

Global Public Reason

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Abstract

This paper argues for the relevance of democratic principles to global affairs by restating the idea of global public reason. Many hold a suspicious attitude towards applying democratic ideas in the context of global politics. The suspicion, which I hope to dispel, is based on the belief that democracy is too parochial for global affairs; democracy is not a universally accepted theory and furthermore, we cannot (or should not) expect it to be. I resist against this suspicion, focusing my critique on the following sympathetic argument: though democracy is required by justice, it flows from a particular perspective that we cannot reasonably expect everybody in the world to accept. For that reason, Joshua Cohen has argued that an undemocratic society can be unjust but beyond reproach from the perspective of global public reason. I focus on the idea of public reason, both in general and in the context of global politics, to reject the claim that a nondemocratic regime can be beyond reproach. I argue that global public reason must rely on foundational democratic ideas such as the conceptions of global citizens as free and equal persons and of global society as a system of fair cooperation. Public reason is, as John Rawls said, 'part of the idea of democracy itself'- and is unmotivated without an endorsement of democracy. A commitment to democratic foundational ideals is what propels us to articulate political values independently of particular religious and philosophical traditions, out of respect to the equal standing of our fellow global citizens. Furthermore, public reason relies on a standard of reasonableness and global public reason is no different. I argue that the standard of reasonableness of global public reason is similar to democracy's public reason: political values can reasonably be expected to be shared if they are based on the idea that global citizens are free and equal persons and global society is a system of

fair cooperation. Without such a standard, I argue, the idea of global public reason is too weak because autonomous presentation does not give us sufficient criteria to determine the content of global public reasons.

Democracy is required by justice. Though this claim is not without its supporters, it is still controversial among theorists of democracy and justice alike. Even those who accept, and defend, the position that democracy is required by justice tend to limit its reach to the domestic arena and deny that it is required as part of an account of *global* justice.

This paper defends an application of democratic principles to global affairs by restating the idea of global public reason. Elsewhere I have argued that deliberative democracy is a demanding ideal that makes more sense as a theory of relational justice than a standard of legitimacy. The move is not without implication: as a demand of justice there is reason to doubt that democracy is appropriate in the context of global politics. Not coincidentally, Cohen (2010, 349) endorses democracy as a requirement of justice at the same time as he rejects democracy as a human right. It is exactly because the deliberative conception of democracy is so demanding that Cohen argues that there is no human right to democracy. The argument represents a more general suspicion, which I hope to dispel, regarding the relevance of democratic principles to global politics. The attitude is often related to the claim that democracy is too parochial for global affairs; democracy is not a universal value and furthermore, we cannot (or should not) expect it to be.¹

I focus on the argument that though democracy is required by justice, it flows from a particular perspective that we cannot reasonably expect everybody in the world to accept. For that reason, Cohen (2010, 346) argues, an undemocratic society “can, within limits, be *unjust but beyond reproach*, from the point of view of an acceptable global public reason” (emphasis added). This conclusion casts doubt on my attempt to apply democratic ideas to matters of global justice. If the injustice manifested by the absence of democracy is ‘beyond reproach’ from the perspective of global public reason, my project is doomed to fail: my proposals are *unreasonable* - based on values that I could not reasonably

¹One common example of this attitude is the argument that there is no human right to democracy, but there is also a more general rejection of the relevance of democracy in the context of global justice. Rawls (1999, 78), for example, argues that a ‘decent consultation society’ is, though nondemocratic, “the best we can realistically – and coherently – hope for.” My contention is that such a society is not the best we can coherently hope for. See also Bernstein, 2006; Reidy, 2006; Christiano, 2011; Benhabib, 2011.

expect to be shared in a pluralistic world.

I argue for the relevance of democratic theory to questions of global justice by rejecting the claim that a nondemocratic regime is beyond reproach and reformulating the idea of global public reason. I focus on Cohen's argument but my aim is to address the more general apprehension regarding the role of democratic theory in global politics.

I start the discussion by putting to the side, for now, the notion of global public reason (1) and consider various possible responses to injustice. I distinguish between three different responses: reproach, pressure to change and forcible intervention (1.1), and argue that different standards apply to each of them. In general, no violation of justice is 'beyond reproach' while many of them cannot, on their own, justify forcible intervention. I analyze the three arguments offered in support of the claim that certain violations are 'beyond reproach' (1.2) and conclude that they draw their strength from a conflation of the three aforementioned categories. While the arguments apply with their full force to forcible intervention they do not apply at all when considering reproach. Pressures for change, a label which covers a lot of ground, is somewhere in between: some forms of pressure are unwarranted when a society lives up to the standard of human rights, others are not.

Furthermore, the argument that some societies lie beyond reproach suffers because it assumes the perspective of *outsiders* (2). However, I argue, we cannot know who is an outsider without an acceptable method for delineation of political societies and criteria for determining the boundaries between them. The omission is troubling because prevalent accounts of membership, such as citizenship in a state, lead to unacceptable results: immigrants are considered 'outsiders' so long as they are not granted citizenship. The same problem plagues Cohen's (2010) account of human rights as membership in a political society. Without knowing what counts as a political society to be included in, it is hard to evaluate the worth of such membership. I instead offer an account of human rights based on *membership in the global political society*. My approach therefore defines global citizenship as a political agency aimed at determining global values, including issues such the definition and delineation of political societies.

Next, I turn to Cohen's main argument: that a nondemocratic society is beyond reproach, not in general, but specifically *from the perspective of global public reason* (3). I discuss the idea of public

reason in democratic theory and the way Cohen applies to the global sphere. Despite the attempt to differentiate global public reason from democracy's public reason, without reliance on democratic ideas, global public reason remains unmotivated and indeterminate. I argue that global public reason must rely on foundational democratic ideas such as the conceptions of *global citizens as free and equal persons* and of *global society as a system of fair cooperation*. This reformulation of global public reason specifies the criteria used by global citizens in their deliberations.

The fourth section is dedicated to dealing with two related objections (4). Both objections are based on the claim that collective self-determination is a better candidate than democracy as a political standard for global public reason. I argue that a plausible interpretation of collective self-determination shows that it is derived from the democratic ideal by way of approximation. Rather than replacing democratic ideas, collective self-determination are derived from them. The last section concludes by summarizing the argument and describing the next stage of research: addressing the question of boundaries between political communities (5).

1 Unjust but Beyond Reproach: Responding to Injustice

In its most general form, the suspicion towards the relevance of democracy in global affairs is the claim that non-democratic societies that nonetheless protect a minimalist account of human rights are 'unjust but beyond reproach' when considered in the context of global politics. My argument against this conclusion relies on a distinction between three forms of response to injustice: reproach, pressure for change and forcible intervention.

