The game of global domination

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Acknowledgments

Abstract

The focus of this dissertation is the globalized world of today. As a complex phenomenon, globalization has many and varied effects on our lives. Some of them are paradigmatically negative such as the impact on individual freedom. In this sense, the aim of this dissertation is to contribute to the neo-republican literature by proposing a novel solution to the problem of global domination. By addressing global domination, this dissertation calls for a revised typology of domination in the globalized world. Moreover, ensuring non-domination in a global context requires the creation of a cosmopolitan democratic multi-level system in which individuals would be able to influence and direct the decisions to which they are subjected. I have argued that the institutional form that can meet these requirements is that of network governance.

Resumen

El foco de esta tesis es el mundo globalizado de hoy. La globalización es un fenómeno complejo que tiene muchos y variados efectos en nuestras vidas. Algunos de ellos son paradigmáticamente negativos como lo es el impacto en la libertad individual. En este sentido, el objetivo de esta tesis es contribuir a la literatura neo-republicana proponiendo una solución novedosa al problema de la dominación global. Así, esta tesis aboga por una tipología revisada de dominación, a la vez que reclama que asegurar la no dominación en un contexto global requiere la creación de un sistema democrático cosmopolita multinivel en el que los individuos puedan tener influencia e imponer una dirección relevante sobre las decisiones a las que están sujetos. He sostenido que la forma institucional que puede cumplir con estos requisitos es la de gobernanza en red.

Contents

List of figures

List of tables

Introduction

We live in turbulent times. Global economic crisis, climate change, and pandemics are words we use more and more in our daily lives. We debate whether our loved ones will soon be vaccinated, especially the elderly or those in poor health. We wonder how it is that countries like the United States and Israel have had a massive vaccination campaign, while in other countries, like Paraguay, letters are sent to different governments asking how they can access the vaccine market because their previous attempts to access it have been denied. We wonder who makes the decisions about who gets the vaccines and who does not, or at least not yet. We wonder about the legitimacy of those decisions and our ability to influence and control them. Finally, we may also wonder how it is that a global pandemic still does not have a global solution.

The subject of this dissertation is the globalized world of today. As a complex phenomenon, globalization has many and varied effects on our lives. Some of them are generally considered to be very positive. Think, for example, of global trade. But there are other consequences of globalization (like the spread of the global economic crisis in 2008 and the current pandemic) that are paradigmatically negative. One of these negative effects is also the focus of my work: it is the negative effect that globalization has on individual freedom. Of course, globalization does not have exclusively negative effects on freedom. For one thing, it increases both the factual and economic opportunities to exercise our freedom of movement. The focus of my work here, however, is on the restrictions, or, worse, on the violations of individual freedom caused by the domination that emerges from the circumstances of globalization.

Many scholars of political philosophy, my field of scholarly endeavour, strive to deal with this situation. Most of them agree that the solution, if there is any, is to implement a model of global governance that could effectively protect individual freedom from the negative effects of globalization. Beyond this agreement, however, there is an important and ongoing debate that is composed of different issues and positions. My aim is to contribute to this debate with a constructive critique and a modest but clearly outlined proposal. In this dissertation, I construct and defend a normative model of global governance by dividing the argument into five chapters. Chapter 1 describes the

relevant aspects of the globalized world. Chapter 2 introduces the concept of republican freedom and shows that the institution of the state in the globalized world cannot sufficiently protect its citizens from domination. I then show in Chapter 3 that the current system of international law cannot provide adequate protection for such republican freedom from domination. In Chapter 4, I review some of the republican proposals that demonstrate the above shortcomings, distinguishing two basic republican approaches, the state-centric one and the cosmopolitan one, and I critically evaluate their normative solutions. Finally, against this background, in Chapter 5 I formulate a model for a global institutional design that I believe could fully protect individual freedom in the globalized world if implemented.

In the remainder of this Introduction, I will anticipate some of what will be said in the chapters that follow in order to give the readers of the dissertation a somewhat broader picture of my aims. In order to facilitate comprehension, I will also use this space to introduce (initial) definitions of key terms and highlight the joints of my argument.

1. Globalization poses a challenge to freedom as non-domination

Whatever the definition of globalization one has in mind, it is clear that globalization has changed the geography of international relations. It is causing a social reorganization of actors and relationships that challenges the traditional relationships of international law between states and international organizations, international non-governmental organizations, standard-setters and other hybrid regulatory bodies, among others. Globalization enables traditional and novel, non-traditional actors to interact and produce decisions, rules or norms. Most decisions and rules created by the global actors have some impact on our lives, though they are mainly created without any participation or control by the people, as in the case of the distribution of vaccines against COVID-19 or in the case of decisions made regarding the fight against climate change, for example. Other decisions are made by traditional actors, such as states, but their impact goes beyond their borders and interferes in the lives of people who are not their citizens. Consider the potential impact of the Japanese government's decision to release into the sea the treated water from the Fukushima nuclear power plant site. In sum, new

powerful actors and new forms of governance emerge without mechanisms of participation and control of peoples and/or states, compromising individual freedom. Globalization also spreads problems such as drug trafficking, financial flows and global risks, including the current pandemic and climate change. The above effects of globalization focus on the ability of states to be relevant decision makers, while at the same time it becomes clear that other actors, distinct from states and international organizations, are regulating more and more aspects of our lives. This leads us to the following question: Is it (still) possible for people to retain some capacity for influence and control? Normative debates about freedom have mostly remained limited to the context of the state. However, the world as it is not only about states (Archibugi 2008). Instead, it is also about the global governance of private organizations, corporations, international organizations, hybrid global actors and their interactions. In short, the world has become far more complex than it used to be.

I think the best way to account for this complexity for my current purposes is by introducing the idea of the 'circumstances of global domination', that is, an idea adapted from Waldron's discussion of the 'circumstances of politics' (hereafter CP), which is itself an adaptation of Rawls's discussion of the 'circumstances of justice' (CJ):

> 'The circumstances of justice are those aspects of the human condition, such as moderate scarcity [CJ_1] and the limited altruism of individuals [CJ_2], which make justice as a virtue and a practice both possible and necessary (Rawls 1971: 126-130). We may say, along similar lines, that the felt need among the members of a certain group for a common framework or decision or course of action on some matter [CP_1], even in the face of disagreement about what that framework or decision or course of action should be [CP_2], are the circumstances of politics' (Waldron 1999: 102; emphasis eliminated).

While the circumstances of justice and those of politics come in pairs, there are *three circumstance of global domination*:

(1) a globalized world,

(2) an unequal distribution of power among various global actors, and

(3) the coexistence of undominating democratic actors and dominators.

Like scarcity and limited altruism in the case of justice, or disagreement and the need for a concerted course of action in the case of politics, a globalized world inhabited by democrats and dominators with an unequal distribution of power makes *the game of global domination* from the title of this dissertation both possible and necessary. Indeed, the opposition of dominators and democrats would not give rise to the game in question if the world was not globalized or the power distributed unequally among a number of global actors; and the globalization with unequal distribution of power would not matter if every powerholder was a democrat (just as it would not matter if they were all dominators). This is not to say that globalization would stop having negative effects on individual freedom if everyone was a democrat (or a dominator). What I mean is that we would be speaking of a very different game in the absence of the third circumstance – i.e. not the game I am calling your attention to in this work on individual freedom in a globalized world.

In the last two decades, neo-republicanism has emerged as a contender to the liberal understanding of freedom. With the work of scholars such as Philip Pettit and Quentin Skinner, the focus changed from freedom as non-interference to freedom as the absence of uncontrolled interference or domination, as they say. Freedom is not a predicate of actions, it is rather a status of persons capable of living as they please by virtue of not being subject to the will of anyone else. Accordingly, individuals are deemed to be free when they are protected from the capacity of others to exert arbitrary control over their lives and their choices. Despite this development of the concept of freedom, it was only 15 years ago that neo-republicanism became concerned with protecting people's freedom from the domination that occurs because of globalization.

Domination is an evil we must avoid. Many theorists have developed different proposals for avoiding it and achieving individual freedom from domination. However, the kind of domination that is generated or caused by globalization, is still a new and open problem, even though it has received more and more attention by republican scholars in the recent years. The problem I want to address in this dissertation is that while it seems possible to avoid domination in a republic using the tools provided by the standard theory of freedom as non-domination, it is not possible to avoid global domination by the proposal developed by such standard theory for the international sphere, which I equate to the

theory of Philip Pettit. This is so because of the complexity of the global order, which entails new forms of global domination, that a state-centric views such as that advocated by Pettit is not able to prevent.

Global domination is an everyday problem that compromises our freedom. Some may think that because it is usually brought about by international action, it is alien to our daily lives. However, this is far from being the case. Let us return to the problem of contemporary climate change. This is decidedly one of the more pressing issues affecting our lives. It affects the weather in the places where we live, the scheduling of crop seasons - and spoils crops from time to time, it affects sea levels, benefiting areas that are 'gaining land' like Siberia, and hurting people who live on islands that are increasingly submerged, as is the case of the Tuvalu Islands. Although there is no agreement on the circumstances causing climate change, we can attribute it - at least in part - to the actions of humanity causing increased deforestation and generating greenhouse gasses such as carbon dioxide and methane in increasing quantities through the production and use of carbon-based energy. Climate change is a complex natural phenomenon, but it is caused or at least accelerated by our collective behavior. It cannot be attributed to a single actor and a single actor, such as a state, cannot prevent the domination that it causes to its citizens. So, the question arises of whether the tools of the standard theory of freedom as non-domination are enough to capture and avoid domination generated by climate change 'producers' or 'accelerators'. Does freedom as non-domination capture the complex geography of actors and relationships that globalization represents?

The theory of freedom as non-domination points out that in order not to be dominated, individuals must be able to shape and reshape the rules that govern them. In the context of a state, people can channel their demands through various mechanisms, such as elections or referendums. However, in *the world as it is*, this does not seem possible because of (1) the quantity and diversity of actors, (2) the inability of the state itself to prevent domination, and (3) the lack of instances of global participation and control.

2. States are unable to prevent domination

Globalization poses new threats to people's freedom, and, as I noted above, global domination is a novel and current problem. Because Philip Pettit offers the most comprehensive account of neo-republican freedom and has dealt extensively with the problem of global domination, this dissertation will focus primarily on his work, but will also incorporate the valuable insights of some contemporary republicans. Pettit succinctly outlines one component of the problem connected with the circumstances of global domination when he argues that 'If such a state were dominated by an outside agency, then its citizens would also be dominated by that agency, since any restrictions at the level of the state would inevitably involve restrictions on their democratic lives. And so we see that the ideal of the free person or citizen requires that the state that protects people against private domination ought to be, not only internally undominating, but externally undominated as well' (Pettit 2014: 151). Skinner sums up this argument in a few words: 'it is possible to live and act as a free man if and only if you live in a free state' (Skinner 2010: 99). This view makes sense to republicans because they assume that I am free under the laws I help to make, the laws to which I submit, and the only existing political entity that can provide an adequate framework for it today is the state (Skinner 2010). Moreover, in standard republican theory, you are free if two conditions are met: You live in a representative state, and your state is able to avoid the kind of domination that can be exerted by a variety of international actors, including other states, institutions like the World Bank and International Monetary Fund, governance institutions like the European Union, and multinational corporations, that is, external domination.

While Pettit offers us a plausible theory of freedom as non-domination for the global realm, I will argue that this needs to be amended in order to effectively secure non-domination. This is so for a number of reasons, but mainly because his approach describes and relies on states as the primary actors and guardians from the arbitrary interference generated in the overarching global infrastructure. Indeed, the proposed separation between internal and external domination that is central to Pettit's view is also problematic. But why is it problematic to rely only on states to secure freedom as non-domination? Why is it problematic to distinguish between internal and external

domination? It is problematic to rely on states to avoid domination for several reasons, but I will mention two here: (i) there is domination that passes through state borders and dominates its citizens, and (ii) states are not able to prevent all types of domination, for example, domination that comes from large global technological companies. Now I come to the next answer: The distinction between internal and external domination is problematic because it is based on a bipartite typology with public and private actors. This bipartite typology, as used in standard theory, has a blind spot that is increasingly relevant globally: It leaves aside the domination that can be exerted by hybrid actors. It is important to be clear that although I will argue that domination can pass through state borders, and I will criticize the standard theory for its blind spot, this does not mean that Pettit is indifferent or unconcerned with the ways in which individuals can suffer domination by external alien control.

While in this dissertation I will both criticize and amend Pettit's theory of global domination, I will primarily argue that the only satisfactory way to secure freedom from non-domination is to establish global democracy, conceived in a specific cosmopolitan sense. Global democracy so understood will be able to prevent domination because it will provide instances of participation and control that allow people to live under their own terms. However, the possibility of implementing a global democracy in which all individuals have a voice leads us to another problem with standard republican theory: it is limited to representative states. In fact, Pettit's proposal would require representative states to agree to a set of multilateral arrangements that would create a global framework to prevent domination. The issue is important if we believe that states, in their current or some other form, still play a valuable role in the global order. But how can we transform unrepresentative states into representative ones? I will argue that in some cases international intervention might do the job, and that there are some forms it might take going forward, so that the interference it might exert will not be a dominating one.

3. Individuals cannot shape and reshape the rules that affect them

It is a general truth that all republicans are committed with the ideal of avoiding domination. Indeed, we can agree that all republicans hold a moral cosmopolitan view -

normative individualism, universality, and generality- in the sense that they believe that every moral agent has the same claim to non-domination. They differ, however, in terms of their institutional proposals: not all republicans are institutional and political/legal cosmopolitans. This difference affects how global democracy is understood and designed. For example, I mentioned above that one of the problems that the circumstances of global domination present for individuals is that they cannot shape and reshape the rules that affect them, and that this situation leads to domination. I also mentioned that global democracy is fit to avoid domination. But the specific institutions that characterize an ideal legitimate world order will differ greatly depending on whether or not we subscribe to institutional cosmopolitanism. Those republicans who disagree with institutional cosmopolitanism generally advocate a state-centric approach, that is, they rely primarily on the state's ability to prevent global domination. On the other hand, those who endorse institutional cosmopolitanism propose a multi-level system of global democracy. This leads us to introduce two notions of global democracy. One of them can apply to both state-centric republicans and republican cosmopolitans: A *global democracy broadly understood* is a democracy that extends to the whole world, or across state borders, or beyond states, etc. But then there is also a narrow notion of global democracy that only fits for republican cosmopolitans. A *narrow global democracy* implies, then, a cosmopolitan and institutionally thicker notion. Global democracy, in this particular version, is (i) a democracy that extends to the whole world or across state borders or beyond states, and (ii) concerns decisions on global politics or, more precisely, decisions on issues of global relevance made by a system of (centralized or decentralized) global institutions authorized to enact global laws that allow ultimate popular control under conditions of political equality, deliberative contestability, and protection of human rights.

Throughout this dissertation, I will adopt a republican cosmopolitan democratic view because, as I will explain, addressing the circumstances of global domination and securing an internationally legitimate political framework requires the creation of a multi-level system of governance in which individuals enjoy the possibility of participation through deliberation and also control over the decisions that affect their lives. The challenge that the republican cosmopolitan view faces is to reconfigure the global political system as an interactive and networked deliberative polyarchy in a way that is democratically legitimate. In this sense, a cosmopolitan account offers several

advantages, such as the possibility of extending an institutional design to the global sphere without presupposing the primary role of states, and it entails for individuals a sense of being members of a global community linked by the bond of shared humanity. However, there are a number of problems that need to be addressed, particularly these two: How to build a decentralized account while avoiding the problems of disconnection and overlapping that some cosmopolitan proposals have, and, how to identify relevant actors and involve them in the global decision-making processes,

Indeed, the emerging proposals for a republican cosmopolitan democracy are based mainly on a transnational *demoi*-cracy (Bohman 2007), a transnational democracy (Dryzek 1999, 2008), and a model based on a global republic (Martí 2010) with a global parliament. I will put the focus on Bohman's account and his proposal to create a multiplicity of institutions and overlapping political communities, which is not without problems. In particular, one should answer the following questions: How to manage and regulate the interaction in a multi-level system of *demoi,* and how are the interactions between the *demoi* regulated to avoid an overlapping problem?

4. The challenge of networks

Centrally, it seems unlikely that we will ever be able to develop a global democracy if we fail in our attempt to address the problem of domination. In order to overcome the above problems, we need to ensure that individuals are able to exert direction and control over the interference generated by different actors. In this sense, a neo-republican theory of freedom as non-domination is best suited to offer a blueprint for global democracy, one that focuses on the dispersion of power through network governance, a network composed of various nodes of participation, representation, and contestation. In doing so, I will argue for an extension of Pettit's theory of domestic legitimacy to the global level, focusing on the design of a global governance network. With this goal in mind, we must be guided by our normative vision of freedom as non-domination, our ideal of free people living in a world made up of legitimate actors. As Pettit (2014) mentioned, we need some kind of moral compass to guide us in this complex world, a compass that allows us to rethink the foundations of republican, cosmopolitan institutions. In general, any proposal to reform existing institutions or

create new ones must aim to avoid those forms of government that lead to domination in order to secure freedom. As I will explain, the institutional form that prevents domination is the network because it avoids the concentration of power and creates entry points for people's participation - nodes of participation - while being compatible with some representative institutions and nodes of popular contestation. It leads to *the world as it ought to be*.

5. The structure of the dissertation

This dissertation will be developed across five chapters. Here I will briefly outline the main aim and general structure of each chapter to highlight its contribution to the overall thesis. As mentioned earlier, this thesis argues that the negative effects of globalization on individual freedom could be avoided, or at least mitigated, if we reformed global institutional design in accordance with the principles of republican cosmopolitanism.

In Chapter 1 (*The world as it is*) I will present the relevant aspects of the globalized world we live in: beginning with the process of globalization (including its definition, causal explanation, and characterization), moving on to the main types of global actors and the relations between them, and concluding with globalized risks and a concrete example of the victims of globalization (the case of the Tuvalu Islands and their people). Put differently, Chapter 1 will introduce the first, factual set of the circumstances of global domination mentioned earlier.

Then, in Chapter 2 (*Freedom under the conditions of globalization*) I will add another piece to the puzzle by addressing the notion of individual freedom. In particular, I will first introduce the standard republican theory of freedom as non-domination (and compare it with preceding conceptions). Next, I will analyze a series of dominating relations using said theory to illustrate two problems (theoretical blind-spots and lack of practical remedies). Finally, I will amend the theory with a revised typology of dominating relations in the globalized world to avoid those problems at the level of analysis. The main message of Chapter 2, however, is that states are unable to protect individuals from the perils of globalization on their own.

Chapter 3 (*State domination and the global order*) then turns to cooperation between states and the possibility of international protection of individual freedom. It argues that the current (state-centric) system of international law cannot provide sufficient protection for individual freedom in the globalized world. Indeed, I show that only a legitimate system could provide such protection, but the current system lacks legitimacy because it consists of a large number of unrepresentative states that dominate their own people. Consequently, the chapter discusses the moral standing of international interventions aimed at protecting the people of unrepresentative states from state domination and asks what should happen to unrepresentative states in the global institutional design.

At this point we will have covered globalization, individual freedom as non-domination, and the role of states in both domination and protection of individual freedom in the globalized world. On this basis, Chapter 4 (*The world as it might be*) begins to paint a larger picture by arguing that republicans should embrace cosmopolitanism to overcome domination through democratic means of global governance. To this end, I first consider, compare, and evaluate two versions of republicanism: state-centric and cosmopolitan. I argue that both are problematic, and I advocate for a revised version of republican cosmopolitanism. This provides the theoretical foundation for the fifth and final chapter of the dissertation.

In Chapter 5 (*The world as it ought to be*) I use the amended theory of republican cosmopolitanism to formulate a model for a global institutional design that I believe could fully protect individual freedom in the globalized world if implemented. In the first part of the chapter, I present the basic characteristics of such a model (pluralistic authority, dispersion of power, demoi-cratic network governance), and then in the second part of the chapter I highlight the central role it gives to individual participation. Finally, I identify two intermediate steps our current democratic institutions should take to facilitate the challenging tasks of building the model here proposed.

Chapter 1

The world as it is

Factual circumstances of global domination

It has been said that arguing against globalization is like arguing against the laws of gravity.

Kofi Annan

1. Introduction

The subject of this chapter is the globalized world as the first, factual circumstance of global domination. More precisely, the chapter focuses on the interdependence of all types of global actors which emerges from the process of globalization. This is why the text below offers a definition of globalization and interdependence, as well as a presentation of various types of global actors and the relations among them.

The goal of this dissertation is to show how to protect our freedom from domination. To this end, I will first explain that domination does not emanate exclusively from states and that we must therefore broaden our perspective to bring other dominating actors into focus. The transition from the idea of the state as the main (if not the only) source of domination to the idea that domination can be exercised by other actors beyond state borders requires an understanding of the phenomenon of globalization. Globalization confronts us with old and new challenges that create insecurity among people because we lack the appropriate institutions to deal with them. For this reason, the phenomenon of globalization provides us with contextual reasons that explain why domination occurs in a broader scenario than the traditional form, that is, beyond the state. I will call this the circumstances of global domination.

Having said that, the question that leads this chapter is how globalization may influence individual freedom. My aim is to show that globalization restricts individual freedom to the extent that it brings new threats to freedom. As I will show at the concluding part of this chapter (Section 5), freedom is affected in two ways: (i) by the internal dynamics of

globalization as a phenomenon (the growth of transnational relations beyond state control or human activity organized on a global scale); and (ii) by the development of new institutional and mostly private forms of global organisation in response to this phenomenon, such as transnational corporations (hereinafter: TNCs). A clear understanding of how the globalized world works is needed. I will offer such an understanding in the next three sections dedicated to the concept of globalization (Section 2), the multiplicity of global actors and relations (Section 3), and a concrete example of the effects these have on individual freedom (Section 4).

Section 2 (*Conditions and characteristics of globalization*) presents different views of what globalization is and how it works, what causes it and what are its main characteristics today. As I will explain, a satisfactory definition must cover four basic elements that can be derived from the most informed views of what globalization is. Following Held *et al.* (1999), these elements are: (i) the extensity, (ii) the intensity, (iii) the velocity, and (iv) the impact of the phenomenon in question. Furthermore, a satisfactory definition of globalization must emphasize the importance of (v) the interconnections between the various levels of power, ranging from the local, sub-state level to the global level. In order to clarify the concept of globalization, I will distinguish it from other phenomena that lie in the vicinity of globalization, to wit: internationalization, integration and interdependence.

Section 3 (*Actors and relations of globalization*) provides an account of the main types of actors, public, private and hybrid, that operate in the circumstances of global domination. To this end, I will describe the traditional actors of the global sphere together with the non-traditional actors that have emerged in recent decades and are gaining increasing influence in world politics. Section 3 thus offers a map that shows how some important decisions are made by certain actors without giving the opportunity to peoples and states to participate in the elaboration of them and to control them. This section also maps the different kinds of relationships in which these actors can become involved with one another, creating dynamics that transcend state borders and new forms of transnational regulation.

Subsequently, Section 4 (*Victims of globalization*) opens by showing how an understanding of globalization informs our strategies to address global risks even when

these are not caused by globalization itself. The section then turns to an example that illustrates diverse power relations that globalization creates between different types of both traditional and non-traditional actors at various levels. The example is meant to show how new powerful actors and new forms of regulation emerge with no mechanisms of participation and control of peoples and/or states. Consequently, individual freedom is affected in at least two ways: first, the opacity with which decisions are made affects people's lives; and second, individual freedom is affected because people do not participate in or have control over global decision-making by typical and atypical international actors. Section five will conclude.

Having anticipated the structure of my argument in this chapter, we can now turn to its point of departure, which is the concept of globalization.

2. Conditions and causes of globalization

Let me set the tone of the argument by briefly recalling two recent stories from the 'world news' sections of the mass media.

First. From 17 November 2018 until today, the French national movement *Gilets jaunes* has been protesting against the rise of petrol prices, against the loss of purchasing power, against the neglect of rural areas, in short against the globalized economic model. On 1 December 2018, violent riots broke out on the Avenue des Champs-Élysées in Paris: shops were looted, cars burned, and police officers attacked. Even though President Macron called citizens to a great national debate after these riots, the protest came back to the streets as of September 2019. All in all, the protests have attracted more than 300,000 people across France. 11 people died in these protests, approximately 4,000 people were injured and 12,000 or so were arrested. All this is being reported in real time to people from all over the world who are listening to the radio, reading newspapers, watching television or simply surfing the Internet.

Second. From 18 to 22 July 2001 the city of Genoa in Italy hosted the 27th summit of the Group of Eight, or G8 for short. At the same time, a so-called counter-summit was organized there by the anti-globalization movement. Hundreds of people

were arrested, hundreds more were injured and a young anarchist, Carlo Giuliani, ended up dead. At the counter-summit, it was claimed that the G8 summit of heads of state and government was illegitimate because only a small group of powerful people would make decisions that would affect and condition the lives of many who did not participate in the G8 and were not represented either. Again, all this was witnessed in real time by many people across the globe who were listening to the radio, reading newspapers, watching television or browsing the Internet.

These two stories refer to people who feel strongly affected by political and economic causes far beyond their control. There are thousands of other examples to the same effect from almost every region of the world. Some of the examples are negative, like the ones I have described; others are positive. However, they all increase the interest of the population in the following questions: *What is globalization? How does it work?*[1]

An answer to these questions is the main objective of this section. Although 'globalization' is one of the trending words in recent decades, it is difficult to find a unanimous definition of it. Still, there seems to be wide consensus on what it implies: the increase in diverse and varied interactions and relations of interdependence. This increase may have been triggered spontaneously or non-spontaneously, or both. Some of the historians working on this subject seem to make the latter case, that it is spontaneous, by stressing, for example, that globalization is a very old phenomenon which began with migrations of people settling new lands, building empires or searching new trade routes for work (see Held *et al.* 1999: 484; Modelski 2003). Some other scholars claim that globalization started with the intensification of the interconnections between countries over the last 500 years (Scholte 2003: 84). These latter scholars form a larger group of those who describe globalization primarily as a phenomenon of modernity (McNeill 1995; Roudometof and Robertson 1995; Bentley 1996; Frank and Gills 1996). Others understand globalization as a contemporary phenomenon that has been triggered, non-spontaneously, as part of a neoliberal world project with the aim of justifying and legitimizing it (see Gordon 1988; Hirst 1997; Hirst & Thompson 1992; Hoogvelt 1997, Petras and Veltmeyer 2001). I will not engage in this debate about the

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[1] According to Beck (2000), the first question was perhaps first raised in the mass media in relation to the riots triggered by the World Trade Organization meeting in Seattle in 1989.

temporal origins of globalization. Instead, I will take the end of the Second World War as a starting point in describing this phenomenon.

Since the end of the Second World War, and during the Cold War, the world could be described as a multilateral international order in which states, especially the two most powerful ones in a bipolar global power structure, helped in building international organizations and the entire international legal system we have today (Hale and Held 2012). After the Cold War, however, new centers and networks of power are emerging (see Kissinger 1994; Nye 1992 and 2002; Sullivan 1990; Waltz 1979). This emergence of new centers and networks of power represents the point of departure for a transformation of the global power structure (Held 1995). Three situations can be distinguished in this new structure. *First*, the rise of new superpowers - such as Germany and Japan, and later on China and India, among others. *Second*, the decay of legitimacy of the entire system of the United Nations Organization, undoubtedly the most relevant datum from the point of view of the international order. *Third*, the emergence of new, powerful, global actors that are neither states nor Intergovernmental Organizations (hereinafter: IGOs). The latter took place in the late 20th century, when states started to share their power with agencies and organizations other than the IGOs known from the past (McGrew and Lewis 1992).

Even before the end of the Cold War, and in particular from the 1970s, an endless amount of literature (see, for instance, Modelski 1972) has been trying to describe the phenomenon of globalization. Some used a different name for it, like 'modernization' (Morse 1976), and some described the same patterns and changes in the world without giving the phenomenon a specific name. After the end of the Cold War, however, towards the end of the 1990s, these earlier reflections finally crystallized into a certain concept of globalization (for the most relevant literature, see Giddens 1998, 2000, 2003; Ruggie 1982, 1992, 2001; Held 1995a, 1995b, 1997a, 1997b, 2004, 2009, 2010; Held and Koenig-Archibugi 2003; Held and McGrew 2000, 2003, 2007; McGrew 2008; Perraton 2000, 2001, 2019; Scholte 2002, 2004a, 2004b, 2005, 2011, 2014).

Let me first present a *definition* of globalization and distinguish it from three phenomena that lie in its vicinity (2.1), before I introduce a causal explanation of globalization and present some of its most distinctive (though contingent) manifestations (2.2).

2.1. Definitions

This subsection aims to show that globalization must clearly be distinguished from internationalization, integration and interdependence, even though the four phenomena may coincide and are often confused.

2.1.1. Globalization: a world-changing phenomenon

As I have said, there are many definitions of globalization. Let me adopt the one I find most useful for the purposes of this dissertation:

> 'Globalization is a process (or a set of processes) which embodies a transformation in the spatial organization of social relations and transactions - assessed in terms of their extensity, intensity, velocity and impact - generating transcontinental or interregional flows and networks of activity, interaction, and the exercise of power.' (Held *et al.* 1999: 16).

This definition is authored by David Held *et al.* (1999). It reflects the complexity and multidimensionality of the phenomenon it denotes.[2] For reasons of clarity, let me decompose it into two parts before we compare it with other definitions in the market of ideas.

Let me therefore pause first at the four *terms* ('extensity', 'intensity', 'velocity' and 'impact') that serve to assess a) the *social and economic relations* (i.e. transactions) affected by b) the *spatial organization* resulting from c) the *transformative process* called 'globalization'.

1) *'Extensity'* stands for 'a *stretching* of social, political and economic activities across frontiers such that events, decisions and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe (Held *et al.* 1999: 15).' In this sense, extensity embodies

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[2] But see also Espósito 1997.

'transregional interconnectedness,' the 'widening reach' of networks of social activity and power, and the possibility of 'action at a distance.'

2) *'Intensity'*, by contrast, denotes the regularity of transborder connections. In other words, these connections are not just occasional or random. Instead, there is 'a detectable intensification, or growing magnitude, of interconnectedness, patterns of interaction and flows which transcend the constituent societies and states of the world order (Held *et al.* 1999: 15).'

3) With *'velocity'*, Held *et al.* refer to 'a speeding up of global interactions and processes.' According to the authors, this 'speeding up' may result from the growing extensity and intensity of global interconnectedness 'as the development of worldwide systems of transport and communications increase the potential velocity of the global diffusion of ideas, goods, information, capital and people' (Held *et al.* 1999: 15).

4) Finally, the *'impact'* the authors refer to in the definition of globalization is the impact of 'distant events.' Their impact is magnified because of 'a deepening enmeshment of the local and global', which potentially results from the growing extensity, intensity and velocity of global interactions. Consequently, 'the boundaries between domestic matters and global affairs may be blurred' and 'even the most local developments may come to have enormous global consequences' (Held *et al.* 1999: 15).

Now that we have specified the sense in which globalization as a transformative (set of) process(es) *changes* the spatial organization of social relations and transactions (that is, by affecting their extensity, intensity, velocity and impact), we can turn to the second part of our definition of globalization.

According to Held *et al.* (1999: 16), as the quote above reveals, this change or transformation in the spatial organization of social relations and transactions generates flows and networks of a) activity, b) interaction and c) the exercise of power, all of which spread across regions and continents. As a consequence of these 'transcontinental or interregional flows and networks of … the exercise of power' (Held *et al.* 1999: 15),

state authority is changing and the division between the domestic political sphere—which is represented mainly by the state—and the foreign political sphere—which is represented by the international, transnational and global sphere—is becoming increasingly blurred (Held 2014: 494).

That having been said, we should add that the authors of our definition locate globalization as 'a process which embodies a transformation in the spatial organization of social relations and transactions' on a sort of a *continuum* with the local, national and regional levels:

> 'At one end of the continuum lie social and economic relations and networks which are organized on a local and/or national basis. At the other end lie social and economic relations and networks which crystallize on the wider scale of regional and global interactions. Globalization can be taken to refer to those spatio-temporal processes of change which underpin a transformation in the organization of human affairs by linking together and expanding human activity across regions and continents. Without reference to such expansive spatial connections, there can be no clear or coherent formulation of this term. ... A satisfactory definition of globalization must capture each of these elements: extensity (stretching), intensity, velocity and impact' (Held *et al.* 1999: 14–15).

Held *et al.* (1999) call all those authors who agree with them in adopting this perspective *transformationalists* (e.g., Rosenau 1997, Giddens 2000, Scholte 2000, and Sassen 2006). Transformationalists do not believe that everything is global, but they neither believe that the sovereignty of the states continues without alterations (Held *et al.* 1999: 7). Visions other than the transformationalist view are the *hyperglobalist* view and the *sceptic* view. On the one hand, *hyperglobalists* recognize that globalization is a real phenomenon (see Guéhenno 1995; Ohmae 1995; Strange 1996). They put the focus on qualitative changes in relations and interactions, especially on economic ones because they place emphasis on economic forces as the source of globalization. The *sceptics*, on the other hand, basically argue that globalization is a myth (see Krasner 1993, 1995; Huntington 1996; Hirst and Thompson 1996a, 1996b; Krugman 1996). Table 1 on the next page summarizes the differences.

CONCEPTUALIZING GLOBALIZATION: THREE TENDENCIES

	Hyperglobalists	**Sceptics**	**Transformationalists**
What's new?	A global age	Trading bloc, weaker geogovernance than in earlier periods	Historically unprecedented levels of global interconnectedness
Dominant features	Global capitalism, global governance, global civil society	World less interdependent than in 1890s	'Thick' (intensive and extensive) globalization
Power of national governments	Declining or eroding	Reinforced or enhanced	Reconstituted, restructured
Driving forces of globalization	Capitalism and technology	States and markets	Combined forces of modernity
Pattern of stratification	Erosion of old hierarchies	Increased marginalization of South	New architecture of world order
Dominant motif	McDonalds, Madonna, etc.	National interest	Transformations of political community
Conceptualization of globalization	As a reordering of the framework of human action	As internationalization and regionalization	As the reordering of interregional relations and action at a distance
Historical trajectory	Global civilization	Regional blocs/clash of civilizations	Indeterminate: global integration and fragmentation
Summary argument	The end of the nation-state	Internationalization depends on state acquiescence and support	Globalization transforming state power and world politics

Table 1: *Conceptualizing globalization: three tendencies*
(Source: Held *et. al.* 1999: 10)

The transformationalist positioning of globalization on a continuum with the local, national and regional levels implies that the state is no longer the unique source of power. Even though the state is still relevant, its power overlaps with that of authorities

located at the other levels. Thus, this conceptualization of globalization helps to highlight the changes in authority and regulatory power that I am interested in in this dissertation. That having been said, the conceptualization offered by Held *et al.* (1999) is not the only transformationalist answer to the question of what globalization is. The efforts to conceptualize globalization bring together scholars with different backgrounds and objectives (see at least Ohmae 1995; Wrinston 1992; Guéhenno 1995; Reich 1991; Greider 1997; Strange 1996; Cox 1997; Perlmuter 1991; Gill 1995; Hirst 1997; Hirst and Thompson 1996a, 1996b; Ruigrok and Tulder 1995; Boyer and Drache 1996; Gordon 1988; Weiss 1998; Gilpin 1987; Callinicos 1994; Thompson and Allen 1997; Huntington 1996; Krasner 1993, 1995; Giddens 1990; Scholte 1993; Castells 1996; Rosenau 1990, 1997; Cammilleri and Falk 1992; Ruggie 1993; Sassen 1996; Mann 1997; Hoogvelt 1997; Murphy 1996; Keohane 1995; Held 1991, 1999; and Held and McGrew 1995). Most of them agree on some of the core elements mentioned above, such as the increasing interdependence and the intertwining of societies in the face of the technological and scientific advances that make globalization possible. However, many advance different views on the phenomenon in question.

McGrew and Lewis, for example, emphasize that globalization is a process with a multiplicity of links and interconnections between, across, and beyond states and other international actors that shape the modern world system (McGrew and Lewis 1992: 23). Giddens adds that this multiplicity of links and interconnections refers to a stretching process of connections between different social contexts, which is networked as a whole (Giddens 2003: 60). He also offers a different definition of globalization. For him, globalization is 'an intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa' (Giddens 2003: 60). These social relations are not limited to states, but also include local relations such as the ones that a group of cities might establish. Reducing social relations to those that states have with each other and with international organizations covers only a part of what globalization implies: namely, international relations and the coordination of states (Giddens 2003: 61). Scholte (2003: 84-88) also gives at least five definitions of globalization, all of which are compatible with a territorial construction of social space.[3] Even though, as Held and McGrew (2003: 67)

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[3] Scholte (2000, 2005) distinguishes five conceptions of globalization. Even when those conceptions are in some ways interrelated there is *globalization in terms of internationalization*, when the word "global" is

explain, conceptualized globalization could be seen at first simply as a process of global interconnection which goes faster, deeper and wider, analytical precision is needed to look for what is global in the concept of globalization (Scholte 2000). For this reason, the following subsection of this chapter has the objective of establishing clear distinctions between globalization, internationalization, integration and interdependence.

2.1.2. Internationalization, integration and interdependence

Part of the literature uses 'internationalization', 'integration', and 'interdependence' as synonyms of the term 'globalization' (Held and McGrew 1999: 28).[4] For our purposes, however, these terms should be clearly distinguished, since even though they are certainly interconnected, they are definitely not synonymous (see Scholte 2007: 84-88; Singer 2002).

Indeed, Scholte notes that there is often confusion about the definition of globalization (Scholte 2000: 15). This confusion begins with the different meanings attributed to it. He points out that the term internationalization, which denotes the growth of international exchange and interdependence, is often confused with globalization. Similarly, Singer also insists that latter (unlike the former) implies 'the idea that we are moving beyond the era of growing ties between nations and are beginning to contemplate something beyond the existing conception of the nation-state' (Singer 2002: 8).

The current spread of globalization as a concept different from internationalization should not be considered a coincidence. It characterizes a phenomenon that has its own

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used as an adjective to describe cross-border relations among states and globalization is linked with the increase interdependence and international exchange. The second usage is under the label of *globalization as liberalization.* It mainly refers to a world with less trade barriers. In a third conception globalization is equated with *universalization*, where global means worldwide and globalization is a process of spreading objects and persons across the globe, Scholte uses the example of 'globalization of automobiles.' A fourth understanding of the concept of globalization is as *modernization* or *westernization*. In this case globalization is understood as a dynamic of spreading social structures of modernity, such as capitalism or industrialism, among others. The fifth approach identifies globalization with *respatialization.* This last understanding purports '…a reconfiguration of social geography with increased transplanetary connections between people'; it associates globalization with the rise of supraterritoriality (Scholte 2005: 15-17).

[4] Some sceptics also propose the term 'regionalization' to capture the same phenomenon.

particularities and its own causal forces, but which has points of contact with the other concept, as well as with those of integration and interdependence.

According to Keohane and Nye, integration and globalization are not synonymous and differ at least in the following aspect: integration involves a limited number of actors in a limited area, whereas globalization does not countenance these limitations (Keohane and Nye 2000: 105-6). Also, integration is a process involving a limited number of actors, mainly states, on a limited territory, with the aim of transforming their cooperation on economic, political, cultural and other aspects of life into a unified activity of a common institutional structure of the intergovernmental or supranational level and a sense of community (Held *et al.* 1999; Payne and Gamble 1996; Payne 2003). Integration, then, differs from globalization in that (1) it is a much more territorially limited process characterized by regional linkages, and (2) it is a process consisting of a number of actors in which changes on one side affect the others.

As for interdependence, this is also different from globalization, although it should be understood as a factor accompanying globalization (Morse 1976). Interdependence consists of a relationship of dependence between two or more actors. A definition of interdependence was famously outlined by Morse as follows: 'It is the outcome of specified actions of two or more parties (…) when the outcomes of these actions are mutually contingent' (Morse 1976: 118). Morse also constructs the term 'strategic interdependence' to illustrate that a global state system entails a high degree of sensitivity among its actors, in contrast to other forms of interdependence such as economic, technological etc. A classic example of the consequences of strategic interdependence are the effects of international economic sanctions against a state (Morse 1976: 9-10, 114-50).[5] Interdependence does not have a uniform concept, and it can take different forms. Interdependence is usually confused with globalization, because one factor of globalization is the permeability of states to external influences. In other words, globalization is possible because of interdependence, among other factors.

Perhaps the best-known concept of interdependence in the field of international relations is the concept of 'complex interdependence' developed by Keohane and Nye (1987) in

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[5] Consider the economic sanctions imposed by the USA, European Community and Japan on South Africa's apartheid regime, for example.

contrast to the concept of dependence. According to these scholars, dependence is 'a state of being determined or significantly affected by external forces.' Interdependence, in turn, means a 'situation characterized by reciprocal effects among countries or among actors in different countries.' An interdependent relationship 'will always involve costs, since interdependence restricts autonomy' (Keohane and Nye 1987: 734-5).

The effects of dependence and interdependence in world politics are illustrated by several examples from international transactions. Dependence is illustrated by the loans granted by the International Monetary Fund to Latin American countries, and interdependence can be illustrated by a reciprocal (not always symmetrical or mutually beneficial) trade flow between two or more countries. Following on from this understanding, complex interdependence is a concept that 'describes a hypothetical world with three characteristics: multiple channels between societies, with multiple actors, not just states; multiple issues, not arranged in any clear hierarchy; and the irrelevance of the threat or use of force among states linked by complex interdependence' (Keohane & Nye 2000: 115). A key feature of complex interdependence is also based on the transnational ties that non-state actors create (Hale & Held 2011: 8). Keohane and Nye acknowledge now that they used this concept for the first time in the 1970s to describe the emerging relationships between pluralist democracies. After that period, however, the dimension of complex interdependence has changed mainly as a result of the reduction in the price of communication, which dramatically expanded the channels of communication between participants in the global network. This change also affects the many different issues that link societies. This shows that, in effect, complex interdependence may well be an important characteristic of current globalization, even if we should not conflate one with the other.

As Zürn rightly points out, there are two differences between globalization and interdependence: 'On the one hand, the notion of globalization differs from that of interdependence in that it refers to qualitatively different conditions. Whereas the notion of interdependence refers to a growing sensitivity and vulnerability between separate units, globalization refers to the merging of units.' On the other, 'the notion of globalization refers to much more than just interdependence between distinct units, it can come as no surprise that the propositions about change in world politics go much further in the current debate on globalization' (Zürn 2002: 311).

2.2. Causal explanation and manifestations

Up to this point we have come to an idea of what globalization is and what it is not. However, the question of how globalization has emerged remains unanswered. As I have said, I will not enter into the debate on its temporal origins. Instead, I will offer here an overview of the structural *causes* of globalization and distinguish them from the characteristics that shape current manifestations of globalization.

Now, before I explain the causal forces behind globalization, let me recall that, as I have presented above, globalization is a complex (set of) process(es) located on a continuum of social and economic relations and networks organized at various levels. The local, national, and regional levels of this continuum come before the global one. The social and economic relations and networks organized at the global level thus build upon and comprise the social and economic relations and networks organized at lower levels.

Held and McGrew (1999: 12, 16) point out that the causal forces of globalization make up a complex intersection of economic changes, technological developments, political and cultural changes. These causal forces are identified by McGrew and Lewis (2013) as follows:

- (1) the intensification of global interdependence in the dynamics of rivalry between the superpowers
- (2) the effects of technological innovations and their diffusion
- (3) the internationalization of production and exchange
- (4) modernization.

The reason why we should look closely at these causes of globalization is because they offer an explanation as to how and why globalization emerged, and therefore help us characterize some of the most striking features of the contemporary world that are a significant part of the background conditions for global domination.

2.2.1. The internationalization of production and exchange

National economies are not exempt from the effects of globalization. Indeed, they are no longer isolated from global instability. To illustrate this point, McGrew and Lewis (2013) refer to Black Monday, the 1987 crash of the global stock market, as an example. This global market crash shows a trend in organized production and finance on a transnational basis, and this explains why national strategies for dealing with a crisis are no longer efficient. 'Governments have therefore recognized the importance of international and regional structures of economic management as a mechanism for securing domestic prosperity in a more interconnected global economic system' (McGrew and Lewis 2013: 25). However, this global market trend coexists with strong disintegrating tendencies, which McGrew and Lewis described as competitive pressure. There are conflicts over resources and the tendency towards regional trading blocs within the global system (Rodrik 1997, 2011, 2020). Nevertheless, the authors argue that the globalization of economic and industrial activities reminds us of a critical factor of globalization.

2.2.2. The dynamics of rivalry between superpowers

The first cause of globalization is the dynamics of rivalry between superpowers. At the beginning of this section I explained that I take as a starting point for my analysis of globalization the end of the Cold War. It is clear, however, that this first cause precedes the point of departure of my analysis. Indeed, all across history there has been rivalry among national superpowers to control the world or secure a position of dominance in it. Moreover, even the rivalry between the superpowers of the post Cold War world started and existed earlier. In particular, the competition for global hegemony between the two superpowers – (the then soviet) Russia and the USA – merely intensified during the Cold War period, when it became one of the dominant features of reality, and no other state in the world was strong enough to be or act as a counterbalance or a competitor to them. This rivalry of superpowers had an impact on the global arena by imposing its own logic on global politics (McGrew and Lewis 2013: 24). In fact, it transformed the globe into a single strategic arena (McGrew and Lewis, 2013: 24, citing Waltz 1979: 171), in which time and space collapsed, affecting politics between states and within

states and regions around the world. Superpower rivalry does extend to regions such as Asia and America, with the superpowers extending there their own foreign policies.[6] For instance, the Vietnam War (1955-75) is a clear example of this through the direct involvement of the *anti-communist* allies, such as the United States of America, Australia, and South Korea on one side, and the *communist allies* led by the Soviet Union and China on the other. The superpower rivalry not only implied an extension of foreign policy over other states, it also affected the politics of the superpowers, for instance, consider the consequences of the US elections of 1969 with the policy of *Vietnamization*. The Vietnam War put an end to the myth of the invincibility of the United States, undermined its external and internal credibility, and brought about a whole process of withdrawal of international intervention at the military level, which lasted until the Gulf War. Notable exceptions to this policy were the invasion of Grenada, US participation in the multinational forces in Lebanon, operations against Libya, and the invasion of Panama, all of which were small and precise interventions, but even so in the long run they affected the domestic policy of the United States, which is known as the Vietnam syndrome. A different example of superpower rivalry concerns the role of the US in Latin America during the Cold War. It is worth highlighting not only the strategy of exacerbating local rivalries[7] but also what was known as the *Monroe Doctrine*,[8] which was adopted by President Theodore Roosevelt as an instrument of intervention (Sexton 2011: 200). This was tantamount to transforming a policy against colonialism into a right to have its own exclusive area of influence in the American continent. Thus, in the early days of Cold War, the United States carried out numerous military interventions or through the intelligence services worked to destabilize governments allied or sympathetic to the communist bloc, an example of this being General Pinochet's *coup d'état* against President Salvador Allende (1973), which was supported by the CIA and the US government. This developed into a military dictatorship in Chile that lasted until 1990.

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[6] See, for example, Brams 1985.
[7] For instance the one between Argentina and Chile, or Argentina and Brazil.
[8] The Monroe Doctrine was a policy of the US initially opposed to European Colonialism in America, see Álvarez 1924; Sexton 2011.

2.2.3. Technological innovations and their diffusion

The second cause of globalization is technological innovation and its diffusion. In describing the dynamics created by the rivalry of the superpowers, I mentioned the transformation of time and space. But how can time and space be transformed? This is obviously a metaphor. The revolution in communications and technology has, so to speak, shrunk the world by connecting societies and communities more closely. This change has created a perception of compressed time and space and has made us 'consider technological innovation and its diffusion one of the most powerful engines of globalization in the twentieth century' (McGrew and Lewis 2013: 25). Today we can follow in real time almost any event that is taking place in any other corner of the planet (think of the stories introduced at the beginning of this chapter) and even actively intervene on it. We can do business with almost anyone we want, we can play politics, we can spy on almost everyone, we can learn from almost anyone, we can discuss things with almost everyone, and we can fight or struggle with almost everyone in the world. This shows that technological innovations and their diffusion are two of the key causes of globalization, since they are increasing the sheer number, intensity and depth of our cross-border interactions. Technological innovations also contribute negatively to the perception of globalization by creating technologically induced global problems, such as environmental pollution, or by making it possible for private or alien powers to invade your privacy or violate your freedoms. As authors including Peter Diamandis and Peter Kotler (2012: 212) have pointed out, technologies can also deterritorialize many of the aspects of our life by virtualizing them.

2.2.4 Modernization

The term 'modernization' is characterized as a global trend. Its significance in the modern world derives from its ability to be an expression of the interrelated processes of secular social, political, economic and cultural change, including industrialization, democratization, bureaucratization and urbanization. As I said at the beginning of the chapter, globalization is often confused with modernization. McGrew and Lewis (2013) highlight this confusion. They link modernization with the notion of convergence. The association of convergence with progress and development towards a modern society

does not mean that there are no forms of resistance to it. An example of this is the already mentioned counter-summit of the G8 in Genoa in 2001, which was organized by the anti-globalist movement, among others, who opposed the official summit, where a small group of powerful people would take decisions that affect and condition even those without any representation in the G8. Convergence is a 'useful umbrella label for the interrelated processes of economic, industrial, technological, social, cultural and political developments which define the transition from traditional to modern societies' (McGrew and Lewis 2013: 25). It therefore also captures the difference between becoming modern and becoming global, because the former refers to a global historical process that is experienced all over the world. However, modernization, understood as convergence, does not imply a unique cultural characteristic of homogeneity, nor a cosmopolitan model of society. Given the resistance that modernization sometimes brings with it, it is correct to say that modernization 'reinforces the tendencies toward both integration and disintegration in the contemporary global system' (McGrew and Lewis 2013: 26).

Now that we have described the four causes of globalization or, in other words, it is necessary and sufficient conditions, we can move on to the next section, which is dedicated to the characteristics of contemporary globalization.

2.2.5 Features of globalization

The features of globalization result not only from the causes of globalization, but partly, at least, also from the factors that shape globalization by affecting some of its aspects. The list of features I will provide is not exhaustive. Indeed, the features I will present here are intertwined with others, and the intersections I have already mentioned are responsible for a wave of elements that characterize the current circumstances of globalization. These elements, their intersections and combinations are found in phenomena such as the new communications infrastructures; the wave of neoliberal deregulation; the mechanism of multilateral and global economic surveillance, including regional supervision; the global spread of industrial production; ecological globalization caused by pollution resulting from the global spread of industrial production, and the velocity and scope of cultural and social interactions of all kinds that are associated with

the emergence of transnational media groups, in which cultural products and technologies circulate on all continents and no state is completely disconnected from global telecommunications networks – China and North Korea included – indicating significant changes for social life. These basic features are, in a nutshell, those that characterize the current circumstances of global domination.

The fundamental features of contemporary globalization can be described in the following terms: there is a distinct *spatio-temporal* dimension, which characterizes global flows, interactions and networks by its unprecedented extensity, intensity, velocity and impact; while the *organizational* dimension emphasizes that globalization is the subject of new forms of regulation and governance, such as the regulation carried out by the Basel Committee on Banking Supervision (BCBS). This is an interesting case because the BCBS is a transgovernmental institution that facilitates cooperation between agencies that supervise and regulate banks (Young 2011:39). While it consists of only a small secretariat and representatives of central banks and banking regulatory agencies from 22 countries, the BCBS's outcomes have far-reaching implications for the way financial regulation is conducted worldwide, as there are strong incentives for countries outside the BCBS to emulate the standards it has created (Ho 2002, Delonis 2004, Kerwer 2006).

Another feature of current globalization refers to its *conjunctural* element, which is a product of the confluence of *different modalities* of globalization in social life, e.g. patterns of migration, cultural and ecological globalization; and yet another characteristic is the *reflexivity* that the process reflects as a multiplicity of self-conscious projects with forces that often pursue *contested* visions of the world order, and the challenge to the forces of globalization in all its aspects, which transform the institutionalization of world politics into a global policy of agenda-setting, coalition-building and multilateral regulation. *Regionalization* also has its place in contemporary globalization, where the current processes of regionalization and globalization have become mutually reinforcing tendencies, especially in the economic sphere; globalization also challenges the understanding of *territoriality*, since it not only calls into question the territorial principle of the state as the primary basis for organizing political rule and exercising political authority, but also poses a challenge to military

FEATURES OF CONTEMPORARY GLOBALIZATION

Features	Description
1. Spatio-temporal	Characterizes global flows, interactions and networks by its unprecedented extent, intensity, velocity and impact
2. Organizational	Emphasizes that globalization is the subject of new forms of regulation and governance
3. Conjunctural	The unique confluence of globalizing influences in all areas of social life from the political to the ecological
4. Diverse modalities	For instance, patterns of migration, cultural and ecological globalization
5. Reflexivity	Multiplicity of self-conscious projects
6. Contestation	Contested visions of the world order
7. Regionalization	The current processes of regionalization and globalization have become mutually reinforcing tendencies, especially in the economic sphere
8. Territoriality	Globalization challenges our understanding of *territoriality*, since it calls into question the territorial principle of the state as the primary basis for organizing political rule and exercising political authority
9. State Forms	Nation-state dominated political unit Regional units Multilayered governance
10. Democratic Governance	While states are predominantly democratic, multilateral regulation and global governance are rarely democratic

Table 2: *Features of contemporary globalization*
(Source: Held *et al.* 1999: 430-31)

power as the only rational and effective instrument for managing and solving cross-border challenges. The challenge of territoriality also impacts *state forms* since domestic policies are geared to managing the effects of globalization, as opposed to the traditional expenditure of resources on fully managing the domestic economy. Finally, globalization also affects *democratic governance* by introducing a number of novel political and normative dilemmas, such as not linking a system of territorially-rooted

democratic governance with a transnational and global organization of social life and the economy. Contemporary globalization has some of the attributes of a thick globalization in terms of the extent, intensity and velocity of political, economic and cultural flows; some of the attributes of thick globalization, that is, a world, according to Held *et al.* (1999: 21, 431) 'in which the extensive reach of global networks is matched by their high intensity, high velocity and high impact propensity across all the domains or facets of social life from the economic to the cultural.'

Moreover, the intensity of global flows and the links to national and local networks contribute to the impossibility of states even voluntarily standing isolated or completely outside geostrategic networks and regimes. The case of North Korea is again the best example of the impossibility of voluntary isolation, for instance it has an important path of interactions with China. The density and degree of institutionalization of global flows and networks and the regularity and predictability of their connections and interactions make contemporary globalization unique (Held *et al.* 1999: 426-30).

In summary, it can be said that the current patterns of globalization are 'a product of a unique conjuncture of social, political, economic and technological forces' (Held *et al.* 1999: 429), which I have called characteristics to distinguish them from the causal forces generating globalization, and that the present is characterized by the rhythm imposed by globalization, especially when one considers that it no longer correlates directly with the rise and fall of a hegemonic power (Keohane 1984).

3. Actors and relations of globalization

As I mentioned at the beginning of this chapter, an important consequence of globalization is the new architecture of the world order. It is widely argued that we live in an era where a larger part of our lives is influenced or even determined by global processes. The changes in our world are reflected in the way its institutional framework has changed. In this section I will account for this change by describing both the main types of actors and the relations of globalization, with a special emphasis on those involved in decision-making instances in which there is little or no room for peoples to

participate or exercise control. In particular, I will offer a kind of cartography of global relations between various types of actors.

Traditionally, the actors in the international arena have been distinguished into two categories: states and non-state actors (see, e.g., Ruggie 2004 and d'Aspremont 2009). However, this dichotomy is inadequate for my purposes because it builds a category of non-state actors which is too heterogeneous inasmuch as it includes cities and intergovernmental organizations, for example, even though their role in the international arena is much closer to that of states than that of other non-state actors (see also Rosenau 2002 and Held 2004 for the problems of this dichotomy).

An alternative dichotomy distinguishes between public actors (including states, intergovernmental organizations, cities, etc.) and private actors. Public actors are those with the duties of administration, regulation and distribution of public goods of a given community (see Bodansky 2012 and Zimmerman 2019) or, at least, with the commitment to grant people freedom (this commitment is characteristic of international nongovernmental organizations, for example).[9] By contrast, private actors, such as corporations, do not have duties of administration, regulation or distribution of public goods, nor that of protecting people from being dominated. Instead of acting on behalf of the people understood as a polity, they act on behalf of the interests that they represent. However, the actions performed in pursuit of their own interests have an impact even on people whose interests they do not represent.

As we shall see in the next chapter, the distinction between public and private actors is of paramount importance for republicanism. However, it is problematic for two reasons. First, this dichotomy is problematic because it ignores the need to account for hybrid actors (e.g., some standard-setters) which either belong to neither category or fit into both simultaneously. Second, the distinction between public and private actors in the international arena is problematic because it is misguiding, as explained by Eriksen and Sending:

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[9] For a similar division, which puts INGOs into the public realm, see Slaughter 2002: 13. Another typology focusing on the creation and implementation of rules distinguishes three groups of actors in rule production: state, civil society and enterprises (see Abbott & Snidal 2009, Levi-Faur & Starobin 2014 and Abbott, Levi-Faur & Snidal 2017).

'[…] at the domestic level, a public actor – the state – is universal, in the sense that it has overall responsibility for what goes on inside its territory. However, when state actors partake in global governance, they represent and have responsibility for their particular and territorially defined constituency. Therefore, at the international level, both states and private actors are particularistic, and none has overall responsibility. The use of the category 'public' to describe the role of states in global governance thus imports more 'publicness' to state actors than is warranted' (Eriksen and Sending 2013: 214).

Moreover, they continue,

'Those that engage in global governance often invoke – directly or indirectly – 'publicness' in order to justify particular governance arrangements, or to lay claim to representation of broader groups (e.g. 'international community')' (Eriksen and Sending 2013: 214).

Given these problems of the two most common dichotomies, I will leave them aside in the following presentation of the main types of global actors (Sec. 3.1) and relations among them (Sec. 3.2).

3.1. Types of global actors

The main types of global actors are states and intergovernmental organizations, international nongovernmental organizations and big corporate actors—some of which function as standard-setters and hybrid regulators—and networks (including those of religious organizations, criminal organizations, and social movements). The picture would not be complete, however, if I didn't at least mention 'global cities'[10] such as New York and Barcelona, which are emerging as significant and increasingly influential global actors contributing to current international lawmaking in various ways, sometimes even contradicting the agenda of their respective states (see Curtis 2016 and Martí 2020).

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[10] See Curtis 2016.

3.1.1. States and intergovernmental organizations

Historically, *sovereign states* were the main actors of the global order and multilateral international conventions were the primary expression of states' cooperation. However, this would be too narrow a view of today's global politics (Slaughter 2003; Held 2004). The power that states used to have is nowadays shared with or distributed among many other actors, including various actors which are attributed formal authority.

Intergovernmental organizations (or international organizations) are one such type of actors with formal authority. They are composed primarily of sovereign states or other intergovernmental organizations and they interact primarily with states and other entities of international law. But they are essentially part of the post-war intergovernmental system (Hale and Held 2011). Intergovernmental organizations are established by sovereign states through formal treaties. The most representative is the Charter of the United Nations Organization, signed in 1945. This type of institution dominated the international scene after the Second World War together with the emergence of bilateral and multilateral treaties. Simmons, back in 2010, estimated that in the world there existed around 2700 to 3000 of them (Simmons 2010). Held *et al.* had estimated that number to be over 2000 ten years earlier (Held *et al.* 1999). After the Second World War, the main intergovernmental organizations were the North Atlantic Treaty Organization (NATO), the Organisation for Economic Cooperation and Development (OECD), the Organization of the Petroleum Exporting Countries (OPEC), the European Union and, within the system of the UN, the World Health Organization (WHO), the International Labour Organization (ILO), the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO), among others.

3.1.2. International nongovernmental organizations

Many people are familiar with the international nongovernmental organizations (hereafter: INGOs) such as Greenpeace, the International Red Cross, Amnesty International and Freedom House. As they multiply, they are becoming increasingly more important and powerful actors in world politics, with capacities ranging from

regulation to control. However, few of them are widely known, even though their number, which started to rise significantly since the adoption of the basic human rights covenant in 1966 and the 1972 UN Conference on the Human Environment (Chayes & Chayes 1995: 250), increased from 200 in 1980 to almost 4000 already in 1990 (see Boli & Thomas 1997, 1999; Cutler *et al.* 1999; Mörth 2004).

INGOs are usually described as non-profit organizations of 'people united by their orientation toward a particular public policy issue rather than by their "selfish" individual interest' (Chayes & Chayes 1995: 252) or 'transnational bodies exercising a special type of authority' (Boli & Thomas 1999: 14). They use limited resources to set standards, propagate principles and, by and large, represent 'humanity' vis-à-vis states and other actors. Unlike states, INGOs lack the legal authority to make or enforce the law. With the exception of the Red Cross (see Rona 2004), they are in general not subject to international law and states are not obliged to recognize their legal personality.

Integrated into world politics, INGOs interact with various levels of government and intergovernmental organizations with the aim of influencing or directly shaping their policies and actions (Chayes & Chayes, 1995). In a description of how INGOs function in democratic systems, these actors can be presented as interest group policymakers, with their interests ranging from the enforcement of human rights, environmental issues, the protection of wildlife and health issues to sometimes diffuse objectives such as world peace or international understanding. INGOs are sources of influence that mobilize voters, file complaints and shape the public interest. They have a clear impact on global politics.

3.1.3. Corporate actors

Corporations are guided by maximizing the interests of their shareholders and therefore do not have the common good as their goal. However, the participation of corporations in social responsibility is one aspect of a new role for this sector. Accordingly, corporations are sometimes directly involved in educational programs, environmental activities and support for community programs, and also in the activities of NGOs and

INGOs. Two examples of the latter are GlaxoSmithKline's involvement in the activities of Save the Children, and Marks & Spencer's involvement in those of Oxfam. But corporate social responsibility is a very recent phenomenon and still quite exceptional. The increasing emphasis on social responsibility can partly be explained as a response to protest movements against corporate activities (Strange 1996; Engwall 2006; Buckinx *et al.* 2015).

Corporate actors purportedly, at least, function according to state rules. Indeed, they must obtain official approval and meet certain legal requirements established by the rules set by the state which also ensures that these rules are followed. An example of this can be found in the antitrust measures taken by governments or sometimes imposed by authorities such as the UN Conference on Trade and Development (UNCTA) or the OECD. But corporations, especially those with global reach such as Microsoft, Apple, Bayer, Merck, General Electric and many others also participate in the governance scheme. They do not operate in isolation and sometimes obtain more power than some states. This becomes clear when states run the risk of an important company being relocated to another country due to regulatory advantages proposed by other governments in areas such as taxes, salaries or even working conditions.

3.1.4. Standard-setters and other hybrid regulators

Hybrid regulators are a special type of global actor with increasing significance. Consider the International Air Transport Organization (IATA) or the Internet Corporation for Assigned Names and Numbers (ICANN), for example.[11] None of them were established by states or intergovernmental organizations. They represent the interests of their private stakeholders, and yet they regulate important areas of our lives. A showcase of how powerful these actors are is the role of IATA during the COVID-19 pandemic. IATA has the power of establishing the temperature control regulations for the transportation of vaccines.[12] This means that if a state wants to purchase vaccines

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[11] The ICANN is responsible for coordinating the maintenance and procedures of several databases related to the namespaces and numerical spaces of the Internet, ensuring the network's stable and secure operation. https://www.icann.org/resources/pages/governance/bylaws-en November 28, 2019 accessed on December 20, 2020.

[12] See https://www.iata.org/en/publications/store/temperature-control-regulations/ accessed on December 20, 2020.

against COVID-19 and the transport has to be done by air, this has to comply with IATA regulations, otherwise the flight will not be approved, the plane will not take off and the vaccines will not be delivered.

Standard setters are among the newest and most influential kinds of hybrid global actors. They produce standards and, in some cases, also collect information on how entities (such as states, universities or international organizations) follow these standards. With this information, the standard-setters certify institutions (consider for example the ISO standards) or create rankings. According to the definition of Ahrne and Brunsson, a standard-setter is an organization that 'offers rules for others in the form of standards […] without the support of any other organizational element' (Ahrne & Brunsson 2006: 81). A standard-setter may have the form of an intergovernmental organization, an INGO, or a corporate actor. Standardization constitutes a form of rule-setting which operates by statements prescribing that certain actors behave in a particular manner in order to fulfil a standard (Ahre & Brunsson 2006; March & Olsen 1989). The rules produced by these entities are not binding. They are usually catalogued as *soft law* (Goldman 2010; Thürer 2009; Scott 2011), which means there are no mechanisms to ensure compliance. Indeed, standard setters can only indicate a standard, while others are free to follow it (Ahre & Brunsson 2006). This is why some also use the terms recommendations, best practices, guidelines, or advice interchangeably with that of standards. However, once a standard enters into usage, it is difficult to avoid it, and in some cases non-compliance with a standard leads to an informal sanction. In any case, setting standards is easy, quick and cheaper than setting formal rules, even though organizations like ISO and the European Committee for Standardization (CEN) try to establish a monopoly in their area of standardization (Ahre & Brunsson 2006). Moreover, setting standards does not require the same procedures as democratic decision-making (Mörth 2006). Consequently, standards exist in almost all areas of life. They apply in public administration, schools, universities, hospitals, businesses, industry, kindergartens, and so on. They are becoming one of the 'most important organization elements that can be found outside organizations' (Ahre & Brunsson 2006: 82). Standards facilitate international trade and global trade.[13] Because of standard

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[13] However, the certification of its compliance by intermediaries, such as INGOs or other international organizations, leads us to mention the case of the Ali Enterprise factory in Karachi, Pakistan, which caught fire in September 2012 and 262 people died, or the collapse of the factory in Rana Plaza,

designations for things - milk, rice milk, almond milk, soy milk, etc. - there is less variety of products. These must contain a certain percentage of an ingredient (or must not contain it) to be given a standard designation (e.g., skimmed milk). There are also standards for technical design; for eco-labeled products; for production processes (e.g., quality standards of the series ISO 9001; environmental standards of the series ISO 14000 and 14001:2015); procurement standards; and also standards on how states ought to treat their citizens (such standards regarding detention and imprisonment are published, for example, by Amnesty International) or how they ought to protect their economies, run their administrations etc. (see ISO 9001:2008 and 9001:2015).

3.1.5. Networks

A network is conceived of as 'a set of interconnected nodes' (Castells 2010). In the case of the network of global financial flows, for example, the nodes are the stock exchange markets and their ancillary advanced service centers; in the case of the political network that governs the European Union, the nodes are the national councils of ministers and European Commissioners; in the case of the network of drug traffic that penetrates economies, societies, and states throughout the world, the nodes are coca fields and poppy fields, clandestine laboratories, secret landing strips, street gangs, and money laundering financial institutions; in the case of the global network of the new media at the roots of cultural expression and public opinion in the Information Age the nodes are television systems, entertainment studios, computer graphics *milieux*, news teams, and mobile devices generating, transmitting, and receiving signals (Castells 2010: 500). As these examples show, networks are omnipresent (Kahler 2019: 2-5) and range from informal groupings to more institutionalized connections. There are networks of government officials, transgovernmental networks[14] (Keohane and Nye 1974), networks of government regulators and transnational networks of activists (Keck and Sikkins 1998).

