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GLOBAL JUSTICE AS GOOD GOVERNANCE: A CRITICAL APPROACH

Sprawiedliwość globalna jako przykład dobrego rządzenia – podejście krytyczne

Słowa kluczowe: rządy, demokracja, neoliberalizm, sprawiedliwość globalna.

Key words: governance, democracy, neo-liberalism, global justice.

S t r e s z c z e n i e

Problem opisywany w tymże artykule jest dwojaki: 1. Pomimo że zwolennicy globalnej sprawiedliwości przyjmują tezę – choć jej nie udowadniają – że rządzenie i demokracja idą w parze, historyczna perspektywa, choć ograniczona, pozwala nam wykazać wątpliwość tego założenia. 2. Teza, by dążyć do „sprawiedliwości globalnej” jako alternatywy dla neoliberalnych rządów, jest uwięziona w ramach pojęciowych stworzonych właśnie przez neoliberalizm. Chociaż zwolennicy sprawiedliwości globalnej twierdzą odwrotnie, to typ legitymizacji władzy przez nich przedstawiany zasadniczo nie różni się od legitymizacji typowej dla neoliberalnych rządów. Sprawiedliwość globalna, zastosowana w międzynarodowych instytucjach, może więc być postrzegana jako – czasami krytyczna – forma rządów demokratycznych.

A b s t r a c t

The problem dealt with in this paper is twofold: 1. Although the partisans of good governance presuppose – without proving it – that good governance and democracy sit well together, a historical perspective, however limited, allows us to show that this presupposition is dubious. 2. The claim to pursue “global justice” as an alternative to neo-liberal governance is indeed trapped in the conceptual framework designed by neo-liberalism. Although they pretend to the contrary, the kind of political legitimacy put forward by global justice movements is not fundamentally different from the kind of legitimacy put forward by neo-liberal governance theories. When applied to international institutions “Global justice” can therefore be considered as a form, however critical, of democratic governance.

The argument presented in this paper is twofold¹: it is firstly that the idea that good governance and democracy go well together is dubious; it is secondly that the claim to pursue “global justice” as an alternative to neo-liberal governance, of which “good governance” is a form, is trapped in the conceptual framework designed by neo-liberalism itself. Although they present their theories in very different terms, the kind of political legitimacy put forward by global justice theories or movements is not fundamentally different from the kind of legitimacy put forward by neo-liberal governance theories. When turned into a political program “global justice” can therefore be considered as a form, however critical, of “democratic governance”.

To validate that claim, I will consider the use made of the notion of “global justice” in *The Age of Consent*, a political best-seller by George Monbiot. The hypothesis is that such a book, which aims at transforming a scholarly program into a political manifesto – its subtitle is explicit: *A Manifesto for a New World Order* – sheds some light on the internal limits of the global justice program as such. There is obviously much more in Thomas Pogge’s philosophical agenda², but we shall consider that the political program devised by Monbiot from such agenda is not totally untrue to its philosophical source.

In order to defend the first two theses, we should agree on the four following points. Firstly, apart from specific features linked to neo-liberal thinking that explain its recent appearance, good governance belongs to the more general framework of a liberal justification of politics. Secondly, although proponents of governance claim it to be compatible with democracy, their use of the term “democracy” implies a radical change in the understanding of what this term really means – that is, a politics of autonomy and a specific way of conceiving of government as the implementation of this autonomy. Thirdly, the way global justice as conceived in *The Age of Consent* implies a rejection of the politics of autonomy wrongly identified with anarchist thinking is not very different from the way neo-liberal governance thinking rejects the politics of autonomy. Finally, although it claims to oppose the neo-liberal reduction of democracy to a free enterprise system, the global justice movement does not really succeed in transforming the theoretical framework in which the question of political legitimacy is addressed by neo-liberal thinkers.

¹ Thank you Terry Macdonald for a very useful linguistic revision of my paper.

