

GLOBAL DEMOCRACY: COERCION- BASED APPROACH

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Abstract

The topic of this thesis seeks to explore the arguments for possible democratically arranged global governance. The idea about constituting some kind of global governance is becoming more and more prominent in the contemporary discussions in political theory. Beside practical questions, this issue entails many moral considerations. There are competing views on the issue of our moral duties toward people living outside our borders. While anticosmopolitanist authors hold that we owe only humanitarian duties of assistance to those people, cosmopolitanists argue that duties of justice should be applied globally. Although global application of duties of justice does not necessarily entail some kind of global democracy, the question of whether there is a need for constituting global *demos* cannot be settled until we justify the global application of duties of justice. This justification will have a considerable impact on the question of global democracy. There are several arguments that seek to explore the ground and scope of justice by focusing on the characteristics of basic structure, three most prominent being the coercion- based argument, the pervasive impact/all affected principles argument and the cooperation argument. Critical assessment of these arguments shows that none of them is able to refute the need for global application of duties of justice, cooperation- based argument being the most successful one in providing a justification. Coercion- based argument proved to be the most successful one as justification for democracy, since in order to apply principles of justice globally, we need some kind of coercive power 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.

Table of Contents

INTRODUCTION	1
CHAPTER 1 - TO WHOM DO WE OWE DUTIES OF JUSTICE? COSMOPOLITANISM VS. ANTICOSMOPOLITANISM	7
CHAPTER 2 - THREE ARGUMENTS	11
2.1. Who constitutes the demos?	13
2.2. Coercion- based argument	14
2.3. Pervasive impact/ All Affected Interests	21
2.4. Cooperation- based argument	26
2.5. Conclusion	32
CHAPTER 3 - THE CASE FOR GLOBAL DEMOCRACY	34
3.1. Democratic accountability argument	35
3.2. Collective action problems	36
3.3. Inequality of stakes	38
CONCLUSION	41
REFERENCES	44

INTRODUCTION

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 they influence 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.

Some of the most important issues in this respect are climate change, international market transactions, proliferation of nuclear weapon and migration. The main feature of these occurrences is that they mostly cannot be solved without common action of the responsible actors. All these arguments indicate that governments and its citizens cannot make decisions and undertake certain actions without taking into consideration the impact of these on people living outside of their borders. Richard Falk has described the contemporary world order as one of “inhumane governance,” because of the occurrences such as “global severe poverty affecting more than one billion human beings, denial of human rights to socially and culturally vulnerable groups, the persistent use and threat of war as an instrument of politics, environmental degradation, and the lack of transnational democratic accountability “(Lu, 2008).

However, it has to be noted that these kinds of issues are not only of practical matter, but they 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 take a position that 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 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.

If we accept the fact that we really do owe duties to other people, other types of questions emerge. Do we believe that we owe duties of justice to other people in virtue of their humanity or we think that we owe that duties only to people with whom we stand in some sort of special relationship (our conationals)? Most authors recognize that we owe certain duties to people living outside of our borders, but deny that these duties include duties of distributive justice. They believe that state borders, due to some specific quality they possess, create special duties of distributive justice that are not present in our relationship with people outside our borders.

The last question relates to the two general moral outlooks present in the discussion on this issue: cosmopolitanist and anticosmopolitanist views. In my thesis, I will in general take a cosmopolitanist stance.

However, the cosmopolitanists do not have the same type of arguments for defending their position. It is possible to justify or attack our duties of justice toward others in very different ways. Some authors, like Charles Beitz in his second, revisited position (1983), justify it simply in the virtue of humanity or on the empirical basis, as already mentioned basis of interconnectedness of the world and existence of global scheme of cooperation.

In my thesis, 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, in my opinion, the cooperation based argument is the most successful of these arguments, since it is the most convincing one and since it corresponds with our intuitions on distributive justice in a most appropriate way.

However, it has to be noted that the issue of global duties of justice and issue of the need for constituting some kind of global *demos* is in many cases conflated, so these arguments are used both for justifying the existence of duties of justice and constituting global *demos*. I will show that although we can justify the existence of global duties of distributive justice, that doesn't necessarily entails the need for constituting global *demos*. Ideally, it is possible to discharge these duties by just behavior of each state on their own territory.

Are there any reasons for creating global democratic institutions left?

If we approach this issue from the ideal theory of justice, then we certainly do not need some form of global democracy. An ideal theory of justice is one for a world where people are committed to the principles the theory generates and are willing and able to comply with what those principles demand. Furthermore, ideal theory presumes the existence of reasonably favorable social conditions (people do not suffer famine or plague, for example) in which people have ability to realize the principles (Wenar, 2008).

A non-ideal theory is more fact-sensitive, in the sense that it takes into consideration that there are people with different positions on the issue of justice, some of whom do not agree with the postulated principles and are not motivated to comply.