Bangladesh in 2013, with a death toll of 1,134. These cases highlighted the failure of private regulatory governance, as various certifying authorities (which had the role of regulatory intermediaries) had certified compliance with standards by the company.

[14]'[I]nformal, horizontal linkages between non-diplomatic government officials and their peers in other jurisdictions' (Hale & Held 2011: 7).

The network analogy highlights the idea that

'the distance (or intensity and frequency of interaction) between two points (or social positions) is shorter (or more frequent, or more intense) if both points are nodes in a network than if they do not belong to the same network. On the other hand, within a given network, flows have no distance, or the same distance, between nodes. Thus, distance (physical, social, economic, political, cultural) for a given point or position varies between zero (for any node in the same network) and infinite (for any point external to the network). The inclusion/exclusion in networks, and the architecture of relationships between networks, enacted by light-speed-operating information technologies, configure dominant processes and functions in our societies' Castells (2010: 500-1).

Moreover, networks 'expand without limits, integrating new nodes as long as they [...] share the same communication codes (for example, values or performance goals). A network-based social structure is a highly dynamic, open system, susceptible to innovating without threatening its balance' Castells (2010: 500-1).

A special subtype worth mentioning is that of transgovernmental networks of government officials and their peers in other jurisdictions which tend to perform one of the following three functions (Hale & Held 2011; Slaughter 2004). Some, like the International Network for Environmental Compliance and Enforcement (INECE), aim to share information and best practices on challenges facing all governments, in INECE's case environmental regulation. Others seek to coordinate and harmonize policies across countries, such as the International Conference on Harmonization of Technical Requirements for the Registration of Pharmaceutical Products (ICH), which standardizes the regulation of pharmaceutical products in Europe, the United States, and Japan, thereby simplifying the global regulatory framework. A third function is that of increasing the enforcement capacity of states with respect to transnational problems such as organized crime or terrorism by pooling resources and information and conducting joint operations, for example the Financial Action Task Force (FATF). Having said that, thinking of networks, whether spontaneous or designed, means thinking of non-hierarchical organizations, which forces a reassessment of the notion of power. A

networked perspective challenges conventional notions of power in international relations (Kahler 2019).

3.2. Three types of relations between global actors

A very basic, but for my purposes very useful, distinction between different types of relations maintained by the above types of global actors divides these relations into three categories: international relations, transnational relations, and mixed or hybrid relations. Based on the republican dichotomy of global actors briefly introduced and critiqued at the beginning of this section (namely: public actors and private actors), interactions between public actors (states, intergovernmental organizations, cities, etc.) correspond to international relations (Sec. 3.2.1), while interactions between private actors constitute transnational relations (Sec. 3.2.2). At first glance, interactions between a public actor and a private actor would also fall under the label of public relations, since public actors have the authority to regulate the behavior of private actors. However, as noted above, it is not uncommon for states and cities to negotiate with global corporations over the content of tax or labor laws before the corporations decide to relocate their assets to the state or city in question. These negotiations show that the parties involved see eye-to-eye, which means that their relationship deserves its own label of 'mixed' or 'hybrid' relations (Section 3.2.3). The three categories, as you will see, aim to be exhaustive and mutually exclusive. Moreover, they have been defined without resorting to the misleading distinction between private and public outside a national legal system.

3.2.1. International relations

In order to avoid the label of 'public actors' in our definition, we can say that international relations are relations between entities with international legal standing such as sovereign states and intergovernmental organizations. These relations are either cooperative or non-cooperative. The bilateral and multilateral formal treaties mentioned in Subsection 3.1.1 above are paradigm examples of cooperative international relations. War between two states or two coalitions of states or an intergovernmental organization such as NATO and a state or a coalition of states is a paradigm example of non-

cooperative international relations. By contrast, diplomacy includes both cooperative and non-cooperative international relations.

An example of cooperative international relations is the adoption of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereafter CPWC)[15] and the establishment of the Organization for the Prohibition of Chemical Weapons (OPCW). This is composed of 193 States, all of which have agreed to chemical disarmament by destroying all chemical weapons stockpiles in their possession, all facilities that have produced these weapons and all chemical weapons they have left behind on the territory of other State Parties in the past. The States Parties also agreed to establish a verification regime for certain toxic chemicals and their precursors to ensure that these chemicals are used only for purposes not prohibited under the Convention. An interesting element in the relations between the OPCW and the States Parties is the inclusion of a feature known as a 'challenge inspection'. It is carried out by designated inspectors who act with the approval of the OPCW in cases where a State Party has doubts about the compliance of another State Party with the Convention and requests a surprise inspection. In such cases, States Parties have committed themselves to the principle of 'anytime, anywhere' inspections without right of refusal.[16]

Another example of cooperative international relations comes from the health sector, where the UN and the World Health Organization (WHO) have played a leading role in the eradication of smallpox together with states. They established a program and succeeded in eradicating smallpox in only 11 years. In Latin America, Bolivia was the country with the highest smallpox rates, reaching a total of 1310 cases in 1957 and falling to 183 cases in 1958. No smallpox cases were reported in 1959. The smallpox vaccination campaign, sponsored by the UN, was carried out by the Inter-American Cooperative Public Health Service under the auspices of the Bolivian Ministry of Public Health and the United States International Cooperation Administration (see Public Health Reports, September 1959).

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[15] https://www.opcw.org/chemical-weapons-convention
[16] See Part X 'Challenge Inspections Pursuant to Article IX' of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction'. Available at: https://www.opcw.org/sites/default/files/documents/CWC/CWC_en.pdf.

3.2.2. Transnational relations

While international relations are familiar to most people, transnational relations still seem to be a novelty. In a groundbreaking paper, Keohane and Nye (1974) discuss transnational relations under the label 'transgovernmental networks.' The first use of this term referred to relations that lay outside diplomatic relations or missions, but this does not mean that transnational relations exclude government officials by definition. Their informal and horizontal relations form this category. Transnational relations are therefore distinct from traditional vertical relations between states and intergovernmental organizations (Risse-Kappen 1995: 3), on the one hand, and they are different from traditional horizontal relations in formal diplomacy, for example. Although they include informal relations between government officials, they consist mainly of non-state actors, such as INGOs, multinational corporations, and criminal, terrorist or religious organizations. What is characteristic of them is that they pass through state borders, so to speak. It would therefore be wrong to consider them simply a broader version of international relations, since they do not include relations between states, or actors operating on behalf of a national government or an intergovernmental organization (see Richter *et al.* 2006).

As central features of world politics increasingly move towards transnational governance, transnational relations make up part of global politics and add complexity to the global political picture. Indeed, they shape and enhance cooperation policy especially. However, their practices are more informal in nature and link actors from different sectors, while leaving behind the sovereign-to-sovereign interactions. This means that the practices and procedures of international law, including its enactment and enforcement, are not taken into account in the development and action of transnational law.

There are a variety of transnational relations, covering a range of sectors and activities, from health issues and financial activities to terrorism and transnational crime. Some examples of transnational relations come from the Climate Action Network, the anti-globalization movement ATTAC, and other networks mentioned in Subsection 3.1.5.

However, they also include interactions between corporate actors and INGOs, or between a corporate actor such as Apple or Inditex and the people who work for it in various sweatshops or other factories around the world.

3.2.3. Mixed or hybrid relations

There are two types of relations between global actors that do not fit into the aforementioned categories of international and transnational relations. These two types constitute the third category of this classification, i.e. the category of mixed or hybrid relations.

(1) *The first subtype* of hybrid relations involves, as the name suggests, a hybrid actor on one side of the interaction and whichever actor is subject to the normative instruments the former creates. Some examples have already been given when we introduced the notion of standard setters and other hybrid actors. Consider the relations between IATA and an airline company, or between ICAAN and a root server operator, or between the U.S. Food and Drug Administration (FDA) and a manufacturer of hand sanitizers,[17] etc. These relations are not international in character because their parties are not entities of international law; and they are not transnational because they are not horizontal.

(2) *The second subtype* of hybrid relations involves an entity of international law on one side and any other type of global actor on the other. Consider the relations between a state or an intergovernmental organization such as the EU and a pharmaceutical company. Again, these are clearly not international relations in the sense of the definition above, since the pharmaceutical company is not an entity of international law; they also do not fit the notion of transnational relations as defined above, since they do not 'pass through' state borders, so to speak. Note that this property of a given relationship to pass through state borders will prove very important in Chapter 2, where we will distinguish the situations in which domination coming from outside the state necessarily affects both the state and its people (such is the case with international relations and this, the second subtype of hybrid relations), from situations in which the

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[17]   See https://www.fda.gov/drugs/drug-safety-and-availability/fda-updates-hand-sanitizers-consumers-should-not-use, accessed April 22, 2021.

subject of domination is individuals or other entities, but not necessarily their state (this occurs with transnational relations and the first subtype of hybrid relations).

We can thus sum up the classification of relations between various types of global actors in Table 3 below:

RELATIONS BETWEEN GLOBAL ACTORS

Relation type	*Passes through state borders?*
International	no
Mixed or hybrid	yes
	no
Transnational	yes

Table 3: *Three types of relations between global actors*

4. Victims of globalization: The case of the Tuvalu Islands

We have said already that globalization has both positive and negative effects on various aspects of the human condition. As this dissertation focuses on the negative effects of globalization on individual freedom, I now want to pause at the issue of the victims of globalization to give a full description of the relevant aspects of the globalized world. Let me make first a general note on the globalization of risks (Section 4.1), before I turn to one concrete example (Section 4.2).

4.1. The globalization of risks

I have introduced above in Section 2 the causal forces that give rise to globalization and some characteristics of its current manifestations. But there is one more characteristic worth stressing separately: the globalization of risks (not necessarily produced by globalization itself).

As globalization captures the extensity (stretching), intensity, velocity and impact of change in the organization of human affairs (Held *et al.* 1999: 14-5), it follows that events occurring thousands of miles away from us have the potential to affect our lives. This is because our communities are much more interconnected. Archibugi and Held, for instance, use the term 'overlapping communities of fate' to refer to the condition in which the fortunes and prospects of individual political communities are increasingly bound together (Archibugi and Held 1995; Held 1995; Held *et al.* 1999). Along with this, as we have seen, there are more and new actors in the global arena which has led to a change in patterns of authority.

Global risks – or new global risks, as Beck (2011) called them – are 'nuclear risks, ecological risks, technological risks, economic risks created by radicalized modernity and insufficiently regulated financial markets, and so on' (Beck 1992, 1998, 2011). The global aspect of risks means that they cannot be limited to one territory. It is not possible to limit risk X to territory or state Y.[18] Belarus may have developed its own nuclear program and be taking all the necessary precautions to bring a possible incident under control.[19] However, if a horrific incident occurs, the impact will not be limited to Belarusians. Even if the people living closest to a potential accident will be the main victims – just think of accidents that are as real as Chernobyl or Fukushima, and think of the poisoning accident in the Indian city of Bhopal (Beck 1992: 41) – many people other than Belarusians will be potentially affected.[20] In this sense, the globalized world is a world full of risks that are cross-border, and potentially global. Consider these other foreseeable risks posed by globalization with its interconnected world: a pandemic, for instance the current situation with COVID-19; artificial intelligence (depending mainly on how it is developed); the use of nuclear and biological weapons, and so on. In none of these examples can the impact be limited to a national territory. In addition, there are also unknown risks, i.e. risks that we cannot yet identify.

Now, even when global risks are not generated by globalization itself (the Belarus example is precisely of this kind), globalization could be used to address them

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[18] 'Neither do industrial risks and destruction have any respect for national boundaries'. (Beck 1992: 40).

[19] https://www.rferl.org/a/belarus-launched-nuclear-power-plant-despite-safety-issues-/30928660.html.

[20] In his seminal work, Beck (1992: 47) proposes that 'Risk societies are not class societies - that is not saying enough. They contain within themselves a grass-roots developmental dynamics that destroys boundaries, through which the people are forced together in the uniform position of civilization's self-endangering'.

effectively if we have a good grasp of the relevant actors and relations described in the previous section. Indeed, there are many examples of global strategies to fight global risks such as the ones conducted by the Global Challenges Foundation,[21] or the Oxford Future of Humanity Institute.[22] Globalization opens up various channels that can serve this purpose in addition to the more traditional relations among states via intergovernmental organizations or direct diplomacy.

The next subsection is intended to call attention to a concrete example in which intergovernmental organizations and direct diplomacy do not work.

4.2. The case of the Tuvalu Islands

Let me illustrate the impact that the existing global order may have on certain countries, compromising their freedom and the freedom of the individuals in them. The illustration by means of the concrete example of the Tuvalu Islands serves as a way of connecting the description of the world as it is from this chapter with my discussion of the republican idea of freedom as non-domination that I will undertake in Chapter 2.

Five years ago, the Prime Minister of Tuvalu, an island in the Pacific Ocean, called on the General Assembly of the UN to ensure that nations stick to the Paris Climate Agreement or his nation would face 'dire' consequences. The Prime Minister also identified climate change as the greatest threat to the low-lying Pacific Islands. Climate change is not produced by chance, like a hurricane or any other natural catastrophe, or by the negligence of the people of Tuvalu. It is mainly produced by the actions of other states and corporations. In that sense, Tuvalu is dominated by the decisions of these other states and corporations. As the Prime Minister said: We cannot sink while others subsist, we must not sink because of the problems caused by large and industrialized countries.[23] The people of Tuvalu face the risk of having to be resettled because of rising sea levels caused by climate change. This risk of the people of Tuvalu on the front line raises some questions: Are the people of Tuvalu in a position of freedom in the fight

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[21] https://globalchallenges.org/ Accessed on 08 January 2021.
[22] https://www.fhi.ox.ac.uk/ Accessed on 08 January 2021.
[23] See https://www.theguardian.com/global-development/2019/may/16/one-day-disappear-tuvalu-sinking-islands-rising-seas-climate-change Accessed on April 15, 2020.

against climate change? Are the people of Tuvalu free to decide to relocate, potentially, their communities? Are the people of Tuvalu free to fight the climate change that affects them, regardless of the activities and decisions of other actors? Is there really only one organization that can implement measures against climate change and save the community of Tuvalu?

The fact is that the people of Tuvalu want to stop climate change. They want to continue living in the country where they grew up. However, how they want to live their lives no longer depends solely on their own decisions. They now live under the circumstances of global domination. Even if the people of a state want to take their destiny into their own hands, globalization works against them. Climate change affects not only the people of Tuvalu, but also the people in other states with higher CO_2 emissions, whether they deny that climate change has harmful effects or not.

One possible solution for the people of Tuvalu is to use solar geoengineering to lower the temperature of the atmosphere. However, its implementation will affect both the population of Tuvalu and the peoples living below 2 meters above sea level in other states, including the Maldives and Kiribati. And since there is only one atmosphere, their problems affect all the peoples living on the planet. So, the question is, how and by whom can a decision to tackle such problems be taken?

Globalization brings us new circumstances and challenges, but also new actors and new forms of regulation. The Tuvalu case is a clear example of the ineffectiveness of public and private relationships to tackle them. This is because the relations that affect the people of Tuvalu are made up of different relationships between different actors. There are states and intergovernmental organizations such as the Intergovernmental Panel on Climate Change (IPPC), the UN Environment Programme (UNEP), the World Meteorological Organization (WMO), the Green Climate Fund (GCF), the Global Catastrophic Risk Institute, the Climate Investment Funds (CIF), 350.org, the C40; multilateral development banks which finance measures of adaptation and mitigation of climate change, such as for instance the African Development Bank (AfDB), the Asian Development Bank (ADB), the Asian Infrastructure Investment Bank (AIIB), the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the Inter-American Development Bank Group (IDBG), the Islamic

Development Bank (IsDB) and the World Bank Group (WBG);[24] grassroots organizations such as Fridays for Future or the Sierra Club, as well as other organizations such as the Union of Concerned Scientists or the Yale Program on Climate Change Communication, among many more we have not mentioned, ranging from local to global.

As can be quickly understood just by mentioning a few of the actors involved in the fight against global warming, the relations between them are neither reserved for nor limited to international and transnational relations; many of them belong to the category of mixed or hybrid relations. The complexity is furthermore increased because some of these relations are cooperative, while others are not, and because there are so many people that are affected in very different ways. I chose to focus here on the case of the Tuvalu Islands and their people, but in a scenario with a temperature increase of 1 to 3 degrees Celsius, large coastal cities such as New York, Shanghai, Ho Chi Minh City and Guayaquil would also be largely under water.[25]

Global relations create channels of interaction in which a significant number of decisions is made. Many of them are decisions that affect people's daily lives (like in the Tuvalu case) without established mechanisms of participation and control. And many of them are inaccessible to the knowledge of those affected. This gives us at least two types of impairment to freedom: the opacity with which decisions affecting people's lives are made, and the lack of participation and control in the global decision-making processes of both traditional and non-traditional global actors.

With the example of the fight against climate change led by the people of Tuvalu, we can now return to one of the earlier questions in this section. Is there only one organization that the people of Tuvalu can turn to with their goal of stopping climate change? Is there only one actor whose actions cause climate change? Do we know how decisions are made by each and every actor involved in the causes and consequences of global warming?

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[24] For a report on multilateral development banks see: https://www.eib.org/attachments/press/1257-joint-report-on-mdbs-climate-finance-2019.pdf accessed on April 10, 2021.
[25] Ambrecht 2015.

The people of Tuvalu can choose to send their Prime Minister to Katowice in Poland to participate in the United Nations Climate Change Conference in 2018 and try to convince world leaders to react against climate change. They can also vote to erect barriers in the sea – like the city of Venice – to prevent flooding. But a citizen of Tuvalu cannot participate in the decisions of the UN Climate Change Conference. Nor can she control how other countries deal with their CO_2 emissions. She cannot intervene in the decisions of a corporate actor to relocate its industry to states with lower pollution standards. And she does not know how the INGOs fighting climate change make their decisions. One of the opacities of globalization, closely linked to the proliferation of new actors, is that people can no longer know how, when and by whom the relevant decisions are made. Even if one is involved in a particular case – such as climate change, the fight against terrorism or transnational finance – many relevant decisions are taken by different types of actors, and yet opacity is what all of them have in common. This is generally worrying as I will explain in the following chapters. But it is particularly worrying in the case of climate change and the people of Tuvalu that decisions are formed, or mature, in the dark, so to speak.

Intergovernmental organizations, states, corporate actors, INGOs, standard-setters and other hybrid actors all make decisions that affect our lives and we have no control over them. We must not lose our desire to participate in these decision-making processes, even if they present an additional difficulty because of the way these actors interact. We can assume that these actors have different channels for making decisions. However, as I explained in section 2, there are different forms of interaction. As show by Held *et al.* (1999) Koenig-Archibugi (2005) and Hale and Held (2011), the interactions between national and international, transnational and global issues do not take place through different channels. The same authors point out how governance institutions have changed over time, especially since the end of Cold War, when formal treaties and intergovernmental organizations became numerous and authoritative (Hale and Held 2011). However, the growing number of intergovernmental organizations is only a minimal part of these changes. Most notable is the innovation of policy-making institutions that set rules and attempt to impose some order. They form 'networks of government regulators, international bureaucrats and, in many cases, representatives of the regulated industries' (Hale and Held 2011: 1), which in many cases are standard setters that shape global politics and economics. How do these interactions between a

variety of rule-making actors affect the desire of the people of Tuvalu to participate in climate change decision-making? As I mentioned earlier, the people of Tuvalu can decide to send their Prime Minister as their representative to the UN Climate Change Conferences, or they can vote on whether it is better to erect barriers in the sea to prevent flooding, or to buy land in a neighboring country to move there. However, these options do not solve the problem of the people of Tuvalu. They cannot decide their own fate in a relevant way if they cannot participate in the global decision-making process against climate change. Until that happens, they will not be free.

Here I will show that people are not free in a globalized context because they cannot participate in and control the decision-making processes of the traditional and non-traditional actors.

Let us return to the struggle of the people of Tuvalu against climate change. The people of Tuvalu cannot participate in or control decisions made by non-traditional actors for two reasons. First, this limitation is due to an epistemic inaccessibility. Since the decision-making processes of agencies like the ISO are not public, people are not aware of them. Secondly, even if the people of Tuvalu had access to the contents of decision-making processes of non-traditional actors (consider a hypothetical debate on the standards for CO_2 emissions from cars, or the not-so-hypothetical debates before the ISO Group 14000 - Environmental Management standards were developed), they can neither participate in them nor control their results afterwards. Now, it can be argued, the Prime Minister of Tuvalu represented its people at the UN Climate Change Conference in Katowice in 2018, which means that they did not remain without a voice in the global debate on climate change. This objection, however, is based on the classic Westphalian position, which is problematic.

The Westphalian position does not give the people the right to participate in these debates. The reason for this is that the global system is mainly conceived of as a system of states in which people are represented by their states. Accordingly, or so the idea goes, they do not need a special place in the global debate, since they already have it through their states. Here are two arguments to reject the Westphalian position.

The first counter-argument relates to how the global system is organized. I have mentioned that many decisions are made by different actors and that these decisions are not restricted to the traditional relations between global actors. International relations coexist with transnational and hybrid ones. So, many decisions are usually taken outside of state control. According to Held (1995: 172-173), states are no longer the main 'sites of power'. Some actors seek to escape state control, and others, such as INGOs, assist states in global governance tasks (Buckinx, Trejo-Mathys and Waligore 2015). The delegation of the political authority of the state outside the democratic mechanisms makes it impossible to defend a position according to which people can remain free because they are represented in global decisions by their state (Bohman 2004, 2007, 2012, Slaughter 2005). In the age of globalization, where significant authority is delegated to non-state actors, some argue that democracy must be rethought in the plural as the rule of the *demoi* in a conception that goes beyond the nation state and considers the *demoi* as the political subjects within a larger political community of humanity (Bohman 2005, 2007).

The second counter-argument against the Westphalian position relates to the insufficiency of state consent as a source of legitimacy and validity for international decision-making. Suppose the Prime Minister of Tuvalu accepted the terms of the UN Climate Change Conference in Katowice, although this could not prevent Tuvalu from being submerged. What should we say about the legitimacy of the accepted decision? Christiano (2010) asks the same questions and flags a problem of its representativeness. He makes a three-step argument, and I will start with his last step, which is related to the statement I introduced earlier. His argument against state consent as a source of legitimacy and validity is that 'states have traditionally invested foreign-policy making powers in their executive branches. And the exercise of its foreign-policy functions has been relatively non-democratic' (Christiano 2010: 125). He completes this argument with two further steps. The first is that 'many states are not democratic, or not very democratic, and so they do not even represent their majority populations very well.' Furthermore, 'there is a reason to think that they will be much less responsive to their population than are democratic states' (Christiano 2010: 124-125). His last argument claims that 'even democratic states do not always represent their minorities very well […] and this could represent a significant proportion of the world population' (Christiano 2010: 125). In short, state consent is not a response to norms that are

negotiated in a way that is inaccessible to people in distant places and by officials who are not elected by the people.

5. Conclusions

Throughout this chapter I have shown that different definitions are attributed to globalization. However, one that positions it on a continuum of different levels of governance is the most satisfactory. This is because it captures the dynamics, characteristics and connections between the local, national, international and global spheres. With this definition of globalization in mind, it is possible to link the interactions that traditional and new actors - alone or as a whole - produce as decisions, rules or norms that are created without any participation or control by the people. Globalization has also worsened problems such as drug trafficking, financial flows and, as already mentioned, climate change. The fact that these problems and risks are becoming global implies a shift in the spatial form of human organization, which blurs territorial boundaries. This is illustrated by the example of Tuvalu developed in Section 4. This example showed the effects of the circumstances of global domination on the creation of new political circumstances, and also questioned the ability of the state to maintain control over them.

Understanding what globalization is, how it works and what it implies raises a number of questions. To what extent have global forces changed the ability of states to be relevant decision-makers? As political power is reshaped, is it still possible for people to retain some capacity for control and accountability? In Section 4, I mentioned that the conditions of opacity and lack of participation in decision-making limit individual freedom to such a degree that they pose new threats to freedom. Finally, there is a question that takes up the questions formulated earlier: are people still free? Normative debates on freedom have mostly remained limited to the context of the state, but the current world order is not only about states, but also about transnational actors, supranational organizations, private organizations, corporations, international organizations, hybrid and global actors and their interactions. In the next chapter I will discuss the problems that the circumstances of globalization give rise to for individual freedom in a republican context.

Chapter 2

Freedom under conditions of globalization

Two problems of the standard theory

1. Introduction

While Chapter 1 pointed to the empirical circumstances of global domination by describing the world as it is, in Chapter 2 I will discuss the inability of states to protect individuals from the perils of globalization. Put differently, this chapter focuses on the inability of states to assure individual freedom in the globalized world. To this end, I will first present the most prominent state-centric theory of freedom as non-domination (Sections 2 and 3). Next, I will analyze a series of dominating relations using the theory in question to illustrate two problems of the state-centric approach (Section 4). Finally, I will amend the theory so as to avoid those problems, at least on the level of analysis (Section 5).

In particular, Section 2 (*The standard republican theory*) introduces Philip Pettit's version of the republican theory of freedom as non-domination. It starts with a brief survey over preceding conceptions of freedom in the republican literature, before presenting the standard neo-republican notion of freedom as non-domination or, more specifically, the absence of (potential) arbitrary interference and non-deliberative control. This section then turns to the notion of the basic liberties of individuals within a state as these are the main republican remedy to domination exercised domestically, and concludes by pointing out the fact that the state can protect basic liberties only if the state itself is undominating and undominated.

Section 3 (*The international dimension of freedom as non-domination*) shows how contemporary republican authors have conceived of applying the notion of freedom as non-domination to states, especially in view of the source of domination generated by the circumstances of globalization external to state borders. This section thus provides an explanation of what it means to have a free, undominated state, turns to the notion of sovereign liberties as the main republican remedy to external domination of a state by

other states and non-state actors, and closes with an explanation of external domination of a state by the latter, that is, non-state actors.

As I will show in Section 4 (*Two problems of the standard theory*) Pettit's internationalized theory of freedom, presented in the previous sections, clearly applies to some cases of domination in the globalized world, but not to others. The problem is in fact twofold. While for some of our examples, Pettit's theory simply offers no practical remedies to domination because it is too state-centric, other cases fall in a theoretical blind-spot of the theory in question insofar as they do not fit any type of domination theorized by Pettit. Consequently, in this case, the protective tools based on the standard theory are again inapplicable, which makes the theory deficient.

Section 5 (*A revised typology of domination in the globalized world*) concludes this chapter by offering the revisions I deem necessary to overcome the problems pointed out in the previous section. In particular, I propose to abandon Pettit's presupposition that states can always protect their people against external domination. By dropping the state-centric view from Pettit's account, the distinction between internal and external domination also disappears. The revised typology of domination I offer instead thus substitutes Pettit's tripartite typology with vertical, horizontal and international domination with a mapping of three types of sources of domination (public, private and hybrid) with three types of subjects of domination (public, private and hybrid).

2. The standard republican theory of freedom

This section presents the standard republican theory of freedom. Since the landscape of global politics and socio-economic interactions has changed considerably in recent decades (see Chapter 1), the republican theory of freedom as non-domination must adapt to those changes. The most important change that globalization has brought about is that relations between global actors are no longer restricted to the interactions between states using conventional instruments of foreign policy. As illustrated in the previous chapter, a large number of new actors with new capacities to exert influence on the global stage have emerged in recent years. In an increasingly interconnected world, countless political actors have the opportunity to exert interference in societies beyond

their own. They can interfere through a variety of different means, from lobbying and persuasion to boycotts, but the main source of arbitrary interference lies in the ability to impose their power over another.

Aware of how global politics has changed, many republicans have already developed a version of the standard theory of freedom as non-domination that includes an international dimension (Bellamy 2019, 2020; Besson & Martí 2018; Bohman 2004, 2007, 2009; Buckinx 2010, 2011, 2012, 2015, 2019; Dryzek 1999, 2000, 2006, 2008; Halldenius 2010; Laborde 2010, 2013, 2014, 2020; Laborde & Ronzoni, 2015; Lovett 2016, 2020; Martí 2010; Maynor 2015; Pettit 2010b, 2012, 2015, 2016; Ronzoni 2012, 2013, 2014, 2015a, 2015b, 2016, 2017, 2019; Skinner 2010; Urbinati 2010). Although the republican literature on domination beyond borders is extensive and growing, I will focus here exclusively on the theoretical aspect of domination beyond borders, leaving other implications for the following chapters. Thus, I will focus on Pettit's standard theory as the central instance of international state-centric republicanism.

Pettit's work offers the most complete account of neo-republican freedom, and it has been particularly influential in the contemporary literature on neo-republicanism. More recently, he has theorized the reach of republicanism beyond the limits of domestic politics and has problematized the impact of globalization on states as agents that should prevent people's domination because many aspects of decision-making escape state control in a world where states coexist with new agents involved in global governance. Pettit (2014, 2015a, 2016) theorized the idea of freedom as non-domination in the international sphere.

In a more recent work, Pettit (2016) has also used the traditional notion of non-domination to grasp the challenges that international relations pose in democratic theory. However, he did not extend the horizontal and vertical dimensions of (domestic) non-domination to the global context but has instead added a new, international dimension of non-domination for that purpose. The inclusion of the international dimension in non-domination relations reflects an attempt to rethink the republican policy agenda from the standpoint of republican values and from its central value, i.e. the idea of freedom as non-domination. This provides the tools to understand how freedom as non-domination plays a role in the international sphere and explains how the

republican understanding of freedom as non-domination could articulate a system of international democracy that is different from the systems defended by cosmopolitan authors such as Bohman, Archibugi, Held and others. It also provides the tools to understand how the value of non-domination plays a certain role at the moment in shaping the institutions of the international order.

The international model proposed by Pettit in his *Globalized Republican Ideal* (2016) is neither overly cosmopolitan nor overly statist. With the aim of introducing non-domination into the international order, Pettit asks what a legitimate system should look like in order to allow for interactions between two categories of states on the basis of certain common rules of international behaviour. These two categories are representative states and what he calls minimally representative states. Pettit's tripartite division of the horizontal, vertical and international types of domination presupposes that international domination is neither horizontal nor vertical. In domestic republican theory, non-domination is realized in a state context, and individuals are free as citizens of a state, especially as citizens of representative states. The international dimension focuses on how states may also be dominated by other states or international bodies.

2.1. Preceding conceptions of freedom

In political philosophy, republicanism is the name of a distinctive framework for thinking about politics; at its core lies the ideal of freedom understood as non-domination, that is, as not being subject to the arbitrary will of another. This republican ideal of the free person is in contrast to the competing view that freedom is primarily a property not of the person but of her choices. According to this competing view, one is free in so far as one enjoys the absence of interference in one's choices. In recent decades, some republicans, notably Skinner, Lovett and Pettit, have been engaging in an effort to recapture and revive the republican understanding of the nature of freedom by rediscovering and reviving the republican tradition. This tradition is labelled 'classical republicanism', as developed in the Roman era and revived in the American colonial period. The above authors have also developed and defended an idea of freedom and its implications for politics and law. Moreover, in recent years a number of scholars (Bellamy 2009; Bohman 2004, 2007; Dryzek 2008 2010, 2012; Halldenius 2010; Lovett

2010a, 2010b; Martí 2010, 2012, 2017, 2021; Pettit 2006, 2010a, 2010b, 2012a, 2012b, 2014, 2015, 2016; Skinner 2010) have articulated a conception of democracy that accompanies a fundamental commitment to freedom as non-domination.

The idea of freedom is relevant to political philosophy in order to determine what it is to be free in terms of choice, what it means to be free as a citizen and what a free state is (Pettit 2012b; Laborde & Ronzoni 2016). In the history of ideas, the idea of freedom goes back to both ancient Greek and Roman roots, giving the idea of freedom in two different but closely related senses (Lovett 2018), supported by two streams of republican thought: the neo-Athenian or Franco-German tradition and the Roman or Italian-Atlantic tradition.

(1) The sense of freedom linked to the neo-Athenian tradition is based on the Aristotelian belief in a good and virtuous life, realized through active participation in the *polis* and the active cultivation of civic virtues. Those associated with the neo-Athenian tradition claim that political freedom can only be realized if the individual participates actively in self-governing communities, with an important place given to the idea of civic virtue and political participation, and also to some concerns such as those of the dangers of corruption. This neo-Athenian tradition evolved in the so-called Franco-German tradition of republicanism, which developed since the time of Rousseau and Kant, was followed by Hannah Arendt (1958, 1973) and was simultaneously taken over by Charles Taylor (1989),[26] Michael Sandel (1996) and Rainer Forst (2012, 2013a, 2013b, 2013c, 2015, 2017a, 2017b, 2020). Neo-Athenian republicans have endorsed very different ideas of freedom, including the idea of having the chance of realizing a life full of virtue and political engagement, of a clear Aristotelian influence. However, even if some have also accepted the idea of freedom as non-domination defended by the neo-Roman tradition of republicanism to which we shall now turn, they have dropped two fundamental institutional ideals of its Italian-Atlantic offspring, which we will see in the next paragraph, namely a mixed constitution and a contestatory citizenry (see Pettit 2013: 199).

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[26] Pettit (2012: 12 ft. 10) mentioned regarding Sandel that he sometimes 'described [its conception] as neo-Athenian (Pettit 1998). I regret that usage now, since as a matter of history – if not in later representations, which were deeply influenced by Polibius – Athens had many of the characteristics of a mixed constitution; it was not a city ruled by an assembly with Rousseuvian powers.'

(2) The sense of freedom defended by neo-republicanism represents a revival of Roman republicanism and its ideal of *libertas*. Contemporarily associated with the works of Quentin Skinner (1978, 1997) and Philip Pettit (1997, 2012),[27] but previously developed and defended by the neo-classical civic humanist writers of Renaissance Italy such as Niccolo Machiavelli (1513-1519) and his Italian predecessors from the fifteenth century, and also by English writers such as John Milton (1649), James Harrington (1656), Algernon Sydney (1694), Montesquieu (1748) and Blackstone (1765), the English Commonwealth men of the eighteenth century, and Americans such as Thomas Jefferson, Richard Price (1776), James Madison (1788), and even old liberals such as John Locke (1689, 1694, 1695, 1700, 1706), as well as the theorists of the Republic or the Commonwealth men (Pettit 1997, 1999, 2012; Pocock 1975; Skinner 1978).

The neo-republican tradition (or civic republicanism, as it has been also called) emphasizes the values of freedom and government by understanding freedom as non-domination, 'the freedom that goes with not having to live under the power of another' (Pettit 2013: 170), and also through the ideals of a mixed constitution and the value of a contestatory citizenry. The Italian-Atlantic tradition represents a revival of the ideas of Livy, Sallust and Cicero, among others. Pettit (2013) highlights three ideas: The first relates to the recognition of the value of individual freedom by equating freedom with citizenship and with the absence of domination. The second is the satisfaction by the republic of a number of constitutional constraints associated with a mixed constitution, such as the guarantee of the rule of law and the separation of powers. The third idea is a contestatory citizenry to preserve the Republic in its proper affairs, by tracking public decisions, by giving the people their own say in the determination of laws and policies, and by allowing them to challenge them if necessary. As Pettit states 'the price of liberty is eternal vigilance' (Pettit 2013: 170). Throughout history, the Roman ideal of freedom has been articulated in various forms to develop into what we know today as freedom as non-domination or independence from arbitrary power. As we can imagine, the idea of freedom at that time was different from the one we can explore today. In fact, the Romans' idea of freedom was equated with citizenship, and as a citizen you were not only a free man, but you also enjoyed the same legal protection as other people

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[27] See Viroli 2002; Maynor 2003; Weinstock and Nadeau 2004; Laborde and Maynor 2008; Lovett and Pettit 2010

of the same status. To be dominated in the Roman era was tantamount to having a master, a *dominus*, and thus being subject to the will of others.

This was not unproblematic, since in Roman times citizenship was limited to men, which ignored women and also slaves and other non-citizens, for example. Even in ancient Rome, a citizen was subject to two different types of domination: private and public. With this distinction, the republican theory sketches the difference between the domination produced in the private sector of your life (even in a republic you can suffer under this kind of domination) and the public dimension of domination, i.e. the kind of domination of public power you suffer when you live under a monarchy or in a colony. I will come back to this point later. Nevertheless, those who were citizens were protected by the Roman institutions by enjoying legal protection in a common system of choice and electoral democracy cum contestation. Several cases of benevolent masters are known from history,[28] for example those known as Enlightened Absolutists such as, for instance, Catherine the Great of Russia or Maria Carolina of Austria, Queen of Naples, and these cases raise the question of whether you are free when your master does not interfere with your choices. This question receives a republican answer in the following metaphor, which is used by Richard Rumbold:[29] 'a horse given free rein is still unfree; there is a rider in the saddle' (Rumbold 1685 quoted in Pettit 2012). Skinner (1986: 225-50) points out that Roman republicanism recognizes that individuals can be less free when they are subject to arbitrary power. In contrast, they will not necessarily be less free when they are under direct interference. However, for the reasons already mentioned, the fact that the ideal of freedom was unattainable in Roman republican life seemed like a mobilizing recruitment ideal in later periods and places such as the British and American movements.

Before we enter the eighteenth century it is appropriate to mention that, besides the support of European reformers and revolutionaries, Jean Bodin (1572) and Thomas Hobbes (1640), both anti-republicans, supported a unitary, absolute and indivisible sovereign, and criticized and mocked the mixed constitution (especially Hobbes). While

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[28] The example used by Pettit of Nora and Torvald from 'A Doll's House' is well known.
[29] 'I never could believe that Providence had sent a few men into the world, ready booted and spurred to ride, and millions ready saddled and bridled to be ridden'.

Bodin introduced a classical definition of sovereignty,[30] Hobbes made a contribution by unearthing and delineating a modern conception of the state (Baumgold 1988, Steimberg 2008). They feared that a republican version of freedom would facilitate, for example, disunity and rebellion. The interest in mentioning these authors lies in the fact that these ideas would later influence the works of Rousseau and Kant (see Pettit 2013: 184-200; Skinner 1984, 2008a, 2008b). The period of the thinkers of the eighteenth century was characterized by their attempt to avoid what Skinner (2010: 96) calls 'the hated figure of the *dominus* in the republican tradition [who] is someone who hopes to be able to exercise his or her invigilating powers successfully without ever having to stoop to actual interference'. Focusing on invigilating power, Skinner explains that this happens when

> 'the dominating party keeps an eye on the choices of the dominated, standing ready to intervene if these are not to his or her taste. The dominated correspondingly find their choices limited by what they believe their dominus or master may be willing to tolerate and are forced to adjust their behavior in the hope of staving off any interventions detrimental to their interests' (Skinner 2010: 96).

The Federalist Papers and the publication of texts like *Cato's Letters*[31] were part of those thinkers' attempts to promote a version of liberty consisting of the ability 'to live upon your own terms; slavery is, to live at the mere mercy of another.'[32] Preceding Skinner's explanation of the invigilation power, Richard Price stated in 1776 that 'individuals in private life, while held under the power of masters, cannot be denominated free, however equitable and kindly they may be treated' (Price 1991 [1777]: 77).

However, at the time that the revolutionary Americans were suggesting that the state should enable its citizens 'to act as free, undominated persons in the sphere of the fundamental liberties, being protected under a mixed, contestatory constitution' (Pettit

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[30] Bodin (1576) 'La puissance absolue et perpetuelle d'une République.'
[31] Cato was a pseudonym used by Reverend Dr. William Smith.
[32] Cato's Letter No. 62 (1722).

2012: 293), John Lind, Jeremy Bentham and William Paley invented a new idea of freedom, a less demanding one, which equated freedom with non-interference. Lind – an opponent of the revolutionary Americans – argues against Price that liberty is 'nothing more or less than the absence of coercion', and since 'all laws are coercive' there is no special complaint in demanding freedom as non-domination. Lind acknowledges this idea from the utilitarian Jeremy Bentham (1843), who jointly with William Paley (1785) through his *Principles of Moral and Political Philosophy* made the new idea of freedom as non-coercion creditable. Bentham argued that 'the idea of liberty, imported nothing in it that was positive: […] it was merely a negative one: and… accordingly I defined it "the absence of restraint"' (Long 1977: 54 in Pettit 2012: 9). Following this definition of liberty, 'you are free in a given choice just insofar as others do not restrain the selection of any option: not the option you actually prefer, for sure, but also […] not any option you might have preferred but didn't' (Pettit 2012: 9), which implies that a person will be free in a choice when the absence of interference is in place. This definition of liberty leaves aside the absence of the power of interference. But it also leaves aside what Pettit calls the 'basic liberties', i.e. a set of co-exercisable and co-enjoyable choices. This is so because the non-interference account consisted of an absence of obstacles to pursuing whatever one wants, ignoring the protection of a co-exercisable and co-enjoyable same range of choices for everyone.

With reference to the liberal tradition established by the ideas of Paley and Bentham arises the account of liberty proposed by Isaiah Berlin (1969) presented in his famous lecture 'Two Concepts of Liberty'. Berlin adapts Benjamin Constant's old distinction between the freedom of the ancients (positive) and that of the moderns (negative). According to the negative view, people are free if their choices are not interfered with.[33] The positive conception of liberty implies, roughly speaking, that a person is free to the extent that he or she exercises self-control. This positive aspect of liberty is problematic, because it could allow fairly extensive coercion from those whose allegedly have real interests. Regarding this point, Berlin recognizes that

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[33] Lovett (2018) explains that 'This idea of negative liberty Berlin associates especially with the classic English political philosophers Hobbes, Bentham, and J. S. Mill, and it is today probably the dominant conception of liberty, particularly among contemporary Anglo-American philosophers'.

'It is one thing to say that I may be coerced for my own good which I am too blind to see: this may, on occasion, be for my benefit … [But] it is another to say that if it is my good, then I am not being coerced, for I have willed it, whether I know this or not, and am free (or 'truly' free) even when my poor earthly body and foolish mind bitterly reject it, and struggle against those who seek however benevolently to impose it [.]' (Berlin 1969: 134 quoted in Lovett 2018).

Berlin and other liberals have rejected the positive aspect of liberty, and, in contrast, embraced its negative conception. Regarding the liberals' understanding of the ideal of liberty, Lovett says that it 'adequately captures the political ideal we should be most interested in' (Lovett 2018; see also Lovett & Pettit 2009). By contrast, neo-republicans argue that it does not (Lovett & Pettit 2009: 16; Pettit 2011, Pettit 2012: 10). Interference in a choice of another agent is not always arbitrary, as is the case of Ulysses and the sirens, contained in the 12th book of Homer's epic poem Odysseus, according to which Ulysses asked his sailors to keep him bound to the mast to avoid the sirens' spell. Since the interference exerted by the sailors had been authorized by Ulysses it was not arbitrary (Pettit 2001: 75). However, freedom as non-interference could reduce negative liberty through laws, even though the freedom that matters, that is, the republican one, was 'established by the laws and not jeopardized by them' (Lovett & Pettit 2009: 16).[34] Liberalism makes freedom as non-interference paramount. Republicanism, in contrast, gives a central role to freedom as non-domination (Pettit 2012: 10-11). These guiding ideals differ in the enemy they try to fight. For republicans, the real enemy of freedom is the power 'that some people may have over others, whereas on the liberal understanding, asymmetries in interpersonal power are not in themselves objectionable' (Pettit 2012: 11).

In the late eighteenth century Jean Jacques Rousseau developed a Continental form of republicanism in *The Social Contract* (1762),[35] where it is understood that one is dominated if one is at the mercy of others. Even though Rousseau adopted the republican ideal of freedom as non-domination, i.e. a 'civic freedom' according to Pettit

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[34] In this sense Locke (1980 [1690]: 32) states that 'the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom.'
[35] Pettit characterized Rosseau as a communitarian. For a full discussion of the topic, with reference to Kant as well, see Pettit 2013.

(2013: 177), and was faithful to the idea that the state should guarantee the equal liberty of its citizens, he followed on this point the arguments of Hobbes[36] and departed from the idea of a mixed constitution. It is so, because he 'hailed the idea of a popular or representative sovereign. And in place of the contestatory citizenry, [he] installed the idea of a people whose primary job was to participate in the creation and sustenance of that sovereign assembly' (Pettit 2013: 179).

2.2. The neo-republican idea of freedom

Republicanism today distinctively conceives political freedom as 'non-domination', i.e. as the absence of both arbitrary interference in one's choices and non-deliberative control over them. Republicans claim that other competing notions of political freedom – whether they come from Hobbes, Rousseau, Mill, Berlin or Rawls[37] – are incapable of ensuring non-domination either because they focus solely on avoiding actual interference (thus leaving aside the problem of potential interference through non-deliberative control), or because they have a blind spot for arbitrariness.

In the republican view, freedom is an attribute of individuals and corporate agents, including states. However, republican theory is characterized by what is known as 'normative individualism', which assumes that something is only good if it is good for the individual (List and Pettit 2011: 182). Consequently, republicans perceive 'no difference in the value of two institutional arrangements unless there is a difference in the value for individual human beings of those arrangements. This [...] means that there will be no difference of value between an arrangement under which a corporate agent is dominated and an arrangement under which it is not, unless there is a difference of value in the impact on individual human beings' (Pettit 2015: 52-3). The republican ideal of political freedom as non-domination is thus fundamentally geared to achieving individual freedom.

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[36] Pettit (2013: 176) mentioned that: 'Jean Bodin, Thomas Hobbes and a number of other writers had attacked the institutional ideals of republicanism over that period, and I believe that they had an enormous influence on Rousseau's'. Their influence shows in the difference that Rousseau makes between sovereignty and administration, his negative positions regarding contestation, and, more importantly, in ascribing sovereignty to the legislative authority rather than the judicial or the executive.

[37] See Hobbes 1994a and 1994b, Rousseau 2018, Mill 1978, Berlin 1969 and Rawls 1971.

Another central element of republican political thought is the slogan that an individual can only be truly free as a citizen of a free state (Skinner 2010: 99). For this reason, republicans emphasize two dimensions of individual freedom as non-domination, one within and one outside the state. While the former, the internal dimension of individual freedom implies the absence of domestic domination of the individual by other individuals, private entities or state authorities, the latter, its external dimension, implies the absence of international domination of their state by other states or internationally operating agencies or bodies.

In order to secure both dimensions of individual freedom, republicans deploy two sets of liberties. The first set applies domestically, contributes to the free civic status of the individual, and is correlatively linked to its protection by a system of state laws and norms. This set is composed of the so-called 'basic liberties', such as freedoms of thought and speech, association and assembly, to name but four common examples. By contrast, the other set of liberties deployed by republican scholars to promote and defend political freedom in a globalized world operates on the international stage, where it establishes the freedom of states as corporate agents. It is composed of the so-called 'sovereign liberties' and includes, for example, the freedom of association of the state with other states, the principle of non-intervention for all states, according to which they must not interfere in the domestic affairs of another state unless there is a strong justification, and its freedom of expression. The sovereign liberties as attributes of states are considered to 'mimic' the basic liberties as attributes of individuals (Pettit 2015: 48).

Of course, there is much more to republican political thought than what I have just described.[38] Nonetheless, this sketch provides enough background information for a proper understanding of the challenge I am trying to raise in this essay against the current republican view of promoting and defending political freedom in a globalized world. Before we continue with the next point, it is worth summarizing that civic republicanism is based on the idea that republican freedom is only possible in a free republic, i.e. in a non-dominant and non-dominated sovereign state within a constitutional framework. The challenge is how to extend it to the global level in order to avoid new forms of domination.

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[38] Very good introductions are offered in Laborde 2013, Pettit 2012, Bellamy 2011, and Skinner 2010.

2.3. Basic liberties of individuals within a state

In order to gain an understanding of neo-republican freedom it is useful to focus on what is required for this kind of freedom in a given choice. This does not mean that neo-republican liberty is equivalent to freedom of choice. It is not. Freedom as non-domination is the freedom of the person rather than the freedom of a person in a particular choice (Pettit 2007, 2012: 26; Skinner 2008). This kind of freedom connects with those basic liberties that people need to enjoy to be free. Basic liberties apply in the national sphere of governance, where they contribute to the free civic status of individuals. This means that they cannot do the job alone. In the republican tradition, basic liberties—or 'fundamental liberties', as they are also called—protect the free civic status of the individual within a state along with what republicans consider the basic elements of a 'mixed constitution': namely, a rule of law in which all citizens are equal, a separation and sharing of powers that denies control to any single ruling individual or body, and a degree of representation that gives each sector of citizenry a presence in government (Pettit 2013: 171).

Within this institutional framework of a constitutional state, basic liberties identify those individual choices that need to be protected so that the individual can be a free, non-dominated citizen.[39] In other words, they have the important function of preventing the domination of the individual within a state. The promotion of basic liberties is motivated by the common premise that domination is an evil that must be avoided. Traditionally, the subject of domination, to which most attention has been paid in literature, has been the individual. It has been said that an individual is dominated in a particular choice or set of choices if other individuals, private entities or state authorities could interfere in their choices or in their decision as to which option to choose (Pettit 2012: 26-28). This is the core of the idea of domination. It includes both actual and potential interference, as has just been made clear by the use of the verb "can".

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[39]Pettit sketches a neo-republican version of the basic liberties. He concedes that almost every political theory refers to basic liberties, even if the question of how to identify them is conspicuously neglected (Pettit: 2008), with the exception of the work of Rawls, who considers basic liberties to be the first condition for justice, including the freedom to judge as one sees fit, the freedom to speak one's mind, the freedom to associate with others, the freedom to own private property, to vote and to nominate oneself for office (Rawls 1971: 61).

However, for the concept to be meaningful even in the context of social coexistence, where interference in one's own life by others is necessarily omnipresent, not every kind of actual or potential interference in one's choices counts. This is why freedom as non-domination was defined in the republican tradition as the absence of arbitrary interference in or non-deliberative control over a relevant sets of choices, and the relevance was determined by what are now called basic liberties.[40] An individual is therefore dominated by another individual, a private entity, or a state authority, insofar as he or she is subject to (actual or potential) arbitrary interference with or non-deliberative control over one of his or her basic liberties.

According to the republican understanding there is no fixed list of basic liberties for every moment and every political community. This means that the relevance we have just spoken of is contextual. In fact, it is "a system of [positive] law that serves to define the basic liberties for a society and to provide appropriate protection and resourcing for the person's exercise of their basic liberties." (Pettit 2016: 53). In other words, basic liberties are usually established by constitutional provisions or provisions of a "Bill of Rights". However, Pettit believes that every legal system should include "some versions of the liberties of thought and speech, association and religion, occupation and residence, as well as the liberty of enjoying certain rights of ownership and exchange (Pettit 2016: 52)". In contrast, Pettit adds, one legal system "might allow everyone the freedom to try to gain the upper hand in competitive exchanges, for example – this is implicit in the ideal of market freedom – while another might argue that competition of that kind ought to be severely regulated" (Pettit 2016: 52).

Having said that, Pettit (2008) has established some conceptual constraints as to what types of choices and what sets thereof can be considered candidates, which must be defined as relevant by a system of law and thus protected as basic liberties. These constraints are referred to as personal significance, equal co-enjoyment and feasible extension.

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[40] As for the arbitrariness of interference, republicans believe that interference is arbitrary when it is not subjected to adequate controls and checks and does not pursue what Pettit has called 'commonly avowable interests' (Laborde 2013: 1543). In line with this characterization, Laborde (2013: 1544) gives the following example of non-arbitrary interference: 'When the state interferes in people's lives, collects taxes and imposes coercive laws, it can do so in a non-arbitrary manner if it only pursues ends or uses only means derived from the public good (the common, recognizable interests of citizens). In this case, the law is not an affront to freedom, but, as John Locke saw, "enlarges freedom".'

While, as we shall see, personal significance and equal co-enjoyment set a barrier that each single choice-type must pass if it is to be considered one of the basic liberties that ought to be protected (or even a candidate for these basic liberties), a feasible extension affects the formation of entire candidate sets of basic liberties to be protected in a given society. I will present the three conceptual constraints in reverse order:

(I) *The constraint of the feasible extension* means that any proposal to grant the status of basic liberties to some liberties that pass the barrier of the other two constraints, must be extended to other liberties which pass that barrier, provided that those other liberties can be adequately protected in a given society without denying or substantially undermining the protection of the former. In other words, any candidate set of basic liberties in a given society is closed under the constraint of the feasible extension. This rule of closure fulfills two objectives. On the one hand, it avoids Hart's (1973: 542-5) criticism of the idea that basic liberties could be restricted in the interest of having a larger system of liberty as a whole (i.e. a larger number of individual liberties). On the other hand, it states that no unnecessarily restricted set of choice-types can be a candidate set of basic liberties (Pettit 2008: 260). As a result of the first restriction thus imposed on the extension of the set of basic liberties, each candidate set of basic liberties will be smaller than the set of all those liberties that pass the barrier of the other two constraints. In fact, some of the liberties that pass the barrier are in conflict with each other, which means that the greater the number of liberties protected as basic liberties, the more the scope of some of these will be restricted. In contrast, the second restriction, which applies to the extension of the set of basic liberties, has the effect that each candidate set will be a maximum subset of the total set of all those liberties which pass the barrier. The only members of the total set that remain outside of a particular candidate set are those that conflict significantly with the liberties included in the original, non-extended proposal.

(II) *The constraint of personal significance* means that no liberty can count as a basic liberty unless it is important in the life of the free citizen. More precisely, for a liberty to deserve this special protection, its importance in the life of free citizens must be determined by society-wide criteria. For this reason, as we have said above, basic liberties are context-dependent and may well vary considerably between societies. Nevertheless, Pettit believes that the compulsion to personal significance implies, in any

plausible case, that the basic liberties should be neither too proximal nor too specific. Instead, they must be relatively distal and relatively general (Pettit 2008: 206). For example, the liberty to make noise and the liberty to speak to oneself are too proximal to be considered basic, even though they are both implied in the more distal liberty to speak to others. Similarly, the liberty to comment on whether the weather has improved and the liberty to speak to a few named interlocutors are too specific to be considered basic, although they are both implied in the more general liberty to speak to others on more or less any subject. For a liberty to have personal significance in the life of the free citizen, it must be both relatively distal and relatively general. But not every liberty that is relatively distal and relatively general will satisfy the constraint of personal significance and not every liberty that has such personal significance will count as a basic liberty. There are some other conditions that must be met.

(III) *The constraint of equal co-enjoyment* implies further conditions. It states that a choice-type cannot constitute a basic liberty unless it is available to the same extent and simultaneously to all those who are considered full citizens of a given society. As we will now see, this rules out any choice-type that is composed of agent-particular options, mutually competitive options, or collectively self-defeating or counterproductive options. First, an option is agent-particular when it refers to a particular person, A, by name, such as the option to pursue friendship with A, for example, or the option to get A to make up A's mind (Pettit 2008: 211). Obviously, only A can make up A's mind and only a limited, albeit contingent, number of people can be known and considered by A as a possible friend. This clearly shows why agent-particular options (as opposed to agent-neutral or at least agent-relative options) cannot be equally co-enjoyed by all members of society. Second, an option is mutually competitive if it is restricted to the extent that one person's access to the option causes the frustration of another person (Pettit 2008: 213 quoting Hart). In other words, an option is competitive if it cannot be exercised by all at the same time due to the scarcity of resources. An example of such an option is the possibility of withdrawing money from a bank or leaving a classroom through a certain door. If too many people do this at will, the option will disappear. Consequently, choice-types that consist of competitive options (as opposed to anti-competitive ones) do not conform to the constraint of equal co-enjoyment that republicans impose on candidates for basic liberties. Third, an option is collectively self-defeating or counterproductive if there is no point in exercising it when too many

others do. Think of speaking to a large group, for example (Pettit 2008: 216 quoting Hart). If too many people did it at the same time, no one would be heard. Note that, unlike in the previous examples of competitive options, in this case the option does not disappear if too many people choose to do it. Actually, everyone could speak to the assembly at the same time, but there would be no point in doing it. Therefore, collectively self-defeating options (as opposed to non-self-defeating options) make choice-types that are unsuitable as candidates for basic liberties.

In summary, we have seen that for a liberty to comply with the constraints of personal significance and equal co-enjoyment, the options it protects must not be too proximal or too specific, agent-particular, competitive, or collectively self-defeating. It is important to add at this point that the problem of competitive options and the problem of collectively self-defeating options can be circumvented if we first introduce some rules of coordination to redefine and channel the relevant choices, and then protect these rule-dependent choices in the manner of a basic liberty (Pettit 2008: 214, 219). We all know how, for example, banking rules can enable people to have regulated or coordinated access to their money, thereby eliminating the aforementioned competition problem of unrestricted liberty to withdraw one's money from a bank. And it is easy to imagine how a coordination rule based on the principle of "first come, first served" could eliminate the problem of collective self-defeat associated with the rule-independent liberty to speak to a large group at will. It is obvious that by introducing coordination rules that eliminate these problems, the corresponding choices will be somewhat more limited than they would have been without such rules. However, this also makes the liberties in question pass the barrier of candidacy for basic liberties, and, consequently, it increases the possibility of extending any candidate set of basic liberties, as required by the constraint of feasible extension, in a manner that fully respects Hart's above-mentioned criticism of the idea that basic liberties can be restricted in favor of a greater number of individual liberties. This is so because rule-dependent basic liberties do not limit their choice-types for the sake of the other liberties. Instead, they do it in order that the corresponding choice-types may receive the special protection of a basic liberty.

Following the theory of basic liberties we have just described, it is easy to see that internal domination is a gradual concept with manifestations in the form of degrees. There are three reasons that support this conclusion:

(*a*) First, someone is dominated to a greater or lesser extent depending on how many of their basic liberties are restricted by arbitrary interference from another individual, private entity or public authority within the state. For example, individuals who are restricted in the exercise of their freedom of assembly and freedom of speech are dominated to a greater extent than individuals who are restricted in the exercise of one of these two freedoms, while they are free to exercise the other.

(*b*) Second, someone is more or less dominated depending on how many options from the relevant set of choices are not available to them as a result of such interference. People who are not allowed to joke about any member of the royal family of their state, for example, are more strongly dominated than people who are not allowed to criticize their head of state alone.

(*c*) Third, we must distinguish three ways in which an option to X may be said to be available to someone: namely, when the individual enjoys the (real or legal) *opportunity* to X, when they enjoy the *action* of X-ing, or when they enjoy the *benefits* associated with X-ing (Pettit 2008). This, again, allows us to consider that someone is dominated to a greater or lesser extent, depending on how many of these ways in which an option may be said to be available to them are affected by arbitrary interference from within the state. While it would be highly implausible to say, as Pettit (2008: 210) rightly observes, that some choice-type involving X is a matter of basic liberty if no adequate protection is given to the opportunity to X, not every basic liberty aims to protect the enjoyment of an action or even the benefits thereof. But when they do, we can say that those who are affected in the very opportunity to X are more strongly dominated than people affected in their enjoyment of the action to X, and that the latter are more strongly dominated than people affected in their enjoyment of (all or part of) the benefits of X-ing.

We have now reached the end of the section of this essay dealing with basic liberties in a constitutional state. The reason why I have undertaken a detailed analysis of this question is that it is fundamental to my argument to understand very well why the existence of certain types of domination, such as in this case horizontal and vertical domestic domination, requires certain legal protections in the form of rights, since these

very rights are largely absent or poorly protected at the international level. In this sense, republicans recognize that basic liberties are not sufficient to guarantee individual freedom as non-domination, even in contexts of a mixed constitution. This is expressed in the republican slogan mentioned above, according to which an individual can only be truly free as a citizen of a free state (Skinner 2010). Thus, apart from the basic liberties that contribute directly to the free civic status of an individual within the state borders, republicans have also established a set of liberties that aim to guarantee the freedom of the individual indirectly through state freedom. This set of liberties will be analyzed in section 3.2 of this chapter.

2.4. Two realms of state domination: Individuals and states

The disvalue of domination has been mainly attached to individuals. As we shall see, however, it can also be attached to states.

In the case of individuals, we saw that an individual is not free in a particular choice if another person can arbitrarily interfere in it. This is the core idea of unfreedom. However, we can also go a little further by saying that one person dominates another person and not only her choices. This case is identified with domination over significant choices in the realm of fundamental or basic liberties. I dominate an individual as a person to the extent that I dominate her in any of her fundamental freedoms, and depending on how many of her fundamental freedoms I dominate she will be more or less dominated. These basic liberties, which have already been described in the previous subsection, are personally important choices to achieve a meaningful life. As I said, basic liberties are commonly specified and protected against both private and public domination by public law.

So, how can the disvalue of domination be attached to states? I have already mentioned that a state is considered an actor. As Pettit says, a state

> 'is an agent more akin to a human being than a mute animal, or indeed a
> robot. Not only does it conform to our expectations that it should be
> evidentially reliable in forming and updating its purposes according to those

representations, it also has the capacity to recognize the expectations to which we hold it and the ability to take intentional steps to ensure that it lives up to those standards. It is an agent that speaks through its office-holders, and that can use their words to avow attitude we may expect it to display and to promise actions we may expect it to deliver' (Pettit 2016: 47).

Moreover, the state is the main source of people's domination. However, Pettit does not address the question of whether a state can be dominated or not. Pettit mimics the way in which peoples can be protected from domination. If we regard the state as an actor, we can say it is facing a multitude of choices, just like people do. These choices correspond to the fulfilment of its function, i.e. its everyday existence. For in order for the state to exist, fulfil its purposes and represent the people, it must make choices. And in this area, another state or another actor with a power of interference can dominate a state in a given choice by removing, replacing or influencing an option in the choice.

Given that a state can be dominated in its choices and that individuals can be dominated not only in their choices but also as individuals, the question arises of whether a state can also be dominated as a state. It is said that individuals are dominated as individuals when domination occurs in the realm of their basic liberties. I also mentioned that this is a matter of degree. Now, as we shall see in the following section, Pettit reasons by analogy regarding states. He argues that a state can be dominated as a state if it is dominated in some set of designated liberties (of states) that he calls sovereign liberties (Pettit 2016: 48-49). What is important to note at this point, that is, even before we enter into any details, is that domination of a state as a state implies domination of its citizens as individuals. Put differently, an individual is free from domination if she lives in a non-dominated state, which is neither itself dominating the individual nor failing to protect her from other dominating actors (see Pettit 2014: 151). This is why Pettit emphasizes two dimensions of individual freedom as non-domination, one within and one outside the state. While the first, internal dimension of individual freedom implies the absence of domestic domination of the individual (that is, by other individuals, corporate actors, or state authorities), its external dimension implies the absence of international domination of their state by other states or internationally operating actors.

3. The international dimension of freedom as non-domination

The international dimension of freedom as non-domination is part of a revision of the republican theory of freedom to make it applicable to the international level. It highlights the arrangements that must be made in the international sphere to avoid the domination of peoples through a collective version of individual freedom. The revision is based on the following assumptions about the international order. The first assumption is that the state is a self-sufficient unit for democratic rule, which implies that the state remains at the centre of democratic thought. The second assumption, dependent on the first, is that states can organize themselves internationally through coalitions of states. Based on these two assumptions, the international dimension of freedom as non-domination constitutes an ideal for the international association of the representative states to avoid the domination of another state or non-state body (Pettit 2016: 37-38, 41).

Pettit defines representative states as effectively operative states controlled by their people (Pettit 2015: 39). For the sake of discussion, representative states are those with popular control. The international dimension of freedom as non-domination operates for the protection of people of representative states against the domination produced by another state or other internationally operating actor. Since non-domination has a strong component of methodological individualism, states fit into it because they meet the requirements to be considered agents. So, for republican theory states are agents that manifest through their office-holders (Pettit 2016: 47, Pettit & List 2011).

As Skinner mentions, there are two distinct ways in which a state can be dominated (although he does not differentiate between representative and unrepresentative states):

> 'One is when the power of the state falls under the control of anyone other than the sovereign body of the citizens, whether the usurping agent be a monarch, an oligarchy or a ruling class. The other possibility is that the state may fall into a condition of dependence upon the will of another state, whether as a result of conquest, colonization or any other process that has the

effect of bypassing the will of its citizens as the source of the law.' (Skinner 2010: 99-100)

The second possibility fits Pettit's conception of international domination (Pettit 2015, 2016), according to which a state can be dominated externally by another state or by a non-state body. This presentation of international domination triggers two different questions. The first question is how we can evaluate if a state is dominated or free (Sections 3.1 and 3.2 below). The second question is what counts as a non-state body (Section 3.3). I shall treat them in turn.

3.1. What is a free state?

At the beginning of this chapter I mentioned that Pettit distinguishes between representative and non-representative states as a binary categorization. Only the former will be free states, given that the latter will be illegitimate, and thus dominating. Representative states must take two measures: they must operate effectively and be controlled by their peoples (2010: 38-39). These measures, which are implemented on a more or less large scale, imply that a state can only be an effective free state if it is able to provide basic services. The latter are identified with the ability to act on behalf of its people, to exercise the capacities that make a state a 'political organization' that avoids civil wars, unchecked famine, genocide, a class of warlords and general lawlessness (Pettit 2015: 39). An effective state must also be a representative state. If the first measure implies that a state must be able to act for its people, a representative state must be able to speak for its people and on its people's terms. In this context, a representative state is equated with giving its members institutional resources, such as '…in the ideal, rights of election, contestation, accountability, and the like— that enable them to exercise more or less equally shared control, though perhaps only at a general level, over what it says and does in their name' (Pettit 2015: 39).

Furthermore, at the international level, Pettit contrasts freedom as non-domination with the principle of non-intervention, in which states must at all times (at the structural level) remain free from arbitrary ties to other states or international organizations (see Thomas 2015). As we will see in the next chapter, this applies only to free states.

Laborde and Ronzoni in a paper entitled 'What is a Free State? Republican Internationalism and Globalisation'[41] pointed out that 'Democracies are (archetypically) free states' (Laborde & Ronzoni 2016: 288). As Pettit (2015) demonstrates, they propose that in order to be free, a state needs an internal and external dimension of freedom. They equate its internal dimension with the fact of people being subject to an impartial rule of law, and enjoying democratic control and also social and relational equality. This is tantamount to being equally subjected to a legitimate legal authority. The external dimension of free statehood is identified with the ability to avoid arbitrary international interference and to maintain the republic in the first place, even if this means making mistakes and enjoying basic rather than optimal non-domination. For if states are subject to basic domination in their external dimension, they cannot assure basic non-domination in their internal dimension. This description is closely related to Pettit's internal and international dimensions. In this case, however, both dimensions are bound by what the authors call 'basic non-domination'.[42] They identify basic non-domination with the ability to be free from arbitrary interference. [43] This has crucial socio-economic preconditions that Laborde, since her work is committed to distributive justice, identifies as basic principles of justice (Laborde 2010: 52). On the other hand, they argue that 'optimal non-domination' secures freedom better than basic non-domination. This is because the account of optimal non-domination is more complete than the basic one. In this respect, individuals relate to each other as citizens and decide together how best to equalize the particular resources and opportunities necessary for enjoying citizenship in their state (2016; Laborde 2010: 63). For this reason, the ideal of the free state can only be achieved through global regulation. What both accounts have in common is that the state is still of great importance and requires a rethinking of state control.

There is one last point I would like to introduce, and it has to do with freedom and the principle of non-intervention and with what counts as a free state. I have already described the two conditions that Pettit introduces for free states. In this sense, it is easy

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[41] This work is addressed from a perspective of social justice which is not the objective of this dissertation. However, there are aspects that constitute the common ground of a republican theory of freedom.

[42] See Laborde 2010, and for a proposal about minimums see Bohman (2015) about the democratic minimum and Sen (2005) for a discussion about basic capabilities.

