

A matter of drawing boundaries: global democracy and international exclusion

RAFFAELE MARCHETTI

Abstract. This article defends the case for a global extension of democracy by deploying a cosmo-federalist theory. As a response to the current state of international exclusion, the radical project of stretching the paradigm of democratic inclusion to the extreme limits encompassing the whole of mankind, is here presented. The article begins by taking position for a choice-based version of consequentialism that generates a principle of political justice centred on political participation. From this, a political project is developed that envisages a cosmopolitan system where all world citizens are included within a scheme of a direct representative participation under an overarching authority governing the process of democratising world affairs. Crucial in this is the establishment of an all-inclusive authority to legitimately delineate jurisdictional boundaries and a multilayered system of political interaction.

Introduction

French, British, American or Indian citizens are usually considered members of democratic regimes. As long as a number of conditions, including rule of law, public accountability, free elections, and a multi-party system, are domestically met, their systems, it is commonly admitted, qualify as democracies. The contemporary debate on international political theory, however, is increasing putting this assumption concerning the domestic scope of democratic regimes under pressure. Many scholars maintain that the domestic perspective loses its uniqueness as place of legitimacy when a more comprehensive reading of democratic theory is held. If democracy means egalitarian participation in the decision-making and frame-setting process that generates norms to regulate public life, and if due to global interdependence public life is not any more limited within national boundaries, then a truly democratic regime cannot but be multilayered. If public decisions entail actions with trans-border consequences, then also a transnational political voice has to be granted to the individuals and other social actors that suffer those consequences. And yet such a voice is currently denied. Global democracy intends to offer a response to such an international democratic deficit.

This article defends the case for a global extension of democracy by deploying a consequentialist cosmopolitan argument. As a response to the current international political fragmentation, which generates political exclusion, the alternative political project offered here envisages a cosmo-federal system. In this, all world citizens are included within a scheme of direct representative participation under a federal

authority governing the process of democratising world affairs. The pursuit of the democratic ideal in terms of scope is thus implemented in this proposal through a reworked notion of citizenship as global, multilayered, and all-inclusive. In essence, this entails an expansion of the domestic model of democracy to the international level, structured on several layers as coordinated through an overarching world system. Only through the radical project of stretching the paradigm of democratic inclusion to the extreme limits encompassing the whole of mankind, together with recognising the legitimacy of multiple political allegiances, not simply those of state governments, can the illegitimate mechanism of inclusion as exclusion-generator be avoided. If the phenomenon of political exclusion is to be escaped, the crucial authority to define jurisdictional boundaries needs to be reallocated from groups with a circumscribed scope to a public democratic mechanism which is all-inclusive and global in kind. Hence, universal inclusion and multiple allegiances constitute key components of this project.

This article begins by taking the position of a particular version of consequentialism, based on freedom of choice and maximisation of world welfare, that in turn generates a dual metric of political justice in terms of guarantee of vital interests and political participation. A participatory interpretation of democracy is then deployed in order to denounce the current state of political exclusion characterising international affairs. In opposition to such a state of affairs, a consequentialist theory of global democracy is illustrated, centred on the parity of participation in social and political life at each level of political deliberation, for instance inclusion in the global community of those who are entitled to make justice claims on one another. Institutionally speaking, this entails public participation in the decision-making and frame-setting processes at the global level, thereby offering back to citizens the sense of social and political empowerment. Crucial in this is the entitlement to participate in the drawing of jurisdictional boundaries, i.e. in the decision on who is *in* and who is *out* of any specific decision.

Choice-based consequentialism

Freedom of choice forms the core of the present normative perspective, which is fundamentally grounded on a consequentialist and welfarist principle of justice. Consequentialist justice, as a goal-based ethical theory, aims at the promotion of the good, which is here assumed to reside in a comprehensive conception of individual well-being. Accordingly, an action-guiding principle is warranted only in so far as it is expected to produce the best outcome in terms of general well-being. Traditionally, consequentialist theories of justice such as utilitarianism have interpreted this obligation toward well-being maximisation as implying an interpersonal comparison of well-being units (often in the form of utility units) and subsequently a redistribution of these units in such a way as to maximise the overall quantity of utility. Underpinning this task was the assumption that on the one hand interpersonal comparisons of utilities were epistemologically viable, and on the other the exercise of disaggregating for later reagggregating single units of well-being through the distributive principle could bring increased social well-being.

The present version of consequentialism disputes these epistemological bases of interpersonal utility comparability. The possibly most influential critic of interpersonal comparisons of utility was Lionel Robbins, who argued that no comparison is scientifically viable, in that ‘introspection does not enable A to measure what is going on in B’s mind’,¹ and thus that the act of comparing needs to be considered an essentially normative exercise. To be sure, at the personal level we necessarily rely on some sort of interpersonal comparisons of utility,² and yet, one has to reckon the difference running between personal liability and public responsibility. What is contested here is the viability of such interpersonal comparisons of utility as sufficiently reliable tools for public policy in a political context of differing systems of social meaning. While in the self-regarding sphere of action, individual fallibility is a private matter of concern, in the political sphere, the fact of pluralism constrains public policy, and especially international public policy, to respect individual choice in recognition of diversity.³ According to this perspective, if the profound fact of cultural pluralism at the political level is to be respected, interpersonal comparisons have to be considered legitimate only at a minimal level.

As determined by these epistemological limitations, the present consequentialist proposal illuminates a crucial issue of the international political theory: i.e. the ground on which the assessment of the political principles advanced should be made. Accordingly, such indicator of well-being can only be indirectly and causally identified in the *individual capacity for choice* between different life options. Underpinning this is the best-judge principle, according to which each person should be free to decide on matters that primarily affect him alone. Accordingly, this theory maintains a *prima facie*, agent-relative theory of the good, in that it holds that uniquely when agents are in a position to freely choose their preferred course of action through a process of informed and effective personal deliberation, can their genuine well-being be presumably attained.⁴ Personal choices, rather than some specific theory-laden conception of the good, are thus taken to be the best (albeit indirect) expression of the individual’s interests, i.e. what will make the individual generally better off. In this vein, ‘human development is first and foremost about

¹ Lionel Robbins, *An Essay on the Nature and Significance of Economic Science* (London, 1935–1952); idem, ‘Interpersonal Comparison of Utility: A Comment’, *The Economic Journal*, 48:192 (1938), pp. 635–41.