² Notably, his proposal of a Health Impact Fund (<http://healthimpactfund.com/>). It would be interesting to see more precisely how this proposal connects with the functioning of the world pharmaceutical market.

1. Governance and Democracy: Different forms of legitimacy?

A historical perspective. If we want to understand what governance is about and how it relates to democracy, it is necessary to draw a broader picture and situate governance in the wider history of political legitimacy. In such a picture the relevant feature is not democracy as such, but the opposition between political legitimacy based on the increase in state power and political legitimacy founded on the limitation of state power³. In the first case, what makes governing legitimate is the fact that it reinforces the autonomy of the state; in the second case, it is that it contributes to limiting the intervention of the state. An example will make this opposition easier to perceive: When 17th-century mercantilists suggested means for developing trade, it was in view of increasing the power of the state according to a conception of rationality also known as reason of state; when Adam Smith described the conditions for the production of wealth, it was in order to increase the wealth of nations – that is, of civil societies, and not of states.

In those two cases political legitimacy means opposite things: in the first case, it amounts to increasing the autonomy of the state so that it can be less dependent on its neighbour states, whereas, in the second case, it is equivalent to reducing the state's power of intervention so that market forces can develop on their own. To put it another way, a political action is legitimate from a state's perspective when it contributes to reinforcing the autonomy of the state, and, from a liberal perspective, when it contributes to preserving the autonomy of civil society. The latter criterion of legitimacy still applies in the case of good governance, except that the aim of governance is not only to preserve the market's autonomy, but further to contribute to its development by directly intervening in its political and social conditions. This difference, which is indeed the difference between classical liberalism and neo-liberalism, implies that neo-liberal political legitimacy is not based on abstaining from intervention in the mechanism of the markets but rather on a direct intervention in the social and political conditions of economical exchanges. Good governance is the generic name for this intervention on social and political conditions within a free market⁴, whether at the local, national, regional or global level. "Good" in "good governance" means good for the functioning of the markets. What, then, is democracy good for in the good governance scheme?

³ M. Foucault, *Naissance de la biopolitique, Cours au Collège de France. 1978–1979*, Gallimard/Seuil, Paris 2004, p. 314–317.

⁴ A. Kazancigil, *Governance and Science: Market-Like Modes of Managing Society and Producing Knowledge*, "International Social Science Journal" 1998, vol. 50, no. 155, p. 70.

Democracy and the two sources of political legitimacy. Democracy comes into the argument not as the primary basis of legitimacy, but rather as a means of implementing the conditions of legitimacy. Put another way, it is a formal condition of legitimacy, since the substantive condition resides in either the autonomy of the state or the autonomy of civil society.

Where the basis of political legitimacy lies in the autonomy of the state, democracy appears as a way of determining the general will of a people and establishing the laws which people agree to obey; where it rests in the limitation of state intervention and the autonomy of the market, democracy appears as a way of obtaining a consensus on market-oriented policies. The change in legitimacy models implies a radical change in the understanding of what democracy means.

In terms of autonomy of the state, democracy has three main features: it aims, firstly, at determining the general interest of the state; it presupposes, secondly, the possibility of a meaningful political conflict between voters; and finally, it opposes the all-powerful discourse of science, since the people's decision is not supposed to rest on truth but rather on persuasion and conviction. In terms of market's autonomy democracy has quite different features: there is, firstly, no general interest of the state, as the latter is only a means for achieving the good functioning of the economic sphere; there is, secondly, no meaningful conflict, but only divergent private interests which must come to a compromise through negotiation; and finally, democracy is always dependent in the end on economics – that is, on the science of market mechanisms. If we keep those features in mind, there is obviously no possibility of confusing the two models, except insofar as those two extremely different approaches to democracy claim to be using the same word.