[43] See also the distinction proposed by Rainer Forst (2010) between minimal and maximal justice.

to associate representative states with democratic states, and in this line of argument Pettit argues that 'nothing less than full democracy can be normatively satisfactory' (Pettit 2014: 156), but at the same time he accepts extending the category of representative states to those that are run by authorities that 'may not be elected in a meaningful way, yet the effective, non-oppressive manner in which they operate may show that they can reasonably claim to be indicative representatives of their subjects' (Pettit 2014: 156-157). As Thomas (2015: 12-13) argues, the presuppositions and the separation between the concepts of representativeness and effectiveness seem to collapse somewhat.[44]

3.2. Sovereign liberties: Protecting the freedom of the free state and its people

As I mentioned above, sovereign liberties operate on the international stage, where they establish the freedom of states as corporate agents. If basic liberties are linked to the freedom of the person, sovereign liberties are intended to protect the freedom of the free people. Since state freedom is a necessary condition for individual freedom, sovereign liberties thus also contribute to individual freedom, albeit indirectly, by guaranteeing state freedom as the external (global) dimension of individual freedom. It seems, however, that they should fulfil this guarantee function alone, without the support of a coercive legal system, in contrast to basic liberties, which require as we have seen the institutional background of a mixed constitution to achieve their goal of protecting the internal (domestic) dimension of individual freedom.

The theorization of sovereign liberties arises as a result of the emergence of new actors on the world stage that has created new occasions for exerting influence in the globalized world.[45] In an increasingly networked world,[46] countless political actors have

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[44] Pettit has tried to solve this apparent contradiction by defining what counts as an oppressive state. See Thomas (2015), especially pages 12-14.

[45] For example, the growing number of international non-governmental organizations (INGOs) has become spectacular in recent decades. From 200 INGOs in 1980 (Boli and Thomas 1999) to an estimate of 40,000 INGOs in 2013 (Ben-Ari 2013). Seven years ago Boli and Thomas documented the increase in INGOs from 200 INGOs in 1980 to almost 4000 in 1990.

[46] A classic example of a networked world dates back to 1973. 1973's oil crisis had a variety of effects on the various economies of the world, effects that even reached the citizens themselves, who had to reduce the number of traffic days, for example. An example for the present day is the pandemic crisis of COVID -19.

the opportunity to interfere in the lives of people in societies beyond their own.[47] In fact, they can exercise their power by a variety of means. While brute imposition of one agent's power over others is still the main source of arbitrary interference, the means of interference range from lobbying and persuasion at one end of the spectrum to consumer and trade boycotts at the other.[48] In response to this shift in global politics[49], republican theorists have shifted their focus to the international dimension of freedom as non-domination, thus intertwining democratic theory with international law.[50] The republican shift of emphasis to the international dimension of freedom also triggered its theorization of international analogues of the basic liberties under the name of 'sovereign liberties'.

While basic liberties are enacted through a system of domestic laws, typically as constitutional provisions or provisions of a "Bill of Rights", sovereign liberties are enshrined by international law either explicitly through international treaties or implicitly through international custom. Sovereign liberties include those choices and sets of choices in which states, and especially representative states, should be protected in order to be free, non-dominated states (Pettit 2014, 2016). As Skinner (2010: 99-100) pointed out, a state can be dominated in two different ways. One is when the power of the state falls under the control of a body other than the sovereign body of citizens, regardless of whether the usurper is a monarch, an oligarchy or a ruling class. Such internal domination of a state does not affect by definition representative states, which are of our interest here. The other way in which a state can be dominated, according to Skinner, is when it falls into a state of dependence on the will of another state, whether as a result of conquest, colonization or any other process that leads to the will of its citizens being circumvented as a source of law. Sovereign liberties are intended to prevent this external domination of the state and its people. Indeed, their purpose is to protect states from arbitrary interference or non-deliberative control by other states (or

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[47] To give just one example, we can reflect on the influence that China exerted through the Association of Southeast Asian Nations on Myanmar after Cyclone Nargis in 2008 to make that country accept humanitarian aid.
[48] On the international stage, a new form of boycott different from the traditional one is not unusual, this new form is the so-called "name and shame".
[49] See Laborde and Ronzoni 2015 and Martí 2010, 2015, and 2017.
[50] In recent years there has been a proliferation of literature intertwining democracy and international law, see for instance: Weiler 2020; Christiano 2006; Archibugi & Koenig-Archibugi, 2003; Zürn, 2018. Archibugi, & Marchetti, 2012a; Besson & Martí, 2018; Bohman, 1999, 2001, 2007, 2010; De Búrca, 2008, 2010; Habermas, 2001; Held, 2010; Lafont, 2010; Martí, 2010; Peters, 2009; Pettit, 2010a, 2010b, 2015, 2016; among many others.

international organizations), while at the same time helping to protect individual peoples and perhaps even providing them with the resources to exercise and enjoy their sovereign liberties (Pettit 2016: 58). While Pettit contrasts freedom as non-domination with freedom as non-interference at the domestic level, he contrasts non-domination with what he calls the Westphalian principle of non-intervention at the international level. He argues that it is not enough for states to be free from foreign intervention at a given point in time; rather, they must not be arbitrarily beholden to other states or international agencies at a structural level (Thomas 2015). This includes both actual and potential domination of a state by other states or international agencies.

According to Pettit there is no fixed list of sovereign liberties for every moment and every state, just as there is no such list of basic liberties. They are all contextual, since they represent a series of choices granted to states according to appropriate rules established by international cooperation. The sovereign liberties will therefore not be uniform for all states, since they take into account their position in the international order in the area of their sovereign control. As with basic liberties, however, Pettit (2014: 163) names three 'clear candidates' for sovereign liberties. These are liberty of speech, assembly and association. The latter means, for example, that the state enjoys the liberty to form a common entity with other states, regardless of whether they form an international organization or not. It seems easy to think of other examples that are no less 'clear candidates', and the question remains as to whether it is at all possible to imagine a sovereign state without such sovereign liberties: namely, the liberty to exist and to protect its existence, the liberty to exercise jurisdiction on the territory of the state and over its entire population, the liberty to develop its cultural, political and economic life, the liberty to establish relations with other states, to celebrate treaties, etc.

Be that as it may, Pettit has also laid down some conceptual constraints as to what types of choices and what sets thereof are eligible as candidates, which must then be defined in international agreements and protected in international practice as sovereign liberties. One of these constraints clearly results from the normative individualism we mentioned in the introductory section above; two others are called co-satisfaction and co-exercisability. As we will now see, the latter refers to single liberties, while the first two refer to the entire set of sovereign liberties:

(I) *The constraint of co-exercisability* means that singular choices cannot count as sovereign liberties of a state unless it can exercise them, regardless of how many other states are exercising them at the same time (Pettit 2014: 62). An example that meets the condition of co-exercisability is the freedom to establish relations with other states, since it can be exercised by several states at the same time without it being impossible for other states to exercise this freedom as well. An example of non-co-exercisable liberty, on the other hand, is that of unrestricted use of land or waters. This choice-type is problematic and cannot be secured as a sovereign liberty given that the natural scarcity of land and waters prevents two or more states from having exclusive jurisdiction in the same area.[51] However, as we have shown above in connection with the types of choice composed of competitive options, the problem can be circumvented by introducing appropriate coordination rules that make a delimited version of the choice co-exercisable (think, for example, of the rules of international law regarding the use of territorial waters and international waters).

(II) *The constraint of co-satisfaction* means that a state must be able to achieve satisfactory results in the exercise of any single choice in the set of choices, regardless of how many other states exercise that choice or any other choice in the set simultaneously. Therefore, the set of sovereign liberties must not contain choices that harm others, expose others to domination, or are counterproductive in their effects, such as a war of aggression, to give the most blatant example. In fact, if states had the liberty to wage such wars, the exercise of that liberty would jeopardize their satisfaction in many co-exercisable choices. An opposite example, that is, one that meets the constraint of co-satisfaction, is the liberty of states to exercise legitimate defense. Any state can derive satisfaction from legitimate defense, regardless of how many other states pursue their own legitimate defense or how many other states simultaneously exercise their sovereign liberties.

Even if co-exercisability and co-satisfaction of sovereign liberties do not seem to have any parallel with the conceptual restrictions of basic liberties, this is not the case. In the way Pettit presents them, both constraints are part of the constraint of equal co-

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[51] For a similar example regarding basic liberties, see Pettit 2014: 200.

enjoyment, which in his more recent work is simply structured differently from what we saw in the previous section (Pettit 2014: 164).[52]

(III) *The constraint of normative individualism* finally says, as we have seen, that nothing is good or desirable if it is not good for the individual. If we apply this to the sovereign liberties of a state, it follows that they must not violate the basic liberties of the citizens of the state.[53] Under this constraint, therefore, no state should be granted discretionary powers that would restrict the scope of people's basic liberties, such as freedom of speech, freedom of association or the ability to determine their religion, to name but three examples that Pettit also frequently cites. At first glance, this constraint has no parallel in the conceptual restrictions imposed on basic liberties. We will note, however, that it mimics the constraint of feasible extension in that it excludes from the list of candidates for the set of sovereign liberties all kinds of choices that conflict with a basic liberty. This is also the point at which the similarity between these two constraints seems to end. In fact, one could hardly conclude that normative individualism demands the most comprehensive set of sovereign liberties possible, although Pettit explicitly says that "every representative state and people should enjoy all [...] those sovereign liberties that are compatible with the enjoyment of similar liberties by other representative states and peoples (Pettit 2014: 163)".

In summary, sovereign liberties are intended to protect the freedom of the free state and its people. They are enshrined in international law, either explicitly through international treaties or implicitly through international practice. Although there is no fixed list of sovereign liberties for every moment and every state, Pettit lists some conceptual limitations as to what types of choices and what sets of choices can be considered candidates for sovereign liberties, similarly to what he did for basic liberties. These limitations are referred to as co-exercisability, co-satisfaction and normative individualism. While the former two actually correspond to the constraint of equal co-enjoyment, which we have also dealt with in the case of basic liberties, the latter corresponds in part to the constraint of the feasible extension. This confirms Pettit's assertion that sovereign liberties 'mimic' basic liberties (Pettit 2015: 48). Nevertheless,

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[52] This applies even to the equal co-enjoyment constraint that Pettit imposes on the basic liberties. See Pettit 2014.

[53] Pettit 2015: 49. Notice, however, that Pettit has never presented this constraint on sovereign liberties under this name.

we must also note that there is a conceptual restriction on the candidates for basic liberties —namely, personal significance— which bears no parallel to such restrictions on the candidates for sovereign liberties.

As Pettit claims, the freedom of the individual person is only possible on the basis of a system of law. A state system of law will define the basic liberties for its subjects and provide protection and resources for the exercise of their basic liberties (Pettit 2016: 14). So, as I explained before, people living in a democratic and non-dominating state are free only if this state is also a non-dominated one. A non-dominated state is one that is not dominated in its relevant sovereign liberties. For the standard republican theory, the articulation between basic liberties and sovereign liberties relies in the end upon the state because this is the only agent that is capable of preventing domination both internally and externally. Sovereign liberties, according to Pettit, do not require an international consensus about state liberties, but rather that states agree to a series of binding multilateral arrangements that would create a framework within which each state can exercise their sovereign liberties and be protected from external interference by insulating multilateral arrangements between representative states.

However, to rely on sovereign liberties in multilateral cooperation seems different from avoiding external domination. This is so because any other state not willing to join the multilateral cooperation system or that is excluded from it for being unrepresentative can exert external domination. So, two questions remain: would it not be possible for the international legal system to mirror basic liberties at the international level, and might not global democracy –which the standard republican theory qualified as utopian– be the only real possibility to secure sovereign liberties? How should we react to state domination since freedom as non-domination is understood as being based on normative individualism? Pettit answers this by saying that domination of collective agents, such as states, matters '…insofar as those agencies are organizations whereby individual human beings combine to act together. If the thing that the members do as a corporate entity are subject to the dominating control of another agent or agency, then those members are themselves subjects to such control' (Pettit 2016: 53). Put in those terms, a dominated state implies that the people which lives in it is also dominated; the flip side implies, according to Pettit, that a people which lives in a free state cannot be dominated by another state or by a non-state actor.

3.3. Domination by a non-state actor

The international dimension of domination takes place between a dominated representative state on the one hand and another (representative or non-representative) state or non-state foreign actor as a possible source of domination, i.e. a *dominus*, on the other.

Since there is a complex diversity of actors beyond states (see Chapter 1, Section 3), the category of non-state actor encompasses more actors than a state-centric position would admit. There are two types of non-state actor that could be potential sources of domination for representative states. The first type are the private non-state actors performing activities with a transnational reach or scope, such as corporations, churches, terrorist organizations and even powerful individuals such as Carlos Slim or Bill Gates. The second are non-domestic public actors often created by states, such as the United Nations, the World Bank, the International Monetary Fund, the WTO and WHO.

(1) This first kind of actor, the aforementioned corporations, churches, terrorist organizations and powerful individuals, are a potential threat for representative states because they have the capacity and the resources to exercise active control. A multinational corporation has the capacity to threaten representative states by moving its establishments, which implies moving away a source of employment, taxation and investment, to another state, a representative or an unrepresentative one. In this case, a multinational corporation can exercise alien control over representative states without resorting to active control.

A multinational corporation, such as Apple, could gain so much power that it would never need to put a threat into practice if a state guarantees favourable treatment, whether or not required, securing for example a low tax rate or even a tax exemption, as Ireland secured for Apple.[54] In this case alien control is produced without active control.

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[54] See https://www.theguardian.com/world/2018/sep/18/ireland-collects-more-than-14bn-disputed-taxes-from-apple Accessed on February 14, 2019.

The power of domination of large technology companies and the largest fortunes on the planet is increasingly evident.[55] And states, even the EU, are revealing themselves to be incapable of fully protecting us from such threats. In contrast to states, multinational corporations can exercise active alien control by influencing electoral campaigns or blackmailing governments, abusing their position of power.

(2) Now that it has been established how non-domestic private entities can exercise alien control over representative states, let us turn to non-domestic public entities. Non-domestic public bodies are international corporations formed by public actors. The most obvious example is the United Nations, an intergovernmental organization formed by 193 member States and 2 observer States. The UN is organized under the UN Charter, which was opened for signature on 26 June 1945 and entered into force on 24 October 1945, and which binds all members by its articles.[56] But there exist many other IGOs today, some of them very powerful, such as the IMF, the World Bank, NATO and the ICC. The threat posed to representative states by non-domestic public bodies concerns the lack of guarantee of association with other countries, for example. In this sense, 'Such a body can deny a state a benefit that it makes available to comparable others, thereby changing the previous available option of competing on equal terms' (Pettit 2016: 55). An example of this are the country rankings drawn up by the Organization for Economic Cooperation and Development (OECD). Inclusion in these lists implies difficulties in accessing credit or the direct refusal of financing. Since states and international public actors are usually bound by treaties, alien control by foreigners can be active, virtual or reserve. Another example of how a non-domestic private entity can exert alien control over representative states is the IMF's interference in the direction of the economic state policies of Latin American states, for example Argentina, that are in debt to that entity.

Pettit rejects the potential of international institutions for domination. He explicitly affirms that 'only a perverted sense of priority would suggest that they [the international agencies] are the principal problems in the area' (Pettit 2010a 86; cf. Pettit 2015: 63). However, the accountability on which his argument is based is weak, as the participation and control that civil movements, for example, can exert is limited. As

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[55] See https://www.bbc.com/news/technology-54296405 Accessed in 02-12-2020.
[56] See article 103 of the UN Charter.

Pettit mentioned, there are some international institutions, such as the UN, which allow the participation of INGOs in prior consultations. However, the majority of the international institutions that influence the world do not allow this kind of participation and control, even from civic moments that do not come from states, where in some cases, such as in international investment treaties, states simply formally agree on the jurisdiction for dispute settlement procedures (CIADI) and are subject to arbitrary control.

As far as deliberation is concerned, the international form of non-domination proposed by Pettit encourages international institutions to facilitate deliberation between states (Pettit 2010a: 70, 82-83). Beyond this normative goal, which should include civil society and not only states, an international practitioner will argue that the reality of international institutions offers more room for negotiation than for deliberation. As I have already mentioned, international institutions have limited scope for the participation of civil society, [57] so it is problematic to include them given their current institutional design.

One last point before we conclude this section on the international dimension of freedom as non-domination: non-domestic public institutions are considered less dangerous to the freedom of representative states than non-domestic private institutions. This is due to the (usually deficient) mechanism of accountability and review and, in some cases, to the right of veto and the right of conditional approval. Even though these are imperfect, they are sufficient to speak of membership and state consent (see Christiano 2008, 2011, 2015).

That having been said, we now turn from the presentation of the standard republican theory of freedom (given in Sections 2 and 3 of this chapter), to the problems of the standard theory (Section 4) and my proposal to amend it (Section 5).

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[57] See Maisley (2019).

4. Two problems of the standard theory: Blind-spots and the lack of remedies

This section presents a number of examples of domination in the globalized world to illustrate two problems with the standard account of freedom and its application: the problem of *theoretical blind spots* and that of *practical remedies* to domination.

The first problem arises from the theoretical classification of all domination relations into the horizontal, the vertical and the international kind. Indeed, this classification has some blind spots of considerable importance. In other words, there are relatively common and problematic cases of domination in the globalized world that remain under the radar of standard theory (i.e., they do not fit into any of the aforementioned categories), and cannot be effectively addressed if we stick to the current classification. The second problem arises from this inadequacy. It consists in the fact that the protective tools based on the standard theory are not applicable in the cases of domination presented below.

The root of these problems is common to *the state-centric views* of Pettit and Skinner. In fact, the tripartite division of domination is based on a more fundamental distinction between domination internal to the state, which includes both the horizontal and vertical kinds, and domination that comes from outside the state's borders – in this case, Pettit speaks of international domination, as explained above. Although Pettit and Skinner rightly subscribe to the slogan that there is *no free individual without a free state* (see Skinner 2010: 100-101; Pettit 2015: 53), they seem to commit the fallacy of denying the antecedent and claiming that the converse is also true: that is, *if the state is free, then the individual is also free*. Indeed, Pettit explicitly writes that a full statement of freedom should read as follows: '[T]he free individual is protected against the domination of others by the undominating and undominated state' (Pettit 2015: 53). Pettit thinks of international domination as affecting individuals, but he limits it to the case where state also loses its freedom by being dominated by another state or intergovernmental organization, or private international actor. If the state did not lose its freedom, that is, if it were undominated, then their citizens would also be undominated, because they

would be effectively protected by the state. Of course, this can and sometimes does happen, as we shall see, but that is not the whole story. Many relations of domination involving individuals as victims have their roots beyond state borders and yet they do not necessarily limit the sovereign liberties of the state. In other words, there are many instances of external domination that do not affect state freedom. The concept of international domination does not apply to these cases, and even free, undominated and undominating states are not able to fully protect their citizens from these types of external domination which pass through its borders. Nevertheless, the standard theory does not indicate any non-state-based remedies to protect the individuals against domination.

In what follows I will offer four series of examples to illustrate the problem. Whereas the first of them can easily be treated with the standard theory, the other three reveal both the theoretical problem of blind spots and the practical problem of lack of remedies to address domination. Indeed, in the first series of examples the state is externally dominated and so are its citizens, because external arbitrary interference (either from another state or from a foreign corporation) affects both the set of sovereign liberties of the state and that of the basic liberties of individuals. In contrast, the second series of examples is one in which the state remains free but its citizens suffer domination by another state or a foreign corporate actor. In particular, the second example manifests a potential arbitrary interference from outside that affects the set of basic liberties, but not the set of sovereign liberties. For this reason, it does not correspond to any of Pettit's three dimensions of domination. Finally, the third example manifests an internal domination that affects some of the basic liberties of individuals, and yet it does not correspond to either the horizontal or the vertical dimension of what Pettit calls internal domination. Let us see why.

The first, unproblematic set is composed of two very short examples. One is a classic example of domination of one state over another through war, that is, armed invasion (*a*). The other example is that of a less classic, but even more frequent case of domination of a multinational corporation over individuals and/or states (*b*).

(*a*) *Armed invasion.* Suppose first that France invades Germany. The French state invades the German state with her army, so there is war. The German state, let's assume,

fails to defend the German population and territory, so the population of Germany no longer lives in a free state. In this case there is domination from state to state because the German state and its citizens are no longer free. This example is a clear case of domination.

(*b*) *Sweatshops.* Now consider the case of multinational corporations exploiting workers in sweatshops in Bangladesh, for instance (Allen 2015: 126). This form of exploitation is a paradigmatic example of domination over individuals with or without the help of their states. Let me explain. Corporations settle their factories in countries where the workforce cost is lower and labor regulations less stringent. In our case, multinational corporations establish a direct relationship of domination regarding their workers and the state of Bangladesh is complicit in this domination insofar as it does not change its legislation to protect the workers. However, a similar case might arise where state legislation does establish an adequate standard of protection, and yet it finds itself unable to enforce it on the corporation. In this scenario, we should say that the subject of corporate domination are both the state and the workers. Either way, we are speaking of a clear example of domination which does not present any problems for Pettit's theory insofar as it is well equipped to identify the problem and the remedies.

The next example opens up an entirely different story.

(1) *External public domination.* The example I will now present paints a situation in which basic liberties of individuals are affected by the actions of the foreign state, even though the latter has no effect on the sovereign liberties. As we shall see in a moment, this leads us to conclude that the standard theory of freedom as non-domination has a theoretical shortcoming: namely, there are cases of domination that are not captured by any of the three dimensions of domination theorized by Pettit.

Suppose Country A decides to abandon nuclear power plants and articulates a decades-long plan to gradually close all such power plants on its soil. This is a sovereign and autonomous decision made democratically by the people of Country A. Let us now suppose that a neighboring Country B and its citizens sovereignly and autonomously decide to rely on nuclear energy because they have no other source of energy. It also happens that a nuclear power plant in Country B is placed basically on the border with

Country A. In the event of an accident, at least part of the citizenry of Country A would be affected. In this example, the decisions that County B has made sovereignly are decisions that are incontestable. There has been no arbitrary interference in the sovereign liberties of Country A by Country B. This is so, because what the latter has decided regarding its energy sources counts as self-government. Most importantly, there is nothing that Country A was permitted do to make the decision of Country B different. If Country A had tried to interfere with that decision, it would have been arbitrary interference in the sphere of the internationally recognized sovereign liberties of Country B. So, in an international order where the principle of sovereignty of states is in force, (*i*) Country B has made a decision that it had a perfect right to make; (*ii*) Country A has not failed at all by not preventing that decision, and yet (*iii*) the situation is one of concern because it creates a risk of arbitrary interference in the sphere of basic liberties of citizens of Country A insofar as they had no ability to control or influence or participate in the decision which creates that risk. In this sense, Country A cannot protect its citizens from domination originating abroad (as it is thought to be able to do by state-centric theories such a Pettit's).

This example, which is simple in terms of the actors involved, shows that some actions or decisions of an external actor, which in this case is another state, affect the interests of the citizens of the first state in a way that is beyond their control. Consequently, these citizens are dominated. However, their state remains a free, democratic state, and does not stop being free insofar as none of its sovereign liberties are violated. Country B doesn't dominate the Country A, even though it dominates its citizens, so we should say that there is domination that has gone across state lines.

(2) *External private domination*. Another challenge for the standard theory is transborder domination of a corporate actor over other corporations, third-country individuals or even states. Think of a multinational tech-company. Technology leads us to a reality that is not factual, but virtual. Of course, not every tool or digital platform that is developed or based on technology is bad.[58] However, this technology is based on algorithms such as those used by technology giants like Amazon, Apple, Google, Facebook and Microsoft. Through such technologies, these corporations have the ability

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[58] For instance, those initiatives building on blockchain, or to promote the participation of people in tech such as CrowdLaw, https://manifesto.crowd.law/ Accessed on December 30, 2020.

to influence and manipulate our choices, and to violate our rights to privacy on the one hand and our civil and political freedoms on the other. The power imbalance that exists between these technology giants and states is a potential source of domination, but they also have great power to manipulate people, as the Facebook / Cambridge Analytica scandal has shown, where data from Facebook was used to influence the 2016 elections in the USA. Like Facebook, Google and Amazon may have access to large amounts of personal information, ranging from search engine queries to consumer preferences. The extent to which these companies can exercise power over individuals by manipulating, replacing or misrepresenting their options is highly problematic, especially in combination with the concentration of power. The concentration of power in the hands of these tech-companies is not only about wealth, but also about the power to develop technology. For example, few companies and governments have the ability to develop and control Artificial Intelligence (AI), but Amazon and Google (and China) do. The power they have, and the power they would achieve if they developed the application of AI,[59] is not limited to states, in the case of governments, or to a regulated territory, in the case of technology companies. The power they have is global and non-territorial, and no state is able to control it or control what they do, simply because it is beyond their ability.[60]

(3) *Hybrid domination.* The third, more sophisticated, series of examples involves a hybrid actor.[61] As I explained in Chapter 1, these actors either belong to neither the category of public, governmental actors nor to that of private, nongovernmental actors, or they fit into both of these categories simultaneously. Examples of such actors are ICANN, the World Anti-Doping Agency (WADA), or the Investor-State Dispute Settlement (ISDS),[62] which is implicated in a number of bilateral investments treaties, a system through which investors can sue states for discriminatory practices or breach of

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[59] China, for example, is using AI to develop a system of surveillance. See https://www.nytimes.com/2018/07/08/business/china-surveillance-technology.html Accessed on December 4, 2020.

[60] For instance, in 2019 the European Union fined Google several times for abuse of its market power. Nevertheless, Google is still one of the most valuable companies in the world. This shows that although these companies are threatened with some sanctions, this has little impact on their favorable position of power and wealth in society. See https://ec.europa.eu/commission/presscorner/detail/en/IP_19_1770; https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1784; https://ec.europa.eu/commission/presscorner/detail/en/IP_18_4581.

[61] See Kingsbury, Krisch & Stewart (2015).

[62] According to Alvarez (2016: 541): 'To the extent 'public' and 'private' remain useful analytical or descriptive categories, ISDS has both private and public features and, therefore, is most properly described as a hybrid'.

contract.[63] Hybrid actors exist in both the global and domestic realms. The examples presented below manifest both, the cases of domination coming from within and outside of state borders.

Before I present an example of internal hybrid domination (Section 3b) to prove that this is equally problematic for the standard theory and the external one, which gives us additional reasons to abandon the internal/external distinction, I first want to call your attention to a series of examples where a hybrid actor dominates third-country corporate actors, individuals or even a state (Sec. 3a).

(3a) *External hybrid domination.* An interesting case of transborder domination involves a transnational hybrid regulator and a corporate actor. As mentioned, hybrid actors are not accounted for in Pettit's theory. They are in charge of various transboundary regulatory matters (Kingsbury, Krisch, & Stewart 2005: 22),[64] such as for instance the regulation of the Internet by ICANN or the regulation of international air transport by IATA. The practices of these actors are not subject to a consolidated set of rules nor to a basic set of standards. Thus, accountability mechanisms are not mandatory and depend on the institution's good will. The growth of voluntary mechanisms of transparency and accountability is good news, of course, since we did not even have those before. However, they still do not bind international institutions and they do not properly address the relevant questions about the design of and the need for mechanisms of transparency, participation, review, and legitimacy. Airlines, for example, cannot operate without being members of IATA; rankings and monitoring frameworks could exclude a corporation from the market or as happens in the next example, they could exclude an individual, which does not necessarily entail that the state of the airline, other corporation or individual in question is also dominated.

Suppose that a coffee producer from Nicaragua cannot gain access to the European market unless her product has some kind of certification of organic farming, such as those provided by the International Federation of Organic Agriculture Movement (IFOAM) or the European Union's BioAgriCert (BAC). Now, such a certification is in

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[63] See von Bogdandy & Venzke (2012).
[64] Kingsbury, Krisch, and Stewart (2005) ask in the context of Global Administrative Law if given the characteristics of hybrid institutions, they can be under either what they call traditional international law or under an *ius gentium* approach.

the hands of an international agency that carries out the inspection and control of coffee farmers. But every time our coffee producer asks for certification, this is refused because the international regulatory agency claims without any explanation that the farm does not meet the minimum standards of chemical-free production. Every time the coffee producer complains that her coffee does not contain pesticides or other chemicals, the complaint is rejected again, without any explanation and even without the possibility of accountability. And there is nothing her state can do to prevent that from happening. In this example, the imaginary coffee producer is obviously dominated by the international agency, while her state can remain free. This example therefore shows that in a globalized world the individual is vulnerable to domination even if he or she lives in a free state.

Similar examples abound. Consider first the impact of ISO standards on our everyday lives. Even if the ISO is a private body, the function it fulfils is a public one, so it may be regarded as a hybrid actor. It sets the standards that harmonize products and processes worldwide. The ISO has great power and importance as it has issued 23,541 regulatory decisions since its foundation in 1946. These decisions determine, for instance, what is considered Fair Trade coffee (ISO 65), what is considered a good management system (ISO 9001), what is considered true social responsibility (ISO 26000), but also how to represent the name of a country (ISO 3166-1:2013), while a peculiarity perhaps is how to improve elections (ISO /TS 54001). All these standards are issued without people's participation or any kind of accountability.

Another case in point is the regulation of drugs by the European Medicines Agency (EMA) or the Food and Drug Administration (FDA) in the USA. They have the power to decide which drugs or vaccines can be researched, developed, used, sold and which must be banned. When we look at how these agencies operate it is possible to see that they impact people's lives beyond the territorial scope of the agencies as public bodies. Indeed, the prohibition of the commercialization of a drug by the EMA or the FDA usually also affects third countries, where they do not have the role of public actors, which is why I am mentioning them together with hybrid actors. Regardless of how we present this, the problem is that the people who need the drug have no opportunity to participate in the decision-making process, and the EMA and the FDA have ultimate control over decisions that prohibit research, development, use or commercialization –

and those that block or delay the issuance of patents (which has practically the same effect on the access to the drug). This is why we speak of domination of third country patients, which is a kind of domination which passes through state borders insofar as the sovereign liberties of those third countries are not affected.

Let me now turn to hybrid domination inside of state borders.

(3b) *Internal hybrid domination.* At the domestic level, hybridity is evident in the partnership between government, the private sector, and the third sector to make, manage, and implement public policy (Pill & Guarneros 2017: 410). An example of this comes from the realm of punitive crime control, a case of a sovereign prerogative *par excellence* (i.e. the execution of criminal sanctions).[65] In this realm, some states know of hybrid prisons operated in partnerships between the state and private investors.[66] In all kinds of prisons, public, private or hybrid, prisoners face serious interference with most things they would like to do (see Wendt 2011). In other words, they are restricted in some of their basic liberties. However, they must remain undominated, which can only be assured if restrictions are non-arbitrary. To this end, the execution of punishment must be under the control of the people, and other principles of punishment must be observed, such as that of checking of power (Braithwaite & Pettit 1992: 86-88). Let us assume that many hybrid prisons do not and perhaps cannot actually observe these principles. The problem I am calling attention to here is not that prisoners in hybrid prisons are therefore dominated (which they are). The problem is that their domination does not fit into any of the three dimensions of domination theorized by Pettit. It does not fit into the international dimension of domination because the domination in this case is internal to the state. It does not fit into the vertical dimension of domination because the source of domination in this case is not a public actor. Finally, it does not fit the horizontal dimension of domination because the source of domination is not a private actor either.

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[65] See https://www.sentencingproject.org/publications/capitalizing-on-mass-incarceration-u-s-growth-in-private-prisons/ Accessed on December 31, 2020.

[66] There are two types of hybrid prisons: prisons built by a private company and run by the state (in France and Brazil) and prisons built by the state and run by an independent administrator (in the UK). These are different from public and private prisons. The first are built and run by the state, the guards are public officials. This type is found in the United States, Great Britain, and Argentina. Private prisons are built and managed by an independent administrator and are popular in the US, such as SUPERMAX prison. The state pays a fee for the care of inmates in the prisons.

The division between the international, vertical and horizontal dimensions of domination is a conceptual distinction between different types of domination. With the theorization of the vertical and horizontal dimensions, in particular, Pettit purports to illustrate how internal domination operates when the *dominus* is a public or a private actor. It indicates whether we are faced with arbitrary interference from one category of agents or another, public or private, because the measures to be taken to avoid domination depend on its origin. But since the vertical and horizontal dimensions cannot take into account the domination that comes from hybrid agents, we must rethink Pettit's classification of types of internal domination.

The above application of the standard theory of freedom as non-domination to the global sphere calls moreover into question the notion of external domination in the republican theory (Pettit 2012), particularly because this is based on the assumption that external domination affects the basic liberties of citizens if and only if it affects the sovereign liberties of their state. As we have seen, however, this is not true. Indeed, external domination that does not interfere with sovereign liberties is arguably the most common and worrying kind of domination at the global level. It may be caused by an INGO, a corporate actor, a standard setter or another hybrid regulator, it may be even more difficult to fight against it than in our example, in which it is caused by a neighboring state. This is because arbitrary interference by INGOs, corporate actors, standard-setters and other hybrid regulators is even more difficult to block than interference by states due their power and lack of mechanisms of compliance and control.

One might wonder why Pettit added a third category of domination (i.e. the international dimension) instead of expanding the vertical and horizontal dimensions beyond state borders. Since the threats that globalization poses to the people are certainly more complex than, but not different from, the ones existing at the domestic level, an extension of the vertical and horizontal dimensions might seem to be theoretically more satisfactory.

An extension of the horizontal and vertical dimensions of domination would entail extending also the requirements of the horizontal and vertical dimensions of freedom as non-domination (i.e. the opposite notion to that of domination), such as final control or

accountability. In that case, it would become clear that a more demanding institutional design than the one proposed by Pettit is needed to the fight against domination in the global sphere. We would have to move beyond a state-centric understanding of how the world operates to extend successfully Pettit's theory of domestic democratic legitimacy to the international system.

But this extension of the two domestic categories of domination to the international sphere is not without its problems either. The distinction between the vertical and horizontal dimensions of domination is based on the distinction between public and private agents of domination. While the vertical dimension takes place when citizens lack ultimate control over the interferences produced by their government, the horizontal dimension covers the aspect of the power of interference from other citizens (Martí & Seleme 2015: 28). In more abstract terms: the vertical dimension covers the arbitrary interferences produced by public actors, while the horizontal dimension covers the arbitrary interferences produced by private actors. In this manner of reasoning, states and intergovernmental organizations are comprehended in the vertical dimension. In contrast, corporate actors are comprehended in the horizontal dimension. However, as I have tried to show, this classification does not permit us to capture all types of actors of domination and therefore does not reflect the way the world actually is.

Up to this point I have thus presented the theoretical problem of the standard republican theory of freedom as non-domination. Apart from the abstract implications I have just discussed, the problem also has clear practical consequences. The latter consist of the fact that the instruments of protection identified by the standard theory are not enough to prevent every type of domination mentioned in this chapter.

5. A revised typology of domination in the globalized world

So far in this chapter, I have presented the republican theory of freedom as non-domination, as well as its application to the global sphere. I have demonstrated that it remains too state-centric to be able to account for domination in the circumstances of global domination. Indeed, as we have seen, Pettit's typology of domination turns out to be problematic from both theoretical and practical standpoints. The main problem I have

dealt with is that even with what Pettit calls international domination, his theory fails to capture many cases of domination (i.e., potential arbitrary interference of a given actor over others) in our globalized world.

One example of this shortcoming of Pettit's theory is it does not capture domination exercised by hybrid regulators, such as ICANN or IATA, over individuals and states. Another example is the transborder domination of one corporate actor, perhaps even a TNC, over other corporations or individuals.

These problems call for an alternative account of domination in the circumstances of global domination. But what are the alternatives? We have two options. One is to work with Pettit's account and attempt to make only the most minimal revisions necessary for our purposes of using this account to fight domination in the globalized world. Another option is to build a proper theory from scratch. I choose the first option for two main reasons, among many others. First, Pettit offers by far the most developed republican account of domination. Second, his account comes with important insights that must be preserved.

Even though I am criticizing the author for offering a theory that is too state-centric to be able to give a full account of domination in the circumstances of global domination, his background intuition regarding the role of the state in the fight against domination is not without merit. This is manifest in the above-mentioned cases of transborder relations dominating individuals or corporations. As a matter of fact, those individuals and corporations would not be dominated if their state protected them against it. What must be revised, however, is Pettit's presupposition that states can always do that. In other words, Pettit fails to see that in the circumstances of global domination states do not have all the resources to provide for such a protection in every case. And if they don't have the resources, they can't have the obligation to do it.

Let us now check what happens if we revise Pettit's tripartite typology of domination by turning it into a quadripartite one. Recall that Pettit modifies his standard theory by adding international domination to the vertical and horizontal domination. His lengthy discussion of various examples clearly presents them as three different types or forms of domination:

Figure 1

vertical domination	horizontal domination	international domination
1	2	3

(*Pettit's tripartite typology of domination*)
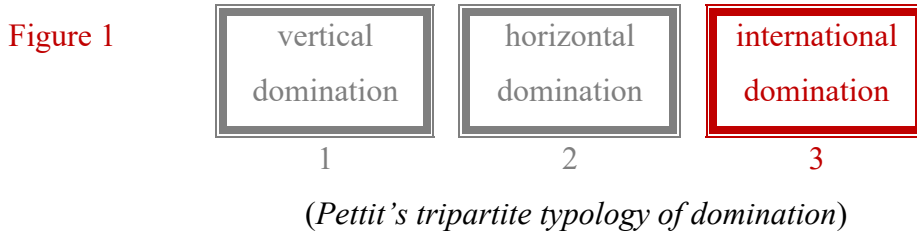
But what if the additional category were put on top of the initial pair, thus splitting it into four categories, as in Figure 2 below, instead of being put in line with the initial pair (as in Figure 1)?

Figure 2

	domestic	international
vertical domination	1	3
horizontal domination	2	4

(*Alternative quadripartite typology of domination*)
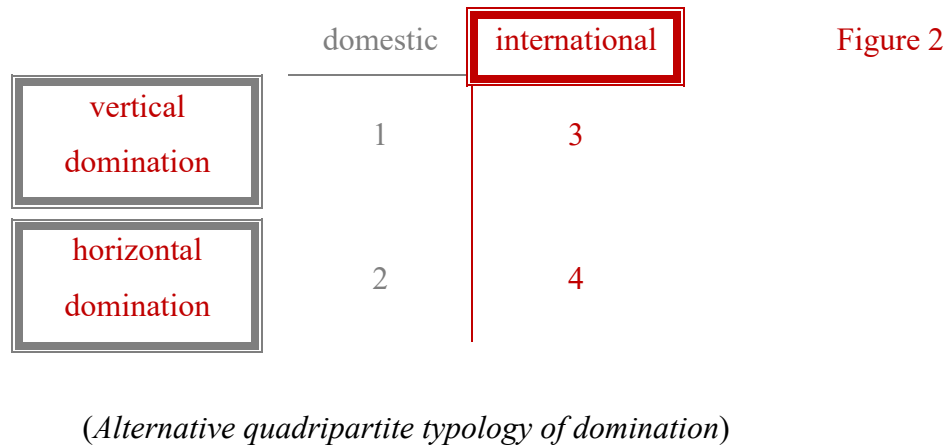
How would this quadripartite typology of domination fare with our examples from the blind spot of Pettit's original proposal?

Cases of transborder domination of one corporation over other corporations or individuals would now find their place. Indeed, they would exemplify horizontal international domination (Box 4). However, the other two sets of examples would again remain in the blind spot of our theory. As for the cases of corporate actors dominating states, they could not be characterized as examples of vertical international domination because the actor at issue is not a public, but a private body (such as Facebook and Cambridge Analytica). And they would not fit the box of horizontal international domination either, because the states at issue are public, not private bodies. Finally, cases of domination exercised by hybrid actors over individuals or states would face similar shortcomings of the theory in question. On the one hand, they could not be characterized as examples of horizontal international domination which only comprises

(potential) arbitrary interference between equals. On the other hand, they would not fit in the box of vertical international domination because the dominating actor isn't purely public.

At this point, I think a more profound revision of Pettit's account should be considered. The revision I sketch here goes deeper than the one above inasmuch as it substitutes the three original categories. Instead of vertical, horizontal and international domination, the new typology maps three types of sources of domination (public, private and hybrid) with three types of subjects of domination (public, private and hybrid).

Figure 3	private subject	public subject	hybrid subject
public source	1	4	7
private source	2	5	8
hybrid source	3	6	9
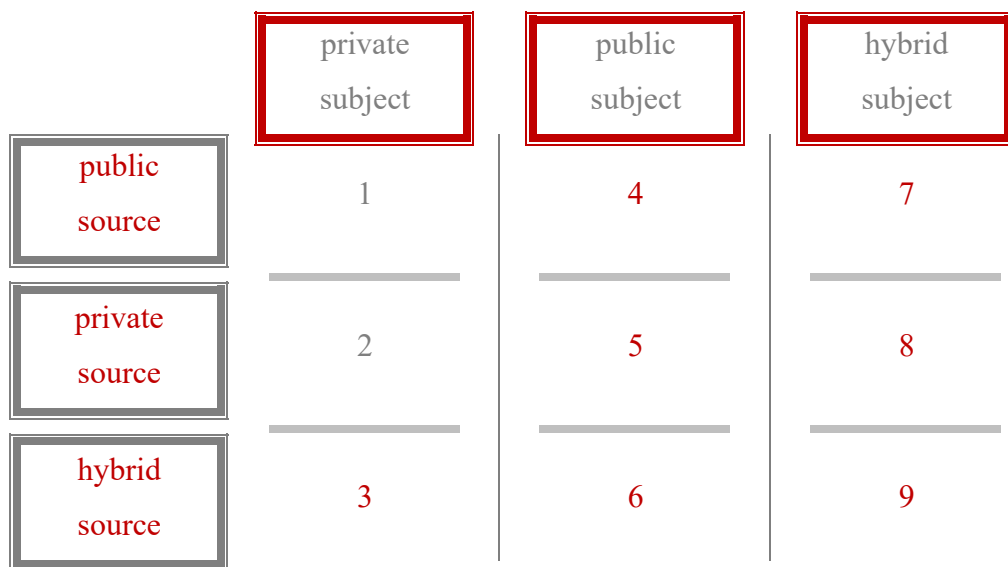
(*Subject-source based typology of domination*)

The distinction between domestic and international domination disappears from this typology because the state, in the globalized world, cannot always help to prevent domination. Consequently, the domestic/international divide is not considered a criterion to determine the type of domination, here. I am not suggesting that this distinction isn't useful for any other kind of analysis, or that it makes no sense in the abstract. Although it makes no sense in my argument, one can, for example, speak of local domination as that which takes place at the local, communal level, as opposed to state domination, in order to explain that there are different levels of governance at which domination takes place. Although, I repeat, it makes no sense for my argument, it is still intuitive in our world to think with these divisions in mind: in terms of domestic and international, in terms of imports and exports. Similarly, and from a point of view

close to that of Pettit, we can see that one possible option within the literature, although I disagree with it, is to propose a typology that distinguishes between domination that occurs within a state (domestic domination) and domination that occurs between individuals residing in different states (global domination). The vision I advocate, though different from the typology just mentioned, is ultimately compatible with anyone who wants to make this or any other distinction, for there need not be only one way of classifying domination. This can be distinguished according to various classificatory criteria and everything will depend on what the object of these distinctions is. The distinction between the internal and external dimensions of domination is something that will help me in the course of this dissertation, but it is not exclusive, it is not incompatible with nor does it override other distinctions that may be relevant to other authors in other contexts. What matters, instead, according to the typology I propose in this chapter, for the successful determination of the remedies against domination, are the types of both the source and the subject of domination.

Now, where would our examples from the blind spot of Pettit's original proposal fit into this robustly revised typology of domination? Would they fit? The first example, that of transborder domination of one corporation over other corporations or individuals, goes into Box 2 (*private-private domination*). The example of a corporate actor dominating states fits Box 5 (*private-public domination*). Finally, cases of hybrid actors dominating individuals or states now fit the boxes 3 and 6, depending on whether the subject of domination is an individual (*hybrid-private domination*) or a state (*hybrid-public domination*).

As you can see, our last revision fares well with all our examples from the blind spot of Pettit's original proposal. This finally gives us a typology of domination good enough for the purposes of my analysis here, even though there is still some room for improvement. For one, the question of how to properly account for the *graduality* of domination, mentioned in Section 2.3 above, remains open.

I believe most of us agree that domination as (potential) arbitrary interference comes in degrees and yet this aspect has not been properly theorized in the literature, nor is it reflected in the above typologies. So, even when the source and the subject of domination are determined, there is room for variation. On the one hand, there is room

for variation because an individual may be dominated in one or more of their basic liberties to a lesser or greater extent. On the other hand, there is room for variation, because a given basic liberty of an individual may be infringed to a given degree by more than one sources of domination simultaneously. However, I shall leave this challenge of the graduality of domination for my future work and now turn back to the above-mentioned question of what to do with unrepresentative states. This is the object of the next chapter.

Chapter 3

State domination and the global order

1. Introduction

In the previous chapter I have identified some problems with the standard republican theory of freedom as non-domination when it is confronted with the current circumstances of globalization. I also mentioned that a satisfactory alternative to the standard republican view is one that understands non-domination as a gradualist or scalar account. This gradualist account will resolve the problems that a division between the internal-external and the vertical-horizontal-international creates when it comes to avoiding a fuller set of domination cases. Similarly, this account also presupposes that actors of transnational and mixed or hybrid relations could directly dominate the people.

In Chapter 3 I aim to shift the focus from the general problems of domination to the specific ones. I see this chapter as a transition from the descriptive and conceptual issues discussed in chapters 1 and 2 to normative ones discussed from here onwards. Indeed, the aim of this chapter is to draw attention to the problem of unrepresentative or dominating states. While the question to be answered in this dissertation is how to avoid domination globally, the answer in the following chapters will be that we need a global democracy for this purpose.[67] This first point is concerned with the question of how the global order should deal with unrepresentative states, which is one of the issues that Pettit has not solved in a satisfactory way.[68] The question is important if we believe that states in their present form, or any other form, will still have a valuable role to play in the global order. This will lead us to argue, in some cases, in favor of international intervention to transform unrepresentative states into representative ones.

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[67] This point is not new. Bobbio, for example, was concerned with the realisation of international democracy. He believes that it is possible and even desirable to achieve international democracy. To achieve it, he formulates this hypothesis in terms of the questions, 'Is an international democratic system possible among solely autocratic states?' and, alternatively, 'Is an international autocratic system possible among solely democratic states?' and concludes that 'the negative answer is automatic in both cases.' Cf. Archibugi 1998.

[68] Remember that unrepresentative states are those which are ineffective and unrepresentative or, in other words, states that cannot achieve two measures on a more or less large scale: (i) operate effectively and (ii) be controlled by their peoples (Pettit 2015: 38-39).

There is a vast literature about intervention.[69] Caney (2005:230), recalling Bull's definition mentioned that intervention[70] is a 'coercive action "by an outside party or parties, in the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community" (Bull 1984:1) which is undertaken, partly or exclusively, to protect the welfare of the members of that political community.' The literature on this topic is extensive and contested. Today, however, there are many other forms and actors that exercise interference in foreign states. The focus of this chapter will be to argue that in some cases intervention is required when states seek to promote democracy within and among unrepresentative states.

The existing literature has mostly focused on whether external interventions in sovereign states may be justified to promote democracy, but has paid little attention to which strategies or forms of intervention might be justifiable. It is certainly one thing to justify a military intervention or a *coup*, and another to justify non-military interferences such as foreign aid or foreign support to pro-democratic parties. The idea I want to defend in this chapter is very simple. According to the republican theory I described in chapter 2, only representative states are legitimate. It is plausible to assume that the global order should promote states becoming legitimate, that is, representative. This entails a mandate to promote democracy. Now, the debate in the literature of international relations on the question of state intervention has been cast in binary terms: is state intervention justifiable or not? But this, of course, overlooks the plurality of possible interventions or interferences that might receive different assessments.

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[69] See e.g. Caney, 2006: 230; Fabre, 2012; Tesón and Van Der Vossen, 2017; Walzer, 2015; Weiss, 2016: 7; Welsh, 2003: 3.

[70] As Chesterman (2001) explains, the term 'intervention' came into use in the nineteenth century. The classical origins of what became known as humanitarian intervention lie in the emergence of a substantive just war doctrine in the Middle Ages. This was developed in large part by scholasticism, but reached its most comprehensive and best known form in the work of Hugo Grotius. He argues for war on behalf of the oppressed, addressing an issue relevant to his time (1538-1645), this is the waging of war on behalf of others. Although he was not the first to recall this argument, its originality lies in the fact that it is more clearly a legal right than a moral duty to act when oppressed subjects are unable to act for themselves, so they should be legally allowed to intervene on their behalf. However, this argument loses weight with the modern development of the principle of non-intervention, this principle shows a commitment to sovereignty and the state as a morally free agent. The idea contained in the principle of non-intervention was prominently defended by Thomas Hobbes, claiming that the state is not accountable for its actions and that a state cannot harm a citizen, just as a master cannot harm his slave.

The only coherent answer from a republican view to the question of state intervention would be to evaluate each kind of intervention in the light of whether it prevents or causes more global domination. This analysis will lead us (again) to reflect on the relationship between globalization and domination. I will introduce in this chapter at a superficial level the notion of global democracy, which will be fully developed in chapters 4 and 5. All I need for now is a broad notion of global democracy that is compatible with very different republican understandings of international legitimacy, whether statist or cosmopolitan. According to this broad and superficial understanding of global democracy, which I will properly define in section 2 but anticipate here, the legitimacy of the global order depends on how democratic this order is, in the sense that it helps prevent or reduce global domination while remaining under the ultimate control of the people, without presupposing yet which is the most effective way of articulating both the prevention of global domination and that ultimate popular control. What I want to argue here is that a proper republican approach to the issue of state interventions in unrepresentative states must take into account whether every kind of intervention contributes to the legitimacy of such a global order or undermines it. And this can be cast in terms of whether it enables, strengthens or erodes global democracy, so broadly understood.

By drawing attention to unrepresentative states, the question of the priority of political legitimacy over justice arises. In international law and international relations, debates are traditionally held on the merits of international intervention in cases of human rights violations, and when we assess the forms of domination that could lead unrepresentative states to democracy, we find ourselves in an area where justice generally takes precedence over political legitimacy. Even contemporary literature on republicanism and globalization focuses on issues of 'global justice'[71]. When I say that political legitimacy takes precedence over justice, I do not mean that justice is not important at all or that these are unrelated fields of research. Indeed, the literature on global justice examines the creation and reform of institutions and the fairness of the context in which decisions are made (Buckinx, Trejo-Mathys, & Waligore, 2015).

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[71] See for instance, Buckinx, Trejo-Mathys, & Waligore (2015), Laborde (2013), Laborde & Ronzoni (2016), Lovett (2010, 2016), Schuppert (2013), Forst (2013), Pogge (2014), Culp, Ronzoni, Jugov, & Valentini (2016), Macdonald & Miriam Ronzoni (2012), among others.

However, since political legitimacy is committed to building a political community that protects people's freedom, I want to show that political legitimacy takes normative precedence over justice. Based on this priority, and in the context of the first argument of this chapter, I will argue that certain interventions would be justifiable, or even mandatory, to ensure the political legitimacy of the global order.

2. A legitimate global order: a first approximation to the notion of global democracy

In this section I will define global democracy broadly understood, as an idea of the legitimacy of the global order that depends on its ability to prevent or reduce global domination, which in turn requires the democratization of this global order in the sense of keeping it under the ultimate control of the people. In such broad terms, global democracy is compatible with state-centric republican approaches, such as Pettit's or Christiano's, for which the legitimacy of the global order depends on its capacity to promote democracy worldwide, that is, the existence of representative states, which in turn might be responsible for holding the global institutions accountable to the people. Although I will critique Pettit's proposal and argue for an alternative republican view in the following sections, I share the general aim of his proposal, which is achieving some form of global democracy that effectively prevents global domination.

In a world characterized by undemocratic global governance[72] (Peters 2010), the realization of democracy is a valuable task in the global political arena. However, the standard proposal of cooperation among states proposed by republicans opens up a problem: for obvious reasons, unrepresentative states are excluded from it. Because of that I will emphasize the incompatibility of a scheme of cooperation between representative states only and the ideal of freedom as non-domination.[73] Next, I will argue that there are moral reasons to promote freedom as non-domination in

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[72] In fact, Peters (2010) mentions that global governance is undemocratic even by modest standards. The deficits, she argues, lie in the institutional design of international organizations and bodies themselves, they result from the way states are integrated into the system of global governance, and finally, they concern the relationship between citizens and international institutions.

[73] There is also another argument against the efficiency of international cooperation, See, for example, Hale, T., Held, D., & Young, K. (2013). *Gridlock: why global cooperation is failing when we need it most*. Polity.

unrepresentative states and that they justify some interventions in such sovereign, but unrepresentative states.

'Global democracy' is a key concept in this dissertation. In fact, it is used and mentioned everywhere. As I will argue later in chapters 4 and 5, we need a democratic system of global governance of a special kind to prevent domination, one that departs from the state-centric approach advocated by authors such as Pettit and others. But I do not want to anticipate the normative discussion that I will engage in in those chapters. For now, it is sufficient to keep in mind this broad notion of global democracy that can be compatible with very different views of the legitimacy of the global order. The reason is that most statist approaches to such a legitimate global order presuppose, ideally, that states in a multilateral system of cooperation should be representative or democratic. But this immediately triggers the following question: What should we do with unrepresentative states? In other words, what should we do to overcome their democratic deficits?

It should be noted at the outset that 'global democracy' as an ideal is generally defined in two steps, by saying (*a*) that it is a democracy (whatever the authors mean by 'democracy'), and (*b*) that it extends to the whole world or across state borders or beyond states, etc. I shall elaborate on these briefly first.

(*a*) As far as the first step is concerned, I shall rely on the definition elaborated by Thomas Christiano (2006/2018: 2), according to which democracy is a 'method of group decision making characterized by a kind of equality among the participants at an essential stage of the collective decision making.' By saying that democracy is a method of *group* decision making, this definition emphasizes that democracy (*i*) concerns collective decisions that (*ii*) 'are made for groups,' e.g., families, voluntary organizations, business enterprises, states, transnational or global organizations, and (*iii*) 'are binding on all the members of the group'. Moreover, by saying that democracy is characterised by *a kind of equality* among participants, this definition is intentionally vague. Indeed, it is meant to cover everything from conceptions of formal equality of 'one-person, one-vote' in the process of selecting representatives to make decisions about group laws and policies to conceptions of substantive equality of participants in

the process of deliberation or coalition building. Finally, it is important to note that Christiano's definition, as he says, 'does not settle any normative questions' about the desirability of democracy and is therefore quite compatible with the view that in some particular contexts (like families or business enterprises or the entire world population, for example) such a method of group decision making is to be avoided.

(*b*) Apart from saying that global democracy is 'a democracy that extends to the whole world, or across state borders, or beyond states, etc.,' it is important to note that this definition is, again, intentionally indeterminate as to the composition of the 'global collective.' In other words, the definition remains neutral in respect of the disagreement between the statist and the cosmopolitan proposals, among others. Accordingly, it does not say whether the group in question is composed of individuals or cities or states, etc. And it does not even say whether it is composed homogenously of individuals, cities or states *only*, or whether it is heterogenous, that is, whether the participants are of different kinds. [74]

With this definition in mind, we can see that while 'democracy' is primarily associated with the sovereign state, which is bound to a clearly defined and singular demos (Dryzek 2008), 'global democracy' is associated with the process of democratizing global governance, with the aim of giving the participants a say in decisions affecting their lives in a complex, multi-layered context where the influence[75] of actions extends

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[74] One of the very few alternative definitions of global democracy currently offered in the literature is given by Mathias Koenig-Archibugi. He says the term 'refers to a range of conceivable institutional systems' that share seven characteristics. More precisely, he says they (1) encompass all regions of the world; (2) empower supranational bodies to make binding decisions on a range of (enumerated) issues of global relevance; (3) ensure that the members of those bodies are representative of, and accountable to, groups of citizens, through electoral mechanisms or other formal and transparent relationships of political delegation; (4) promote the equal representation of all world citizens in conjunction with other principles such as a balanced representation of the constitutive territorial units and possibly forms of functional representation; (5) allow the supranational bodies to take decisions in accordance with a variety of decision rules, but exclude veto rights for small minorities, except when they are based on legitimate and impartially determined vital interests; (6) empower independent supranational judicial bodies to resolve conflicts in accordance with constitutional rules; and (7) include robust mechanisms for promoting compliance with decisions and rulings, possibly, but not necessarily through the centralized control of the means of coercion. See Koenig-Archibugi 2010: 522.

[75] The term 'influence' does not have the same sense in the republican literature and in the discussion of R2P regarding the obligation of third states to prevent genocide by exercising pressure on state or non-state perpetrators of a genocide on the territory of another state, based on the criteria established by the ICJ in paragraph 430 of its judgment in the 2007 *Genocide* case 'Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and

beyond state borders, and thus keeping global institutions under the ultimate control of the people.[76] As I mentioned in Chapter 1, there is a myriad of global actors[77] who exercise their power in ways that influence or even determine our lives. So, the idea of global democracy is, in a first approximation, the idea of a democracy that extends beyond state borders (Holden 2001: 2). Global democracy therefore includes the idea of democracy as 'rule by the people', even if understood in its more minimal sense of ultimate control, which means that it extends the terms 'rule' and 'people' to the global sphere.[78] It is still compatible, however, with different understandings of the rule of the people, whether it should turn for instance into something like the rule of the *peoples*, in plural, and thus assuming that the main actor in a legitimate global order should still be the state, or whether it should rely on a global, single demos composed of all individuals, as the cosmopolitans assume. I will enter into a normative discussion about these competing ideals in the next chapter. What is important to me at this stage is that even for the statist views of global democracy, such as those of Philip Pettit and Thomas Christiano, among many others, a legitimate global order must be some kind of global democracy in which its most basic units, namely, the states, should all be internally democratic.

In this minimal and broad understanding, global democracy is compatible with different answers to the question of which model of democracy makes it possible to legitimize political power under the current conditions of global governance. Proposals for the institutional forms of global democracy require some creative thinking. They project various institutional forms and shapes that are mainly divided into two camps: the *statist* and the *cosmopolitan*.[79] Within these camps, some scholars have identified

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Montenegro)'. To avoid confusion, I will use the term 'influence' in this chapter and throughout the thesis in the sense attributed to it by the republicans (see Pettit 2012: 156-7).

[76] Scholars such as Richard Falk, David Held, Jürgen Habermas and Ulrich Beck trace a path regarding the idea of democracy beyond borders. Of course, many remain unconvinced that democracy can be applied beyond states and consider the idea of a global democracy an unattainable dream (Dahl 1999) or, worse, think that its proponents are barking at the moon (Dahrendorf 2001).

[77] As has been explained in Chapter 1, by global actors I mean actors that operate beyond domestic borders.

[78] This does not mean that the implementation of a global democracy will be parallel to domestic government, as two different democratic tracks, instead different actors shall be articulated as a network. See Castells, Slaughter, Dryzek 2012, and Kuyper 2014.

[79] Scholte (2012) divides the literature between statist and modern cosmopolitans. Archibugi et al. (2012, 7) suggest a tripartite (ideal-typical) break between federalist (world state), confederalist (intergovernmental democratic states), and polycentric (pluralist) prescriptions for global democracy. de Búrca (2008, 117) identifies three strands in the current literature to which she affixes the nomenclature

institutional versions of global democracy with world government, a federation of states, a global parliament, communities of *demoi* of interests, among others.

Richard Falk, David Held, David McGrew, Daniel Goldblatt, Jonathan Perraton, Jürgen Habermas and Ulrich Beck were the precursors of global democracy.[80] Over the years, the literature has expanded exponentially, including the works of Archibugi, Falk & Strauss, Held & Koenig-Archibugi, Held & McGrew & Tännsjö.[81] This is due not only to the authors who are beginning to work on the idea of global democracy, but also to those who, based on their ideas of justice or legitimacy for the domestic political sphere, are trying to apply them to the global sphere. Examples of this last case are the works of republicans like Bohman, Bellamy, Christiano, Dryzek, Forst, Martí, Pettit, Skinner, and Lovett.[82] They developed different models of democracy beyond states, from one relying on the state as the principal actor of an international system, to a cosmopolitan approach. Models are devices that help us to think, and many of those who reflect on the theory and practice of democracy do so in terms of the range of available models. With time, the number of well-defined models of democracy beyond borders is proliferating. I will return to this argument in detail in the next chapter. For the purposes of the argumentation of this chapter, this minimal idea of global democracy is enough, since even for those views of the legitimacy of the global order that are more state-centric, or perhaps especially for them, such legitimacy requires, ideally, that all states are democratic or, in Philip Pettit's terms, that they are representative. Let me now explain how Philip Pettit understands this central distinction.

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of a 'denial approach,' a 'wishful thinking approach,' and a 'compensatory approach.' Kuyper (2015) presents five different 'models' of global democracy, 'Intergovernmental Democratic States', 'Cosmopolitan Democracy', 'World Government', 'Deliberative Democracy', and 'Radical Democracy'

[80] See Falk 1968, 2000a, 2000b, 2003 and 2007; Held 1995, 1995, 1997a, 1997b, 1999, 2004, 2009, and 2010; Held, McGrew, Goldblatt and Perraton 1999; Habermas 1996, 1998, 2001, and 2006; and Beck 1994, 2005, 2006, 2009, and 2018.

[81] Archibugi 1993, 1998, 2003, 2004, 2008, 2012; Falk & Strauss 2000; Held 1995, 1997a, 1997b, 2004, 2009, 2010; Held & Koenig-Archibugi 2003, Held & McGrew 2003, and Tännsjö 2006.

[82] Bohman 2004, 2007, Bellamy 2003, 2013, 2019, 2020, Christiano 2010, 2011a, 2011b, 2013, 2015, 2016, Dryzek 2000, 2008, 2012, Forst 2011, 2015, Martí 2010, 2012, 2017, Pettit 2006, 2010b, 2014, 2015, 2016, Skinner 2010, Lovett 2010, 2016, 2019.

3. Representative and unrepresentative states in the standard republican view

The international dimension of non-domination operates for the protection of the people in representative states against the domination that another state or another international actor can produce. In the previous chapter I outlined the distinction between representative and unrepresentative states introduced by Pettit (see Chapter 2, Section 3.1). The argument can be summarized as follows: Representative states are those that function effectively in preventing their citizens from being dominated by others and are also popularly controlled by their people (2010: 38-39). For some republicans, living under a representative state is equivalent to living in a free state, that is, being free.

In addition to that, representative states must be, of course, representative, that is, they must be able to speak for their people themselves and on their people's terms. In this context, the representativeness of a state is equated with the fact that it grants the institutional resources of its members as '...in the ideal, rights of election, contestation, accountability, and the like—that enable them to exercise more or less equally shared control, though perhaps only at a general level, over what it says and does in their name.' (Pettit 2015: 39) When states do not meet all these demanding conditions, they are unrepresentative. Therefore, unrepresentative states are unable to act on behalf of their people, and quite often they are not even able to exercise the capacities that make a state a 'political organization', i.e. to avoid civil wars, uncontrolled famines, genocide, a class of warlords, and general lawlessness (2015: 39).

In one way or another, all republicans agree that freedom as non-domination requires living under a democratic form of government. Remember Skinner (2010: 100-101), when he mentions that one of the slogans of early modern republican theory -*it is possible to live and act as a freeman if and only if you live in a free state*- needs to be updated. Pettit notes that a full statement of freedom should read as follows: 'the free individual is protected against the domination of others by the undominating and undominated state' (Pettit 2016: 77). Finally, Laborde and Ronzoni (2016) outline that globalization undermines the freedom of states and that citizens living in dominated

states are exposed to domination. What these authors have in common is that people do not need utopian global institutions to be free. What they need in order to be free is to live in a state that is neither dominating nor dominated, and for Pettit this is equivalent to living in a representative state.

Moreover, in order to be free, a state must, according to Pettit, avoid internal and external domination. Thus, Pettit, on the one hand, and Laborde and Ronzoni (2016), on the other, equate the internal dimension of a free state with the people being subject to an impartial rule of law, the enjoyment of democratic control and also the enjoyment of social and relational equality. This is also equated with being equally subject to legitimate legal authority. On the other hand, the external dimension of free statehood is identified with the ability to avoid arbitrary foreign interference, to maintain the republic in the first place, even if this means making mistakes and enjoying basic rather than optimal non-domination. As Skinner pointed out in relation to the external dimension (2010: 99-100), a state can be dominated by falling under the control of anyone other than the sovereign body of citizens; or by falling into a condition of dependence on the will of another state.

This line of argument leads us to the importance of protecting, securing and strengthening democracy for freedom and, consequently, for global democracy. In the previous chapter I pointed out that the distinctions between horizontal, vertical and international domination on the one hand, and between internal and external domination on the other, in the current circumstances of global domination are misleading and unhelpful in order to prevent many different forms of global domination. I also mentioned that there is a gradualist or scalar account of domination that can better account for whether an individual is dominated. However, one problem remained. According to the standard republican theory, unrepresentative states are not able to meet the ideal of freedom as non-domination.

To return to the previous point, Laborde and Ronzoni (2016: 288) in their article 'What is a Free State? Republican Internationalism and Globalisation' (2016) point out that 'Democracies are (archetypically) free states.' To protect people from public power, democracy provides the resources and protection that ensure that citizens can

shape and reshape the imposed order. Thus, if people have effective shared control over the state, the interference of the state is non-dominating given that citizens are not subject to the will of another (Pettit 2015: 110-112). In that sense, it is correct to identify representative states as democracies and unrepresentative states as tyrannies, even if, as Pettit acknowledges, the difference between them might be of degree in a continuum. Laborde and Ronzoni end their article by stating that there is a bullet that republican internationalists must bite.[83] The bullet has a name: external intervention or, as it is more commonly called in international law and international relations, international intervention. Usually external intervention is led by a coalition[84] of states,[85] although there are also cases of unilateral intervention.[86]

Here is how Pettit bites this bullet. His proposal to extend sovereign liberties to unrepresentative states hinges on a two-step argument that begins with an exploration of how to extend the sovereignty ideal to non-representative states, and ends up by strongly restricting, in practice, the claim that representative states have an obligation to help unrepresentative states. (Pettit 2014: 179).[87] Pettit, remember, proposes a coalition of cooperation between representative states, especially between the weak representative states, to counter the power of the strong representative states. This

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[83] Actually, Ronzoni used this expression also in the article 'Global Tax Governance: The Bullets Internationalists Must Bite – And Those They Must Not' (2014)

[84] Although the literature tends to distinguish between multilateral and unilateral interventions, I find this distinction problematic because the fact that an intervention is carried out by a coalition of states does not make the intervention any less unilateral. Indeed, it is unilateral inasmuch as the coalition ascribes to itself the power to intervene, as if it were acting on behalf of the international community as one actor. Despite my skepticism about the said terminological distinction, I will maintain it in my text because it is commonly used in the literature.

[85] As for example the one led by NATO in Kosovo.

