11-2016

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Review

Interactive Democracy: The Social Roots of Global Justice

Carol C. Gould. Cambridge: Cambridge University Press, 2016. 308pp.

David Reidy[*]

In this book, Carol Gould tries to envision a future for democracy that is both faithful to what she takes to be its philosophical and normative ground and well-matched to the political challenges of advancing global justice. These challenges arise because the social and institutional world is increasingly complex, with the relevance of state boundaries diminishing significantly in recent decades when it comes to identifying and evaluating agents, acts and effects on the global stage. I begin by reconstructing and summarizing what I take to be her central line of argument.

Gould begins with a conception of persons as practical agents whose essential capacities for self-development and self-transformation are realized and exercised, through the pursuit of projects and relationships, only in and through social life. Persons have each, simply *qua* persons, a *pro tanto* equal claim to access the material and social conditions necessary to the realization and exercise of their essential capacities. Gould understands human rights as fundamentally the expression of this *pro tanto* equal claim. And, for the purposes of this book, she conceives of global justice in terms of human rights. They provide the normative foundation of her account.

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She divides human rights into those that are basic and those that are, while still essential, non-basic. Basic human rights (for example, subsistence, physical security, and basic education) are those the typically uniform fulfillment of which is strictly necessary to the acquisition, maintenance and any exercise of the essential capacities. Non-basic human rights (for example, freedom of occupation, nondiscrimination within civil society) are those the typically variable fulfillment of which may be only highly conducive to the successful exercise by particular persons of their essential capacities in particular contexts and so to human flourishing in all its diversity. On her list of human rights, Gould includes a human right to democracy. Though I do not think she ever explicitly says so, this right would appear not to be basic, though elements of it—for example, the right to freedom of political speech—may be. Still, it is an essential human right.

The human right to democracy arises from the fact that persons produce the material and social conditions essential to the development, maintenance and successful exercise of their essential capacities through purposeful common activity. It manifests the *pro tanto* equal claim of each person participating in such activity to determine its nature and direction. Because such activity often generates for non-participant third-parties significant effects bearing on their access to the material and social conditions necessary to the realization and exercise of their essential capacities, Gould adds as a rider that in such cases the right to democracy extends to non-participant third-parties a right to at least provide input to and be heard by those engaging in and directing the common activity from which arise the relevant effects. Where the relevant effects impact the basic rights of non-participant third-parties, their right to democracy extends beyond simply providing input and being heard to actually participating in determining the nature and direction of the activity in question. With respect to common activities the effects of which impact the basic human rights of all persons world-wide, then, some sort of global democratic institutions would seem to be required.

Globalization involves significant growth in, *inter alia*, common activities whose participants, whether individual natural persons or corporate bodies (firms, NGOs, states, etc.), are not drawn exclusively from any one state, as well as common activities (irrespective of whence participants hail) the significant third party effects of which (whether impacting basic or non-basic human rights) range across state borders. Globalization, then, demands both a rethinking of democracy within and an extension of democracy beyond state borders. This will sometimes require something like extending

rights to democratic participation in decision-making across borders. But often (as when only the non-basic human rights of third parties to state action are at stake) it will require only extending quasi-democratic rights to provide input to and be heard by decision-making bodies. In some cases, when third party effects are global, it may require extending democratic participation or quasi-democratic input rights worldwide.

There is, then, no path to global justice, or no path to global justice that takes human rights seriously, that does not, argues Gould, involve the worldwide proliferation of and networked interaction between diverse democratic practices across diverse common activities. Their interaction, individually and severally, cultivates worldwide diverse democratic personalities or self-understandings and forms of life, which in turn interact, transforming further both themselves and the institutions and practices from which they arise. Hence, interactive democracy.

This line of argument is set out largely, but not exclusively in part one, "Theoretical Foundations," of Gould's book. Parts two and three fill in the picture.

