

“Supraterritorial Obligations, the Global Economy,  
and the Changing Politics of Responsibility”

Louis W. Pauly  
University of Toronto  
([louis.pauly@utoronto.ca](mailto:louis.pauly@utoronto.ca))

Chapter 6 in *Natural Law, Economics, and the Common Good*, edited by Samuel Gregg and Harold James, Exeter, UK and Charlottesville, VA: Imprint Academic, 2011, pp. 94-120.

Pressures to create new instruments to govern global risks are coming at policymakers from all sides. Financial shocks, climate change and rising sea levels, footloose weapons of terror, fast-spreading pathogens – all suggest the need for innovation in risk mitigation, burden-sharing, and crisis management. Functionalists foresee the inevitable migration of requisite authority to govern such risks to regional and systemic levels. Skeptics argue for the reassertion of government at the more feasible level of the nation-state and voluntary cooperation with other governments to the extent necessary. Pessimists see no prospect for effective control at any level. All three positions lead us nowhere. Choices are required. Many of the challenges facing us involve global risks that cannot decisively be addressed at levels below the system as a whole, and there are no solid historical precedents or otherwise plausible reasons for expecting a kind of non-political mechanism to deliver results.

A more hopeful and more realistic argument is proposed here. This essay begins in a manner akin to an imaginable weekend spent with former President George W. Bush at his ranch in Crawford, Texas. It starts with a brush-clearing exercise focused on the concept of political responsibility. After tying that concept to the rightly valued principles of individual and collective autonomy, it moves onto terrain any libertarian might comfortably occupy. On this basis, it contrasts responsibility with the idea of accountability actually practiced at the international level in the regulation of the market economy and the management of associated crises. Here is where it leaves the ranch and parts company with the most fervent promoters of spontaneous market solutions to global problems. It acknowledges that the organization of world politics remains decisively influenced by the human will to power and an associated proclivity to violence. It contends that real-world polities are unable to liberate themselves entirely from territorial imperatives but are still quite able to conceive and implement responsible policies to govern global risks. Such policies are today designed through collaborative mechanisms across conventional political boundaries and led by one or more key states. Both leaders and followers are becoming habituated to working together, however reluctantly it sometimes appears. They do so mainly through domestic decision-making structures that are ever more open to external considerations. Tomorrow, the essay concludes, deeper and more complex collaboration will be required, and it will likely reflect a distinct variability and diversity in systemic requirements across issue-areas. From beginning to end, the essay means to suggest the relevance of the natural law tradition of moral theorizing and the disciplined use of reason to understand the current and likely continuing transformation of political authority in a dynamic, reflexive, and increasingly global context.

### Autonomy and Responsibility

Debates surrounding the meaning and implications of globalization prompt deeper reflection on the responsibility of individuals and groups of individuals for the impact of their choices on other individuals and other groups. Here is the ancient terrain

of natural law. Little wonder, then, that this well-developed tradition of thought is today piquing fresh interest.

Responsibility is meaningless in the absence of the concept of autonomy.<sup>1</sup> Only individuals and groups possessing some requisite degree of autonomy can make decisions for which they may be held responsible in any practical sense. Decisions aimed at governing risks, global in nature or not, must therefore be understood against the necessary prior condition of freedom. “Man is made in the image of God,” states St. Thomas Aquinas in *Summa Theologiae*, and therefore he “is intelligent and free in judgment and master of himself.” John Finnis persuasively asserts, however, that even an atheist convinced that all things are permitted, must nonetheless “appreciate that he is ‘responsible’ – obliged to act with freedom and authenticity, and to will the liberty of other persons equally with his own – in choosing what he is to be; and all this, because, prior to any choice of his, man is and is-to-be free.”<sup>2</sup> Following along this line, we may simply observe that most human beings in most human societies most of the time place a high value on their personal autonomy and on the autonomy of the social group closest to them. Justifying that collective autonomy is a shared sense of the common good. In short, free persons embedded in communities organized around the common good are in a position to shape the conditions of their existence to the fullest extent possible and without external interference.