[86] For example the following interventions: India in East Pakistan in 1971, Uganda in Tanzania in 1978 and Vietnam in Cambodia in 1978

[87] However Pettit's most recent account of global governance is developed in Just Freedom (2015), in 'A Republican Law of Peoples' (2010). He argues in favor of multilateral intervention as (2010: 89) 'representative states will have commitments that give them normative reason for a concern with rectifying the problems of those who live under ineffective and unrepresentative states.' However, this is not straightforward, since he also argues that 'We know that relatively representative states fail to act in many cases where the cause of freedom as nondomination, and almost every humanitarian ideal imaginable, would call for action. The genocides in Rwanda and Darfur are ample testimony to the capacity for callousness that even vociferously idealistic regimes display. But should we despair altogether on this front? Should we think that the chance of giving effect to the demands of nondomination in this domain are no greater, for example, than the chance of giving effect to what is certainly a utopian ideal of cosmopolitan justice? I do not think so, for reasons that will be familiar to all. Let the publics in representative regimes be made aware of problems in unrepresentative and ineffective countries and they can create a serious pressure on governments to provide foreign aid, partake in peace-keeping missions, or at the limit – and considerations of nondomination explain why this should be the limit – organize humanitarian intervention.'

suggestion is not unreasonable, even though it carries certain risks.[88] But what should we do with unrepresentative states? How can we prevent their people from being dominated, and how can we ensure that the other states and the global order as a whole are not threatened by those unrepresentative states? While Pettit (2010a, 2014) seems to present contradictory proposals throughout his work regarding the ways in which we are to extend the sovereign ideal to unrepresentative states, other republicans reject dominating control over unrepresentative states (e.g. Gädeke 2013, 2016, Laborde and Ronzoni 2016, and Ronzoni 2017, 2019). Let me concentrate on what seems contradictory in Pettit's argument. Pettit develops an argument regarding how we can deal with unrepresentative states in a globalized world. His preoccupation lies in his institutional proposal of an international association of states. As I mentioned above, an association of states with these characteristics could not be anything other than partial in the sense of its membership, since in fact there are more unrepresentative states in the world than representative ones. Aware of this situation, Pettit in his work 'Legitimacy in International Institutions' (2010a) explicitly allows dominating control over unrepresentative states under the form of international intervention with the aim of setting up 'a suitable international order that is effectively and equally controlled by such states' (Pettit 2010a: 153):

> 'We have to condemn the exercise of dominating control over legitimate states that speak and act for their peoples; dominating those states means dominating the individuals who form them. But we may applaud certain exercises of dominating control over illegitimate states: those that fail to serve the interests of the individuals who live within their boundaries. Certainly we will take this line if we are normative individualists: that is, if we hold, plausibly, that a treatment given to an institutional entity like a state counts as good or bad just in so far as the effects are good or bad for individuals.' (Pettit 2010a: 153)

Moreover,

> '[t]his policy would argue for international steps to help relieve suffering and deprivation in disordered states and to take suitable, if proportional measures to replace or reform oppressive regimes. The international order would be primarily an arrangement among domestically legitimate states-in effect, well-ordered democracies-but it would be committed to enabling more and more states to become legitimate in that sense'. (Pettit 2010a: 154)

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[88] The risk is that of leading to a world of alliances of states based on increasing their power. This may bring instability and possibly lead to an imbalance of power.

There are, however, several forms in which domination can be exercised over unrepresentative states. There is also a lack of precision regarding the question of whether states have a moral duty to exercise dominating control over legitimate states and, in the affirmative, how they should do so. In his recent book *Just Freedom* (2014), Pettit outlines some answers to this question. However, as we will see, his conditions for triggering the possibility of state intervention, that is, to assume the role of 'a morally responsive agency' (Pettit 2014: 177), are so strict as to make the moral duty practically inoperative. And this is not a minor or peripheral point.

While Pettit begins by saying that 'we may applaud certain exercises of dominating control over illegitimate states' (Pettit 2010a: 153), he weakens the weight of his argument by rejecting various ways in which representative states have a moral duty, in his view, to act in favor of people living in unrepresentative states. Pettit (2014) explores various ways in which representative states should extend the ideal of sovereignty. He begins by arguing that states, particularly the representatives ones, are the outstanding actors who should take on the task of doing something on this front, either directly or indirectly. He then examines three possible arguments for a moral obligation from representative states to help unrepresentative states to become representative. He plainly rejects the first and the second, while accepting the second, but only conditionally.

The first argument is identified by Pettit with the adagio *noblesse oblige*. It consists of believing that powerful states are obliged to help other states, and particularly the weaker ones. He rejects this argument because representative states depend for their finances and capacities on the forced taxation of their citizens and it is not obvious that they should be allowed, let alone obliged, to use these resources for any old cause, however meritorious they may be.[89] To accept as a moral basis that representative states must comply with a behavior of *noblesse oblige*, Pettit argues, implies putting states in a Robin Hood role '[…] enabling them to rob the rich at home in order to help the poor and oppressed abroad.' [90] This Robin Hood role also has consequences for the

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[89] Pettit, 2014: 175.
[90] Ibid.

citizens of these states, i.e. they are forced into a position of involuntary beneficence.[91] Of course, things might be different if these citizens voluntarily want to help poorer countries to develop. But this will be the matter of the third argument. What Pettit wants to reject here is the view that there is a moral obligation of representative states to help the unrepresentative ones.

The second argument links the moral obligation to help unrepresentative states with the establishment of a just and stable international order that guarantees security and prosperity for the citizens of representative states. This argument implies that citizens of representative states, rather than being in a position of assuming the costs of giving charity to those who need, could actually benefit through the extension of an international order in which they can enjoy security and prosperity with the correlative reduction of threats such as terrorism. This argument is rejected, however, as it is self-serving and unedifying. Whether or not there is a moral reason to justify state interventions, this cannot be based on self-interested, strategic considerations like these.

Finally, a third argument could derive from the possibility that citizens of representative states are crying out to do something for people living in oppressive states, who are affected by famine or natural disasters such as tsunamis, earthquakes or floods. When this happens and the representative states respond to such calls, they can also anticipate and prevent it by diverting resources elsewhere that require further intervention. This last option must be placed in the context of the idea of globalized sovereignty. The main premise of this idea is that people must be able to prevent their states intervening independently of the will of other states and other international organizations (Pettit 2016: 160). For the idea of sovereignty no longer belongs to a cluster of states, but at least includes, at the very least, international organizations.[92] It seems that Pettit is thinking in terms of a system in which international organizations, in order to avoid domination, must be controlled by the citizens of the states through

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[91] However, we can think that the allocation of taxed resources in a representative state is always legitimate (if the state is representative, democratic, if the appropriate procedures are followed, of course). This means that allocating a part of these funds for foreign aid can be legitimate and does not mean robbing the people – rather the people of the representative state agree with such use of their taxes.
[92] In the case of interventions this inclusion is clear due to the role of the United Nations, especially the Security Council, in international interventions.

their representatives. In this sense, the statist version of the international republican theory of non-domination is based on the scheme of globalized sovereignty. It is part of this scheme that 'the State that defends people's freedom must not only be undominating or democratic, considered from an internal viewpoint. It must also be undominated by any other state or by any international or multilateral body' (Pettit 2016: 151). However, the possibility that citizens of representative states are crying out to do something for people living in oppressive states means that intervention is only acceptable with the approval of their citizens; it does not mean that representative states are directly allowed to ensure justice or to take action against violence or oppression. The reasoning behind this argument is problematic. It leads us to think that I have a moral duty to do something only if I have a desire to do it. If the state is the set of its citizens, and the state has a moral duty to do something only if its citizens desire to do it, then the state has a moral duty to do something only if the state has a desire to do it.

As a corollary of that view, interventions from representative states might be morally permissible insofar as they are voluntarily assumed by the intervening states, but also if, and only if, they are voluntarily accepted by the people of the unrepresentative states, which, no matter how unrepresentative they are, still remain sovereign. But this, of course, is very problematic. Since, first of all, it is no longer obvious that unrepresentative states deserve to have their sovereignty intact and respected by the global order when they do not have legitimate governments and might even be failing to exert their responsibility to protect (R2P) their population, which in modern international law is seen as a condition for the enjoyment of state sovereignty. And second, how are we supposed to know whether the people of the unrepresentative state welcome or reject the intervention offered by the representative, intervening one, if they lack precisely the kind of institutions that are necessary to identify what the will of the people is?

In addition to that, and perhaps more importantly, I believe that a global system of representative states that leaves unrepresentative states behind, is not in a position to contribute to the overarching goal of reducing global domination. This becomes even clearer when one considers that the majority of people live in states that do not reach

the threshold of functioning effectively and being representative. Just think of a world in which almost all states are representative, and just a very few are not. Not only would there be far fewer people living under conditions of domestic vertical domination, but also the probability of any of these few unrepresentative states or a coalition of them exerting domination over some of the representatives states would be are much lower, especially considering that the representative states might also cooperate to protect each other and would largely outnumber the unrepresentative ones. Now compare that scenario with one in which almost all states in the world are unrepresentative. A higher number of individuals would be living under direct tyrannies. But even the citizens who had the good fortune to live in a representative state would be much more exposed to potential external domination by an unrepresentative state, a coalition of them or even an international organization, which would in principle be more controlled by unrepresentative states. The argument I am making here is empirical. But I think we have good reasons to believe that it is true. And the implication is that a global order that does not include effective ways of helping unrepresentative states to become representative will probably be much more exposed to the risk of approaching the second scenario than the first one, and in that sense it will be less effective in reducing global domination.

Indeed, while Pettit (2010a, 2014) assumes a position favorable towards employing intervention to extend democracy to unrepresentative states, this is so strict as to render the moral duty practically inoperative. Here I would like to bring up a point developed by Michael Walzer (1977). In his classic work 'Just and Unjust Wars' he introduces a claim regarding the applicability of his proposals. He claims that the debate about humanitarian intervention should move from a debate *in abstracto* to a debate about concrete situations, like those in Rwanda and Libya, in which it might be wrong not to intervene.[93] Like him, I believe that there is no point in making the intervention thesis abstract. It is more appropriate to assess case by case whether an intervention is morally justified or not, and also what kind of measures - apart from military intervention –

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[93] 'Michael Walzer likes to say that for him, theorizing about just war is not an academic exercise; it is a philosophical effort to find coherence in a set of ideas and to state that coherence systematically, dispassionately, and in abstraction from policies and decisions. Others may treat just war as a topic in philosophy, but he sees his own contribution to the discussion as practical, not philosophical, a contribution to politics, not political theory.' (Nardin 2013: 67)

should be taken. For example, it is obvious that military interventions may cause great domination and trigger undesirable effects in the future. We have many reasons to be cautious about justifying them. As we shall see in the next few paragraphs, military intervention will never be justified as a means of transforming unrepresentative states into representative states. It is important to point out that I do not consider international interventions to be equivalent to humanitarian interventions. There are many other kinds of possible interventions, such as economic boycotts or blockades, or weaker economic sanctions, among many other negative interventions. And, on the other hand, there are also positive interventions, such as economic aid programs, or financial support to domestic democratic organizations in the opposition. It is true that many of these non-coercive interventions might be regarded as ineffective or scarcely effective. But they may occasionally have clear positive effects.

There are also other republicans who have cast their own doubts on the ability of international interventions to promote democracy, such as Buckinx (2011) Gädeke (2013, 2016), Laborde (2010), Laborde and Ronzoni (2016) and Ronzoni (2017, 2019). Gädeke (2016: 26), for instance, makes a claim against intervention because:

> 'It is itself an expression of domination insofar as it relies on the unilateral assessment of justifying reasons and as such cannot justify domination. In other words: Power cannot be made non-arbitrary by merely providing a moral justification in the name of a greater good. It requires an institutionalized practice that transforms an asymmetric power relation into a practice of non-domination. Hence, also the practice of foreign aid, aimed at fostering non-domination within states, needs to be restructured in order to avoid being a source of domination itself'.

Her claim regarding intervention is that the domination of states cannot be normatively justified, even in cases where the goal is to promote individual non-domination, not with the goal of fighting against domestic individual domination. In short, for Gädeke (2016: 25) 'an infringement of collective self-determination cannot be justified in the name of fostering individual or full collective self-determination'. If we justify such domination through intervention, we run the risk of misunderstanding the notion of domination. (2016: 22-7). Instead of supporting interventions in unrepresentative states, Gädeke suggests restructuring foreign aid practices that could be seen as a source of domination, e.g. ensuring that these funds are institutionally secured rather than making

some peoples dependent on the goodwill of donor states (and their citizens), as well as establishing appropriate means of contestation and participation in terms of policy design and implementation in bilateral as well as multilateral aid relations.

Following the same track, Ronzoni also seems to reject the possibility of intervention when it is linked to domination. She argues (2019: 326) that 'It is not […] OK to pressurize a state through dominating means, even if the aim of such action is noble (even if the aim is, say, to stop said state from dominating its own citizens, or other agents)', and even if 'the cosmopolitan responsibilities of states *might* entail the duty to intervene in, or interfere with, the conduct of other states, then these must be importantly constrained by the fact that these very interventions and interferences must themselves be of a *non-dominating kind'*. She insists that (2009: 326) 'for a republican, carrying out one's cosmopolitan responsibilities *cannot be conducted in a way that is itself dominating*.' For if we assume, as we have already done, that domination is the worst evil to be fought, but interference is not dominating in every case, republican foreign policy,[94] and thus republican R2P, should be based on forms of non-dominating interference.

However, Ronzoni does not completely reject intervention. In fact, together with Laborde, she states that domination cannot be justified for the sake of non-domination apart from in exceptional circumstances (Laborde and Ronzoni 2016: 19). But this does not necessarily mean that intervention, even of a forceful kind, is never justified from a republican point of view. What she claims is twofold. In the first place, she claims that any kind of forceful intervention will be a dominating one, and because of that, a *pro-tanto* evil. And in the second place, she claims (2019: 327) that 'if domination can be minimized, it should.' But how can she reconcile rejecting intervention because it exercises domination, and in some cases even accepting forceful intervention? She makes sense of it by introducing the element of control of the counterpart. She argues that there are ways to give some control to those upon whom it is exercised.[95] In a nutshell, her proposal relies on the assertion that 'it is not enough to do the right thing if

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[94] See Buckinx 2011 and 2019.
[95] She exemplifies it with a 'pre-commitment regime' that allows for mutual intervention on an agreed range of cases. See Buchanan and Keohane 2011.

there are no ways in which those to whom we are doing it have no control on the matter—regardless of how evil they are, such a scenario is one of domination'.

However conceptually right Gädeke and Ronzoni may be, I think that their reasons are not strong enough. In section 5 I will offer three arguments to support this claim. But before doing that, let us take a look at the wider debate on state interventions present in international legal theory and political philosophy.

4. State interventions in international law and political philosophy

Let us now examine how this discussion has developed in other fields. International intervention is a contested issue in political philosophy and in international law. In international law there is an unresolved debate on the legality of so-called 'humanitarian intervention' which is traditionally understood as 'the international use of military force to defend persons from attacks, in their territory, by their own rulers or other groups.' (Tesón & Van der Vossen, 2017: 23)․ This debate has led to an enormous amount of doctrinal contributions, especially at the end of the last century and the beginning of the present one. Three main lines of argument can be identified among the authors. The first two are those that evaluate interventions according to it legality. In this vein, the first are those who maintain its legality,[96] either on the basis of a restrictive interpretation of the principle of abstention from the threat and use of force, or on the basis of the recognition of a new exception to this principle for the protection of human rights, together with legitimate defense and action decided on or authorized by the Security Council. Second, there are those who rely both on a broad interpretation of the prohibition of the use of force in the United Nations Charter and on its character as a norm of *jus cogens*,[97] and who consider that so-called 'humanitarian intervention' constitutes a violation of this principle. Finally, there are those who, relying mainly on NATO's intervention in Kosovo in 1999,[98] consider that, although international law prohibits this type of intervention, the extent of human

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[96] See Jennings 1999, Pellet 1999, Sur 1999, Wedgwood 2000, Koh 2017, Greenwood 2000, Escudero Espinosa 2002.
[97] Brownlie & Apperley 2000, Corten & Dubuisson 2001, Hilpold 2001, Kohen 1999, Chesterman 2001.
[98] Cassese 1999, Espada 2000, Simma 1999.

suffering that it is called upon to alleviate justifies it morally and politically, and that this justification may lead to a practice that modifies the law, particularly on the basis of the famous statement of the International Commission on Kosovo,[99] which argues that the intervention was 'illegal but legitimate.'

There is also a debate concerning 'pro-democratic intervention'.[100] Among those who advocate that democratic governance is becoming an enforceable legal right,[101] we find authors who disavow the right to use military force to promote democracy and those, like for example the classical arguments developed by Reisman (1984: 642), who reinterpret Article 2(4) of the UN Charter to make room for the use of force in these kind of interventions if it 'serve[s], in terms of aggregate consequences, to increase the probability of the free choice of peoples about their government and political structure.' Reisman (2000: 239) argued that in clear cases, such as Haiti or Sierra Leone, a military intervention to reinstate a deposed democratically elected government after a coup that is clearly against the will of the people should not be seen as a violation of national sovereignty and should be accepted as lawful, but his argument was never widely accepted (Wippman 2015).[102]

However, pro-democracy interventions take many forms, and their legality is judged differently. These forms include Security Council authorized interventions, interventions by contemporaneous invitation of seated or recently deposed officials, interventions by regional organizations, interventions authorized in advance by treaty, and interventions combining two or more of these forms. In addition, when states or international organizations want to respond to a threat or the absence of democracy in a particular state, they also have a wide range of instruments at their disposal, from diplomatic pressure to economic sanctions and military action. But many of them do not involve coercion and do not constitute prohibited intervention under international law. Nevertheless, according to Marks (2011) no international consensus has emerged on the

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[99] Independent International Commission on Kosovo 2000.

[100] Seminal articles defend an 'emerging right to democratic governance', see Franck 1992, and also Fox 1992.

[101] See Franck 1970, and also Glennon 2015. See also Marks 2011, Reisman 1984 and 1990.

[102] It must be borne in mind that in both these cases the party asking for the intervention was the deposed democratic government, and that this could be regarded as the consent of the state to the use of force. Therefore, technically, there was no violation of sovereignty.

content of a right to democratic governance[103] or on the circumstances in which military intervention to promote democracy is desirable. Indeed, there is considerable debate as to whether a universal right to democratic governance (as opposed to a regional norm) is or should be in the making, as I will analyze in the next section.[104]

International intervention[105] is also a controversial topic for political philosophers. Contemporary scholars such as Archibugi (2004b, 2008), Buchanan (1999, 2004), Caney (1997, 2000, 2006), Fabre (2012, 2016), Habermas (1998, 2003), Tesón (1988, 2003, 2011) and Walzer (1977, 1994), among others, have been very active in the field of humanitarian intervention. Archibugi,[106] for example, points out that there is a philosophical debate on ethics and international relations. According to him, this debate focuses mainly on the legal and political legitimacy of military interventions. He suggests replacing what he considers to be the most common metaphor in the literature, '[s]hould we rescue the neighbours if their house is burning?', with the following metaphor: '[s]hould we intervene if our neighbour's husband beats up his wife?' (Archibugi 2014b: 3) - this change, he argues, will account for the intentionality of the action. In the same track, he also suggests that there is a need to systematically address the problem of fires (or abusive husbands) without relying on the good will of neighbours by building 'an effective fire brigade (or wife-rescue service)' (Archibugi 2014b: 4).

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[103] See Marks 2011: 512: 'On one account, evidence is lacking for a democratic norm in general international law, but the right to democratic governance has been established as a regional norm in Europe. On another account, there is no international legal basis for a right to democratic governance, but states are obliged to move 'towards democracy', in the sense that regressive measures can and should be sanctioned and positive steps must be taken to put in place and consolidate democratic institutions.'

[104] See Wheatley 2002, Byers & Chesterman 2000; Wheatley 2002, Murphy 1999, Roth & Garber 1997, Rich 2001.

[105] Caney (2006: 230) defines it as: `coercive action 'by an outside party or parties, in the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community' (Bull 1984:1) which is undertaken, partly or exclusively, to protect the welfare of the members of that political community'. Tesón (2001: 40) defines it as 'the proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance, aimed at ending tyranny or anarchy, welcomed by the victims, and consistent with the doctrine of double effect'. Buchanan (1999: 71) mentioned that 'On a stricter definition, humanitarian intervention is limited to the use of force, as distinguished from economic sanctions. Some writers add the stipulation that humanitarian intervention must be purely humanitarian in intent, that the sole or at least the primary goal of the intervention must be to protect the welfare and freedom of those in another state, rather than some advantage to the intervening state or its citizens.'

[106] He also provides 'a broad and shared definition of military intervention for humanitarian purposes: A military intervention in an area for the purpose of saving peoples from democide or other major violations of human rights occurring and carried out by foreign institutions without the consent of a legitimate government'. (Archibugi 2004b: 3)

However, and to reinforce Archibugi's claim, it is possible to offer an *a contrario* argument: what would happen if no intervention would ever be allowed under any circumstances? As I see it this could, in the long run, potentially lead to less and less democracy in the world - if some currently democratic states would start slipping into authoritarianism there would be no way to stop this process. The debate on humanitarian intervention illustrates a split between those who would limit coercive intervention to dealing with extreme human rights violations and those who believe that it is justified, at least in principle, when the practices of a society deviate from the rules of a liberal conception of human rights (Buchanan 2004).

5. A moral obligation to help the peoples living in unrepresentative states

It is time to turn back to Pettit's theory. As we have seen, Pettit's opposition to international intervention is based on the fact that this type of action has the potential to endanger the democracies of representative states, forcibly extract resources from these states and force their citizens into a Robin Hood role of involuntary beneficence. This account implies that unrepresentative states are excluded from the international regime of association between representative states. His proposal finds no reason to promote the interests of unrepresentative states, nor does it justify a normative concern about how to avoid domination, even considering that states are morally responsive agencies that respect the ideal of globalized sovereignty. But, from a republican viewpoint, such a morally responsive agency should be expected to promote freedom as an international objective pursued by representative states working for the liberation of impoverished and oppressed peoples, and also to respond to popular demands for assistance to those in need.

As we can see, a state-centric theory of freedom as non-domination that supports voluntary multilateral cooperation among representative states —states that have their own cultural, ideological, military or economic interests and alliances— is ultimately less realistic than the cosmopolitan theory that Pettit qualified as utopian (2015:183-5). This also leads to relieving the representative states of any moral obligation towards

the unrepresentative states, because the opposite would pose a threat to internal democracy. A theory of freedom that is strongly committed to democracy should not disregard moral obligations towards unrepresentative states. The problem is, of course, that unrepresentative states fail to be effective and to be popularly controlled by their citizens. When a state is ineffective, it violates its moral obligations to justice, for example, by subjecting its people to evils such as famines, destitution or genocide. While genocide enables an intervention under the R2P framework, famines enable international intervention in various forms, including foreign influence by non-state actors focused on alleviating extraordinarily grave injustices. An example of a slight version of influence was the 1985 Live Aid concert. It was a 'global jukebox' for famine relief that was alien to coercive and forceful means. An example of strong influence was the 1992-1993 intervention in Somalia that led to the infamous Battle of Mogadishu. When a state fails to be popularly controlled by its citizens, it fails to be legitimate, for example in cases of tyranny or oppression, or in those cases where a free press is banned. Now, republicans (e.g., Pettit 2012; Martí & Seleme 2015) traditionally argue for the primacy of legitimacy[107] over justice,[108] and this primacy leads us to the following conundrum: in cases of gross violations of moral duties of justice, international intervention seems justifiable. However, in cases of violation of moral duties of legitimacy, international intervention is rarely considered. This perplexity could be seen as indicative of the need for some adjustments to republican theory.

International interventions have traditionally been justified in cases of (alleged) human rights violations where the latter appear to us to be intolerably unjust. In this section, I will continue with the argument presented in the previous sections and argue that there

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[107] Martí (2017: 731) defined legitimacy as 'A legitimate institution has the right to rule over people subject to that institution. It has the adequate standing to make political decisions in the name of all. And it gains this right to rule or standing (mostly) by whom this institution represents or is integrated by and how its decisions are made'. See also Applbaum 2019; Besson 2010, Christiano 2013, Peter 2010/2017.

[108] Besson & Martí (2018, fn8) explain that 'It is very important to distinguish conceptually between legitimacy and justice, the two main tasks of political philosophy.' Even if they disagree about the details, this is a distinction present in the views of important contemporary political philosophers like John Rawls, Jürgen Habermas, Ronald Dworkin, or Philip Pettit. One particularly simple and clear way to demarcate between these two fields of normative political philosophy is the one we follow in the text, i.e. to refer to two clearly distinct kinds of normative questions: the what, in the case of justice, and the who and the how, in the case of legitimacy. This does not imply that these two fields are totally disconnected. In the end, the substantive values that political philosophers use as grounds of their respective views on justice and legitimacy should, at least in part, be the same. See also Buchanan 2004; Peter 2010/2017.

are compelling reasons for the international community to consider political legitimacy[109] as a global value to be protected. I will present three independent arguments for this claim. The first argument takes up what I mentioned above, that there is a priority of political legitimacy over justice. The other two arguments deal with the relationship between democracy and human rights.

5.1. Legitimacy or justice?

Pettit, when thinking in the domestic arena, wonders whether political legitimacy should be recognized to have priority over justice. He explains that justice and legitimacy are two different branches of political philosophy (Pettit 2012: 24-25; 2014: Ch. 4 and 5). Since the publication of his book *On the People's Terms*, Pettit has been developing a theory of political legitimacy[110] in which legitimacy is given a logical and normative preeminence over social justice.[111] That means that if a state exercises public domination and is therefore illegitimate, this will necessarily affect social justice as well (Pettit 2012: 24-25). Pettit explains that:

> 'where a lack of social justice alone would make us vulnerable only to our fellow citizens, a lack of political legitimacy would make us vulnerable on two fronts [...] The reason is easy to see. If we are subject to a government that can dominate us, as in an illegitimate regime, then we are going to lack control over changes in that government's will towards us and towards those of our kind. But this lack of political control means that any social controls we enjoy over changes in the will of our fellow citizens towards us are also likely to be somewhat precarious. While the law may put social controls in place, guarding us against private domination, those safeguards will only be as reliable as the will of the government that establishes and maintains them. Let legitimacy fail [...] and we will be vulnerable both in relation to the state and in relation to our fellow citizens' (Pettit 2012: 24).

In other words, if individuals are subject to vertical domination, they will not be fully free in their private capacity: '[T]he fact that the government has dominating power in the lives of citizens means that should those in government form a wish or a will to

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[110] Pettit (2015b: 85) points out that legitimacy is 'equivalent to the absence of public or vertical domination, requiring you to share in equal control of the interference that government inevitably practices in your life.' Justice, on the other hand, is 'equivalent to the absence of private or horizontal domination, requiring you to be more or less proof against the interference of others in suitable choices: you should enjoy their non-interference robustly over whether or not they have a will or a wish to interfere'.

[111] Part of this argument was developed in Kristan 2018.

withdraw legal protection from you, or indeed from citizens more generally, then you would again be exposed to private interference' (Pettit 2015a: 85).

I cannot see any reason why this priority of political legitimacy over justice in the domestic realm should not be extended to the global order as well. In fact, the discussion of domestic legitimacy provides a model for the discussion of international legitimacy because it identifies an ideal that plays an important role in determining what international legitimacy requires (Pettit 2010a: 151). Indeed, the priority of international legitimacy will help us navigate the complexities of the global political arena by providing a framework within which popular control over global decisions could be exercised. Indeed, international legitimacy will provide the normative standard that global institutions should meet, and it will provide the basis for seeking convergence on our profound disagreements about the demands of global justice.[112]

Now, even though government bears primary responsibility for protecting human rights, the laws of an illegitimate government, including those that protect against social injustices (i.e. private domination), do not yet ensure with full robustness that you are free from the interference of others. So, even though political legitimacy has normative priority over social justice, this does not mean that social justice is irrelevant. Pettit (2012: 131), for example, argues that, as a matter of fact, a minimum of social justice is necessary for political legitimacy.

In my argument, this minimum could be guaranteed through human rights. Therefore, given the priority of legitimacy over justice, human rights are fundamental in relation to democracy. The priority of political legitimacy over social justice entails that international protection must focus on ensuring human rights with respect to democracy as well. Moreover, its priority implies that our first task in the international order is to create the conditions under 'which all populations can form legitimate states to speak and act for them as peoples' (Pettit 2012a: 153). This does not eliminate the care for human rights in relation to justice. Even if we all agreed on justice, we would still not be indifferent to who makes public decisions and how. It follows from this assertion that

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[112] See Buchanan & Keohane 2009.

the violation of human rights justifies interventions and/or international protections that limit state sovereignty inasmuch as they can establish respect for human rights (including the human right to democracy for those who believe that it exists) as a necessary condition of legitimacy. As a consequence, international protection must: (1) focus on how to ensure human rights with respect to democracy; (2) give priority to those human rights which are intrinsically connected with democracy; and (3) ensure that their use effectively leads to democracy.

5.2. A human right to democracy?

As I said above, it is common practice to justify international intervention on the basis of the need to protect human rights. For this reason, we should pay some attention to the debate between those who believe that there is a human right to democracy and those who argue against it. Secondly, I will present some arguments of republican inspiration for the existence of a human right to democracy that have been defended, among other authors, by Pablo Gilabert (2012 and 2020) and Thomas Christiano (2011), and are implicit in the work of Philip Pettit (2012, 2014). The acceptance of these arguments leads directly to the conclusion that political legitimacy may provide moral reasons that justify international intervention.

Before addressing these normative arguments, however, let me briefly introduce how the right to democracy has currently been included in current international human rights law. Some human rights treaties -including those with the broadest international consensus- cover both a fairly broad range of political rights, which are generally considered essential to a democratic political system, and a number of other (non-political) rights which are a technical necessity for the enforcement of the former (e.g. the right to freedom of association, expression and assembly). Such charters include the International Covenant on Civil and Political Rights, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights, and the European Convention on Human Rights (ECHR). For instance, Article 25 of the International Covenant on Civil and Political Rights states:

> 'Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a)

> To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.'

While Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights provide that:

> 'Article 19. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (ordre public), or of public health or morals.
> Article 21. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.
> Article 22. 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.'

In view of this fact, one could conclude that we have a human right to democracy: this right exists because the exercise of political rights, as well as the exercise of accessory rights, is only possible in a democratic system. Moreover, the exercise of civil and political rights leads us (almost) necessarily to a democratic political system.[113] Robert Dahl (2008: 48-49), for example, points out that some rights are necessary elements in democratic political institutions. He mentions the right to participate and the right to express one's opinion on political matters (effective participation), the right to vote and

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[113] For an account of human rights as a subset of universal moral rights and their relation to democracy, see Besson 2011.

so on. In consequence, there seems to be a very basic conceptual connection between human rights and democracy, which has been widely recognized by many existing instruments of international human rights law. But from this we cannot immediately infer that there is a human right to democracy. As I previously said, this has been a very controversial issue in contemporary political philosophy.

The debate about the existence of a human right to democracy in contemporary political philosophy has been mainly held by authors like Beitz (2001, 2007, 2010), Cohen (2006), Christiano (2011), Benhabib (2012), Gilabert (2012), Habermas, J., & Rehg, W. (1998), Miller (2015) and Peter (2013), Rawls (1999), among many others.[114] Cohen, for instance, has opposed the existence of a human right to democracy arguing that 'democracy is a demanding political ideal that would be inappropriate as an object of global responsibility'[115] (2006:226). Cohen rejects what he presents as the two extreme positions, a minimalist account of human rights according to which any version of a human right to democracy is totally excluded, and a maximalist account according to which a human right to democracy is required. Instead, Cohen defends a right to collective self-determination, which is less demanding than a human right to democracy. Rejecting minimalism and maximalism, Cohen proposes a separate, intermediary account in which human rights are to be understood as a partial statement of a 'global public reason', and thus as a letter of membership to an organized political society:[116]

> 'But I have proposed that we think of a conception of human rights as part of a conception of global public reason. The aim of a conception of global public reason is to present standards that one can reasonably expect others to accept: to present reasons that can be shared, and that provide a common standard of achievement and a basis for common responsibility. What is true and what is reasonable to believe are distinct: the former is singular and the

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[114] See Franck 1992, Crawford 1993, Fox & Roth 2000. See also UN Doc A/51/761 (1996).

[115] Cohen and Beitz reject a human right to democracy, arguing that the emergence of this right could serve as justification for international intervention. Etinson (2010:445) points out that for Beitz 'there is unlikely to be a genuine human right to democracy […]This is not only because there are inferior but nonetheless viable means of satisfying the underlying social and economic interests that the right to democracy is meant to protect but, in addition, because of the historically borne out ineffectiveness of international efforts to guarantee that right by bringing about political reform in developing countries'. However, Cohen (2008) and Beitz (2007) do not have the same objections in the case of violation of the rights to political autonomy.

[116] See Maisley 2015.

latter is plural; incompatible views can each be reasonable to believe, though they cannot both be true' (2006:243).

The right to collective self-determination that Cohen advocates is 'a plausible element of any conception of human rights' (2006: 233). It presupposes that (i) binding collective decisions are the result of a political process, and are also accountable, and represent the different interests and opinions of those who are subject to and expected to abide by society's laws and regulations; (ii) the right to dissent and appeal against these collective decisions is guaranteed for all; and (iii) government normally makes public statements about its decisions and that these statements - which are intended to show why the decisions are justified - are based on a conception of the common good of society as a whole. For Cohen, democracy is a correct demand for justice, but it is not a human right.

Cohen's arguments against the existence of a human right to democracy have been rejected by authors such as Christiano (2011), Benhabib (2012), Gilabert (2012 and 2020) and Peter (2013), among others. For instance, Gilabert (2020) lists three reasons for the preference for democracy as a human right. One, aligned with the arguments advanced by Christiano and others, is that democracy possesses intrinsic value that deserves to be promoted internationally. But, according to Gilabert, it also possesses at least two other instrumental values: it provides accountability for governments and epistemic enhancement of public decision-making. Gilabert adds that social life includes circumstances that make these three reasons far-reaching and urgent in practice. On a different note, Benhabib[117] argues that a robust right to self-government is essential for making valid claims about the valid range of variation in the articulation of human rights at all, and makes Cohen's argument - that there is no 'human right to democracy' - untenable and self-contradictory.[118]

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[117] With regard to those who deny the existence of a human right to democracy, she asks: 'Given that the Universal Declaration of Human Rights is the closest document in our world to international 'public law', how can we explain this attempt on the part of many philosophers to restrict the content of human rights to a fraction of what is internationally agreed to – at least on paper?' (2012: 193)

[118] Benhabib stresses a distinction between the form that human rights must take. While Cohen and those like Nussbaum or Sen see human rights as urgent requirements of political morality, she insists that human rights must take legal form.

The argument that there is a human right to democracy might be also grounded in the work of Pettit himself (2014: 113, 145). Pettit has never explicitly stated that there is a human right to democracy. However, he argues that democracy, and only democracy, can effectively protect the citizens of a state from the domination of their government. In other words, he points out that democracy has an instrumental value in enabling people to enjoy freedom as non-domination in relation to public powers. Democracy is therefore seen as a necessary condition for freedom as non-domination, since only a democratic political regime enables people to participate in the construction of the order in which they live, i.e. by having ultimate control and the power of contestation over governmental policies.[119] Only in a democratic political community can people participate on an equal footing in the process of creating rules that govern their lives, that form the basis for protection against domination and that provide the resources and rights to fight social injustice (Pettit 2015b: 4 and 5).[120] If there is a human right to freedom and freedom is understood as non-domination, then there should be also a human right to democracy.[121]

With an explicit argument, Christiano (2008, 2011, 2013) understands the human right to democracy as a human right to a minimally egalitarian democracy. To support his position, Christiano assumes that (1) democracies are normally reliable protectors of certain very urgent and widely accepted human rights, which he identifies with the human right to personal integrity,[122] while (2) non-democracies and partial democracies do not protect these rights. The human right to democracy is thus based on the central role of democracy in protecting other fundamental rights in domestic

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[119] Contestation is understood as 'the opportunity for members to challenge overtures both in advance of legislation and after they have been passed into law' (Pettit 2012: 215). Pettit also points out that a 'contestatory citizenry' is required in order to have a contestatory culture 'that disposes people to resist any governmental abuse' or, in other words, 'contest laws and policies that seem to undermine their equality or influence' (Pettit 2012: 225-226).

[120] 'The theory of political legitimacy holds that the laws and norms of the society should be imposed on you and others under a popular system of control in which you equally share [...] The political theory of legitimacy imposes conditions under which a government that interferes in people's lives need not actually dominate them. Interference is not dominating if it is subject to the control of the interference. The sort of interference that government inevitably practices in people's lives will not be dominating, then, if it is subject to the control of its citizens. And that is so, even though the control is shared. Assuming no one is special — this is a basic normative constraint — no one can complain about having to share with others in exercising this control' (Pettit 2015b: 8).

[121] This reasoning also excludes the distinction between liberal democracies and decent societies, which was made by Rawls (1971, 1993 and 1999) and is followed by Beitz (2000).

[122] Christiano (2011: 145) understands by human rights to personal integrity the right not to be tortured, the right not to be arbitrarily imprisoned, and the rights not to be murdered or kidnapped by the state.

and international political societies. Consequently, he argues, democracies are 'necessary and reliable in protecting human rights to personal integrity' (Christiano 2011: 175).

Both types of recognition of a human right to democracy lead straight to the conclusion that issues of political legitimacy, and more concretely the promotion of democracy, provide a moral reason that can justify international intervention. But even those who deny the existence of such a right must acknowledge that political legitimacy matters when they are seeking a justification for international intervention, since political legitimacy is a necessary condition for the realisation and protection of some human rights.

5.3. Human rights as a condition of political legitimacy

Human rights are usually examined on the basis of the criterion of social justice, whereby social justice is assumed to be a criterion of resource distribution or a criterion of corrective justice. Here, on the other hand, we are examining human rights as a condition of political legitimacy. In particular, as anticipated above, I will argue that human rights cannot be effectively enjoyed and protected if one is agnostic to the political legitimacy of the crisis-ridden state or region, even if political legitimacy itself is not understood as a human right. This implies that in the search for justification for international intervention, the focus must shift from social justice to political legitimacy.

I should also specify why it is necessary to connect human rights and political legitimacy, even if one believes that there is no such thing as a human right to democracy. The answer is simple: a person is only free in a political community that protects her freedoms, among which there are certain human rights, and a political community that protects freedoms is a legitimate one.[123]

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[123] Pettit believes that only a free state can respect and promote human rights. However, I believe that reliance on the state to avoid domination is problematic because it does not cover all the possibilities of domination produced in the global realm.

This shift in emphasis from social justice to political legitimacy leads to the conclusion that international interventions must be used to protect democratic human rights. This obligation results from the following schematization of the relationship between political legitimacy, democracy and human rights: political legitimacy depends on the absence of domination. Both democracy and respect for human rights are necessary for a citizen not to be dominated. Therefore democracy and human rights function as necessary conditions for political legitimacy. Since democracy is a necessary condition of non-domination, we have reason to accept international interventions that promote democracy.

The analysis of human rights in terms of political legitimacy goes in this direction: a regime is politically legitimate if and only if it protects individuals from domination in public and private relations. Public (or vertical) rule is effectively excluded only if individuals are granted democratic human rights, i.e. only if they have an equal say in the content of the laws and norms of their community and in the triggering of the mechanisms of control and challenge. Private (or horizontal) rule, on the other hand, is necessarily excluded only if there is no public (or vertical) rule. This is because private rule is a function of social (in)justice, which in turn depends on the content of the laws and norms that protect the socio-economic rights of the individuals in the community.

Given the republican conception of social justice (Pettit 2012: 24-25 and 2014), the content of laws and norms established by democratic procedures is by definition socially just, while the content of other laws and norms may be socially just or unjust. This means that a democratic political regime necessarily protects the individual from private (or horizontal) domination, while a non-democratic political regime may or may not have the same effect. In other words, the absence of public (or vertical) domination precludes the possibility of private (or horizontal) domination. I have previously pointed out that human rights and political legitimacy are linked by a simple connexion - that a person is only free in a political community that protects his or her freedoms - and that the political community that protects freedoms is a legitimate community. The position of human rights in republican theory reflects the idea that the status of a person as a free person depends on the power relations

protected by the absence of public and private domination. In other words, republican theory focuses on the institutional protection of human rights.

A politically legitimate regime protects the individual directly from public domination, as well as directly and indirectly from private domination. A regime is politically legitimate if and only if it is democratic. On the one hand, democracy protects individuals from public domination by giving them a) ultimate control over government interference, and b) the power. On the other hand, democracy also protects individuals from private domination by placing B's power of intervention in A's affairs under the control of the government (Martí and Seleme 2015: 28).

But even those who do not share this view have reason to conclude, as I will show in the next subsection, that issues of political legitimacy provide a moral reason that can justify international intervention.

5.4. State democracy, political legitimacy and international interventions

Apart from serious and massive human rights violations, there is no widespread agreement on the conditions under which international intervention in a crisis-ridden state or region may be justified. Many argue that the international community should refrain from intervention in order to secure political legitimacy. Others argue that human rights cannot be effectively protected if one remains agnostic about the political legitimacy of the regimes in the affected states or regions. I will defend the second position. This section examines two specific types of intervention that may be justified in some cases.

International interventions that are oriented to guaranteeing political legitimacy aim to protect individuals from human rights violations. A serious lack of political legitimacy justifies international intervention even when there are no massive violations of human rights. This is because, as I already explain in section 5.1, political legitimacy has both conceptual and normative priority over social justice.[124] If any of these arguments

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[124] Contra: Valentini (2012)

succeed, then all those who accept that a certain degree of social injustice justifies an intervention by the international community in a crisis-ridden state or region should also accept that such interventions are made with the aim of ensuring the political legitimacy of the regimes in the states or regions concerned.

Here I wish to apply the republican argument I have developed in the previous subsections to support a moral justification for state interventions. I will distinguish between different types of intervention and delineate how they relate to our concerns with political legitimacy and social justice. To this end, I will present two hypothetical situations. The first serves to illustrate our concern for both political legitimacy and social justice. The second serves to illustrate the primacy of political legitimacy over social justice.

To start with the first example, think of a state - state A - that has a regime that respects the rule of law and some human rights (for example, it does not torture people), but its government is illegitimate. Is international intervention justified because the government is illegitimate? We will see that such intervention is a relevant and contestable proposal. I consider the intervention to be legitimate and do not deny that it is also justified in cases of lack of justice. What I mean to say is that the pursuit of legitimacy (i.e. democracy) must take precedence over the pursuit of justice. A possible current example to illustrate this point is the protests held in Hong Kong during 2020, and also the so-called 'Umbrella Revolution' in Hong Kong along with the protest that erupted in June 2019 when the government attempted to pass a controversial extradition law allowing residents and visitors to be sent to China to face trial in that country's opaque, politically controlled judicial system.[125] As has been mentioned above, it is important to point out that I do not consider international interventions to be equivalent to humanitarian interventions. The type of international intervention I am thinking of refers to international financial support, to models of transitional justice and, even more directly, to ways of supporting democracy. We can

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[125] 'Tens of thousands of Hong Kong residents – young and old, rich and poor – have peacefully occupied major thoroughfares across the city, shuttering businesses and bringing traffic to a halt. They claim that Beijing reneged on an agreement to grant them open elections by 2017, and demand true universal suffrage'. See Jonathan Kaiman, Hong Kong´s umbrella revolution, *The Guardian*, September 30, 2014. See also https://www.nytimes.com/2020/01/01/world/asia/hong-kong-protest.html Accessed on 16-12-2020.

find some examples in the implementation of the European Neighbourhood Policy of the European Union (EU) by the Council of Europe (CE),[126] and the Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR).[127] Through these policies, the EU aims to promote and support the rule of law in countries - Tunisia being one of them[128] - that are moving through a transition to a consolidated democracy.[129] The democracies are supported, developed and consolidated by '…enhancing participatory and representative democracy, strengthening the overall democratic cycle, in particular by reinforcing an active role for civil society within this cycle, and the rule of law, and improving the reliability of electoral processes, in particular by means of EU Electoral Observation Missions'.[130]

The second example concerns a state - let's call it state B - which does not respect any criteria of political legitimacy or social justice. In this hypothetical example, state B does not respect the rule of law, human rights or democratic values. In this case, international intervention is also fully justified, although it is justified for partly different reasons. I would like to say once again that a certain priority must be given here to efforts that actually lead to democracy. Moreover, in both examples, international intervention must focus on how to guarantee human rights in relation to democracy by (a) giving priority to human rights that are inseparable from democracy, such as freedom of expression, political organization, opposition and free and fair elections, and (b) ensuring that their application effectively leads to democracy. In the second type of case, as I have already mentioned, the reactions of the international community can be implemented through international financial support, through

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[126] The European Neighborhood Policy is a space where the EU as an external actor might exert some influence in domestic processes of democratization.

[127] See Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide.

[128] See Implementing the European Union's Global Strategy 'The EU has mobilised all its foreign policy tools and has allocated almost €10 billion in support of the Tunisian people. We supported the country's security sector reform. 1.7 million microcredits were awarded to people in rural areas and women entrepreneurs. Over 61,000 youth have received microcredits to start a small business, and we have launched the Partnership for Youth, as well as tripling the number of Erasmus+ scholarships. Tunisia can become an innovation hub in Africa, and we are encouraging this perspective through the Global Tech Panel.' Available in: https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf

[129] See Magen & Morlino 2008 and Morlino & Sadurski (2010).

[130] Summary of the Multi-Annual Action Programme 2018-2020 for the European Instrument for Democracy and Human Rights (EIDHR) to be financed from the general budget of the European Union. Available in https://ec.europa.eu/europeaid/commission-implementing-decision-multi-annual-action-programme-2018-2020-european-instrument_en

transitional justice models and, more directly, through ways of supporting democracy. For example, there is a practice of the observation of elections by international organizations such as the UN, OAS or EU. As Crawford (1993: 124) mentioned, 'in some cases this involvement has extended to creating the conditions for free elections and for the establishment of democratic rule, as with the United Nations operation in Cambodia.' They can also be implemented through three different types of measures: (a) encouraging measures (e.g. by supporting those working for democracy), (b) sanctions (i.e. condemnation, breach of relations, non-recognition of governments, sanctions adopted by international organizations, and recourse to the Security Council for enforcement sanctions) and countermeasures, and (c) in exceptional cases (such as Haiti), the use of force, where the recent practice of the Security Council shows that a *coup d'état* can pose a threat to peace.[131]

If this argument is linked to the idea of a human right to democracy, a decisive reason for an intervention by the international community would be that it can guarantee the development of democratic conditions or the establishment of a democratic regime. Proof of this possibility is provided by the resolution S/ RES /2012/2048 (2012) of the UN Security Council and its statement S/PRST/2012/15 (2012) condemning the military coup in Guinea-Bissau of 12 April 2012 which undermined the completion of the democratic electoral process. Another piece of evidence of the same kind comes from a more recent document UN Security Council Resolution S/RES/2337 (2017), which refers to a situation in the Gambia. In these documents the Security Council appears to have accepted the imposition of measures to protect an existing democracy.

6. What to do with unrepresentative states: Expanding the focus

In this section, I will broaden the focus of pro-democratic interventions. Promoting democracy in certain states around the world is a worthy goal in itself that deserves

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[131] See for example United Nations Security Council Resolution S/RES/940: 'Reaffirming that the goal of the international community remains the restoration of democracy in Haiti and the prompt return of the legitimately elected President, Jean-Bertrand Aristide, within the framework of the Governors Island Agreement.'

global political engagement,[132] but it is also a valuable goal as a way to support global democracy. Remember that the kind of interventions I have in mind are those that might transform unrepresentative states into representative ones, but, to recall the gradualist or scalar nature of legitimacy, democracy-promoting interventions will cover a spectrum between extreme and ordinary oppression (Walzer 1980: 218). This means that pro-democracy interventions dealing with real-world cases could cover a wide range of measures. Because of that, instances of intervention will come in different forms depending on the degree of influence exercised over a state, and how a case scores on these dimensions affects the conditions under which it is or is not morally permissible. As we will see in this section there are cases of influence that are more or less compatible with the ideal of global democracy.

Let us recall the fact mentioned in section 3.2 of this chapter that global governance is undemocratic because its shortcomings in the institutional design of international organizations and bodies themselves[133] show us only some of the problems in the realisation of global democracy. However, in order to achieve global democracy,[134] it is necessary to spread and support democracy within states.[135] The justification I will propose for intervention is intertwined with the goal of building a global democratic system. However, the argument is not limited exclusively to global democracy.[136] It is also applicable to schemes of cooperation. In this sense, in order to justify external intervention, it should be remembered that a considerable part of the decision-making power no longer belongs to the state, but is dispersed in international and transnational

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[132] For an argument regarding the promotion of justice worldwide see Rafanelli 2019.

[133] Peters (2010).

[134] Crawford (1993) argues that the manner in which classical international law conceptualized the state operates in deeply undemocratic ways and offers six examples: international law assumes that the executive has comprehensive power in international affairs; national law is not an excuse for failure to comply with international obligations; the executive government has virtually exclusive control over the availability of international remedies; the principle of non-intervention extends to protect even non-democratic regimes in relation to action taken to preserve their power against their own people; the principle of self-determination is not permitted to modify established territorial boundaries; the powers of a government to bind the State for the future seem to be virtually unlimited. International law recognizes the general authority of a government over the State as a continuing entity. That can be seen, for example, from the well-known *Tinoco* arbitration. In relation to self-determination see Cassese 1995.

[135] Peters (2009), referring to global constitutionalism, argues that a dual democratic mechanism is in place. This mechanism indicates that there are at least two levels of government, in fact Peters construct a proposal based on multiple levels of governance with a multi-unit democracy. The first level is the one within states while the second level concerns the governance above states. See also Maisley 2017.

[136] There is a growing literature on the right to democratic governance, see Franck (1992); Crawford, (1993); Fox & Roth (2000); and Maisley (2017) See also Agenda for Democratization, UN Doc A/51/761 (1996).

institutions, some of which have an important capacity in law-making and setting regulatory standards. It follows from the first argument that we need to make the global political system more democratic.

6.1. Justifying external intervention to promote democracy

At the beginning of this dissertation I pointed out that in recent years the growth of political actors has reduced the power of states (Held 1991, 1993, 2005). However, states remain - and will probably remain in the coming decades - as relevant actors in the global sphere and indispensable for the global democratic order.[137] States and other local political entities are democratically valuable[138] because they are traditionally constituted as political representatives of their people. In situations where states are not in a position to represent their people in all circumstances, and are not able to act politically effectively, for example, in relation to climate change, they still have an intrinsic political value. A democratic global system would not be satisfactorily democratic if unrepresentative states were not democratized.

Apart from normative reasons there are also practical motives for democratizing these unrepresentative states. For one, democratic states would arguably contribute to global democracy by creating direct mechanisms for its peoples to participate in discussions on global issues or by facilitating them indirectly to do so by granting them access to a free press and the Internet (or at least by allowing them this access). By contrast, non-democratic states are by definition deficient in these aspects that affect people's freedom (among others). In fact, they restrict or deny political rights, for example, the right to free elections, and they tend to restrict or deny a free press and access to the Internet.

We thus have both normative and practical reasons for advocating the democratization of unrepresentative states. This is not to say that in a world of democratic states we

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[137] Peters mentioned that 'Doing away with states would imply a single global polity, which would be remote from citizens, inevitably inflexible, and complicated, in short not operational' (2009: 272).
[138] See Weiss 1998 and 2003.

will automatically achieve global democracy.[139] A world of democratic states will promote democratic values such as the rule of law, respect for human rights and the protection of minorities, and will reduce the risk of war. [140] However, the deficit of political legitimacy goes beyond states. It involves a wider community of actors where relevant decision-making has been shifted from states to the global level. Despite this, states can prevent people from becoming involved in global affairs as its principal agents. This situation has been noted under international law, as attempts are already being made to reach agreement on an agreed minimum standard of democracy,[141] for example, through Protocol I of the European Convention on Human Rights:[142]

> Article 3 – Right to free elections The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

Through the American Convention on Human Rights:

> Article 23. Right to Participate in Government: 1.Every citizen shall enjoy the following rights and opportunities: a. to take part in the conduct of public affairs, directly or through freely chosen representatives; b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and c. to have access, under general conditions of equality, to the public service of his country. 2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

These instruments reflect the idea that every human being has a set of basic rights, including the right to participate in public life.

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[139] Those who adopt a state-centric approach to international relations and political philosophy will come to the contrary conclusion since they see domestic democracy as sufficient for a global legitimate order and to achieve people's freedom.

[140] See Kant (1989 [1795]), Weede 1992: 377.

[141] See Crawford 1993: 113.

[142] The first case under this article decided by the European Court in 1986 was the 'Greek case'. In 1967 Greece was governed by a military dictatorship. On April 15, 1970 Greece was suspended from the Council of Europe until democratic standards were reinstated. See, James Becket 'The Greek Case Before the European Human Rights Commission' *Human Rights* (1970): 91-117.

As Peters (2009) claims, liberal authors such as Rawls and Beitz[143] support pro-democracy interventions. However, as far as the republican sphere is concerned, the majority of authors defend the view that the state is the only actor capable of protecting individual freedom, as I explained in the previous chapter. At the same time, however, some of them do not assume a position favorable to external intervention, while others such as Pettit strictly limit the conditions of application for the moral duty of representative states to intervene with the aim of extending democracy to those states that are not representative or of protecting and enforcing the internal democracies of those states that fall back into a non-democratic regime. This seems counterintuitive, since scholars who support the association of states, i.e. those who favor interstate democracy, should be interested in increasing the number of democratic legitimate states since the creation and control of international institutions and internal democratic structures are within them.

On this point, someone might ask why I am proposing to support democratic international intervention, when my aim is to show that people can only be free if we achieve global democracy. I advance that it is consistent to support democratic states and to promote global democracy.[144] Global democracy is about building political legitimacy beyond the state, that is, with the democratization of global relations. In order to do this, i.e. to establish a global democracy, instead of, for example, international cooperation systems such as the WTO or transnational networks such as the European Union, a democratic minimum in those states considered undemocratic should be established. Domestic democracy constitutes one aspect of global democracy. In this context, no one denies the value of self-government nor claims to get rid of states; other dimensions of democracy are grounded in the international, transnational and global arenas.[145] The transition from unrepresentative states to democratic states represents an effort to advance global democratization, the promotion of global democratic values and opportunities for people to influence and participate in politics.

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[143] Rawls 'All peoples are safer and more secure if such states change, or are forced to change, their ways'. (1999: 81). See also Beitz (1999: 92).

[144] Peters (2009: 283), in a similar vein, argue that 'the principle of domestic democracy is an aspect of the right to self-determination and arguably shares the *erga omnes* character of the latter principle'.

[145] As I developed in Chapter 2, the international, transnational and global realms are not disconnected from the domestic one.

Consider, for example, that at the beginning of the twentieth century, international intervention – especially international intervention on behalf of the oppressed – came to regulate the legality of an intervention in cases in which a state grossly violates the rights of its citizens, while any other state that has the means and the will to do so has the right to intervene when the situation poses a real threat.[146] In 1945, the regulation of humanitarian intervention and the prohibition of the use of force by the UN Charter[147] marked a further stage, since, as Tesón explains, the provisions of Article 2 (4) must be linked to the collective security measures in the UN Charter, and a failure of these security measures is tantamount to a fundamental change in circumstances.[148] After the implementation of UN Charter interventions such as the Indian intervention in East Pakistan /Bangladesh (1971), the Tanzania's intervention in Uganda (1978-1979), the Vietnam intervention in Camboya (1978). There is consensus on classified as Humanitarian Intervention these three cases, although they were not justified as such by the states. It is worth to mention also the no-fly zones established by France and United States in Iraq (1991), the NATO intervention in Kosovo (1999) and the NATO-led coalition intervention in Libya (2011).[149] There are also interventions, as in particular the US intervention in Grenada (1983) and the US intervention in Panama (1989-90) which particularly contribute to formulating a justification for interventions based on Article 2 (4) under the pro-democracy elements, where democracy began to play an important role in relation to international interventions as a threat to peace and security.[150] The Security Council authorized these actions because a disturbance of democracy is a threat to international peace and security, and this therefore emphasizes democracy as an important value.[151] The 'democratic peace thesis'[152] was also presented by the UN through its Secretary General in 1996, outlining the Kantian argument that democracies within states 'minimize the risk that differences or disputes

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[146] See Tesón (1997).
[147] See Article 2 (4) and 55-6 of the UN Charter.
[148] Tesón (1997:157-62).
[149] See United Nations Security Council Resolution 1973: S/RES/1973 (2011). Available in https://www.undocs.org/S/RES/1973%20(2011) Accessed on April 15, 2020.
[150] However in both cases Security Council Resolutions were blocked by the US veto. See *UNYB* 211 (1983) and *UNYB* 175 (1989).
[151] For instance, the Conference on Security and Co-operation in Europe, Document of the Copenhagen Meeting of the Conference on the Human Dimension, 29 June 1990, para. 6. See also Halberstam 1993.
[152] See Kant (1989 [1795]), and Doyle 1983.

degenerate into armed conflict or confrontation.'[153] However, as I argue in this chapter, the idea of strengthening or establishing a democracy through a military invasion of a country is quite implausible and, in the sense of non-domination, undesirable.

6.2. Supporting different forms of intervention

In the previous subsection, I advanced a position that is favorable towards those external interventions whose aim is to support domestic democracy. I also maintain that their position of supporting the democratization of states is consistent with the promotion of global democracy. However, there are limits to the use of intervention as a legitimate means of enforcing domestic democracy.

There are different ways in which a state can be an unrepresentative state, for example because it has an authoritarian regime, because elections have been rigged or because it has suffered a *coup d'état,* among other possibilities. There are also different ways in which a coalition of states or the international community could attempt to implement democracy in non-democratic states. While the forms in which a state could be a non-democratic state are always undesirable, there are limited means by which it is morally appropriate to try to achieve democracy in non-democratic states. Within the options there are possibilities ranging from economic sanctions to military intervention. Even rejecting military intervention for the reasons I will set out below, all the possibilities that arise between these two options are linked to domination. This is because domination implies subjection to the will of another or others, and the aforementioned cases fit the bill, for example through the conditionality of aid to a state that has suffered a natural disaster or where there is an obvious imbalance of power.

Of the possibilities of actions to promote democracy within states, military intervention should not be considered a desirable option. In other words, global democracy should only allow a variety of non-military measures to promote

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[153] UN Secretary General, Supplement to Reports on Democratization (Annex to UN Doc A/51/761 of 20 December 1996), para 17.

democracy within states. Peters,[154] considering that domestic democracy is a core principle of global constitutionalism, recalls the measures that global constitutionalism should allow to promote democracy, for example persuasion or incentives to impose conditionalities on aid, or by imposing proportionate sanctions. There are two different but interlinked arguments for considering military intervention an unfavorable option. The first is an empirical argument. The second is a normative one.

The empirical arguments correlate with the experiences of military intervention in Grenada, Panama and Haiti. It is sometimes argued that one state can legitimately use armed force to overthrow a despotic government in another state. However, given the efforts made, the military capacities deployed and the impact on civil society, the results of these interventions have been far from what was expected and are disproportionate to the means employed. For example, in the US operation 'Just Cause' in Panama,[155] which was carried out on 20 December 1989 against the Noriega regime, 24,000 US soldiers were deployed and the head of state General Manuel Noriega was captured. The President of the USA George Bush invoked[156] democracy in a unilateral act of support for the invasion in order to promote democracy in another state and to support Guillermo Endara, who was elected democratically.[157] Five years after the US intervention, Panama held its first effective democratic elections in twenty-five years; as Chesterman (2001:106) notes: ironically, the winner Ernesto Perez Balladares was of the Revolutionary Democratic Party, the former Noriega-controlled party. Another empirical reason against military intervention is the potential use of mercenaries[158] who are not subject to public control of the armed forces' procedures.

From the perspective of international law, there are also reasons against the idea that democracy can be installed through the unilateral use of external force. The first one is that the majority of democratic governments do not accept this view, a situation that was revealed with the condemnation of the interventions in Grenada and Panama by

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[154] 2009: 283-4.
[155] See McMahan 2005.
[156] See https://www.nytimes.com/1989/12/21/world/fighting-panama-president-transcript-bush-s-address-decision-use-force-panama.html Accessed on 14-12-2020
[157] Note that Guillermo Endara was not openly asked for the approval or necessity of such intervention.
[158] See Pavel (2010).

the United Nations and the Organization of American States. The second reason is the arbitrariness with which the interventions have been carried out. Another reason is the potentially destabilizing effect of an intervention from outside, especially in cases where the intervention was carried out on a large scale or over a long period of time, it can be quite difficult to restore local legitimacy.

As far as the normative area is concerned, there are also reasons against military intervention. John Stuart Mill famously argues against democracy being imposed from outside.[159] However, it is a general argument -not only in relation to military interventions, and is based on the disvalue of imposing democracy compared to the possibility of achieving democracy through the people themselves. As Peters (2009: 285) pointed out, this argument is not well placed, since democracies like Germany or Japan are examples of imposed democracies that function. However, a regime enforced by military action will depend on the intervener's ability to control the democratic transition and to manage the period when the people of the state will be subject to the will of another.

As far as proportionality is concerned, a pro-democracy military intervention alone will not pass the proportionality test,[160] but a different case is when democratic measures are taken in the context of military action in the framework of just cause or, as Simon Chesterman[161] shows, in situations where the Security Council states that a disturbance of democracy constitutes a threat to international peace and security as defined in Chapter Vii of the UN Charter, or by means of interventions by invitation and interventions in failed states - for example in the context of anarchy or civil war (2001: 89). After military action has been discarded as a form of pro-democratic intervention, there are still a set of options for democratizing non-democratic states and avoiding domination.

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[159] Mill 2007.

[160] A different case is one where the requirements for the use of force are in place to restore democracy, here there are different problems to solve.

[161] Chesterman 2001.

6.3. Recalling intervention against domination

At this point I have determined that democracy is a value to be pursued and if we want to achieve global democracy, it is necessary to promote the democratization of states. However, the fact that some states are unrepresentative does not prevent the development of global democracy, although I believe that the democratization of states is a prerequisite for this. I will clarify this point in order to avoid any possible circularity. Even if an important part of politics has migrated to the international level, states continue to be important actors in global politics. Therefore, the existence of unrepresentative states reduces the possibility of democratic interaction between different actors[162] and the participation of the people of these states in local and global politics.

In this sense, it is normatively desirable that all political institutions, at any level, be democratic. In order to apply this assertion to the realms of global democracy, it is important to develop a democratic global institutional system that provides a framework in which political actors - including the people - can interact and deliberate among themselves to reach collective decisions on collective problems, for example climate change. In this sense, part of building a global democracy is promoting the democratization of states.[163]

Here the pursuit of global democracy can contribute to avoiding domination, and one way of doing it is through global political institutions. As for the actual configuration of international institutions, it is through international organizations – including regional and supranational ones - that the lack of democracy should be tackled.[164] Even if global democracy can avoid domination, this does not mean that global democracy is incompatible with every form of interference. To show this, I propose to use the theoretical tools provided by ideal and non-ideal theory and adopt a distinction

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[162] See Pettit 2014.
[163] See Anne Peters (2009) Chapter 6 on the concept of 'transitive legitimacy'. To achieve global constitutionalism she claims that a dual democratic mechanism is required, what she calls the first and second track of the democratic mechanism. The first track is named the democratization of international governance via democratic states, and the second track pursues global direct democracy.
[164] Crawford (1993:128).

between a) being subject to the will of others to secure freedom, and b) being subject to the will of others and being dominated.

The way I will apply ideal theory is through a description of a regulative ideal that we should try to approach, even though we know that this ideal state is not fully attainable in the real world. And the non-ideal theory is the one that shows which normative principles are derived from the regulative ideal in all intermediate states where it is not yet realized. For our purposes, ideal theory provides a framework that indicates where we want to go if we want to achieve a global democracy that avoids domination. If we consider global democracy an ideal and domination an ideal to be reduced, we see that a global republican will confirm that domination is incompatible with global democracy. I would argue, however, that if we broaden the republican understanding of freedom as non-domination, we can introduce a distinction that fits between being free and being unfree, in a similar way that republicans distinguish between arbitrary interference and discretionary interference, in order to determine whether interference compromises our freedom. Indeed, one can speak of interference in some cases where there is technically no domination. A case in point are paternalistic relationships such as those between a parent and her child or relationships involving severely disabled adults who cannot govern themselves.

What I propose to do is to distinguish between those restrictions which have the effect of taking away the standing of a free state, such as war or tyranny, and those which restrict the actions of the state, but leave it standing as a free state, untouched. It is worth recalling at this point that the distinctively neo-Roman claim is thus that freedom is not a predicate of actions, but a status. In this case, states should be capable of, for example, associating with other states as they please by virtue of not being subject to the will of another. This is not to deny that such states forfeit some freedom of action when they suffer acts of interference, but when that happens it does not affect the status of free states, but instead it helps to secure freedom. [example?] To talk about freedom, in this particular case, is to talk about what it means to be a free state. That is what every state is committed to. That doesn't mean that states that experience acts of interference don't find it troublesome, but that has nothing to do with whether or not they are free.

In such a context, we can distinguish at least four forms of interference related to global democracy, ranging from a form of interference that is incompatible with global democracy to one that strengthens it: (1) interference that is incompatible with global democracy; (2) interference that weakens global democracy; (3) interference that enables global democracy; and (4) interference that strengthens global democracy.

A form of interference that is incompatible with global democracy is associated with tyranny, slavery or war. It is the kind of relationship that attempts to impose democracy through war or the use of disproportionate force. For example, from one state to another state that has no democratic political organization, with the aim of promoting its establishment.

A second form of interference is one that weakens global democracy. Before I explain this, I would like to make it clear that, although a form of interference that weakens global democracy implies that there is a kind of global democracy, this form comes second because it is an undesirable form of interference. By this second form, then, I am referring to the type of interference that hinders the participation of nation states in the international arena or restricts decision-making processes to a few actors. Our third form of interference is one that makes global democracy possible. This form is strongly supported by the distinction between interference that dominates and interference that secures freedom. It regards a state as incapable of being democratic by itself. Finally, a form of interference that strengthens global democracy contrasts with a form that weakens global democracy. If the latter has been illustrated by the example of armed intervention, we can now identify the former with compulsory humanitarian aid. These latter two forms of interference share some concerns with respect to international law. It is a question of how to achieve a common understanding of democracy on a global scale and how to reconstruct the language and actions of international intervention.

7. Conclusions

Throughout this chapter I have dealt with the question of what we should do, if anything, with regard to unrepresentative states. I have explained that Pettit

distinguishes between representative and unrepresentative states. While he has found no grounds to support international intervention in unrepresentative states, I have argued that, whatever the future of the state, it still has intrinsic political value, and this is one reason that leads me to argue that there are moral reasons to intervene to bring democracy to unrepresentative states. For a theory committed to liberty must embrace those political entities in which their peoples lay claim to democracy and does not merely rely on voluntary multilateral cooperation to combat tyranny and oppression in unrepresentative states. This line of argument highlights the importance of protecting, securing and strengthening democracy for freedom and, consequently, for global democracy.

In section 2 of this chapter I offered a broad notion of global democracy. I mentioned that global democracy is democracy that extends to the whole world, or across state borders, or beyond states, etc. I also added that it is associated with the process of democratizing global governance, with the aim of giving the participants a say in decisions affecting their lives in a complex, multi-layered context where the influence of actions extends beyond state borders. This notion is compatible with different understandings of the rule of the people. Global democracy is an important notion throughout this dissertation, but also in this chapter, because, those moral justification of international intervention articulated here are intertwined with the goal of building a global democratic system, for instance because democratic states can contribute to global democracy, either by action, guaranteeing people's participation, or by omission, by not attacking freedom of the press and information. Apart from contributing to achieving global democracy, a hypothetical world of democratic states will promote democratic values such as the rule of law, respect for human rights and the protection of minorities, and will reduce the risk of war.