II

In part two, "The Social Roots of Global Justice," Gould begins to flesh out the theoretical position set out in part one. Regardless of their other demands, all plausible conceptions of global justice prioritize the fulfillment worldwide of at least basic human rights. And there can be no doubt that a wide variety of common activities substantially impact or threaten substantially to impact the basic human rights of persons. These activities range across, *inter alia*, not only corporate, national, transnational and international industrial, energy, digital, trade and environmental policies and initiatives but also the production, enforcement and adjudication of law, private and public, national, regional and international. And their impacts range across not only participants but also non-participant third parties, with either often hailing from more than one state or traditional political unit. Accordingly, any theorist keen to chart a course to global justice must do more than theorize, on the one hand, traditional democratic political action, whether within or between independent states (voluntarily joined in common activity), and, on the other hand, unilateral humanitarian action, whether by states, NGOs or individuals. She must theorize the democratization of all common activities impacting basic human rights.

One challenge here is that democracy requires shared self-understandings and affective ties. And it is not at first glance clear that these exist or will inevitably exist as

required for the democratization of all common activities impacting basic human rights. Here Gould argues for an emergent pluralist cosmopolitan consciousness arising itself out of the patterns of solidarity, mutual aid, recognition and care ingredient within the many forms of international and transnational social cooperation ushered in by the pursuit of global justice under conditions of globalization. This consciousness arises not merely out of an abstract philosophical sense of shared humanity or universal normative commitment to human dignity, but rather also fundamentally out of a plurality of determinate, real world and increasingly networked transnational and international associations and the patterns of solidarity, recognition and care increasingly internalized by those engaging in and with them. This emergent cosmopolitan consciousness expresses, Gould maintains, a concrete and pluralist universality that refuses to dissolve all differences in the solvent of philosophical abstraction or moral monism. It aspires to a world within which power is always exercised as "power with" (always legitimate, though perhaps sometimes not fully justified) rather than violence or "power over" (perhaps sometimes justified, though never fully legitimate). Such a world would and must be free of gender and other forms of systemic oppression or domination. Within it, and with their self-understandings shaped by diverse patterns of transnational and international solidarity, recognition and care, persons would democratically direct their common activities in ways consistent with and conducive to the fulfillment of basic human rights worldwide. Whenever those activities threatened to or actually impacted third parties, they would, at a minimum, seek inputs from those third parties and would, at the maximum, find ways to include them within their decision-making process. Global justice does not require, then, a uniform single global solidarity among all persons. It requires only a network of transnational and international plural solidarities with cosmopolitan reach. Here Gould's cosmopolitanism rests on persons being constituted neither uniformly as citizens of the world nor uniformly as persons without constitutive partial, particular and local identities and solidarities. This is, I think, a promising conception—plural yet with universal reach—of a cosmopolitan moral sensibility. Gould devotes an interesting chapter here to examining the way in which this sensibility might shape our sense of humor and participation in the activity of telling jokes.

In part three, "Interactive Democracy—Transnational, Regional, Global," Gould begins to sketch the sorts of institutional reforms her vision requires. She proposes, *inter alia*, the introduction of a "People's Assembly" in the United Nations; the further development of regionally and functionally defined international and transnational

governance institutions; an initiative, perhaps spearheaded by the International Labor Organization, to promote the democratization of the workplace; and continued improvements in the distribution, quality and availability of digital communication platforms, including the development of new technologies aimed at enabling the sorts of participation and deliberation required by interactive democracy and facilitating and reducing misunderstanding within communication across linguistic and cultural borders. The discussion here is necessarily forward looking and speculative and so the proposals often feel vague. But Gould makes an effort to keep them within the space of practical feasibility, even if she doesn't spell out details.

III

There is much to admire in this book, as in Carol Gould's previous books. Her relational conception of persons and multifaceted conception of positive freedom surely point in the right direction. She is surely correct that in our increasingly globalized world traditional political action and humanitarian efforts are not likely by themselves to secure basic human rights worldwide. New or reformed international and transnational institutions, as well as greater contributions from and reforms within global civil society, are undoubtedly necessary. And her call to ensure that the exercise of power within and across borders is informed and finally accountable to the shared public reason of all those subject to or significantly impacted by it is most welcome. On these fronts, one will find a great deal of value in Gould's book, even if one does not precisely share her views on human rights, a human right to democracy, or the relationship between global justice and the (interactive) democratization of much within social life.