The theory of justice that I accept is non-ideal theory. It takes into consideration the most important constraint in realizing our duties of justice, the fact of what Rawls calls “partial compliance” (Rawls, 2009). In other words, I accept the fact that the theory has to deal with non-ideal conditions in which our theory has to be implemented and that therefore we need to find a way to meet that problem. How can we deal with the fact that some nations will not comply to the implementation of duties of justice on global level?

It seems that in order to secure the compliance, we need some kind of coercive mechanism that will secure implementation of duties of justice on global level. That does not mean that other levels of governance, such as regional or national level, become unimportant. They remain very significant since the distribution of rights and resources will be directly implemented by lower governance levels. However, in order to avoid non-compliance and free-riding, we need to form some kind of central institution or set of institutions that will secure that parties participate equally and fairly in global system. Just as we need government as central authority which has to possess coercive powers in order to secure rights and enforcement of law, we need some kind of institution or network of institutions which will secure that first, all states respect basic rights of their citizens, second, participate in common redistributive scheme (it is not necessary to specify it right now), 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. Of course, this global governance couldn't and shouldn't be all encompassing. Most of the issues can be resolved on

lower governance levels. However, it is clear that, in order to truly and successfully respond to the main global issues, some kind of coercive mechanism has to be introduced. As Thomas Pogge noted: “realizing our prudential and moral interest in a peaceful and ecologically sound future will... require supranational institutions and organizations that limit the sovereignty rights of states more severely than is the current practice” (Pogge, 2008: 219).

Hence, in order to realize duties of justice and address problems of global collective action, we need coercion. This fact of coercion therefore requires and entails democracy, not duties of distributive justice, as Nagel and Blake propose. 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.

The second reason why I argue for creating global *demos* is the need to resolve the problems of global collective action. The term "collective action problem" describes the situation in which multiple individuals are faced with undertaking the action beneficial to everybody, but its associated costs are too high for each individual to bear them alone. Individuals therefore 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. 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. Due to the limitations of my thesis, I will not consider concrete and practical proposals for institutional design of such institutions. However, I will consider certain institutional solutions in order to address one of the most serious objections to constituting global *demos*: inequality of stakes that different parts of the global populations have on certain issues.

In Chapter 2, I will present an overview of the relevant positions in the literature on global justice, namely cosmopolitan vs. anticosmopolitan arguments and their relevant varieties. In Chapter 3, I examine the so-called boundary problem of democratic theory and its implications for global democracy. Then I examine the three relevant arguments that are extensively used in the literature in order to justify or refute global duties of justice: the coercion- based argument, the pervasive impact/all affected principles argument and the cooperation argument. I also examine the success of these arguments when employed as an argument for global democracy. In Chapter 4, I propose three arguments that can justify the need for some kind of global democratic arrangement: an argument for equal political rights as important aspect of protecting basic rights, an argument for democratic accountability of coercive institutions and an argument from problems of collective global action.

CHAPTER 1 - TO WHOM DO WE OWE DUTIES OF JUSTICE? COSMOPOLITANISM VS. ANTICOSMOPOLITANISM

The literature on cosmopolitanism covers a broad variety of topics and issues. As Garret Wallace and David Held note, issues of literature on cosmopolitanism can be divided in five interrelated topics: global justice, cultural cosmopolitanism, legal cosmopolitanism, political cosmopolitanism and civic cosmopolitanism (Wallace and Held, 2010, 9). These approaches consider prerequisites that generate certain moral obligations on moral level, examining the issue of justice in the light of cultural pluralism, legal arrangements, international political institutions and citizenship.

The issue of global justice, as a special subset of problems of social justice, is probably the most important and most controversial topic among these. The notion of social justice is concerned with the distribution of goods in the single society. The main question of social justice is therefore: what are the duties that members of society owe to each other? The issue of global justice seeks to explore the scope of these duties. It examines if we have special obligations toward the rest of humanity living outside the borders of our country, and what kind of duties we owe to them?

When it comes to the question of scope of justice, there are two most general and opposing moral outlooks that authors usually have: cosmopolitanism and anticosmopolitanism. Cosmopolitanists argue that existence of morally arbitrary inequalities is wrong and it should be corrected on the global level. They usually defend the global scope of justice by invoking two types of arguments. First type of argument is based on the idea of humanity and seeks to

show that morally arbitrary inequalities are wrong, no matter what is their source. Rawls defines morally arbitrary inequalities as those circumstances in our lives that are a matter of brute luck, such as the family one is born into or possession of certain inborn talents. The proponents of this type of argument point out that the fact in which country we happen to be born is morally arbitrary in the same way, and therefore the membership in certain country should not have any moral significance. People should have equal opportunities because of the mere fact that they are human beings and have same moral capacities.

Second type of argument seeks to demonstrate some kind of analogy between the ground of justice on domestic and global level (for example, the fact of social cooperation) and then show how global and domestic levels are sufficiently similar, analogous to apply principles of justice on both of them.