The problem is that in the context of global politics, particularly when discussing human rights violations, 'reproach' or 'criticism' are understood to imply (or justify) forceful intervention and even military invasion. This attitude treats reproach, pressure for change and forcible intervention as if they are interchangeable. For example, note what Cohen says about the way political obligations exert downward pressure on the requirements of human rights (thus rendering them less demanding than the requirements of justice):

Members of a society have obligations to obey regulations even when those regulations are

*not fully just... then outsiders ought to show some reluctance to pressure for changes and certainly a reluctance to intervene more forcefully or forcibly in the name of the more demanding norms of justice. Surely it is not permissible for outsiders to forcibly intervene to change arrangements with which members are obliged to comply. So if human rights standards are standards for treating members whose violations warrants stringent external criticism (and perhaps intervention), then the distinction between standards of justice and standards of obligations exerts some additional downward pressures on the content of those standards (Cohen, 2010, 345-6, emphases added)*²

In this passage we can see how the argument moves quickly back and forth between reproach (or ‘stringent criticism’) and forcible intervention. Cohen claims that these considerations lead to the conclusion that outsiders ought not reproach such unjust arrangements but the plausibility of the position is derived from the stance that they ought not forcibly intervene. This, as we will see (1.2), is a general problem with the various arguments against the appropriateness of reproach.³

Let’s unpack this a little further. The passage mentions three possible ways of responding to injustice that ought to be considered separately: reproach, pressure for changes and forcible interventions. Once we disentangle these different responses, I argue, the argument loses its force. To show how such disentangling undermines the argument, I consider the three kinds of reactions and discuss the appropriateness of each considered on its own (1.1). I then review the reasons provided by Cohen for withholding reproach and compare them to the separate accounts that I have elaborated (1.2). The conclusion is that the gap between these different responses is very wide indeed: no injustice warrants withholding reproach while forcible intervention may not be warranted even in cases of egregious violations. The distance between reproach and forcible intervention makes it evident that they cannot be lumped together.

²Cf. “The practical role [of human rights], as I will understand it, is to provide... a broadly shared terrain of deliberation about the standards to which political societies can reasonably be held and when they are appropriately subject to *external criticism or interference*” (Cohen, 2010, 324, emphasis added).

³This conflation exemplified by this quote is not unique; it is rampant in discussions of global affairs, in both academic and non-academic contexts. For example, Bernstein (2006) motivates the argument that there is no human right to democracy by arguing that: “although the political right of procedural democracy (e.g., voting rights) are among the basic rights of citizens of liberal democracies, and there is a strong case for regarding them as *derivative* human rights, they are not *basic* human rights; and that aim of establishing procedurally democratic regimes, as distinct from the aim of stopping grave violations of basic human rights, is not by itself an *adequate justification for non-defensive international military action*” (emphasis added).

1.1 From Reproach to Intervention

We should always reproach unjust arrangements - that is, I believe, the meaning of proclaiming them unjust. The stringency of the criticism should correspond to the egregiousness of the violation but even the most stringent criticism – condemning something in the harshest of terms – is merely a form of reproach, not forcible intervention. On my account, injustice is never beyond reproach. Reproach is a minimally decent response to injustice – it’s the very least we can do.

The same does not apply when considering other kinds of reactions. A broad category of responses can be titled ‘pressures for change’ and it include a variety of ways we might respond to injustice in an attempt to rectify it. Pressures for change may seem like a natural response to injustice but they are not always permissible. In other words, the claim here is that reproach, on its own, does not belong in the category of pressures for change. Instead, I argue that we ought to distinguish between reproach and pressures for change.

Conceptually, there is no problem upholding the distinction. Yet it does not follow that these two categories are mutually exclusive. If it happens to be the case that reproach is often, or even always, followed by change, it would be plausible to conclude that, though there might be a conceptual distinction, it has no practical meaning. Though I am not familiar with attempts to collect data on this question (or to operationalize ‘reproach’ and ‘change’), anecdotal evidence suggests there is no such regularity in most common understandings of either term.

However, there is an even more difficult challenge. The possible overlap between them may lead some to conclude that the conceptual distinction is itself spurious: that someone reproaches an act or an institution, the argument goes, can plausibly be considered pressure to change it, even if it does not lead to change. There is no denying that sometimes people change their ways following reproach by others. Nor is it difficult to find explanations to such a phenomenon. One optimistic interpretation simply suggests that reproach may help people to see an error in their own actions. Alternatively, the reproached may comply not because they are persuaded but in order to avoid the unpleasantness of a rebuke or the public display of it. Reproach is an expression of disapproval and, as such, it typically carries with it an expectation, or at least the hope, of prompting change. Therefore, the argument

goes, reproach is itself a kind of pressure for change.

There is something to this argument. There is always a sense in which reproach is a mild form of ‘shaming,’ which is a widely recognized form of pressure. But mere reproach is a mild form of pressure. So mild, in fact, that I do not believe that we should, in general, include reproach in the category of ‘pressures for change.’ There is nothing in the reproach itself that necessitates much pressure. First, because we may reproach something even without any hope of changing it, for example when we denounce injustices committed long ago. We might be looking for recognition rather than change. Second, even when a reproach is accompanied by an expectation for change, it may not provide an explanation or any other reason to change a person’s behavior. Without giving any reason to change one’s behavior, it is hard to see a reproach exerting any serious pressure.

In saying it is ‘mere’ reproach I do not mean to diminish its importance – in many occasions of injustice, reproach is all we have (that is, it is the only permissible response). Reproach plays an important role in moral life as well as in political philosophy. But its importance is not necessarily mirrored by its strength. The disapproval of others is not, on its own, a sufficient reason for many people to change their behavior, and rightly so. It might be a sufficient reason to reconsider our actions; should such reflection reveal that we were acting thoughtlessly or out of line with our own convictions, the reproach will indeed prompt us to change but not because we have been pressured. On its own – without additional leverage – reproach is at best, a mild form of pressure.

The degree to which reproach should be considered as pressure depends on the circumstances: who is reproaching who, what are the power dynamics between the parties, the form the reproach takes and so forth. In some cases, it would be impossible to reproach without exerting considerable pressure. When a military commander of an occupying force reproaches the people under his control, it is impossible not to treat that as a form of pressure; mere reproach is not an option for that commander. But in most cases reproach, by itself, does not carry the weight of pressure: the force of the argument must do the work if reproach is going to matter. There is usually space for ‘mere’ reproach and it is important that we preserve this space because it is vital for the practice of thoughtful public deliberation on injustice.

Of course, there are various forms of *expressing* reproach. When one moves from one’s house to

the public square, it may not be appropriate to describe these actions as ‘mere’ reproach. Once the reproach is coordinated with others, potentially many others, and is expressed in a public space – reproach becomes a demonstration/protest. Protests and demonstrations are rightly considered forms of pressures, though they are typically a weak form of pressure, especially if they are not embedded in a social movement. That is not to belittle their importance – just like reproach, in many cases such weak forms of pressure are all we have, that is, all that is permissible to us. Protests are important tools of political morality not just as vehicles for expressing our beliefs but also as means for taking a public stance and fulfilling the duties of global (and local) justice.

Since they are forms of pressure, protests are held to a stricter standard than reproach; they are not always permitted and less often required. The criteria for applying pressures are sensitive to the type of pressure in question and its strength. Demonstrations and economic sanctions are both kinds of pressures for change but are not equally impactful. The terrain of ‘pressures to change’ is far too vast to be covered by one simple rule.

The third, and last, category of response is that of forcible interventions; these require special justifications and are impermissible in many instances of injustice. It may be considered a strange feature of justice, yet it is the case: though injustice demands an urgent response it rarely justifies a forcible intervention. In fact, it is only acceptable when specific conditions have been satisfied: this is precisely why we don’t generally think vigilantes are a good thing.

There is a vast literature on this topic of forcible intervention in the context of global politics, from those who believe it is only justified in extreme cases to those who think that spreading democracy is a goal worthy of forcible intervention (Walzer, 1980, 2006; Luban, 1980*a,b*; Finnemore, 2003; Bernstein, 2006; Kaldor, 2007; Vernon, 2010). My stance on the matter is that (contra Walzer, 2006) egregious violations of human rights, on their own, do not justify military intervention. Such intervention is only justified if it is approved by an inclusive decision-making process and addresses the issue from a comprehensive rather than a military perspective. Military intervention is not justified unless it is accompanied by the resources, expertise and intention to help alleviate the conflict where the human rights abuses occurred.