² Ian M. D. Little, *A Critique of Welfare Economics* (London: Oxford University Press, 1957); and Donald Davidson, ‘Judging Interpersonal Interests’, in J. Elster and A. Hylland (eds.), *Foundations of Social Choice Theory* (Cambridge: Cambridge University Press, 1986), pp. 195–212.

³ Sen identifies at least five sources of variation or classes of differences concerning well-being: (1) personal heterogeneity; (2) environmental diversity; (3) variations in social climates; (4) differences in relational perspectives; and (5) distribution within the family. Amartya Sen, *Development as Freedom* (Cambridge: Cambridge University Press, 2000).

⁴ Sen has originally suggested the present argumentative strategy that is based on an evaluator-relative consequence-based morality. Amartya Sen, *Choice, Welfare and Measurement* (Oxford: Basil Blackwell, 1982); idem ‘Rights and Agency’, *Philosophy and Public Affairs*, 11:1 (1982), pp. 3–39; and idem, ‘Evaluator Relativity and Consequential Evaluation’, *Philosophy and Public Affairs*, 12:2 (1983), pp. 113–32. In synthesis this strategy aims ‘to square the circle’ by combining a broad consequentialism with a number of apparently deontological intuitions related to agent-relativity. When severe limits to information and public cognitive capacities are taken into account, there is no inconsistency in envisaging the coexistence of a second order consequentialist principle, and different *prima facie* non-consequentialist, agent-relative, and procedural principles as first order rules. In this case, the latter are, then, warranted as long as they are presumed to produce – indirectly – a maximising outcome in the long term, regardless of any deontological principle of justice.

allowing people to lead the kind of life they choose – and providing them with the tools and opportunities to make these choices'.⁵ In order to illustrate the political consequences of this normative stance we need to move to the democratic dimension of the present proposal.

Democratic participation

According to the consequentialist democratic perspective so far illustrated, political affairs have to be assessed on the basis of the degree of political entitlements citizens have to express their freedom of choice. Underpinning this statement lays the assumption that the freedom of choice is the normative metric used for judging the equal shares of the good to which each individual is entitled, and that only through maximising the individual capacity of choice can the maximisation of social well-being be pursued. In order to assess the political system best suited to pursuing this goal we need then to investigate which institutional setting would promote freedom best; which institutional framework would facilitate the situation in which there is more freedom of choice enjoyed than would otherwise be the case. The method adopted by this version of consequentialism for comparing feasible alternative institutional schemes is one that measures procedural and participatory guarantees of the primacy of freedom of choice, rather than direct outcomes.⁶ The present account is thus committed to valuing bundles of goods, for instance legal-institutional entitlements, only indirectly, with reference to their contribution to individual achievement of free choice-maker status. Since the capability to achieve freedom of choice depends on the guarantees of both *vital interests* and *political participation*, these are the two principal variables on which the assessment of alternative institutional frameworks needs to be developed. Such guarantees provide the metric, or 'currency', through which the individual shares supporting comparative judgements about the justice of institutional schemes are defined according to the present theory of consequentialist democracy.

In particular, this dual metric of vital interests and political participation entails the combined use of two distinct indexes to measure freedom of choice. The requirements of these two indexes must be satisfied simultaneously and no internal trade-off is allowed for moral and epistemological reasons. The ultimate criterion of justice consists then in the *proximity* of these guarantees to the ideal institutional setting described in this section, for instance 'the most secure vital interests possible and the most direct political participation possible. While for vital interests the capability index adopted by the Human Development Index of the United Nations

⁵ UNDP, *Human Development Report: Cultural Liberty in Today's Diverse World* (Oxford: Oxford University Press, 2004), § 5.

⁶ This discussion on the comparison of institutional schemes of justice is much in debt to Pogge's and Pettit's work on this issue. See Thomas Pogge, 'Cosmopolitanism and Sovereignty', *Ethics*, 103 (1992), pp. 48–75; idem, 'Three Problems with Contractarian-Consequentialist Ways of Assessing Social Institutions', *Social Philosophy and Policy*, 12 (1995), pp. 241–66; idem, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002); and Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon, 1997).

Development Programme (UNDP) is a valid candidate,⁷ for political participation more traditional measures of freedom such as those provided by the Freedom House Index could be deployed initially subject to improvement.⁸

Central to this understanding of what constitutes a fair political system is the notion of citizenship. Citizenship, understood as the set of legal entitlements allowing for the acquisition of a full community membership, represents the core element of democratic political theory. In a democracy, these entitlements, which are based on a fundamental principle of equality and reciprocity, are impartially guaranteed to every member of the community, insofar as membership within the collective exercise of self-governance is usually recognised as the minimal precondition of democratic life. The acquisition of such set of rights is, thus, considered crucial in order to participate effectively in social and political life, the possibility of which represents a key condition for individual freedom of choice.

The principle of freedom of choice is bound to a democratic political participation that entails several applicative dimensions along different spheres of political actions. Much as agents at the individual level enjoy a fundamental right to freely choose their destiny, so at the collective level groups are entitled to autonomously take decisions over their future. This signifies, consequently, that a legitimate exercise of political self-determination and self-legislation needs to be based on equal citizenship, insofar as only by equally and simultaneously retaining the status of legislators and subjects can citizens remain free to determine their fate.⁹ The collective implementation of the principle of freedom of choice connects with the democratic principle of responsiveness, i.e. congruence between choice-makers and choice-bearers. In order to maximise the opportunities to exercise freedom of self-determination, to make the social outcomes systematically responsive to the choices of all affected citizens, the key mechanism for democratic legitimacy relies thus on the congruence between rulers and ruled.¹⁰ In addition to this, democratic procedures also provide room for public contestation, in case the standard procedures of congruence fail to deliver.¹¹

Following from this, the present proposal develops a principle of inclusive democracy granting political power within the decision-making process of public rules to *all* citizens, regardless of whether or not they are directly effected by a determined set of actions. Citizens are included in the political structure as members of a public constituency, rather than as stake-holders of particular interests or members of sub-political communities. Independent from whatever particular stake

⁷ UNDP, *Human Development Report: Millennium Development Goals: A Compact among Nations to End Human Poverty* (Oxford: Oxford University Press, 2003), pp. 237–40; Amartya Sen, *Inequality Reexamined* (Oxford: Clarendon Press, 1992).

