

Globalizing Democracy and Human Rights

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PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

<http://www.cambridge.org>

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First published 2004

Printed in the United States of America

Typeface ITC New Baskerville 10/13 pt. *System* L^AT_EX 2_ε [TB]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data

Gould, Carol C.

Globalizing democracy and human rights / Carol C. Gould.

p. cm.

Includes bibliographical references and index.

ISBN 0-521-83354-X – ISBN 0-521-54127-1 (pbk.)

1. Democracy. 2. Globalization. 3. Human rights. 1. Title.

JC423.G663 2004

321.8-dc22

2003068730

ISBN 0 521 83354 X hardback

ISBN 0 521 54127 1 paperback

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Introduction

Between the Personal and the Global

This book attempts to bring philosophy to bear on a set of crucial practical problems: How can increasingly globalized political and economic institutions, as well as emerging transborder communities, be opened to democratic participation by those widely affected by their decisions? In view of the inequalities attendant on globalization and the corporate aggrandizement it entails, how can people's rights to the fundamental conditions that make for an adequate standard of living be fulfilled? And given the increases we have seen in global interconnectedness, is there a way to retain cultural and social differentiation at the level of local communities, while protecting against violations of human rights in the name of the diversity of cultures?

In the face of these challenges, it is clear that new modes of thought are required. We need to clarify how far broader reaches of people can take part in the decisions of powerful global institutions and what the limits of such participation might be. Thus, in addition to long-standing demands for a greater say in decisions in local contexts, there are growing discussions about democratic participation across regions (as with the European Union), about instituting democratic accountability in the supranational bodies that play an important role in steering the course of economic globalization (e.g., the International Monetary Fund and the World Trade Organization), and about possible uses of the Internet and other technologies to facilitate democratic decision making. Clearly, too, the reach and meaning of human rights have to be more coherently and forcefully articulated, including the question of establishing a global rights structure to which people can appeal, even against decisions by their own governments. And it is evident that, beyond these questions

about making politics and institutions more responsive, new modes of feeling and intercultural understanding are now necessary. It seems that if we are to function in increasingly cosmopolitan ways, we also need to feel empathy and even solidarity with those at a distance. We would have to show that such feelings of concern can be extended more globally, instead of applying only to those close to us.

What sort of theoretical framework, then, can help to guide these globalization processes – economic, political, and technological, as well as cultural and personal – in more humanistic and justice-regarding ways? How should democracy and human rights be specifically conceived so as to facilitate increased cooperation in economic, ecological, and security matters? This book proposes a way to address these questions by focusing on the key issue of interpreting and interrelating democracy and human rights. It draws on the traditions of political philosophy and critical social theory, and on more recent feminist theorizing, to delineate a new perspective on these pressing contemporary issues. From this perspective, the sort of globalizing that is required entails an expansion of democratic modes of decision making and of human rights themselves, not only internationally but also beneath the level of politics, so to speak, in social, economic, and even personal life. Also needed is an increased attention to differences, especially as concerns the diversity of cultural groups and their interaction. It is apparent, too, that democracy and human rights, viewed as global norms, cannot be interpreted simply along the conventional Western lines with which we have long been comfortable, if they are to win more universal assent and measure up to their universal aims.

In this work, I start from the principles introduced in my earlier book *Rethinking Democracy*. The view of democracy proposed there was rather distinctive among contemporary approaches in putting a conception of human rights at the core of democratic theory, and I develop this aspect further in what follows. *Globalizing Democracy and Human Rights* thus proposes that to guide current practice we need an enlarged conception of democracy taken within a strengthened framework of human rights. It suggests how the implementation of these norms demands changes in both personal relations and at a more global level, and not only an intensified realization of traditional political democracy operating with a limited set of rights protected by a national constitution.

In this view, democracy is seen to be based on reciprocal and empathic personal relations and extends through plural social and cultural contexts to a transnational and indeed global level. I call such a conception

intersociative democracy, to emphasize crossborder decision making and the need for transborder solidarity, along with new intercultural associations. In each of its contexts of application, such democratic decision making is conceived to be grounded in a strengthened conception of human rights, going beyond customarily emphasized civil and political ones to economic, social, and cultural rights, where these merit increased recognition in emerging international law. Moreover, when democratic decision making and human rights are considered from the perspective of a multiplicity of cultures, we will see that they require rights for minority groups, although these can be understood as based on a set of cultural human rights rather than as intrinsically group-based rights.

A philosophical approach of this sort can, I trust, play a helpful clarifying role in regard to social movements that seek to make globalization more people-centered and democratic, in place of the perpetuation of its current modes of functioning, which, despite the claims of its exponents, largely benefit powerful economic interests and wealthy nation-states at the expense of less-well-off groups and developing countries. It is apparent that globalization has shown positive dimensions as well, especially in the technological facilitation of increased communications worldwide, in the political and legal internationalization so far achieved between and across nation-states, and incipiently in new forms of economic cooperation across borders. Yet it has also proceeded in the absence of democratic forms of organization at transnational levels and with attention to a bare subset of human rights, without adequate regard for the economic and social well-being of large segments of the world's population, perhaps especially women and children.