In justifying international intervention to promote democracy, I have claimed that there are different ways in which a state can be catalogued as unrepresentative, for example because it has an authoritarian regime, because elections have been rigged or because it has suffered a *coup d'état*, among other possibilities, and also there are also different ways in which a coalition of states or the international community could attempt to implement democracy in non-democratic states. These options range from

economic sanctions to military intervention. As I have argued in this chapter, military intervention is not an appropriate option; rather, military intervention to promote democracy should be rejected. This is so because of the effects of military intervention. It is not strange that when military capacities are deployed, the impact on civil society and the results of these interventions are far from what was expected and disproportionate to the means deployed. Also, a regime enforced by military action will depend on the intervener's ability to control the democratic transition and to manage the time when the people of the state will be subject to the will of another. Even pro-democracy military intervention alone will not pass the proportionality test. If one refrains from military intervention, there are still a number of ways to democratize unrepresentative states and avoid domination. However, as has been clarified throughout this chapter, all the possibilities that arise from international intervention are linked to some type of arbitrary interference. This is because arbitrary interference implies the subjection to the will of another or others, which is the case in intervention. The argument developed here is that even if global democracy can avoid domination, this does not mean that global democracy is incompatible with every form of interference, in fact, there are at least four forms of interference related to global democracy, ranging from a form of interference that is incompatible with global democracy to one that strengthens it: (1) interference that is incompatible with global democracy; (2) interference that weakens global democracy; (3) interference that enables global democracy; and (4) interference that strengthens global democracy. The point of this categorization is to show that in a world with unrepresentative states and a democratic deficit in global governance, there are justifiable measures that can strengthen democracy and make possible, or even strengthen, global democracy. At the end of the chapter, I pointed out that international intervention in cases of human rights violations has traditionally been justified where the latter strikes us as intolerably unjust. In this context, I have made the claim that there are also compelling reasons for the international community to regard political legitimacy as an additional value to be protected; this is an important point because the mainstream republican literature is mainly concerned with ensuring global justice.

Chapter 4
The world as it might be

1. Introduction

Every year Freedom House and other INGOs[165] publish their policy reports in which they measure freedom in the world. For this purpose, they catalogue a variety of countries in the world, from long-standing democracies to consolidated authoritarian regimes, as countries that are either not free, partially free or free.[166] But these reports generally ignore the fact that individual freedom also depends on decisions made outside of state borders. They assume, for example, that individual freedom is affected by a deterioration in political rights and civil liberties[167] and that democracy is in decline when there are government malfunctions, domestic violations of freedom of expression and freedom of thought or a failure of the rule of law. However, the reports rarely take account of the fact that individuals are not involved in the design and shaping of the international agreements under which they live, thereby undermining the ideal of democracy. As we know, this role is one of the central requirements of the republican concept of freedom as non-domination.

For republicanism, the link between freedom and democracy is very strong. People must be equipped and protected from the possibility of *imperium*. This protection consists of the possibility of shaping and reshaping the imposed order (Pettit 2015a: 109-10; Chapter 2 of this dissertation). According to the standard republican theory, which as we have seen in previous chapters, we can associate with Philip Pettit among others, democracy's *raison d'être* is to protect individuals from the domination of the state by enabling them to enjoy freedom in relation to public power (Pettit 2015a: 113). However, as we have just mentioned in connection with the *Freedom House* reports, freedom cannot be fully protected if we do not have institutions that allow individuals to

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[165] See for instance https://www.v-dem.net/en/ accessed on May 27, 2020.

[166] See https://freedomhouse.org/report/freedom-world/2019/democracy-retreat accessed on May 25 2020.

[167] See https://freedomhouse.org/report/freedom-world/2020/leaderless-struggle-democracy accessed on May 27, 2020.

participate in the creation and shaping of rules that affect them - even if these rules come from outside the state's borders.

It is important to bear in mind that this is a dissertation about global domination and its solutions. In Chapter 1, I explained how globalization affects our lives and undermines our freedom. In Chapter 2, I attempted to accommodate the standard republican theory of domination to these new 'circumstances of global domination', suggesting in particular that we need to reconsider the appeal of the republican ideal to the ability of states to organize against domination on a multilateral basis and to the distinction between local and global domination. In Chapter 3 and the chapters that preceded it, I began to outline an institutional development of a theory that, as we saw, put the state, and more particularly the free and representative state, at the centre of the global order. In contrast to this state-centric approach, in Chapter 4 I will advance a republican cosmopolitan approach that in my view a global democracy should adopt in order to assure non-domination.

Even if all republicans seem to agree in adopting a moral cosmopolitan view - normative individualism, universality and generality, in the sense that they believe that every moral agent is entitled to the same claim of non-domination, they differ regarding their institutional proposals: not all republicans are institutional and political/legal cosmopolitans (Ronzoni 2013, 2019: 320). They actually differ greatly on which concrete institutions characterize an ideal legitimate world order. These positions within the republican literature range from those who defend statism to those who embrace cosmopolitanism, with several intermediate views in between. However, as concerns differences regarding which global institutional system is desirable to reduce domination, there is a broad notion of global democracy, as I argued in Chapter 3, that is equally endorsed by all republicans who have developed a theory for the global order, despite the different understandings of what such global democracy specifically requires. In section 4.2 of this chapter I will discuss what cosmopolitanism is, since it is surprisingly difficult to assign a specific meaning to it. Section 4.3 examines the arguments of those who hold a state-centric approach, while section 4.4 deals with the cosmopolitan position. Apart from outlining the general idea of the state-centric approach and the cosmopolitan approach and explaining what distinguishes statism from cosmopolitanism on a theoretical level, both sections will focus on the forms of

republicanism, i.e. what I call the republican state-centric approach and what the literature calls[168] republican cosmopolitanism. Each section will also present the shortcomings of each of these approaches to finally defend a republican cosmopolitan approach. In it I will present and discuss some republican models of cosmopolitanism. These are the models proposed by Martí, Dryzek and Bohman. I will argue that these models have serious shortcomings that make them unsatisfactory for achieving global democracy, which is their objective. Now, let me start with the following question: should republicans be cosmopolitans?

2. Should republicans be cosmopolitans?

The name of this first section recalls Frank Lovett's argument that those republicans who want to promote freedom as non-domination should endorse a cosmopolitan approach, especially if in order to avoid domination they adopt a consequentialist point of view in shaping public policies and institutions (Lovett 2016). In order to argue that republicans should be cosmopolitan, however, we must first have a clear idea of what cosmopolitanism is, and distinguish different meanings of the term. For cosmopolitans, human beings are the ultimate agents of moral concern, although the object of moral concern, or what should be promoted or realized for them, can be expressed in various ways, e.g., as human rights, human needs, satisfaction of preferences, etc. Cosmopolitanism is also a fundamentally universal moral approach, i.e. it sees this concern equally for all people, not just or primarily for members of a subgroup. Finally, cosmopolitanism is characterized by generality: all people ultimately care about all others, not just members of their own group (Cabrera 2018: 2).

The cosmopolitan approach in the republican tradition emerged as an alternative to the standard theory that is, as I have already pointed out, a state-centric approach. As Pauline Kleingeld & Eric Brown (2019) suggest, '[e]very cosmopolitan argues for some community among all human beings.' Cosmopolitanism traces back to Diogenes, Seneca, Kant and Tolstói. Modern cosmopolitanism, however, has flourished only in the 1990s and 2000s through the work of scholars such as David Held, Daniele Archibugi and Richard Falk.[169] It acknowledges the shortcomings of an institutional state-centric

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[168] Bohman (2004), Halldenius (2010).
[169] Held & McGrew 2003; Held 1995, 2010; Archibugi 2008; Falk & Strauss 2000.

proposal and articulates an alternative framework to meet the challenges of globalization while proposing to create democratic forms of governance beyond state borders. According to Halldenius (2010: 22-23), contemporary cosmopolitan theory has three recurrent features. First, there is a moral awareness, a sense of being a member of a global community connected by the bond of shared humanity. Second, there is a moral consciousness that intuitively pleads for the universal status of morality, which leads to the global community and serves as a strengthening background for the ethical position that morality is universal. These first two points, as I previously noted, could be accepted by all republicans. Finally, the third characteristic of cosmopolitanism has to do with its institutional implication, which makes cosmopolitanism political. The idea of this implication is that if everyone is part of a global community, inhabiting the same moral world and having the same rights, then one has reason to question the political and legal supremacy of the state.

In terms of institutional implications, a cosmopolitan framework aims to provide peoples with a system of institutions that enables them to participate in world politics and to make world politics accountable.[170] In this sense, several models of democratic cosmopolitan institutions have been developed since the 1990s,[171] from a 'Popular Global Assembly' (Archibugi 1993, Archibugi & Held 1995, Falk 1995, 1998) to the emergence of a global public sphere (Bohman 2007, 2010, 2013, Dryzek 1999, 2006, 2008, 2014, Habermas 1998, 2015), and these are expected to help creating global institutions that are different from the state and capable of developing democracy beyond borders.[172] This is of particular importance for republicanism, because republican freedom depends crucially on institutions for its realization and protection. In this sense, a cosmopolitan approach will provide the support to articulate a global set of regulatory institutions that might guarantee a world in which global domination is prevented or restricted as much as possible.

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[170] However not all cosmopolitans suggest that there should be global political institutions. See for example Nielsen 1988.

[171] See also Slaughter (2009, 2017); Peters (2005, 2011, 2012, 2015); Buchanan and Keohane (2006); de Búrca, Keohane & Sabel (2012, 2014); Martí (2010, 2012, 2015); Kuyper (2014, 2015, 2016); Kumm (2016).

[172] See Archibugi & Held 2011: 'As we will discuss later, this is why we prefer to talk about cosmopolitan, rather than global democracy. While the democratization of global governance is certainly one of the main objectives of cosmopolitan democracy, it is not the only one. The term "cosmopolitan democracy" thus aims to incorporate changes not just at the global level but also at the local, national, and regional levels, each of them aimed at increasing nonviolence, political equality, and popular control'.

Throughout this chapter I will argue that this cosmopolitan approach is the most plausible basis for designing a global institutional system capable of preventing domination. This does not mean, however, that current defences of republican cosmopolitanism do not need to be adapted and that some problematic aspects need to be overcome, such as the focus on people's representation or the difficulty of accountability when power is so fragmented into different levels of governance that it is difficult to locate.

2.1. Types of cosmopolitanism

Thomas Pogge (1994) distinguishes three different notions of cosmopolitanism: legal moral and institutional. First, he introduces a distinction between legal and moral[173] cosmopolitanism, while the second lies within the domain of moral cosmopolitanism. While *legal cosmopolitanism* is committed to a concrete political ideal of a global order under which all people are fellow citizens of a universal republic with equivalent legal rights and duties, *moral cosmopolitanism* simply affirms that 'all persons stand in certain moral relations to one another: we are required to respect one another's status as ultimate units of a moral concern' (1994: 86-7); as Pogge highlights, the central idea of moral cosmopolitanism is that 'every human being has a global stature as an ultimate unit of moral concern' (1994: 87). This notion of moral cosmopolitanism is so weak, however, that even nationalists such as David Miller (2002) can subscribe to it. In Pogge's option for a variant of moral cosmopolitanism that is formulated in terms of human rights, he introduces a distinction that lies within the domain of his variant of moral cosmopolitanism. This is the distinction between *institutional* and *interactional* cosmopolitanism. While Pogge argues that both approaches are compatible, the institutional view leads to a 'much stronger and more plausible overall morality' (1994: 87). This distinction is based on the differential nature of the moral constraints to be imposed, as the two views would provide different accounts of human rights and human

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[173] Thomas Pogge (1994: 89-90) developed three elements contained in what he calls moral cosmopolitanism: *individualism* - that human beings are the ultimate unit of concern; *universality* - where the status of ultimate concern applies equally to every living human being, and *generality* - by which he declared that human beings are the ultimate unit of concern for all and that the existence of obligations is binding on all.

rights violations (1994: 84-7). Interactional cosmopolitanism assigns a direct responsibility to other actors (individual and collective agents) to fulfil human rights and imposes constraints on their behaviour, as when Peter Singer calls on relatively affluent people globally to donate a significantly greater portion of their own resources to address severe poverty worldwide (Singer 2009, 2010). Instead, institutional cosmopolitanism assigns this responsibility to existing institutional systems and imposes constraints on common practices and those who participate in them (Pogge 1994: 87).

On similar grounds, Charles Beitz (1994) distinguishes between institutional cosmopolitanism and moral (or ethical) cosmopolitanism. Institutional cosmopolitanism is related to the way that political global institutions should be set up, where 'the distinctive common feature is some ideal of a world political organization in which states and state-like units have significantly diminished authority in comparison with the status quo and supranational institutions have more.' (1994: 120). In contrast, moral cosmopolitanism is more basic since it concerns the basis 'on which institutions, practices, or courses of action should be justified or criticized'. This justification is committed with the idea that each person is equally a subject of moral concern and it is prima facie compatible with institutional cosmopolitanism and with statism (1994: 120-1). As Simon Caney (2006: 5) has argued, Pogge's and Beitz's distinctions are equivalent. Their ideas of moral cosmopolitanism are pretty much the same, and Pogge's idea of legal cosmopolitanism is very close to Beitz's notion of institutional cosmopolitanism.

It is important to notice that all republicans who have developed a theory of the global order are, in this sense, moral cosmopolitans, even if they are not necessarily institutional cosmopolitans, or at least they may differ greatly about the kind of institutions that the global order requires. As Osvaldo Guariglia explains (2010)

> 'Two alternative approaches, one based on the *moral right* that all people in the world have to see their basic needs met, regardless of which country they belong to, identified, as Pogge does, as *cosmopolitanism*, full stop. But it is preferable to call it *individual cosmopolitanism*; and another which, recognizing and sharing the existence of this *moral right* of individuals, holds that the claim which this right imposes has an immediate addressee in the political institution of which they are a part, which in its turn distributes these duties among its various

powers: Executive, Legislative and Judicial. This approach has had various names, but it is preferable to call it *state cosmopolitanism*.' (2010: 124)[174]

In a similar vein, Miriam Ronzoni (2013, 2019) has introduced still another parallel distinction, with interesting differences regarding the previous two. She distinguishes between moral, political and institutional cosmopolitanism. Moral cosmopolitanism (2019: 321-2) 'entails the view that all moral agents not only enjoy a largely unspecified equal moral standing […] but are also the holders of fairly specific and roughly equal *justice-based entitlements*'. In that sense, Ronzoni's idea of moral cosmopolitanism is thicker than Pogge's or Beitz's inasmuch as, for instance, it would not be compatible with David Miller's nationalist view, which rejects the existence of duties of global justice. On the other hand, 'political cosmopolitans argue that emancipatory political action must be largely global in character, target and reach'. This second type of cosmopolitanism is committed to an aspirational idea of global politics according to which national politics should be largely oriented to a reaching a global scope, as in the classic sense of classical internationalist communism, even if this scope does not necessarily require any particular global institutional system.[175] Finally, they are committed to something much more substantial (2013: 157-8). The point of coincidence between Ronzoni's distinction and those of Pogge and Beitz is regarding this third category of institutional cosmopolitanism.[176]

Now that I have framed institutional cosmopolitanism, let me now introduce another concept: *cosmopolitan democracy*. According to the broad understanding of global democracy given in chapter 3, cosmopolitan democracy is a subclass of global democracy and, in particular, a political vision of institutional cosmopolitanism.[177] Cosmopolitan democracies defend the idea of a system of global governance in which global institutions are directly accountable to the citizens of the world (Caney 2005). Held (1997: 310),[178] for example, proposed an institutional design that would be able to

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[174] Translation is my own.
[175] See Ypi 2008.
[176] There are also other scholars such as Derrida (1997) who do not fit in this three-fold understanding, but sketch an ethic of hospitality to all compatible with cosmopolitan values. Also Waldron (2000) attributes to cosmopolitanism a cultural value which emphasizes a good life.
[177] Remember that other forms of global democracy do not need to be cosmopolitan in this sense, and might simply imply a system of global agreements and coordinated action among democratic states.
[178] David Held and Daniele Archibugi contributed to the 'revival' of cosmopolitan democracy in 1990. However, the idea of reordering world politics according to democratic rules comes from a long time ago,

address 'certain policies as appropriate for local governments or national states, others as appropriate for different regions, and still others —such as the environment, world health, and economic regulation- that need new institutions to address them'[179.] Cosmopolitan democracy is then associated with a notion of globalization.[180] As Archibugi (2004: 437-438) notes: 'It was natural to assume that globalization [...] would affect not only production, finance, technology, media and fashion, but also the international political system, leading also to a globalization of democracy.' In this sense, cosmopolitanism is committed to democratic relations between communities, as it considers them to be interdependent and inseparable. He also justified the need for democratic governance at various levels, with the aim of holding contemporary forms of power accountable and of regulating the complex issues that affect us all.

This point is important because as we have seen, cosmopolitanism is committed to both global democracy and justice.[181] In chapter 3, I mentioned that legitimacy (identified with democracy) and justice belong to two different normative areas of political philosophy, and that it is important to distinguish between them conceptually.[182] However, this does not mean that they are incompatible or unrelated,[183] as they share substantive values. Having said that, I will leave aside the first cosmopolitan account described; the realization of justice is a valuable concern, but it is not the main concern of this dissertation which focuses on those accounts which aim to build an institutional design capable of realizing global democratic decision-making, even if they also consider justice to be a value to be promoted. For, as I have said, the fact that they are conceptually different does not mean that they are unconnected. There are various institutional approaches to cosmopolitan democracy. Some of them involve existing

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from Immanuel Kant (1989 [1795]) to Richard Falk (1995). Also cosmopolitanism has a long intellectual history from Diogenes and Cicero to Voltaire and Jeremy Bentham.

[179] In other words, Held (2007: 310) also describes a cosmopolitan democracy as 'a world where citizens must come to enjoy multiple citizenships. They are citizens of their own communities, of the wider regions where they live, and of a cosmopolitan global community. We must develop institutions that reflect the multiple issues, questions, and problems that link people together regardless of their particular nation-state'.

[180] As has been explained in Chapter 1, Held defines globalization as '…a process (or a set of processes) which embodies a transformation in the spatial organization of social relations and transactions - assessed in terms of their extensity, intensity, velocity and impact - generating transcontinental or interregional flows and networks of activity, interaction, and the exercise of power.' (Held and McGrew 1999: 16).

[181] See, for instance, Meckled-García 2008.

[182] Since the first one, legitimacy, answers the question of the who and how, justice answer the question of the what.

[183] See Martí and Seleme (2015), and Besson & Martí (2018: 5).

political institutions such as states and international organizations[184], while others imply different forms of institutional political organization that involve new political actors in public activities (Archibugi & Held, 2011). In this sense, cosmopolitanism provides arguments for extending democracy, both within states and on a global scale.

As Daniele Archibugi has argued, there are at least seven reasons for extending democracy to these two levels:

(1) 'Democracy is to be conceptualized as a process, rather than as a set of norms and procedures.

(2) A feuding system of states hampers democracy within states.

(3) Democracy within states favours peace, but does not necessarily produce a virtuous foreign policy.

(4) Global democracy is not just the achievement of democracy within each state.

(5) Globalization erodes states' political autonomy and thereby curtails the efficacy of state-based democracy.

(6) The stakeholders' communities in a relevant and growing number of specific issues do not necessarily coincide with states' territorial borders.

(7) Globalization engenders new social movements engaged with issues that affect other individuals and communities, even when these are geographically and culturally very distant from their own political community' (Archibugi 2004a: 439).

More particularly, regarding the republican views of the international order,[185] both Ronzoni and Lovett explain that all republicans are moral cosmopolitans, and this is because they believe that every moral agent is entitled to the same claim of non-domination (Ronzoni 2019: 322; Lovett 2016). However, that does not imply that they are institutional cosmopolitans as well (Caney 2006). Moving now to the idea of democracy, as I said in Chapter 3, all republicans, including republican statists, defend

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[184] See Rawls 1999, Cohen 2006, Dworkin 2011, Beitz 1999, among many others.

[185] The republican literature on cosmopolitanism is wide-ranging, dividing into (i) those who explicitly endorse cosmopolitanism in some form and (ii) those who do not or who reject it outright. Among (i) those republicans who explicitly endorse cosmopolitanism are Frank Lovett (2010b), Lena Halldenius (2010), John S. Dryzek (2008, 2012), James Bohman (2004, 2005, 2007, 2008, 2009) and José Luis Martí (2010, 2012, 2017). Among the latter (ii) are Steven Slaughter (2005); Francis Chevenal (2009); Quentin Skinner (2010); Philip Pettit (2010a, 2014, 2015, 2016); Cécile Laborde (2010); John Maynor (2015); Miriam Ronzoni (2013, 2016 2019).

global democracy broadly understood. Under a *narrower and more robust understanding of global democracy*, one equated to cosmopolitan democracy, only cosmopolitan republicans would endorse such a view, leaving the advocates of the state-centric view out.

A narrower notion of global democracy implies, then, a cosmopolitan and institutionally thicker notion. 'Global democracy', in this particular version, is (i) a democracy that extends to the whole world or across state borders or beyond states, and (ii) concerns decisions on global politics or, more precisely, decisions on issues of global relevance made by a system of –centralized or decentralized- global institutions authorized to enact global laws that allow ultimate popular control under conditions of political equality, deliberative contestability, and protection of human rights (Besson & Martí 2018). I do not need to specify here what is of global relevance and what is not. We can leave it open. But just to give an example, we can assume, at least hypothetically, that a decision about street parking prices in Barcelona is not considered globally relevant, but a decision about climate change targets definitely is.[186] In this case, it would be incompatible with our idea of global democracy if the decision on the price of street parking in Barcelona was to be taken in some kind of global parliament. In other words, such a decision would be illegitimate, because the local price of street parking in Barcelona is not globally relevant. The principle of subsidiarity might be an excellent criterion to decide which decisions possess global relevance and should consequently be allocated at the level of global institutions. But there might be other acceptable criteria. As I said, we can leave this open.

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[186] Other definitions of global democracy that are present in the recent literature are those of Mathias Koenig-Archibugi and Thomas Christiano. Koenig-Archibugi says the term 'refers to a range of conceivable institutional systems' that share seven characteristics. More precisely, he says they (1) encompass all regions of the world; (2) empower supranational bodies to make binding decisions on a range of (enumerated) issues of global relevance; (3) ensure that the members of those bodies are representative of, and accountable to, groups of citizens, through electoral mechanisms or other formal and transparent relationships of political delegation; (4) promote the equal representation of all world citizens in conjunction with other principles such as a balanced representation of the constitutive territorial units and possibly forms of functional representation; (5) allow the supranational bodies to take decisions in accordance with a variety of decision rules, but exclude veto rights for small minorities, except when they are based on legitimate and impartially determined vital interests; (6) empower independent supranational judicial bodies to resolve conflicts in accordance with constitutional rules; and (7) include robust mechanisms for promoting compliance with decisions and rulings, possibly, but not necessarily through the centralized control of the means of coercion. See Koenig-Archibugi 2010: 522. By contrast, Christiano understands global democracy as 'a centralized democratic decision-making process for solving global problems. These processes would involve a global legislature directly elected by the world's adult population. It would operate in a roughly majoritarian way within certain limits grounded in basic human rights' (2012b: 73).

With this definition in mind, we can see that while 'democracy' is primarily associated with the sovereign state,[187] which is bound to a clearly defined and singular demos (Dryzek 2008), 'global democracy' is associated with the process of democratizing global governance. Its aim is to give individuals a say in decisions affecting their lives in a complex, multi-layered context where the influence of actions extends beyond state borders.[188]

Once again, Ronzoni (2019: 320) explains that:

> 'different republican institutional blueprints are a reflection of a disagreement about what it takes to best guarantee the claim to non-domination of all moral agents, not about who has such a claim against whom in the first place. Thus, republican statists concede that there is a deep sense in which we have the same fundamental obligations of justice to all moral agents (whether or not they are fellow citizens): they are all entitled to non-domination. They simply believe that a state system is the best way to honor such obligations'.

In this sense, the difference between the republican statist and the republican cosmopolitan approaches lies primarily in the role of the state. While for republican statists the state is and must remain the main actor in the creation of international law, the republican cosmopolitan approach requires a *narrow* global democratic framework.

In short, while some republicans think that honoring the ideal of freedom as non-domination requires some global institutions, not all think so. Not all moral cosmopolitans subscribe to *institutional* cosmopolitanism.[189]

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[188] Scholars like Richard Falk, David Held, Jürgen Habermas and Ulrich Beck are responsible for opening the discussion on a global democracy. Of course, many remain unconvinced that democracy can be applied beyond states and consider the idea of a global democracy an unattainable dream (Dahl 1999) or, worse, think that its proponents are barking at the moon (Dahrendorf 2001).

[189] In this sense, Ronzoni (2013: 159) argues that '[i]t is, for instance, perfectly consistent to endorse moral cosmopolitanism and yet be wary of both global political action and supranational institutional building. One can, for instance, believe that our moral duties towards others are universal in scope, but that they are best discharged through forms of personal conduct, such as donations or voluntary work. Moreover, moral cosmopolitans can be skeptical towards the establishment of global institutions with sovereign powers, on the grounds that these might be difficult to hold accountable, are necessarily undemocratic, and are prone to becoming exceedingly technocratic or even positively oppressive'.

2.2. Some considerations on institutional cosmopolitanism

Now that it is clear that moral cosmopolitanism does not automatically lead to institutional forms of cosmopolitanism, let me introduce some argumentative strategies followed by those who defend institutional cosmopolitanism.[190] Caney (2005) distinguishes three approaches to institutional cosmopolitanism which are not incompatible with each other: (1) the intrinsic approach; (2) the right-based approach and (3) the instrumental approach. The intrinsic approach (Pogge 1992, 2010) claims that moral cosmopolitanism should include a commitment to the right to self-government. It comprises two versions, the individualist approach (Wellman 1995) and the collectivist approach (Pogge 1994). The former infers from the right to freedom of association that people should be able to choose by whom to be governed; while the latter, the collectivist approach, argues that people should be free to choose who should be part of the political system, and to choose the type of political authority that will govern them.

The rights-based approach is advocated by scholars such as Held (1985) and Linklater (1998). They believe that cosmopolitan institutions provide the framework for the transition from the current statist international system to a system of cosmopolitan democracy. As we will see immediately below, this argument has an empirical claim and a moral base.[191] The instrumental approach claims that appropriate political institutions are those that best promote cosmopolitan moral ideals. This third approach thus adopts a consequentialist perspective, even though the goals by which institutions are to be judged are the promotion of cosmopolitan ideals of justice rather than utilitarian goals such as the satisfaction of needs or preferences.[192]

Although there are compelling arguments for abandoning the state-centric model in favor of a cosmopolitan one, as Caney, Held, and other scholars argue, and given that a cosmopolitan democracy offers a better approximation of the goal of achieving global freedom as non-domination, there are a number of challenges that it must first

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[190] Among them are Brian Barry, Charles Beitz, Simon Caney, Lea Ypi, Onora O'Neill, Thomas Pogge, Robert Goodin and others.
[191] See Archibugi, Koenig-Archibugi & Marchetti (2011).
[192] See Caney (2006: 152-3).

overcome. In order to describe those challenges, I will first introduce the framework of the state-centric approach from which these challenges may be seen as objections to republican cosmopolitanism.

3. Republican state-centrism

The state-centric approach is a statist model of the creation of international law. This approach has been advocated by different scholars, such as Allen Buchanan and Robert Keohane (2006), John Rawls (1993), David Miller (1995), Thomas Nagel (2005), Michael Blake (2001), Ronald Dworkin (2011), Andrea Sangiovanni (2007), Mathias Risse (2006), Thomas Christiano (2010), Phillip Pettit (2010b, 2012, 2014), Robert Keohane, Steve Macedo, Andrew Moravcsik (2009), Moravcsik (2004), Jon Pevehouse and Bruce Russet (2006), Kok-Chor Tan (2008), Richard Bellamy (2007, 2019), among others. This model assumes that states are the only subjects that have the right to bind themselves through international agreements (Martí 2017). Moreover, states, as legitimate subjects, have delegated power to international organizations and these, in turn, can be seen as representatives of states insofar as they have some of their power delegated to them (Besson and Martí 2018: 8-9).

Many different views of the global order have the characteristic of being state-centric. By a state-centric approach I refer to a view that emphasizes the centrality of the state in preventing domination. This centrality is the consequence of viewing the state as the centre of power and the main legitimate actor in the creation of international law and the basic mechanisms for the accountability of political power to people. The state-centric picture would be incomplete without mentioning that those who believe in the state as the centre of power also believe in its ability to bring about significant global transformations in areas such as climate change. For instance, the account of a 'voluntary association of states' (Christiano, 2010; Pettit, 2010b) is state-centric in this sense. The authors who adhere to this model consider that the best institutional design to meet these requirements is one that prioritizes the role of states as representatives of individuals. The state-centric approach does not neglect the need for a global governance structure. But its advocates assume that the traditional interstate system can

meet this need by ensuring, for example, that interactions between states are equitable and that the states, in turn, are legitimate representatives of their respective peoples.

Before I continue, let me make a clarification. My discussion in this chapter regarding the state-centric approach focuses primarily on Christiano's voluntary association of states (2010, 2012a, 2012b, 2016). This is because Christiano provides one of the most detailed versions of the statist model and its implications for democratic legitimacy. He proposes a model of a fair voluntary association of states (2010: 119), which is a modified version of the traditional model of state consent (2010: 122). It is illuminating to understand a state-centric approach where, in Christiano's model, states are the actors that should have the main say in shaping international law. Also, the moral basis of his model of a voluntary association of legitimate international institutions and law is the importance of states in advancing the interests of individuals (2010:123-4). Finally, the legitimacy of international institutions and law derives from the fact that the system of international law and institutions is a system of voluntary associations between states. Nevertheless, it allows some propositions of international law to be valid even if not agreed to, because they support a system of free association between states.

For Christiano, the most important political actors are the states that make up the international system, and second in importance are the international institutions that states have created but that in some cases exhibit some independence from the states that have created them. Then in third, fourth and fifth place there are the non-governmental organizations that play a role in international society, the multinational corporations and the individual people. These five actors are directed by international law and institutions, although states are still the principal subjects (Christiano 2012a). This is explained by

> 'the basic facts of the system we have been dealing with are: the primacy of states as players in the international system, the high degree of disagreement and uncertainty we currently face in trying to solve the most important problems, and the need for institutions that are capable of timely decision-making.' (Christiano 2012a: 390)

Christiano's project aims to explore the possibility of grounding the legitimacy of international institutions and law from a moral cosmopolitan standpoint devoted broadly

to democratic principles. It is premised on the idea that when there is substantial disagreement among the parties who are deeply affected by international law and institutions, moral cosmopolitanism entails the requirement that people have a say in the making of these entities (2012b). According to the traditional legal doctrine, international institutions and international law seem to get their legitimacy from the consent of the states that create these institutions. But such an account of legitimacy can be grounded in cosmopolitan principles to the extent that the process of consent results from fair negotiation among states that represent the people in their societies as equal citizens. Such a process of consent enables all people to have a kind of say in a process of fair voluntary association among societies.

Accordingly, Christiano (2012b), describes three problems of global democracy in the narrower sense outlined above: (i) the problem of stake; (ii) the problem of minorities; and (iii) the problem of citizenship globally. The first problem is related with the concern that democracy must treat people as equals, where 'the combination of issues on which democracy decides must be one in which individuals have roughly equal stakes overall' (Christiano 2012b: 78), and 'it is not clear that we have equal stakes in the decisions or the combinations of decisions that are made by transnational and global institutions' (Christiano 2012b: 79). The second problem is the problem of minorities. Christiano argues that this is a serious and persistent problem that undercuts some states' authority, and this is the problem of persistent minorities. For him it is clear that this problem is amplified in global and transnational institutions. The third problem consists in the lack of incentive that citizens have to 'become informed about matters of politics because they have so little impact on the outcomes of decision-making' (Christiano 2012b: 83). He argues that these three problems can be avoided by a fair voluntary association among democratic states, and that this kind of fair voluntary association 'is the natural alternative to [the narrow understanding of] global democracy as a way of thinking about the legitimacy of international institutions.' (Christiano 2012: 86)

The idea of fair voluntary association among democratic states is rooted in the doctrine of state consent. State consent operates as a condition of being part of an international institution, through the process of making treaties. It is also, according to Christiano, the

basis for the legitimacy of international institutions and international law. The fundamental principle that governs relations between states is *pacta sunt servanda*.[193] While state consent must be voluntary, with the exception of *jus cogens* norms,[194] states must consent with the international law that bound them. Although Christiano is aware that international law is acquiring more and more direct influence over individuals, and that with this, the traditional reason for state consent is, to some extent, undermined, he argues that it is still possible to rely on state consent as long as 'states represent their peoples as equals' (Christiano 2012b: 88). As we have seen in chapters 2 and 3 regarding Pettit's distinction between representative and unrepresentative states, Christiano gives his own account of representativeness: a fair voluntary association of states prevents the three problems mentioned above, requires a robustly democratic state which gives adequate protection and representation to minorities and that its foreign policy establishment be significantly more democratic than it currently is. In this context, state consent will reach all the way down to individuals and reach 'a kind of hybrid of consent and democratic legitimacy' (Christiano 2012b: 88). However, state consent shall be supplemented with an account of fair negotiation of treaties and a conception of fair negotiation that does not allow inequalities among states to play a large role in determining the distribution of advantages among people in the different states.

Aside from the fact that Christiano's notion of legitimacy beyond states is constructed via a fair voluntary association, his idea requires that all states are democratic, together with some sort of mechanism to judge when states are taking unfair advantage of others and how to correct that kind of exploitation (2012b). In sum, Christiano (2010, 2012b, 2016) defends the importance of state consent on truly democratic grounds. He understands that the equality of individuals in international decision-making is most respected when people are represented by the state of which they are citizens. This also means that the relevance of states is determined by their usefulness in protecting individual interests, but this does not supersede the relevance of states' self-interest.

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[193] See Wehberg (1959).
[194] See D'amato (1990).

3.1. A republican state-centric approach of the global order

As I mentioned at the beginning of this chapter, proponents of both a state-centric approach and republican cosmopolitanism claim to be on the right track in protecting liberty, and also to provide the best possible answers to the following questions: how can democracy be realized in a world that is increasingly networked and in which global aspects are becoming more and more important? And how can democracy function in such a way that it prevents the domination of different sources of power and gives a say to peoples who are more and more closely intertwined beyond state borders? As I have already said in Chapter 2 and Chapter 3, global democracy is essential to prevent domination.

Republican statism argues that democracy in the international context is best achieved through state cooperation among representative states when these states act with the consent of those governed.[195] For republican statism, the assumption is that legitimate state cooperation is cooperation that takes place between representative states (Pettit 2015). Such cooperation could be formal, through intergovernmental or international organizations such as the UN, the WTO and MERCOSUR. Alternatively, it could be articulated through informal networks of state delegates, such as the Group of Seven (G7)[196], the Group of Twenty (G20)[197] or the BRICS (an acronym of Brazil, Russia, China, India and South Africa). There are also statist models based on the club method and the universal method.[198] However, as Scholte (2014: 16) explains, it does not matter whether the form of cooperation is formal or informal '[...] the crucial point in a statist vision of global democracy is that each participating nation-state meets democratic standards vis-a-vis its own citizens.'[199] In a nutshell, state-centric republicanism

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[195] Scholte (2014: 6).

[196] Integrated by Canada, France, Germany, Italy, Japan, the United States of America and the United Kingdom.

[197] Integrated by Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, South Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, United Kingdom, United States and the European Union.

[198] Christiano (2015); Keohane and Nye (2001).

[199] In this context, Scholte (2014:6) also points to a state-centric argument put forward by theoreticians such as Keohane, Moravcsik, Pevehouse and Russet, and Tan, according to whom democracy beyond the state is not a problem as long as democracy is secured within the state (Keohane et al., 2009; Moravcsik, 2004; Pevehouse and Russett, 2006; Tan, 2008).

proposes an institutional design of states as representatives of the people at the international level.[200] The strategy of this approach is one that seeks to achieve an international democracy through territorial national governments alone.

In the previous subsection, I mentioned that various versions of republican statism were defended by scholars such as Bellamy, Christiano, Skinner, and Pettit under the label of a 'voluntary association of states'.[201] While Bellamy advocates for a conception of international governance, namely 'republican intergovernmentalism' (2019: 11), Pettit and Skinner argue that their framework for a voluntary association of states leads to better results than the global political institutions proposed mainly by cosmopolitans. Pettit, in particular, is skeptical of an extended version[202] of his theory in the global arena and argues that a state-centric framework would ameliorate the risk of the totalitarian consequences that such a concentration of power would entail (see Lafont 2010). Also, in the second and third chapters of this dissertation I devoted sections 2.4 and 3.3, respectively, to depicting the problems that republican statism gives rise to when applied to the global context. Referring to the main arguments, I pointed out that (1) the separation between internal and external domination does not illuminate the threats posed by globalization, that (2) cooperation between states is not sufficient to address the problems facing a globalized world, i.e. climate change or pandemics, and that (3) the separation between representative and unrepresentative states does not contribute to the realization of freedom. However, a reconstruction of the main points of the state-centric approach -still one of the most popular among republicans- is useful to show the weaknesses and advantages of a cosmopolitan account.

A first point is that, according to this approach, states and state-centric international organisations are the only legitimate actors in international lawmaking, and they are grounded in the principle of state consent (Besson & Martí 2018: 2). As is traditionally described by international law, the governments of states have the power to conclude international treaties, which are then binding. A second point is that this approach

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[200] Keohane, Moravsik and Macedo argued for the compatibility of a state-based model for significant independence between states and international organisations. 'Democracy Enhancing Multilateralism' (2009: 1-31).

[201] Bellamy 2013, Christiano, 2010, 2012b; Skinner 1998, 2012, Pettit, 2010b.

[202] By the expression "extended version of Pettit's theory" I mean to say that he means that his ideas for the domestic sphere to avoid domination are not automatically transferable to the international sphere.

claims that states can adequately represent the interests of peoples, and that the supposed advantages of cosmopolitan political institutions are not just utopias, but can be better provided by states. This is so because the cooperative or coercive nature of states and their institutions places a higher burden of justification on those institutions with respect to the relative welfare of the people they represent.[203] In other words, the best way to implement a democratic scheme is to achieve mechanisms for states to represent individual interests in relation to the international order. Those who argue in favor of republican statism[204] believe that it is the most appropriate means of regulating international relations today.[205] For instance, Christiano points out that if agreements between states are reached through the process of fair association between democratic states, they can fulfil the basic constraint of public equality. In this international order, the third point of the state-centric approach is that all persons are publicly treated as equals through the process that produces these agreements. As a result, states have reasons to adhere to treaties based on public equality. And since the basis is in the process of agreeing, the reason that is generated is one that is independent of content. Furthermore, the citizens of these states have reasons that are content-independent, which are based on the fact that the agreements are reached in an egalitarian process, in order to act in accordance with the provisions of the treaty and the institutional implications of the treaty. And since the requirement of public equality is a weighty requirement, the reasons that are generated are weighty reasons that normally outweigh conflicting reasons. (Christiano 2010: 128-129).

A fourth point aims at noting the indirectness of this approach. State-centric republicanism, as its name suggests, focuses on a democratic system of states. This system proposes an indirect form of participation of individuals in international

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[203] For a statist approach based on the associativist argument see Blake (2001), Nagel (2005), Risse (2006) and Sangiovanni (2007).

[204] I have mentioned that Christiano and Pettit are the main proponents of this account; together with other scholars I have already mentioned they defend the principle of state consent[204] and global political institutions that are democratically organized, analogous to the democratic organization of modern states (Christiano 2016). In this sense, Pettit outlines an international framework for securing freedom in which states would have to agree to a set of multilateral agreements that would create a global framework in which each state could exercise its sovereign liberties. He considers problematic the idea that individuals are part of this framework since 'a problem with the idea that individuals should be seen as part of international legitimacy is that when people form domestic states, and when these states are legitimized in some sense, it is hard to see why they want the international order to be controlled by them in an individual capacity and not by the states that form it', (Pettit 2010b: 152).

[205] Among those who support this claim we find scholars such as Christiano 2010, 2011B; Dahl 1999; Kymlicka 2001; Moravcsik, 2004; Pettit 2010b, Skinner 2010, Laborde 2010 and Ronzoni 2017.

decision-making. This is implemented indirectly through states debating at the national level how our national governments should act in interstate contexts (see Kymlicka 2001: ch. 17). Before I outline the shortcomings of this account, I would like to remember that even in a multi-level system, states are politically valuable. That an international system based on the sovereignty of states is problematic does not mean, as I understand it, that we should leave states aside or eliminate them, even if that were possible at all. As I mentioned in Chapter 3 section 3.6.1 states 'remain - and will probably remain in the coming decades - as relevant actors in the global sphere and indispensable for the global democratic order. States and other local political entities are democratically valuable because they are traditionally constituted as political representatives of their people. Even in circumstances where states are not in a position to represent their people in all circumstances, and are not able to act politically effectively - for example, in relation to climate change - they still have an intrinsic political value. A democratic global system would not be satisfactorily democratic if unrepresentative states were not democratized.' Anne Peters (2009: 272), for example, points out that states are indispensable as members of the global constitutional order.[206] However, to recognize that states are valuable, also from a democratic perspective (Besson & Martí 2018: 9), does not imply that they are the most important actors or that they should be the main actors in a global system.

But this is not what those who argue for a state-centric approach believe. Moving towards the fifth point, modern states currently pursue the most ambitious goals that political communities can pursue, namely public justice and the common good (Christiano 2016: 222). These include the protection of basic liberties, distributive justice, retributive justice, a highly integrated system of economic activities constrained

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[206] Peters (2009: 272) points out that for a global constitutional order, states are indispensable as members of it. To make this claim, Peters argues that globalization has not only disempowered states but also empowered them, or at least some of them. New forms of interaction and new arrangements between the public and private sectors, novel intergovernmental, multilateral, or regional forums have helped to maintain or even expand the reach of the state, and thus have not only weakened but also increased the effectiveness of states. Indeed, she continues by describing that "in a constitutionalized world order, states fulfil important functions and therefore have a legitimate role to play." Within these functions, Peters argues that only democratic states are formal representatives of their citizens. Moreover, states are and should continue to be an intermediary between sub-state and suprastate governance. Moreover, the role of states as international law makers is primarily to sign treaties. Second, Peters explains that states also act as mediators in conflicts between global actors such as TNCs and INGOs. Third, Peters explains that states often play a "formalizing" role in international lawmaking by gradually integrating informal transnational rules not only into their domestic legal system but also into international law (2009:196-200).

by considerations of justice and efficiency, and providing basic public goods such as education and environmental protection. Also states are currently seen as the most capable and accountable institutions, which are also highly integrated systems for achieving justice and the common good that have evolved over long periods of time (Christiano 2016: 223).[207] This sounds reasonable. There is also a good reason for not wanting to discard states in a global multi-level system, as I mentioned before. In this case this reason is identified with the role of the state in the international legal system. States created the international system, in the sense that they acted as the basis for the creation of hundreds of international organizations by intervening in negotiations, delegating certain powers to them, and holding them accountable (Besson & Martí 2018: 9). However, the state-centric approach has critical shortcomings.

3.2. Shortcomings of the republican state-centric approach

In this section I will present the shortcomings of state-centric republicanism. The debate between statism and cosmopolitanism - though in this case limited to republican views - is not a new one, and it is usually presented as one between two rival theories in the global democracy debate. Although both theories have a decidedly different approach, it is important to avoid confusion and misconceptions when examining their shortcomings by clearly distinguishing between empirical and normative shortcomings. This distinction makes it possible to discuss, for example, the moral relevance of states as international institutions, rather than how states should act in order to be efficient.

Despite its strengths, the state-centric approach is not the most adequate view of the legitimacy of the global order. This is so for at least two reasons. The first was already introduced in the previous chapter, namely that some states can be considered undemocratic and therefore the people living there are not represented and do not have access to the indirect form of participation. This means that, at least for these peoples, a statist global order will not only not reduce their domination but will be dominating itself. The second reason concerns democratic states. Even those states that are considered strong democracies involve scarce popular participation and control by their people. Since the first objection has been dealt with in chapter 3, I will concentrate on the second.

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[207] For this point see Stilz 2019.

On this point, Besson and Scholte each put forward similar compelling arguments. Scholte (2014c: 7) makes an empirical argument saying that actions of modern democratic states in global affairs usually involve little or no popular participation and control. Besson (2009b: 63-64) points to a normative argument against the state-centric approach; she notes that this model [of the consent of the democratic state]

> 'amounts to a merely indirect form of global democracy, [...] but it is not sufficient in itself from an individual perspective. International law has a direct impact on the life of individuals, and private persons have become international legal subjects, both passively as bearers of international rights and duties and actively as direct claimants before international authorities. It is time, therefore, that they too became international law-makers as well'.

State representation is thus not only scarce and inefficient, as Scholte argues, but also problematic from the perspective of individual representation and the value of state consent. Let me analyze these three points in greater detail. The first point concerns the international representation of the people while the second point concerns the capacity of the state to be a relevant actor in international law-making. Finally, the third point is an objection to the value of state consent.[208]

To illustrate these three points, we must imagine that the republican requirement that all states be democratic is satisfied. Then we can imagine that each state actively participates in international forums and institutions, and that they do so through the representation of the executive power, primarily through diplomatic representatives. This leads us to the first point. The kind of actors who negotiate and make agreements that directly affect people[209] are usually diplomats, bureaucrats and functional specialists, which makes international governance remote for citizens (Nanz & Steffek 2004: 317), in particular because there is usually no proper accountability mechanism.[210] Moreover, in this imaginary account, it is inconceivable that each state government receives 100% of the votes of the people.[211] Therefore, people who voted

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[208] Nico Krisch predicts the erosion of state consent in international law-making. See Krisch 2014 'The Decay of Consent: International Law in the Age of Global Public Goods'.

[209] Another problem stems from this. Since in this model state consent in international negotiations is restricted to diplomats or delegates of executive power, it does not secure for citizens the opportunity to engage in deliberative interaction with each other within states nor with international institutions. This shortcoming is called by Besson and Martí (2018: 16) the lack of expertise.

[210] Besson and Martí (2018: 14) point out that 'Once the government is elected, as a result, it almost enjoys a blank check on the international front. In other words, important as elections may be for democratic representation, they have proven to be a very imperfect mechanism of ultimate, effective popular control.'

[211] This allows us to avoid the representativeness problem. (See i.e. Christiano 2010: 127).

for a party other than the ruling party are unlikely to be represented by its executive. Of course, this is a situation that occurs in every single democracy and also affects other areas of government (education, health, housing, etc.), but as Christiano points out in describing the problem of representation (2010: 124-5), foreign policy tends to be a source of underrepresentation. This is so because '[s]uch functions often occur in secret and it is often the case that citizens in democratic societies have paid less attention to foreign affairs than to domestic affairs. But now international law is expanding into the areas of trade, the environment, and human rights. And international law demands more and more reform of the internal institutions of societies.' (2010: 125) Even more categorically, Nanz & Steffek describe that

> '[a]lthough the foundational legal acts of international governance are often subject to national ratification processes, its everyday norms and standards are negotiated by non-elected experts and government officials. They come together behind closed doors, free from the usual intrusion of mandated public representatives and interest groups in their decision-making processes. International organizations do not ensure adequate information to the (ordinary) interested citizen nor is there sufficient public debate about their policy choices'. (Nanz & Steffek 2014: 317)

In addition, even the people who voted for the government composition could be against certain foreign policy measures. Those who are not represented will have no vote on pressing matters. This point could be perceived as urgent, if we consider it an assertion about the weakened link between the decision-making process and the electorate. But the assertion outlined here is an attempt to show that there is indeed no link between some (or maybe all) voters and decision-makers in relation to international decisions.

The point here is that although a situation like the one described may arise in education, housing, or health policy, international decisions are special for at least two reasons. The first is context. Education, housing, or health decisions are made in the state where the voters live, in the language in which the voters spend their lives, and usually with some degree of public knowledge or discussion or stakeholder control. In contrast, much of the decision-making that takes place on the international stage takes place under the opposite conditions. The second reason is the possibility of control. Again, when decisions are made about education, housing, or health, individuals living in democratic states have multiple opportunities to hold their representatives accountable for their decisions. However, when we move into the international arena, this option

seems to be unavailable given the opacity of the decision-making processes, or what Christiano calls *the secrecy variant* of the representativeness problem. This is particularly problematic when people need to be free to determine their own living conditions.

This leads us to our second point, the capacity of the state to be a relevant actor in international lawmaking. To come back the initial picture that assumes that all states are democratic, is Slovenia as relevant as China? The state-centric approach relies on the capacity of states to be relevant political actors in global politics. Regarding this problem, Besson (2009b: 63) points out that states no longer have a monopoly on international law-making, they and are no longer the only kind of subjects operating in the international legal system, especially in cases where states are authors and subjects of international legal norms. What Besson shows in a context in which the international system actually functions as if the state were the only actor of importance and legitimacy, gives rise to two further problems. The first one is that there is a range of issues that are decided internationally without the participation of the state, for example, the decisions that companies make on the development of artificial intelligence. The second problem - which is related to our third point - is based on the tacit consent of states, i.e. customary international law, 'soft law' and *lex mercatoria*, and leads to a lack of democratic pedigree since it makes it difficult to link normativity and state consent. To put it in republican terms, it is the capacity of states to avoid the peoples' domination. But the relevance of the state has diminished in recent decades with the increasing number and important role of transnational and global actors that also have the capacity to interfere in people's lives. States no longer have the power, monopoly or even jurisdiction to deal with the problems that affect them and their citizens because in some cases they have delegated their power to international institutions or because other actors act on their own. In short, they are no longer the most relevant actor in the sense that statists argue. The relevance of the state could be seen, for example, as a creator of international organizations, but it is not an actor who can prevent domination on its own. This is because, as I explained in Chapter 1, globalization brings with it a proliferation of new rules and forms of governance that go beyond states, as private actors such as INGOs and standard-setters are involved in rule-making. We can, for example, think about financial regulation. The latter at least consists of national politicians and diplomats, networks of state regulators (such as the Basel Committee on

Banking Supervision) and international bureaucrats and representatives of regulated industries (Hale & Held 2011). Another example of states no longer being able to be the relevant actor in international law-making can be found in the context of climate change. States seem to fail repeatedly when it comes to negotiating and enforcing rules to mitigate climate change, but private groups such as the Forest Stewardship Council[212] and the Marine Stewardship Council[213] have developed their own standards and regulations that appeal to consumers to choose sustainable products. To show that the state is no longer the main global actor, Anne-Marie Slaughter (2004) highlights that nowadays the world increasingly functions through global networks, understood as a form of global governance in which states are no longer unitary but disaggregated.[214]

Finally, a third point is an objection to the traditional view that state consent is both necessary and sufficient for the legitimacy of norms within the international system. A state-centric approach relies on the value of state consent. The latter links the legitimacy of international law to the electoral legitimacy of the state representatives who negotiate and consent to these norms (Besson 2009). I have already mentioned that Christiano (2010: 123-124) argues in his model of voluntary association that states should have the principal say in international lawmaking because they have the legitimacy to promote equally the interests of those affected by international institutions. However, this is problematic because state consent, in any of its forms, cannot establish the legitimacy of all norms of international law (Besson 2009: 63). Following this argument, Buchanan (2004: 290-308) explains that the idea of state consent as a sufficient condition for legitimacy is rather implausible. This is because (i) state consent to legitimacy is 'morally anemic'. He illustrates this moral anemia with the example of the consent of the losers of a war who sign a peace treaty literally at gunpoint. Nor does (ii) state consent provide a remedy for the democratic deficit of global governance, which regards as legitimate the states' own problems - such as political inequality, disregard for the wellbeing of many of their citizens, state persecuted groups, to name but a few examples - and other actors involved in international law-making. As Besson (2009) also notes, the idea of state consent is additionally problematic for those approaches that seek to protect the autonomy of individuals because the focus of the idea is on

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[212] See Pattberg (2011).
[213] See Hale (2011).
[214] Slaughter (2009). I will come back to this point in Chapter 5.

protecting the equal autonomy of states. Focusing the legitimacy of international law on securing the equal autonomy of states compromises individual autonomy because people are deprived of certain choices they should make, and therefore the autonomy of some individuals would be subject of domination.

There are additional reasons to reject state consent as the sole source of legitimacy. Besson (2009:63) argues, similarly to Buchanan, that (i) it is increasingly difficult to attribute normativity to state consent because states are no longer the only institutions making international law, nor are they the only subjects of international law, and even in those cases there are other sources of international law such as customary law. This situation leads to the application of state consent to an already narrow area of rule-making, which can be considered a 'residual source of legal authority'. (Besson 2009: 63) Taking a similar view, Scholte (2014: 7-8) explains that another shortcoming of the state-centric approach concerns the failure of international institutions to meet democratic criteria, i.e. those intergovernmental bodies that are closed for membership even if their decisions affect people from other states, i.e. the G20 or the North Atlantic Treaty Organization (NATO), institutions with veto powers such as the United Nations Security Council, the imbalance of power between international institutions such as the IMF and some impoverished states or, as in the case of Tuvalu (see chapter 1 sec. 4.2), small island states, whose existence may be threatened by global warming, and who have little say in United Nations climate change regulation. In this sense, Scholte explains that the state-centric approach as a formula for global democracy fails, and it fails because it presupposes that states are the center of all governance in global affairs. This assumption ignores the growth of relatively autonomous regulatory activities by different levels of governance, i.e. regulation generated by standard-setters, where standardization is a form of rule-setting which operates by statements that require certain actors to behave in a certain way in order to meet a standard (Ahre and Brunsson 2006; March and Olsen 1989). So, according to Scholte, the state-centric approach presupposes structures of geography, governance and identity that were largely dominant in the mid-20th century but no longer exist two generations later (Scholte 2005: Ch. 7; 2014: 7-8).

We use consent satisfactorily in various aspects of our lives: we consent to marry someone, we consent to a medical practice, etc., and state consent is no exception; it is

important to the idea of global democracy as long as the consenting states are democratically organized, as asserted in chapter 3 of this thesis, that state representatives are publicly accountable, and that the way interstate decision making is organized is in an inclusive and egalitarian manner. As important as state consent may be to the idea of global democracy, it does not seem to succeed in conferring legitimacy to international decision-making as it does for the individual state; consequently state consent could be an indirect form of global democracy (Besson 2009: 64). Indeed, state consent could play a role in a global democracy if it fulfils the requisites mentioned before, but state consent cannot be the main source of legitimacy of international decisions. As Buchanan (2004) explains, it is a fiction that international law is a system of equal and sovereign states based on state consent, and this fiction distracts from the task of developing and implementing a truly more democratic form of global governance (2004: 289).

Despite the shortcomings presented, states and the associative political relations that conform to the state-centric approach matter normatively. They matter, for example, because of their role as creators of international law and the international system, and because of their role as mediators of conflict between other states and between other actors. Although it has not been mentioned in this section, one could argue that states have a vital role in the adoption and implementation of human rights[215] and on global distributive equality.[216] But even if we take seriously the role of the state in the international system, as this approach does, we conclude that a state-centric approach cannot prevent domination. This is mainly because, as conceived, it does not involve individuals in shaping the international agreements under which they live, but also because of the shortcomings of this model, such as being too remote and opaque for citizen participation and control, not being representative of citizens' interests, because states are no longer powerful actors that can avoid domination but must coexist with other global actors in a multi-level political system, or simply because states no longer have a monopoly on the production of international legal norms. If we take these reasons into account, cosmopolitan republicanism, as we will see in the next section, allows us to overcome these shortcomings.

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[215] See Montero (2010, 2013, 2014). Contra Lafont (2010, 2012, 2013).
[216] Ypi (2012).

Cosmopolitan institutions offer an alternative to the state-centric architecture of the current international system. State-centric design has not proven to be very effective so far in preventing and reducing global domination. This statement is grounded in an argument with an empirical claim and a moral base. The empirical claim is a result of the consequences of globalization. It arises from the fact that the socio-economic-political system in which people live is partly global in nature, that is, that we live in what I call the circumstances of globalization. It requires that adequate political institutions be identified with the satisfaction of cosmopolitan ideals. This approach justifies supranational political institutions because they will have the capacity to challenge problems of collective action. States have proven incapable of addressing global risks or problems of collective action, as climate change and the current pandemic show very well. As a matter of fact, states do not effectively cooperate with each other under a state-centric approach and fail to live up our expectations under the circumstances of globalization (see Caney 2006: 160).

The normative argument follows the assertion of the empirical one: if people live in the circumstances of globalization and these circumstances have great influence over their lives, it follows that they deserve to live under a global order that protects them from global domination. Consequently they should also have a democratic right to exert influence on and control over the system in which they live in such a way that their ability to exercise their rights is not impaired. The creation of supra-state political authorities implies fragmentation and also a mechanism for controlling the power exercised by the state; in republican terms, this is a strong normative reason to prefer a cosmopolitan democracy to a monistic conception of sovereignty.[217] This is also compatible with a system of governance that protects freedom better than the state-centric system. As I argued in Chapter 2, due to the effects of globalization and the increasing interdependence between agents, there should be a global system of governance that protects freedom as non-domination. As we have seen, cosmopolitan democracy offers compelling reasons for developing such a system of global governance composed of states and supra-state institutions.

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[217] See Pettit (2012a: Ch. 3), and Besson and Martí 2018: 28 fn. 80.

Following this argument, and illustrating the inadequacy of the state-centric approach as a natural cluster of democracy, Held (1995a: 99-127) highlights five disjunctures[218] between the formal sphere of political authority and the actual practices and structures of the state and the economic system at all levels, illustrating that people suffer from interferences caused by actors beyond state borders and power. He distinguishes between (i) internal and (ii) external disjunctures. For their part, (i) internal disjunctures are identified with the formal domain that political authority claims for itself. In this respect, for example, states claim absolute sovereignty for themselves, posing a disjuncture between that abstract idea of sovereignty and the real capacity of states to determine their own politics. The (ii) external disjunctures highlight the different ways in which globalization can influence or condition political agency in key areas that change the possibilities of democracy. Held identifies the development of international law, the internationalization of political decision-making and the idea of the state as an autonomous, strategic military actor and the development of the global system of states; national identity and the globalization of culture, and the economic disjuncture between the formal authority of the state and the internationalization of production and financial transactions.

As we have just seen, the reasoning of those who advocate for a state-centric approach is misleading. This is because in a state system based on state consent, in which the unanimity principle governs the conclusion of a treaty, the veto right of a minority of states may determine the fate of a broader community.[219] And the non-ratification of a treaty may in turn prevent the achievement of global goals, may allow for the tyranny of one member of a political community over the others and allows a small minority to block collective action (Peters: 289-290). The defense of autonomy and self-determination of actors in collective decision-making is based on the consent of the state, but instead of defending the advantages of a democratic system of rules, participation and representation, it has serious shortcomings, since the rights and interests of the people depend entirely on the behavior of their states, and this cannot

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[218] Identified as law, polity, security, identity and economy.

[219] Besson and Martí identify the existence of permanent minorities as one shortcoming of the state-based approach. They mention that 'Even in an international system like the existing one in which state consent is not only used as a veto power, there is a permanent risk of producing entrenched, persistent or permanent minorities'. The principle of state consent '[…] may treat citizens of states in the minority unequally by practically excluding them from the international law making, even if their governments are democratic and effectively accountable to their people, and even if their power is in principle proportional to their population'. (2018: 15) See also Peters (2009: 291).

lead to a better outcome than global political institutions. In short, state-centric accountability fails to give people a say in the law-making process, and, importantly, to prevent domination. The reluctance to extend the state-centric approach by involving actors other than states or state-centric international organisations in the decision-making process makes this an unsatisfactory and incomplete accountability that is incapable of meeting the challenges of globalization. Up to this point, I have shown that the state-centric approach of global democracy is problematic, but republican cosmopolitanism -however superior- has its own challenges to overcome.

4. Republican cosmopolitanism

Modern cosmopolitanism is important because of its ethical commitment, but also because it offers an ideal of multi-level institutional organization and global democracy capable of overcoming the shortcomings of the state-centric approach and reducing global domination to a greater extent that this last.[220] To be legitimate, according to Pettit's own terms, public institutions and policies need to be designed in a way that prevents domination and protects individual freedom.[221]

In this section I will explain why republican cosmopolitanism is better suited to protecting global freedom, since it aims to extend global governance at various levels in a democratic direction. The aim of republican cosmopolitanism is to minimize domination by establishing a cosmopolitan political community and by 'developing forms of democracy at different levels of governance on the assumption that these levels can be pursued simultaneously with a variety of different procedures.' (Bohman 2013:17) As Halldenius (2010) points out, republicanism is relevant to cosmopolitan concerns. She explains that republican freedom can serve a global theory of rights, especially because of republicanism's institutional implication, expressed in terms of support for a global or transnational set of regulatory institutions with some degree or form of priority over national or regional institutions (Halldenius 2010: 23). Bohman

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[220] Modern cosmopolitanism, as Scholte (2014) points out, enjoy a considerable revival since 1990. It can be seen in the works of Calhoun, 2008; Scheffler, 1999; Waldron, 2000, Fraser, 2009; Habermas, 2001; Linklater, 1998; Bache and Flinders, 2004; Enderlein et al., 2010; Cabrera, 2010b; Craig, 2008; Tännsjö, 2008, Archibugi, 2004, 2008b; Held, 1995; Cabrera, 2010a; Heater, 2002; Hutchings and Dannreuther, 1999; Gould, 2004; Jacobs, 2007; Fraser, 2007; Kaldor, 2003; Keane, 2003; Monbiot, 2003; Patomäki, 2011; Strauss, 2005; Martí 2010.
[221] Pettit (1997: 106).

also points out that freedom as non-domination makes sense only in an institutional setting that renders international institutions democratically accountable. To secure freedom as non-domination there is an obligation to form a political community beyond the state (Bohman 2007: 102). Thus, according to this view, global democracy cannot be merely understood as a system of association of democratic states or peoples. It rather presupposes the existence of a global people, that is, of a cosmopolitan democracy. As Bohman claims, cosmopolitan democracy not only makes more sense in republican terms, but without freedom as non-domination as its aim, cosmopolitan democracy cannot address the political problems of globalization (Bohman 2007: 131). The next step in this chapter is to introduce the idea of cosmopolitan democracy and cosmopolitan republicanism, as well as to explain what distinguishes statism from cosmopolitanism on a theoretical level.

4.1. Cosmopolitan democracy and republican cosmopolitan democracy

There are several republican scholars who have advocated for cosmopolitan republicanism. Some of them focus exclusively on theoretical aspects (Halldenius 2010; Lovett 2016), while others have also developed more concrete institutional proposals (Bohman 2007; Buckinx 2011; Dryzek 2012; Habermas 2001, 2008; Martí 2010). There are also scholars such as Archibugi, Held, and Habermas who, while not explicitly declaring themselves republicans, have defended projects that clearly fall under the category of cosmopolitan republicanism. All of these approaches rely on a theoretical grounding and an acknowledgement that domination, globally, needs to be reduced.

The dividing line between state-centric models and cosmopolitan models lies primarily in two aspects of these models. The first aspect concerns the question of who is the relevant agent according to each proposal, and the second points to the institutional organization advanced by each proposal. As for the first aspect, the state-centric models, especially those of Pettit and Christiano, aim to secure the freedom of the state - which will consequently secure the freedom of individuals, and the state constitutes the relevant agent to be protected. While the cosmopolitan models of Held and Archibugi or Besson, Bohman, Dryzek, Habermas or Martí seek to impose an individualist paradigm in which the individual is the relevant agent whose freedom must be secured, while

states play a subordinate role. In other words, republican cosmopolitanism proposes to modify the account of agency by placing the individual, rather than the state, at the center of its approach. The second aspect where a dividing line between state-centric and republican cosmopolitan ideas can be observed is in the institutional design of a global democracy. While the former promotes the association of states as the ideal model of global democracy, characterized by the centralization of decision-making, cosmopolitan theorists, focusing on solving the *democratic deficit* of international law, propose a decentralized institutional model characterized by multiple decision-making centers. Some initial proposals were global parliamentary assemblies elected directly by the citizens of the world, or institutions characterized by the decentralization of decision-making, as proposed more recently by Bohman in his model of *demoi*-cracy.

Cosmopolitan democracy is, for instance, embraced by Archibugi as an 'attempt to empower individuals also in global affairs, allowing them to participate in choices affecting their lives and preventing them to be passively affected by decisions taken elsewhere'[222] (2021). For him, cosmopolitanism implies an attempt to specify the forms according to which citizens could effectively participate in world politics.[223] The understanding of cosmopolitan democracy that Archibugi has is strongly linked with a possible form of global governance (2010), that is, with an institutional model of democracy beyond borders, and sometimes it also arises with an agenda form (Archibugi and Held 1995). Normatively, cosmopolitan democracy presupposes the creation of global political conditions that allow individuals -all individuals across the world- to shape and direct their own lives (Kuyper 2015). Throughout his work, Archibugi has developed a political project of cosmopolitan democracy, with the aim of expanding democracy within states and on a global scale. He explains that the basic idea behind cosmopolitan democracy is 'to globalize democracy while, at the same time

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[222] He provides a definition of cosmopolitan democracy. For him cosmopolitan democracy is: 'an ambitious project whose aim is to achieve a world order based on the rule of law and democracy' (1998: 199) which 'is therefore a project which aims to develop democracy within nations, among states and at the global level, assuming that the three levels, although highly interdependent, should and can be pursued simultaneously' (1998: 216). At the same time 'if some global questions are to be handled according to democratic criteria, there must be political representation for citizens in global affairs, independently and autonomously for their political representation in domestic affairs. The unit should be the individual, although the mechanism for participation and representation may vary according to the nature and scope of the issues discussed' (1998: 211-2)

[223] See Cabrera 2018, chapter 1.

democratizing globalization' (2004: 438). For Archibugi, cosmopolitan democracy relies on two assumptions:

> 'The first is the empirical observation that states are *de iure* sovereign but *de facto* non autonomous.[…] The second assumption is that the foreign policy of democratic states is not more virtuous than those of non-democratic states. Even the most democratic states can be aggressive, selfish, and prepared to defend their vital interests by unlawful means. (Archibugi 2012: 10).

He also conceptualizes cosmopolitan democracy as linking global governance with other different levels of governance, such as the local, the state-wide, the inter-state, and the regional (Archibugi 2012: 14-17). He proposes a tripartite (ideal-typical) break between federalist (world state), confederalist (intergovernmental democratic states), and polycentric (pluralist) prescriptions for global democracy (Archibugi 2012: 7).