In other words, whether or not an intervention is justified depends on the form it takes and the

coalition that comes together to execute it. For example, a unilateral military invasion that focuses narrowly on stopping atrocities by use of force is unacceptable because “such intervention would need to be authorized at a multilateral level and would need to adopt methods akin to law enforcement and not war-fighting” (Kaldor, 2007, 15). This position is one of many offered in the literature. However, there is a broad agreement that the standards for evaluating forcible interventions are different than those that apply to reproach or pressures for change.

By considering the way each of these responses is justified we can see that the move from reproach to forcible intervention is unwarranted. Yet sliding between reproach and intervention in this context is not coincidental; the distance between them may indeed be far but there might be a reason to travel across it quickly. One such reason is that “human rights have . . . a particular urgency, which transcends the urgency that surrounds considerations of justice generally” (Cohen, 2010, 357). If human rights have a special urgency, it may override other considerations. That is to say, the urgency of human rights might mean that their violations are sufficient grounds for forcible intervention, in which case we have a good reason to limit our account of human rights. More importantly, the distinction between reproach and forcible intervention would, in cases of human rights violations, collapse: any time reproach would be appropriate so would intervention. I therefore turn to consider the arguments elaborating the urgency of human rights and consider whether they can justify an inevitable move from reproach to intervention.

1.2 Reasons for Reluctance: Collective Self-Determination, Political Obligation and Toleration

Human rights have a special urgency. Cohen (2010, 357) presents three considerations that exert downward pressure on the requirements of human rights that “represent different ways of articulating that urgency.” If I am right, these considerations have weight against forcible intervention but not against reproach and their force will vary regarding pressure for change. The three arguments are based on collective self-determination, political obligation and toleration. I consider each in turn.

Collective self-determination. The argument from collective self-determination asserts that some political arrangements fall short of justice yet reflect the diverse interests and opinions of the people

subject to their rule. Such arrangements deserve protection because they have “substantial resonance in the political culture, or the history and traditions of the country” and because “members of that society. . . ordinarily will have some identification with that political society and its way of life” (Cohen, 2010, 346, 358). This argument has qualifications – (a) the society has to live up to the requirements of collective self-determination (which fall short of democracy but are more demanding than the basic security required by minimalist conceptions of human rights) and (b) the argument against reproach in this case is strengthened to the extent that a political society promotes the good of all its members and is not domination masqueraded as collective self-determination.

Collective self-determination provides a very compelling argument against forcible imposition of democracy. Since most members of a political society reject demanding interpretations of democracy and equal right for political influence, they are likely to resist it, perhaps with force. Since most members identify strongly with their political society and see it as their ‘way of life,’ it is fair to expect ferocious resistance to external intervention.

That justice may be resisted is not necessarily a reason not to impose it. Demands of justice are weighty and stringent, important enough to sometimes outweigh the costs of enforcement. The whole point of humanitarian intervention is to stop egregious violations of justice such as ‘crimes against humanity.’ When people commit genocide, their rejection of the standard of justice that condemns genocide is not, by itself, a reason not to impose it on them.⁴⁵ In contrast, in the case of a collectively self-determined society, by stipulation, the victims are also the perpetrators: they themselves (or, at least, a substantial majority) accept non-democratic rule. It is reasonable then that so long as a society is self-determining in this sense, forcible intervention must meet an even higher bar than the-already-high, usual one.

Yet this argument from collective self-determination has no force in the context of reproach. That someone rejects a demand of justice is by no means a consideration for or against applying it to them or their society – what matters is the grounds of the principle of justice in question, which are the

⁴Though their foreseeable resistance and ensuing violence might be - not because of consideration of justice or collective self-determination, but because intervening party have a responsibility to consider the repercussions of their actions.

⁵It should also be noted that in many cases they would not be rejecting the standard that condemn genocide but rather disagree that it applies to what *they* are doing.

considerations that ‘trigger’ the application of the principle (de Bres, 2012; Risse, 2012). The grounds of a principle, or its content, may appeal to a person’s acceptance or rejection of a certain policy. Thus, democratic justice requires that people actually participate in endorsing the policies that affect them and is therefore sensitive to the fact people accept or reject certain policies. But the importance of such endorsement depends on the satisfaction of other conditions: deliberation of the right kind with its preconditions, without which the endorsement loses its strength. These preconditions include, for example, the substantive requirements to protect liberties of expression and thought and freedom from torture and arbitrary arrest, whose protection does not depend on a prevalent endorsement of their importance. Nevertheless, in general, whether or not a principle applies to someone or, whether that someone is ‘beyond reproach,’ does not depend on that person’s acceptance of or identification with the principle.

Collective self-determination provides a reason we should expect, and permit, diversity in structures and kinds of political societies. The requirement that arrangements reflect the community’s understanding and perception does exert a downward pressure on the content of human rights. Yet it does not place violations of justice, and particularly the failure to live up to the standards of democratic justice, beyond reproach. It is probably the most compelling argument against pressures to change, especially those on the stronger end of the spectrum.

But it is also the weakest argument overall because, as Cohen notes, its requirement that a political society reflects the interests and opinions of the entire population goes a considerable way towards justice and above minimalist accounts of human rights. In particular, it goes quite a long way in approximating the ideal of democratic decision-making because “the idea of collective self-determination stands at the heart of democratic theory” (Miller, 2009, 205).

Since collective self-determination can be seen as an approximation of the democratic ideal, we can say that the threshold above which outsiders should show reluctance to intervene can be defined as being a sufficiently good approximation of the democratic ideal, with some specification of what ‘sufficiently good’ means. This is why the argument from collective self-determination is no threat to democratic justice: it is consistent with a demanding theory of democratic justice. Moreover, it is consistent with satisfying the minimal threshold in a variety of ways. For example, a political society

may lack the protection of basic rights that are preconditions of deliberation but compensate for that by facilitating political participation and influence in other ways. Such a society would still be unjust, and not beyond reproach; but by approximating the ideal of deliberation to a sufficient level, it gains the protection awarded to societies that are self-determined and with it a measure of reluctance, on the part of non-members, to pressure for change with strong or coercive means.

As with other ideals, the extent to which a society should count as democratic is better understood as a matter of degree. It might be useful, or necessary, to set a minimal threshold under which a society can no longer be called democratic without gross insincerity. The claim that the standard of collective self-determination is best understood as an approximation of the democratic ideal is consistent with setting that standard *below* the minimum threshold of democracy. This would mean that some societies that are collectively self-determined are not democracies. But the standard of collective self-determination would still be understood in terms of approximating the democratic ideal.

6

Political Obligation. The argument from political obligation, quoted at length on page 5, hinges on the premise (which I do not challenge) that so long as political authority lives up to a standard of legitimacy, there is a duty to comply with its decrees, even if they are unjust (perhaps up to a point).⁷ As the subjects have a duty to obey, outsiders should show reluctance to pressure for change of these arrangements, despite the fact they are unjust.

Does this argument provide reason for outsiders to avoid reproaching unjust arrangements? The answer is no – subjects might be obligated to comply but never not to reproach. In fact, if the laws are unjust, subjects might be obligated to protest them even *as they are complying* with them. I will pay my taxes, one may say, even though they are theft; but I will protest as I do it. Reproach is therefore not a valid target for this argument. But interestingly, neither is pressure for change – because, in the

⁶in section 4 I go further and argue that the requirement of collective self-determination is *derived* from the democratic ideal by way of approximation.

