions of society which enable political and social cooperation, and therefore include necessary political and legal institutions and rules. Since these kind of basic institutions exist only on the level of state and not on the global level, the principles of justice are applicable only domestically. The primary actors on global level are states, and international interaction is only derivative phenomenon.

However, this position offers an over-simplified definition of basic structure. If we look at the nation states as isolated units, we can support this claim to some extent. However, international relations can be rightly perceived only by observing the dynamics of relations between the nation states. We can say that there are basic institutions on the global level and that mere existence of system of nation states constitutes basic structure. This system defines the basic unit of global order (nation state) and defines certain rules of conduct between them. The mere structure of global world as divided among different states that possess certain resources on their territories is already significant factor which generates inequality.

There is a certain distribution of burdens and benefits as a result of wider social practice, but there are no just institutions that would regulate the terms of fair cooperation. Thus, it seems plausible to suggest creation of institutions necessary for maintaining background justice. Contemporary social practices on a global level exist (global markets, for example), but since they are not subject to principles of justice, the cooperation between actors is not raised in a fair manner. Present advantages and disadvantages of certain countries are in many cases not the result of conscious unfair behavior (although in many cases they are, if we consider colonial heritage), but it can still be shown that they have arisen from the complex interdependent relations. We can treat these inequalities in the same way we treat inequalities of natural endowments among individuals, and conclude that they should be morally irrelevant because it is the matter of pure luck which part of globe a country occupies. Furthermore, we can show how mere institution of nation state and preference for some resources over others among states cause some states and their population to flourish and other to fail.

In order to illustrate this point, I will take the example of a natural resource such as oil. Not only is possession of this resource in abundance undeserved by citizens of oil-producing countries, but also presents an advantage because of the system of international trade that highly appreciates oil as a resource. With the help of this fact, desert countries that are otherwise poor in natural resources, like Saudi Arabia, have an opportunity to achieve considerable economic growth. This example clearly shows how the basic structure on global level distributes advantages and

25 Samuel Freeman, *Rawls* (New York: Oxford University Press, 2007).

disadvantages; however, this basic structure is not grounded in fair terms, since there are no principles of justice that apply to it.

The existence of this distribution is particularly obvious when we consider the global market. Rawls explicitly says that the market is an institution of basic structure, although it is not a formal, coercive one. There is a global market, but it is poorly regulated and therefore the existing distribution of burdens and benefits that it produces is not fair. The fact that something that is not part of basic institutions but has influence on the distribution of benefits and burdens is not the reason to neglect it, but to consider widening the scope of application of principles of justice. We have a duty to create fair institutions where they are missing.

It does not seem logical to apply principles of justice only to the system of cooperation that is already fair, since those principles are responsible for maintaining fairness. Principles of justice can be used as guidelines for creating global political institutions. Therefore, argument from cooperation can be used to support cosmopolitan position more convincingly than antic cosmopolitan position.

Could an argument from cooperation be used as a principle for constitution of global *democracies*? Although it can be argued that since people can exercise their political rights to vote and be elected to public office on a nation-state level, there are no obstacles to make this demand for global governance too, especially because of its coercive nature. Democracy is important because it represents a way to give everybody an opportunity to express their opinion and it is an important part of the demand for the substantive equality of citizens. The notion of democratic governance embodies the idea that citizens should have the same opportunity to participate in government, to influence the outcome of elections and to hold office. In this sense, political liberties represent the important insurance of equality. Global governance that is completely devoid of democratic procedure can become elitist over time, depriving most of the people an opportunity to actively participate in decision-making. Rawls points out that without some kind of democratic institutions there is a danger of politics being captured by private economic interests, which represents a huge problem in contemporary international institutions.²⁶

6. The case for global democracy

After examining the three arguments as the justification for demands of global justice and global democracy respectively, it is possible to make an overall evaluation. Concerning global justice, the coercion and the pervasive impact/all affected interests argument fail in their attempt to dispute and justify the demands

26 Leif Wenar, *John Rawls*. (The Stanford Encyclopedia of Philosophy, Fall 2008 Edition). Available at: <http://plato.stanford.edu/archives/fall2008/entries/rawls/>.

of global justice respectively, since they offer a counterintuitive and unconvincing account on basic structure.