⁸ Freedom-House, *Freedom in the World: the Annual Survey of Political Rights & Civil Liberties* (Piscataway, NJ: Transaction Pub, 2006).

⁹ Jean Jacques Rousseau, *The Social Contract* (Indianapolis, IN: Hackett, 1762 [1987]), § I.vi; and John Stuart Mill, *Considerations on Representative Government* (Toronto: University of Toronto Press, 1861 [1991]).

¹⁰ Carol Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970); Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven, CT: Yale University Press, 1971), p. 1; David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Cambridge: Polity Press, 1995); Dahl, *On Democracy* (New Haven, CT: Yale University Press, 1998), § 5.5; Adam Przeworski, Susan Stokes, and Bernard Manin, *Democracy, Accountability, and Representation* (Cambridge: Cambridge University Press, 1999), p. 4; and Bob Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003), p. 1.

¹¹ Charles Tilly, 'Mechanisms in Political Processes', *Annual Review of Political Science*, 4 (2001), pp. 21–41.

they may have, individuals are entitled to take part in all public decisions because these public choices deal with public or general interests, which may or may not directly affect them, but on which they should be in the position to have a voice of consent or indeed dissent.¹² While room for exception should be left for those disputes entailing partial interests where specific actors have special status, such as labour agreements, the general principle of universal inclusion should be kept firm as the fundament of democratic practices. Consequently, the democratic correspondence between choice-makers and choice-bearers should be universal in order to guarantee complete freedom to the individual. All this is widely recognised, both in theory and political practices, as the fundamental formal requirement for the legitimacy of domestic democratic government.

In principle, the democratic correspondence between choice-makers and choice-bearers should be public – universal and all-inclusive – in order to preserve freedom to the individual. Such congruence should cover all the relational dimensions in which individual life is embedded, that is, one should be in the position to self-legislate within the entire range of activities in which one is involved. Having the possibility of choice at the local level is self-defeating if it is not complemented by the equivalent possibility to have a voice in the decision-making and frame-setting processes at the national level. Cases such as the environmental problems or the spread of infectious diseases clearly show how ineffective a local policy can be when it is not integrated within a wider action. Thus, a partial implementation of the principle of universal congruence in an interdependent environment in which agents interact on multiple levels and in different domains is, for the most part, self-defeating in terms of the guarantee of freedom of choice. The argument so far presented has a general validity in that it does not entail any restriction in terms of scope, for instance political participation should be granted to all level of political interaction. And yet, when the discussion is moved at the international and transnational level the tone changes dramatically, for here the circumstances are said to be requiring

¹² Traditionally, the reflexivity between choice-bearers and choice-makers is guaranteed at the domestic political level through a variety of democratic institutions. Primary among them is an elected parliament where all citizens can express their voice through pluralistic representation. The establishment of such a public and impartial institutional body through which individuals can form and propose their political agenda for society constitutes the premise of democratic life. At the core of this is the issue of political representation. When elected politicians mirror the composition of the electorate to the greatest degree, the electorate has the best chance of having their interests protected [see Mill, *Considerations on Representative Government*, and Bernard Manin, Adam Przeworski and Susan Stokes, 'Elections and Representation', in A. Przeworski, S. Stokes and B. Manin (eds.), *Democracy, Accountability and Representation* (Cambridge: Cambridge University Press, 1999), p. 29]. To that end the principles of democracy and the maximisation of freedom of self-determination rely on the voting criterion of simple majority, which allows for the greatest possible degree of individual liberty and self-determination compatible with the existence of the social order. Such procedure maximises the combined results of two crucial elements: inclusiveness of interests and responsibility of governors. In fact, 'if an order could not be changed by the will of a simple majority of the subjects but only by the will of all (that means, unanimously), or by the will of a qualified majority (for instance, by a two-thirds or a three-fourths majority vote), then one single individual, or a minority of individuals, could prevent a change of the order'. Hans Kelsen, *General Theory of Law and State* (Cambridge, MA: Harvard University Press, 1945), pp. 286–7. See also Norberto Bobbio, *Teoria Generale della Politica* (Torino: Einaudi, 1999), § VIII.3; Arend Lijphart (1999). *Patterns of Democracy: Government Forms and Performances in Thirty-Six Countries* (New Haven, CT: Yale University Press, 1999); and André Kaiser, Matthias Lehnert, Bernhard Miller and Ulrich Sieberer, 'The Democratic Quality of Institutional Regimes: A Conceptual Framework', *Political Studies*, 50:2 (2002), pp. 313–31.

different political arrangements, despite still provoking a much depreciable democratic deficit in terms of international exclusion.

Failing democracy: international exclusion

Political history can be interpreted as a long journey marked by battles for the equal right to participate in the decision-making process of political life; that is, for political enfranchisement. Indeed, the description of the development of political life over the centuries coincides for a significant part with the description of the fights for the inclusion of those political subjects who were kept apart in a subaltern status. Differences of social class, ethnicity, gender, and skin have for a long time represented insurmountable barriers deployed to exclude people from political and social power. Social categorisations of ethnic and religious minorities, indigenous peoples, women, the elderly, homosexuals, the young, the poor, and, by proxy, future generations, were used as exclusionary mechanisms to maintain a condition of political deprivation. These ostracised individuals consequently suffered a disadvantaged and profoundly unjust life in comparison with those endowed with full political membership, and with lives thus almost invariably characterised by a high degree of social vulnerability, those so dispossessed were motivated to advance claims to redress their political entitlement. And so they struggled for political inclusion.¹³