⁷Distinguish legitimacy in this sense from authority: “the moral power of one agent (emphasizing the especially the state) to morally require or forbid actions by others through commands” (Estlund, 2009, 2). Authority might imply legitimacy but that is not necessary, since it is possible that the state has the moral right to issue command that citizens have no moral duty to obey (or, at least, in certain circumstances). Note that the term legitimacy has been applied to both of these different requirements as well as to other related but distinct conditions; Estlund (2009, 2, emphasis added) defines legitimacy as the “moral permissibility of the state’s issuing *and enforcing* its commands” and Vernon (2010, 49) says we have to think of a political order’s legitimation “in terms of some features of it that makes its commands binding on certain agents.” I thank Emilee Chapman for a helpful discussion of this issue.

same vein, even subjects that are obligated to comply are not obligated to avoid pressuring for change. Indeed, if the law is unjust they might be obligated to pressure, and so we as nonmembers may be obligated to pressure with them. The mere fact that they are obligated to comply does not preclude pressure for change.

An example might help clarifying the point. Assume for the sake of argument that the standard of legitimacy is free and fair elections and that a legitimately elected government levies an unjust regressive taxation scheme. The citizens of the country, subject to the tax, are obligated to comply and pay the taxes – though they are not obligated to avoid reproach or pressure (indeed they probably have a duty to pressure the government to reverse the taxation scheme). Is it permissible for us, as nonmembers, to pressure for a change? As always, the answer would turn on the strength of pressure (the closer it is to forcible intervention, the less likely it is to be permissible) but as a general matter, I argue that we are. Organizing a demonstration in solidarity with the people who are subjected to the unjust taxation, signing petitions and even attempting to enlist our own government to change bilateral agreement so as to provide incentive for that country to change its taxation scheme is completely permissible and perhaps required. Forcible intervention is not permissible, but that does not bear on the question of reproach or pressure.

Furthermore, there is a qualification on the argument from political obligation. Even though we may have an obligation to comply with a legitimately enacted law that is nonetheless unjust, we also have the right, in an important subset of cases, to refuse compliance. I do not explore this point any further but the ideas of civil disobedience and conscientious objection are sufficiently familiar to support this important qualifier. In cases where the people subjected to the law have a right to disobey, we as nonmembers have a right to show our solidarity by pressuring for change.

Toleration. Lastly, Cohen advances an argument on the basis of the liberal principle of toleration, according to which:

On complex normative issues, reasonable people disagree. . . The idea of tolerating reasonable differences suggests that the standards to which all political societies are to be held accountable will need to be less demanding than the standards of justice one endorses. . . Of course there are limits on toleration: and an aim of the conception of human rights is to

set out those limits. But the observation here is simply that, once we take into consideration the value of toleration, we will be more inclined to accept differences between what we take to be the correct standards of justice... and the human rights standards to which all political societies should be held accountable. (Cohen, 2010, 346)

The argument from toleration is similar to the one from collective self-determination. It gives us reason to think that there should be a plurality of ways in which sincere people will go about pursuing justice. Does it provide any additional pressure beyond what has been achieved by collective self-determination?

The answer is no. The main difference between the two arguments is that the diversity entailed by collective self-determination is comprised of whatever views people happen to endorse that also are above the standard of collective self-determination (which, as we noted, might be quite high) while the diversity permitted by toleration is determined by a standard of reasonableness. Yet it is hard to see a version of the standard of reasonableness that does not already include the requirements of collective self-determination; that is, it's hard to think that there is a *reasonable* conception of justice that allows for a rule that violates the (minimal) requirements of collective self-determination. If it is true that any reasonable view of justice would require, among other things, that a society be self-determining, the set of arrangements that the principle of toleration accepts is a subset (or a proper subset) of those that self-determination requires. Therefore, unless one rejects collective self-determination as part of a standard of reasonableness, all societies that are presumably beyond reproach because they are reasonable are also self-determined. No further downward pressure is exerted by the liberal principle of toleration.

In sum, the arguments presented in favor of the special urgency of human rights provide reasons to think that the standards of human rights fall short of the full requirements of justice but they do not lead to the conclusion that societies who live up to them are beyond reproach.

2 The Perspective of Outsiders and the Boundaries of Political Communities

Another problem with the argument that a society can be ‘unjust yet beyond reproach’ is in the way the question is framed: Cohen (2010, 345, 359) repeatedly refers to would-be reproachers as ‘outsiders.’ In a way, the question he is asking is – what can rightly be criticized by outsiders?

But what does it mean to be an outsider? And who is an outsider of any specific political society? This is not a strictly empirical question because membership in a political community is the result of contested and controversial political decisions. If global public reason “comprises a set of political values, principles, and norms for assessing political communities both separately and in their relations” (Cohen, 2010, 381), one question that it ought to be relevant for is this: what are the criteria for delineating political communities? Such criteria help us determine who is an insider and who is an outsider and without them we cannot really know who is addressed by the argument that ‘outsiders’ should withhold reproach.

The omission of these criteria is not, by itself, a fault. Not every discussion can cover all possible issues. We can assume, for the sake of argument, that the criteria for defining political communities and justifying boundaries are provided elsewhere. Assuming that there is a way to justify political communities, we can discuss the extent to which people from one community can rightly criticize the practices of other communities. The argument does not need to spell out these criteria, provided that they can be articulated separately. We can then plug into the argument about reproach whatever is our chosen scheme of membership. Depending on the account we adopt we might end up with different membership maps but we will know when the argument about withholding reproach applies.

However, bracketing the issue of boundaries and membership for the sake of argument is problematic. Such omission leaves out questions so important that it renders the conclusions of the argument weak and tentative. The weakness of the argument becomes evident by filling the blanks with a common conception of membership such as state citizenship. I will now consider the implications of such an interpretation for two pieces of the argument: (a) the outsider that should withhold reproach and (b) the account of human rights as membership in a political community.

Let us now interpret ‘outsider’ by relying on the membership scheme of state citizenship which means that anybody who is not a citizen of a state is an outsider to the society of that state. The implications of such an interpretation include the following: immigrants are ‘outsiders’ in a society until they become citizens; business people running companies in foreign countries are ‘outsiders’ relative to the society where they employ people; people who have no citizenship are ‘outsiders’ everywhere. Should all these people consider the societies where they live and work as ‘beyond reproach’ when they encounter certain kinds of injustices there? Should they withhold reproach and refrain from pressuring for change? These examples represent a common thinking concerning boundaries in global politics yet I believe that in each of these cases the answer should be no: they should not treat themselves as outsiders and therefore not refrain from pressuring for change. Cohen’s account is not committed to this interpretation of the term ‘outsiders’ but the silence on that matter, which is typical, opens the door for these interpretations.

Furthermore, an exploration of these criteria might lead us to believe that there are no ‘outsiders’ in the relevant sense, or that they are much fewer than we might ordinarily believe. The argument that some political societies are unjust yet beyond reproach is not sufficiently attentive to the limited conditions under which we should take the perspective of outsiders. As the above examples show, under very common circumstances nonmembers who are often considered ‘outsiders’ have relations with ‘insiders’ such that they really should not adopt this perspective of outsiders. This leaves us with a serious question: how often should we consider ourselves outsiders? How involved are we with any particular society?

Next, consider Cohen’s (2010, 328, 362) substantive view on human rights that sees them as norms of inclusion in an organized political society: “the central feature of the normative notion of membership is that a person’s interests are taken into account by the political society’s basic institutions: to be treated as a member is to have one’s interests given due consideration, both in the processes of authoritative decision-making and in the content of those decisions.” This is a position on the content of human rights: having one’s interests considered in this way means that one’s rights are protected. A society that lives up to this standard is beyond the reproach of outsiders. The considerations noted above exert downward pressures on the content of human rights; collective self-determination and

toleration, for example, are reasons to think that an account of human rights must fall short of full justice. At the same time, we must be careful not to adopt an account that is insufficiently far from justice: that would be the case if serious injuries to people's interests are not registered as human rights violations.