Antic cosmopolitanist view, on the other hand, claims that we owe duties of justice only to our fellow countrymen, because the relationship with them is somehow special in a morally relevant way. The idea is that special relationship with co-citizens is based on some characteristic that generates duties of justice, and which is absent on global level. Put differently, cosmopolitanism holds that there is significant disanalogy between global and domestic level. For example, one can identify social cooperation in the society as the ground of justice and argue that since there is no social cooperation on global level, duties of justice are not applicable globally. This kind of argument must, firstly, provide an explanation how special relations toward our compatriots are really different than general relations with rest of the people, and secondly, it has to prove that this difference is truly morally relevant.

One further helpful distinction has to be made in order to understand the variety of cosmopolitanist arguments. The question of duties of (distributive) justice is different than notion of absolute deprivation that people usually bear in mind when they talk about global inequalities. When we talk about duties of justice, we are concerned with distribution of resources and opportunities in relative term, and not compared with some acceptable threshold which denotes decent standard of living. Therefore, duties of justice should be distinguished from humanitarian duties we have, which are response to poverty, or deprivation in absolute terms. Duties of justice are concerned with global, overall distribution of resources and opportunities; they are a response to relative deprivation. It is possible for societies to be unjust even if no one is suffering.

Some anticosmopolitanists support the view that we do not owe any kind of duties to the rest of the humanity living outside our borders, except of maybe negative duty not to (directly) harm them. However, more popular and plausible view holds that, while we indeed do owe humanitarian duty to aid people outside our borders, we have duties of distributive justice only toward our compatriots. We may fight poverty and guarantee basic human rights, but there is no ground on which we can and should measure and rectify inequalities on global level because conditions for application of duties of justice (relative sense) are not met.

While 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 argument is more sophisticated and poses serious challenge to proponents of global duties of justice. In order to refute this kind of argument we have 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. There are many conditions that are usually being employed as justification for special and exclusive duties of justice toward our conationals, such as the fact of political cooperation, coercion, political participation, political legitimacy and economic cooperation (Caney, 2008). On the other hand, the same argument can sometimes be employed in order to defend opposite positions, such as argument from cooperation.

In the next chapter, I will critically assess three arguments that seem to be most common and most important ones in the discussion between cosmopolitanists and anticosmopolitanists. First, I will consider the argument from coercion, proposed by Blake and Nagel, which claims that what limits the scope of justice to state level is the fact of state coercion. Second, I will consider the pervasive impact theories, which are closely connected with all affected interests principle commonly being used for justifying global democracy. As I already mentioned before, the arguments for duties of justice and constitution of global *demos* are sometimes conflated, and it is necessary to delineate the difference between the two. Third, I will consider the argument from cooperation, generally influenced by Rawls, which is being used for defending both cosmopolitanist and anticosmopolitanist stance.

CHAPTER 2 - THREE ARGUMENTS

Rawls considers the basic structure of society to be the location of justice. Rawls 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” (Rawls, 2005, 258). 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 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 (Abizadeh, 2007). Depending on the position on basic structure we take, we will come to the quite different results when it comes to defining the scope of justice. “Everything turns on what being the subject of justice means, what exactly the basic structure is, and what the justification for the argument’s first premise is.” (Abizadeh, 2007, 6).

When it comes to the content of justice, I believe that we can accept some form of Rawlsian principles of justice as valid ones, regardless of what position we support, cosmopolitan or anticosmopolitan one. I believe that Rawls gives an agreeable account of people’s fundamental interests, or primary goods. 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. As Samuel Freeman points out, the primary

goods are important because they “serve as a basis of comparison and measure of individuals’ level of well-being for purposes of justice” (Freeman, 2007, 478). Some of the primary goods include the basic rights and liberties, income and wealth, powers of office, opportunities, health and so on. Principles of justice are rules according to which these primary goods should be distributed in the society.

I think that Rawlsian principles of justice embody our intuitions about justice, especially on global level, in a quite appropriate manner because they are concerned with ensuring rights and liberties, providing equal opportunities and alleviating inequality. While being attentive to inequality, the principles in the same time 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 I am primarily concerned with the scope of justice.

I will now return to the three above mentioned arguments, and explore which one gives the best account on our intuitions and understanding on social justice. After evaluating each argument, I will explore what are the possible consequences on the scope of justice that each of these arguments entail. 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.

2.1. Who constitutes the demos?

The boundary problem in democratic theory refers to the issue of how we should define the membership in a political community that is relevant for democratic decision making. How should we decide who has the right to membership in a *demos* and who should be excluded? Democratic theory has usually neglected this issue, discussing features of democracy on already established *demos*, whose composition emerged at one point without using some kind of democratic procedure (Miklosi, 2012). The problem is that 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. We cannot limit the *demos* to people who are obliged to comply with the laws, because there are many people, like resident aliens or foreigners who are obliged to do the same, although they do not belong to *demos*.