The neo-liberal use of democracy. What must be pointed out is the way defenders of governance tend to strip the term democracy of its proper political content. Formally, in the neo-liberal approach, there is no radical difference between democracy and a free enterprise system, since both are based on competition, political parties being considered as a kind of enterprise⁵. What is crucial is the absence of substantial differences between a democratic and a free enterprise system, since the content of political decisions must be in accordance with the requirements of a free market. If good governance is about “the kind of restructuring required to create a framework for smoothly functioning modern markets”⁶, democracy is about the kind of consensus required to allow for this kind of restructuring.

⁵ G. Becker, *Competition and Democracy*, (in:) idem, *The Economic Approach to Human Behavior*, The University of Chicago Press, Chicago – London 1976, p. 33–38.

⁶ C. Hewitt de Alcántara, *Uses and Abuses of the Concept of Governance*, “International Social Science Journal” 1998, vol. 50, no.155, p. 106.

In such a perspective, it makes sense to consider democracy as part and parcel of governance, since governance itself is a way of euphemizing the reality of “state reform” and of “social and political change” in order to further markets’ functioning⁷. The methods used for obtaining a political consensus on the “necessary” reforms can be called “democracy”, if (and only if) democracy is no longer concerned with political autonomy, no longer linked to meaningful conflicts, and no longer independent from the science of market mechanisms. Just as governance does not mean governing in the name of a people, democracy no longer means expressing the autonomous will of a people but rather producing a consensus on the methods best suited to a free enterprise system.

It is, therefore, quite logical to find the two notions associated in the expression “democratic governance” in various reports by international organizations⁸. To speak of “democratic governance” does not mean that state and economic reforms are expressions of the will of the people; it only means that they have been formally accepted by an electorate.

The 2005 rejection of the EU constitutional Treatise by French and Dutch electorates can be seen as a misunderstanding of what a referendum means in a “democratic governance” perspective: it does not mean that the electorate is allowed to oppose the “necessary” social and political reforms, but that it is asked to formally give its consent to the implementation of those reforms. Saying “No” to the project of European democratic governance aiming at better functioning European markets was considered by experts as a gross misunderstanding of the nature of this kind of “democracy”. A neo-liberal conception of democracy as the expression of consent to the economic order of things had been confused with a conception of democracy as the expression of political autonomy.

To conclude on this, let us say that there is a significant difference between understandings of political legitimacy that take democracy as a means to state autonomy, and those that take it as a dimension of good governance; and it is because such a fundamental distinction is being systematically blurred by the defenders of “good” governance that the terms of the debate are so confusing. However, pointing out the consequences of that confusion does not make an argument in favour of a politics of autonomy: we now need to see if the global justice agenda amounts to such an argument.

⁷ Ibidem, p. 107.

⁸ IBRD, *Governance: The World Bank's Experience*, Washington, November 1994; OECD/DAC, *Evaluation of Programmes Promoting Participatory Development and Good Governance*, Paris 1996 (unpublished draft synthesis report); UNDP, *Governance for Sustainable Human Development, Management Development and Governance Division*, 1996 (unpublished draft document); UNESCO, *Governance and UNESCO: An Operational Approach from the Social Sciences Sector*, 1997 (prepared by Alessandro Motter).

2. Is global justice an alternative to democratic governance?

A political perspective. What has global justice to tell us about the political legitimacy of world democracy? Global justice is both the name of a scholarly program aiming to apply the theory of justice framework at the global level⁹ and the name of a political movement. In what follows we shall be concerned with some proposals made at the political level: if we think, of course, that those proposals are connected with the Global justice program, we are not proving the latter point in the present paper.

The Global Justice Movement has been characterized in various ways: as an “Anti-Globalization Movement”, first, and, then, as a “Civil Society Movement”, or a “World Democracy Movement”¹⁰. This Global Justice Movement claims to be defending an alternative view to the neo-liberal one which is at the core of international institutions today. Just as Pogge’s arguments presuppose a global background justice – that is, institutional conditions for implementing global justice¹¹ – the Global Justice Movement aims at conceiving new forms of global or international institutions in order to remedy the huge inequalities and injustices of the present world order.