Consistent with the historical background provided by Steil in his paper for this conference, personal and collective autonomy as put into practical effect in our time to harness, direct, and contain power arose out of the idea of individualism. As Taylor puts it, “The picture of society is that of individuals who come together to form a political

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<sup>1</sup> Parts of this essay draw on and develop sections of a chapter written with my friends and colleagues, William Coleman and Diana Brydon, which we published as “Globalization, Autonomy and Institutional Change,” in *Global Ordering: Institutions and Autonomy in a Changing World*, edited by Louis W. Pauly and William D. Coleman, Vancouver, University of British Columbia Press, 2009, pp. 1-20. Coleman crafted key distinctions concerning the nature of globalization, and he continues to influence my thinking on the modalities of practical decision-making in this context. Brydon decisively shaped our thinking on autonomy and its manifestations. Although we never discussed the tradition of natural law as we developed the larger project of which our book was a part, it is now clear to me that we should have done so. For constructive comments on that theme as developed in this essay, I am grateful to Joseph Boyle. Edgar Grande and I are engaged in a related new project on the governance of global risks and, as usual, I have learned much from his insights.

<sup>2</sup> John Finnis, *Natural Law and Natural Rights*, Oxford: Clarendon, 1980, pp. 127, 90.

entity against a certain pre-existing moral background and with certain ends in view.”<sup>3</sup> Actual societies, of course, are not all constructed the same way with the same results. We live in a world where there are likely to be different understandings of individualism and of how individuals come together around the common good, not just the dominant Eurocentric one that was familiar to Aquinas. If the term autonomy is applicable, however, the individual wherever he lives must in some basic way be capable of self-government, or literally “giving himself laws.” Something similar, moreover, must apply to collectivities of individuals if they are to be considered meaningfully autonomous. From this common sense has developed the modern notion of the sovereignty of the people and related ideas of self-government and self-determination.

Political institutions codify and make routine the creation of a public sphere and arrangements for governing activities within it. Such institutions shifted and changed as the practical meaning of autonomy was extended beyond the 18<sup>th</sup> century nucleus of men with significant property holdings. Over time, society itself became larger and characterized by a more complex division of labour, or more functionally differentiated organizational structure. For the most part, however, when people today refer to “society” they are thinking of nation-states that exercise collective autonomy and that have institutionalized individual autonomy within themselves through practices like citizenship. The ideological foundation is nationalism, whether manifested in civic or ethnic forms. There is no reason, however, to think that nation-states are the only human social and political formations capable of promoting autonomy, or that nationalism provides the only solid ground for self-government. (Certainly, ethnic nationalism suggests its limits.)

Systemic change places significant pressures on actual political institutions; it creates demands for new ways of ordering, perhaps across societies that rest on different understandings of individual and collective autonomy. Sometimes, it gives rise to straightforward and even anticipated challenges that cannot be addressed well by societies acting alone and that encourage states to act in cooperation with one another. This is commonly known as internationalization. In this light, human beings still separated by boundaries and barriers of various kinds are adapting existing institutions and creating new ones as they seek to bring order to their increasingly complex and increasingly shared lives.

Globalization, as distinguished from internationalization, may be defined as the transformative growth of many, and potentially cross-cutting, connections among people living anywhere and everywhere on the planet. Although historical antecedents are easy to identify, globalization is today quite reasonably associated with various and coincident innovations that have taken place in critical technologies, in communication

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<sup>3</sup> Charles Taylor, *Modern Social Imaginaries*. Durham, NC: Duke University Press, 2004, p. 3.

and transportation systems, and in artistic and literary realms of social reimagining. In the contemporary era, many of these connections take a supraterritorial form. In ever more profound ways, globalization ties together what people do, what they experience, how they perceive that experience, how they imagine their lives and future prospects, and how they discern and manage risks. To use the language of natural law, globalization can in principle change quite profoundly both the reality and perceptions of the common good. Since human beings exist as individuals-in-community, it can force basic transformations in identity.