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 let *demos* to define itself on whatever ground they choose, as Joseph Schumpeter suggests. Although he asserts the view that democracy is only a method and cannot be the final and ultimate goal, he fails to observe that democratic ideal is not only about the method, but also about underlying values that we often relate to democracy (Schumpeter, 1981). As Goodin correctly suggests, following only procedural requirement, the apartheid regime in South Africa could be considered democratic one, which is clearly absurd (Goodin, 2007, 47). We need to explore what are principles that can justify the constitution of global *demos*. In this respect, I will examine how successful the three

arguments are in serving as basis for justification of global democracy. Which of the three principles can be successfully used in 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”?

2.2. Coercion- based argument

According to argument from coercion, proposed by Blake (2001) and Nagel (2005), 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, a 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 coercive power only over its 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 “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.

Although we owe prepolitical or natural duties of justice, such as basic rights, to all the people, regardless of our political relationship with them, we owe duties of justice only to people with whom we share political society, or the state. “What is objectionable is that we should be fellow participants in a collective enterprise of coercively imposed legal and political institutions that generates such arbitrary inequalities” (Nagel, 2005, 128). 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.

In my opinion, 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.

By Blake and Nagel, 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 is not enforced by state power. If we consider the talents that are appreciated in the society, they are mostly not a product of some conscious

policy or decision. The prevailing standard of beauty in each society, for example, is not supported by any kind of intentional and deliberate decision of the state or some particular part of society. Morally arbitrary inequalities are produced by 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.” (Blake, 2001: 272). 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 as the prevailing feature of basic structure, we will have to omit many ways in which basic structure shapes the distribution of advantages and disadvantages that go well beyond and under the scope of the state 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 won’t 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 if we accept the fact that 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 didn’t consciously decide or plan. Although they have humanitarian duties toward other people, states owe duties of justice only to its

citizens because of this special, intended coercive actions toward its citizens that are morally more significant than the mere influence on someone, since they 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 have right to claim a part of 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. It cannot be shown how the facts that no one is directly responsible for and that are not product of anyone's conscious plan could create duties of justice. In this sense, the very idea of social justice loses much of its sense.

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 consist 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 or having power to omit residence to them. Blake's response is that this kind of coercion is qualitatively different from the coercion imposed by the state, because it doesn't 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 fact is simply empirically false.

This can be illustrated by the example that David Miller (2009) employs in order to distinguish coercion from what he calls mere prevention. As an example, 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 doesn't 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 with 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 Abizadeh (2007) correctly notes, since the coercion imposed to non-citizens is not legally defined, state 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 of 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 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 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 to 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?

Furthermore, there are institutional arrangements of states that can seriously affect other countries, without the aim of harming them. Example for this is formation of customs unions and imposing of protective quotas and tariffs on import by developing countries, in order to protect their internal markets and manufacturers, preventing manufacturers from developing countries to compete fairly on their markets. The negotiations on the global issues are being held from unequal bargaining positions and are lacking legitimacy.

If we accept the argument from coercion, that doesn't lead us at all to the conclusion that our duties towards our compatriots 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 compatriots. Such position doesn't 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 we modify it 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) doesn't 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.” (Nagel, 2005,115).

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 Hayek (2007) suggests that it is possible to have liberalism without democracy and the other way around, we can note that systems without 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.

2.3. 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” (Rawls, 1971, 96). If basic structure is primarily important because of its impact, then it would be 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. Therefore, the 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.

G. A. Cohen, one of the proponents of pervasive impact argument, claims that Rawls' account on basic structure is quite obscure, since he uses both a narrow understanding of basic structure (coercive institutions) and a broader one (institutions with pervasive impact). He 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 (Cohen, 1997, 22). Cohen proposes different understanding of the basic structure as "the broad coercive outline of society" (Cohen, 1997, 19). Therefore, individual actions within institutions with pervasive impact on other people's lives should be subject to principles of justice, too. Cohen asserts that "the justice of a society is not exclusively a function of its legislative structure, of its legally imperative rules, but also of the choices people make within those rules." (Cohen, 1997, 9).

An argument similar to Cohen's is also made in attempts to justify the need for constitution of 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” (Goodin, 2007, 43). In order to determine who should have right to participate in this decision of constituting a *demos*, we should already know who is entitled to have a membership in that *demos*, which is nonsense. Therefore, we need a principle which is independent on democratic procedure itself in order to determine the membership in *demos*. This is possible because, as Goodin points out, there are principles that are important for our understanding of democracy, although they do not include explicitly some democratic procedure. Goodin claims that if we consider the principles on which current *demoi* around the world are constituted, we will notice that the principles commonly used are those of territoriality, nationality and history (Goodin, 2007, 48). Those principles are chosen because each of them represents an approximation for principle that underlies all of those principles previously mentioned: 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. (Goodin, 2007, 51) Allowing people’s interests to be represented is the best way to secure these interests being protected. The problem is that *demos* rarely includes everybody that is being affected by its decisions. That becomes especially obvious in today’s intertwined world, in which events occurring at one part of the globe may have substantial impact on the people on the other side of the globe. The effects of global warming, for example, are just one of the examples that support this claim. Therefore, there is a need for what David Miller calls “inclusionary push” (Miller, 2009, 213). We need to include all people whose interests are affected in the *demos*. After considering various phrases in which the all affected principle should be formulated (all actually affected principles, all possibly affected principles, all probably affected interests), Goodin concludes the only option available, not matter which of the formulations we accept, is to radically expand *demos* globally, since it is impossible to limit the effects of the *demos*. “We should

give virtually everyone a vote on virtually everything virtually everywhere in the world.” (Goodin, 2007, 64). Of course, this kind of global decision-making wouldn’t be possible for each and every issue, but it would open the possibility of negotiations and compensations for externalities posed by other *demos* before putting that issue on global agenda.