The initial statement made by Monbiot is that, although the present globalized order has been devised by corporate and financial institutions in their own best interest and not in the interest of the people, this globalized world which nobody wanted as such presents us with an opportunity to get rid of the “political national loyalties” which “have made us easy to manipulate”¹². By a kind of historical trick, the “global dictatorship of vested interests has created the means of its own destruction”¹³. Thus, the present global situation could be considered as the precondition for a political and economic transformation on the basis of an active commitment of millions of people in the rich and in the poor countries: “Globalization has established the preconditions but this mutation cannot happen by itself. It needs to be catalysed [...]. It requires the active engagement of a network of insurrectionists who are prepared to risk their lives to change the world”¹⁴. As the last quote shows clearly enough, Monbiot’s approach presupposes the political engagement of active members whose determination will be able to achieve the big “mutation”. What we would like to show

⁹ Th. Pogge, *Realizing Rawls*, Cornell University Press, Ithaca 1989; Beitz 1999, 198–216.

¹⁰ G. Monbiot, *The Age of Consent. A Manifesto for a New World Order*, Harper Perennial, London 2004, p. 2, note.

¹¹ Th. Pogge, op. cit., p. 255–256.

¹² G. Monbiot, op. cit., p. 8.

¹³ Ibidem, p. 9.

¹⁴ Ibidem, p. 10.

now is that this first impression is not true to the global justice program, and this for two reasons, of which the first is political and linked to the conception of democracy, and the second economic, and linked to the conception of political conditions of the economic reform needed to implement this new world order.

Democracy vs. Marxism and Anarchism. In his “Equivocal Case for Democracy”, Monbiot recognizes that in the Global Justice Movement the position which he calls “democracy” directly competes with two rival ideologies – that is, with Marxism and anarchism. The definition he gives of democracy is a classical one: “a form of government in which sovereign power belongs, in theory, to the people, in which those people have equal rights, and in which the will of the majority is expressed and exercised through elections between competing candidates and parties”¹⁵. So far, so good.

The criticism which is made of Marxism is not, in itself, very surprising: the oversimplification of social conflict between proletariat and bourgeoisie inexorably ends up in the suppression of any other social elements (peasants, petty bourgeois, Lumpenproletariat, etc.), and, consequently, in the use of violent means in politics. Although “Marx helped the industrial working class to recognize and act upon its power”, his program “stands at odd with everything we in the global justice movement”, says Monbiot, “claim to value: human freedom, accountability, diversity”¹⁶.

What is more perplexing is the judgment made on the third political alternative for a global justice program, that is, anarchism. Monbiot recognizes that, “at first sight, anarchism appears more compatible with the ideals of a global justice movement”¹⁷, and that, although he has now “come to reject it intellectually”, he keeps returning to it. The bad thing with anarchism is that it is not sustainable, because, having suppressed the state, it does not allow for a mechanism to protect the weaker against the stronger. The good thing with it is that it promotes the ideal of autonomy and self-government. Nevertheless, the problem with anarchism is not so much its rejecting of the state system, as the latter is sometimes worse than no state at all, but the fact that it does not allow a sustainable autonomy of the people who have adopted it, since this autonomy will be easily compromised, if not destroyed, by foreign invaders. Put another way, if anarchism means seeking mutual advantage within “freely associating communities”¹⁸, it can be seen as implementing the principle of autonomy, which is, indeed, at the basis of true democracy. However, by refusing a monopoly of violent means to the state, anarchism “re-

¹⁵ Ibidem, p. 25, note.

¹⁶ Ibidem, p. 30.

¹⁷ Ibidem.

¹⁸ Ibidem, p. 32–33.

moves such restraints as prevent the strong from crushing the weak”¹⁹, and has no better outcome in a way than market fundamentalism has²⁰.

The good point, therefore, about “democratic governance” is that it “is more likely to deliver justice than anarchism is”, because “it possesses the capacity for coercion: the rich and powerful can be restrained, by the coercive measures of the state, from oppressing the rest of us”²¹. It can only do so, however, if the global justice movement does not choose the solution of localizers, that is, limiting the amount of exchanges and developing the local resources of a community, but the option of democratizing the world²².