Such a problem threatens any account that does not specify criteria for inclusion in a political society. Cohen's view of inclusion does not say what kind of political society one ought to be included in and whether or not it matters which political community one is included in, who else is a member and so forth. The problem is that the requirement that all people be included somewhere is consistent with various kinds of particular memberships. It also requires that nobody forces us into and out of any particular society but there is still no criteria provided for the scope, reach or kind of political societies.

Cohen (2010, 329) leaves open the door open for supplementing his account with the requirements of membership in a *global* society, though he is not sufficiently attentive to the importance of such complementary account: "in associating human rights with membership in an organized political society, I do not mean to exclude the thought that those rights can also be understood as articulating the conditions of membership in a more global society. But much of our lives as 'global citizens' continues to be lived within particular political societies, with distinct institutions, even as it is substantially affected by external decisions and practices. So if national and transnational institutions worked to ensure reasonable conditions of membership in organized political societies, that would thereby go some distance to ensuring the rudiments of global membership as well."

It is not clear how far towards ensuring the rudiments of global membership we are going by focusing on inclusion in political societies. Even so, ensuring the *rudiments* of global membership is a pretty low bar for an account of human rights. But the problem is not so much that the account is partial - it is that we cannot evaluate whether or not inclusion is important, and to what extent, without knowing what it is that we have a right to be included in. The way we answer this question would matter greatly for the plausibility of the argument. Without addressing the concept of a political society, it is not clear what is it that we have a right of membership *in*? Should we think of political communities as states, or nations? Or perhaps nation-states? Must each person be included in just one political

community, at least one, exactly one? Can a political society be as big as a federation of states with a billion members and as small an island nation with a few hundred thousands inhabitants? Do the stark differences in life prospects of people born in different political communities matter?

Without an account of political societies, the demands of inclusion are ambiguous and incomplete. Furthermore, as with the term ‘outsiders,’ the absence of criteria invites filling in the blanks with prevalent conception of political communities as states or nation-states, either of which leaves the account of membership unsatisfactory. States can be as large as China or the USA and as small as Bhutan or Micronesia. They can be as rich as Switzerland or as poor as Niger. Inclusion in the political process of these states means very different in terms of the kind of social power it grants individuals. And these differences matter: from a perspective of procedural justice, they are what matters most.

I therefore propose that we adopt an account of human rights as *membership in the global political community*. This is a political conception - as human beings we share social institutions; human rights, as part of global public reason, are the norms that aim to regulate our global society. Membership in the global political community is consistent with, and in some cases dependent on, memberships in local political communities. But membership in one political community, of a specific kind, it is not the defining feature of human rights as global membership. Members of the global community have an interest in shaping the menu of political communities that are on offer, in terms of their types as well as their specific boundaries, characters and composition. Protecting the interests of global members constrains political communities not only in their behavior to their subjects or to each other but also in their structure.

This political conception of global membership is the meaning of *global citizenship*. Following Williams (2009, 39), I define citizenship as a “form of political agency aimed at (a) a *common good* within (b) a *bounded community* in which the agent can claim (c) the *status of membership*” (original emphases).⁸ In the global context, citizenship is political agency aimed at determining the content of shared global values which include, recursively, the content of human rights. Thus, participating meaningfully in the process of determining the content of human rights is itself a human right.

Such an account of human rights, I hold, are part of global public reason. The next section takes

⁸I’m setting aside the question of whether the global community is a *bounded* community.

up the idea of global public reason and offers a formulation that supports the account of human rights as membership in the global political community.

3 From Democracy's Public Reason to Global Public Reason

When Cohen says that some nondemocratic societies are 'unjust but beyond reproach' he is not thinking about reproach in general. Rather, Cohen's argument specifically focuses on the idea of global public reason: the need to justify global norms, such as human rights, in a manner that we can reasonably expect all people to accept them. Cohen (2010, 10-11) distinguishing between global public reason and "democracy's public reason" and that distinction is crucial to the argument that democracy is not part of global public reason. This section is dedicated to arguing that this distinction is not persuasive. I start by considering the idea of public reason in its original context of democratic theory and examine what changes when it becomes global.

The concept of 'public reason' originated with John Rawls, whose work on this matter is generally considered an seminal contribution to the theory of deliberative democracy (Bohman and Rehg, 1997). Indeed, Rawls (1993, 440, 448) begins his discussion by saying: "the idea of public reason... belongs to a conception of a well-ordered constitutional democratic society. The form and content of this reason – the way it is understood by citizens and how it interprets their political relationship – are *part of the idea of democracy itself*." Throughout his discussion, Rawls (1993, 442, 445) emphasizes how public reason stems from a commitment to democracy and says that his argument does not engage those who reject democracy: "those who reject constitutional democracy with its criterion of reciprocity will of course reject the very idea of public reason... the idea of public reason arises from a conception of democratic citizenship in a constitutional democracy." He later goes on to enumerate three 'essential elements' of deliberative democracy, the first of which is an idea of public reason. Public reason is defining "the basic moral and political values that are to determine a constitutional democratic government's relation to its citizens and their relation to one another" and its content is made out of "political values that others, as free and equal citizens might also reasonably be expected reasonably to endorse" Rawls (1993, 441-2, 450). This 'criterion of reciprocity' is the defining feature of public

reason, and as we have seen in ??, it plays a central role in the theory of deliberative democracy.

Because the idea of public reason is part of a conception of democracy, it is unmotivated without an endorsement of democracy. If democratic values and ideas are not part of the terrain expected to be shared when discussing global affairs, why would the idea of global public reason be relevant? In other words, why would people who reject democracy accept the idea of global public reason?

Cohen deploys the concept of global public reason in the context of providing an account of human rights, though he notes that human rights are only one part of global public reason. Human rights have a specific ‘practical role’ which is: “to provide a broadly shared outlook, across national boundaries, about the standards that political societies, in the first instance, can be held to” (Cohen, 2010, 324). In order to serve that role, Cohen (2010, 323) articulates an account of human rights using justificatory minimalism, according to which “a conception of human rights should be presented autonomously: that is, independent of particular philosophical or religious theories that might be used to explain and justify its content.”

This practical role is not unique to human rights, and global public reason encompasses the terrain of values that we expect all people to share. Therefore, justificatory minimalism is a defining feature of global public reason, as is the practical role of providing a broadly shared outlook: “Because [global public reason] is presented as the common reason of all peoples in a deeply pluralistic world, as a reason whose content can be shared, it needs to be formulated autonomously from different and conflicting religious, philosophical and ethical traditions – as a conception of reasons that adherents of different traditions can reasonably be expected to share” (Cohen, 2010, 361). And it echoes Rawls’ (1993, 453) argument that the political values of democracy’s public reason are those that “can be presented independently from comprehensive doctrines of any kind.”

The practical role of providing a widely shared outlook is a pretty weak argument in favor of justificatory minimalism or, more specifically, global public reason. One can accept that we need a shared terrain of moral and political values and reject that they ought to be justified and formulated autonomously, rejecting the idea of global public reason. First, an opponent may argue that formulating values independently does not give us reason to expect that they be more widely shared. Indeed, detached from particular religious and moral traditions, one may say, values would resonate with no-

one rather than with everyone. More generally, while an idea that is founded on a particular tradition cannot reasonably be expected to be shared by others who do not endorse that tradition, the reverse is not true: that a value is not rooted in any specific tradition does not mean it can reasonably be expected to be accepted by people of all traditions.