'Foreignness' constitutes another typical category of exclusion, and unlike those previously mentioned, it is a category that is still powerfully effective in discriminating between included and excluded individuals. At the moment, the discrimination on the grounds of national membership is nowhere more visible than on the edge between national and international jurisdictions concerning political participation. Increasingly, decisions taken in one country affect people in other countries who do not have the possibility to express their consent because of their subaltern status as non-fellow, *ergo* disenfranchised, citizens. The fracture between the socioeconomic reality, which is transnational in its effects, and the political system, which is still fundamentally anchored to a community-based model, is widening. Environment, migration, finance, commerce, health, and security are just a few examples of how the link between actions and consequences extends tightly across borders. And yet those who bear the effects of decisions taken abroad are not typically entitled to have a political voice in the process.¹⁴

¹³ Norberto Bobbio, *L'età dei diritti* (Torino: Einaudi, 1990); Michael Walzer, 'Exclusion, Injustice and the Democratic State', *Dissent*, 40:2 (1993), pp. 55–64; John S. Dryzek, 'Political Inclusion and the Dynamics of Democratization', *American Political Science Review*, 90:3 (1996), pp. 475–87; Bob Goodin, 'Inclusion and Exclusion', *Archives Européennes de Sociologie*, XXXVII:2 (1996), pp. 343–71; Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* (Cambridge, MA: MIT Press, 1998); Iris M. Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000); and Raffaele Marchetti, 'Interaction-Dependent Justice and the Problem of International Exclusion', *Constellations*, 12:4 (2005), pp. 487–501.

¹⁴ Richard Falk, *On Humane Governance: Toward a New Global Politics* (Cambridge: Polity Press, 1995); Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*; Tony McGrew, *The Transformation of Democracy? Globalization and Territorial Democracy* (Cambridge: Polity, 1997); Walden Bello, *Deglobalization: Ideas for a New World Economy* (London: Zed, 2002); Joseph Stiglitz, *Globalization and Its Discontents* (London: Penguin, 2002), pp. 18–22; Ann Cutler, *Private Power and Global Authority* (Cambridge: Cambridge University Press, 2003); and George Monbiot, *The Age of Consent* (London: Flamingo, 2003).

A state-based political system remains an unsatisfactory framework for self-determination of trans-border interests such as those embodied by non-national or transnational political agents like migrants, people of trans-border religions, minorities, workers, and so on.¹⁵ Both in cases where decisions taken in a given country have border-crossing consequences, and in those where decisions taken at the international level have correspondingly international effects, most often the individual consequence-bearer does not have significant power to register his or her ‘trans-border consent’ (or, indeed, dissent). Assuming she or he has the power to register her or his consent at the domestic level (which is rarely the case), she or he nevertheless does not have a voice at all in the domestic decisions of other countries and has little voice in international *fora*, even when they are public. In public international organisations, the only political voice available to him or her is through the double representation offered by national parliaments, which (if entitled) subsequently appoint international representatives with differing effective powers. Should one come from a poor country, in fact, he or she can expect to have an especially weak voice in the intergovernmental organisations.

Current international affairs are characterised by a high degree of exclusion and disenfranchisement. Were this international scenario of multiple disenfranchisement translated into a domestic setting it could not be tolerated by any version of democratic theory. Any democrat would be ready to accept the principle that any citizen should be entitled to have a voice on the decisions concerning public issues, above all those that affect him. Accordingly, the democrat would not accept that decisions taken by, for instance, a private club with restricted membership could significantly affect the life prospects of the remaining citizens without the latter having the legal possibility to contest the outcomes. However, this is the common understanding, not to mention the usual practice, of international affairs – even though a vast part of the discussion on international political theory rests on the assumption of democratic principles. This incongruity is possible because political scientists conventionally work on a double supposition; one that yields huge social consequences in international affairs. On the one hand, national decisions are to be respected to the extent that they are the product of democratic self-determination within sovereign jurisdictions; and on the other, international decisions taken by intergovernmental organisations are to be observed since they are ultimately taken to be the indirect expression of the same democratic self-determination. Leaving aside their practical implausibility, such suppositions remain highly illegitimate according to the perspective presented here because they warrant and preserve a political system that structurally excludes relevant political subjects from political agency.

The dichotomy of political exclusion versus political engagement illustrates a core component of international political theory in that it highlights a crucial element of political incompleteness in the current political arrangements at the global level. From a normative perspective, the inclusion of vulnerable agents into public and impartial decision-making and frame-setting processes at the international level represents a unique chance to improve the democratic legitimacy of the entire political system, both domestically and globally. The widely accepted creed of democracy remains in fact fundamentally flawed unless it is complemented with an

¹⁵ Jan A. Scholte, *Democratizing the Global Economy: The Role of Civil Society* (Warwick: Centre for the Study of Globalisation and Regionalisation, University of Warwick, 2004), p. 22.

international dimension of democratic participation. Until a criterion is found that allows for the justifiable delimitation of membership according to constituencies that effectively reflect public interests, rather than national or private boundaries, no democratic regime can be truly democratically inclusive.

The remainder of this article presents an argument for redressing such international democratic deficit and for including world population in transnational decision-making and frame-setting processes, thereby improving the overall implementation of the democratic ideal. It presents an alternative reading of political justice with the intention to delineate a political system not driven by international exclusion. In order to illustrate this alternative normative reading of global affairs, the following section highlights the transnational or indeed cosmopolitan components of the consequentialist theory of democracy so far exposed.

Justifying global democracy

Until recently the effects of actions were mostly contained within a defined territory; most people could influence (and be influenced by) the lives of a limited number of other people. The relationship between responsibility and vulnerability was thus far more legible, and one could, for the most part, reasonably expect to maintain the integrity of this relationship through domestic democratic political channels. The present situation is different: through intensifying the level of global interaction, the current world system pushes the limits of the relationship between choice-makers and choice-bearers, with the effect of loosening the moral and political ties of accountability. Such circumstances consequently compel us to confront demands for inclusive moral responsibility and envisage new political mechanisms of social liability. Since social action is spread over distinct and yet overlapping spheres of conduct, democratic legitimacy, as based on the congruence mechanism, is only possible through the recognition of the political system as multilevelled and all-inclusive.