Gould also demonstrates throughout her discussion admirable instincts to avoid false dichotomies and when possible reconcile apparently conflicting ideals, to focus on sensible priorities while keeping an eye on the long game, and to embrace only means well-tailored to her ends. And she admirably draws throughout on many examples to illustrate key points and situate her discussion for readers. These include not only examples of injustice, which are easy, but of the path she favors moving forward, which are harder. For example, the role of digital communication platforms in the Occupy Movement and Arab Spring are discussed as well as the challenges for informational privacy raised by these platforms and social media more generally within political movements. And the possibilities for workplace democracy are illustrated in a discussion of the Spanish

cooperative corporation Mandragon. But notwithstanding these and other merits, the book is not entirely satisfying.

There is a good deal of repetition both within it and with her earlier books. This small annoyance is somewhat amplified by the often prolix style of exposition and the explicit raising but then passing over of issues that might profitably be discussed in greater detail on the grounds that space simply does not permit such indulgences. The reader must make a concerted effort to distill the overall line of argument. Proposals are given only an initial and often vague sketch. And the examples and illustrations marshaled on their behalf often fail to fill in the picture. I suspect that this book will receive lower marks from those who prefer their philosophical reading crisp, narrow and deep, and who are unmoved by normative visions lacking detail or not manifestly feasible. On the other hand, it will receive higher marks from those who prefer their philosophical reading wide-ranging, educated, and well-informed, and who appreciate highly suggestive normative visions painted in appealing colors applied with broad and hopeful brush strokes.

By way of illustrating the sort of thing that might inform the judgment of those likely to assign a lower rather than a higher mark, let me start with Gould's conception of human rights. These she understands as expressing each person's *pro tanto* equal valid claim to access the material and social conditions essential to her positive freedom. On her view, human rights exist, as *pro tanto* equal valid claims, prior to and apart from any assessment of the cost of their being met and whether those costs can be fairly distributed and thus prior to and apart from any assignment of determinate correlate duties. Now, this sort of aspirational, goal oriented conception of human rights is common enough, and Gould is free of course to stipulate any understanding of human rights she likes. But she must pay the price. For human rights on this account cannot by themselves specify, as Gould would have them, a morality of depths.

Rights, and so human rights, specify a morality of depths only insofar as they express our deepest, firmest, socially realized expectations of one another, the violation of which spontaneously issues in agent-directed blame and resentment, and not simply general disappointment at or regret over the state of the world. This they cannot do absent a widely understood correlation of determinate claims with determinate duties in light of a realistic assessment and fair distribution of costs in light of resources. To be sure, I am not denying that persons have *pro tanto* equal valid claims to access the material and social conditions essential to their positive freedom or that it would, other things equal, be a good

thing if all these claims were fulfilled. Nor am I denying the existence of human rights, whether as legal or moral rights. Rather, I am suggesting that by themselves *pro tanto* equal valid claims constitute only a starting point for moral thinking and conversation aimed at generating a determinate and shared understanding of our deepest, firmest, socially realized expectations of one another. Human rights, on the other hand, mark the point at which that thinking and conversation comes to a close, even if by so doing it only opens up a new line of thought and conversation about how to move forward given the concrete situation being faced. In a sense, of course, Gould accepts this. She is, after all, insisting on the need to proliferate a number of new conversations—democratic moral conversations—about how to fulfill basic, and specify and fulfill non-basic, human rights and so move forward toward global justice. But if human rights, or at least basic human rights, necessarily frame and limit, rather than simply launch and orient, these conversations, then they must exist as more than *pro tanto* equal valid claims. Human rights, or at least basic human rights, can function as required by Gould, and most everyone else, as constituting a morality of depths, only if they are, at least absent special cases, widely recognized going into moral conversation as conclusory or decisive reasons. To put the point directly, "valid" does not mean "conclusory" or "decisive." And by themselves *pro tanto* equally valid claims characterize a moral problem, not a deep, well-worked out, entrenched reliable path to its solution.