Second, there may be various other ways to justify a set of values such that they be widely shared. It still remains open for an opponent to accept the idea that we need a ‘broadly shared outlook’ whose content ‘can be shared’ but reject that the outlook should be formulated independently from particular religions or traditions.

The point is not that the idea of global public reason does not make sense on its own but rather that without relying on democratic ideals, such as the conception of global citizens as free and equal, we have no reason to adopt the idea of global public reason. A commitment to democratic foundational ideals propels us to articulate political values independently of particular religious and philosophical traditions, out of respect to the equal standing of our fellow global citizens.

But the problem is more serious. Without the guidance of foundational democratic ideas, global public reason is rendered too weak to provide us any guidance. The main difference between democracy’s public reason and global public reason has to do with content:⁹ while democracy’s public reason is based on a principle of reciprocity according to which citizens are to be seen as free and equal, no such requirement is included in global public reason. Here is how Rawls (1993, 453) derives the content of democracy’s public reason: “[the political values of public reason] can be worked out from fundamental ideas seen as implicit in the public political culture of a constitutional regime, such as the conceptions of citizens as free and equal persons, and of society as a fair system of cooperation.” In contrast, in discussing global public reason there is no appeal to the principle of reciprocity or the idea that the values in global public reasons ought to reflect the foundational democratic idea that people are to be treated as free and equal.

How, then, do we arrive at the content of global public reason? The problem is that the requirement that it would be formulated autonomously from particular traditions is not enough to determine the

⁹Redhead (2013, 216) notes, in addition, a difference in the attitude towards truth, because in democracy’s public reason, and not in global public reason, “there is an important place for what Cohen calls a political conception of truth as a primary means for accomplishing one of democracy’s public reason’s crucial tasks, getting justice right.”

content of global public reason. Cohen (2010, 331-2) explicitly rejects the empirical interpretation of justificatory minimalism: the idea that the content of human rights is to be found “at the intersection of those different traditions, taking their content as fixed and given.” Therefore, global public reason, in some cases, would be consistent with existing traditions *only if* these have been revised by their proponents and given ‘fresh elaboration.’ How exactly does the process of fresh elaboration works is a complicated matter that I do not explore; however it goes, it entails that global public reason is not simply deferential to existing traditions. In saying that global public reason is comprised of values that we expect people of all faiths to accept, we do not mean that we expect them to accept it *without making any changes* to existing traditions. The values of global public reason must speak to adherents of different traditions but they are not held hostage by any existing set of beliefs.

Global public reason relies, therefore, on a standard of reasonableness: what does defines the content of global public reason is that provision that it encompasses values that “adherents of different traditions can *reasonably* be expected to share” (Cohen, 2010, 361, emphasis added). This insight regarding does not resolve the question but rather only pushes it one step further. What can adherents of different traditions *reasonably* be expected to share? Cohen does not explicitly provide a standard of reasonableness. Yet without such a standard, the idea of global public reason is too thin to provide guidance: we cannot know what it consists of, and more importantly - we do not know how to evaluate arguments for and against the inclusion of a specific value or set of values, such as those associated with democratic theory. Cohen’s arguments against the inclusion of democratic principles in global public reason do not rely on providing a standard of reasonableness. Rather, Cohen presents a substantive alternative (discussed earlier, in section ??) and argues that it belongs in global public reason primarily by rejecting several arguments in favor of including democracy. The weakness of this position is the absence of a standard of reasonableness.

Without such a standard, I argue, the idea of global public reason is too weak because autonomous presentation does not give us sufficient criteria to determine the content of global public reasons. Yet we have such criteria provided by the original account of public reason - and there is no reason to divorce them from it in the move to the global context. Quite the contrary: the criteria of reasonableness are crucial for making the idea of public reason compelling.

Therefore, I argue that we should adopt a standard of reasonableness for global public reason that is similar to democracy's public reason: political values can reasonably be expected to be shared if they are based on the fundamental democratic ideas such as *the conceptions of global citizens as free and equal persons and of global society as a system of fair cooperation*. This proposal is analogous to Forst's (2014, 19,21-2) argument in favor of a 'basic right to justification' according to which "no political or social relations should exist that cannot be adequately justified toward those involved."¹⁰

Yet global public reason, though similar in content to democracy's public reason, is not exactly the same: interpreting *global* society as a system of fair cooperation will have different implications. This is important because it means we should not expect global public reason to lead to the same principles that it does in a more limited context. If Rawls was right that the idea of public reason leads to something like the two principles of justice (including the difference principle) in the context of a limited society, it does not follow that the same should hold for global public reason, even if I am right that it relies on a similar standard of reasonableness. At least some of the suspicion towards the relevance of democratic principles to the global context are rooted in the thought that it necessarily leads to familiar, and demanding, principles of justice. Yet the conclusion is too quick. We still have to work out the demands of global democratic justice, they are not simply an extension of those we derived while considering society as 'closed.'¹¹

Moreover, it should be clarified that reformulating global public reason and incorporating into it a democratic standard of reasonableness does not necessarily lead us to global democracy. Nor does it entail including the theory of deliberative democracy, with its demanding ideal, into global public reason. Though public reason is a necessary condition for deliberative democracy, on its own it is not sufficient. Deliberative democracy requires not only that decisions follow reasons and that the reasons be of a specific kind but it also require participation of affected people in decision-making processes. It is not enough that reasons are available but they also need to be *given*, debated and scrutinized in a participatory forum. An exclusionary process of decision-making, for example an aristocratic one,

¹⁰This right is founded on the 'fundamental requirement of justice:' "claims to goods... can be arrived at *only* through discourse in the context of corresponding procedures of justification in which... all can in principle participate as free and equal individuals."

¹¹"Self contained and as having no relations with other societies" Rawls (1993, 12). Rawls thought this abstraction is justified because it "enables us to focus on certain main questions free from distracting details" but I think that the main questions are *in* these details and abstracting from them is a serious omission.

is consistent with the idea of public reason: so long as the decisions are all made in accordance to values that people, understood as free and equal citizens, could not reasonably reject - we may have an aristocracy on the basis of public reason.

The point that public reason is not sufficient for deliberative democracy is revealing: since a public reason is only part of what deliberative democracy requires, it could be taken out of democratic theory and considered in a different context. Perhaps a less demanding interpretation of democracy could provide motivation and a standard of reasonableness, or else some other non-democratic idea can fill the gap. Sadurski (2015), for example, wants to establish global (or, as he calls it, ‘supranational’) public reason as a standard for evaluating global institutions *without* appealing to democracy.¹² The idea of public reason can be detached from democracy even if in its content it represents democratic ideas.

Lastly, it might be objected that a democratic standard of reasonableness does not fit global public reason because the sheer scope of global public reason renders democratic ideas inappropriate. In discussing democracy’s public reason, Cohen says that “common ground, if it is available at all, requires that the content of public reason is restricted *relative to the doctrines endorsed by members*” (Cohen, 2009, 354, emphasis added). Applying the same kind of logic to the global context we might expect a wider range of doctrines than in the context of one society. This notion is suggested by the repeated use of the phrase ‘deeply pluralistic world’ or by the acknowledgment of “the fact that there are fundamentally different religious and ethical traditions” (Cohen, 2010, 361, 332). Such a broad spectrum might mean that autonomous formulation of shared principles would lead us to exclude democracy.