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.” (Rawls, 1971, 7-8). As Pogge (1989) warns, we shouldn’t confuse the issues of justice with those of morality. While justice is concerned with evaluation of social institutions, morality evaluates individual behaviour. 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 doesn’t entail correction of individual behaviour, 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 mentions as “associations”. (Pogge, 1989).

We can comprehend the difference between institutions and associations by observing some usual processes on the market. For example, we do not expect every action taken by an individual on the market to be inspired by duties of justice, although it affects others. Or, the

fact that someone got a job instead of us clearly affects our interests, but yet, we do not think that person or a company should compensate or give a say in this kind of decision to all the other candidates who applied for that position, or by extension, to their family and other people who depend on their employment. We would consider a refusal of a candidate to be unfair in the case where decision was based on racial or sexual discrimination, but not in the case where candidate was refused because he did not satisfy skill level necessary for performing a job or because there were candidates who were better than him/her. What is important is that people have equal opportunity to get a job, not that they actually get it.

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 behaviour would lead to serious infringement of individual freedom. As Miklosi (2012) 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. For example, prices on the market are not decided by some democratic decision-making procedure, but they are the result of millions of individual actions. However, we consider prices to be fair as long as every person has an equal opportunity to influence price formation. 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.

In the same manner as Cohen, Goodin fails to distinguish between the influence of individual actors and influence of social institutions. Although he acknowledges that *demos* should not be able to decide upon each and every issue that affects its members, he does not provide any criteria of delineation between the types of decisions that are suitable or unsuitable for democratic decision-making. All affected interests principle may entail the obligatory democratic decision-making on internal decisions of associations, which certainly does not coincide with our usual understanding of democratic participation.

I conclude 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, pervasive impact/all affected interests principle happens to diverge from our usual intuitions on fairness.

2.4. 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." (Abizadeh, 2007, 325) 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. In order to clarify this notion a bit further, I will invoke Nozick's famous Wilt Chamberlain example that he uses in order to show that there is no justification for redistribution in the society by using difference principle if we assume that the starting position of everybody was fair.

Nozick imagines society in which goods are justly distributed according to some "pattern". Will Chamberlain, being the best basketball player and great attraction to public, signs a contract with his team according to which he will get twenty- five cents from the price of each ticket sold. People drop twenty-five cents into special box for Chamberlain every time they buy their tickets. At the end of the season, Chamberlain earns a bigger sum than anyone else has. The question is if Chamberlain is entitled to his income, since he acquired it in just transfer of other people, whose holdings were initially justly possessed and who therefore have absolute right to their holdings. Nozick thinks that he absolutely is and no third party can justly claim a portion of money that was transferred to Chamberlain. This example surely is

intuitively persuasive, but let us consider a response that can be given based on broad understanding of basic structure.

Wilt Chamberlain is not entitled to the whole return from his talent, because his talent is not objectively “a talent” outside the appropriate structure of society which assigns benefits to certain inborn trait. We own our talents only partially, since the fact that something is considered to be talent is socially constructed. The mere structure of society, which favors some of the talents and some not, gives a natural endowment a status of talent. If, for example, Wilt Chamberlain was born in a hunter- gatherer society of Bushmen, his talent for excellent basketball playing wouldn’t be considered a talent at all, nor would Chamberlain even be aware of possessing that kind of talent. Talents do not precede the social circumstances. Thus, strictly speaking, we cannot really say that we “deserve” our talents. It is a matter of sheer luck whether we are born with some talent in a society which, by chance, appreciates that talent very much. There is no reason why society couldn’t claim a part of rewards acquired by using the talent. In that sense, it is possible to respect individual freedom without postulating the absolute entitlement of individual on his/her property.

Therefore, 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.

Samuel Freeman's (2007) 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 this 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.

Although there is global level cooperation, there are no institutions from which distributive justice could emerge. This cooperation merely emerges as result of individual state's actions which are not constrained or regulated by some basic institutional structure. Basic structure exists only in sovereign system of political cooperation, the state.