Democratizing the world. In order to correct the anti-democratic dimension of international institutions, the solution would be, according to Monbiot, to establish a world parliament: “The only genuine representative global forum is a *directly* representative one, by which, of course, I mean a world parliament”²³. The three democratic resources of such an institution are the following: firstly, it is a forum in which discussion can take place and good ideas can do battle with bad ones; secondly, it can in principle “hold the global and international powers to account”²⁴, and, thirdly, it allows a conception of our common interests.

The point which is to be stressed is the idea that “we cannot warrant that democracy will deliver what we consider to be the right results”, that is, “justice and distribution”; “We can warrant that the absence of democracy will deliver the wrong ones”. Democracy is thus associated with the idea of “risk”: “risk which preserves democracy”²⁵. No need to insist here on the technicalities of the world parliament project, but we should only keep in mind the possibility of establishing one such institution on the basis of constituencies, which would be distinct from those defined according to the borders of nation-states.

A Fair Trade Organization for the taming of corporations. The point – made in Chapter 6 of *The Age of Consent* – is that the solution to the unfair dealings of the WTO cannot be the suppression of trade among the nations, but rather the establishment of a Fair Trade Organization (FTO) that would allow for the real conditions of development for poor countries. Contrary to the orthodox free trade dogma that protectionism is always a bad solution, a FTO

¹⁹ Ibidem, p. 38.

²⁰ Ibidem.

²¹ Ibidem, p. 41.

²² Ibidem, p. 62.

²³ Ibidem, p. 83.

²⁴ Ibidem, p. 85.

²⁵ Ibidem.

would recognize the fact that protectionism, or tariffs, can sometimes be a necessary means to protect infant industries. Without such barriers rich countries like Britain would not have developed at the earlier stages of their industrial history: “The (textile) industry was nurtured and promoted by means of ruthless government intervention”²⁶. A fair solution would therefore be to allow under-developed countries to benefit today from similar measures. Likewise, allowing the rich countries to subsidise their agriculture can be seen as an unfair practice, when it prevents poorer countries from selling their agricultural productions abroad.

Nevertheless, the discriminatory measures accorded to poor nations would not be for ever: “As those nations which are poor today became rich, they would be obliged to start to liberalize their economies to the same degree as the countries with which they had caught up”²⁷. This set of measures would establish a “gradient of opportunity” that would prevent both drawbacks linked to free trade and to localization. There is no need to forbid trade, therefore, in order to introduce more justice in the way trade is conducted among nations.

Monbiot’s point is: first, that trade can be an instrument of development for poor countries and, second, that the states should not be regulated but the corporations themselves, when they contribute to the degradation of our global environment or to bad working conditions. By defining the principles of a global regulatory policy, Monbiot considers the way to use the strengths of corporations in order to improve the situation of the poor inhabitants of the world. Just as Pogge suggests, Monbiot tries to define the conditions in which “the market begins to work for the poor”²⁸. Through the medium of a licensing body – the Fair Trade Organization – only corporations that respected the rules of the game (fair trade) would be allowed to play the game at the international level. Company performance would be assessed by monitoring the companies accredited to the organization²⁹.

At this point of the analysis, several remarks can be made: firstly, Monbiot appears to be very much aware of the necessity to change the social and political conditions in which the market game is played; secondly, he is aware that there is some kind of paradox in the way he becomes involved in the problem of market regulation: “It may seem strange for an anti-corporate campaigner to suggest that corporations can become part of the solution”³⁰; thirdly, the answer to this apparent paradox is to reconsider the status of corporations: “a corporation is simply a means of exchanging goods and services for money, a vehicle

²⁶ Ibidem, p. 197.

²⁷ Ibidem, p. 218.

²⁸ Ibidem, p. 227.

²⁹ Ibidem, p. 228.