Supraterritoriality is, in fact, a distinguishing characteristic of many transplanetary connections being formed in the world today. Sometimes through spontaneous action not hindered by states but other times in consequence of policies pursued by certain states after the man-made catastrophes of the 1914-1945 era, a growing minority of individuals, disproportionately but not exclusively based in advanced industrial countries, now live and work in a political space decisively shaped by global flows -- of rewards of various sorts and of concomitant risks. In contrast, the vast majority of the world's population continues to live and work in the political space of defined places, even as certain now-global flows, from pathogens to volatile capital, affect them profoundly.<sup>4</sup> The space of defined places remains decisively but not entirely shaped by the territorial imperatives of states.

The denser that the space of flows becomes, and the greater is the challenge of holding the allegiance of empowered and mobile elites, the more difficult it becomes to address problems of global order through existing international institutions. At the same time, the space of defined places becomes more difficult to isolate. The image as well as the reality of supraterritoriality in the very processes that sustain -- or endanger -- life itself cannot help but force a re-imagining of such institutions or of new institutions.<sup>5</sup> That this re-imagining -- essentially of global risks and their effective management--is difficult is immediately understandable.<sup>6</sup> History, ideology, habit, and vested interest stand in the way. The very ideas of human autonomy and the common good, however, clarify the stakes involved.

Autonomy is the principle that confers legitimacy on collective decision-making. The extent to which specific manifestations of the principle are universally applicable is

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<sup>4</sup> Manuel Castells, *The Rise of the Network Society*, vol. 1, Oxford, UK: Blackwell, 1996. The current situation is not unique, but it is more complicated and dynamic. Consider, for example, the flow of pathogens in the first era of global exploration and its impact on indigenous societies.

<sup>5</sup> Amartya Sen, *Development as Freedom*. New York: Random House, 1999.

<sup>6</sup> Ulrich Beck, *World Risk Society*. Cambridge: Polity, 1999.

contentious. Nonetheless, it is difficult to discern an alternative principle upon which to base respect for the decisions of others.

Although Steil is on solid ground in tracing its more ancient roots, many would associate political autonomy in this sense with the onset of modernity in Europe. Over a century ago, Simmel argued that the oppressiveness of medieval institutions gave rise to the idea of the pure freedom of the individual based on their "natural" equality.<sup>7</sup> This 18<sup>th</sup> century idea of individualism, he added, came to be complemented by another version of individuality in the 19<sup>th</sup> century, that of the particular and irreplaceable person. Such an idea, rearticulated and developed by philosophers since Simmel's time, has become incorporated into what Taylor calls the "social imaginary", "the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations."<sup>8</sup> In the West, such an imaginary is translated into a specific notion of autonomy: that people have "a right to choose for themselves their own pattern of life, to decide in conscience what convictions to espouse, to determine the shape of their lives in a whole host of ways that their ancestors could not control."<sup>9</sup> Again, such a conception can readily be translated into the older language of natural law. Behind shifting forms of shared civic life lie changing perceptions of the common good.

This view of individual autonomy is complementary to collective autonomy in the sense that in modern societies, free individuals decide together upon the rules and the forms through which they will be governed. The idea of collective autonomy is therefore anchored in individual autonomy, and more of one does not imply less of the other. As Simmel noted, the larger the collectivity involved, the more individual autonomy is available, at least in theory: "Individuality in being and action generally increases to the degree that the social circle encompassing the individual expands."<sup>10</sup> For larger collectivities, individuals create ever more complex governing institutions, which, in principle, can even expand the freedom of the individual to choose a particular pattern and way of living. In principle, Adam Smith would not have disagreed.