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. As

we have already concluded in the part about pervasive impact/all affected principles, this state of affairs is concerning because people do not have an equal chance to influence on each other's conditions. Contemporary social practices on 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 we can still show 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, it is possible to make examples similar to the Wilt Chamberlain one on global level. If we take as an example a natural resource such as oil, we can notice not only that the possession of this resource in abundance is undeserved by citizens of oil-producing countries, but also that this advantage is 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 otherwise have poor 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 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 is not part of basic institutions but has influence on distribution of benefits and burdens is not the reason to neglect it, but to consider widening the scope of application of principles of justice. The assertion that there is no global basic structure and that all the institutions that currently exist are merely derivatives of sovereign states is not persuasive, since, as Caney points out, “once these international laws, institutions and customs are created they often have a life of their own.” (Caney, 2008, 498). It is possible to further develop the existing global structure. Currently we have institutions of basic structure that do not perform their task of securing the background fairness effectively on global level. As Abizadeh points out, currently we have social coordination or interaction that is not conducted on fair terms of reciprocity, and no social cooperation on fair grounds (Abizadeh, 2007). We have a duty to create fair institutions where they are missing. It doesn’t seem logical to apply principles of justice only on 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 anticosmopolitan position.

Can argument from cooperation be used as a principle for constitution of global *demos*? Although it can be argued that since people can exercise their political rights to vote and be elected to public office on 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 demand for 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. (Wenar, 2008).

2.5. Conclusion

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, coercion and pervasive impact/ all affected interests argument fail in their attempt to dispute and justify the demands of global justice respectively, since they offer 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 it fails to defend coercion as a reason for bringing forth duties of justice, corresponds to intuition about the special features of coercion exercised by sovereign power. Nagel claims that special duties of justice arise when the state exercises its sovereign power over citizens in their name. He asserts that we owe duties of justice only to people with whom we stand in a strong political relation. However, as I have already shown, duties of justice are applicable even in situations where there is no direct coercion. A situation can be unjust even if everybody acted rightly and nobody imposed coercion on anyone else. The fact that sovereign power exercises authority in our name generates the justification for equal consideration and representation of interests in situations when principles of justice do not serve as precise guidelines for action (as in the case of rights protection). In other words, coercion can generate duties for democratically organized institutions established by legitimate states. Nagel is right when he warns about the special coerciveness of sovereign power, since sovereign power has at its disposal coercive instruments different from other institutions, which makes its authority independent from others. This kind of power has to be effectively in control by other levels of governance (national and regional) and by people who are being coerced. Democratic control can be seen as the best way to keep this kind of authority accountable for its actions.

In the next chapter, I will further explore arguments for constituting global *demos*, discussing especially the very important argument for employment of democratic decision-making procedure: solving the problems of collective global action, which often cannot be solved by appealing only to principles of justice.

CHAPTER 3 - THE CASE FOR GLOBAL DEMOCRACY

We have examined the arguments for justice and arguments for democracy separately in the previous chapter. The conclusion was that principle that is successful in justifying justice does not necessarily entails global democracy, and other way around. 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 (2008). 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 organisations. The association of states which relies only on voluntary cooperation of its members would probably be torn between the interests of the most powerful states, and would 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.

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 dispersed enough 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 institution or set of institutions that would be able to force the states to comply if necessary.

3.1. Democratic accountability argument

Imposition of coercive mechanisms demands a creation of effective democratic control of all people who are being coerced. As Miklosi (2012) 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 a legal order that respects human rights and makes fair laws without being democratic in the same time, it is less likely that this would be so in reality

(or at least it never happened by 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 care about is the fairness and rightness of the decision, if the decision corresponds to certain standard. In this case, we care that decision does not violate anyone's rights and does not the least advantaged ones worst off. Similar as in the case of all affected interests principle, the mere fact of being affected, as long as the decision is just, is not problematic. As Miklosi points out: "It requires, by and large, that decisions should be made in such procedures and by such bodies that are most likely to reach the right decisions, where the rightness of the decision is defined independently of the procedure, with reference to some standard of global egalitarian outcomes." (Miklosi, 2012, 22). Therefore, 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.

3.2. *Collective action problems*

However, there are cases in which 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 (1977) distinction between policy and principle to further clarify this point. 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 we do not have a standard according to which we can evaluate the rightness of the outcome of decision- making process. 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, which, 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 (1989) points out, collective action necessarily requires “joint commitment” of participants who consciously contribute to the successful implementation of action. When it comes to collective action problem, the mere fact of having equal chance to influence each other is not enough. Thomas 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 (Christiano, 2003). 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 a good example for this kind of goods. 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 latter 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 a 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 those means. 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.

3.3. Inequality of stakes

Some authors have pointed out the problem of inequality of stakes as a problem in decision-making on global level. When it comes to collective action problems, it is important to have large number of issues so that some people's interests sometimes win, and sometimes lose.

This would enable people to achieve fair compromise by bargaining from the same positions of power, by trading votes between issues of great importance to them and those that are less important (Christiano, 2008). If a community has a large stake on certain issue and the other one has quite small stake, it does not seem fair to give each of them an equal vote in decision-making process. To return to the example that I have previously examined, the stakes of Maldives as the country with lowest average elevation in world are certainly not the same as stakes in decision- making process on reducing carbon emissions of, for example, Nepal.