The coercion-based argument, while concentrating on coercive institutions of society, fails to consider the social practices that represent an important source of inequality. The pervasive impact/all affected interests principle, on the other hand, extends the understanding of basic structure so excessively that completely fails to respect the important difference between the individual/private and public agency. In this sense, the cooperation-based argument corresponds with our ideas of justice in a most appropriate manner, since it addresses morally arbitrary inequalities while leaving in the same time enough space for individual freedom of action. When interpreted appropriately, the cooperation-based argument can serve as a plausible justification for democracy, too. We can perceive a democratic political regime as one of the requirements of justice. The coercion-based argument, although failing to defend coercion as a reason for bringing forth duties of justice, provides a solid argument for democratic arrangement of global institutions.

The conclusion is that principle successful in upholding global justice does not necessarily entail global democracy, and *vice versa*. Someone could agree that there are arguments for global justice, but could argue that global justice can be achieved in the best way through already existing system on nation states. For example, states can form some kind of voluntary association, as proposed by Christiano.²⁷ However, the problem of this kind of voluntary association of states is that leaves complete freedom to some states to disobey and refuse to comply with the implementation of principles of justice. In this way, the attempt to globally apply principles of justice can easily fail. Why would a state decide to comply to such principles if it does not have any guarantee that other states will do the same? Basically, the situation would probably stay more or less the same as in the present world order, in which the liability of a certain state depends on how advantageous or disadvantageous it is for the state to participate and obey the rules of conduct in international organizations. The association of states which relies only on voluntary cooperation of its members would be probably torn between the interests of the most powerful states, and violate the demand for equal opportunity of influence. As Christiano notices, voluntary association model would leave too much space for the hard bargaining between states. In this way, even without employing proper coercion on behalf of more powerful countries, different countries would have to negotiate from rather uneven positions, which would make fairness impossible. Even in the case of voluntary agreement, the inequality of positions among countries would be so considerable that securing equality of opportunity among the countries would be impossible.

27 Thomas Christiano, „Democratic Legitimacy and International Institutions“, 2007 (unpublished lecture).

Next, the theory of justice is concerned with equality of individuals, and only indirectly with the equality of states as the communities of people who live closely. By leaving practically all the power to the states, we could not make sure that individuals living in those states are adequately protected. Therefore, it is clear that in order to implement duties of justice globally in an effective way, we need an extra layer of global governance that will possess considerable sovereign power over nation-states. This does not necessarily mean that we have to choose between the voluntary associations of states and world government. It is possible to have several levels of governance that will secure that power is evenly dispersed in order to prevent its misuse. Of course, it would not be necessary for the global level of governance to deal with every issue that may emerge on the lower levels. However, when it comes to guaranteeing basic rights and liberties to every individual on global level and implementation of difference principle on global level, it is not clear how could that be attainable without an institution or set of institutions that would be able to force the states to comply, if necessary.

7. The democratic accountability argument

Imposition of coercive mechanisms demands a creation of effective democratic control of all people who are being coerced. As Miklosi²⁸ points out, being subjected to certain coercive body is not the same as simply being affected. Being subjected fixes our legal status in a way more serious than in the case of non-coercive body. While “coercion” of other actors seriously limits the number of options we have, sovereign power sometimes determines our course of action very precise way and with means not available to other actors.

Although it is possible to conceive of a legal order that respects human rights and makes fair laws without being democratic at the same time, it is less likely that this would be so in reality (or, at least, it has never happened to now). Therefore, it becomes clear that it is morally required to establish coercive collective decision-making procedures in order to implement principles of justice. However, one may argue that this collective decision-making procedure does not have to be democratic. What we are concerned with is the fairness and rightness of the decision. In this case, we care that decision does not violate anyone’s rights and does not make the least advantaged ones worst off. Thus, if we secure the background justice of the basic structure within which individuals follow their morally permissible choices, we do not need some kind of extensive collective decision-making.