I don’t think this is the case. Any large society, including most electoral democracies, is ‘deeply pluralistic’ and includes citizens that endorse a wide range of fundamentally different religious and

¹²Sadurski seems committed, for the most part, to interpreting democracy strictly in electoral and constitutional terms - a narrower and less demanding theory of democracy than deliberative democracy. At the same time, he seems somewhat sensitive to the value of reason-giving in authorizing collective decisions without explicitly explaining what form it should take or whether it is necessary for democracy: “national political institutions that enjoy a high degree of representative democracy normally and properly supplement it with the kind of reasons they provide for their authoritative decisions.” (399). Likewise, though global public reason is “a suitable legitimacy-supplying device for supranational authorities,” it is not, on his account, strictly sufficient because “there must be some connection between the authority and the addressees of these norms (individuals, states, or sub-state bodies) which serve as a necessary trigger for the legitimacy of the relationship” (399, original emphasis). What form this connection should take, Sadurski does not say.

ethical traditions, both reasonable and unreasonable. In formulating global public reason we take into consideration that it should be accepted by all possible moral and philosophical traditions; the context of any large contemporary society is not, I believe, very different: there are representatives, however few, of almost every moral and philosophical outlook. Unreasonable views, in the sense that they reject the foundational principle of citizens as free and equal, may be less prevalent in some places than in others but that has no bearing on the idea of global public reason since it does not defer to people's existing beliefs as a constraint.

Furthermore, it is commonly assumed that democratic ideas are popular in some countries, specifically western democracies, and unpopular outside of it. This assumption flows naturally from the fact that it's only a small portion of the world's population that lives under what we consider democratic regimes and that many other governments actively resist and publicly reject electoral democracy and associated institutions, such as freedom of speech, freedom of association and freedom of the press. For that reason, some people argue that including democracy in global public reason is a Western imperialist project - meant to export or impose Western values on people who reject them.

The key issue here is that deliberative democracy is not the same as electoral democracy. This is true partly because one is an ideal that guides political action and the other is a set of institutions that, from one perspective, attempt to approximate that ideal. Furthermore, electoral democracy, in many cases, does not even attempt to approximate the ideal of deliberation.¹³ Once we separate the two notions we can see that democratic ideas have appeal outside of countries that we usually think of as democratic and that countries with relatively free and fair elections fall short of the requirements of deliberative democracy - sometimes by so much that it is doubtful they deserve to be called democracies.

Two more comments on this issue. First, the ideal of democracy has attracted authors that reject liberalism or the liberal variant of democracy that is associated with 'western' values (Parekh, 1992; Bell, 1999, 2000). As Dryzek (2011, 212) notes, quoting Amartya Sen, "democracy as government by discussion or public reason is much more pervasive in the world's various political traditions than

¹³I cannot explore this point at length here, but there is ample work on representative electoral democracy, its aristocratic roots and the ways in which it was designed to be an alternative to classical democracy (Dahl, 1989; Urbinati, 2008; Thompson, 2015). My point here is not that electoral democracy is not plausibly a component of an institutional approximation of deliberative democracy - it is - but that it is has other justifications and that it may be attempting to approximate other ideals as well.

democracy as voting, whose history is tied to that of Western Liberal democracies.” One way in which Cohen (2010) supports his argument that the democratic conception of free and equal persons is not implicit in global public reason is by articulating his conception of membership on the basis of existing traditions. Specifically, Cohen (2010, 370) provides interpretations of Confucianism and Islam “that accept the importance of membership, and support a more-than-minimalist conception of human rights, but neither of which depends on the democratic conception of society or of persons as free and equal.” However, once we allow (in some cases require) fresh elaboration, the same can be demonstrated with democratic ideas, especially if one takes into account the idea of ‘fresh elaboration.’ For example, Bell (1999) offers a Confucian interpretation of the democratic ideal of collective self-rule. There’s no reason to think that the core values of democracy cannot be shared across traditions, even if the interpretations of these values vary or if they require deviating from some of the mainstream variants of these traditions.

Second, accepting democratic principles as part of global public reason does not mean we should expect uniformity in governmental structures, let alone forcible imposition of regimes. There are various reasonable interpretations of the democratic ideal. Even among deliberative democrats, who share a specific conception of democracy there is a wide range of reasonable disagreement about the implications (and how far-reaching are they) of approximating the ideal. Further, as the discussion so far has shown (1), even uncontroversial violations of the requirements of justice do not necessarily warrant forcible intervention. Accepting democratic principles as components of global public reason does not sanction an imperialist project of exporting electoral democracy. Instead, it invites criticism of all governments, east and west, north and south, on the basis of a demanding ideal of deliberation that is not fully implemented anywhere. Different political societies approximate it to varying degrees in multiple forms. No one has a monopoly on democracy.

4 Democracy and Collective Self-Determination

This section is dedicated to addressing objections. The first is this: it is a mistake to include democracy in global public reason because democracy is a demanding egalitarian ideal. We should therefore replace

democracy with collective self-determination. Since it is less demanding it could more easily be accepted across cultural and philosophical divides. Furthermore, once we understand that democracy is “one form of collective self-determination” (Cohen, 2010, 357) we can see that the arguments in favor of including democracy in global public reason actually support that less demanding requirement. What may seem like approval of democratic ideas is actually an endorsement of the more minimal standard.

My response is that the claim that democracy is ‘one form of collective self-determination’ puts the cart before of the horse: the requirement of collective self-determination is *derived* from the democratic ideal by way of approximation. Therefore, understanding collective self-determination as an approximation is not only the *best* way to interpret the requirement of collective self-determination, it is the *only* way.¹⁴

Recall that a society is collectively self-determined if its rule has “substantial resonance in the political culture, or the history and traditions of the country” and “members of that society... have some identification with that political society and its way of life” (Cohen, 2010, 358, 346).¹⁵ How do we evaluate the ‘resonance in the political culture’ of a system of rule? Cohen (2010, 357-8) provides three conditions for collective self-determination: binding decisions result from, and are accountable to, a decision-making process that represents all the interests of those under its rule; everybody has a right to dissent and appeal collective decisions; decisions are accompanied by explanations that intend to show why said decisions are justified by appealing to a conception of the society’s common good.

The first thing to note is that these conditions approximate the deliberative ideal of democracy. They certainly fall short of the ideal - the demands are only a partial statement of what the ideal of deliberation demands - but the resemblance is striking. Yet the point is not just that there is an affinity between this idea of collective self-determination and deliberative democracy. The point is that the reason these conditions make sense as an interpretation of the claim that a rule has ‘substantial resonance in the political culture’ is that they provide a way to see collective decisions as the outcome

¹⁴This is a more ambitious thesis than the one I made earlier (1.2) so it is worthy to note that the two claims are independent of each other: it may still be the best way to understand collective self-determination even if it is not the only one.

¹⁵See also “we should resist the idea that the political society should be held to a standard of justice that is rejected by its own members and may have no real resonance in the culture, even if we think that that standard represents the truth about justice” (Cohen, 2010, 345).

of deliberation of the right kind.¹⁶ Since people’s interests and opinions are considered, their right to appeal is protected and explanations are provided - the decisions might not be very different if everybody *actually had* the right to participate. And of course, democracy requires that people actually have that right as well as a fair opportunity to influence the political process. And when people have the right to participate, they sometimes misuse or neglect it, leading to results that diverge from the ideal in different ways. But so long as their opinions are (actually, sincerely) represented and their right to appeal is protected, *we have reasons to think that their participation is, to a certain degree, emulated (albeit imperfectly) by the system.* The conditions of collective self-determination are arrived at by considering ways to approach the ideal of deliberation while conceding the requirement for actual political influence.