In this problematic situation, it is suggested that the proposed conception of democracy, based on justice, can apply in new ways to decision making in emerging transnational communities and organizations. Questions of the scope of such decision making – in particular, who has a right to participate in which decisions – play an important role in this work. Clearly, too, by *globalizing democracy*, I mean more than extending current forms of rather emaciated political democracy to other nation-states. Rather, the activity of globalizing calls for new intersociative democratic relationships to develop along with the growth of transborder interdependence, not limited to those close to us or to political societies as such. I introduce the concept of *democratic networks* in this connection. The more cosmopolitan outlook required for such a globalization of democracy, in which we are attuned to the needs of those at a distance, is also articulated in what follows.

A key concern here is to investigate the nature of the deep relation between democracy and human rights, beyond the truism that democracy is one of the human rights or that “liberal democracies” are committed to both democratization and a set of civil and political rights. Instead of simply conceiving human rights as incorporated within a given country’s constitution, I provide an argument supporting their expanded regional and global implementation and for the legitimate constraint that they can pose on democratic decision making. Interestingly, the potential impact on people’s human rights will also be seen to provide an important criterion for deciding when democratic participation in global institutions is required. I also propose that the fulfillment of human rights, including access to means of subsistence, sets relevant goals for democratic societies and for their economic functioning. Finally, an exploration of the complex dialectical relations between democracy and human rights confirms the idea that democratic participation provides one of the main ways in which people can protect their human rights, while conversely the protection of such rights is itself a condition for widespread democratic participation. I consider some of the problematic philosophical issues raised by the interrelation of these norms.

In this work, as in *Rethinking Democracy*, I draw on what I have named *social ontology*, as a theory of the nature of social reality. Specifically, this approach gives priority to a conception of human freedom and to socially understood *individuals-in-relations* as the basis for the extension of democratic decision making to all contexts of common activity, whether political, economic, or social. Human rights have a fundamental place here, inasmuch as they reflect the basic claims people can validly make on each other for the conditions that make each one’s freedom achievable. Thus, although this work stresses the centrality of democratic and cooperative forms of decision making, it does not see this as the genesis of human rights and of justice themselves, norms that are, rather, at its foundation. In addition, feminist approaches to the idea of care and empathy as important values, to women’s equal rights and the corollary critique of domination, and to the idea of embodiment importantly suggest ways to personalize and, in this sense, to transform both democratic politics and human rights doctrine, and these possibilities are developed here. The proposed theoretical basis is also seen to have substantial implications for some issues in applied ethics, including democratic management in firms, the potential uses of the Internet for democratic participation, and current matters of international concern, including the analysis of terrorism and the response to it.

The approach in this book thus aims to hold together and indeed to integrate certain strains in political theory that have most often been developed separately – for example, justice and care, or again, individual freedom and extensive social cooperation. It does so from the standpoint of a rather systematic political philosophy, in the conviction that such theorizing is necessary, and indeed beneficial, if we are to make our way through unjust social practices. In this respect, this approach contrasts with efforts to devise purely “political,” or “consensual,” approaches to political principles, which propose minimalist approaches to such principles as a way of gaining widespread agreement about norms. Yet the social ontology at work here is evidently not “metaphysical” either, in that it avoids appeal to religious or natural foundations and is anti-essentialist in its rejection of the older idea of a fixed human nature. Although this view grounds political norms in human agency and interaction, it sees these latter as marked by change and sociocultural differentiation, and as transforming themselves historically. Furthermore, such an approach leaves room for multiple (and sometimes conflicting) values in political philosophy, while aiming for a degree of coherence in the overall account. Yet, as understood here, philosophical approaches have to be closely linked with social critique and developed with an eye to the emerging possibilities of practical change.

In several ways, then, this book goes against the grain of much current political theorizing. But because its methodology is dialectical, it attempts to retain the strengths of the prevailing views. This method involves beginning from a critical consideration of leading approaches to key concepts for politics and then attempting to preserve crucial insights of these alternative approaches, while avoiding their defects, within a new and consistent synthesis. This way of proceeding also draws on both continental and Anglo-American approaches in philosophy without endorsing one at the expense of the other, while facilitating further revision from non-Western perspectives. Because of this synthetic character, the framework should be judged, I think, not only in terms of the effectiveness of the individual arguments given but also by the degree to which it succeeds in providing an original, coherent, and illuminating approach to the substantial range of issues it addresses.