³⁰ Ibidem, p. 234.

which carries wealth to and from the bank”³¹. The solution seems to be a taming of corporations: “corporations are slowly turned into our slaves”³².

The paradox of global justice governance. There is still another, and bigger, paradox in the use which is made of the notion of global justice to enhance fair trade on a global scale: global justice shares with neo-liberalism a common belief in the fact that “political change is [...] preceded by economic change”³³, and it is surprising to see that the conditions for a real democratic government of the world find themselves in the transformations of the social and political conditions of the world economy, that is, world market. Just as neo-liberal think-tanks intend to introduce transformations in nation-state policies in order to implement a “better” – that is, optimized – functioning of the market, global justice thinkers intend to recommend modifications in the regulations of the market in order to implement a better – that is, fairer – functioning of the markets.

An easy answer to our critique is to claim that the aims of the reforms, in both cases, are completely different: in the one case, it is to increase the benefits of the richest, and in the other case, it is to increase the wealth and living conditions of the poorest. It is nevertheless striking to see that the general method, or approach, is similar: it relies on a modification of the social and political conditions in view of a better running of the markets.

What then about the status of democracy and its legitimacy in the global justice perspective? Whereas it seemed that in the global democratic revolution called for by the global justice movement democracy would come first, it in fact comes second: the measures needed to address the balance of trade between nations, and the implementation of regulatory measures imposed on corporations, appear as a condition for a better market, which itself would allow for a better political functioning of the world. This is so since in our present world, with our present international institutions, the economic reforms would not proceed from a political decision or choice, but from the knowledge of experts in market development. Democracy could certainly be part of the process of governance, but it would only be a secondary part: when the main actors had done their job, democratic forces would be allowed to say their word. As the main actors are not chosen on a democratic basis, they are comparable to the experts in neo-liberal institutions, whose function is to establish the “right” policies, that is, the policies best suited to the better functioning of markets. As governance is precisely the method that allows us to devise the right transformations in so-

³¹ Ibidem, p. 235.

³² Ibidem, p. 234.

³³ Ibidem, p. 238.

cial and political systems in accordance with markets' needs, and without the prior consent of the people, it is possible to speak of "global justice" governance as WTO experts speak of "good" governance. Global justice would thus be the right way to implement "good" governance, since it is a method that allows "global justice" experts to introduce non-democratic reforms into social and political conditions.

Democracy can certainly play a role in the whole global justice story, but it only comes second, when the conditions have been modified by the experts, and that the same experts judge it necessary to call for public consent. Just as Europeans were asked to ratify the constitutional Treaty, when it had been established by the political and economic experts, the people of the world would be asked to ratify the new global institutions, when they had been established and devised by the global justice experts. Although the "philosophy" of the market can be different, the method used remains very similar, and the function given to democracy analogous. In both cases what is lost is not only the autonomy of the people but their capacity of initiative in the political realm (if they were ever to have one).

Concluding remarks. To conclude, I would say that we have had the confirmation through the study of the global justice approach to democracy – in Monbiot's simplified version of it – that the critics that can be addressed to "democratic governance", initially developed in a neo-liberal framework, can also be addressed to global justice, that is, to one of the variants of anti-globalization thinking.

This clearly shows that the governance approach to politics, key to neo-liberalism, is so far-reaching that it has also been used by those, like global justice activists, who purport to oppose neo-liberal policies. Indeed, we have found in Monbiot's global justice program the two main features of neo-liberalism: firstly, the idea that there can be no political legitimacy as long as the conditions for market economy (however defined) do not exist, and therefore that governance that aims at implementing those conditions is the main source of political legitimacy; secondly, that democracy is not a first-rate principle of political legitimacy, as it used to be the case in the autonomy model, but rather a formal condition that only concerns the production of consent on previously determined economical conditions. If it is therefore relevant to say that our age is an age of consent and that democracy is the means by which this consent can be obtained; this limited use of the word "democracy" does not make for a democratic age. Despite the global justice movement, there have been better times for democracy.