The response to the multiplication of diverse social actions dispersed geographically and institutionally on different levels consists in the identification of a unified, multilayered focus on guarantees ultimately related to citizenship, that covers the key domains of action. In line with the focus on freedom of choice, the basic consequentialist cosmopolitan political proposal consists in a multiple political focus on institutional guarantees and rights as the means through which to implement the maximisation of the world well-being condition. According to consequentialist cosmopolitanism, only through a simultaneous and consistent implementation of a multi-level legal-institutional guarantees can a political system satisfy the criteria of legitimacy in terms of the maximisation of general well-being, and offer an adequate and viable political response to a multi-layered social reality. Of these legal-institutional guarantees, the rights concerned with global political participation are the most contested and most denied by the current political system. They are therefore the most promising in terms of well-being promotion. Within this set of global rights, the entitlements concerning world citizenship represent a crucial step toward overcoming the established system of agency and implementing a cosmopolitan model. This new model of citizenship, rather than supplanting all other social ties,

instead engenders a more consistent political way of addressing the phenomena that affect one's life, and subsequently provides an effective means to align one's personal with one's political identity. Key in this notion of transnational citizenship is the establishment of new institutional mechanisms in which subjects can expect public and political recognition for their actions through non-exclusionary forms of accountable, transnational citizenship.

The extent to which an agent can hold another accountable, for example, the extent to which the agent who suffers costs can demand punishment of and compensation from the choice-maker agent, forms the object of a heated dispute on the scope of international norms.¹⁶ Attesting to the scope of the dilemma posed by this issue is the patent failure of a straightforward principle of affect to resolve it. The appeal of such principle is of course its objectivity; its disregard for the specific interpretation of the role of the choice-maker agent. However, since an action's effects could affect, with different intensity, an almost infinite number of agents (one need only to think of potential claims of future generations), if the legitimacy of an action were to depend on prior consultation for consent of all affected parties human engagement would become paralysed under the charge of responsibility. Thus simply from a practical standpoint the mere fact of being affected cannot constitute valid ground for a legal or even political claim. A more sophisticated theory of political agency at the global level has to be envisaged, one able to define responsibility and vulnerability in a reciprocal, all-inclusive, and yet multilayered way.

The response of this article to the need for a viable notion of global political agency stems from the recognition of the centrality of freedom of choice as an entitlement that has a multidimensional scope. In response to the apolitical principle of affect (and its institutional correlate of stakeholder democracy), a more political principle has to be adopted, one that grants to all citizens as members of the public constituency in each level of political action, including the global, a political voice and the power to make the choice-makers accountable. This global political entitlement has to be intended as twofold: both as positive claims of proposition and as negative claims of contestation. This second dimension of cosmopolitan agency is particularly relevant in an age in which transnational social movements and global civil society at large are carrying out contentious politics in a political vacuum, thus not having a precise, single political institution to blame.¹⁷ At the global level in particular, this entails the creation of a political system characterised by a universal constituency, which in granting rights of political participation to all citizens, is able to identify both responsible and vulnerable agents, and consequently to implement a sanctioning system on several levels. Only by including all citizens in the decision-making and frame-setting process, in fact, can the illegitimate mechanism of exclusion be avoided.

¹⁶ Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000); Robert Keohane, 'Global Governance and Democratic Accountability', in D. Held and M. Koenig-Archibugi (eds.), *Taming Globalization: Frontiers of Governance* (Cambridge: Polity, 2003), § II; Robert Keohane and Joseph Nye, 'Redefining Accountability for Global Governance', in M. Kahler and D. A. Lake (eds.), *Globalizing Authority* (Princeton, NJ: Princeton University Press, 2003); and David Held, 'Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective', *Government and Opposition*, 39:2 (2004), pp. 364–91.

¹⁷ This becomes more evident when compared with the European scenario. Here contentious politics can address a specific institution, the European Union, thus increasing the potential impact of its protest.

The consequentialist selection of the most appropriate institutional framework for a project of the reform of international politics must, in fact, be based on the assessment of the performance of the different institutional frameworks in relation to the criteria related to political participation.¹⁸ The preferred institutional framework should thus be one that reduces the constraints on participation in the decision-making in all the vastly diverse political units dispersed throughout the vertical and horizontal dimensions of social action. More specifically, the two sub-criteria of an optimal framework can be identified in decentralisation, in order to maximise opportunity, and centralisation, to avoid exclusion.¹⁹ Connected to these two principles is the principle of subsidiarity. This principle ‘regulates authority within a political order, directing that powers or tasks should rest with the lower-level sub-units of that order unless allocating them to a higher-level central unit would ensure higher comparative efficiency or effectiveness in achieving them’.²⁰ Underpinning this norm is the normative recognition that decisions should be taken as close as possible to the individual whose freedom of choice is affected, for example, the participation of the individual in the decision-making and frame-setting process should be as direct as possible. This means that political decisions should be kept as ‘low’ as possible, and be moved up to the national and global level under a condition of minimal intervention, for example, only when this is necessary to tackle effectively the scale and effects of the problems at stake, and so to allow procedurally for wider democratic participation of different actors involved. Finally, subsidiarity constitutes an especially important principle with regards to the relationship between the jurisdictions, in so far as it allows for coordination and dispute-solving among the different levels of action. This leads, however, to a key issue of this article: the authority for drawing jurisdictional boundaries.

Drawing jurisdictional boundaries

The problem of jurisdictions represents a key, controversial challenge for any kind of multilayered political system.²¹ It requires finding an appropriate mechanism for determining (1) which institutional sub-units and level of action should be recognised

¹⁸ Thomas Franck, ‘The Emerging Right to Democratic Governance’, *American Journal of International Law*, 86:1 (1992), pp. 46–91; idem, *Fairness in International Law and Institutions* (New York: Clarendon Press, 1995); Bernard Manin, Adam Przeworski and Susan Stokes, ‘Elections and Representation’, pp. 47–9; Ngaire Woods, ‘Good Governance in International Organizations’, *Global Governance*, 5 (1999), pp. 36–91; Steve Charnovitz, ‘The Emergence of Democratic Participation in Global Governance (Paris, 1919)’, *Indiana Journal of Global Legal Studies*, 10:1 (2003), pp. 45–77; and Raffaele Marchetti, ‘Human Rights as Participatory Entitlements in a Global Democratic System’, in R. Tinnevelt and G. Verschraegen (eds.), *Between Cosmopolitan Ideals and State Sovereignty: Studies on Global Justice* (London: Palgrave-Macmillan, 2006), pp. 159–69.