The structure of the work is as follows: Part I presents much of the theoretical basis for the process of extending democracy and human rights, to be elaborated in novel ways in subsequent chapters. (Important elements of this theory are also developed in Chapters 3, 5, 8, and 9 as well as implicitly throughout the work.) Chapter 1 addresses rather

systematically some of the hard normative issues concerning the concepts of democracy, justice, human rights, and care. The chapter begins by taking up three main models, or “ideal types,” of the (sometimes conflictual) relation between democracy and justice, as exemplified to various degrees in the well-known and highly developed approaches of John Rawls, Robert Dahl, and Jürgen Habermas. I offer a critique of procedural and discursive approaches to democracy and justice, while appreciating their emphasis on deliberation, and then go on to argue that an alternative sense of democracy, grounded on a conception of justice as equal positive freedom, is better able to take account of the centrality and, indeed, the priority, of human rights. I also introduce other features of this theoretical framework that refine it in various ways – specifically, the ideas of reciprocity, empathy, and attention to differences.

Chapter 2 examines how human rights themselves can be regarded in more pluralistic ways, given the diversity of cultures and the treatment of women within them. A conception of universality is introduced that differs from the abstract one normally used to discuss human rights; I call this alternative “concrete universality.” I also discuss some of the difficulties that attend the determinate lists of human functioning that have been proposed – by, for example, Martha Nussbaum – and attempt to chart a path between such determinateness, on the one hand, and cultural relativism, on the other. This requires a new and more social account of value creation and brings into play considerations of empathy and solidarity.

Part II, “Democracy and Rights, Personalized and Pluralized,” addresses the important issues of extending these basic conceptions to interpersonal contexts beneath and beyond the political and of interpreting them in more diversified ways than is usual. Thus, Chapter 3 begins by taking up a central conception that has emerged mainly from feminist theory as it pertains to politics – namely, the idea of embodiment – and I situate the approach adopted here in relation to alternative interpretations of the role of the body in politics. I focus especially on the concept of need and the function of meeting differentiated needs as being among the aims of political and economic cooperation. This chapter, along with others in this part, pursues the connection, introduced earlier, of politics to reciprocal and empathic modes of personal interaction, through which differences between individuals and groups can be adequately recognized and effectively taken into account in the public domain.

Although it is by now commonplace to criticize traditional liberal democracy for its abstract individualism, in which differences other than those of political opinion are ignored or overridden and assigned to the private sphere, the alternative approach that would take differences seriously requires further development. Some basic questions arise here: What differences should be recognized, and why these rather than others? Which differences should be ignored, and which would it be pernicious to recognize? Does the emphasis on the recognition and representation of differences violate equal rights as a norm of justice? Clearly, in addition to recognizing the diversity of existing social and political communities – along the lines of individual and group differences, including sex, race, ethnicity, and so forth – we need to extend democratic theory to the variety of such communities worldwide.

Part II goes on to address these issues by, in the first instance, analyzing the conceptual relations between the understanding of race and cultural identity, in which a social constructivist approach plays a prominent role, and between the critique of racism and the normative requirement for democracy. I then proceed to delineate a model of cultural identity and intercultural democracy, in which certain group rights of minority cultures can be recognized, while seeing them as derived from individual human rights to cultural self-development. Here, I rely on a social-ontological conception of groups as constituted entities. I lay out alternative relations that the public sphere can take to the cultures within it, and I also briefly consider the interpretation of the concept of a nation in this connection.

The issue of the pluralization and personalization of rights is pursued further in Chapter 6, the final chapter of this part, on women's human rights. In personal terms, taking human rights to apply to the private sphere and generally to the concerns of women, as recent feminist theory has suggested, leads to a reconceptualization of them in several important respects. In this context, I also propose that such a reformulation reveals how human rights are based on relations of care and concern for others, extending to those at a distance, as much as they are on more conventional considerations of justice.

In Part III the book turns to the crucial topic of globalizing democracy and puts the earlier theoretical discussion of democracy and human rights, conceived now in more pluralistic ways, into contemporary applied contexts of decision making in regional, multilateral, and global institutions. In fact, readers who are strongly interested in questions of relating democracy and human rights to the conditions of globalization may want

to read this part first. In Chapter 7, I begin with a descriptive characterization of economic and political globalization and with the correlate emergence of supranational and multilateral bodies such as the International Monetary Fund (IMF) and the World Trade Organization (WTO), and I discuss the problem of the lack of democratic participation in the workings of these bodies. The various models of global democracy advanced by David Held and several other contemporary political theorists are then categorized and evaluated, followed by an analysis of various possible criteria that can be used to demarcate the proper scope of a democratic community. This analysis provides the basis for discussing the increased role – and modalities – of transnational or crossborder decision making, the place for fully global democratic communities, and the difficult issue of ways to democratize the supranational bodies that so affect contemporary economic and political globalization.