28 Zoltan Miklosi, “Against the Principle of All-Affected Interests”.

However, there are cases in which the decisions of individuals or different levels of governance simply have to be replaced by collectively binding ones. In some cases, it is not possible to define rightness of the decision independently of the procedure, and in such cases, democratic procedure can be justified. It is useful to employ Ronald Dworkin's distinction between policy and principle to further clarify this point.²⁹ Policies are standards that community sets in order to achieve certain desirable goal. Principles are, on the other hand, standards that we observe because they are demanded by justice, independently on the fact that they do or do not produce certain desirable goal. Therefore, we do not need democratic decision-making when it comes to principles of justice, because they can be said to be right or wrong independently on the procedure being used. On the other hand, desirable goals in the society are not straightforwardly right or wrong and they cannot always be determined by experts. Sometimes people have to make a decision about the desirability of certain goals and the order of the preferences concerning public goals.

Certain problems of collective actions require some kind of democratic collective global decision-making, since there is no standard according to which the rightness of the outcome of decision-making process could be evaluated. The problems of collective action are quite different from, for example, processes on the market. On the market, under the condition of equality being secured, people, while following their own preferences, harmonize the price system and have a positive impact on supply and demand scheme. Any kind of collective decision-making would never be so successful in determining process as the market self-correcting mechanism. Problems of collective action are defined by the situation in which multiple individuals would all benefit from a certain action, that, however, has an associated cost making it implausible that any one individual can or will undertake and solve it alone. Without some kind of procedure that is binding for everyone, the public good will not be obtained.

As Gilbert points out, collective action necessarily requires "joint commitment" of participants who consciously contribute to the successful implementation of action.³⁰ When it comes to collective action problem, the mere fact of having equal chance to influence each other is not enough. Christiano considers this kind of interests to be a special category of interests that are have deep mutual interdependence, because they affect everybody and can be served only through collectively binding decisions.³¹ The so-called collective properties basically have the same features of usual public goods; they are non-rival, non-excludable and non-rejectable. Many environmental issues can serve as good examples of this kind

29 Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977).

30 Margaret Gilbert, *On Social Facts* (Princeton: Princeton University Press, 1989).

31 Christiano, "Democratic Legitimacy and International Institutions".

of good. For example, climate change mitigation is the desirable goal for everybody, but it cannot be achieved without participation of majority of states and those who did not participate cannot be excluded from enjoying the benefits of climate change mitigation.

The main difference between simply securing justice and provision of collective properties is that the later suppose interests. When it comes to question of justice, the first concern is to give a right answer according to the principles which help us determine if the answer is correct or incorrect. Collective properties, on the other hand, usually evolve around interests. Our interests are often not simply correct or incorrect; most of the time they simply diverge.

Since there is considerable interdependence of interests and it is not possible to make binding decision without binding everybody, the solution is, according to Christiano, to give everyone an equal share in decision-making. As Christiano asserts, there are aspects of our interest that are not the matter of technical knowledge. Sometimes it is hard to decide which interests should be considered sooner and which later. Sometimes it is simply not possible to reach the right solution from the general point of view when it comes to the problem of collective action. Sometimes we can agree on ends, but not on means that should be employed in order to achieve them. In such case, the fairest procedure is to give everybody an equal say in decision-making. This can be achieved through democratic body in which states or other units on governance have an opportunity to influence on decision-making process by electing their representatives.

8. Conclusion

The question of institutional order that would be capable of solving both the problem of injustice and collective action problems has an increasing significance in modern highly interrelated world. In that respect, many authors examine the possible institutional arrangements while putting aside the issues of justice. In this paper, I have sought to show how issues of justice and democracy are in the end inextricably linked, since views on the scope and ground of justice influence directly on the views on global democracy. Although it seems at the first glance that global application of principles of global justice does not entail the global democracy, this article provided several arguments in order to show why any kind of meaningful application of principles of justice would necessarily entail some kind of democratic decision-making on global level. This article argued that the notion of distributive justice cannot be consistently defended without broadening scope to global level, since the attempt to do so often leave out crucial features of the justice altogether.

Without some kind of procedure that is binding for everyone, the public good will not be obtained. We need democratic procedure for solving collective action

problems on global level. This global democracy assumes however, the global application of principles of justice as a necessary condition for achieving the equal opportunities to actually influence our environment and circumstances of each other's lives. Principles of justice and democratic principles complement each other in many aspects, mutually reinforcing each other when properly applied. The prospects for future global collective decision-making largely depend on the successful implementation of duties of justice as the guarantee of equality among people.

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