¹⁹ Pogge, ‘Cosmopolitanism and Sovereignty’, pp. 58 and 64–5; idem, ‘Three Problems with Contractarian-Consequentialist Ways of Assessing Social Institutions’.

²⁰ Andreas Føllesdal, ‘Survey Article: Subsidiarity’, *Journal of Political Philosophy*, 6:2 (1998), p. 190.

²¹ Bob Goodin, ‘Justice in One Jurisdiction, No More’, *Philosophical Topics*, 30:2 (2002), pp. 29–48; Carol Gould, *Globalizing Democracy and Human Rights* (Cambridge: Cambridge University Press, 2004); Andy Kuper, *Democracy Beyond Borders* (Oxford: Oxford University Press, 2004); Nancy Fraser, ‘Re-Framing Justice in a Globalizing World’, *New Left Review*, 36 (2005), pp. 69–88; Hans Agné, ‘A Dogma of Democratic Theory and Globalization: Why Politics Need not Include Everyone it Affects’, *European Journal of International Relations*, 12:3 (2006), pp. 433–58; Thomas

and endowed with authority, (2) how the different levels of political actions are interlinked, (3) which level has priority over the others, (4) and where exactly the boundaries between the different domains of actions should be drawn. The first element that needs to be highlighted from the present perspective is the determination of the layers as grounded on an ethico-political criterion in terms of impact on freedom of choice. Of course, spillover effects and overlapping boundaries always exist, but a differentiation between primary and secondary jurisdictional priorities can be depicted as a way to mark normative boundaries. In this sense, a relatively clear-cut distinction between jurisdictions can be delineated, though one that inevitably remains subject to political revision through public debate. For it is correct to contest the traditional demarcation of boundaries associated with the primacy of state sovereignty toward the recognition of inter- and transnational dimensions of the political,²² but it is equally misleading to suggest an unqualified decompartmentalisation, that no boundaries can be drawn at all and every action has to be considered a global event, as if it were a butterfly wing-beat in the theory of chaos.

With regards to the problem of jurisdictions, this article envisages an all-inclusive political authority on top of the jurisdictional scale. It is, in fact, only through an all-inclusive world system that the drawing of jurisdictional boundaries can be implemented democratically and the problem of political exclusion avoided. Exclusion is considered legitimate only when its boundaries are collectively decided through an all-inclusive procedure. As already recognised for the domestic case, only when an individual is entitled to participate in the delineation of jurisdictional boundaries can he/she not feel excluded, for he/she has a valid and publicly recognised voice to claim inclusion in a relevant jurisdictional domain. When this is not the case, any individual or group can be excluded by more powerful actors claiming they are the only relevant agents in the jurisdictional interaction at stake. It is just too easy to think about the thousands of protest mobilisations of global activists currently carried out on both specific and global issues from which they feel excluded.²³ These mobilisations resemble very much the struggles for inclusion carried out not so many years ago at the domestic level by women and black activists. In order to guarantee fair participation into decision-making and frame-setting processes at the global level, a previous institutional step is thus necessary in terms of guaranteeing all-inclusive participation in the drawing of jurisdictional boundaries.

The more adequate institutional design for such inclusive system of participation in the drawing of jurisdictional boundaries consists in a form of cosmo-federalism. In organising political power on several levels, federalism allows for every citizen to be subject to two or more powers (multiple loyalty), without this implying the renunciation of the principle of uniqueness of decision, thanks to the mechanism of subsidiarity. Rejecting the traditional model of double indirect representation

Christiano, 'A Democratic Theory of Territory and Some Puzzles about Global Democracy', *Journal of Social Philosophy*, 37:1 (2006), pp. 81–107; Raffaele Marchetti, 'Global Governance or World Federalism? A Cosmopolitan Dispute on Institutional Models', *Global Society*, 20:3 (2006), pp. 287–305; Rainer Bauböck, 'Political Boundaries in a Multilevel Democracy', in S. Benhabib, I. Shapiro, and D. Petranovich (eds.), *Identities, Affiliations and Allegiances* (Cambridge: Cambridge University Press, 2007); and Raffaele Marchetti, *Global Democracy* (London: Routledge, 2008).

²² Goodin, 'Justice in One Jurisdiction, No More'.

²³ Donatella della Porta (ed.), *The Global Justice Movement: A Cross-National and Transnational Perspective* (Boulder, CO: Paradigm, 2007).

through states' representatives, federalism proposes a democratic rather than diplomatic union of states, according to which all political representatives are directly elected to a law-making assembly by the people, and political decisions taken by the federal government apply directly to citizens rather than states. In this way, federalism fundamentally fulfils the criterion of political participation in so far as it allows for direct representation of citizens (not only of states) at several levels of political decision-making, thereby also allowing for representation of trans-border and global interests. Particularly important here is the possibility that is offered to citizens to participate through global elective institutions²⁴ to the delineation of jurisdictional boundaries, and to contest the current allocation of competence by appealing to a global court established with this specific mandate.²⁵

Objections rejected

A number of objections have been traditionally raised against the idea of a global federation. Two arguments against the feasibility (Objection 1) and desirability (Objection 2) of the federal proposal are the most frequent in regards to the general thesis of world federalism.²⁶ Beyond these overall objections, a number of more specific arguments (Objection 3) have been formulated against a consequentialist understanding of cosmo-federalism.²⁷ While raising important issues, these objections can be dismissed from the present point of view. In the remainder of this section, I will address them in order.