Such processes of globalization are increasingly recognized to require a normative framework of human rights, and we see the beginnings of what has been called a “global human rights regime.” As is already the case in Europe, citizens worldwide would be able to appeal to regional and international rights bodies for protection of their human rights (even of their economic, social, and cultural rights) against actions of their own nation-states. This poses for us the interesting and difficult problem of possible constraint by this rights regime not only on sovereignty but also on democratic decision making at national and local levels. The legitimacy of this constraint, and the issue of the compatibility of such an extensive human rights regime with decision making within democratic communities, is the topic of analysis in Chapter 8. It is suggested there that the approach put forward in earlier chapters – particularly concerning the philosophical relation between the concepts of democracy and of human rights, and the more substantive model of democracy used in this work – helps to resolve the question of this compatibility in the affirmative.

In light of these considerations, I turn in Chapter 9 to the project of democratizing globalization and approach the democratic deficit in multilateral institutions such as the WTO and the IMF in relation to what I call the “justice deficit,” or the discrepancy in the realization of economic and social human rights in different societies. I consider some of the proposals for increasing democratic input into decisions by such organizations as well as in the new crossborder contexts. I also take up recent pragmatic proposals, along with the territorially based and functional approaches to such democratization considered in Chapter 7, the first chapter of this part. A closer analysis and interpretation of the idea

of being importantly affected by decisions is advanced as a supplement to the idea that those engaged in common projects or networks of interdependence should have opportunities to provide input into these more global decisions. The chapter goes on to consider several of the essential and complex interrelations between human rights, particularly the economic and social ones, and such democratic decision making.

Part IV addresses three issues in applied ethics that can helpfully be approached using the framework introduced in the earlier sections; the discussion of these current applications also helps to concretize it in various ways. In Chapter 10, I take up the issue of democratic management in firms and show how it is implied both by the normative requirement to extend democratic decision making to economic life, as proposed earlier in the book, and by the dominant approach in current business ethics, namely, stakeholder theory. This latter approach holds that managers ought to take into account not only the interests of stockholders but also the interests of all those groups who are affected by and affect the corporation, including employees, customers, suppliers, the local community, and so on. I examine the stakeholder criterion of “those affected” by corporate decisions and consider the normative justifications advanced for this approach, as for the older view that calls for workplace participation. On this basis, I attempt to specify the sense in which stakeholder theory requires some form of participative, or what I call democratic, management, and to consider which stakeholders in fact have a right to such participation.

Chapter 11, on democratic networks, addresses the question of the degree to which, and the ways in which, democratic decision making can be enhanced by the Net (or the global information infrastructure). Keeping in view the normative principles for computer networking introduced in my earlier work *The Information Web*, I consider the increasing rate of globalization in the scope and uses of information and communication technologies and their role in facilitating transnational communities of certain sorts, and I ask what new issues have to be taken into account in developing democratic uses of these media. The pronounced “digital divide,” along with “cyberimperialism,” necessarily qualifies our optimism about the power of information networks to facilitate such cyberdemocracy. I introduce a distinction among three types of online communities and suggest that the Net is especially well suited to expanding the participation of crossborder or regional groups in political decisions.

Finally, I turn to a central issue in current international ethics – namely, the normative understanding of terrorism and appropriate responses to

it – and consider this difficult issue from the standpoint of the book’s earlier account of empathy and its interpretation of democracy. After briefly discussing the definition of terrorism, I take as my focus certain recent terrorist acts directed against noncombatants or civilians. Given that these acts manifest not only injustice and the violation of human rights, but also a wholesale lack of human fellow feeling, I consider how the concept of empathy as developed in feminist ethical theory can further illuminate this sort of case. In this connection, I make use of Hannah Arendt’s account of thinking and judging – and specifically, the role of imaginatively presenting to oneself the situation and perspective of the other – and suggest that inasmuch as they do not identify with the common human needs of their victims, such terrorists cannot properly be understood as altruists, as is implied by some theories of terrorism. I go on to suggest that empathy and transborder solidarity can also play a role in responding to terrorism, by helping us to understand and address the conditions that may contribute to its emergence. Finally, opportunities for democratic participation can be seen to provide important means for effectively addressing these conditions, and the book closes with a consideration of the import of democracy in this very contemporary context.

By way of conclusion, we can see that the “between” in the title of this introduction – “*Between* the Personal and the Global” – is not intended to demarcate a delimited region between the two extremes in which democracy and human rights are rightly bounded. Rather, the “between” is meant in an active sense, in which it includes both extremes and connotes a going back and forth between the various levels of the personal, the plural, and the global. It suggests that if we are to succeed in re-envisioning democracy at national or more global levels, we need to focus on personal relations of reciprocity, care, and empathy, while, conversely, these latter are fostered only by a social and political environment – within a recognized human rights framework – organized inclusively and cooperatively.