Yet there is a further objection: by assimilating the idea of collective self-determination into democratic theory as an approximation of the democratic ideal I am being too restrictive. Specifically, I exclude societies that are self-determining but reject a right to *equal* opportunity for political influence or an *equal* right for political influence.¹⁷ Indeed, the argument from collective self-determination is supposed to make room for a society that is undemocratic because it “assign[s] special weight to the interests of some social groups” or it “may have an official religion endorsed by a preponderance of the population” while, for example, “only adherents of that religion are permitted to hold official positions” (Cohen, 2010, 357-8). The argument here is that collective self-determination can be achieved so long as everybody’s interests are sufficiently protected even if they are not protected *equally*. So long as all religious groups have some political influence and are allowed to dissent, they may still be systematically disadvantaged because collective self-determination does not depend on *equal* consideration of all interests.

There are two separate issues at hand. The first concerns the definition of collective self-determination and the second concerns the exclusion of decent but undemocratic societies.¹⁸ I will discuss each of these in turn.

¹⁶Similar arguments are advanced by Benhabib (2008, 2013) and Redhead (2013).

¹⁷This is akin to Dahl’s (1989, 31) ‘strong principle of equality’: “that all the members of the association are adequately qualified to participate *on an equal footing* with the others in the process of governing the association” (emphasis added). Yet Dahl is concerned with qualification to participate while I think the crux of the matter is with the *right* to participate.

¹⁸The term ‘decent’ is borrowed from Rawls (1999, 65), who advances a parallel argument in favor of ‘decent hierarchical’ societies that protects human rights but do not accept that members have “equal basic rights as equal citizens.”

First, it is a mistake to think that collective self-determination can be completely divorced from egalitarianism. While it may allow for preferential treatment (or state adoption) of a majority religion, it does so only if there is also broad protection of a right to appeal and public policies based on a conception of the common good. There are various ways in which the requirements of collective self-determination can be specified but none can ignore the egalitarian element built into it. In fact, it is hard to see how any state that lives up to the standard of collective self-determination could endorse a religion officially without serious qualifications. Such a state could adopt a religion but only so long as “rights to dissent from, and appeal, those collective decisions are *assured for all*” and explanations provided for policies are “founded on a conception of the common good of the *whole society*” (Cohen, 2010, 358, emphasis added). This qualification means that the capacity to enact laws that reflect the principles of the state’s religion is very limited or else the right to appeal the decisions would be made a mockery.

Consider an example. A decent non-democratic state has a majority of devout Catholics. There is also a small minority of committed atheists, some of whom are members of the ‘Church of Satan.’ These individuals perform satanic rituals and would like to establish a Satanic temple with a statue of Baphomet.¹⁹ The Catholic leaders of the country accept religious freedom as defined by the catholic church in its *Dignitatis Humanae* (a.k.a. Declaration on Religious Freedom). However, according to their interpretation of the *Dignitatis*, the atheists’ right for religious liberty is not violated when they are barred from building a temple or practice their rituals. The leaders provide detailed explanations that point out article 7 of *Dignitatis*, according to which the right to religious freedom is restricted by “judicial norms which are in conformity with the objective moral order” and “the need for a proper guardianship of public morality.”²⁰ They argue that while the atheists are free to practice their beliefs, they do not have the right to ‘do evil.’²¹ Since they sincerely believe that the Satanic rituals will call

¹⁹The ‘Church of Satan’ has struggled successfully to erect a Satanic Temple in Denver, Colorado. Note that members of the Church of Satan do not *worship* the devil but are atheists who invoke the image of Satan not as an evil supernatural being but as a cultural representation of skepticism and opposition (Rothman, 2015).

²⁰See the full text of *Dignitatis Humanae* on the Vatican’s website at: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (accessed 10.9.2015).

²¹This is the view of Dominican Father Thomas Crean from the Priory of St. Michael the Archangel in England. See an interview with him on <https://www.ncregister.com/daily-news/striving-for-a-better-understanding-of-dignitatis-humanae/> (accessed 10.9.2015).

upon evil spirits that would do harm they see these rituals as evil acts (regardless of the Satanists' intentions or beliefs) and prohibit them. The atheists appeal the decision but their appeal is denied.

Can such a society be considered self-determined? I believe that it cannot. If a policy or law is justified on the basis of the common good as understood through the prism of a metaphysical outlook unique to the state's official religion, it is not made on the basis of "a conception of the common good of the *whole society*." The atheists in our example do not recognize the reasons they are offered, even if they accept reasonable disagreement. There is no attempt on the part of the government to justify their policy on the basis of reasons they expect the minority to accept. Instead, they justify their policy by appealing to what they believe is the truth and the 'objective moral order.' And they do so in a sincere manner out of concern for the well-being of everybody in the society.

If, on the other hand, they justify their decisions by appealing to reasons they believe the atheists could accept - considerations of public order, notions of fair cooperation in a society and so forth - the adoption of religion as an official religion is now restricted in an important sense. Laws and regulations that are justified only by reference to religious doctrines cannot be passed; only those that can also be justified by sufficient non-religious reasons can now be legislated. Though we stipulated that only Catholics can run for public office, the laws they pass (if the conditions of collective self-determination are to be met) cannot reflect the ideas of the state religion. Collective self-determination restricts the extent to which they can make sure the laws of the country align with Catholic doctrine.

Therefore, the restrictions set by the idea of collective self-determination are guided by an egalitarian ideal, even if they fall short of democratic justice. The attempt to carve up the space for non-egalitarian societies fails either because the decency of the collective self-determination is hollowed by the exclusion of the non-religious minority; or, instead, the standard of collective self-determination is revealed as minimally egalitarian.

This leads to the second issue raised by the objection: one may reject the minimally egalitarian conception of collective self-determination and insist that a society that governs by religious reasons is nonetheless decent. My account would be, by this charge, excessively restrictive. According to my restricted account, many existing states do not enjoy collective self-determination and it seems like the standard of collective self-determination is higher than expected for a universal standard that can

and should be accepted as part of global public reason.

Here we might run into an impasse. I accept that this conception of collective self-determination is restrictive and that many existing societies are not self-determining. That, by itself, is not a reason to change the standards of global public reason. Nevertheless, collective self-determination as I interpret it allows a great deal of diversity in political systems and falls short of full democratic justice. Though it insists that the content of the reasons by which policies are made would be of a kind that minorities are expected to accept, it is not required that such minorities would actually be granted equal rights of participation. In other words, a society can be self-determined and fall far below the standards of democracy and justice.

Therefore, collective self-determination cannot replace democracy as part of global public reason because a cogent interpretation of the collective self-determination reveals that it is derived from the democratic ideal. While it does not live up to the egalitarian requirements of the deliberative ideal, it relies on a minimally egalitarian approximation of that ideal. Instead of replacing democratic principles, collective self-determination sneaks them back into global public reason.

5 Conclusion

This paper reformulates global public reason and incorporates into a standard of reasonableness based on foundational democratic ideas. Specifically, the political values that comprise global public reason should be built on the ideas that people are free and equal citizens of the world society, seen as a system of fair cooperation. On the basis of such requirement we can build an account of human rights as membership in the global political society.

Yet the content of inclusion in the global political society as global citizens is not fully fleshed out. The account of human rights as members in specific political societies suggested that inclusion in a political society goes some way to ensure the rudiments of global membership. Yet, as we have seen, the main problem with this idea is that it lacks a definition of political communities and provides no criteria for delineating the boundaries between political communities.

The next task is therefore to consider the question of boundaries on the basis of an account based

on the foundational idea of people as free and equal global citizens. I tackle this issue in a separate paper.

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