Cosmopolitan democracy is associated with the idea of generating 'democratic governance at a variety of levels, including the global level' (Archibugi & Held 2011: 434), or with a 'model of political organization in which citizens, regardless of their geographical location, have rights to political participation through representation in global affairs in parallel with and independently of their own government' (Marchetti 2011:201). This approach advocates a set of principles that are linked to the ethical, cultural and legal foundations of the political order in a world where political communities and states play a role, but not alone and not exclusively (Held 2010b: 67). It draws on a set of eight principles that 'normatively underwrite the cosmopolitan political project' (Brown and Held 2010: 214). Cosmopolitan values can be universally shared and provide a basis for a cosmopolitan orientation concerned with protecting the equal significance of each person in the 'moral realm' of humanity (2010b: 69). These are the principles of: (i) equal worth and dignity; (ii) active agency; (iii) personal responsibility and accountability; (iv) consent; (v) collective decision-making about public matters through voting procedures; (vi) inclusiveness and subsidiarity; (vii) avoidance of serious harm; and (viii) sustainability. The first six principles imply that people should be capable of enjoying the status of equal moral value, have active agency and also have the means to participate in their respective political communities and in the overlapping communities of fate which shape their needs and welfare. Principle number seven means that the harms inflicted on people 'against their will' and

'without their consent' should be eradicated (Held 2010: 49 quoting Barry 1998: 231, 207), while the last principle, number eight, tells us that 'economic and social development must be consistent with the stewardship of the world's core resources' (Held 2010: 74). These principles are mutually interconnected with one another and each of them can be derived from the cosmopolitan understanding that each person has universal equal worth.

Another important contribution to the cosmopolitan approach is the one developed by Held. Held understands the modern cosmopolitan idea as one connected to the legal and political developments dating from the 1970s and intensifying from the immediate post-Cold War period (2010: 95), in particular those ideas which emphasized that:

> 'human well-being is not defined by geographical or cultural location, that national or ethnic or gendered boundaries should not determine the limits of rights or responsibilities for the satisfaction of basic human needs, and that all human beings require equal respect and concern are notions embedded in aspects of contemporary regional and global legal and political thinking, and in some forms of transnational governance' (Held 2010b: 55-6)

Held, recalling Waldron's (2010: 236–9) slogan on the 'circumstances of cosmopolitanism', explains how cosmopolitanism should be understood in the context of complex transformations. He does that by introducing the eight cosmopolitan principles mentioned before. As Caney explains, Held's[224] position regarding cosmopolitan democracy[225] relies on one moral and one empirical claim. While the first is identified with the claim that 'persons have a democratic right to be able to affect the social–economic–political system in which they live and which determines what they are able to do' (Caney 2005: 156), the empirical one implies that 'the social–economic–political system in which people live (and which deter-mines what they are able to do) is, in part, global in nature'. (Caney 2005:156). The moral claim implies that at the global level institutions must be structured in such a way that people are able to exert control over those decisions that affect their lives (Caney 2005: 156, Held 1995: 145–56). The empirical claim is rooted in five disjunctures that were already explained in section 4.3.2, which give an account of the erosion of contemporary state sovereignty.

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[224] Caney's analyses include the approach defended by Linklater (1998).
[225] Caney calls it the *right-based* approach (2005:156)

Continuing the focus on cosmopolitanism, Jürgen Habermas shares with Held 'a common emphasis on the emergence of international public law as central to a just global political order', but his position regarding a cosmopolitan democracy is more moderate than Held's[226] (Bohman and Rehg 2017). His position on cosmopolitanism is not yet quite stable, fluctuating between two works in particular. The first is '*Kant's Idea of Perpetual Peace: At Two Hundred Years' Historical Remove*' (1998, Chapter 7), where he was optimistic regarding the possibility of a continuity between state democracy founded on human rights, and a global democratic order[227]:

> 'The republican order of a democratic state founded on human rights calls for something more than the weak regulation of belligerent international relations by international law. Rather, the legal principles implemented within single states should lead ultimately to a global legal order that unites all peoples and abolishes war' (Habermas 1998: 165)

In addition to this idea, Habermas argues that 'Human rights fundamentalism is avoided not by renouncing the politics of human rights, but only through a cosmopolitan transformation of the state of nature among states into a legal order' (Habermas 1998: 201). But the optimism regarding cosmopolitanism and a continuum of his discourse theory of deliberation to a global public sphere is challenged in '*The Postnational Constellation*' (2001) and also in other essays[228] (2003, 2006, 2012). His modified version of cosmopolitanism seeks to accommodate a wider institutional pluralism (Bohman and Rehg 2017) in a global context which should involve 'global domestic politics without a world government' (Habermas 2006: 135). He further argues that international relations should be democratized at two levels, the supranational -by reforming the UN- and the transnational -where the major power will be responsible for dealing with problems of global domestic politics. However, the transnational sphere will be governed by a negotiating system since his deciding criterion of democracy is the one of self-determination through legislation, and because of that, at the transnational level, the fundamental form of political activity will be negotiation among democracies (Bohman and Rehg 2017, Habermas 2006: 109, 193). Nonetheless,

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[226] Cabrera, in reference to Habermas, but also in reference to Buchanan, states that they 'support some global institutional changes in the name of promoting more just outcomes, but they reject comprehensive integration because of presumed uncertainty or dissensus on moral principles'. (2018: 8)
[227] See Baynes (2018).
[228] On Habermas's oscillation between two cosmopolitan accounts for a new international order, see Lafont (2008).

Habermas evaluates the possibility of a postnational democracy, analyzing in particular the chances of the European Union (EU) as an initial form of it (Habermas 2001: 89). He links the possibility of existence of a postnational democracy to the sharing of a particular political identity, since:

> 'even if such a community is grounded in the universalist principles of a democratic constitutional state, it still forms a collective identity, in the sense that it interprets and realizes these principles in light of its own history and in the context of its own particular form of life.' (Habermas 2001: 107)

As Bohman and Rehg (2017) point out, without a common ethical basis, those institutions beyond the state –such as the EU, a case that Habermas has in particular consideration- must look to a 'less demanding basis of legitimacy in the organizational forms of an international negotiation system, which already exist today in other political arenas' (Habermas 2001: 109). To conclude, as I mentioned at the beginning, Habermas' position regarding cosmopolitanism is not stable, it moves back and forth, oscillating between two models, one ambitious and the other more minimalist (Lafont 2008). In spite of this, Bohman and Rehg (2017) describe that his kind of cosmopolitan order is one that 'must be political (and not merely juridical); institutional (and not merely organized informally or by policy networks); transnational (to the extent that it would be like the European Union, an order of political and legal orders); and in some sense democratic or at least subject to democratic norms'. One last point is in order: despite the apparent similitudes of Habermas' position regarding the institutionalization of international relations and those of Archibugi and Held, these authors differ in one important aspect. Habermas does not speak of a global democracy and he does not suggest the creation of a status of world citizenship, at least not explicitly. Instead, he argues that the legitimacy of institutions at the global level will come from national public spheres. Let me now introduce republican cosmopolitan democracy.

Republican cosmopolitan democracy is meant to realize the values of cosmopolitan democracy[229] by meeting the republican ideal of freedom as non-domination. Bohman (2008), for example, endorses a republican cosmopolitanism that contrasts with the liberal conception of rights linked to a bounded political community. His intention is to show that republicanism is not completely linked to the state and that it can also be

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[229] See Archibugi & Held (1995, 2011).

cosmopolitan in the institutional sense. This is why republican cosmopolitans recognize that states are no longer capable of preventing domination themselves. On this track, cosmopolitan republicans sought to develop a form of political order based on a multi-level political system in which there is no supremacy of any of the parts over the whole. As contemporary cosmopolitans, Archibugi, Held, and Habermas have developed to defend projects that may also be labelled under this category of republican cosmopolitanism. A common idea shared by these authors is the need to create global representative institutions higher in the hierarchy than the states; and they also agree in highlighting 'a common emphasis on the emergence of international public law as central to a just global political order' (Bohman & Rehg 2017). In short, these authors share a version of cosmopolitan democracy. Notwithstanding their broad similarities, there are, of course, nuances between their proposals.

The republican cosmopolitan democratic discussion of recent years has focused primarily on the emerging proposals of a model based on a transnational *demoi*-cracy (Bohman 2007), a transnational democracy (Dryzek 1999, 2008), and a model based on a global republic (Martí 2010) by achieving a global parliament. In what follows, I will discuss the institutional proposals of Bohman and Martí. This decision is based on the fact that their institutional proposals act as opposites, and this allows us to demonstrate the richness of republican institutional cosmopolitanism, while at the same time the institutional framework proposed by both of them is sufficiently developed to see their feasibility, and they are also the best candidates to promote freedom as non-domination. Significantly, neither of these two proposals contradicts Pettit's line of argumentation to prevent domination. However, the two proposals differ considerably from each other. While Bohman argues that globalization has deterritorialized and denationalized authority (2013: 346) and in consequence emphasizes the republican principle of dispersion of power by advocating a *demoi*-cratic account of transnational governance through proposing a global deliberative polyarchy, Marti's institutional proposal to reduce domination is based on the centralization of power through a series of global institutions emphasizing the value of public invigilation.

The first republican cosmopolitan democratic approach is the one proposed by James Bohman (2007). Bohman presents a cosmopolitan version, both moral and political,[230] of a republican theory of freedom grounded in Habermasian ideas of communicative power and the public sphere. The particularity of this account, which Bohman has developed primarily in *Democracy Across Borders*, is that it advocates for a *demoi*-cratic account of transnational governance by proposing, since globalization has deterritorialized and denationalized authority, a global deliberative polyarchy (Bohman 2004b: 346). In this sense, it is vital to create authoritative global institutions to avoid domination, and also to emphasize the dispersion of power by creating diverse but specific transnational public spheres. He shares with Martí the view that the circumstances of politics have changed, so that the same - liberal - democracy that remains bound to the state is not the solution (Bohman 2007: 4). What we need instead is a republican cosmopolitanism that emphasizes the plurality of institutions and communities to address global concerns. This republican cosmopolitanism should be of a transnational sort, which fights against the incongruity of institutions - as the state - between decision-takers and decision-makers (Bohman 2007: 5) by proposing a new way of distributing political authority.

As Bohman explains, his proposal for a cosmopolitan global democracy is closely linked to the conception of the *demoi*. This connection can be explained by his understanding of the meaning of *demoi*, which goes beyond what any demos could encompass by embracing as a political subject the larger political community of humanity,[231] whose central feature is a reflexive order of deliberation (2007: 5). [232] In this sense, *demoi*-cracy recognizes that, in the current conditions of global governance, the lack of congruence between decision-takers and decision-makers generates a problem of inclusion. There is also the problem of non-voluntary inclusion, which arises when individuals across the world are involuntarily involved in transnational systems

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[230] As he explains, this cosmopolitan version is moral and political in the sense that it demands a significant reorganization of the current political institutions into highly differentiated structures containing multiple units and levels and many different *demoi* (Bohman 2007).

[231] 'Rather, it is a difference between a democracy that organizes a dêmos and one that organizes dêmoi. Democracy of the first kind is insufficient to realize non-domination democratically in a polity of dêmoi.' (2007: 10)

[232] 'Democracy in this view is popular control over decision-making in a specific sense: it is the interaction between communicative freedom as it is manifested in the public sphere and the normative powers by which people create and control their rights, obligations, and deontic statuses. Fundamental human rights are then precisely such normative powers, the most basic of which is the right to initiate deliberation.' (Bohman 2007: 5).

that exert a great deal of indirect control over their lives (Bohman 2007: 129). This account will better realize non-domination by creating a multiplicity of institutions and overlapping political communities (2007: 6).

The creation of a multiplicity of institutions and overlapping political communities is intended to prevent domination. Bohman argues that by creating a variety of overlapping institutions we will be able to reduce domination because people will no longer be ruled by another state, international institution, transnational corporation or other decision-taker; in this understanding non-domination is a matter of *status* (Bohman 2007: 8-9, 27, 30, 51, 76). Importantly, this account argues that various transnational agents have the capacity to exert domination over individuals. However, to avoid domination it is not enough to avoid being ruled by another; it also needs democratic contestation; in other words, it is not enough to not be subject to the arbitrary will of others in one's life choices, non-domination also means having access to and influence on the conditions of social cooperation. Having a status therefore means having the capacity to shape the content of political obligations democratically (Bohman 2008: 199).

The basis for democratic contestation, Bohman argues, will be provided by the creation of 'deterritorialized and flexible deliberative fora composed, and representing the interests, of citizens of different countries and transnational civic movements'. These fora, composed of scattered transnational institutions, will eventually have some kind of authority - jurisdictional authority - over the state to limit its sovereignty by forming a kind of transnational deliberative *demoi*-cracy. The democratic ideal of the transnational deliberative *demoi*-cracy enables the principle of popular control and political equality to be guaranteed and, in this sense, also avoids domination (Bohman 2004b, 2005, 2007). The core thesis of Bohman's account is the fragmentation and dispersion of sovereignty into something other than a world government, whereby three aspects stand out in his model of global democracy: multiple democratic units, deterritorialization and forums of deliberation through different *demoi*.

Somewhat contrary to intuition, however, the idea of dispersed sovereignty is compatible with the existence of states, but not, of course, with states with absolute sovereignty. A cosmopolitan *demoi*-cratic account recognizes two primary agents for

transnational democratization. The first agents are the states in their democratic version when they have pursued polity-building projects such as the European Union. The second agents are the citizens, who participate in transnational public spheres in order to achieve common freedom and other democratic goals (Bohman 2007: 189, Habermas 2013).

Bohman's account of global democracy is grounded in securing what he calls the democratic minimum. Under this model it is expected to 'designate just those necessary conditions of non-domination necessary for democratization—that is, for citizens to be able to form and change the terms of their common life', and at the same time that it permits 'meaningful political activity to emerge, since it attributes to each citizen the capacity to initiate deliberation and thus to take up the common activity of deliberating about common concerns, including the agenda of political institutions and the rules which guide political activity within them' (Bohman 2007: 45-47).

Under the assumption that present authority has been constructed for a public less sophisticated, interdependent and globalized than it is now, he states that authority is unresponsive (Bohman 2007: 66) and insufficient for securing non-domination. As a result, Bohman advocates for a distributive public sphere, a public of publics articulated in a horizontal and complex structure organized by 'dynamically overlapping and interacting units rather than in distinct units related to a central unit of deliberation exercising executive control' (Bohman 2007: 77). The implementation of this complex horizontal structure of *demoi*, according to Bohman, will require democratic experimentalism 'to reconcile the dispersed form of many-to-many communication with the demands of the forum.' (Bohman 2007: 89). Global experimentalism constitutes a model of global governance proposed by Gráinne de Búrca, Robert Keohane[233] and Charles Sabel (2014). They advocate for a polyarchy open to the inclusion of those actors that under a state-based model wouldn't be involved in public deliberation, for instance non-state actors. However, this model, as will be explained in Chapter 5, has serious shortcomings. For example, no mechanism is proposed to identify legitimate actors involved in the deliberative process, with the risk that experimental processes may be captured by groups with hidden agendas (De Burca, Keohane & Sabel 2014:

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[233] There is a similitude with the model of contested-multilateralism. See Moore & Keohane (2014).

784). This is a serious shortcoming by itself but it becomes more relevant when it is applied to Bohman's account since it relies on shaping the public and constructing the capacity to initiate deliberation in the experimental account.[234] More importantly, since this model focuses on solving specific problems, it does not provide an account of legitimacy for global governance.

Although Bohman's account seems attractive to prevent domination that bypasses state borders and affects individuals, I believe that his institutional proposal is not effective in avoiding domination due to the way it is constructed. There are two arguments against his institutional proposal: they are related to the lack of ability of the people to exercise influence and control over this *demoi*-cratic system. The first is the difficulty that an inconstant and undefined *demoi* has regarding other *demoi*. Considering that Bohman's account is based on different and changing *demoi* that create interactive fora of deliberation, it would not be attainable to create and set the boundaries of these *demoi* in order to assign competence and jurisdiction. If we follow this line of argument, then, if these difficulties are correct, it will also not be possible to exercise accountability over continuously changing democratic institutions.

The second reason goes in the same direction. Without something similar to a central authority, it is not clear how the interactions between the *demoi* are regulated, and, more importantly, it does not seem feasible to define - and eventually redefine and dissolve - *demoi* sovereignty. There is also the problem of overlapping. This problem is related to the lack of clarity at the time of the allocation of competences and jurisdiction. Without this clarity in the definition of *demoi* boundaries, it also seems problematic to depict the various *demoi* acting simultaneously in order to avoid overlaps between them.

We can give an imaginary example to illustrate the difficulties mentioned above. Imagine a situation in which a *demoi* is created to counteract the global warming that the island of Tuvalu is facing, by people in Tonga, Lakina, Indonesia, India, Europe and the United States. At the same time, another *demoi* is being created to counteract the problem of deforestation in the Amazon rainforests, involving people from Brazil, Peru, Colombia, Ecuador, Bolivia, Guyana, Suriname, Venezuela, France and activists from

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[234] See Bohman (2007: 89-91).

Greenpeace. The first problem that arises is the indetermination of the public that should be involved in solving each of these two problems. The second problem is two-fold. The first part of this problem relates to those people who integrate the *demoi* and have different views on the problem to be solved, e.g. while one group advocates eliminating all forms of pollution immediately, the other group advocates doing so step by step. The second part of the problem arises from the results of the *demoi's* deliberation. What these imaginary *demoi* decide could turn out to be incompatible for implementation, and instead of harmonious global deliberation, competing and conflicting *demoi* arise. Although problematic, Bohman's account has valuable insights. It emphasizes the need to rethink democratic institutions and also spots the consequences of decisions taken in the transnational sphere without any form of participation and control in terms of impact on individuals. However, as has already been mentioned, his account fails to address the problem of domination.

The second cosmopolitan republican proposal is that of Martí (2010, 2015). In opposition to the *demoi*-cracy proposed by Bohman, he argues for the creation of a global republic, as it would be better suited to minimizing domination. He argues that a global republic is better suited than the alternatives to preventing global domination. He advocates for the creation of central representative institutions in the form of a global republic. This republic is based on an authoritative institutional system consisting of a unified set of political and democratic institutions and is limited by a global constitution. Among other things, the global constitution will enshrine the principles of separation of powers, checks and balances and the rule of law in order to avoid becoming a powerful dominant agent (2010: 33, 56).

His proposal is based on the idea that a purely statist view is not able to achieve the goal of liberty, and it is therefore necessary to limit state sovereignty to a certain extent. The extent of this limitation depends on the development of the institutions associated with the global republic. The global republic is achieved by the establishment of 'a common system of authoritative global institutions with the power to intervene in the domestic affairs in some states', so limiting their sovereignty, in order to prevent global domination both over states and individuals.' (2010: 58) The institutional set proposed by Marti comprises representative institutions such as a global parliament and/or a

world senate.[235] This global parliament will represent all citizens of the world under a rule that ensures political equality, and will legislate on those issues or areas where domestic government may prove insufficient or ineffective. This institutional system must, however, be substantially limited by a constitutional framework that gives it 'limited powers and establishes the principles of separation of powers, checks and balances and the rule of law. In this respect, it proposes more or less the same formula that republicanism has always advocated for the nation states themselves'. (2010: 58) What Martí wants to avoid by proposing a centralized version of global institutions are above all the potential shortcomings that he attributes to the transnationalist *demoi*-crats.

The shortcomings that he wants to avoid are those that could result from a dispersion of power. Those proposals based on the decentralization and fragmentation of power run the risk, according to Martí, of creating institutions that compete and conflict with each other too much to be able to carry out their functions effectively in a world where it is not possible to establish a clear division of competences. Instead of global institutions built on the idea of the dispersion of power, they must be grounded in a 'harmonic and unified system' (2010: 67). The weaknesses identified by Martí are important. However, I do not believe that they represent an insurmountable obstacle for the transnational *demoi*-cratic approach. Firstly, because fragmentation is not necessarily incompatible with harmonization. Global institutions can fragment global power by adopting a networked approach. Secondly, a global republic is not alien to a potential lack of effectiveness, in the sense that it cannot ensure that it does not lead to the same problems attributed to the transnational *demoi*-cratic approach.

4.2. The challenges of the republican cosmopolitan democracy

As I pointed out at the beginning of the chapter, the state-centric approach is problematic. However, as I will explain below, the alternative I am defending here, namely, republican cosmopolitan democracy, also has its own problems, although these problems have a simpler solution. Republican cosmopolitan democracy is superior to the state-centric approach. The opponents of cosmopolitanism have put forward a number of arguments against this kind of institutional system, which is the basis of

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[235] This institutional form was also proposed by Archibugi 1993; Domingo 2009; Falk and Strauss 2001; Goodin 2010 and 2012; and Held 1995.

global democracy, from the skeptical argument (Dahrendorf 2001: 9) where global democracy is synonymous with barking at the moon, to the failed case cited by Dahl (1999:21), where 'the international system will lie below any reasonable threshold of democracy'. Urbinati (2003:77) recalls Dahl's argument: 'Theorists of cosmopolitical democracy should take Dahl's admonishment seriously on the obstacles to democratic accountability, and thus the risks of an unchecked delegated politics, that a global extension of the political space would necessarily engender. A 'democrat' cannot in good conscience support such delegation of power and authority by democratic countries to international organizations and institutions….To speak in this case of 'delegating authority' would simply be a misleading fiction useful only to the rulers.' Other scholars (David Miller & Ralf Dahrendorf) have stated that the development of democracy beyond states is wrong and dangerous, and others (Viroli 1995) found the republican cosmopolitan account unsuitable. Arguments against a cosmopolitan institutional framework could be grouped under the labels of (i) the global tyranny argument, (ii) the argument of the superfluity of global democratic institutions, (iii) the implausibility argument, and (iv) the lack of participation and representativeness. I believe that a cosmopolitan approach can overcome the first two objections -global tyranny and the unnecessary existence of global institutions- but the others require a reformulation of the theory.

(i) *The argument of global tyranny.* A very common objection against cosmopolitan democracy is that any attempt to build it up would entail a great danger of tyranny.[236] It is well known that political philosophers like Hannah Arendt, Immanuel Kant (1989 [1795]) and Rawls (1993: 36) reject the project of a world government. Arendt predicts that a world government would be 'a forbidding nightmare of tyranny'[237] (1957: 539), while Rawls, following Kant, shares these fears and says: '[...] a world government - by which I mean a unified political regime with the legal powers normally exercised by central governments - would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain

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[236] For a classical argument about this concern see *Immanuel Kant,* "Idea for a Universal History with a Cosmopolitan Purpose"; and "Perpetual Peace: A Philosophical Sketch," *in* Hans Reiss, ed., *Political Writings*, trans. H. B. Nisbet (New York: Cambridge University Press, 1991[1784 and 1795 respectively]): 41-53 and 93-130). Contemporary political philosophers who have drawn attention to this argument include Bellamy 2007, Bohman 2007: 40–41; Macdonald 2008: 23–29; Urbinati 2003: 77; Walzer 2000.

[237] See Tinnevelt & Mertens (2009).

their political freedom and autonomy.' Those who defend a state-centric approach argue that freedom requires a fragmentation of power -something a world government cannot provide- and a system of checks and balances guaranteed by the voluntary association of states (see Nardin 1983, Peters 2009). The central concern of global tyranny identifies the possibility of global government with an accumulation of uncontrolled power under one single institution. However, this argument applies only in the case of a single supra-state institution that accumulates all power and remains uncontrolled. A cosmopolitan institutional design is not synonymous with a world state,[238] nor does it mean concentrating all power in one institution. There are many other options available to cosmopolitans,[239] i.e. a multilevel system. In this sense, a cosmopolitan institutional approach is not vulnerable to the nightmare tyranny charge, as it requires that we distribute power at the supranational level, not that we concentrate it in a single institution.[240] In this sense, Martí (2010: 66-67) accepts the fear of 'creating a world sovereign with an extreme potential to dominate all human beings [which is] …justified, but such danger might be perfectly prevented in a different way.' But he argues that the risks of accepting a set of institutions that remain scattered and disconnected are associated with the danger of being ineffective in preventing domination. I do not think this is the case with a cosmopolitan institutional proposal based on a set of supra-state institutions. Quite the contrary: as I mentioned above, a democratic system of cosmopolitan institutions is based on a fragmentation of power because it is committed to the certainty of freedom, and a fragmentation of power is not synonymous with dispersal and disconnection if the system is well articulated. Republicans tend to reject institutional proposals of fragmentation of power since they fear the consequences of the exercise of uncontrolled power.[241] But to propose an

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[238] However, scholars who endorse a world state proposal claim that tyranny will not occur since a world state should be a federation of states. See Nielsen (1988).

[239] Some cosmopolitans, such as for example Caney (2005), have explicitly rejected the ideal of global government.

[240] A purely statist order which ignores that sometimes state systems can systematically restrict individual liberty. The central defect, the absolute concentration of power, is one that can be found in a statist framework precisely because the latter grants to states untrammeled power to persecute their peoples. Without a multi-level system of cosmopolitan governance, the rights and interests of a people are entirely dependent on the conduct of their state.

[241] James Madison was concerned about the idea of unrestricted power, power operating without external checks. However it is safe to affirm that the source of his concern was mainly the concentration of power in the same hands –'The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.' (*The Federalist Papers, Number 47*), but in *The Federalist Papers Number 51* he also addresses the necessity of checks and balances uttering the famous phrase 'Ambition must be made to counteract ambition.'

institutional approach which relies on fragmentation of power does not mean that the power will become uncontrolled. This is so, because I assume that a system of fragmentation of power must incorporate many controls, perhaps even more than those that exist at the domestic level. In fact, the system of controls prevents decisions from being arbitrary, thus guaranteeing that, despite the fragmentation of power, there is freedom as well as non-domination. An example of this is the organization of different actors and levels in the so-called 'Global Experimentalist Governance.[242]

(ii) *The argument of the superfluity of global democratic institutions*. Scholars like Michael Doyle (1996) and Bruce Russett (2000) claim that global institutions of the kind that a global democracy would require are not necessary. Rather than concentrating efforts in a utopian endeavor such as global democracy, we should concentrate our efforts on reforming states in order to make them all democratic, on overcoming global problems, and on securing freedom by improving the coordination among those democratic states. In international law there is a general idea of peace that rests on the assumption that democratic states will not go to war with each other (Lyon 2007), following Kant's claim in his work of 1795 *On Perpetual Peace*, according to which democracies are less inclined to war than authoritarian regimes. This idea resonated in Harry S. Truman's view that 'totalitarian regimes imposed on free peoples... undermine the foundation of international peace and hence security of the United States.'[243] There is no doubt that a democratic world would bring about several improvements, i.e. that the peoples in states that do not have free elections would be able to decide their future. But even if the world were to be populated by democratic states, they cannot secure freedom as non-domination per se because they cannot ignore the influence of the international order on their ability to be democratic (Caney 2005). For example, Pogge notes that some accounts that aim to explain global poverty solely in terms of domestic factors overlook the external influence on whether the state is democratic or not (2001: 330-343).

This also ignores the need to create institutions beyond states to address those global problems that states cannot solve alone or through traditional inter-state association. One of the advantages that global institutions have over state association is the power of

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[242] See de Búrca, Keohane and Sabel (2014).
[243] Rupert, (2012: 27).

enforcement. To show the reverse, those collective actions that rest on agreement among sovereign states –such as the United Nations Framework Convention on Climate Change (UNFCCC)- are too weak to achieve global goals or resolve global problems. This problem can be explained mainly because of the design of state-centric institutions[244] - much depends on the willingness and ability of states to make effective promises and keep to them, since there is no formal mechanism to punish those states that fail to achieve the targets set out by the UNFCCC. The power of enforcement of the global institutions arises on the basis of shared global values and to avoid free riders while truly pursuing the needs and interests of all people. The need for global institutions is grounded in the achievement of cosmopolitan moral goals. Scholars who support this argument are to some extent concerned with questions of normative legitimacy, or what can morally justify the power increasingly exercised over individuals by governing bodies beyond the state, and how political authority should be distributed within an inclusive institutional cosmopolitan framework.

Another argument against a system merely centered in states points to its compatibility with global inequalities. If there are no members of the international community who advocate working towards global justice, there could be a legitimate world system that ignores or even reinforces the inequalities of other states. Finally, there is an argument of institutional design that a world of democratic states fails to satisfy. The argument is based on those cases - such as climate change, the dangers of artificial intelligence or the development of nuclear weapons - in which all the people of the world are affected by only one single decision that a state could implement. Imagine for a moment that the government of Brazil decided to cut down all trees in the Amazon; or that the United States introduced a surveillance system based on algorithms that tell the police if you are a potential criminal; or if countries on different continents decided to implement a nuclear program based on government cooperation. These are cases where a democratic multi-level institutional structure is in place to give the universally-affected a voice to deliberate and also to ensure the accountability of the institutions whose decisions impact their lives. In a world of democratic states, the best case will lead us to a representation of the people in an international state-centric institution, the shortcomings of which have been described in section 4.3.2 above. There are global

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[244] As we will see in the next chapter, state centered international institutions are also called 'Holocene institutions'. See Dryzek & Pickering (2019)

collective-action problems over which a cosmopolitan morality would demand global agreements. For example, climate change mitigation, mass destruction weapons control, or the management of the current pandemic. These scenarios demand global institutions because a state-centric international design, in the resolution of those problems, will include biases in favour of the domestic community which impede state compliance with cosmopolitan distributive aims. A current example of this situation is the current distribution of COVID-19 vaccines between states, where, without a global distribution criterion, wealthy and powerful states hoard more vaccines for themselves than they need, or other, less powerful states have no access to them, as if we were once again in the superpower games described by Schelling. A global system that includes global institutions with compliance power and is guided by cosmopolitan principles seems to be the appropriate institutional means to overcoming barriers and achieving cosmopolitan moral goals by ensuring that global governance outcomes related to climate change, pandemics, global risks, and other collective actions will be consistent with cosmopolitan goals. In doing so, global institutions will also be consistent with the participation that individuals must have in order to protect their own rights, meet their needs, and exercise control rather than be dominated. As has been explained, state-centric systems allow people to participate indirectly, but global institutions that respect the moral, cosmopolitan principle that every individual has a status as an equal, autonomous person entail people's participation over those things that might affect them or subject them to political coercion.[245] In other words, global institutions are in place to prevent the game of global domination.

(iii) *The implausibility argument.* The process of globalization has dramatically changed the world we live in. It is not difficult to perceive the changes that globalization has brought about in various areas, such as the world economy and international trade. The attempt by a cosmopolitan democracy to make world politics more transparent, accountable, participatory and representative through a multi-level system of institutions sounds reasonable, but it is not innovative. For at least three decades, various routes have been proposed to achieving cosmopolitan democracy, but they are not achieving

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[245] For 'all affected' accounts, see Held 2013, Archibugi 2008, Koenig-Archibugi 2011, 2018. and see Koenig-Archibugi, this volume. For an 'all possibly affected' account, see Goodin (2007). For 'all possibly subjected' to political coercion, see Abizadeh (2008). For the 'equal influence principle' see Erman (2014)

their goal and are casting a shadow of implausibility on it.[246] Achieving a cosmopolitan democracy is a valuable task that has a utopian aspect in its goals.[247] However, this does not make them unrealistic. In recent years, scholars such as Archibugi (2004, 2012) have re-articulated the foundations of cosmopolitan democracy in order to deflect the objection of implausibility, at least in part.

The realization of freedom as non-domination outside the state through a global democracy is, in my view, not merely a utopian ideal but a feasible extension of current political possibilities. This is so because the international sphere today consists of a rather dense web of associative networks, often linked to informal political processes and domain-specific international regimes. Contemporary global governance consists of more than just states or the intergovernmental organizations they create. On the one hand, there are remarkable institutional innovations in global governance, such as the creation of transgovernmental policy networks, the networks of government regulators, international bureaucrats, and representatives of regulated industries - for example, the Basel Committee on Banking Supervision or the International Association of Insurance Supervision. On the other hand, some international institutions such as the International Criminal Court have various kinds of normative powers to impose obligations and duties even on non-members, [248] or as Bohman exemplified, the World Trade Organization can also override national self-interest and impose certain obligations on states. [249] In sum, both actors account for widely endorsed human rights norms and justify thinking of humanity as a political subject and community (Bohman 2007). Another argument against the implausibility of achieving a cosmopolitan democracy comes from within republicanism. I refer here to the argument of those who support the value of patriotism: the love of a country.[250] This love makes possible the love of a common good; the love which is born among the citizens of a country through the love

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[246] See, for example, Dryzek (2012: 107) 'In an odd way the critics actually validate the democratic aspirations of global civil society but simply believe it falls far short of any such aspirations.'

[247] Some scholars have catalogued global democracy under the Rawlsian idea of a 'realistic utopia'.

[248] Especially through the application of article 12 'Preconditions to the exercise of jurisdiction', in particular 12.2, inc. b: 'In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3: (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft; (b) The State of which the person accused of the crime is a national'.

[249] Bohman (2007) also cites European Union as an example of the feasibility of global democracy, and also as an example of ongoing experimentation with political integration that has led to innovative deliberative practices and an emerging transnational institutional design with democratic ambitions.

[250] See Viroli (1995) and Dagger (2020).

of uniqueness and homogeneity (Viroli 1995). As for the patriotic argument, it is usually presented as contrary to an approach of republican cosmopolitan democracy, but I believe that they are not incompatible. You can love your country and you can love other countries, you can contribute to the common good of your own country and this does not exclude the ability and desire to contribute to the common good of people in other countries, religions, lifestyles and opportunities. So, the sense of being a member of a global community is not incompatible with the love of a country, though it is incompatible with the priority of states over global institutions. Yet, if we recognize the value of the ideal of freedom as non-domination, the desire not to be dominated is not incompatible with the desire for other people in the world to gain their freedom. This assertion is linked to the argument in the third chapter that non-domination can only be secure if everyone is free. Since there are sufficient reasons to abandon the state-centric approach, a republican version of cosmopolitan democracy is fit to address the political challenges that globalization poses to our institutional systems.

(iv) *The lack of participation and representativeness*. Throughout this chapter I have mentioned that various models of republican cosmopolitan democracy have been proposed. However, at the level of institutional design, the focus of these proposals is mainly on a system of supranational levels of people representation over participation.[251] I believe that this focus on representation is problematic. It is so because a multi-level system faces the challenge of avoiding the dilution of democratic legitimacy if it is run by several bodies,[252] and this makes the links between the peoples

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[251] David Miller (1995) rejects peoples' participation because of it unfeasibility. Nagel (2005: 138) also rejects peoples' participation on the basis that international institutions act in the name of states: 'Current international rules and institutions may be the thin end of a wedge that will eventually expand to seriously dislodge the dominant sovereignty of separate nation-states, both morally and politically, but for the moment they lack something that according to the political conception is crucial for the application and implementation of standards of justice: They are not collectively enacted and coercively imposed in the name of all the individuals whose lives they affect; and they do not ask for the kind of authorization by individuals that carries with it a responsibility to treat all those individuals in some sense equally. Instead, they are set up by bargaining among mutually self-interested sovereign parties. International institutions act not in the name of individuals, but in the name of the states or state instruments and agencies that have created them. Hence the responsibility of those institutions toward individuals is filtered through the states that represent and bear primary responsibility for those individuals.'

[252] Peters (2009: 294) argues that 'The core concept of transitive democratic global governance, namely the parallel accountability chains from the officials and government representatives within international organizations or other international bodies to the member states, and from the member states to the citizens, which ostensibly secures the democratic link between international institutions and citizens, is a legal fiction that has little to do with reality. Multilevel governance complicates and obscures straightforward 'chains of delegation' (citizens—parliaments—executives—international officers) and makes it hard to identify principals to which institutions would have to account. Normatively speaking, the idea of transitive accountability via states unduly compartmentalizes accountability into national

and foreign actors much more tenuous. Peters (2009: 294), for instance, explains that this is particularly worrying at the international level because the 'chains of delegation' between citizens, parliaments, executives and international officers make it difficult to identify which institutions citizens would have to address. If we transfer this problem to an institutional system consisting of several bodies, the goal of the people having a say seems far away if it operates only with representative structures. Therefore, the challenge of cosmopolitan democracy is to reverse this problem by including instances of global participation.

The problem of representativeness is a twofold problem.[253] First, we must factor in the lack of representation in non-democratic states that was explained in Chapter 3. The second problem has to do with the lack of representation of democratic states in their foreign policy, that is, the lack of representation of citizens at the international level. As I have explained in section 4.3.2, Besson & Martí (2018), Christiano (2010), Nanz & Steffek (2014), among others, explain that the practice of states regarding their international affairs is traditionally delegated to the executive power. However this delegation is not *a priori* problematic in itself; it is so, as Christiano points out, when it is exercised in a relatively non-democratic form (Christiano 2010: 124). The problem arises when the exercise of foreign policy functions is remote from the citizens (Nanz & Steffek 2014) or takes place in secret. Even democratic states, through the methods by which they conduct international decision-making, create a disconnect between their constituents, the representatives, and the international decisions made. As one might imagine, however, the problem is not limited to states. INGOs, civil society organisations and, in general, the organisations claiming to represent the unrepresented,[254] do not pass the legitimacy threshold.[255] These organizations have not been democratically elected; some of them are only at some point transparent or only

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boxes, while neglecting the *dédoublement fonctionnel* of states' agents acting within international institutions.'

[253] Besson and Martí (2018) use the expression 'lack of representativeness'. To illustrate some problems that representation has and its future see Rey (2020).

[254] Dryzek (2012) calls this problem the 'Nobody Elected Civil Society.'

[255] Dryzek (2012) poses the following counterargument: 'A better response to the charge [of unrepresentativeness] is to ask: Unrepresentative compared to what? Compared to some ideal model of egalitarian democracy, global civil society may do badly. Compared to other realities in a global order dominated by large corporations, hegemonic states, neoliberal market thinking, secretive and unresponsive international organizations, low-visibility financial networks, and military might, global civil society does rather well.' He also argues that critics of the activities of global society base their criticism on an unsophisticated basis of theories of representation - Pitkin (1967) - leaving aside those proposals where representation can be tested and justified, see i.e. Saward (2009, 2010).

minimally accountable for what they do, and even if they make honorable claims they are not representative.[256] Within the problem of representation, civil society actors are capable of generating political inequality. This happens because some social actors are better or more strongly represented than others, because they are better organized or have more resources, or because some are more influential and powerful than others.[257] This imbalance between some civil society actors could affect the principle of political equality. An international system based solely on the representation of peoples as they are, by the state governments and associations, is a deficient system. It is so because it is remote from the citizens, its procedures are opaque and dominated by diplomats and so-called experts. But it is also thus because there is no space for the people to exercise control and accountability. The normative ideal in a democracy indicates that disagreements about the conduct of public affairs must be resolved democratically, that is, with the equal participation of the subjects concerned in the process by which those decisions are made. However, this ideal cannot be achieved without introducing institutional changes,[258] in this case the involvement of individuals in the process of creating international law so that they can influence it.

With regard to the problem of lack of representation in democratic states, Allen Buchanan, Robert Keohane and Andrew Moravcsik have argued that the international system does not have to struggle with the concept of democracy if it achieves a greater degree of pluralism, legitimacy and accountability. They do not believe, for example, that a directly elected world parliament is necessary or desirable.[259] In this sense the threshold for the acceptance of an international system is that all governments abide by the rule of law and that this system is followed by a larger number of democratic countries worldwide. However, that threshold is too low if we want to prevent domination in republican terms. For as I have explained in these chapters, especially

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[256] See Jordan & van Tuijl (2006) and Anderson & Rieff (2005: 29): 'Citizens do not vote for this or that civil society organization as their representatives because, in the end, NGOs exist to reflect their own principles, not to represent a constituency to whose interests and desires they must respond.'

[257] However, Anderson (2000), recalling the intervention of civil society in the banning of landmines, points out that it is easy to condemn even successful interventions by invoking the danger of the development of global elites.

[258] As I explained in Chapter 1, this is also due to empirical reasons: the 'sites of power' are no longer exclusively located within states, but also at the global level. See Held 1995a.

[259] Contra: Held (1995), Archibugi (1998), Cochran (2002), Martí (2010). They advocate the creation of global parliamentary assemblies directly elected by world citizens to combat the global democratic deficit. From a global democracy perspective Jonathan Kuyper argues against the proposal of a global parliament (2014).

Chapter 2, republican freedom requires avoiding arbitrary interference, and for that to happen people must have ultimate control over the decisions that affect their lives. Because of the 'circumstances of globalization' there is little that states alone can do to protect their citizens from alien interference, and at the same time, if a high degree of pluralism, legitimacy, and accountability, as has been suggested, is introduced into a system characterized by power imbalances among states or between states and international organizations or private actors, neither will be able to prevent domination. Ultimately, the problem that needs to be addressed is that citizens lack ultimate control over many decisions that are made beyond their borders.

Moreover, the participation of peoples in international decision-making also means meeting democratic standards and preventing domination[260]. This last point - avoiding domination- once again calls for the participation of peoples, especially considering that the ideal of freedom as non-domination is based on normative individualism. I believe - and will develop this argument in the next chapter - that changing the focus from representation to an institutional form that combines participation and representation is a challenge that republican cosmopolitanism must face, especially since there are nowadays various ways in which civil society can participate in international decision-making.

5. Conclusions

In this chapter I introduced the notion of cosmopolitanism, distinguishing its moral, political and institutional variants, and I showed that even though all republicans share a moral cosmopolitan view, they nevertheless disagree about political and institutional cosmopolitanism. As I indicated in previous chapters, they all agree that global democracy, very broadly understood, should be promoted. But disagreement among them arises when we consider what kind of institutional design should be adopted to realize such a global democracy, and republicans divide across two different views on that: a state-centric approach, and a republican cosmopolitan democratic approach. Both understand the relevance of democratizing the increasingly important decision-making processes that take place beyond borders, but the foundations, the potential institutions,

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[260] The model proposed by Anne Peters in 'Dual Democracy' (2009) combines peoples' representation and participation. See also Bohman 2007, 2010.

the possible ways to access a system that is in line with the democratic ideal, the solution and the way to get there vary according to these approaches. Republicans must be cosmopolitans to the extent that power and institutions influence us globally (Halldenius 2010: 27), and we should be concerned about the experience of domination of our compatriots and also our non-compatriots (Lovett 2016: 46).

In this chapter, I introduced the state-centric approach and the republican cosmopolitan approach to show their characteristics and shortcomings and conclude that the state-centric approach is not an appropriate model to prevent domination, whereas republican cosmopolitanism makes it possible to achieve freedom as non-domination. Bearing in mind that freedom as non-domination is committed to freedom of choice, the decisions taken by an institution are legitimate when they are taken freely, that is, at the point where the people must be able to control the interference in public power through ultimate popular control. This means that the people, through participation, must be able to exercise effective, equally-shared control in the decisions of that institution, which in turn guarantees political equality. Under conditions of global interdependence, the ideal of republican non-domination must presuppose cosmopolitan engagement, and the state-based ideal of non-domination is no longer compatible with the idea that members of the community should have effective, equally-shared control. As I have already mentioned, this is because 'the circumstances of global domination' have led to a situation in which we are all affected in a particular and uneven way - either because of the choices that are made or because individuals or groups participate in cooperative processes without having decided to participate (Bohman 2007: 25). In its republican form, cosmopolitanism recognizes that the ideal of non-domination must also be part of the legitimacy of the international order.

Importantly, I think that there are at least two challenges that a republican cosmopolitan democracy must face. The first is how to effectively connect the dispersion of power between the various levels of governance and public participation in global issues. That is the question of how to build a decentralized approach while avoiding the problems of disconnection and overlap. The second challenge is how to identify these legitimate actors and involve them in the global decision-making process. I believe that a cosmopolitan system could be portrayed as a dispersed but interconnected network of agents who avoid the concentration of power, but stimulate people's participation at

different points of the network and enable them to reshape the world around them. As Halldenius says: 'After all, a republican is concerned with power and institutions' (Halldenius 2010: 27). The task of the next chapter is to examine how such a system of global governance could be developed.

Chapter 5

The world as it ought to be

Non-domination as a global ideal of legitimacy

Confucius: 'Do you think me a learned, well-read man?'
'Certainly,' replied Zi-gong. 'Aren't you?'
'Not at all,' said Confucius. 'I have simply grasped one thread which links up the rest.'
Confucius, quoted in Castells (1996: 1)

1. Introduction

In the previous chapters I have outlined an argument to the effect that a form of global democracy, to wit: a particular form of republican cosmopolitanism, is necessary in a globalised world to secure freedom as non-domination. The argument began in the first chapter, where I showed that globalization poses a threat to individual freedom, that the relations between global actors no longer fit into the traditional divisions of public and private, and verticality and horizontality, and that the behavior of a single actor sometimes influences a multiplicity of actors. In the second chapter, I proposed to abandon the republican distinction between internal and external domination (vertical and horizontal on the one hand, and international on the other) by arguing that the proposed distinction is misleading when applied to the globalized world. The third chapter aimed to open the debate on the place of states in a world in which they are no longer the main actors, and in particular on what should happen to states that are unrepresentative and whose peoples are dominated by them and also different actors. As I mentioned, I believe that states are still valuable and that they will play a role in an institutional design of cosmopolitan governance, but they should evolve and be adapted to work and collaborate in and with a plural scheme of governance. Above all, I have argued that international institutions can hardly be democratized if states are not democratic. Once we accept that democratic states are necessary but not sufficient to achieve global democracy, a cosmopolitan account is necessary. Such an account is the task that Chapter 4 fulfills. It aimed to explain why republicans should embrace cosmopolitanism in order to overcome domination. A cosmopolitan account offers several advantages, such as the possibility of extending an institutional design to the

global sphere without having to presuppose the main role of states, and brings with it the feeling for the individual of being a member of a global community linked by the bond of shared humanity. There are, however, a number of problems that need to be addressed, notably these two: How to build a decentralized account while avoiding the problems of disconnection and overlap that some cosmopolitan proposals have? How to identify the legitimate actors and involve them in the global decision-making process?

It seems unlikely that we will ever be able to develop a global democracy if we fail in our attempt to address the problem of domination. What, if anything, can and should be done to solve this problem? There are several things we need to consider in order to find an answer. To overcome the problems of the cosmopolitan institutional design of global democracy, we must ensure that individuals are able to exert direction and control over the interference generated by different actors.

In this sense, I believe that Pettit's work, along with the work of other neo-Republican scholars, is not only less vulnerable to the problems of a post-Westphalian world than most other proposals in political philosophy. I also believe that a neo-Republican theory of freedom as non-domination is best suited to offer a blueprint for global democracy, and one that focuses on the dispersion of power through network governance, a network composed by different nodes of participation, representation and contestation. What I will offer in this chapter is an extension of Pettit's theory of domestic legitimacy to the global level, as I did in the second chapter, but this time with the focus on designing a global governance network. With this aim in mind, we must be guided by our normative vision of freedom as non-domination, our ideal of free people living in a world made up of legitimate actors. As Pettit mentioned (2014), we need some kind of moral compass to guide us on our way in this complex world, a compass that will allow us to rethink the foundations of republican cosmopolitan institutions. In general, any proposal to reform existing institutions or to create new institutions must aim to avoid those forms of government that lead to domination in order to secure freedom. This chapter aims at designing a global network of cosmopolitan governance that is apt to overcome the problems mentioned above. As I will explain, the institutional form that blocks domination is the network, because it avoids the concentration of power and creates

entry points for people's participation -nodes of participation- while being compatible with some representative institutions and nodes of popular contestation.

With these points in mind, we can now turn to the idea of how to build a global democratic network that can counteract some of the limitations mentioned above and, of course, secure freedom as non-domination. This is equivalent to the legitimacy of the actors that make part of global democracy. The legitimacy, I will argue, relies, mainly, on the existence of nodes of participation. As I mentioned above, our concern is to reduce domination in the global context. By ensuring a mechanism for the participation of the people we enable them to impose direction and exert control over the decision-making processes by pursuing their interests, opinions and reasonings, in short, by treating each other as free and equal.

To this end, the following approach is taken in this chapter; the chapter has two sections.

The first section explains that authority is nowadays plural, and claims that this consideration must affect the institutional design of global democracy if we are to avoid domination. The section also outlines that the decentralization of authority has its own problems, and makes a proposal about how to overcome them. This section also performs an important task. It explains what a network is and how it operates. In doing so I will say that networks make it possible to avoid a separation between the levels of authority -domestic and international- and to evaluate the legitimacy of a decision from a systemic perspective. In fact, the design of a global democracy that avoids domination must be oriented, as in Pettit's theory (1997: 177), towards a fragmentation of power. In a first step, this fragmentation will lead to a decentralization of power and to a harmonization of power. In a second step, a dynamic and interactive network of power will be achieved, a network that imitates, for example, the connections of the brain. The human brain, by its neuronal interconnections, makes it possible to perform different functions simultaneously in a harmonious manner and to achieve very different goals among themselves without interfering with each other. For example, it is possible for a person to think, speak or interact with different people at the same time. This is due to our well-functioning body, but above all to the connections within our brain. Even if a

part of the brain is not functioning properly, new nerve cells take their place if this is possible.[261] A global democratic network should be designed on a base of nodal connections. This global democratic network is closer to an account of relative authority (Roughan 2013) because it makes it possible to explain the complex interaction that agents operating at several levels of government have and also to avoid confusion about the identification of authority.[262] This account explains that governmental capabilities have been pluralizing in many different directions (Braithwaite 2007), as Held explains through his idea of sites of power: it is an interaction context in which powers act to shape the abilities of people (Held 1995: 173). However, Roughan's account goes a step further by explaining not only the authority dispersion but also the interaction.

The second section deals with the design of a global democracy. It outlines the normative requirements for a global democratic account capable of avoiding domination. I will argue for the value of deliberative democracy in the global context, and at the same time I will argue that individual participation, through participation nodes, prevents domination by ensuring individual direction and control on global issues, thus creating a global legitimate network of governance that is compatible with some forms of global representation and nodes of contestatory power. To have a legitimate network of governance requires the implementation of three principles: (i) the principle of ultimate, effective popular control, (ii) the principle of political equality[263] and (iii) the principle of cooperation and coordination. To close the argument I will show how to proceed from where we are now, as described in Chapter 1, towards global democracy. Namely, I will propose two paths for changes that are necessary to initiate the relevant institutional reform, namely long-term thinking and institutional reflexivity. I will also examine the role of local governments in a global democracy. This is especially important in view of the fact that global democracy will not emerge overnight even if we agree that global democracy is our common objective. This is why we must rethink local political institutions to plant the seeds that will flourish as a global democratic network.

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[261] Of course, like every metaphor, this one has limits as well. The brain metaphor presupposes unity, a single actor and causal relations, none of which apply in the case of networks as they are understood here for the purpose of my argument.

[262] See also Rhodes 1997 and Bevir & Rhodes 2003.

[263] See Besson & Martí 2018; Martí 2017.

2. Legitimizing global democracy: authority and plurality

Some years ago Joseph Raz published a paper entitled 'The Future of State Sovereignty'[264] (2017). In it, he acknowledges the growing number of international organizations and raises the question of whether state sovereignty has become obsolete. That paper marks a change in the understanding of political authority by recognizing the pluralistic nature of authority today. Of course, Raz is not the only, nor the first scholar[265] that has changed his mind regarding the role of the state as sovereign. To be clear, and having in mind that this is a political philosophy dissertation, this section will explore some novel forms of authority in order to strengthen the theoretical foundations of a global networked public sphere.

In doing so, I will engage with Nicole Roughan 's (2013) notion of relative authority. Roughan discusses the important notions of plurality and authority, criticizing the standard pluralist theories[266] for focusing on authority as such without explicitly attempting to conceptualize it in terms of pluralist models.[267] Roughan's point of departure is the interaction between local, national, international and transnational law and the overlapping and sometimes contradictory claims to authority that are associated with it. The question that the author pursues in her work is 'whether, and if so how, plurality of authority and relationships between authorities affect or even effect the existence and legitimacy of authority' (2013: 5). She also argues that existing state-centric conceptions of authority cannot be maintained everywhere where there are multiple authorities sharing or competing for domains, which leads to difficulties of ranking or identifying authorities. In a pluralistic framework of sources of law, she explains that law is neither ordinary nor solitary, nor it is limited by the borders of modern states, that law is disordered and diverse and it nevertheless creates obligations for its subjects. Roughan also argues that procedural[268] and substantive[269] theories of

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[264] See also by the same author: Why the State? (2013)

[265] See e.g. Besson (2009a), Besson & Tasioulas (2010), Buchanan (2010), Culver & Giudice (2010), Herzog (2020), Jovanovich (2019, 2020), Kumm (2004), Murphy (2014), Tasioulas (2010), Twining (2009), von Daniels (2010).

[266] For example, she criticized Besson (2009a), Krehoff (2008), Krisch (2010), Tasioulas (2010).

[267] With the exception of Buchanan's work on legitimacy, since his explanation of the plurality of legitimate authorities is not linked between authority and exclusivity.

[268] See, for instance Buchanan (2010).

[269] See, e.g. Raz (1986, 1999).

legitimate authority are unsatisfactory in order to explain a world of plural authorities, that is, they cannot identify and rank plural legitimate authorities.

The idea of relative authority directs the focus of a theory of authority to the relationships that exist between interacting and/or overlapping authorities. Because of these characteristics, we should understand authority in pluralist circumstances as 'relative' and develop a theory of its legitimacy that goes along with this by revising the idea that law claims exclusive legitimate authority. Such an approach to relative authority aims at explaining interconnected authority, i.e. authority the legitimacy of which is mutually constituted and mutually constrained between two persons or bodies who *prima facie* have the rank of authority, but who, because of the existence of the other and the necessity of interaction, cannot alone have independent legitimacy.[270] The generator of all this relativity is, of course, the properties of the subjects of the authorities, which are either shared by the authorities or whose activities bring the authorities into interaction. The conception of relative authority explains that whenever authority is shared or intersects as a result of the properties of these subjects, that authority is not independent and its legitimacy cannot be evaluated as if it were (2013: 138).

To this end, Roughan, like other republican scholars such as Bohman and Braithwaite, explains that authority is relative to the authority of other interacting or overlapping authorities, whereby an institution at any level of law can only be authoritative if it is appropriately related to others with whom it intersects or overlaps (2013: 180-1). In her account, authority is best understood as 'relative power', whether it is 'shared' in the 'same domain' or 'mutually dependent' in 'interactive domains', and the relationships between these 'relative authorities' should amount to 'a relativity condition upon their legitimacy'. The relative authority account does not just explain how one authority interacts with another, it also aims to justify the legitimacy -relative legitimacy- of one

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[270] In a similar way, Hurrelman (2007) assesses the growing importance of relational legitimacy by stating that 'the legitimacy of institutions at multiple levels of governance should increasingly be assessed in interconnected ways.' […] 'a relational legitimacy assessment can then be defined as an evaluation of political institutions in one political system (or at one level of governance) that is systematically linked to the evaluation of institutions in another system (or at another level). This typology of legitimacy relations proposed by Hurrelman is meant to explain the relations between the European Union and its member states. In particular, he has described these relations as zero-sum, negative-sum and positive-sum relations. where 'each kind of relationship might come about as the result of more or less implicit and unintentional interpretations that underlie a person's legitimacy beliefs' (2007: 17, 20).

authority on the basis of such relativeness. In other words, the legitimacy of an authority relies on its capacity for cooperation and coordination with another authority, since 'relationships between these relative authorities become a condition of those authorities' legitimacy' where 'one institution, at any level of law, can only be authoritative when it is appropriately related to others with which it intersects or overlaps' (2013: 180). The intersection of authority characteristic of legitimacy can be explained by what Roughan calls the 'relative condition' where *in circumstances of a plurality of prima facie authorities, the justification of authority depends upon a justified inter-authority relationship* (2013: 138).

Although Roughan's proposal of relative legitimacy succeeds in explaining that authority can be exercised in a pluralistic manner, there is one aspect that she is still unable to explain: the independence of authority. As Rodriguez-Blanco (2006) points out, cooperation between authorities is only possible because each authority is independent,[271] and in this respect independence is based on the power to delegate matters to another authority without any authorization. What is important is that Roughan only establishes the legitimacy of an institution after cooperative arrangements have been made, and this is what makes her account *ex post*. According to her proposal, conflicting authorities must also coordinate and cooperate at an *ex ante* stage. It means that there is no legitimate authority before coordinating or cooperative agreements. Thus, while the authorities deliberate on cooperative agreements, citizens need clear direction to act and must therefore participate in the identification and ranking. While discussing cooperative agreements, they cannot do so because the authorities speak with a variety of legitimate voices. They are therefore at a loss. It is then unclear how subjects should behave if they want to submit to a legitimate authority before cooperative agreements are reached between conflicting authorities.

However, even if Roughan's account of relative authority has the shortcomings already mentioned, it is still important for global democracy, as it enables us to understand the theoretical implications of an interdependent and interconnected authority. Roughan's

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[271] Rodriguez-Blanco (2006: 195) argues that the notion of relative authority leads to infinite regress: 'Thus, if authority A is only 'relative' it can never delegate matters to another authority, B, without the authorisation to delegate from this same authority B. However, for authority B to authorise A to delegate for it on certain matters, it will also need the authorisation of the original authority A and so on ad infinitum.'

account allows us to move towards a global democracy based on the idea of a global democratic network governance in which public authorities could act as relative without it losing its completeness. A network perspective could help to explain three features of authority in the new global order: (1) its plurality; (2) its independence; and (3) its interdependence. It is important that a global democratic account be able to adequately explain the three aspects of authority mentioned above. Any account that cannot adequately explain them will not be able to provide a satisfactory account of a global democratic system, because it will not be able to explain *the world as it is,* nor *the world as it ought to be*.

2.1. Constructing a demoi-cratic network sphere

In the previous section, I mentioned that an account of relative authority sheds some light on the plurality and the interdependence of actors. While Roughan's account succeeds in explaining the interdependence between actors, it ignores the independence of actors. In this section I will explain how a network approach, such as the one described by Slaughter (1997, 2004, 2009, 2017), could take into account the interaction of authority under conditions of plurality, recognizing that actors in a plural world are interdependent, but also able to preserve their independence. As a relative account of authority, a network perspective of *demoi*-cracy does not rely on a division between the domestic and international levels to assess its legitimacy, as it is the case with standard accounts of authority. Indeed, those accounts that separate the domestic and international levels are problematic, such as for example the state-centric account of legitimacy (Bellamy 2013; Christiano 2010, 2012; Pettit 2010a, 2010b, 2012, 2015), or those proposing a set of special conditions that international institutions must meet in order to be legitimate (Buchanan 2011, Erman 2016, Zürn and Stephen 2010), because they treat domestic and international authority as something different. It is true that, as Buchanan and Keohane (2006) have pointed out, the context in which international institutions act is a complex and interactive one. But this is not sufficient reason to differentiate between domestic and international legitimacy. In republican terms, the rejection of accounts that separate domestic and international realities is compatible with what I mentioned in Chapter 2: that domination can be scalar, because domination as an authority can be plural.

On this track, a networked account of political freedom that encompasses global democracy shifts from unidirectional links to a distributed architecture with multidirectional connections between all nodes in the network. We can see this difference in the following two figures:
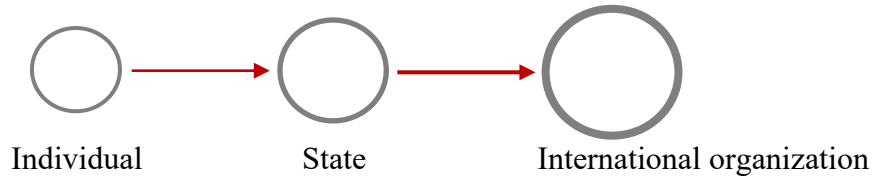
Figure 4: Unidirectional links
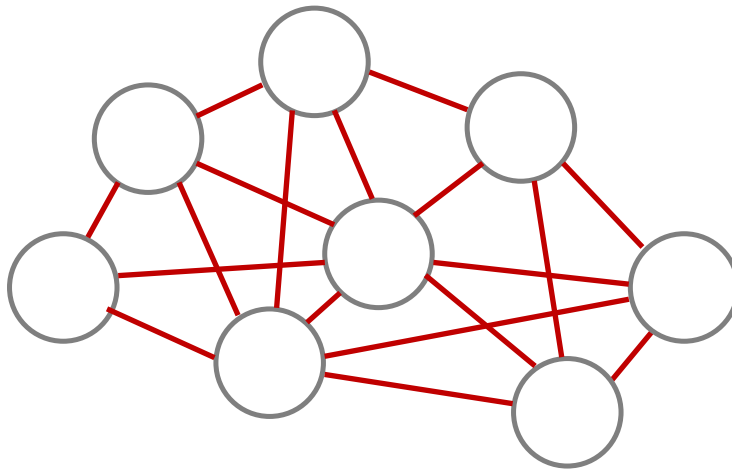
Figure 5: Multidirectional connections of nodes inside a network

A network approach is based on network theory, which was developed mainly by mathematicians and sociologists (Benkler 2006). It is characterized by the distribution of authority on a horizontal level, followed by decentralized decision-making (Slaughter 2017: 51-2). Networks are also quickly adaptable and easier to change. This is important for neo-republicanism because a networked governance allows the dispersion of power that republicans request.

In order to understand how networks work, we may think for example of how the neural maps of the human brain work. This will also provide a framework to understand why it

is useful to use them to think in terms of power. Castells (2010) provides the following concept of a network:

> 'A network is a set of interconnected nodes. A node is the point at which a curve intersects itself. What a node is, concretely speaking, depends on the kind of concrete networks of which we speak. They are stock exchange markets, and their ancillary advanced services centers, in the network of global financial flows. They are national councils of ministers and European Commissioners in the political network that governs the European Union. They are coca fields and poppy fields, clandestine laboratories, secret landing strips, street gangs, and money laundering financial institutions in the network of drug traffic that penetrates economies, societies, and states throughout the world. They are television systems, entertainment studios, computer graphics *milieux*, news teams, and mobile devices generating, transmitting, and receiving signals in the global network of the new media at the roots of cultural expression and public opinion in the Information Age. The topology defined by networks determines that the distance (or intensity and frequency of interaction) between two points (or social positions) is shorter (or more frequent, or more intense) if both points are nodes in a network than if they do not belong to the same network. On the other hand, within a given network, flows have no distance, or the same distance, between nodes. Thus, distance (physical, social, economic, political, cultural) for a given point or position varies between zero (for any node in the same network) and infinite (for any point external to the network). The inclusion/exclusion in networks, and the architecture of relationships between networks, enacted by light-speed-operating information technologies, configure dominant processes and functions in our societies. Networks are open structures, able to expand without limits, integrating new nodes as long as they are able to communicate within the network, namely as long as they share the same communication codes (for example, values or performance goals). A network-based social structure is a highly dynamic, open system, susceptible to innovating without threatening its balance.' (Castells 2010: 500-1)

Castells (2010) and Yochai Benkler (2006) have explained very well how networks have already changed our societies. Benkler explains, for example, that a networked information economy (2006: 3) is emerging in which there is a shift from a hub-and-spoke architecture with unidirectional links, to a distributed network architecture with multidirectional connections between all nodes in the networked information environment (2006: 179). This has eliminated the cost of the communication barrier to speaking across associative boundaries, and has fundamentally changed the ability of individuals from passive readers, listeners or viewers to active participants in the public sphere. Castells (2010: xviii) finds that, as digital technology has bypassed traditional hierarchies and channels of authority, almost every traditionally vertically integrated area of human activity has been reorganized along horizontal lines. In this sense, the network constitutes itself as a global system that ignores national borders. Also, the networks and the digital age or technological revolution, as Castells calls it, have changed the logic of human activity, in which our society today is a *global network society*.[272] Slaughter explains that we nowadays live in a networked world, a world

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[272] See Castells (2010).

where relations cannot be explained anymore as taking place in a chessboard but under a web view (2017: 7):

> 'It is a map not of separation, marking off boundaries of sovereign power, but of connection, of the density and intensity of ties across boundaries. To see the international system as a web is to see a world not of states but of networks, intersecting and closely overlapping in some places and more strung out in others. It is the world not only of terrorists but of global trade, both licit and illicit; of drugs, arms, and human trafficking; of climate change and declining biodiversity; of water wars and food insecurity; of corruption, money-laundering, and tax evasion; of pandemic disease carried by air, sea, and land. In short, it is the world of many of the most pressing twenty-first century global threats. That ever-changing map is the frontier of our age.'

Today, activities such as transportation and production are conceived with a network logic, as one node connected to another, and state power and its relations to society are not outside of this, since 'the new structure of power is dominated by a network geometry, in which power relationships are always specific to a given configuration of actors and institutions' (Castells 1998: 383).

As Matthew Sparke (2013) states in the preface of his book on globalization, 'This is a preface to a textbook on globalization, written in Seattle, on a Chinese-made computer, by an American citizen, who grew up in England, who first became interested in global ties thanks to a children's book about the British empire […], who went on to be taught global geography at Oxford by critics of imperialism, where he was told he should get a "more global" post-graduate education by leaving the United Kingdom […]'. As Sparke explicitly claims, networks are present in our lives, even if they go unnoticed. In this sense, the formerly unidirectional political units are now part of a network made up of multiple actors. This vision of a world functioning in networks composed of multiple actors is quite different to the traditional one used by states, since they usually think in terms of power. As Slaughter (2017: 5-6) describes, statesmen and foreign policy makers usually see the world as a power game between powerful states and rival states, and they see this world of state power in terms of a game of strategic advantage, in terms of game theory. A world viewed through Kissinger's lens, however, cannot depict the interactions between the players, i.e. the actual landscape. It is in this context that power relations can no longer be evaluated according to the logic of the standard game theory presented by Schelling (1980),[273] as we can no longer protect people using the

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[273] Schelling laid out three basic games: the deterrence chicken game, the coordination game of stag hunt, and the cooperation game of prisoner's dilemma.

logic of internal and external domination. If we want to prevent the domination of people, we must start from an accurate assessment of political authority. Since a good normative theory requires as a starting point a good descriptive framework, in this case, if we want to avoid domination, we must also think in terms of the practical problems, i.e. in terms of connections and networks.

As new as it may seem, thinking in networks is not new. As early as 1807, Alexander von Humboldt wrote the '*Essai sur la Geographie des plantes*'. This book is known for the illustration of the *Naturgemälde* - also known as Chimborazo Map - which contains detailed information about the plant geography of the Cotopaxi and Chimborazo volcanoes. What is relevant for my argument is that Humboldt considered nature as a whole, as a network of relationships that governs the behavior of each part and understands spaces and times. In this sense, the biologist Fritjof Capra (2004) spoke about the 'web of life' to illustrate the interdependence of all living organisms organized under a dynamic set of nodes and edges that are constantly repairing and renewing themselves. It is important to notice that in his work he explains how dynamic flows repair and renew the nodes and edges of the web of life, so that the existence of a network depends on the exchange that takes place through the network (Slaughter 2017: 56). It is interesting to stress today that in a world characterized by deep interconnections of all kinds, the game of global domination must articulate a strategy that leaves aside those proposals that result from the distinction between domestic and international spheres and presents international cooperation as secondary.

Also from biology, we can distinguish between partial independent and independent authority. Slaughter explains two notions of the independence of networked authority. To explain partial independent authority she takes from biology the notion of modularity by explaining that cells are organized in a network of modules each responsible for a different function; working in a network allows cells to perform different tasks at once, this is 'the interaction of partially independent separable parts' (2017: 58-9). An example, also used by Slaughter, that does not arise from biology but from artisans is Herbert Simon's parable of the two watchmakers:

> 'One watchmaker builds watches by first constructing the separate
> components of a watch—modules—and then putting them all together to
> create the whole watch. The other builds one whole watch at a time. If their

work is disrupted, the first watchmaker has only to repair the module being assembled at the time, whereas the second has to start from scratch. Modularity confers robustness by locking in gains and compartmentalizing disturbances. In both man-made organizations and natural systems, modular structures provide buffering against cascades of disaster.' (Slaughter 2017: 59)

Together with partial independent authority there are also independent authorities who are also part of networks. We can think, one more time, of the problem of climate change. The networks of actors which are interacting to find a solution to the problem range from INGOs, cities, states, interest group and other networks. While, a city for example, acts in a network as part of a node of participation, it also could act as an independent decision-maker (Slaughter 2017: 122). For example: the decision of the C40 cities network to reduce emissions is compatible with the decision of the city of Heidelberg to have its own 'green' policies and actions. In the first case, the decision is made by the city acting as part of a network, while in the second case, the decision is made by the city acting as itself.