Objection 1 on the feasibility of a world federation

As regards feasibility, critics point out that federations have historically come into being in reaction to external enemies or for common interests, and that this is inconceivable at the global level.

²⁴ A number of electoral constituencies, especially those including small states, would inevitably be transnational. This would increase the transnational and global mandate of the elected representatives.

²⁵ Hans Kelsen, *Peace Through Law* (Chapel Hill: The University of North Carolina Press, 1994); Lucio Levi, *Il pensiero federalista* (Roma-Bari: Laterza, 2002), p. 11.

²⁶ Immanuel Kant, *Perpetual Peace: a Philosophical Sketch*, in H. Reiss (ed.), *Kant's Political Writings* (Cambridge: Cambridge University Press, 1795 [1991]); Edward Carr, *The Twenty Years' Crisis: An Introduction to the Study of International Relations* (London: Macmillan, 1939), § 5; Thomas Christiano, 'A Democratic Theory of Territory and Some Puzzles about Global Democracy'; Carl Schmitt, *The Nomos of the Earth in the International Law of Jus Publicum Europaeum* (New York: Telos Pr, 1950 [2003]), pp. 324–5; Hidemi Suganami, *The Domestic Analogy and World Order Proposal* (Cambridge: Cambridge University Press, 1989), pp. 187–91; and Michael Walzer, 'The Moral Standing of States: A Response to Four Critics', *Philosophy and Public Affairs*, 9:3 (1980), p. 224. For a classic statement of federalism that provides strong counter-arguments to many of these objections, see Alexander Hamilton, John Jay, and James Madison, *The Federalist* (Cambridge, MA: Harvard University Press, 1787–88 [1961]). For a non-federalist view on world government, see Alexander Wendt, 'Why a World State is Inevitable: Teleology and the Logic of Anarchy', *European Journal of International Relations*, 9:4 (2003), pp. 491–542.

²⁷ I wish to thank an anonymous reviewer of the *Review of International Studies* for raising this set of objections.

Response: This argument can be refuted by pointing to, on the one hand, global threats such as global warming or security, and on the other, global public goods such as peace and international financial stability, which clearly represent common interests capable of unifying differing strategic agendas. Such interests currently provide the motive pushing international cooperation beyond borders toward an interdependent political system. For what regards the issue of feasibility, federal arguments traditionally rely on a functional and historical consideration on the extension of democracy. The traditional argumentative line holds that democratic government has been continuously adapting to historical circumstances – from the limited extent of the polis assembly passing through the intermediate enlargement in the modern representative state and finally to macro-regions – and that the time has come for the fourth extension toward a federal world government. Contemporary circumstances of global interdependence would thus point towards a parallel enlargement of the democratic system at the global level. Equally, federalists have reckoned that also economic development imposes a similar functional imperative on the structure of political system. Thus, from the first agricultural city-states to the nation-states focused on the industry and commerce, the historical trajectory of economic globalisation is arguably leading toward a world federal system.

Objection 1.2

The other side of the feasibility argument is mainly technical and regards the practical difficulties of world management in a scenario characterised by high quantity and high complexity.

Response: Three points provide adequate response in this regard: first, there have been enormous improvements in technology since Kant's time (who was one of the first to raise this issue); second, the demands of justice may well require a certain degree of trade-off at the expense of efficiency; and thirdly the high diversity of global political agents provides a reason for (not against) the search for a common, non-exclusionary framework of justice. The two latter points, moreover, crucially underscores the desirability of global federalism, as illustrated below.

Objection 2 on the desirability of a world federation

The other major critique of global federalism concerns the issue of desirability and holds that the power accruing to a world government would inescapably lead to homogeneity, or worse, tyranny.²⁸

Response: The quick response to this consists in stressing that these risks are higher without a federal authority than with it. With regard to homogeneity, it should be remarked that only through a political system where action-bearers can

²⁸ See especially Kant, *Perpetual Peace: A Philosophical Sketch*, p. 113; idem, *The Metaphysics of Morals*, in H. Reiss (ed.), *Kant's Political Writings* (Cambridge: Cambridge University Press, 1797 [1991]), p. 171; and Andrew Hurrell, 'Kant and the Kantian Paradigm in International Relations', *Review of International Studies*, 16:3 (1990), p. 190.

democratically express their consent based on an equal standing, can the imposition of mere power (both political and cultural) be contrasted, and local differences be respected. If we reckon the infinite ways of influencing other countries, an all-inclusive world organisation based on equal democratic participation represents the only political project able to escape the imposition of a local standard on the world community. With regard to tyranny, the distinction between a unitary state and a federal government should be highlighted, together with the recognition that a federal global institution would only rule on global issues, while leaving national affairs to the jurisdiction of the local authorities. In this way, states would preserve their *raison d'être* while the risk of an authoritarian state would be diminished.

Objection 3 on the non-welfare maximising consequences of cosmo-federalism

A number of more specific objections to a consequentialist justification of cosmo-federalism have also been raised. In sum, such objections hold that a world federation would not be welfare-enhancing if compared to the status quo or an international society based on a stronger protection of state sovereignty.

Response: A first overall rebuttal of this kind of objection points to the welfarist added-value of institutional procedures entailing a guarantee of freedom of choice. As I showed in the previous sections, the democratic system based in freedom of choice through political participation is procedurally bounded to generate positive results in terms of welfare-enhancement. While the reasonable expectation that freedom of choice generates welfare seems more than simply intuitive, this article has also shown how to connect freedom of choice to political entitlements.²⁹

Objection 3.1

A world federation would be more conflict-ridden than a sovereign state system.

Response: Federalist thought has since long argued that the only way to escape conflict at the international level consists in the establishment of a federal system. Indeed, central to the federal ideal is the transformation of interstate relations from unruled and violent to a complete juridical status. Since peace is not interpreted negatively as the lack of war, but rather positively as state and law, a central government is envisaged as a machinery for the peaceful and lawful solution of the political, economical or social international conflicts. Contrary to those confederations with no check on the power of single states, the law of the federal system provides the political means to eliminate the appeal to arbitrary violence.