Gould distinguishes between basic and other human rights. Both are essential and constitute high priority commitments for her within any plausible conception of global justice. But basic human rights have the highest priority and clearly function for Gould to trigger and constrain the right to full democratic participation and deliberation. Gould characterizes basic human rights as those the more or less uniform fulfillment of which is strictly necessary to the essential capacities of persons simply as agents. At first blush, this seems sensible. But the fact is that human persons are never simply agents. They are always socially and culturally determined agents. As such many would rather die than receive their required caloric intake or potable water by way of religiously or culturally forbidden food or liquid. For persons subsistence is always subsistence as a particular agent in a particular social world with particular role-specified duties and so forth. But if this is correct, then subsistence rights begin to look, on Gould's way of drawing the distinction, like essential but non-basic rights, those the typically variable fulfillment of which is linked to one or another successful determinate manifestation of agency. To be sure, I am not here denying

a distinction between basic and non-basic but essential human rights. I endorse such a distinction. Rather, I am suggesting that Gould has not provided a compelling account of the distinction, or at least an account that explains why basic human rights have any priority (for example, in triggering democratic participation rights for non-participant third parties impacted by the common activities of others) relative to non-basic but still essential human rights.

Nor, I think, has she provided a compelling account of the human right to democracy. She derives this right from the application of her principle of equal positive freedom to common activity within and through which the material and social conditions essential to effective agency are produced and distributed. She then extends it, when human rights are impacted, to all affected, including non-participant third parties, by such activity. Notwithstanding it initial appeal, this I think cannot be right. First, think of the modern university. It organizes the common activity within and through which a great deal of knowledge is produced and distributed. And surely knowledge is among the material and social conditions essential to effective agency. But the production and distribution of knowledge is not something obviously well-accomplished when governed democratically by all those engaged in or substantially impacted by it. If it were, voting rights in academic departments would not track tenure or rank and journal editors would perform their tasks in a very different way. Or, to take a second example, think of the modern military. It organizes the common activity within and through which a great deal of physical security is produced and distributed. And surely physical security is among the material and social conditions essential to effective agency. But the modern military is not obviously well-served by being democratically governed, even if it must in some sense be ready always to answer to those whose physical security it aims to protect.

What these examples suggest, I think, is that Gould has not told the whole story. What she has left out, I think, includes at least the following. First, to trigger a right to democracy it is not enough that common activity produce and distribute material and/or social conditions essential to effective agency. There must be a fit between democracy and the particular material and/or social conditions produced and distributed. Second, to trigger a right to democratically determine the nature and direction of common activity it is not enough that persons simply participate in or be substantially impacted by it. They must also possess the relevant expertise, whatever it is, and have roughly equal stakes with others in the nature and direction of the activity. Arguably Gould has covered   the latter condition

here, since she would appear to restrict the human right to democracy to common activities that impact human rights, a measure of roughly equal stakes. But she appears not to have addressed the former. The World Trade Organization, World Bank and IMF, as well as analogous regional institutions, all constitute common activities with substantial impacts on human rights for both participants and non-participants. Perhaps that is sufficient to establish roughly equal stakes. But even if it does, those with roughly equal stakes must all have, or reliably be able to acquire, the requisite expertise, I think, if the right to democracy is to be triggered by and for these institutions.

To be clear, I am not here arguing against a human right to democracy. I am only suggesting that I do not think Gould has given a compelling account of one. What I think she does establish is first that those engaged in common activity, especially common activity that impacts their most fundamental interests, need not accept as authoritative any attempt to determine its nature or direction that cannot be defended to them in terms of reasons they could, without force or deception, accept as arising out of and answering to their common good. Second, I think she establishes that those determining the nature and direction of common activity impacting the fundamental interests of non-participants have a duty fairly to consider those interests. But none of this amounts to a right to democracy. Rather, it looks more like a natural law commitment to a republican conception of authority.