However, as Christiano notices, the equality of stakes does not have to be equal on every single issue; what is important is that people have something at stake in each decision and equal overall stakes. Christiano argues that this equality of stakes does not occur in international arena when it comes to decision-making on global issues, because it lacks the profound impact on human lives that state/government have with its institutional arrangement. In the same time, international institutions do not represent nearly as important role in the life of an individual, because their decisions are vague and with limited capacity for being enforceable. Although he acknowledges the importance of global issues such as climate change, pollution, extensive international trade and spread of infectious diseases, he asserts that those issues are either of regional importance, do not reach deeply in everyday life and are not properly regulated.

However, if we manage to create the coercive institutional system on global level, inequality of stakes would not be present anymore. The fact is that current inequality of stakes exists not because of the nature of global problems that are limited in their effect or because they do not possess a problem for vast amount of population, but because of the unfair distribution of advantages and disadvantages among societies and subsequently, their unequal capacity to influence on the decision- making. The current problems on global decision-making originate

from inequality of opportunities among people, not from exclusion from global decision-making. Global democracy considered only as a mechanism for solving collective action problems, without achieving prior equality, surely has a gloomy perspective as Christiano suggests. For that reason, global democracy has a chance after solving the issues of global justice.

Global democratic decision-making can also prevent formation of permanent minorities, since it can enable smaller actors to connect and jointly represent some issues they have large stakes in.

Although I already mentioned that I will not consider practical arrangements and difficulties for implementing democracy at global level, I want to make one further point on the objection that someone could pose concerning the issue of inequality of stakes. Someone could argue that inequality among the representatives of countries can still be present if we adopt proportional representation of countries/ regions on the global level. In that case, countries with larger populations will always be in unfair advantage simply in the virtue of large number of its citizens.

Nevertheless, this does not have to be so. In such a large system, it would be very difficult to impose someone's influence all the time. Second, this problem can be solved by creating some kind of system that can provide certain counterbalance to the mere numbers, and can effectively prevent the tyranny of majority. The proposed coercive system of global governance does not have to necessarily consist of single democratically elected body. It can be consisted of several different institutions and some of those institutions can have the role similar to the Senate in the United States system, in which each state has an equal weight in decision- making in order to balance out the influence of proportionally elected Congress.

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 my thesis, 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, I 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.

In my thesis I have provided the arguments for implementation of principles of distributive justice on global level. In this purpose, I have critically assessed three most prominent arguments for/ against global justice and democracy: coercion- based argument, pervasive impact/ all affected principles argument and cooperation based argument. Critical assessment of three standard arguments revealed their weakness when employed to justify the special duties of justice to our compatriots. I pointed out how the proper understanding of basic structure of the society provides a plausible argument for expanding the scope of justice beyond the boundaries of the nation-state. I 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.

I concluded that cooperation- based arguments serves as the most convincing one when it comes to our understanding of justice, since it defines the basic structure of society without

falling in the one of the two extreme interpretations that offers too limited or too broad interpretation of the type of institutions that basic structure is comprised of.

Cooperation-based argument and coercion- based argument managed to serve as a plausible justification for some kind of global democratic governance. Cooperation- based argument provided direct argument for democracy in the sense of providing people with equal political liberties. Coercion- based argument justifies democracy on the global level by claiming that introducing some kind of coercive institution or set of institutions on global level necessary for effective implementation of principles of justice entails the need for democratic control of such institutions. Coercion which is necessarily imposed on global level in order to implement that demand entails representation in order to secure accountability and other benefits of democracy. We can justify the creation of global *demos* in order to secure the accountability of the coercive structures. Although we can imagine guaranteeing rights without democratic decision making (actually, that is precisely one of the issues on which popular voice should not be able to decide upon), democratic control and accountability are proven to be essential in preserving these rights.

Furthermore, I argued that beside the two arguments, there is an additional reason why democratic decision making is sometimes necessary. Democratic decision-making is necessary when it comes to problems of collective action. 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. Some problems of collective actions require some kind of democratic collective global decision-making, since we do not have a standard according to which we can evaluate the rightness of the outcome of decision-making process. Problems of collective action are defined by the situation in which multiple individuals would all benefit from a certain action, which, 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. We need democratic procedure for solving collective action problems on global level. This global democracy assumes however, the global application of principles of global 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.