²⁹ I need to mention that the kind of proof that can offered in any consequentialist argument as applied to international affairs remains inevitably reliant on hypothetical consideration. A world federation never existed in history. It is thus impossible to make a precise assessment of its potential in terms of welfare-enhancement as based on past experience. Nonetheless, it is possible to make an analogical argument based on the existing democratic institutional arrangements at different levels, from the local to the macro-regional. Through this analogy, it is possible to envisage an institutional design based on procedures that is on the overall generating a positive result in terms of preservation of freedom of choice, thus of welfare-enhancement.

Objection 3.2

Many citizens would consider national autonomy to be a primary value to be chosen and protected rather than humanity as such.

Response: A federal system would provide an institutional environment in which autonomy and diversity would be preserved, within the limits imposed by a fair consideration of world pluralism. As mentioned earlier, an overarching and impartial system is needed in order to guarantee political and cultural difference, since legitimate partiality can only be attained through impartiality. A cosmo-federation would be a global organisation in which states would share power for specific global purposes under a system of strengthened international and cosmopolitan law. Consequently, states would renounce a portion of their sovereignty and agree to a compulsory jurisdiction uniquely for a determined list of competences on global issues (typically, non-territorial or territorially intermingled issues), while retaining those powers and specific institutional forms directed at domestic concerns. Rather than a loss, this would be regarded as a gain in freedom and order, since states and individuals would be compelled only to accept decisions taken according to majority rule and implemented through a subsidiary scheme of actions at both global and state levels. Moreover, individuals would acquire a full cosmopolitan citizenship while remaining national citizens within a consistent scheme of multiple allegiances, which would allow for frustrated and excluded citizens to channel their claims beyond their governmental representation. In this way, the system would provide a chance for dispersed minorities to aggregate and constitute a robust political representation at the global level, thus envisaging a inter-layered mechanism of protection against abuses by local majorities.

Objection 3.3

Freedom of choice would be enhanced by the exit opportunities made possible by many independent jurisdictions.

Response: Exit opportunity would be preserved among different political jurisdictions. The possibility to change political and cultural environment would actually be increased in a world federal system in that freedom of movement would be implemented.³⁰ At the same time, an overall political coordination would allow for improved policing activities, thus filling the gap in the current security system at the international level. Beyond this, the possibility of system corruption will always be present, but as in any democratic system it would be reduced in comparison with non-democratic systems. A democratic system with all-inclusive participation rights would, in fact, maximise accountability, consequently minimising the chances of authoritarian drift.

³⁰ Raffaele Marchetti, 'Toward a World Migratory regime', *Indiana Journal of Global Legal Studies*, 15: 2 (2008).

Objection 3.4

The costs of global democracy would not be compensated by its benefits in terms of citizen participation, since the latter would be vanishingly small at the global scale. Also known as Dahl's restricted-size argument, it holds that an extended republic is an oxymoron, in that the bigger a state is, the smaller is the weight each single vote has in proportion to the total of the voting lot; consequently, the less democratic the state is.³¹

Response: Three counter-moves can be used to refute Dahl's formulation. First, as already made clear by the federalist writers, the right size of a republic is not at all clear, since it seems that if we stick to the original ideal of a republican society, states such as the US, Russia or Brazil, or indeed most contemporary states, remain structurally inadequate for any form of democratic government. Second, in the current interdependent international affairs, it is likely that the individual will be affected in any case by decisions taken outside of his community. In the light of this, it goes against reason to argue against granting the possibility to influence politically such decisions, even if the final result is minimal impact. And thirdly, in a situation such as the current one, for example, one deprived of any form of direct international representation, the relative weight of each individual's vote remain even more severely discounted, in so far as it passes through a double mechanism of representation: from the citizen to the national MP and from the MP to the state's delegate in the international organisations.

Objection 3.5

The welfare-enhancing effects of democracy would not result from simple majority voting but from public deliberation, which is close to impossible at the global level. This is supposedly due to the lack of a global demos.

Response: A twofold counter-argument can be deployed here. On the one hand, we have to acknowledge that a global demos is emerging. Within the context of new non-state transnational actors, an unprecedented global public domain is materialising in which alternative readings of global legitimacy are advanced.³² On the other hand, we also need to reckon that a bottom-up political process has always to be coupled with a top-down institutional reform in order to generate effective changes motivated by considerations of political justice. This is not dissimilar from what occurred at the domestic level during the process of establishment of nation-states. There too, these two processes (top-down and bottom-up) had to be simultaneously envisaged in order to produce a consolidation of state institutions.

In conclusion, we need to recognise that the arguments put forward against the idea of a world federation are often underdeveloped and too quick to dismiss the idea

³¹ Robert A. Dahl, 'Can International Organisations Be Democratic? A Sceptic's View', in I. Shapiro and C. Hacker-Cordon (eds.), *Democracy's Edges* (Cambridge: Cambridge University Press, 1999), pp 19–36.

³² John G. Ruggie, 'Reconstituting the Global Public Domain – Issues, Actors, and Practices', *European Journal of International Relations*, 10:4 (2004), pp. 499–531; and Mary Kaldor, Martin Albrow, Helmut Anheier and Marlies Glasius (eds.), *Global Civil Society 2006/7* (London: Sage, 2007).

of a truly global polity. While inevitably not offering a final word on a debate that has gone on for many centuries, this section has intended to provide at least a set of viable counter-arguments, which those that do not take into serious consideration the idea of a cosmo-federalist system should engage with.

Conclusions

Bridging the paradigms of consequentialism and cosmopolitanism, the argument presented here provides an original argument in favour of a political system based on universal inclusion and participation. This is argued as the most convincing critical response available to the current exclusionary conceptual framework of international affairs. The ultimate political consideration underpinning this article is one that firmly believes in the unique value of political institutions to resist social inequality. Accordingly, global democratic institutions are thus needed in order to redress the illegitimate political exclusions of the current international system. In more concrete terms, it is a proposal to dispute the power positions, which characterise international social reality, by redefining the legal institutional setting. The proposed new system would provide an equal opportunity to influence the public decision-making and frame-setting process at the transnational level and so maximally preserve one's own freedom of choice.