The picture of interactive democracy Gould paints for the reader involves a plurality of democratically determined common activities—from workplaces and other key functionally defined common undertakings within civil society to local, regional, national, transnational, international and global governance institutions—working together to realize a world within which human rights and global justice are secure. The picture is not without its appeal. But it is hard to see how human rights and global justice can be realized without the rule of law. But Gould makes no reference to the rule of law and it is hard to see how it fits into her picture.

I am not claiming that it cannot be incorporated. But to the extent that it can be it will look, I think, more like a premodern conception of the rule of law. To be sure, we are today in a period of transition with respect to the rule of law, driven largely by developments within the international order. But it is not too hard to see how we might arrive in due course—perhaps a century or two from now—at a world within which a more complex but still largely familiar rule of law is more or less secure both internationally and

nationally. This would be a world within which states—alone or together—continue to function legally, as they do today, as the center of gravity. Within and between them there may be a great deal of delegated authority, but this more complex legal world will be built up out of legal systems individuated, in the first instance, by states. Now, it is difficult to see how to add this more or less still modern conception of the rule of law to the picture of interactive democracy that Gould paints. That picture would seem to call for a conception of the rule of law without stable foundations or centers, closer to that of medieval Europe (minus feudal hierarchy) with its often competing and overlapping systems of law—secular, religious, guild, local, regional and so forth.

Now I am not suggesting that the rule of law was absent from medieval Europe. Beyond a certain minimum threshold, the rule of law specifies a regulative ideal that can only be approximated, no doubt in many ways, with various tradeoffs between its various constitutive desiderata. But whatever one thinks of the rule of law in medieval Europe, even in a medieval Europe somehow scrubbed clean of feudal hierarchy, the priorities it reflects among the desiderata constitutive of the rule of law clearly differ from those of the modern world or the world to which we seem to be moving over the next century or two. If Gould's vision of interactive democracy aims, at least with respect to the rule of law, to take us back to the future, she needs to explain why this is a good thing. If it is intended to fit with the rule of law as developed under conditions of modernity, then she needs to explain how interactive democracy provides, consistent with the rule of law, for the legal or quasi-legal resolution of conflicts between the various common activities the nature and direction of which are to be democratically determined by participants and (sometimes) non-participant third parties.

I close with two final complaints. First, I think Gould is unduly sanguine about democratic participation and deliberation. As Cass Sunstein and others have argued, democratic participation and deliberation is fraught with danger even in the best of cases. This is one reason why it is still a challenge successfully to design a democratic constitution. I would feel better about jumping on Gould's bus if I thought we had more or less figured things out constitutionally within extant democratic states. Second, I think Gould fails to appreciate the centrality of the state, and in particular the constitutional rule of law republic, in securing for persons the sort of self-respect, something like a civic egalitarian *amour propre*, essential to their successfully undertaking to determine democratically the nature and direction of their other intra-, inter-, or trans-national

common activities. Gould comes, I think, too close to suggesting a future within which the constitutional rule of law republic figures as just one among many overlapping and networked associations or institutions through which persons produce and distribute the material and social conditions essential to effective agency and come to internalize their diverse cosmopolitan self-understandings. She may be right, but if she is, I would like better to understand how the world she imagines will generate for persons the *amour propre* it seems to presuppose.

Though I was not totally satisfied with Gould's discussion, I did find it rewarding. It is serious, thought-provoking, well-informed, and animated by a sort of moral and practical sensibility in too short a supply. I have profited in my own work from her earlier books and profited again from this one. Also, I have assigned her earlier work in graduate and advanced undergraduate level courses, and I anticipate so doing with this book in the future. I recommend it both to researchers in and instructors of political theory and philosophy, global studies, democratic theory and cognate disciplines.