By the early 20<sup>th</sup> century, however, when Simmel was still writing, this fortunate complementarity of individual and collective autonomy seemed increasingly belied by practice. The very institutions that were supposed to free the individual operated on the

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<sup>7</sup> Georg Simmel, *On Individuality and Social Forms*, ed. Donald N. Levine. Chicago: University of Chicago Press, 1971, p. 219.

<sup>8</sup> Taylor, *Modern Social Imaginaries*, p. 23.

<sup>9</sup> Taylor, *The Malaise of Modernity*. Toronto: Anansi, 1991, p. 2.

<sup>10</sup> Simmel, *On Individuality and Social Forms*, p. 252.

basis of a technical rationality that frequently left the individual in what Weber called an "iron cage." The technologies accompanying these institutions and required for their functioning could narrow and flatten human lives. As Pope Leo XIII diagnosed in his famous 1891 encyclical, "Rerum Novarum," the advent of narcissistic individualism in an excessively materialist culture was antithetical to true freedom. This centring on the self could give rise to an indifference to participating in self-government, the realization of collective autonomy, thus opening the way to a modern form of despotism.<sup>11</sup> Drawing on Tocqueville, Taylor comes to the same conclusion that collective autonomy could come to be placed in the hands of paternalistic governments, where everything is run by an "immense tutelary power."<sup>12</sup> Ironically and perversely, individual autonomy could be fundamentally compromised. On this point, I think, neither Hayek nor Aquinas would have disagreed.<sup>13</sup>

### Sovereignty and authority in practice

Again, the tradition of moral reasoning associated with natural law asserts that human beings are by nature free social animals inclined toward the common good, which is what ultimately justifies collective autonomy. Rightly conceived, the defense of collective autonomy in practice depends on the defense of individual autonomy. The reverse also applies. Sustaining individual autonomy requires appropriately calibrated collective autonomy over the longer term. This means there must be a realm for politics, and, in principle, that politics can vary depending upon the nature of the common good that requires autonomy to be achieved and sustained. In short, the boundaries around collective autonomy are not fixed. This fact requires distinguishing collective autonomy conceptually from the modern legal understanding of state sovereignty.

If, as commonly believed, sovereignty consists of "being constitutionally apart, of not being contained, however loosely, within a wider constitutional scheme," then it becomes an absolute condition, either present or absent.<sup>14</sup> It also refers, strictly speaking, to a unitary condition. Within a defined territory, only one authority, the state, is in the position to take final, binding decisions. Although it can imply or advance collective autonomy, the degree to which states can actually do so in practice depends

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<sup>11</sup> For an accessible overview and analysis, see John Paul II, "Centesimus annus," May 1, 1991.

<sup>12</sup> Charles Taylor, *The Malaise of Modernity*, p. 9.

<sup>13</sup> Bruce Caldwell, *Hayek's Challenge*, Chicago: University of Chicago Press, 2003; Erik Angner, *Hayek and Natural Law*, Abingdon, UK: Routledge, 2007.

<sup>14</sup> Alan James, "The practice of sovereign statehood in contemporary international society," in *Sovereignty at the Millennium*, ed. R. Jackson, Oxford: Blackwell, 1999, p. 39.

upon certain preceding conditions. Within that territory, there must be a polity, an imagined community in which sovereignty is vested through constitutive arrangements of some sort. There must also be a functioning state, capable of establishing authority in the territory backed by a monopoly on the legitimate use of coercive violence. That state must have a bureaucracy sufficiently effective that it is able to implement laws and policies and to gather necessary fiscal and material resources. The territory in which the polity exists must have an adequate supply of such resources to enable it to defend and maintain the society it claims the right to govern. This notion of sovereignty also implies that no external authority claims a competing right within the defined territory.