REFERENCES

1. Abizadeh, Arash. 2007. Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice. *Philosophy & Public Affairs* 35.4 (2007): 318-358.
2. Abizadeh, Arash. 2008. Democratic Theory and Border Coercion. No Right to Unilaterally Control Your Borders. *Political Theory* Vol. 36, No. 1 (2008): 37-65.
3. Abizadeh, Arash. 2010. Democratic Legitimacy and State Coercion: A Reply to David Miller. *Political Theory* Vol. 38, No. 1 (2010): 121-130.
4. Beitz, Charles. 1983. Cosmopolitan Ideals and National Sentiment. *The Journal of Philosophy* Vol. 80, No. 10 (1983): 591-600.
5. Beitz, Charles. 1979. *Political Theory and International Relations*. Princeton: Princeton University Press.
6. Benhabib, Seyla. 2004. *The Rights of Others*. Cambridge: University Press.
7. Blake, Michael. 2001. Distributive Justice, State Coercion, and Autonomy. *Philosophy & Public Affairs* 30 (2001): 257-296.
8. Caney, Simon. 2008. Global distributive justice and the state. *Political Studies* Vol. 56, (2008): 487–518
9. Caney, Simon. 2006. Cosmopolitan Justice and Institutional Design. *Social Theory and Practice* 32:4 (2006): 725-726
10. Christiano, Thomas. 2008. Democratic Legitimacy and International Institutions. (unpublished lecture)
11. Christiano, Thomas. 2008. Democracy. The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), <http://plato.stanford.edu/archives/fall2008/entries/democracy/>.
12. Cohen, G. A. 1997. Where the Action is: On the Site of Distributive Justice. *Philosophy & Public Affairs*, Vol. 26, No. 1 (1997): 3-30
13. Cohen, Joshua and Sabel, Charles. 2006. Extra Rem Publicam Nulla Iustitia? *Philosophy & Public Affairs* 34 (2006): 147- 175.
14. Dworkin, Ronald. 1977. *Taking Rights Seriously*. Cambridge: Harvard University Press.
15. Falk, Richard. 1995. *On Humane Governance: Toward a New Global Politics*. University Park: Pennsylvania State University Press. in Lu, Catherine. 2008. World Government. The Stanford Encyclopaedia of Philosophy (Fall 2008 Edition).

<http://plato.stanford.edu/archives/fall2008/entries/world-government/>

16. Freeman, Samuel. 2007. *Rawls*. New York: Oxford University Press.
17. Fried, Barbara. Wilt Chamberlain Revisited: Nozick's "Justice in Transfer" and the Problem of Market-Based Distribution. *Philosophy & Public Affairs*, Vol. 24, No. 3 (Summer, 1995): 226-245
18. Gilbert, Margaret. 1989. *On Social Facts*. Princeton: Princeton University Press.
19. Goodin, Robert. 2007. Enfranchising All Affected Interests, and Its Alternatives. *Philosophy & Public Affairs* 35 (2007): 40- 68.
20. Goodin, Robert E. 1988. What Is So Special About Our Fellow Countrymen? *Ethics* 98, no. 4 (1988): 663-686.
21. Hayek, Friedrich A. 2007. *The Constitution of Liberty*. London: Routledge.
22. Held, David and Brown, Garret Wallace. 2010. *The Cosmopolitanism Reader*. Cambridge and Malden: Polity Press.
23. Held, David. 1995. *Democracy and the Global Order*. Cambridge: Polity Press.
24. Koenig- Archibugi, Mathias. Is Global Democracy Possible? Paper presented at the Millenium Annual Conference 2008: "Interrogating Democracy in International Relations", London, United Kingdom, 25- 26 October 2008.
25. Kymlicka, Will. 2002. *Contemporary Political Philosophy*. Oxford: Oxford University Press.
26. List, Christian and Koenig-Archibugi, Mathias. 2010. Can There Be a Global Demos? *Philosophy & Public Affairs* 38:1 (2010): 76- 110.
27. Lu, Catherine. 2008. World Government. The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), <http://plato.stanford.edu/archives/fall2008/entries/world-government/>.
28. Miklosi, Zoltan. 2012. Forthcoming in *Social Theory and Practice*.
29. Miller, David. 2009. Democracy's Domain. *Philosophy & Public Affairs* 37:3 (2009): 201- 228.
30. Nagel, Thomas. 2005. The Problem of Global Justice. *Philosophy & Public Affairs* 33 (2005): 113-47.

31. Nozick, Robert. 1999. *Anarchy, State and Utopia*. Oxford&Cambridge: Blackwell Publishers Ltd.
32. Pettit, Philip. 2006. Democracy, National and International. *The Monist* 89:2 (2006): 301-324.
33. Pogge, Thomas. 2008. *World Poverty and Human Rights : Cosmopolitan Responsibilities and Reforms*. Cambridge: Polity Press.
34. Pogge, Thomas. 1992. Cosmopolitanism and Sovereignty. *Ethics*, Vol. 103, No. 1 (1992): 48-75
35. Pogge , Thomas.1989. *Realizing Rawls*. New York: Cornell University Press.
36. Rawls, John. 2005. *Political Liberalism*. New York: Columbia University Press.
37. Rawls, John. 1999. *Law of Peoples*. Cambridge: Harvard University Press.
38. Rawls, John. 1971. *A Theory of Justice*. Cambridge: Harvard University Press.
39. Scanlon Thomas.2004. When Does Equality Matter? (unpublished manuscript).
40. Schumpeter, Joseph A. 1981. *Kapitalizam, socijalizam i demokracija*. Zagreb: Biblioteka Novi svijet.
41. Wenar, Leif. 2008. John Rawls. The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), <http://plato.stanford.edu/archives/fall2008/entries/rawls/> .