In this section I have presented the main elements of the network approach. This approach, first used by scientists in the natural sciences, is capable of capturing the interaction of political authority under conditions of plurality. As networks designed as a web-like world characterized by complex interdependences (Slaughter 2017: 31) or as a set of interconnected nodes, they are able to map the flows of interaction between different actors in the global arena and to better encapsulate political freedom. In what follows I will discuss horizontality and decentralization as characteristics of networks.

2.1.1. The puzzle of decentralization of power, one piece with multiple possibilities

Imagine the following example. My daughter loves puzzles, actually she has a collection of puzzles: animal puzzles, geography puzzles and puzzles of popular places of the world. Above all she loves the tiger puzzle and the bear puzzle. Although both are animal puzzles, she finds out that the pieces of each do not fit together, i.e. the head of the tiger cannot be completed with bear parts. Something different happens when we think of networks. All nodes -parts- of a network interact and are compatible with each

other, as we have seen in the previous figure. All nodes are connected by links with multiple interaction possibilities. This is a value of the network approach.

From the perspective of institutional design, a network approach allows us to create global networks without centralizing authority in one institution, which affirms the horizontality of the network approach. Slaughter (2004) explains that this horizontality implies that there is no central authority to solve network problems, because what prevails in this governance scheme is the dispersion of power, and as is important for a republican theory of non-domination, this horizontality seeks a balance of power. In fact, from a normative perspective, horizontality between the nodes of a network assumes that it can explicitly break through the firewall between powerful and weaker actors and achieve a kind of balance of power. Remember that an imbalance of power is a source of domination (Lovett 2010).

However, thinking in networks, whether spontaneous or designed, means thinking in non-hierarchical organizations, which forces a reassessment of the notion of power. A networked perspective challenges conventional notions of power in international relations (Kahler 2009). For power in a network context depends on the structural position in relation to other actors (Kahler 2009), leaving aside dyadic measures of international influence, such as the traditional ones of game theory: chicken play, the prisoner's dilemma or stag hunt. The horizontality of networks implies the ability of individuals and institutions to act with others to achieve a common goal; the power of one over the other is transformed into power with the other. Heimans and Timms (2014) have called the power of the network, the power *with* 'new power', i.e. power based on mass participation and peer coordination. An example that illustrates this notion of 'power with' is Wikipedia. Power *with* 'new power' is open, participatory and peer-driven, and above all it is distributed, arising from connections, participation and non-competition of the nodes connected in a network. When it is deliberately practiced, the power of participation has the value of creating collective projects.

There is another effect that reinforces the horizontality of networks. This is the shift from gatekeeping to participation. According to this view, international institutions take the form of gatekeeping, i.e. only those actors who are sovereignly recognized by others

could participate in decision-making on a particular issue. For example, Greece blocked the start of negotiations by the Republic of Macedonia to join NATO because of the dispute over that country's name, or the participation of INGOs in international conferences to which they are invited by the IOs that recognize them. This form of gatekeeping is in contrast to networks that provide incentives for interaction between individuals to carry out joint projects.

2.1.2. Towards power harmonization, or why dispersion articulates it better

In the previous sections we have described what a network is, how it is composed and how it works. We have also seen that networks can organize power in a horizontal form, and that horizontality implies non-authoritative and non-hierarchical relationships between nodes[274] (see Weber et al., 2004). Besides horizontality, networks are characterized by decentralization and dispersion of power, and this last point is important for a republican theory. Republican theory has articulated the dispersion of power condition (Pettit 1997: 177, 2000: 247) through decentralization with the aim of avoiding the arbitrariness of power. According to republicans, it is not desirable for power to be based on a strict functional division as long as it is effectively dispersed. Republicans refer to two types of power dispersion. The first is the separation of law-related functions, the one Madison sought to prevent, which is the accumulation of all power 'legislative, executive and judicial judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny' (Madison, Hamilton, and Jay 1987: 303). However, the importance of power dispersion is also relevant in other areas, in this case the second type of power dispersion refers to that which can be achieved in the contemporary world; this type is particularly relevant at the moment when an institutional blueprint for a global democracy is proposed.

In a republican framework, accepting the dispersing power serves above all to protect against arbitrary interference by the government. According to Pettit (2000: 247-250),

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[274] This does not always function in this way, Lake and Wong explain that 'nodes will attempt to manipulate others in the network to produce desired outcomes' (2009: 130).

the dispersal of power that could be carried out in a contemporary world is that which shifts power from the states to the international bodies, with the states placing themselves under various international instruments.[275] To the extent that governments agree to be bound by international treaties, this has the effect of transferring power to those international institutions that will implement those treaties, and power is shared between domestic and international institutions so 'people's freedom as non-domination is safe in its presence.' (Pettit 2000: 248). However compatible this proposal of dispersion of power is with Pettit's theory of freedom as non-domination, it raises the same problems that I have pointed out in the previous chapters, for example, in relying on the coordination of states to prevent domination. Networks offer a special approach to the *distribution of power*. The reason for this is that power, and in particular 'power *with*' (Slaughter 2017), emanates from the connections - links - between nodes. Since power is located at the intersection of nodes, it is relative because it arises from the connections of the nodes, it is also characterized by participation and not by self-interest, since it is mainly based on interaction, as Slaughter estimates, this kind of power 'is made by many, it is open, participatory and peer-driven.' (Slaughter, 2017, p. 178). These characteristics have been used to explain (a) how the various actors - public, private and hybrid - are intertwined in the exercise of power, and (b) what kind of coordination could prevent domination.

2.1.3. Nodes of authority

The network perspective shows us how power is organized in a horizontal, decentralized and dispersed way. In addition to the interactions that can arise between networks, inside of them different nodes are interrelated. As I mentioned when defining a network, the points that are within a network are called nodes, and the lines that illustrate the relationships between nodes are called links, but also edges or ties. Links between nodes could represent different aspects of a relationship, such as the collaborative relationships between different INGOs and international organizations, for example the one between Amnesty International and the United Nations in the entry into force of the Convention against Torture (Boyle and Chinkin, 2007), and of course relations of power.

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[275] Together with bicameralism and federalism.

There are different aspects to explain how different nodes in a network interact. One is the *centrality* of the nodes in a network, the other is the *density* of connectivity within the network. The first aspect, centrality, indicates the importance and number of connections, and this aspect will determine the influence of an actor within a network (Patty and Pen 2017), an aspect relevant to freedom as non-domination. Coming back to the previous example of the collaborative relationship between different INGOs and international organizations, we can present it as follows:
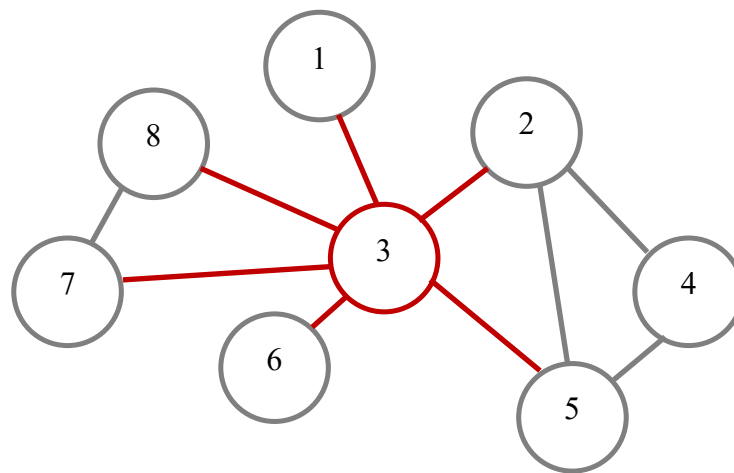
Figure 6: Node's interaction

Node 3 is the one that has the highest number of links with other nodes in the network. In this case, node 3 has multiple connections, while the other nodes of the network have between 2 or 3 connections. The number of connections indicates the degree of centrality, and in this case the Node 3 is considered a hub because it has a high number of connections (Newman 2010: 167). At the same time, we can observe that nodes 3, 7, and 8 are interconnected as a community of nodes, as a cluster, which is 'a dense subnetwork within a larger network' (Slaughter 2017: 47). Of course, the links between nodes are not always back and forth, but they could represent a relationship of *in* degree or *out* degree communication (Patty and Penn 2017), that is, the communicative action one node receives from another or others, or the communicative action one node performs with another or others. The degree of inbound or outbound communication between nodes is not the only factor that measures the influence between nodes. It can also be measured by the *closeness centrality* with other nodes, i.e. the number of steps separating one node from another, or by *betweenness centrality* which measures the intermediation distance from one node to another, i.e. the number of nodes that node 3

must pass through to reach node 7. The criteria of *eigenvector centrality* measure whether a node is directly connected to another node with multiple connections or to a node that acts like a hub (Bonacich 2004). These four criteria give us parameters for measuring the influence capacity from one node to another. As we know, the capacity to influence is relevant to a theory of political freedom, and measuring the degree of influence between nodes in a network context allows us to understand how power is distributed. For example, the criteria of *closeness centrality* show us the proximity between two nodes, and this proximity is relevant because the closer two nodes are to each other in a network, the greater the probability that the behavior of one actor will be changed by the influence of the other. According to Patty and Penn (2017), the fact that we consider *closeness centrality* as an indicator of the capacity of exerting influence can be equated with the notion of power.

I have already mentioned that there are two aspects to explaining how different nodes in a network interact, as I have explained how the centrality of a node in a network can determine its influence. The second aspect that illustrates the connectivity of a network is the notion of density. Density explains how the links between nodes form a community. For instance, those nodes with more connections between them will form a subnetwork inside the network, and according to Patty and Penn (2017), the connectivity of nodes determines their centrality, and also their community, and this indicates whether the nodes have developed the potential a network offers, i.e. we can compare the links that a node has with the total links that a node might have. Of course, a more interconnected node will speak of its potential for influence in a network, but it will also speak of the density of a network, and a denser network is more efficient at sharing information, for example, or achieving a common goal, than the network in Figure 6.

Nevertheless, a network perspective is useful to explain the behavior of the different actors. One advantage is that nodes could be fulfilled by different types of actors: public, private or hybrid, because networks are organized horizontally, and in particular they recognize the complementarity between actors. Networks are also able to explain the power position of the nodes. The fact that power is dispersed does not mean that node 3 occupies the same position as node 6 in the network, because if we look at Figure 3, we will see that node 3 fulfills the criteria of *out* degree centrality*, closeness*

centrality, betweenness centrality and eigenvector centrality, and this makes it a node with a position of wealth within the network. Moreover, it allows us to know what we can expect and demand of each one in a decision-making process so that it is more legitimate. Since a network perspective illuminates the behavior of the different actors, both individually and in concert, it is also useful to explain their legitimacy criteria.

Up to this point I have described some features of networks. It is useful to recall that the network approach presented here, by virtue of its properties, fulfils several objectives in the search for an adequate institutional framework for global democracy: (i) it gives a more realistic description of how authority works, (ii) it overcomes the interaction and overlapping problems of the *demoi*, (iii) its structure is capable of enabling the interaction and participation of individuals, (iv) it does not exclude other institutional proposals, such as those that call for the creation of a Global Parliament (Domingo 2010, Martí 2010, 2015). In sum, the networks approach is capable of dealing with the forms of authority capable of exerting influence over people in the circumstances of globalization.

In the next section, I will analyze some arguments in favor of people's participation, emphasizing the global aspect of this. This aspect is important because, in the present circumstances of global domination, people's participation is missing. To put it in republican terms: the people lack the influence, direction, and ultimate popular control they need to avoid being dominated. In this sense, I will explain how networks can promote people's participation; this point is related to a criticism I made in the previous chapter of republican models of global democracy, namely that they do not enable people's participation in the decisions that determine their lives, and that the legitimacy of institutional decision-making depends on whether freedom as non-domination in the decision-making process is guaranteed by giving people influence, direction and ultimate popular control.

2.2. Global individual influence, direction and equal share control

The realization of a global democracy inevitably requires the establishment of an institutional decision-making system of authority, a system which, in a republican

conception of political freedom, is one of the keys to guaranteeing that freedom. In other words, it means establishing a decision-making system that ensures individual influence, direction and ultimate popular control.

To recognize that authority is plural and interconnected reveals that there are some peculiarities of the global realm that make any account of global government somewhat complex. To name but a few: states are still perceived as the main legitimate source of authority; there is no single demos in the global realm from which we might benefit as a unifying forum; and there is a plurality of dispersed and disaggregated actors - traditionally as states and non-traditionally as hybrid public-private actors - who exercise authority over individuals. In addition to these peculiarities the account that I want to propose is not external to republicanism, it relies on Pettit's dispersion of political power condition as a way to avoid domination. However, Pettit's theory requires some adjustment in order to effectively prevent domination.

This is not alien to those republicans who have proposed to extend freedom as non-domination beyond borders, in particular, as we saw in Chapter 4, to Bohman's proposal of *demoi*-cracy. With this aim, I will intertwine Pettit's account of political legitimacy with a cosmopolitan republican democratic account. Ensuring influence and direction and exercising contestation requires that individuals contribute to a decision-making system in a system constrained by the common good. In other words: if interference is not subject to adequate controls and checks and does not pursue what Pettit called 'commonly avowable interests' it will be arbitrary (Laborde 2013: 1543). Importantly, influence and direction are opposed to an actual or hypothetical individual consent.[276] In this vein, Pettit argues, that consent is not sufficient to make influence legitimate, but he is also rather dismissive of the feasibility of the ideal of direct deliberative democracy. This is so because of the size and institutional complexity of society, which means that direct participatory democracy, even in the most important areas of governance, is for Pettit an impossible ideal.

However, the reality of disaggregated authority makes electoral democracy a less useful ideal than contestatory democracy, so the realities of network governance should

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[276] Contra: Christiano (2010, 2012b, 2015).

prompt us to return to a rediscovered usefulness of deliberative democracy, such as through the use of the World Wide Web or mechanisms like CrowdLaw.[277] Deliberative democracy is an ideal that can be most fruitfully employed to enrich freedom as non-domination in global network governance, because people need to have the opportunity to participate in global decision-making, but it is also necessary that they can secure direction to be non-arbitrary. The famous case of Ulysses and the Sirens is a paradigmatic example of non-arbitrary influence. After all, despite being controlled, Ulysses remains free in spite of the Sirens' singing and his plea to his crew for release. His freedom was based on his capacity to track his interests. Following this line of argument, institutional decision-making must be constrained by the common good where individuals retain the ability to control, even if they have not consented to a certain interference (Pettit 2012: 235-238). Placing this argument in the current circumstances of global domination, democracy is avowed by the form that international actors have adopted. *The world as it is* does not allow individuals to act as contributors to global decision-making. At best, individuals can exercise contestation (Dryzek 2000, 2002, 2008) but I believe that they can do more as initiators and contributors to democratization than as just counterpublics, because counterpublics lack two basic characteristics, they do not rule or set the agenda (Bohman 2007: 62-64, Braithwaite 2007).

The influence that individuals should retain in order to ensure that it is not arbitrary, must be individualized, unconditioned and efficacious. It is individualized when individuals have equal access to the system of popular influence, so that everyone can be expected to accept the direction imposed on the government; it is unconditioned, when it does not depend on the good will of anyone to exercise it; and, it is efficacious when it is clear that influence remains present even when government decisions run counter to the interests of particular groups or individuals (Pettit 2012: 209-238). It is important to note that influence and direction can diverge, and it is possible for individuals to influence political processes without that influence imposing any preferred direction on what that process entails. Indeed, popular control means that individuals have equal access to a system of popular influence over government to give direction through influence, and that direction should be equally acceptable to all

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[277] https://www.thegovlab.org/project/project-crowdlaw accessed on 06 January 2020.

individuals, regardless of the willingness of any other authority to let government go along with it (Pettit 2012: 172, 2015: 121-124).

To avoid arbitrary interference, an act, be it a norm, a standard, a regulatory act or a decision of an international organization, should be formulated by tracking the interests and ideas of the person suffering the interference (Pettit 2012: 55). Following Pettit, this requires that power tracks the welfare and worldview[278] of the public (Pettit 2012: 56). As we have seen in Chapter 3, the next step in Pettit's argument is to equate securing freedom from arbitrary interference with democratic legitimacy where the *raison d'être* of democracy is to protect people from domination. However, Pettit has reserved this argument, which he developed in the context of the relationship between democratic legitimacy and non-domination, for a specific relationship: the individual and the state (2014: 113; Martí & Seleme 2015). Nevertheless, and in connection with my argument that there is no such division between state and international domination, a global account of democracy must secure individual freedom by creating instances of individuals' influence, direction and ultimate popular control.[279] Securing global instances of influence and direction through global networks of governance will require at least two things. First, it is necessary to identify the person suffering the interference. However, it is worth remembering that influence can be actual or potential. Second, a global democratic system should track individuals' common recognizable interest. In order to accomplish this task, there must be deliberative nodes in which individuals exchange arguments and claims in a deliberative process in order to achieve these considerations relevant to the group (Pettit 2004)[280] and to pursue policies that correspond to these common interests. All that has been said so far leads us to identify the principles that are necessary for the decisions of our global democracy to be legitimate.

Thus, the first principle for the legitimacy of actors in a global democracy has been established in terms of content. In other words, the *principle of ultimate, effective popular control* implies that the people affected by rules created beyond the states should have a say in the process of formation of these rules. This could take the form of

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[278] See Larmore (2001) and Richardson (2002).
[279] Of course, the interests of the individual are guaranteed in spaces of collective participation, as we shall see later.
[280] See also Martí 2006.

participation or a channel through a representative process. In the case of representation, individuals should retain ultimate, effective control over representatives and the institutions in which they serve. But in the first instance, people should be able to impose direction and influence on the decisions that are made beyond the state, and they should have the capacity to engage

> 'in deliberative interaction with each other as well with international institutions, thus promoting public formal and informal debate. Finally, the procedures of decision and lawmaking should themselves be as deliberative as possible. The second principle, the principle of political equality, implies that those people(s) should have a fair or equal share, directly or through their representatives, in holding that ultimate power of control. That means that no individual or people should be able to impose their views unilaterally or have significantly greater political power to determine the law than others.' (Besson & Martí 2018: 7).

It is also important that individual human rights that guarantee basic equality shall be protected. This leads us to affirm that a decision or institution enjoys a certain degree of legitimacy if those affected are able to equally participate in a global decision-making process or to influence their representatives equally. The realization of these conditions leads us to the achievement of political equality.[281] Any system of law-making will be democratically legitimate as long as it complies with the principles of ultimate, effective popular control and the second principle, the *principle of political equality*. It implies that those affected 'should have a fair or equal share, directly or through their representatives, in holding that ultimate power of control' (Besson & Martí 2018: 7). All who are affected by a decision must have the opportunity to influence and participate equally in the decision-making process. This principle is violated when one actor imposes its view on that of others, or when citizens are not adequately represented. 'This means that no individual or people should be able to impose their views unilaterally or have significantly greater political power to determine the law than others' (Besson & Martí 2018: 7). As we will see in section 5.3, a third principle is especially important in our global context, this is the *principle of cooperation and coordination*.

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[281] See Christiano 2008, 2012.

2.3. Three steps into a cosmopolitan republican account of global democracy

Although a cosmopolitan account offers several advantages, such as the possibility of extending an institutional design to the global sphere without having to presuppose the state as the main actor, it brings with it a feeling for the individual as a member of a global community linked by the bond of shared humanity. Bohman has proposed a cosmopolitan republican account of global *demoi*-cracy. His proposal, however, combined participation and contestation, and it could be said that it has a network basis, but it has a number of problems that need to be addressed, notably the question of how to build a decentralized account while avoiding the problems of disconnection and overlap that some cosmopolitan proposals have, as well as the problem of the difficulty of identifying the legitimate actors and involving them in the global decision-making process.

As noted above, a cosmopolitan republican account of global democracy must ensure that individuals are able to exert influence, direction and ultimate popular control on the interference generated by different actors, to be free. In the state context this is assured by its institutions and by electoral and contestatory democracy (Pettit 2000). However, in the global realm to achieve freedom will be only possible if a set global democracy, which follows republican values, is in place. However, in order to sketch a feasible proposal for a cosmopolitan republican global democracy, it must succeed in overcoming at least the following three problems, namely (1) how to build a decentralized account while avoiding the problems of disconnection; (2) how to build a decentralized account while avoiding the problems overlapping; and (3) how to avoid instantiation conflicts. Once this is done, we will have the preconditions for designing global democracy.

2.3.1 Avoiding the problems of disconnection

The first shortcoming in Bohman's account is the difficulty that an inconstant and undefined *demoi*[282] entails. Any account of democracy has to organize jurisdictions, units and levels in order to govern. In the case of *demoi*-cracy, because of its peculiarities of an inconstantly and undefined scope of its *demoi*, this conspires against the dimension of active and empowered individuals, as it lacks a clear account of where individuals might exert influence and direction.

If people, in order not to be dominated, must have the opportunity to exert direction and control, then a *demoi*-cracy with its inconstant and undefined *demoi* is deficient in preventing domination. This is because it conspires against the possibility that influence and direction gain relevance. If people are to have the opportunity to participate in effective public deliberation and decide on the terms of their common associations, then this commitment should be relevant to people both as initiators of the deliberation and during the deliberation, until agreement is reached. This leads us to argue that in order to overcome these shortcomings, these *demoi* should be organized in such a way as to avoid their inconstancy and lack of definition. There are a variety of ways to do this. One possibility is to organize the *demoi* through already existing democratic public spheres. Another possibility is to organize the *demoi* using the idea of nodes that are part of a network. While the first possibility looks promising because it will contribute to giving to the people a non-fluctuating democratic base, contrary to a continuously evolving *demoi*, it remains problematic in the sense that it has the risk of reproducing the imbalance of power (Pettit 2010) of an ossified regime of actors, which Dryzek and

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[282] The conception of *demoi* that I adopt is the one endorsed by Besson (2009) and Bohman (2007). Besson explains that 'Not only should global democracy be understood as a process connecting a plurality of democratic subjects, but it can only be effectively understood as such if it is conceived of as deterritorialised and as constituted of a global functional demos of demoi' (2009: 70). While Bohman states that 'dêmoi […]goes beyond the eighteenth-century model of a self-legislating dêmos that is at once the author and the subject of the laws guiding most of philosophical thinking about democracy. Instead this conception of democracy goes beyond the nation-state and takes as its political subject demoi within a larger political community of humanity.' (2007: 5). Against this usage see Bellamy & Castiglione (2013), Cheneval (2009), Cheneval, Lavenex & Schimmelfennig (2015).

Pickering have named the 'pathological path dependence'[283] (Hammond, Dryzek & Pickering: 2019).

It is possible to avoid the problem of inconstancy and lack of definition if we instead consider the *demoi* interacting as nodes that are part of a network. These nodes, as I mentioned above, will function like the connections of the human brain that articulate interactions to perform different functions simultaneously in a harmonious way and to achieve very different goals among themselves without interfering with each other. A network will also imply that authority is no longer sovereign but *relative*, shared by different actors who acting together achieve authority. To return to the example of the human brain: all the neurons of a brain allow a human being to function well. They function as a single network that enables us to develop our human abilities, and it is the connections between them that enable us to live, because they are not capable of doing anything on their own. In addition, the neurons articulate their interactions according to the other neurons that work in the brain to achieve a result, and while they are doing so they follow stable patterns of interactions.

A global democracy based on nodes acting in a multi-level framework will be capable of overcoming the problems of inconstancy and lack of definition. This is so because nodes will act as parts of a network[284] and will integrate those affected subjects but will also be identified under different fixed categories of public spheres (as for example atoms are part of molecules) to participate effectively. These fixed public spheres will be organized to assure that those affected by a decision will be the ones who set the terms of public decisions. In this sense, public spheres will comprise global civil society,[285] interest groups and experts deliberating together over a common problem with the aim of elaborating their own rules. Organizing a *demoi* among fixed categories

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[283] Hammond, Dryzek & Pickering uses the expression 'pathological path dependency' as an opposite of reflexivity. For them a pathological path dependency is one that ignores and obstructs alternatives to overcoming the Holocene's problems (Hammond, Dryzek & Pickering 2019: 17; 22-23).

[284] There are a good variety of existing global networks, for instance the Resilience Alliance, or the International Council for Local Environmental Initiatives cities network; the International Council for Local Environmental Initiatives (ICLEI) cities network, and the C40 Cities Climate Leadership Group.

[285] Besson and Martí defined civil society as `those who are not public actors, in the sense of not having received their powers institutionally from a sovereign people'(2018: 21). Also some scholars have explained how transnational civil society can influence the transnational decision-making process. See Bohman 1998, 2007, 2010, 2012; Dryzek 2010; Dryzek and Niemeyer 2008; Dryzek and Pickering 2019; Maisley 2018; Rosenau 1992.

of public spheres that includes a global civil society has the power to involve people in decision-making beyond state borders. But it also raises the question of how we can determine what types of civil society actors can legitimately become part of decision-making processes. We will address this issue in section 5.3. But now we must focus on the second problem, the problem of overlapping.

2.3.2. Avoiding the overlapping problem

The second shortcoming in Bohman's account is the overlapping problem. It was mentioned in Chapter 4 that there is a lack of clarity at the time of the allocation of *demoi* competences and jurisdiction. Without this clarity in the definition of the *demoi* boundaries, it also seems problematic to map the various *demoi* operating simultaneously in order to avoid overlaps between them. It seems that in a global network there is a myriad of simultaneously acting actors. As it was shown in Chapters 1 and 2, there are different actors who are capable of exerting domination from different bases. With this background, the institutionalization of overlapping *demoi*[286] is problematic. This is due to the fact that there is no clarity about how many *demoi* should be engaged by those affected when they are looking to influence and participate in the decision-making process. We need to remember that demoi-cracy is entrusted with introducing a richer conception of non-domination and of the political order to realize it, its demands a significant reorganization of current political institutions into highly differentiated structures containing multiple units and levels and many different *demoi* which decenters the idea of self-legislation.

In a context with a myriad of actors, however, it is possible to avoid an institutional design that characterizes interactions by overlapping by proposing an institutional design whose interaction is based on interdependence. In a global deliberative polyarchy consisting of a multitude of *demoi*, avoiding overlap is a colossal task. Of course, this

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[286] According to Bohman 'The regime characterized by institutionalized interaction among overlapping demoi does not require that all must participate in the same set of institutions at the same time or suffer the consequences of a uniform policy, but rather that all should be able to participate in a polity qua members of empowered institutions that redefine the relationships among the local, the national, and the supranational levels in terms of an authority that goes beyond positive law. This sort of distribution of normative powers, including the fundamental power to initiate deliberation, offers a better way to specify the democratic minimum'. (2007: 36)

overlap is not always problematic, but if you look at how a standard legal system (any) works, you will find that it is not unusual for one norm or institution to overlap with another, or for a single legal question to allow different answers at different levels, or for conflicts of jurisdiction, which are also frequent (Roughan 2013), and ultimately for legal systems to be able to fulfil their functions. The practical effects of the overlapping are problematic, as I have said, if it affects the influence of people, and for this reason we have a moral obligation to avoid characterizing institutional interaction by overlapping. Instead, we could explain institutional interaction on the basis of mutually dependent *demoi*. This is because global politics shares common and interconnected interests, and the independence between the demoi is not minoritarian, but its main characteristic is the connection and interaction between them. If we assume that an institutional global regime is interdependent in its functioning, we obtain (1) a system that does not distinguish between international and domestic actors, and (2) a system that finds its strength in the interactions and interdependence between the *demoi*. As a result, we will obtain a system that will be characterized as a global deliberative network in which decentralization, complementarity and mutual interaction will be the core features of a democratic deliberative process.

2.3.3. Avoiding instantiation conflicts

Having outlined this proposal of how to avoid the problem of decentralization and disconnection, as well as the decentralization and overlapping of *demoi*, it is time to address a problem that could arise as a result of the process of deliberation between different *demoi*, namely the problem of instantiation conflicts. Even if it is possible to overcome disconnection and overlap between *demoi*, this does not mean that the decision result is empirically compatible. Instantiation conflicts imply a situation in which there are at least two *demoi* that deliberate on a specific problem of a general problem, e.g. two aspects of one of the so-called global risks –such as, for instance, a global pandemic- or two interrelated problems that are among the many causes of climate change. Deliberation on two of these problems, even if the *demoi* are interactive, could still lead to two decision outcomes that are empirically impossible to satisfy together. Consider the hypothetical situation of two *demoi*, one discussing an environmental problem and the other discussing an international economic problem

where both are concerned about resources. While *demos* A thinks about how to fight the loss of biodiversity, *demos* B thinks about how to achieve a better result in the exploitation and export of Cork Oak (*Quercus suber)*. While the outcome of *demos* A is a decision to stop deforestation, the outcome of *demos* B's deliberation is to intensify the use of Cork Oak to support the rise of the wine industry. It is worth noting that the areas and subjects do not overlap, as they are not shared, but the results of the deliberations of *demoi* A and B are empirically impossible to satisfy together due to a *de facto* limitation, thus creating a conflict in the system.[287]

While the two shortcomings mentioned above can be overcome with an interactive system based on *demoi*, in this case I will argue that the nodes represented by *demoi* should be articulated not only in the design of a deliberative process but also in the anticipation of outcomes. It is there to remind us that democracy is composed by a series of institutions, but also of a series of processes. In attempting to remedy the above-mentioned shortcomings, we think in terms of processes of institutional cosmopolitan design for those places where political activity takes place, but which cannot be identified as meaningful because since deliberation is not yet available there (yet). Once that deliberation is available, individuals must ensure that their powers to protect and change their normative status won't be hampered. Up to this point we have added some deficits of a demoi-cratic account of global democracy. We have found that in order to prevent domination, we have to give the individual influence, direction and contestation. At this point I would like to suggest that a network of *demoi* organized as nodes should be the first step towards a global democracy. In the next section I will explain why these nodes should be based on a multi-level system of governance to ensure freedom as non-domination. As explained in the first chapter, new forms of interaction between actors pose a threat because the influence they exert on people is arbitrary. As we understand that authority is no longer limited to states, we need to change our understanding of authority to be permeable to people's participation. This will also lead us to a legitimate account of global democracy. Any account of global democracy can expect to be asked about the institutions that will house it. This question collects a variety of answers, from political philosophy in general and from republicanism in particular. Here I will introduce some concrete proposals that have

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[287] Canale (2017), Navarro and Rodríguez (2014) and Sardo (2018).

been made with regard to international institutional design. It will help us to strengthen the claim of the necessity of people's participation in global affairs and at the same time will show the pros and cons of each of them. Also we will ask from a practical point of view: how plausible are they?

3. Designing global democracy

Throughout this dissertation I have outlined a path that leads to the argument that in order to secure freedom as non-domination, it is necessary to achieve global democracy. In particular, in Chapter 3 I provided a broad notion of global democracy as 'a democracy that extends to the whole world, or across state borders, or beyond states' that is compatible with the institutional proposals outlined by republicans of all kinds. In chapter 4 I provided a narrow understanding of global democracy as '(i) a democracy that extends to the whole world or across state borders or beyond states, and (ii) concerns decisions on global politics or, more precisely, decisions on issues of global relevance made by some kind of decentralized global institution - be it a Global Parliament or a *demoi*-cracy- authorized to enact global rules that allow ultimate popular control under conditions of political equality, deliberative contestability, and protection of human rights'. This narrow understanding fits with a republican cosmopolitan approach, but is incompatible with the state-centric republican view as has been defended by Pettit, Bellamy and Christiano.

Going a step further, this proposal is not agnostic to the already existing cosmopolitan proposals of global democracy. As I showed in Chapter 4, cosmopolitan democracy is an attractive account to assure political freedom. Scholars such as Daniele Archibugi, Ulrich Beck, Charles Beitz, Samantha Besson, James Bohman, Simon Caney, Rafael Domingo, John Dryzek, Richard Falk, Robert Goodin, Jürgen Habermas, David Held, Mary Kaldor, Andrew Linklater, Frank Lovett, José Luis Martí, Tony McGrew, Simon Niemeyer, Thomas Pogge, Saskia Sassen, Jan Aart Scholte, Peter Singer, Anne-Marie Slaughter, among others have contributed to the development of the cosmopolitan democracy literature from a variety of disciplinary backgrounds. Moreover, in recent years there have been proposals focused on the emergence of the anthropocene as the orchestration of international relations (Abbot 2017), the reduction of fragmentation of international law (van Asselt 2016), polycentric governance (Ostrom 2010),

experimental governance (Hoffmann 2011) and hybrid multilateralism (Stevenson and Dryzek 2014), among others, which also contribute to the development of global democracy.

As I have argued in the previous section, a global democracy should be conceived and designed as a network. This is so because a network has the capacity to be based on a cosmopolitan, republican model and also to accommodate the best of the proposals made by various authors over the years. It is also important that a network allows us to see in perspective, it allows us to think of a system of global democracy articulated at various levels rather than in a particular institution, and in doing so it gives rise to people's participation by allowing different points of entry without neglecting representative mechanisms. This proposal is first of all of a normative nature. It is committed to outlining *the world as it ought to be*. It leads us to an institutional model that brings us closer to a world in which everyone has an equal opportunity to flourish and live freely, a world with robust democratic institutions capable of granting to the people an equal share in the capacity to exert direction and control over a myriad of actors that govern all of us (Pettit 2012: 235-238), and it requires a framework designed to involve individuals from different places in deliberations at the global level. This is done on the basis of a cosmopolitan distribution of power that goes beyond the state and advocates the distribution of political authority, an authority that is no longer absolute but relative, an interconnected authority (Roughan 2013). This distribution promotes a global network of cosmopolitan democracy, composed of different *demoi* acting harmoniously between themselves and with other actors. To this end, the proposal I have put forward is based on republican premises. It is so because, above all, it is centrally committed to the fight against domination. Any account of global democracy that follows this regulative ideal must, at this point, try to avoid arbitrary interference, and that is guaranteed by two essential elements of classic republican theory: individual direction and control, and ultimate popular control. These three essential elements are contained in the principle of ultimate, effective popular control. The design of global democracy that I will outline in this section is based on the deliberation of people at the global level, based on a fragmentation of power. In a first step, this fragmentation will lead to a decentralization of power and to a harmonization of power. In a second step, a dynamic and interactive network of power will be achieved, a network that imitates, for example, the connections of the brain.

In what follows, I will present some of the concrete proposals that have been made on international institutional design. Some of them have focused on proposing representative strategies, others have presented strategies to involve civil society in the control of transnational decisions, whether through the creation of spheres of deliberation, the resolution of specific problems or through a network of actors.

3.1. From a Global Parliament to networks

There are a number of different ways to think about the design of a global democracy. Any account of democracy can expect questions about the institutions that should house it. The proposals for how to institutionalize global democracy are numerous. They are the expression of experimentation with different forms of democracy, in this case global democracy (Buchanan & Keohane 2016). In this section I will briefly introduce the most important of them, from those that advocate a Global Parliament to those that rely on transnational networks. The first proposal is that which advocates the representation of peoples by a Global Parliament,[288] as Archibugi (1998), Archibugi and Held (2011), Cabrera (2004), Held (1995a and 1995b), Domingo (2010), Falk and Strauss (2001), Marchetti (2008) and Marti (2010, 2015) have suggested.

Global Parliament

Proponents of a Global Parliament often suggest that global democracy can begin by embodying top-down institutions. For example, Domingo argues in favour of the implementation of a Global Parliament,[289] which would be competent to regulate those issues that affect the whole of humanity. In fact Domingo, in a similar vein to Held, proposes that the United Nations should be replaced by a global institution called 'United Humanity'. The objective he pursues with this change is to put aside 'the old

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[288] Against: Kuyper 2015.

[289] Following a republican approach, Martí (2010, 2015) has also proposed a Global Parliament or world senate. Since I have already presented and discussed this position in Chapter 4, I will revisit Martí's proposal by quoting the gist of it: 'Ideally, all citizens of the world should be represented in this parliament or senate according to some rule of political equality, such as "one person, one vote", even if in the transition process some kind of territorial quotas or overrepresentation would probably be necessary to avoid domination by some populated countries over others. The main task of this parliament, as in any other legislature, will be to enact legislation starting with the establishment of certain global taxes to fund the functioning of the whole set of global institutions'. (Martí 2015: 74)

conception of a society of states' (2010:145) in favor of a global community open to all of humanity. Domingo's basic idea for the construction of a global legal order is based on the creation of a global citizenry, represented the United Humanity, and organized around a Global Parliament,[290] whose decisions, rooted in the rule of recognition and limited in subject matter, should be legally binding and subject to judicial review. The role of the Global Parliament will be vital to the success of United Humanity, according to Domingo. The Global Parliament would determine its own jurisdiction by deciding which issues fall in the global legal domain and to what extent. His proposal also has a high level of detail regarding its implementation, by stating, for example, that the Global Parliament will create those organizations necessary for dealing with the issues under its control, such as an international disarmament organization. Each of those institutions:

> 'will have to be located in a different country and will be financed by an independent tribunal with competency over that issue. This tribunal would concern itself with maintaining the proper exercise of the international body's power and with resolving conflicts of jurisdiction between that organization and the other subjects of global law. In the new Global Parliament, each state would have a vote in its capacity as a member, plus one vote for every 20 million inhabitants it represents – a debatable figure, of course – with a maximum of 25 seats. This limit seems necessary any way the question is considered; without it, the Parliament would be tipped in favor of China and India, which together comprise 2.3 billion inhabitants. But with the established limit, these two countries would thus have a maximum of twenty-five representatives each' (2010: 146)

The detail in Domingo's account is important because it avoids a common criticism directed at institutional proposals: that they are too general to even criticize their feasibility. But for our purposes, Domingo's proposal is limited because it is based only on indirect forms of democracy, since his notion of participation in global decision-making is tied to an assembly (2010: 181). However valuable the proposal of a Global Parliament is, it 'proposes more or less the same formula that republicanism has always advocated for the nation-states themselves' (Martí 2010: 58). This reflects a formula in which the state is the most important and powerful actor in the global order, and this is a feature that makes even the proposal unsatisfactory. Another problem with Domingo's proposal lies in its implementation. How would a Global Parliament representing billions of individuals articulate itself? What would happen to the representatives of undemocratic states? Who would elect these representatives? The citizens of each state,

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[290] As for Dryzek and Pickering (2019) there are a series of new global institutions for governing the anthropocene, for Domingo the Global Parliament is the central body of United Humanity, the institution called to govern the anthroparchy (2010: 119).

as in the model of the European Parliament, or the presidents of the states, as still happens in some MERCOSUR countries? Will the chain of delegation be too long? As Lafont (2020) notes, in representative democracies, citizens are expected to delegate political decisions to their representatives, officials, etc. However, the chain of delegation in decision-making on global issues is so long that people are unable to maintain any degree of control over representative institutions, and this conspires against non-domination.

From a liberal cosmopolitan perspective, Held and Archibugi (2011) had also proposed the instauration of a parliament; in this case they give explicit support, as do many others, to the project of a World Parliament Assembly,[291] which should complement and work in connection with the UN General Assembly.[292] The World Parliament Assembly is a project which aims to promote the democratization of globalization by giving a voice to the world's citizens. This project was initiated in 2007 and is promoted by the 'Campaign for a United Nations Parliamentary Assembly', which is described as a global network of parliamentarians, non-governmental organizations, scholars, and dedicated citizens that advocates democratic representation of the world's citizens at the United Nations.[293] The Campaign was initiated in 2007.

Held and Archibugi argued that the most straightforward way to achieve the participation of the peoples would be to create a World Parliamentary Assembly.[294] While, again, the model adopted is an indirect model of democracy, they explicitly endorse the argument of citizen participation in global politics in connection with the creation of the World Parliament Assembly (Archibugi & Held 2011: 446). This kind of participation through representation in assemblies is designed to be parallel to and independent of those of their national political institutions. The kind of World

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[291] Throughout their work, they have also focused on the pathways and agents necessary for the institutionalization of cosmopolitan democracy.

[292] In a previous work Held (1995b: 426) had proposed a program of possible transformation towards a cosmopolitan model of democracy. In it he identified as short-term objectives the creation of a UN second chamber by a more effective and inclusive United Nations Security Council, greater regionalization, cross-national referendums, stronger international courts, and more effective international economic and military authorities, and as long-term objectives he envisioned a cosmopolitan democracy with a global legal system and the instauration of a Global Parliament connected to regions, nations and localities to which all global bodies would be accountable, and military consolidation that would eventually lead to global demilitarization.

[293] See https://www.unpacampaign.org/ Accessed on April 15, 2021.

[294] See also Falk and Strauss (2001).

Parliament Assembly Archibugi and Held had in mind is one 'similar in composition to the European Parliament. Such an institution would be the natural and most effective way to allow global citizens to deliberate on common issues.' (446-7) Whatever form the assembly might take, Archibugi and Held are skeptical about the possibility that it might succeed in having effective powers, at least in the short and medium term. They emphasize, however, that although the assembly would function as a deliberative forum reflecting global public opinion, it could at least play an important role in identifying and addressing policies of global impact, significance and concern.

Besides this, there are two important issues that Archibugi and Held identified with respect to the World Parliament Assembly.[295] One is the function of suggesting the 'most appropriate constituency to address issues that cut across borders' (2010: 447). The other is to give political representation in global affairs to individuals and groups who have hitherto been excluded from them, be they ethnic or political minorities within states, stateless groups, immigrants, refugees or, more importantly, peoples still living under authoritarian regimes. Challenging these authoritarian states presented them with a dilemma: should we allow free and fair elections to appoint representatives to a World Parliamentary Assembly (WPA), or risk increasing their international isolation if they are not represented there?

There are at least three questions regarding the plausibility of the World Parliament Assembly proposal. The first has to do with the interaction with the UN General Assembly. If we consider the nature of the UN General Assembly[296] and add a World Parliamentary Assembly, which is unlikely to have any effective power in the short or medium term, the interaction between the two institutions will be a zero sum, or win-lose game. And in the case that the World Parliament Assembly develops the powers that Archibugi and Held had in mind, it will necessarily weaken the General Assembly. I'm not saying that this is a bad thing per se, but why would they have to interact?

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[295] See also Archibugi (2012) when he also explores the possibility of giving voice to citizens through a World Parliamentary Assembly.

[296] The General Assembly is the main deliberative, policy-making, and representative organ of the UN. All Member States are represented in it, on an equal footing (see Art.2.1), thus trying to realize the principle of universality in the Organization. Although the powers of the General Assembly are very broad - it can discuss any matter or question and make recommendations to the members, the Security Council or both - the resolutions that it takes are merely recommendations - with no binding force and no legal effect on its members.

Perhaps because the approach of Archibugi and Held was grounded in the development of the international system,[297] at the center of which there is the UN,[298] or perhaps because the universal membership that the UN has, together with its strong claim to moral and political authority is the classic route to creating a World Parliament Assembly (Kuyper 2015: 163). The second deals with the possibility of having effective powers in the short or medium term. The proposal to introduce into the international system an institution whose aim is to enable people to participate in global affairs, but which is unable to fulfil its aim even in the medium term, will have long-term implications for the subsequent institutional development of a world parliament and will lead to the loss of initial support, both from individuals and from other global institutions. With regard to non-democratic states, a world parliament that does not include representation of the populations of non-democratic states, as a means of sanctioning those states, would fail in its primary objective and increase the oppression and inequality of the people living in those states.

Finally, the third question is raised by Dryzek (2008: 474), who argues that the democratization of international institutions, however attractive in the abstract, does not seem feasible outside Europe and, moreover, would limit the experimentation or creative thinking that democratic governances need to achieve global democracy by forcing them into a predefined top-down mechanism.[299] To overcome this critique, he proposes a different path to achieving global democracy, one based on transnational discursive democratization, as I will explain in the next section. Despite the criticism of these proposals based on the implementation of a global assembly, the proposal is still valuable if we consider it in context, in the network perspective. That is, a global assembly could be valuable if we consider it in connection with, for example, a mechanism for people's participation. In this role, a global assembly that represents peoples and states would enforce the legitimacy of a network of global democracy. The idea of a representative institution on a global scale is not satisfactory if it is presented as the only institution capable of establishing a global democracy.

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[297] Held's idea of cosmopolitan democracy is 'based upon the recognition that democracy within a particular community and democratic relations among communities are interlocked, absolutely inseparable, and democratic relations among communities are interlocked, absolutely inseparable, and that new organizational and binding mechanism must be created if democracy is to develop in the decades ahead' (Held 1995: 235)

[298] See Archibugi 1993 and 2008, Ch. 6.

[299] See also Kuyper 2015.

Transnational discursive democracy

Continuing with the institutional accounts of global democracy and moving away from top-down mechanisms, there is another proposal embedded in republicanism that allows us to move from models based on a Global Parliament to a network account. The proposal of a *transnational discursive democracy* is raised by Dryzek, who emphasizes the role of civil society as an agent of transformation, relying also upon the consequential character of discourses in international affairs (Dryzek 2012). While the goal of Dryzek's approach remains the same as those who propose a Global Parliament, to achieve global democracy, the position defended by Dryzek is called transnational, rather than cosmopolitan. It is so because it rejects 'the traditional state model in favor of a bottom-up strategy that promotes a robust transnational civil society as the nonjuridical basis for an alternative to the subordination of citizens to a common framework of public law' (Bohman 2007: 42). Dryzek's account stressed the importance of the involvement of global civil society - including INGO's, social movements, and other non-public actors. The ideal proposed by him is one in which civil society can contest its representatives to provide reasons for their decisions. Civil society thus takes on a contestatory role. However, by focusing on this important democratic aspect, the other aspect, the participatory one, the one that allows the people to be the initiator of deliberations, and a more informal aspect, agenda-setting, are left aside.[300] According to Dryzek's proposal, it is important for people to deliberate with people from all over the world in order to challenge and contest the ideologies that dominate the world, such as global capitalism.[301] The path made by Dryzek is based on the aspect of contestability of democracy beyond the state:

> 'The politics of transnational civil society is largely about questioning, criticizing, and publicizing. Again, a cynic might see this as capable of generating only a few pinpricks in the hides of established powers such as states, IGOs, and multinational corporations. But – crucially - these actions can also change the terms of discourse, and the balance of different components in the international constellation of discourses that I have described' (Dryzek 2000: 131).

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[300] See Bohman 2007: 42-3.
[301] See Dryzek 1996.

In short, Dryzek's path to global democracy focuses on strengthening transnational accountability and, in particular, argues for discursive[302] engagement that is less formal than that of the institutional or model-based proposals examined earlier. He puts the focus on the possibilities for 'democratizing the governance that does exist in the international system rather the government that might' (2000: 120). The proposed discursive engagement represents a way forward that characterizes discursive democratization as a process that could be applied to all levels of governance, from the local to the global[303] (Dryzek 2008: 470), while explicitly acknowledging that it makes more sense for him to explore the possibilities of democratization in connection with discursive sources of order already present in the international system, which do not require the organization of an international government (2000: 115). His approach minimizes the need to establish new formal institutions, or reform existing ones, because it operates in the informal realm of global public spheres, the realm where discourses are contained. Dryzek, however, does not reject institutions; rather, discourses are for him intertwined with institutions: 'if formal rules constitute international hardware, then discourses constitute institutional software. In the international system, the hardware is not well developed, which means that the software becomes more important still' (2000: 122).

The ideas about the democratic control of contestation of discourses in civil society affecting the content of collective decisions can be deployed in transnational settings. He sketches a 'discursive democracy that is a species of deliberative democracy' (483) because democracy and democratization, and in this case, global democracy and global democratization, are matters of discursive interaction as well as the creation and operation of informal institutions, where the engagement of discourses in the public sphere is an integral part of democracy at all levels (484). In this sense, we should ask what kind of institutions might promote decentralized, deliberative control of the

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[302] According to Dryzek, a discourse is 'a shared set of informal understanding […] Any discourse consists of a shared set of concepts, categories and ideas. Discourses construct meaning, establish relations across actors, define what is accepted as common sense. They can embody power as their content serves the interest of some and represses the interest of others. […] Discourses can help constitute both governance and disorder, as well as being source of influence of formal institutions (transnational and otherwise). From a democratic point of view, their capacities are especially interesting inasmuch as the contestation and engagement of discourses in the public sphere is central to discursive democracy' (2008: 478-9).

[303] In recent years, he has outlined some proposals for discursive democratization applied to the problems of climate change (Stevenson & Dryzek 2012, 2014) and genome editing (Dryzek, Nicol & Niemeyer 2020).

relative weight of rival discourses. For Dryzek, the most promising institutional form currently available in the global realm are transnational informal networks of association and communication (133), since they are capable of producing collective outcomes without reference to any sovereign authority (2008: 469). The regime of networks is also supported by the emergence of various international agreements over specific domains – such as climate change or human genome editing - regulating decision-making procedures that have limited the policy capacity of states (Dryzek 2000: 133). Examples of this are the recent proposal of regulation over human genome editing of Dryzek, Nicol, Niemeyer et al. (2020) and the discursive democratization of global climate governance (Stevenson & Dryzek 2012, 2014).

However centered on the contestatory role of civil society, Dryzek claims that global institutions are inadequate and that there should be a renewed civil society to complement new political institutions. According to him, cosmopolitans should both affirm new political institutions and call non-political actors to action. Dryzek's account is valuable not only because it emphasizes the importance of people deliberating with people from around the world, something that is reinforced by a network model, but also because he explains how the discursive interaction of public spheres could be kept within a framework of non-formal institutions by supporting it through the emergence of various international agreements on specific domains, as the nodes of a network function.

Two points can be noted in defense of Dryzek's approach. The first one is that, as Dryzek notes, his proposal is built upon reality, upon *the world as it is*. In this sense the theoretical implementation will be more dynamic than those proposals based on *the world as it ought to be*. The second point, as noted by Caney (2005: 172), contains a theoretical and an empirical aspect. The theoretical implies that the influence social movements can exert on international institutions is not trivial, as they can provide relevant information and help implement policies, threaten to thwart policies unless some concessions are made, and put pressure on states not to be corrupt. While the empirical makes reference to the success that civil society has had, for example by preventing the enactment of the OECD's Plans for Multilateral Agreement on

Investment.[304] Dryzek's account of transnational democracy, however, has the limitation, pointed out a few paragraphs above and addressed by Bohman (2007: 43) and Caney (2005: 171), that it can only be 'contestatory' because, however much power he attributes to the role of civil society, it omits the dimension of active and empowered citizenship. Also, as Caney notes, the relative power of existing social movements reflects a prevalent participation of developed countries which makes most disadvantaged and unrepresented groups least able to make their voices heard. The omission of including channels of people's effective participation, in Dryzek's institutional minimalism, leaves no space for individuals as initiators of deliberation and, consequently, is not robust enough to avoid domination and gives no reason to abandon some form of political cosmopolitan institution.

Global experimentation, global experimentalism

With a similar presupposition regarding the importance of accountability, but with a different institutional proposal and background, those who propose global experimentalism (Cohen and Sabel 2006, De Búrca 2010, De Búrca, Cohen and Sabel 2013, Sabel and Zeitlin 2008) advocate for a form of global governance in which different types of actors -public, privates, hybrids- can solve a common problem. The coexistence of these different types of actors is one of the original points of the proposal. Other original points are dynamism in problem solving and being multilevel. The proposal, based on global experimental governance (GXG), comes from global administrative law, and argues for a deliberative polyarchic form (Cohen and Sabel 2013: 796). De Búrca, Keohane and Sabel describe GXG as an ideal type:

> 'an institutionalized process of participatory and multi-level collective problem-solving, where the problems and the means of addressing them are framed in an open-ended way, and subjected to periodic revision by various forms of peer review in the light of locally generated knowledge' (de Búrca, Cohen and Sabel 2014: 477).

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[304] Negotiations on a proposed Multilateral Agreement on Investment (MAI) were launched by governments at the OECD Council Annual Meeting at ministerial level in May 1995. The aim was to establish a broad multilateral framework for international investment with high standards for the liberalization of investment regimes and investment protection, and with effective dispute settlement procedures open to non-OECD countries. Negotiations were broken off in April 1998 and will not be resumed. See https://www.oecd.org/investment/internationalinvestmentagreements/multilateralagreementoninvestment.htm accessed on 27 March 2021.

GXG's ideal type has five key deliberation-fostering elements that must be present simultaneously for the ideal type of problem solving to be fulfilled:

> '1) initial reflection and discussion among stakeholders with a broadly shared perception of a common problem, resulting in
> 2) the articulation of a framework understanding with open ended goals.
> 3) Implementation of these broadly framed goals is then left to "lower-level" or contextually situated actors with knowledge of local conditions and considerable discretion to adapt the framework norms to these different contexts.
> 4) Continuous feedback must be provided from local contexts, allowing for reporting and monitoring across a range of contexts, with outcomes subject to peer review. Finally,
> 5) goals and practices should be periodically and routinely re-evaluated and, where appropriate, revised in light of the results of the peer review, and the shared purposes' (de Búrca, Cohen and Sabel 2014: 478).

There are some points of this account to highlight. The first point (i) is connected with people's deliberation and participation. Proponents of GXG understand the participation of civil society as actors 'either as agenda setters or problem solvers (and sometimes both) will normally be indispensable to the success of experimentalist regimes' (de Búrca, Cohen and Sabel 2014: 478). This suggests that they see people's participation as instrumental rather than a value in itself. The second point (ii) is related also to participation and the success of GXG. The cooperation of participants, civil society actors either as agenda setters or problem solvers (and sometimes both), will normally be indispensable to the success of experimentalist regimes. Specifically, those actors who participate in the process but do not cooperate will trigger a 'penalty default'. I believe that this is an important shortcoming from a non-domination point of view, because a penalty like this could lead to scenarios of potential domination in the context of the deliberation and participation of different actors, especially if there is an imbalance of power between the participants, since the assessment of what 'not cooperating' means is too broad. The third point (iii) raises an important question. Proponents of GXG argue that this model arises from 'the great uncertainty of the feasibility and costs of potential solutions' (Sabel and Victor 2017: 16) to global problems. In this sense is GXG an ideal model that we should pursue, or, does it instead operate as a second-best?

The Web model, a network of actors

Having the original point of the coexistence of different actors inside the GXG model in mind we can turn to Slaughter's proposal (2009, 2017) of a network of actors. Unlike the proposal of GXG, the network approach is not a second-best. This approach not only looks to explain that the state, as a political entity, is becoming disaggregated -as Roughan also explains, but also that '[p]eoples and their governments around the world need global institutions to solve collective problems that can only be addressed on a global scale' (2009: 8). These institutions and the relationships between them are understood in terms of a web. This web view forms a map, not of separation, staking out the boundaries of sovereign power, but of interconnection, of the density and intensity of connections across borders (2017: 7). Slaughter proposes to see 'a world not of states but of networks, intersecting and closely overlapping in some places and more strung out in others.' (2017: 7) She provides a toolbox for our times. The way she describes the world as it is leads us to overcome Shelling's *Strategy of Conflict* (1980), i.e. the world of today cannot be explained in terms of what game the superpowers are playing at a given moment; instead, it should be explained in terms of connections. Also, the strategies described by Schelling are all about winning. However, in a world of networks the strategy is different. It does not rely mainly on competition, it is based on participation.[305] Networks augment the value of participation. Heimans and Timms (2014), explain the power of the networks:[306] 'It is made by many. It is open, participatory, and peer-driven. It uploads, and it distributes. Like water or electricity, it's most forceful when it surges. The goal with new power is not to hoard it but to channel it.'[307] In sum, networks enhance the power of engagement. As we can see, *the game of global domination* is no longer a game that can be conceived in binary terms,[308] like the well-known game of Risk, a strategy board game of diplomacy. It has turned into a game with multiple players and interactions.

Slaughter's institutional proposal is quite different from those which argue, for example, for a particular institution as the way to establish a global democracy, and is far from a world government. Instead, her proposal relies on the power of networks, particularly

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[305] Note that this does not means that the relations described by game theory are extinct.
[306] They call it 'new power', power that cannot be contained.
[307] See also Noveck 2015.
[308] Or as Slaughter describes it 'seeing in stereo' (2017)

what she[309] calls 'power with' (2017: 173). She argues that networks are effective, accountable, and can work alongside traditional international institutions (Slaughter and Zaring 2006). Also she recognizes that '[t]he challenge for global governance generally is not simply to design multiple institutions to meet multiple challenges, but also to determine how they can best fit together' (2006: 225). In this vein, networks can be complemented with 'a patchwork of different kinds of institutions: formal and informal, intergovernmental and transgovernmental, state-based and society-based, durable and flexible' (2006: 225).

As this chapter argues for a global democratic network that secures freedom as non-domination, Slaughter's proposal seems attractive. However, Slaughter's account remains too descriptive and less normative. This raises the question of how compatible this proposal is with republican values. In a rough answer, it is highly compatible as both share the importance of power dispersion. However, due to the circumstances of global domination, a global dispersion of power will not prevent domination by itself. Looking more closely at the network model, one can see at least two aspects that need to be worked on. The first is to imagine concerted strategies on how global networks can enable and strengthen people's participation. The second is related to the discussion of decentralized power and opens up the following question: is domination possible in a network? Can one network dominate another network? If the answer is yes, should we go back to Pettit's distinction between internal and external domination?

The first point will be addressed in the next section, where possible concrete strategies will be presented to trace the path to global networks. In it, I will argue that the participation of people in global decision-making can help us in achieving the ideal of freedom as non-domination, and that there are various strategies we can pursue in doing so. The second point will be the subject of the research agenda that this dissertation opens, because these questions are more fine-grained. Nevertheless, I would like to offer an initial response. Network domination is a possibility, especially since networks are open to the participation of multiple actors. However, we cannot ensure that networked power is a product of popular will (Braithwaite 2007: 167). Here, contestatory nodes gain relevance to block those decisions that could be achieved in

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[309] Also Heimans and Timms (2014) developed a concept of 'power with'.

unfree conditions. This is also why a systemic perspective of networks is in place, because they allow us to place contestation at strategic intersections of networks.

To illustrate how domination can arise within a network, let us imagine the following example: the implementation of a network whose goal is to design a global financial system that prevents the existence of tax havens. We can assume that certain banks or bankers will act selfishly to make the network fail. It will be the task of the network to identify these actors and to contain their lobby and power. How can this be achieved? One way, for example, is to place a greater burden of transparency and accountability on these actors. One last point before I move on to the participation strategy. Networks are not static; on the contrary, they are dynamic. This dynamism refers to their adaptability, or, as I have mentioned above, to their ability, like the human brain, to change the connections between neurons. In the case of networks, they should be able to identify the relevant actors in the decision-making process, that is, the most influential actors in the network, or the most influential nodes in the network. Once networks do that, for example through collective intelligence[310] or by using the tools developed by network science, they can detect and prevent potential scenarios of domination (Latorre 2018).

3.2. Global democracy and the value of individual participation

As you know, the aim of this chapter is to draft a legitimate global institutional design to shield our freedom from domination. As I pointed out in Chapter 3, legitimacy can be defined as the 'right to rule' (Besson 2010, Christiano 2012, Martí 2017). Legitimacy give us a path to determining who should make the public decisions and rules that govern us, and how. Importantly, the decisions made by an institution will be legitimate if freedom has been guaranteed in the decision-making process, understood as non-domination. Setting before that a cosmopolitan global democracy is desirable, but the question arises as to how the institutions should be designed to pursue a system capable of avoiding domination. In section 2 of this chapter, I mentioned that networks are able to fulfil certain conditions for achieving global democracy, namely dispersion and distribution of power. Considering that in the last 40 years the changes brought about by

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[310] See Noveck 2018.

globalization and the expansion of global regulatory instruments have interfered in people's lives without creating instances of participation or mechanisms to contend global regulation, global democracy is (again) in place. Those changes have, by consequence, led to a democratic legal deficit beyond the state. Even in this situation, there is consensus on the need to reform the international system. As we have seen in the previous section, and also in Chapters 3 and 4, this agreement does not answer the question of what changes will take place. For example, some proposals accept people's participation in international affairs, while others believe that a representation mechanism is the best option. However, the possibility of participation must not be reduced to people's voting, which is of course not Pettit's suggestion, since he rejects democracy as a purely electoral form. The republican tradition attaches great value to civic virtue, public participation and deliberation. There are various reasons why people's participation is valuable, such as, for example, epistemic reasons.[311] But the most important reason why people participate is because it prevents domination. In a global network context, direct participatory democracy is an ideal that should be pursued in the nodes that count because it recognizes the importance of individuals uniting their voices on those issues that affect their lives by empowering public reason. And that value lies in the fact that it enables people to influence, to impose direction effectively on public policy and enables legislation to follow people's interests, opinions, and reasonings. In short, participation improves people's capacity for democratic direction and control, and enriches freedom as non-domination.

Despite this, most advocates of both the state-centric and the cosmopolitan approaches have left public participation -in the form of direct democracy- aside when they design global democracy. They have done so for various reasons. Some believe that state representation is the best way to ensure non-domination, while others argue that public participation is not enforceable at the global level. Of course, those who consider the state as the center of the global order, such as Pettit (2010) or Bellamy (2019), will ask why individuals would want the international order to be controlled by them if states are legitimate. Why would individuals want to have direct control rather than indirect control?[312] Pettit argues that individuals have the ability to control the process of

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[311] See, for example, Martí 2006.
[312] For a non-republican argument see Dahl 1999, Moravcsik 2004. For a republican argument against direct individual control see Bellamy 2016, 2019.

decision making by choosing their representatives, and the process of decision making in the international arena follows the same assumption because international agreements reached by democratic states respect the possibility of individual control. But, as we shall see, from the point of view of legitimacy, relying on representation only is problematic. In the next paragraphs of this section, I will offer some reasons why representation should not be a regulative ideal to strive for in global democracy. I think it is important to provide these reasons since the majority of the accounts of global democracy assign an important role to representation.

One problem with representation when it is magnified in the global arena is its opacity. Let me provide an example: the day after the announcement of the results of the presidential election in the United States of America, a newspaper article revealed some of the reasons why citizens voted for Donald Trump. The article mentioned that Trump voters cited as one reason 'he is not a politician' and, in relation to international affairs, that they saw an open door to the kitchens of diplomacy that were normally closed to them. [313] Two years earlier, sadly, a comment from Emmanuel Macron about a telephone conversation with Trump summarized his policy of refraining from making off-the-record comments on his conversations with other world leaders: 'As Bismarck used to say, if we explained to people how sausages were made, it's unlikely they'd keep eating them. So I like it when people see the finished meal, but I'm not convinced the kitchen commentary helps with delivering the meal or eating it'.[314]

Apart from the populist[315] policies that Trump pursued, Macron's words show very well how opaque international affairs are to the people. First and foremost, representation in the international and global context is carried out by unelected representatives. Diplomats are not part of the pool of representatives that a society could elect, and the chain of delegations between individuals, elected authorities and diplomats obscures the possibility of accountability (Peters 2009).[316] In fact, even if we think of an ideal model of representation, the people who vote against the ruling party are not represented by the

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[313] Mars (2020) "Donald Trump, el perdedor que odiaba a los perdedores". El País newspaper: https://elpais.com/internacional/elecciones-usa/2020-11-07/donald-trump-el-perdedor-que-odiaba-a-los-perdedores.html accessed on November 08 2020.
[314] See https://www.washingtonpost.com/news/world/wp/2018/06/06/frances-macron-phone-calls-with-trump-are-like-sausages-best-not-to-know-what-is-inside/ accessed on November 08, 2020.
[315] Regarding populism, see Urbinatti (2019).
[316] Anne Peters 2009: 294

diplomats selected by the Minister for International Affairs, who in turn is chosen by the President of the Republic. As we have seen, only the President of the State is elected by the people, while the other officials are distant from being elected and representing the people. Scholte (2014: 7) states that:

> 'the actions of modern democratic states on global affairs have normally failed to involve much, if any, popular participation and control. Thus regulation of matters such as arms proliferation, climate change, financial flows and the Internet have usually figured only peripherally, if at all, in national elections. Only in Switzerland has membership of global intergovernmental organizations been subject to national referendum. Likewise, national parliaments have generally exercised at best incidental and shallow scrutiny of their state's involvement in global governance. Moreover, states have normally been represented in global regulatory processes by professional bureaucrats who are far removed from the daily lives and concerns of most of the national population'.

Secondly, the world is not entirely democratic. Unfortunately not all states are democratic, so the executive power of non-representative states acting on behalf of the people in international organisations is not legitimized. Even if all states were democratic, the problem described above would persist and make representation inadequate, because international norms, standards and regulations are negotiated by unelected government officials and unelected experts, making the link between voters and diplomatic officials insignificant. Thirdly, to overcome the first and second points, states should have a monopoly on the production of international legal norms (Wheatley 2011; Besson 2009), but due to the way the production of international norms is designed this is not always possible. Not every state participates in every international organisation, even if the norms produced in it affect them, e.g. the norms produced by European Union, [317] but also due to the problem of asymmetric bargaining (Christiano 2010: 122, 126-7). The problem of asymmetric bargaining has been by far the most serious objection to the claim of international institutions to legitimacy. Because of it, powerful states begin negotiations with great advantage over weaker states. This leads, in turn, to asymmetric results, where 'the interests of the members of the wealthy and powerful states prevail over the interests of individuals in the rest of the world. They publicly treat the interests of the members of the developing world as having less importance than the interests of the members of the developed world.' For all these three reasons, representation alone cannot be a model of global democracy; diplomats cannot be regarded as representatives of the people, either in the functioning of international law or in an ideal theory of global democracy.

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[317] Not counting those produced by private and hybrid actors, informal networks of national officials, etc.

Nino (1996), for example, suggested that representation itself has a democratic value and is necessary in a large political community, but that it should play a subordinate role in terms of people's participation. For this reason, a purely representative model, as proposed by a large part of the theorists of global democracy, which does not offer the possibility of individual participation is not sufficiently democratic and therefore cannot be considered the only valid institutional mechanism; on the contrary, good representation should be articulated with the mechanism of people's participation and see global democracy from a systemic viewpoint. People's participation is valuable in itself, but the prevailing proposals of global democracy (Archibugi 2008, 2012, 2021; Christiano 2010; Held 2009, 2010a; Martí 2012; Pettit 2010, 2012, 2014, 2016) have advocated institutional systems that play down the mechanism of people's participation.

However, the problem of considering representation as the main source of legitimacy in a global context is one shared by cosmopolitan authors. Those who advocate cosmopolitan democracy, such as Archibugi, Falk & Strauss and Held, have proposed in principle the creation of global representative institutions. In recent years, republican cosmopolitans have taken a turn towards representation, arguing that global democracy must not only improve representative institutions (Besson and Martí 2018), but also include mechanisms to promote people's participation (Bohman 2007).

3.3. The legitimacy of deliberative democracy

In section 2.3 of this chapter I said that the global institutions dealing with law-making should comply with the following three principles: (i) the principle of ultimate effective popular control, (ii) the principle of political equality, and (iii) the principle of cooperation and coordination. These are the guiding principles in the task of designing a global democracy. While the content of the first two principles has already been explained, that of the third principle will be explained here.

The principle of cooperation and coordination of the institutions of global democracy acquires special relevance in the context of networked governance and the pluralist conception of authority, which fits the circumstances of global domination. This principle has three criteria of network legitimacy. In particular, a network will be more

legitimate (1) if it includes a major (rather than a minor) number of actors that are relevant to its commitments;[318] (2) if it ensures self-government by generating the intersections between its nodes of participation and representation; and (3) if it has multiple nodes of popular contestation at strategic intersections with other networks.[319]

What follows from conditions 2 and 3 of the principle of cooperation and coordination is that network legitimacy also depends on intersections of two kinds: the intersections between the nodes of participation and representation of the same network on the one hand and the intersections between networks at their nodes of contestation on the other hand.

In the remainder of this section, I will focus on developing a participatory account of global democracy that is capable of fulfilling the three principles of legitimacy outlined above. The main reason for advocating participation in the circumstances of globalization, however, is that people must have a relevant say in the decisions that affect their lives. In republican terms, having a say in a decision-making process means exercising influence and imposing direction, that is, influencing the decisions that affect my life, and this in combination with contestation enriches freedom as non-domination. Participation in global decisions is a form of exercising direction over those decisions that will affect my life. I mention here the circumstances of global domination because the deficits that affect representation domestically are magnified in the global arena (Besson and Martí 2018), and giving people a significant opportunity to participate directly mitigates this deficit. In short, participation improves people's capacity for democratic direction and control, especially in a global context.

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[318] The relevance consists of having an interest in or being affected by the objectives of the network, as well as having the means to secure those objectives. For example, a network aimed at the protection of the World Ocean Waters will be more legitimate if it includes, rather than excludes, Japan as the agent deciding on whether to release radioactive Fukushima waters into the sea or not; and it will be more legitimate if it includes, rather than excludes, the Global Fishing Watch, i.e. an independent international non-profit organization promoting ocean governance through increased transparency of human activity at sea (see, http://globalfishingwatch.org, accessed on April 16, 2021).

[319] Following Benkler 2011 and Latorre 2018, one may add the empathy of cooperation as a fourth criterion of network legitimacy. According to Latorre, 'empathic cooperation as a substantive criterion goes beyond developing a feeling.' Indeed, as she explains, it is not about our leaders' empathy as a "feeling". It is about the relevant decisions taking into account human rights, solidarity, pluralism and cultural diversity, instead of being driven by self-interest (Latorre 2018: 293).

Moreover, in the global context, there are at least two situations that speak for people's participation. The first is the *relevance criterion*. The most urgent situations for people's lives occur in the global context, for example terrorism, ecological collapse, pandemics, chemical and biological weapons, to name but a few. It could be argued that the relevance criterion is not easy to use to call for people's participation, that it is not worth holding public deliberations on complex global issues. This assertion leads me to my second point, *the capacity of control*. In representative democracies, citizens are expected to delegate political decisions to their representatives, officials, etc. (Lafont 2020). However, the chain of delegation in decision-making on global issues, as I have explained before, is so long that people are not able to maintain control over representative institutions, and that conspires against non-domination.

There are other good reasons for participation that apply to both the local and the global levels, but are more urgent when we apply them to the global context. The general reasons for a participatory model of deliberative democracy are (i) epistemic and (ii) moral. The epistemological reasons suggest that the outcome of the decision-making process will be more impartial than that of the representatives. This is because there is an exchange of views and information between all participants, which ideally leads to a more informed decision, and as a consequence the proportion of decisions based on errors or misunderstandings is lower because the process of deliberation helps to expose these errors. Democratic deliberation has *epistemic value* because it enables us to make more impartial and informed decisions by individuals than if they were taken by vote or negotiation. The process of argumentation carried out in deliberative democracy makes it easier to make correct decisions from the point of view of content (Martí 2006: 193). Martí explains that this is due to four reasons: (i) deliberation enables the exchange of information; (ii) deliberation helps to uncover factual and logical errors; (iii) deliberation helps to control emotional factors and filter out irrational preferences, and (iv) deliberation makes it difficult to manipulate information, the agenda and political preferences (Martí 2006: 194-195). Deliberation also needs to be inclusive and involve all those potentially affected in global decisions.

On the other hand there are moral reasons to enhance participation. To illustrate this I will use the following case: imagine you live in the United States of America and you voted for Donald Trump, you were happy and proud of your choice because you

believed that he would be an excellent president and that he would make very good decisions about international affairs. But after a short time of his presidency, you became disillusioned by his decisions. You realized that one and a half million people had to go to food banks to survive and, in terms of international affairs, his support for populist governments such as Bolsonaro's alarmed you to the threat to democracy posed by the advance of populism. Finally you realized that you had been manipulated in your decision to vote for Trump. What happens in the representative model is that once you have made your choice, there is almost no room left to modify the action program you have chosen. Conversely, a participatory model has several advantages: it allows the participants of deliberation to modify their positions on the basis of the arguments that other participants develop. At the same time, the exchange of information and positions among the participants prevents manipulation. As I mentioned above, there are also (ii) moral reasons to advocate a participatory model. In the first place, the moral equality of people requires the same consideration and respect (Dworkin 1977, 2000; Waldron 2017) for their opinions and interests. Those involved in a deliberation process will have the opportunity to exert equal influence on the decision-making process, because participation enables individuals to be heard and to assert themselves in policy issues that affect them (Christiano 2008). However, those who argue in favour of a model of representation argue that it can ensure the equal participation of individuals in the decision-making processes that take place within the state (Miller 2009), and even argue that the demands for democratic legitimacy can best be met through state representation (Dahl 1999). This is not to say, however, that participation is not valuable, but it does mean that, according to these authors, it is not demanded by the principle of democratic self-government. However, if we look at the reasons I have identified as global,[320] the argument for participation in a global context gains more weight. Indeed, people's participation in global decision-making contributes to its legitimacy, because (a) it reduces the gap between individuals and representative institutions, (b) not every state is democratic, so there are indeed people without adequate representation, and (c) there is an imbalance of power among the representative states around the negotiating table of the international podium, which is due to the fact they do not have the same weight and it affects their capacity to influence international decision-making. People's participation contributes to alleviating the imbalance of power between states, since the

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[320] Identifying those reasons as global does not mean that they only operate in the global realm, however I wish to emphasize the importance that they assume in this realm.

interests of the people do not necessarily coincide with the interests of the state.[321] People's participation will promote global deliberation and gradually shift deliberation from the state to the global arena. Advocates of a state-centric approach will argue that there is sufficient deliberation in the global realm regarding global issues such as climate change or terrorism. However, as I have already mentioned, debates conducted by states or international organizations lack transparency, are closed and are mainly conducted by technocrats; in contrast, people's participation will bring more global deliberation and transparency and avoid an oscillation of state officials between national geopolitics and global decision-making, and will also potentially strengthen democracy within states. But if we recognize that democratic deliberation has value and that people need proper checks and balances to avoid arbitrary interference (sometimes this means setting the agenda), open participation processes in institutional decision-making will also contribute to the dispersion of power that an account of freedom as non-domination requires.

In this context, the question that arises is how the participation of people in global decision-making processes can help us to achieve the ideal of freedom as non-domination. One clarification first: advocating people's participation does not mean that I totally reject the mechanism of people's representation. I believe that an egalitarian representation of individuals is something valuable, but it cannot be the first nor the only option for individuals. For example, a global assembly, problematic as it might be, could be a valuable institution for channeling the representation of people, but it will only work if we think of that institution as being connected to others. For example, a Global Parliament could act in connection with global mini-publics[322] at the same time that social movements could act generating entry points for people's participation. Of course, as I mentioned earlier, representation is not an evil that needs to be excluded in a global democratic system. It rather should be combined with popular participation as a way to avoid people's domination. Regarding the feasibility of people's participating in a global network, technological changes in recent years mean that participation is no longer costly or factually impossible, especially at a global level, an example of which is CrowdLaw. Similarly, as happened last year with the COVID -19 pandemic, various

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[321] For example people's opposition in the United Kingdom and United States to military action against Iraq.

[322] For a similar proposal see Dryzek, Nicol & Niemeyer (2020). See also Lafont (2015, 2020).

mechanisms of participation and representation, both local and global, have been sustained thanks to technological progress, which also argues for the possibility of global deliberation with technological tools.

Bearing in mind that the regulative ideal that we want to pursue to avoid domination is people's participation, the institutional model that is better adapted to a networked governance is the participatory conception of deliberative democracy.[323] According to Dryzek (2018), a minimal definition of deliberation means a mutual communication that involves weighing and reflecting preferences, values and interests on matters of common concern, while deliberative democracy is a concept that

> 'incorporates the requirements that deliberation take place in contexts of equal recognition, respect, reciprocity, and sufficiently equal power for communicative influence to function […] Deliberative democracy is grounded in an ideal in which people come together, on the basis of equal status and mutual respect, to discuss the political issues they face and, on the basis of those discussions, decide on the policies that will then affect their lives.' (2018: 24)

Deliberative democracy is an ideal. According to this ideal, in order to be legitimate, government decisions should be the result of a process of ongoing public deliberation. Throughout this process, people must be able to participate on an equal footing and under the condition of freedom to argue for their preferred political solution. This process of deliberation, under ideal conditions, should lead to large political consensus based on public reasons, and, as we saw, the outcome of deliberation may have an epistemic value (Nino 1996, Elster 1998, Estlund 2007, Habermas 1992, Martí 2006, Rawls 1997, Cohen 1998, Mansbridge and Parkinson 2012, Landemore 2013, Lafont 2020). Habermas (1992) and Elster (1998) described deliberative democracy as a process leading 'by the force of the better argument, and not by the argument of force.' Elster points out that deliberative democracy is a two-parts expression, a democratic and a deliberative part. The first part requires the full inclusion of all affected in public-decision making, while the second requires that the decision-making process gives everyone the opportunity to engage in a process of reciprocal argumentation by providing the opportunity to exchange reasons and arguments over certain positions, the aim being to convince the other by the force of the better argument. Deliberative

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[323] See, for example, Lafont 2020.

democracy is a model of democracy that makes room for participation but also for representation, because of the characteristics that the global realm presents, such as, for example, an obscure change of representation.

In this section I have argued that a global democracy based only on a model of representation cannot be a regulative ideal. On the contrary, it is essential to provide for a participatory mechanism to connect those concerned with the decision-making process in order to avoid domination. I would also point out that the model of democracy that better fits this need for participation is deliberative democracy. In the next section I will explain how we can link people's participation to global decision-making.

3.4. Connecting people's participation with the world, and the world with people's participation

People's connection with the world leads us to the question of how these people have a say that is different from that exercised by the consent of the state. Another question that is frequently asked concerns the state itself. Is a cosmopolitan approach that takes the individual as its starting point incompatible with assigning a role to states in a global framework? I would suggest that a cosmopolitan approach does not mean, as some proposals have suggested, discarding a role for states. Instead, states should be preserved, and they have a valuable role to play. On the one hand, doing away with states would mean a single global community without the local aspect of governance, with more knowledge of local issues with global impact and the ability to act quickly. On the other hand, states are the only formally constituted political institutions representing identifiable groups; in the real world, states are intermediaries between six billion people and international and global institutions (Peters 2009: 272).

To clarify my position on global participatory institutional design, I would like to recall the question outlined in Chapter 1: how could a citizen of Tuvalu, deeply concerned about the impact of climate change on the island where she lives, have a voice in the international system? Imagine that she complains to the President of her state, the President of Tuvalu raises a voice against climate change at the Katowice Conference, but no agreement is possible without the consent of other states. In this - unfortunately

real - scenario, the national and international system fails, and our citizen of Tuvalu wonders which other institution she could complain to. She is considering suing her government to oblige it to take action against climate change, because in 10 years the water level will be lethally high and her island at risk of being submerged. However, she is aware that climate change is a global problem and that, as a result, her government's own measures will not be sufficient to reverse it. She knows that there are actors like the INGOs - Greenpeace, for example - demanding that states and the international community act against climate change, but she still wonders whether this actor will be legitimized to act against climate change, whether in the end it will be representative of her concern and finally, and no less importantly, among the myriad of actors, she is confused about the path she should take.

As this hypothetical case illustrates, international law-making has become increasingly complex over time. The traditional sources -treaties, customs and general principles- interact with the procedures established by INGOs, private actors and hybrid regulators in determining international law. Two questions arise here. The first is related to legitimacy: who can speak on behalf of the citizen of Tuvalu and effectively represent the interests of the citizen of Tuvalu in international and global rule-making? The second relates to the nature of a system - that it is complex per se - that is capable of enabling participation. In the next two steps of the argument I will offer an answer to each of these questions. First, I will detail how individuals can engage in an *ex ante* and *ex post* direction and control. Secondly, I will outline the characteristics that a system that allows participation and representation should have: a global institutional system must link the local levels with the global level; it should interconnect various levels of the system as well as networks, and it need to be simple, otherwise it will be ineffective in achieving the participation of the people and, as a result, preventing domination. By simplicity I do not mean simplification. People are political actors in spaces such as cities, counties or states, but a democratic system of global governance will consist of a multiplicity of actors, with many intersections and interactions. It will be complex 'from the inside', but from the perspective of the participants it is necessary to facilitate people's participation at a time when freedom of choice is promoted. In the end, the functioning of democracy depends on public debate, participation and communication

between citizens and institutions.[324] Madison famously states that republican ideals work best on a small scale. But with globalization, it seems that crucial decisions for humanity must be made on a global scale. But large-scale decisions are not incompatible with local deliberation. Think of climate change and the citizen of Tuvalu. Climate change does not affect all societies in the same way, and societies must also contribute in different ways to mitigate climate change. The cases of participation that link local levels with global problems can help to link small-scale deliberation with global problems. In this vein, for instance, cities are getting more and more involved in global politics. As global harms happen, mayors of several cities have positioned themselves in the discussion of a solution, even by advocating policies that go against their states' policies. In doing so, cities reveal themselves as global actors. Think of the Global Covenant of Mayors for Climate and Energy as a case in point. New York is included in that covenant, even though the USA formally withdrew from the Paris Agreement. Another illustration is provided by Besson and Martí (2021): as an example they mention the city of Rio de Janeiro negotiating a loan with the World Bank in 2010 without the consent of Brazil. This example is paradigmatic inasmuch as incurring public debt is one of the traditional powers of the state. The example reveals that cities can rise as actors in their own right independently of the goodwill of their states.

In these lines I wish to focus on the very potential cities have as global actors, especially when acting in networks. Cities have a strategic place in global networks because they concentrate people, relations, infrastructure and services (Bouteligier 2008, Nijman 2011). The proof of this potential is their existing participation in those networks, for example, that try to advance shared environmental policies. Apart from the already mentioned Global Covenant of Mayors for Climate and Energy, we should mention the World Association of Metropolises, and the C40 Cities Climate Leadership Group. These three networks gather large cities from all continents and states.[325] With a belief in the power of collaboration, they address the issues of sustainable urban development and climate change together. Two examples of how cities can work together to tackle global threats are the Air Quality Initiative led by the cities of London and Bengaluru and, on a different track, the covenant reached between 54 cities to reduce their greenhouse gas emissions to keep the global temperature increase below the 1.5°C

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[324] Peters 2009: 308.
[325] For instance the city of Qingdao (China) is part of the C40 Cities Climate Leadership Group.

target of the Paris Agreement.[326] Despite the increasing potential and effectiveness that cities are gaining (Barber 2013) in addressing challenges such as climate change, for example, cities (especially non democratic cities) face two challenges. One is the challenge of legitimacy which raises the question of how to gain it. The other is the challenge of interaction which considers the question of how cities should engage with different types of actors such as INGOs or even corporations. While some cities have started to act in addressing the challenge of interaction (Mexico City is working with the World Wide Fund for Nature – WWF, for example), it is too early to assess the results.

Let's turn the focus now on direct participation. One of the claims of this dissertation is that peoples need the ability to have a voice in global decision making, they should be able to play a significant role in global affairs. I assume that the peoples have a genuine interest in participating in global affairs. However, even if empirical evidence could argue against this, a people is usually involved if (i) there are real spaces of participation and (ii) they recognize that their involvement makes sense (Peters 2009: 313), so that global democracy still exists. In looking at one of the biggest global problems, climate change, we will see that even if there are no global spaces for participation, people are looking at how they can influence and trigger a discussion, as I showed in Chapter 1 with the case of Urgenda Foundation v. The State of the Netherlands,[327] or via younger generations, who are increasingly concerned about the consequences of climate change.[328]

In order to avoid domination, people must be able to exert influence and impose direction on the decision-making process. The inclusion of spaces of participation in decision-making processes challenges the understanding of people acting merely as 'editors' of laws. According to the Pettit account of freedom, people should not be the direct authors of the laws that govern them, but their 'editors' (Pettit 2000; Laborde

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[326] See https://www.c40.org/press_releases/new-analysis-world-cities-on-track Accessed on 05 January 2021.

[327] See http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2015:7196 also see http://www.lse.ac.uk/GranthamInstitute/litigation/urgenda-foundation-v-kingdom-of-the-netherlands-district-court-of-the-hague-2015/ both accessed on May 29, 2019.

[328] In 2018, twenty-one children sued the Washington State Department of Ecology to pursue a legal claim to a stable climate, while in Europe the School Strike for Climate, launched by the fifteen-year-old Greta Thunberg, is increasingly popular. As Greta Thunberg said at the United Nations Climate Change Conference, held in Katowice, Poland, in 2018: 'We cannot save the world by playing by the rules. Because the rules have to be changed. See https://medium.com/wedonthavetime/greta-thunberg-speech-to-un-secretary-general-antónio-guterres-362175826548 accessed on May 21, 2019.

2013)[329]. People acting as editors of the norms that govern them implies that their interventions are contained in multi-layered and inclusive forums of 'contestatory democracy' (Pettit 2000). Democracy is a dual-aspect model: electoral and contestatory. While the first aspect (*ex ante*) correlates with the 'ideal of giving the people electoral control over government' (Pettit 2000: 105), the second aspect (*ex post*), contestation, requires that individuals can contest those norms that they cannot reasonably accept, and can contest those norms through reactive or proactive initiatives.

Neo-republicanism, then, advocates both for interest-identifying deliberation and for control of political decisions by the people. However, as I have argued above, my claim here is that contestation alone is not enough, but that participatory deliberative democracy should be the ideal to be achieved. In this sense, the long republican tradition of active citizenry[330] should be extended to cases (*ex ante*) of people's participation. Moreover, as Martí and Seleme (2015: 37) emphasize, Pettit's model of democracy 'does not say whether the dual-aspect model of democracy would favor the use of comprehensive and effective mechanisms of participatory democracy such as popular initiatives, citizens' assemblies, referendums, etc., and if so, what conditions these mechanisms would be subject to, neither does it provide concrete examples of how the dual-aspect model of democracy could be institutionalized', and this omission supports the claim that the authorial aspect of global democracy should include individual direct participation by hosting a partial authorial role. This claim is especially important in the global context for the reasons given above and in the previous chapters: individuals cannot be expected to be blind to the political decisions that affect their freedom, moreover it is essential that people have a say in the decisions that affect their life planning, that they identify with the political project in which they are involved and that they can support it as their own (Lafont 2020).

A participatory space means providing entry points to influence and control democratic decision-making. Lafont (2020:161, 242), who, however, does not formulate a

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[329] For Pettit democracy has two dimensions, authorial and editorial. The authorial dimension however, which implies people's participation, is implemented by 'electoral institutions whereby policies and policy-making agencies are thoroughly discussed.' (Pettit 2000: 116) This authorial role, an indirect one, needs to be complemented by an editorial dimension of control over people's representatives (Pettit 2000: 117).

[330] The importance of civic virtue and political participation was presented in Pocock 1975 and in Skinner 1992.

participatory account of the global context, presents a participatory conception of deliberative democracy in which she explains that there are no justified exclusions from participation in this common task when the fundamental rights of everyone are equally important and their violation is everyone's concern. From this perspective, supporting the realization of this common task by creating and maintaining strong international institutions is not only the best antidote to populist threats to national democracies, but also the seed from which a global participatory democracy could grow. In this sense, Bohman (2005, 2007: 25) has argued that the ability to initiate deliberations is an essential characteristic in a global context, especially in terms of preventing domination. It is so, because in a context characterized by its complexity, the ability to set the agenda is a relevant characteristic, not only because it determines *ex-ante* deliberation, but also because it determines the course of deliberation. People should have the opportunity to play an active role in the decision making process, a role that goes beyond the election and leads them from an editorial role to a partial authorial role.[331] As Besson & Martí (2018: 28-9) explain, a global public sphere as a condition for the democratic legitimacy of the international system must involve deep, sustained and dynamic public debates fed by a vibrant global civil society. They also stress that:

> 'It is important, however, that global civil society actors be empowered to participate not only in an informal, non-institutional public deliberation, but also in more formal settings and procedures of international decision-making. In that sense, they should be allowed to interact with public actors as well as with international institutions. And they should be able to do it not only as watchdogs of the legitimacy of such institutions that can actually contest the decisions that have been made or the actions that have been taken, but also as active participants – and therefore as partial authors – of international law-making, especially in representation of the interests, views and claims of those people(s) who do not find adequate representatives among public actors.' (Besson & Martí 2008: 29)

As we can see, in order to build a global, democratically legitimate system, it is important in expanding the role of people's participation to add entry points to the decision-making process. These proposals will strengthen people's capacity for democratic control by enabling them to identify with the policies to which they are subject. The value of people's participation is crucial to the legitimacy of global decision-making. The role of civil associations and organizations, social movements and social protests should be able to influence relevant decision-making processes, following Wheatley (2011: 544) the minimum requirement is that opinions emerging in

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[331] The role of people as authors will be partial, as there are also mechanisms of representation in place.

the global public sphere are able to influence relevant decision-making processes. This weak form can become a strong form of the global public sphere through the introduction of institutionalized decision-making procedures with regularized opportunities for *ex-ante* inputs.

People's participation emphasizes informal actions over formal ones. The first is identified mainly with deliberation while the other is identified with voting and elections.[332] As I mentioned earlier, participation has an epistemological value that increases the chances of reaching well-informed and coherent decisions, but, more importantly, it is capable of preventing domination. If climate change is considered a paradigmatic case, people need and demand influence on it. Climate change mitigation policies are a source of domination, as decision-making on a global problem is carried out by 'islands of non-democracy'.[333] Climate change is a case in which its constituency is undoubtedly global, as its effects endanger the whole of humanity, but it does not affect everyone in the same way. Moreover, action against climate change requires the articulation of a multiple levels of decisions, together with decisions based on people's deliberation and technical choices. For example, at the time of planning a policy against climate change, there are some decisions that belong to scientists and experts - technical decisions - that is, the level of CO_2 emissions allowed; others belong to the affected, for example, to open the agenda for the problems we are trying to solve and their possible solutions. In addition, mitigation of climate change requires fundamental changes in the economy, in the exploitation of resources, in living standards, etc., where human participation will be vital.

People's participation is necessary to build a legitimate global democracy. I have also stressed that the proposal of a global democracy based on the people's participation does not mean that the representation of the people is excluded. But that representation must be reconsidered in order to avoid darkness and disconnection from the represented in decision-making. Mini-publics and new representation rooms like the Global Parliament of Mayors are fulfilling the function of improving the representation rooms.[334] Even if the role of representation is reduced in this model, the link between the nodes of

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[332] See Peters 2009: 270.

[333] This is how Steve Charnovitz characterised international organizations.

[334] See the proposal of Dryzek, Nicol, Niemeyer, et. al. (2021) regarding global mini-publics on human genome editing.

people's participation and the nodes of people's representation will lead to the legitimacy of global decisions.

3.4.1. Exploring global deliberative participation through networks

This range of types of public sphere is compatible with the network model proposed in the previous section. Remember that governance networks focus on modes of governance and multi-level networks, and governance networks are open to a wide range of actors, i.e. those who can potentially contribute to the decision-making process. The governance perspective of networks is closer to the pluralist tradition of dispersed power (Knoke & Kostiuchenko 2018: 103-4). In this sense Leslie Sklair (2001: 12) argues that the global system can be explored with global networks consisting of interlocking persons and organizations. This is possible, as Diana Stone (2008) points out, even though the global sphere is a space characterized by relative disorder and uncertainty, where some institutions are underdeveloped and the lines of political authority are unclear and scattered among the proliferation of institutions and networks. Despite the disorder and uncertainty, the network structures represent 'in a very literal sense the connective tissue that binds individual decision-making and group behavior' (Patty and Penn 2018:147). In discussing the basic blocks of political networks - nodes, edges - and their relationships, we discuss a particular way of organizing collective action (Powell, 1990) that is different from hierarchies and markets (see Castells 2008). Thus, the lack of centralized authority in networks implies that decision-making and coordination are based on mutual adaptation and consensus-seeking rather than top-down command (Zaring 1998; Thompson 2003; Ansell and Gash 2007). One of the advantages of networks is that they link one sphere of deliberation with another, and these links between spheres in turn enable the influence of one and the other.

The idea of articulating political power in networks is different from that of Kuyper (2014: 629), who presents two dimensions of the public sphere: the 'horizontal' and the 'vertical' dimension of the various public spheres that create international law. While the horizontal dimension binds together multilateral negotiators and INGOs, the vertical dimension does the same by linking rule makers with rule takers through a variety of mechanisms. He argues that horizontal negotiations should be democratized by the equal participation of state and non-state actors, by accountability to previously agreed

sets of rules, and by institutions that can be revised over time as democratic arguments develop. Multilateral negotiators as representatives of national interests and certain discourses thus fulfill a crucial democratic function. Similarly, even if they are not directly accountable to their stakeholders, INGOs can still advance global democratization by challenging sites of authority, putting issues on the agenda, exercising proxy accountability, and upholding representation functions. With regard to the vertical dimension, Kuyper argues that the links between rule makers and rule takers should be developed through a framework of democratic experimentalism. Individuals should be involved piecemeal as participants in authoritative governance structures in a way that maintains participation and accountability to multiple and overlapping *demoi* that evolve over time. Although his idea of institutionalizing a global democracy is attractive, especially in terms of participation, the connection between vertical and horizontal dimensions is problematic. Just as I have described in Chapter 2 that the idea of dividing domination between internal and international is wrong, the division between vertical and horizontal dimensions proposed by Kuyper runs the risk of failing to take into account the links between the multiple actors in a global democracy. This is because the links between the actors belong to several levels of government. The fact that a distinction is made between two levels gives us the idea that there is a separation between them, so it is more appropriate to speak of networks of actors rather than dimensions of actors.

At the global level it is crucial to build robust and networked public spheres (Besson, 2009: 76). These public spheres should articulate people's participation, both *ex ante*, by giving people the opportunity to initiate deliberations (Bohman 2007), and *ex post* participation through contestation.

3.4.2. The contestatory role

The contestatory role played by individuals in controlling the actions of representatives and in taking a stand on their initiatives on the basis of the arguments put forward in global public deliberations is also important. Dryzek (2000) was one of the first to highlight this role. Through contestation, people should be able to challenge decision-makers and force them to give reasons to justify their actions. This consists mainly of

challenging, criticizing and publicizing, arguing that these actions can 'change the terms of discourse and the balance of different components of international constellations of discourses' (131). As Pettit (2012) explains, the primacy of democratic legitimacy over justice is rooted in contestatory power; a legitimate democratic political entity should secure equal influence for its members, but should also provide control by meeting accountability requirements that define certain norms that direct public policies towards the common good (Viale, 2015: 10-11). In a republican framework, the idea of challenge through contestation[335] is embodied by deliberation and has an editorial function. For our *ex post* purposes, it ensures that people can challenge each other's representatives when their claims are not based on acceptable grounds or when these claims are incoherent because they accept a value and then support policies that are incompatible with that value. Rainer Forst (2001) underlines the importance of contestation by pointing out that contestation must be possible, not be apparent, and must not constitute an obstacle to its exercise.

Up to this point I have argued that in order to avoid domination, a legitimate democratic global order must be in place. To achieve it, it is necessary to ensure the participation of the people, and at the same time the dispersion of power. Hence the need to expand the first dimension of the ideal of democratization to include participation and to improve the mechanisms of representation, while at the same time ensuring the *ex post* dimension through accountability.[336] As we have seen, the dispersion of power is an important element in republican theory, not only to prevent domination, but also because from a network perspective it creates multiple entry points that act alone, but also, as Roughan (2013) and the network theorists explain, in combination.[337] The result of this power dispersion in a network of political actors is global networked governance. According to this model, the way in which public decisions should be made should be determined by recognizing the moral equality of individuals, their value as partial authors and editors of norms, and as recipients of the ideal of freedom as non-domination. Its structure is distant and different from a world government or any kind of centralized government and instead proposes an institutional plural structure based on

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[335] Contestatory initiatives come in various forms, they may be reactive or proactive.
[336] Since this chapter is concerned with the participation of people in global decision-making in order to prevent domination, it is natural that the focus of attention should be on the *ex ante* aspect. This is because the *ex post* participatory aspect of participation is well developed in republican theory (Bohman 2007; Forst 2001; Pettit1999, Dryzek 2000, Van Parijs 2011).
[337] Dryzek (2012)

participatory disaggregated public power. Power is distributed in multi-level and multi-dimensional political units. They act as nodes of interests. These nodes of interests take a similar form to the *demoi* (Besson 2009; Besson & Martí 2018; Bohman 2007, 2010), in which the public deliberation of the rules that govern us takes place.

In summary, a model of global democracy should be articulated as an interconnecting network of deliberation constituted by a multiplicity of nodes, forming a deterritorialized public sphere that generates an audience for a shared issue (Dryzek 2010: 177-8) such as climate change, nuclear proliferation and many others. An interconnected network of global democracy will articulate different levels of governance, i.e. local, national, international, supranational, transnational and global, as well as different types of actors, public, private, INGOs and hybrid actors. It will articulate itself in many power centers by multiplying those connected nodes. Today, it is not difficult to carry out deliberation from any part of the planet, as new technologies make it possible to connect people from all over the world (Martí 2020). The legitimacy of the rules that govern us will depend on whether the institutional system complies with (i) the principle of ultimate, effective popular control, (ii) the principle of political equality, and (iii) the principle of cooperation and coordination. This chapter focuses on the need to create instances of people's participation, understood as the people whose freedom is affected by the decisions of another, by introducing a wide range of bottom-up decision-making, and also an adequate representation of individuals. The institutional form of the network is valuable in bringing into contact both the mechanism of participation and the mechanism of representation of people, recognizing that in this duality lies the power of freedom, but that neither alone can prevent the domination of the people, that the value lies in the interaction and intersections of both in a networked polity.

3.5. The transition to a global participation

Now that we have made it clear that the regulative ideal toward which a global democracy should tend is participation, we can ask how we envision the transition to it. In particular, and in line with the institutional structure that this chapter defends, the question is how we can establish a concrete transition strategy from current governance structures to global networks. Two preliminary observations are in order. First, the idea

behind this transition, as well as behind this dissertation, is a cosmopolitan one, in which people perceive themselves as members of a single global community, with interest in and sensitivity for what is happening to other people, even in distant places. Secondly, as the example of the Urgenda case shows, participation already exists in global affairs, though it is contingent, sporadic and spontaneous.

For this reason, we need to refine the question and ask ourselves how we can find ways to ensure participation and make contingent, sporadic and spontaneous participation necessary, permanent and relevant. Of course, this change in participation does not simply follow a recipe, in rather sets an agenda of transformations that falls on different actors. First and foremost, it is INGOs that have been most prominent and have increased in number in recent years. INGOs such as Greenpeace, the Urgenda Foundation, Human Rights Watch, Amnesty International and the Oxford Commitment for Famine Relief (OXFAM) have enabled people both to participate in solving problems that are remote to them, and to be heard in decision-making processes. However, INGOs do not stop at the issues their directors deem relevant, and suffer from low levels of transparency and accountability, so a challenge is to make INGOs more horizontal and accountable. This challenge does not seem unattainable or far away, as many INGOs, aware of these shortcomings, are moving towards accountability, for example by joining the Accountable Now platform.[338] Social movements can also play a relevant role in tracing a path to a global network by setting the agenda but also by adopting a purposeful role.[339] This last role is important as it creates entry points in a network with the objective of 'defining the rules and norms of society through a political system that primarily responds to their interest and values' (Castells 2010: 8). There are various examples of how social movements have played an important role in influence and give direction to decisions and processes. A classic example concerns the relation between the roles of Amnesty International and the United Nations in the entry into force of the Convention against Torture (Boyle and Chinkin, 2007).

A more recent example of the power of social movements is of the ones that arose in Iceland in 2009-2011 after the Icelandic economy collapsed. The Icelandic people were

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[338] See: https://accountablenow.org/ Accessed on 07 January 2021.
[339] For the role of networks and activist see Keck & Sikkink (1998) and Castells (2010).

protesting against the government, and the political class at large, because they realized that they did not represent the people's interests and instead they were catering to the interests of the financial elite when the economic collapse happened. The pressure the people exercised by getting organized, especially using the internet, and protesting every week led to the government enacting policies which led to economic recovery, the banks paying for the costs of the crisis, and proposing a transformation of the political system by elaborating a crowdsourced constitution proposal.[340] The Iceland example shows two things: (1) that ordinary citizens, through social movements and also individually, are capable of deliberating together and delivering good decisions, and (2) that a network can have no identifiable center and still ensure coordinating functions as well as deliberation through interaction between multiple nodes to accomplish, in this case, a constitutional project.

Second, as I mentioned in Chapter 3, states remain valuable even if they are unable to avoid domination on their own. So when they act associatively and establish spaces like the European Parliament or participatory initiatives like the European Citizens' Initiative,[341] which works under the slogan 'Get a greater say in the policies that affect your lives', they provide an impetus to increase the participation of individuals in transnational affairs. This venue does not only mean to consider states as part of a network, they can also play a role in helping international organizations to reform themselves to be more democratic and participatory, as the European Citizens' Initiative shows. Archibugi (2008), for example, argues that states could support international organizations to become more participatory and democratic, and that even non-democratic states could play a role in this, as for example Cuba has often expressed its support for the direct participation of individuals in United Nations institutions. In another vein, states could also support global participation from within, for example by allowing their own citizens to participate more directly in global politics, and by facilitating the social mobilization process driven by social movements, for example by allowing their citizens to form associations and networks with other citizens abroad (Archibugi, Koenig-Archibugi & Marchetti 2011)

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[340] The process of drafting a new constitution was the world's first 'crowdsourced' process that used Internet communications technology to involve the public directly in the drafting process.
[341] https://europa.eu/citizens-initiative/home_en Accessed on 07 January 2021.

All of these spaces are valuable for transitioning to participation in global affairs, but initiatives like CrowdLaw[342] are the ones that I think need to be prioritized and replicated in number and scale. New digital technologies could have a positive impact for a global participative deliberative democracy. They could support and become a source of global democracy by enhancing the power of aggregation; they can by strengthen our collective intelligence and our processes of political aggregation, deliberation and collaboration (Martí 2021). In particular, CrowdLaw is one possible idea for broadening people's participation. CrowdLaw is an initiative that promotes tech-based citizen participation, in fact CrowdLaw is first an idea and then a practice.[343] As it is, it promotes participatory lawmaking. What is attractive about it is that it promotes direct engagement and participation, as well as enhancing the possibility of coordination and deliberation in social movements (Alsina and Martí 2018), but also:

> 'parliaments, governments and public institutions work better when they boost citizen engagement, leveraging new technologies to tap into diverse sources of information, judgments and expertise at each stage of the law and policymaking cycle to improve the quality as well as the legitimacy of the resulting laws and policies' (Alsina and Martí 2018: 338).

However, there are other technological inventions or information and communication technologies (ICTs) to ensure, for example, the conditions for participation and voting. One of these inventions is blockchain (Ben Ayed 2017). Its role is to reduce the possibility of manipulation over how people vote. In 2016, for example, Colombians abroad created the 'Blockchain Voting for Peace' to give a voice to Colombians who, because they were abroad, could not participate in the Peace Agreement Referendum to ratify the agreement to end the conflict between the government and the FARC guerrillas. Around the world there are similar initiatives to scale electronic voting systems at a global level, as democracy without borders[344] or democracy earth.[345]

ICT can also provide valuable information at minimal cost that was previously at least scattered or inaccessible. An example of this is available: INGOs face the challenge of being more accountable than they are today, and some INGOs are taking up this

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[342] Online public participation leveraging new technologies to tap into diverse sources of information, judgments and expertise at each stage of the law and policymaking cycle to improve the quality as well as the legitimacy of the resulting laws and policies.

[343] Because it is a practice it is applicable to participative and also representative decision-making.

[344] https://www.democracywithoutborders.org/gvp/ Accessed on 07 January 2021.

[345] See https://words.democracy.earth Accessed on 07 January 2021.

challenge and asking to be included in the Accountable Now platform. It is a fact that today we can very easily access the report on what this platform has observed in response to the request of Amnesty International in 2017,[346] and we see that in terms of ethical fundraising at Amnesty International only 40% of the complaints received were resolved. Finally, the potential of technologies to improve deliberation at the global level have given us an additional reason to think about how a global democratic system could work.

This, following Habermas, allows the formal and informal spheres of deliberation to interact and intertwine, as 'citizens may directly engage in institutional deliberations and decision-making processes to contribute to their quality' (Alsina and Martí 2018: 339), resulting in a direct engagement of individuals in decision-making processes. Although CrowdLaw has worked in the local and national sphere up to this moment, it is easy to see that it has global potential to connect people from all over the world and enable them to participate and interact in a network account.

4. From one day to another, achieving global democracy

While I have emphasized that an effective response to preventing domination requires the unprecedented construction of a model of global democracy, the institutions that govern our present, as well as our future, should develop capacities such as long-term thinking, institutional reflexivity, and adaptation to content-based online deliberation, as explained and illustrated above using Crowdlaw.[347] The development of these capacities should start where we are now, in order to make room for a new institutional framework capable of addressing the pressing issues that affect us. The choice of these capacities is not arbitrary, but it is not intended to be exhaustive. What it attempts to do is to open up some proposals to make feasible the step from an international system of states to a democratic global system.

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[346] See https://accountablenow.org/wp-content/uploads/2020/01/Panel-Feedback_Amnesty-International-2017-Report.pdf Accessed on 07 January 2021.
[347] See González-Ricoy & Gosseries (2016).

4.1. Long-term thinking

Global democracy is a long-term challenge. It is not possible to achieve it from one day to another. In other vein, we have seen that governments can be a part of a global democratic system, but they cannot continue to operate as they have done so far, and one of the things they must modify is the focus on the short-term to instead articulate long-term thinking. Short-term thinking is a problem from at least two perspectives. The first is that it does not provide space for those problems that will impact us during the coming years or decades. The second is that those who are dealing in government will be not accountable for the future impacts of their policies, and sometimes their policies could violate government's obligations to future generations[348] (Caney, 2016).

Short-term thinking can be harmful,[349] think for example of disaster planning in the case of Hurricane Katrina, where the cost of reconstruction exceeded by 15 times the cost of efficient preparation (Healy and Malhotra, 2009: 387 in Caney, 2006), ignoring the incalculable cost of lost lives. The failure to think with a long-term perspective is not only harmful at the local level, it also multiplies the capacity for damage in financial and human terms. Think also of the reactions of the governments of the United Kingdom, United States and Brazil during the COVID-19 pandemic. Their insufficient and inadequate reactions before and during the pandemic resulted in thousands of deaths. Climate change is the most pressing example of the importance of long-term thinking, where past actions have determined our future and the future of generations to come. The delay in changing those policies that are harmful to the environment, together with the delay in implementing positive policies to mitigate climate change, is causing enormous costs for our future generations.

Long-term thinking also implies thinking in plural terms beyond borders. To illustrate this we can refer to the phrase, turned into a slogan, articulated by the ex-Italian premier Giuseppe Conte, during the COVID-19 pandemic '*serve risposta globale, nessuno può superare da solo la crisi*'[350] (we need a global response, no one can overcome the crisis alone). Turning to climate change, the Paris Agreement on Climate Change is an

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[348] See Gosseries and Meyer (2009).
[349] Caney (2009) calls it harmful short-termism.
[350] https://www.rainews.it/dl/rainews/media/Coronavirus-Conte-Serve-risposta-globale-nessuno-puo-superare-da-solo-la-crisi-482a9880-efd3-45ed-87b3-d7c7c0fe417b.html

attempt to enjoin governments to adopt long-term thinking. It recognizes the need for a global response to the threat of climate change by addressing the mitigation of greenhouse gas emissions, adaptation and financing required for a sustainable low-carbon future. While implementation through 'nationally determined contributions' continues to take place in the states that are part of the agreement, the agreement requires cooperative action, incorporates rolling cycles of setting and reviewing national targets every five years, in sum it requires that all parties make their best efforts.

In this sense, long-term thinking could be a driver of a global democratic system, since it could help to design a policy making process which makes it difficult to ignore the common threats, and at the same time improve the democratic legitimacy of the decision-making process.

4.2. Institutional reflexivity

If institutions are to respond to the threats posed by globalisation, they must be flexible enough to respond to the feedback from public deliberation and context-changing conditions; they must strike a balance between agility and durability (Young 2017: 218) while being stable enough to provide a framework for collective response (Dryzek and Pickering 2019: 152). There are various scholars working on the reflexivity of the institutions.[351] One of the more famous approaches to reflexivity belongs to Ulrich Beck (1994). He lays the focus of reflexivity over modernization, where reflexive modernization means 'the possibility of a creative (self)-destruction for an entire epoch: that of industrial society'. Scholte (2020) provides a definition of reflexivity by understanding that it 'entails moving from negligence to vigilance about positionality'. Dryzek and Pickering (2019), however stress this argument regarding what they call *ecological* reflexivity, the argument is broad enough to make it a general condition for institutions, and states that states, or international organizations, are not suited to be part of a global democratic system in their current form. The attributes of flexibility, adaptation and change are virtuous in reflexive institutions.

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[351] See Kuyper (2013) Designing institutions for global democracy: flexibility through escape clauses and sunset provisions.

Institutions ought to avoid forms of 'lock-in' in unsustainable practices, such as for instance those policies that are tied to useless structures such as traditional multilateralism, or a pathological path dependency. This means that they should change those practices that replicate the same bad outcomes, such as for instance preventing the production of or accession to treaties which contain trade rules that constrain environmental protection. Reflexivity should be realized in existing governance. Its main task is to break the ossified regime of states and encompass the idea of a productive relationship of cooperation with different kind of actors to advance shared goals, while at the same time rethinking core values such as democracy and justice (Dryzek and Pickering 2019: 38-9). In this context, social movements and individual action will be vital for spurring the transition to more reflexive societies, but unless dominant institutions change, system-wide reflexivity will remain out of reach. According to Dryzek and Pickering, there are actions which can be taken towards an institution which could be less or more reflexive, for instance those institutions which provide for public enquiries, independent review bodies, procedural rights, requirements for periodic review of legislation and institutions in light of performance, linking people with experts, having a global dissent channel, and so on.

Such initiatives have the potential to initiate the deliberative processes that are required to initiate institutional changes. For instance, providing for a global dissent channel could enable people who are affected or are part of the decision-making institutions to express their dissent with a policy. As Dryzek and Pickering (2019: 159) explain, they take this name idea from the US State Department's longstanding Dissent Channel. Although the impact of that department remains limited (Gurman 2011), it serves as an indicator of disagreement and a reminder that some policies need to be rethought. As an example, in 2017, around 1,000 officials signed a State Department cable named 'Dissent Channel: Alternatives to Closing Doors in Order to Secure Our Borders'[352] objecting to President Trump's ban on migration from several Muslim-major countries (Gettleman 2017), pointing out that the ban would not achieve its aim and would likely be counterproductive, and offering alternative ways forward. Although the aforementioned initiatives are valuable, by themselves they will not achieve a reflexive governance because the requisite state shift in thinking about reflexive institutions will

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[352] https://assets.documentcloud.org/documents/3438487/Dissent-Memo.pdf

not be constituted by incremental changes, but it does make it possible to identify actions that must be taken to build a momentum for transformative change (Dryzek and Pickering 2019: 160-1).

5. Conclusions

This chapter proposed a design for global democracy that leads to a networked governance. In section 2 I presented Roughan's theory of relative authority. It served as a framework for the conceptualization of authority in terms of pluralist models, where the authority of one agent is relative to the authority of other interacting or overlapping authorities. Roughan's proposal was taken as a descriptive starting point to introduce two normative claims. The first claim is that global democracy requires dispersion of power as per the standard republican accounts. The second claim is that in the current circumstances of the proliferation of actors, global democracy requires a network approach to model the interaction of political authorities. Both claims were developed in Section 3, in which I explored different possibilities for the design of global democracy. I explained what networks are, how they function, and what their value is. From the perspective of institutional design, a network approach allows us to create global networks without centralizing authority in one institution. This led us to state three principles of legitimacy, which was about securing people's participation in global politics in a manner compatible with the network approach: (i) the principle of effective ultimate popular control, (ii) the principle of political equality, and (iii) the principle of cooperation and coordination. I argued that in order to avoid domination, people must have the ability to shape and reshape the rules that govern them, and that this ability must not be reduced to peoples' rights to vote. I also argued that a global democratic system must be based on people's participation. Indeed, a participatory, deliberative democracy was set as the ideal to be achieved, but without disregarding representative mechanisms. Since mini-publics and new spaces of representation, such as the Global Parliament of Mayors, partly perform the function of improving spaces of representation, we should design new participatory spaces as entry points for influencing and controlling democratic decision-making. Finally, in section 4, I took into account the fact that global democracy cannot be constructed overnight and identified the capabilities to be developed by existing institutions so as to make room for a new institutional framework.

Conclusion

1. Overview of the Dissertation

In the second chapter, Freedom under conditions of globalization: Two problems of the standard theory, I focused on analyzing how the world as it is threatens individual freedom. The chapter begins by briefly outlining in Section 2 what the republican notion of freedom as non-domination consists in, before outlining in Section 3 how some contemporary republicans have applied their standard theory of freedom as non-domination to the global sphere. It then presents two problems of the standard theory when applied to the global context (Sections 3 and 4). One of these problems is theoretical and the other practical. Republicans distinguish between three kinds of domination: horizontal, vertical, and international domination. The standard theory is precisely that which adds the international domination to the other two, which are conceived as two dimensions of domestic domination. This distinction gives rise to what I call the theoretical problem. As I will show, there are cases of domination in the global sphere that do not fit into any of the above categories of domination. This first problem is theoretical because it concerns the way standard theory has categorized the different types of domination. The practical problem, on the other hand, is that the instruments of protection based on the standard theory of freedom and applied to the global sphere cannot protect us from such cases of domination. Finally, in Section 4, I argue that both problems stem from the same original source: the state-centric conception of domination endorsed by standard republican theory, and I propose a revised typology of domination in the circumstances of global domination that maps three types of sources of domination (public, private, and hybrid) with three types of subjects of domination (public, private, and hybrid).

The third chapter, State domination and the global order, then shifts the focus from the general problems of global domination to the specific ones: It examines the problem of unrepresentative states, that is, those that are ineffective and unrepresentative, or, in other words, states that cannot achieve two measures on a more or less large scale: (i) operating effectively and (ii) being controlled by their peoples (Pettit 2015: 38-39). The problem is important if we believe that states, in their present or any other form, will

still play a valuable role in the global order. The chapter begins in Section 2 with a broad notion of global democracy in which the legitimacy of the global order depends on how democratic this order is, in the sense that it helps to prevent or reduce global domination while staying under the ultimate control of the people, without presupposing yet which is the most effective way of articulating both the prevention of global domination and ultimate popular control. Section 3 explains that the division into representative and unrepresentative states proposed by standard theory is problematic because unrepresentative states are unable to fulfil the ideal of freedom as non-domination. This leads us to argue in some cases for international intervention to transform unrepresentative states into representative ones. Section 4 examines the debate on the possibility of international intervention, and in particular 'pro-democratic intervention', from the perspective of international law and political philosophy. Section 5 looks at two contemporary debates in political philosophy: (i) whether there is a moral obligation to help peoples living in unrepresentative states, and (ii) whether there is a human right to democracy. By drawing attention to unrepresentative states, the question of the priority of political legitimacy over justice arises. In international law and international relations, there have traditionally been debates about the merits of international intervention in cases of human rights violations, and when we evaluate the forms of domination that might lead unrepresentative states to democracy, we are in an area where justice generally takes precedence over political legitimacy. When I say that political legitimacy takes precedence over justice because it is committed to building a political community that protects people's freedom, I want to show that political legitimacy takes normative precedence over justice. On the basis of this priority, and in the context of the first argument of this chapter, I argue that certain interventions would be justified or, more to the point, mandatory, to ensure the political legitimacy of the global order. Similarly, I have shown that it is common practice to justify international interventions on the basis of the need to protect human rights. I argue for the existence of a human right to democracy since democracy, and only democracy, can effectively protect the citizens of a state from the domination of their government.

In other words: If there is a human right to freedom, and freedom is understood as non-domination, then there should also be a human right to democracy. Accepting these arguments leads directly to the conclusion that political legitimacy can provide moral grounds that justify international intervention. In Section 6, I introduce a broad

understanding of pro-democratic interventions as those capable of transforming unrepresentative states into representative ones, but, covering a wide range of measures. Interventions come in different forms depending on the degree of influence exerted on a state, and how a case of influence scores on these dimensions affects the conditions under which it is or is not morally permissible. While the ways in which a state can be a non-democratic state are always undesirable, there are limited ways in which it is morally appropriate to try to achieve democracy in non-democratic states. Within those options are possibilities ranging from economic sanctions to military intervention. Even though I reject military intervention, all of the possibilities that arise between these two options involve interference. As outlined, there are cases of interference that are more or less compatible with the ideal of global democracy. I propose to distinguish between those interferences that have the effect of depriving the state of its status as a free state - such as war or tyranny - and those that constrain the state's actions but leave it untouched as a free state. The kind of interference that intervention in this case produces fits the neo-Roman claim that freedom is not a predicate of actions but a status. In this case, states should be able to associate with other states as they please provided they are not subject to the will of another. This is not to deny that such states forfeit some freedom of action when they suffer interference, but when that happens, it does not affect the status of free states, but helps to secure freedom. This is not to say that states that experience acts of interference do not find them troublesome, but that has nothing to do with whether they are free or not. Finally, in the context of global democracy, four forms of interference are distinguished, ranging from that which is incompatible with global democracy to that which strengthens it: (1) interference that is incompatible with global democracy; (2) interference that weakens global democracy; (3) interference that enables global democracy; and (4) interference that strengthens global democracy.

The fourth chapter, The world as it might be, aimed to advance the republican cosmopolitan approach that I believe a global democracy should adopt to ensure non-domination. Section 2 of this chapter introduces what cosmopolitanism is, as it is surprisingly difficult to assign a specific meaning to it. It also explains that even though all republicans seem to agree on the assumption of a moral cosmopolitan view, in the sense that they believe that every moral agent has the same claim to non-domination, they differ on their institutional proposals: not all republicans are institutional and political/legal cosmopolitans. Indeed, they differ widely on what concrete institutions

characterize an ideal legitimate world order. These different positions within the republican literature range from those who defend statism to those who advocate cosmopolitanism, with some intermediate positions in between. Section 3 examines the arguments of those who advocate a state-centric approach, while Section 4 looks at the cosmopolitan position. Apart from outlining the general idea of the state-centric approach and the cosmopolitan approach and explaining what distinguishes statism from cosmopolitanism on a theoretical level, both sections focus on its republican forms, i.e. what I call the republican state-centric approach and what the literature calls republican cosmopolitanism. In each section, the shortcomings of each of these approaches are also presented, ultimately defending a republican cosmopolitan. It is also explained that despite differences of opinion about which global institutional system is desirable to reduce domination, the broad understanding of global democracy is equally endorsed by all republicans who have developed a theory for global order, even if there are differences of opinion about what such a global democracy specifically requires. But once the arguments of those advocating a state-centric approach and the cosmopolitan position are examined, only the latter is able to embrace a narrow notion of global democracy, namely (i) a democracy that extends to the whole world or across state borders or beyond states, and (ii) concerns decisions on global politics or, more precisely, decisions on issues of global relevance made by a system of -centralized or decentralized- global institutions authorized to enact global laws that allow ultimate popular control under conditions of political equality, deliberative contestability, and protection of human rights. In this section, I also present and discuss some republican models of cosmopolitanism, mainly advocated by Martí and Bohman. While these models have serious limitations that make them unsatisfactory for achieving a global democracy, they show that there are at least two challenges that a republican cosmopolitan democracy must face. The first is how to effectively connect the dispersion of power between the various levels of governance and public participation in global issues. That is the question of how to build a decentralized approach while avoiding the problems of disconnection and overlap. The second challenge is how to identify and engage these legitimate actors in the global decision-making process. Both challenges will be the subject of the fifth chapter.

The fifth and final chapter, The world as it ought to be, turns to the idea of how to build a global democratic network that can counteract some of the limitations mentioned in

Chapter 4 and, of course, secure freedom as non-domination. In it, I argue that a legitimate global democratic network must ensure a mechanism for people's participation by allowing them to set the direction and exert control over decision-making processes by pursuing their interests, opinions, and reasonings; in short, by treating each other as free and equal.

Section 2 explains what a network is and how it works. In doing so, I will say that networks allow us to avoid a separation between levels of authority -domestic and international - and to evaluate the legitimacy of a decision from a systemic perspective. Indeed, as in Pettit's theory (1997: 177), the design of a global democracy that avoids domination must focus on a fragmentation of power. In a first step, this fragmentation will lead to a decentralization of power and a harmonization of power. In a second step, a dynamic and interactive network of power will be achieved, a network that imitates, for example, the connections of the brain. This global democratic network is closer to an account of relative authority, an authority that is plural nowadays. This account claims that the quality of being relative influences the institutional design of global democracy and supports avoiding domination. This section also explains that a network approach could account for the interaction of authority under conditions of plurality, recognizing that actors in a plural world are interdependent but can also maintain their independence. In so explaining, I take up the problems of decentralization of authority mentioned in Chapter 4 by addressing (i) the problem of disconnection, (ii) the problem of overlap, and, derived from the previous problem, (iii) the avoidance of instantiation conflicts. I explain that it is possible to avoid the (i) problem of inconstancy and lack of definition if we view interacting *demoi* as nodes that are part of a network whose nodes function like the connections of the human brain, articulating interactions to perform different functions simultaneously in a harmonious way and to achieve very different goals among themselves without interfering with each other. Moreover, (ii) it is possible to explain institutional interaction on the basis of interdependent *demoi*. This is because global politics has common and interrelated interests, and the independence of *demoi* is not minoritarian, but its main feature is the connection and interaction between them. If we assume that an institutional global regime is interdependent in its functioning, we get a system that does not distinguish between international and domestic actors, and a system that finds its strength in the interactions and interdependence between the *demoi*. As a result, we get a system characterized as a global deliberative network in which

decentralization, complementarity, and mutual interaction will be the core features of a democratic deliberative process. Deliberation over two problems, even if the *demoi* are interactive, could (iii) still lead to two decision outcomes that are empirically impossible to satisfy jointly, thus creating conflict in the system. While the above two problems can be overcome with an interactive system based on *demoi*, in this case the nodes represented by *demoi* should be articulated not only in the design of a deliberative process, but also in the anticipation of the outcomes. In attempting to remedy the above problems, one question remains: How can we assure to the people influence, direction, and contestation? Section 3 asserts that while a global democracy should be conceived and designed as a network, it requires a framework designed to involve individuals from different places in deliberations at the global level. That is, a legitimate global democracy will be one that satisfies the following three principles: (i) the principle of ultimate, effective popular control, (ii) the principle of political equality, and (iii) the principle of cooperation and coordination. The design of global democracy that I have outlined is based on people's participation in global decision-making, but this does not mean setting aside the mechanisms of representation. Let me be clear that I think representation is valuable, for example the mini-publics or voting, but these alone are not sufficient to prevent domination.

Also, there are various reasons why people's participation is valuable, such as epistemic reasons. But the most important reason why people's participation is relevant is that it prevents domination. In a global network context, direct participatory democracy is an ideal that should be pursued in the nodes that count because it recognizes the importance of individuals uniting their voices on the issues that affect their lives by empowering public reason. And that value lies in the fact that it allows people to influence and to impose direction effectively on public policy, enabling legislation to follow people's interests, opinions and reasoning. In short, participation enhances people's capacity for democratic direction and control, and enriches freedom as non-domination. How can people access global participation? People's connection with the world also leads us to the question of how these people have a say that is different from the consent of the state. Another question that is often asked concerns the state itself. Is a cosmopolitan approach that takes the individual as its starting point incompatible with assigning a role to states in a global framework? I would suggest that a cosmopolitan approach does not mean, as some suggest, that states should no longer have a role.

Instead, states should be preserved, and they have a valuable role to play. On the one hand, doing away with states would mean a single global community without the local aspect of governance, and thus with diminished knowledge about local issues with global implications and ability to act quickly. On the other hand, states are the only formally constituted political institutions that represent identifiable groups. To conclude the chapter, I suggest two avenues of change necessary to initiate appropriate institutional reform, namely: long-term thinking and institutional reflexivity. Both could lead us to a global democratic system by helping to (a) shape a policy-making framework in which it would be difficult to ignore common threats, (b) improve the democratic legitimacy of the decision-making process, and (c) overcome global domination. In sum, it is necessary to rethink political institutions if we are to plant the seeds that will flourish as a global democratic network.

2. Original contributions of the dissertation

This dissertation has aimed to make two central contributions to the literature. The first of these contributions has been to outline a revised typology of domination in the globalized world. Indeed, in this typology, the distinction between domestic and international domination disappears because the state, in the globalized world, cannot always help to prevent domination. Consequently, the domestic/international divide is not considered a criterion to determine the type of domination, here. The proposed typology I sketch substitutes the three original categories of domination. Instead of the vertical, horizontal and international domination, the new typology maps three types of sources of domination (public, private and hybrid) with three types of subjects of domination (public, private and hybrid).

The second significant contribution has been to argue for a multi-level system of governance under the form of a global *demoi*-cratic network. In so doing, I argued that the institutional form that blocks domination is the network, because it avoids the concentration of power and creates entry points for people's participation -nodes of participation- while being compatible with some representative institutions and nodes of popular contestation. This proposal is committed to outlining *the world as it ought to be*. It leads us to an institutional model that brings us closer to a world in which

everyone has an equal opportunity to flourish and live freely, a world with robust democratic institutions capable of granting to the people an equal share in the capacity to exert direction and control over a myriad of actors that govern all of us (Pettit 2012: 235-238). It outlines a framework designed to involve individuals from different places in deliberations at the global level. This is done on the basis of a cosmopolitan distribution of power that goes beyond the state and advocates the distribution of political authority. In fact, this distribution promotes a global network of cosmopolitan democracy, composed of different *demoi* acting harmoniously between themselves and with other actors. A network dynamic and interactive network that will lead to a decentralization of power.

In addition to these two central contributions, I have made five further contributions.

Firstly, I hope to have shown that globalization leads us to what I have called the current 'circumstances of global domination', that is, an idea adapted from Waldron's discussion of the 'circumstances of politics'. While the circumstances of politics come in pairs, there are *three circumstance of global domination*:

> (1) a globalized world,
>
> (2) an unequal distribution of power among various global actors, and
>
> (3) the coexistence of undominating democratic actors and dominators.

Like disagreement and the need for a concerted course of action in the case of politics, a globalized world inhabited by democrats and dominators with an unequal distribution of power makes the game of global domination from the title of this dissertation both possible and necessary. Indeed, the opposition of dominators and democrats would not give rise to the game in question if the world was not globalized or the power distributed unequally among a number of global actors; and globalization with an unequal distribution of power would not matter if every powerholder was a democrat (just as it would not matter if they were all dominators). This is not to say that globalization would stop having negative effects on individual freedom if everyone was a democrat (or a dominator). What I mean is that we would be speaking of a very different game in the absence of the third circumstance.

As such, and secondly, I have shown that Pettit's distinction between internal and external domination is problematic. Although I have proposed a revised typology of domination in the globalized world, I also have to explain that domination as (potential) arbitrary interference comes in degrees and yet this aspect has not been properly theorized in the literature. So, even when the source and the subject of domination are determined, there is room for variation. On the one hand, there is room for variation because an individual may be dominated in one or more of their basic liberties to a lesser or greater extent. On the other hand, there is room for variation since a given basic liberty of an individual may be infringed to a given degree by more than one sources of domination simultaneously.

Thirdly, I have shown regarding unrepresentative states that there are some types of international intervention that have their place, and that even if global democracy can avoid domination, this does not mean that global democracy is incompatible with every form of interference. To show this, I distinguished between a) being subject to the will of others to secure freedom, and b) being subject to the will of others and being dominated. In doing so I argued that if we broaden the republican understanding of freedom as non-domination, we can introduce a distinction that fits between being free and being unfree, in a similar way that republicans distinguish between arbitrary interference and discretionary interference, in order to determine whether interference compromises our freedom. Indeed, one can speak of interference in some cases where there is technically no domination. A case in point are paternalistic relationships such as those between a parent and her child or relationships involving severely disabled adults who cannot govern themselves. But I make a distinction between those restrictions which have the effect of taking away the standing of a free state, such as war or tyranny, and those which restrict the actions of the state, but leave it standing as a free state, untouched. In this last case, states should be capable of, for example, associating with other states as they please by virtue of not being subject to the will of another. This is not to deny that such states forfeit some freedom of action when they suffer acts of interference, but when that happens it does not affect the status of free states, but instead it helps to secure freedom. States that experience acts of interference don't find it troublesome, but that has nothing to do with whether or not they are free.

Fourthly, I have offered a *broad*, as well as a *narrow*, notion of global democracy. The first one -broad- fits with both state-centric republicans and republican cosmopolitans: A *broad global democracy* is a democracy that extends to the whole world, or across state borders, or beyond states, etc. While a narrow notion of global democracy only fits for republican cosmopolitans, a *narrow global democracy* implies, then, a cosmopolitan and institutionally thicker notion. Global democracy, in this particular version, is (i) a democracy that extends to the whole world or across state borders or beyond states, and (ii) concerns decisions on global politics or, more precisely, decisions on issues of global relevance made by a system of –centralized or decentralized- global institutions authorized to enact global laws that allow ultimate popular control under conditions of political equality, deliberative contestability, and protection of human rights.

Finally, I have shown that a global *demoi*-cratic network could be realizable in the future. Additionally, I have explained that a global institutional system which links the local levels with the global level needs to be simple, otherwise it will be ineffective in achieving the participation of the people and, as a result, preventing domination. By simplicity I do not mean simplification. People are political actors in spaces such as cities, counties or states, but a democratic system of global governance will consist of a multiplicity of actors, with many intersections and interactions. It will be complex 'from the inside', but from the perspective of the participants it is necessary to facilitate people's participation at a time when freedom of choice is promoted. In this sense, it is important to highlight that addressing global decisions is not incompatible with local deliberation, and that the local level can help to link small-scale deliberation with global problems while keeping the system simple from the participant's perspective. That is why cities can be positioned as important actors for a global *demoi*-cratic network. Also tech-based mechanisms for people's participation such as CrowdLaw are vital to making participation feasible and also simple. They could support and become a source of global democracy by enhancing the power of aggregation; they can strengthen our collective intelligence and our processes of political aggregation, deliberation and collaboration (Martí 2021).

3. Limitations and open research agenda

With that said, there are also some limitations to this dissertation which are suggestive of fruitful avenues for future research. Broadly speaking, these limitations can be

categorized into three groups. First, I have not offered an in-depth analysis of the graduality of freedom as non-domination; second, I have not fully developed those measures that are distinct from military intervention and capable of promoting democracy; and third, while I have developed a framework for network governance, since network governance is a concept that is currently in full theoretical development and draws on various disciplines, its explanation and development is unfinished and much work remains to be done from a political philosophy perspective.

Regarding the first point, in the second chapter of the dissertation I argued that domination is a gradual concept with manifestations in the form of degrees. Moreover, I described that someone is dominated to a greater or lesser extent depending on how many of their basic liberties are restricted by arbitrary interference from another individual, private entity or public authority within the state. I also explained that someone is more or less dominated depending on how many options from the relevant set of choices are not available to them as a result of such interference. In addition, there are three ways in which an option to X may be said to be available to someone: namely, when the individual enjoys the (real or legal) opportunity to X, when they enjoy the action of X-ing, or when they enjoy the benefits associated with X-ing (Pettit 2008). I believe that due to the circumstances of global domination, some forms of domination comes in degrees and yet this aspect has not been properly theorized in the literature. So even when the source and subject of domination are determined, there is room for variation. Despite this conceptual explanation, the question of how to properly account for the graduality of domination remains open.

Second, I have not fully developed the measures that differ from military intervention and can promote democracy. This is because while there are varying degrees of violations of law that justify different degrees of response/intervention, the point I have focused on developing in chapter three is conceptual. This reason is supported by the aim of this dissertation, which has been to outline what securing non-domination would ideally require.

The third limitation mentioned above concerns the understanding of network governance. As I have already explained, this is because networks of governance, and indeed networks in politics more generally, are an emerging area of research. Networks

of governance are said to provide a framework within which relationships develop that shape, enable, and constrain political action. Understanding the properties and consequences of networks of governance is a crucial part of understanding the world as it is, and shows us that network theory, when applied to classical questions of governance, for example, the question of decision-making, has the potential to bring about people's participation and avoid domination. As promising as this idea of networks governance is, it needs further research, redefinition, and application not only in political philosophy, but also in the social and natural sciences. I do not think this is overly problematic. After all, network theory, in its current state of development, network theory is capable of providing sufficient insight into political relations.

Despite these limitations, I hope to have shown that it is desirable to develop a republican, cosmopolitan, democratic framework in which freedom as non-domination can be achieved. In this goal, political philosophers are not alone; their work is also shared with political scientists, international law scholars, and non-ideal theorists to try to adapt this theory for real-world application. As such, focus areas for future research would include, but are not limited to, the following topics. (1) It would be interesting to explore what place and role courts can have in a global constitutional framework to ensure democratic legitimacy beyond the state. (2) An important area of future research also focuses on current governance systems that need to be improved to promote Anthropocene politics and consequently planetary well-being. Finally, it would also be useful to explore (3) how global civic education might contribute to the project of securing democratic legitimacy beyond state borders. These suggestions are far from exhaustive, but they offer a hint of avenues for future research that would address some of the limitations in my own research and make a meaningful contribution to the neo-republican literature.

4. Conclusion

In summary, this dissertation has provided a coherent and defensible path to avoiding global domination. I have argued that global domination can occur in two different forms: when control is exerted over a state and when control passes through the state and interferes in the lives of individuals, and the latter is the more worrisome. Addressing global domination, I have argued, should lead us to a revised typology of domination in the globalized world. Securing non-domination in a global context

requires (i) the democratization of unrepresentative states, as this is consistent with the promotion of global democracy, and requires (ii) the creation of a cosmopolitan democratic multi-level system of governance in which individuals would be able to influence and direct the governance to which they are subjected, which would democratically legitimize it. I have argued that the institutional form capable of meeting these requirements is that of network governance. This dissertation, then, shows that it is possible to secure freedom as non-domination in a globalized world, and points us towards a neo-republican cosmopolitan future.

Kristan, M. V. For the People: A Republican Stand on International Intervention. *Revista Latinoamericana de Filosofía Política*. 2018;7(5):43-63.

The publication has a similar theme to part of Chapter 3 of the dissertation. Note, however, that the relevant text of the dissertation chapter is different from that of the paper, both in form (which is entirely different) and in the argument of the author (whose views have changed since the paper was published). Note moreover that the paper was signed with the author's married surname, while the dissertation bears her maiden name (the official registration of the name change is still pending).

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