As Krasner and many others have pointed out, such a situation rarely describes the real world, and when it does come close, the cause of autonomy, individual or collective, has never been served.<sup>15</sup> The fact is that states have always found it difficult to control or regulate the movements of goods, capital, people, and ideas across their frontiers. In such circumstances, they may use their legal prerogatives to enter into explicit or implicit contracts with other states to establish inter-state authority structures to try and control such flows. This, again, is the world of internationalization, of interdependence, where societies voluntarily cooperate in the belief that they will actually thereby be in a position to give themselves effective laws.

### Globalization and political legitimacy

Once more, internationalization generally refers to the expansion of transactions of various kinds across borders and the political reactions thereby evoked. It depends upon and even reaffirms nation-states as the basic actors in the system.<sup>16</sup> Globalization, in turn, entails a basic transformation in social and political perceptions, a transformation with wide-ranging impact that accompanies a profound deepening in individual and collective connections. Making those connections becomes virtually irresistible because of profound, often discontinuous, changes in the ways in which, for example, information, technologies, ideas, disease, environmental conditions, and destructive weapons spread out from their points of origin, and in the speed with which that spreading occurs. If the planet were a human brain, internationalization would signify an increase in normal functioning through established neural networks, while globalization would suggest the construction of new networks, innovative ways of thinking, and the reconstruction of personal and social identities.

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<sup>15</sup> Stephen Krasner, *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press, 1999.

<sup>16</sup> Peter Katzenstein, *A World of Regions: Asia and Europe in the American Imperium*. Ithaca, NY: Cornell University Press, 2005, p. 17

Of course, globalization and internationalization processes have coexisted for several centuries, although their relationship to one another has changed over the same period. They are not mutually exclusive or zero-sum processes in the sense that as globalization increases, internationalization decreases or vice versa. They may complement one another, they may occur simultaneously without necessarily having an impact on one another, or they may contradict one another.

Historians of globalization argue that in the seventeenth and eighteenth centuries globalization and internationalization tended to coexist. Non-national identities and loyalties were seen to complement a sense of nationality; state borders were porous; the transnational corporations of the day, like the British East India Company, linked consumers and producers across continents; cosmopolitan thinking flourished among intellectuals.<sup>17</sup> Whereas in this period, most territories were subject to multiple systems of rule, the situation changed as national sovereign states began to gain “exclusive authority over a given territory and at the same time this territory was constructed as coterminous with that authority, in principle ensuring a similar dynamic in other nation-states.”<sup>18</sup> Significantly driving this development was power-seeking and war, or as political realists since Hobbes have surmised, the security dilemma. The drive to make one polity secure within a given territory necessarily induces insecurity outside it. More evocatively, Tilly captured the irreducible core of the process in the title of his brilliant essay, “War Making and State Making as Organized Crime.”<sup>19</sup> State claims to overarching authority, in short, bumped into one another. That no spontaneously generated countervailing force could be counted upon to contradict such claims and ameliorate their destructive effects was proven in modern times during the month of August 1914, and we still live in the shadow then cast.

As Steil and Hinds note, the authority of the state was eventually asserted over markets and market economies that had arguably established themselves long before.<sup>20</sup> This changed the common understanding of market behavior as spontaneously derived from human nature to that of politically constructed activity. Welding political control to an assertion of legitimacy by right of the inherent autonomy of a particular form of

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<sup>17</sup> A.G. Hopkins, ed., *Globalization in World History*, ed. A.G. Hopkins, London: Pimlico, 2002, pp. 24-26..

<sup>18</sup> Saskia Sassen. 2006. *Territory, Authority, Rights*. Princeton: Princeton University Press, 2006, p. 6.

<sup>19</sup> Charles Tilly, “War Making and State Making as Organized Crime”. In *Bringing the State Back In*, edited by Peter Evans, Dietrich Rueschemeyer and Theda Skocpol, Cambridge: Cambridge University Press, 1985.

<sup>20</sup> Benn Steil and Manuel Hinds, *Money, Markets and Sovereignty*, New Haven: Yale University Press, 2009.

collectivity we now call nation, the nation-state “imposed its system of more rigidly bound territories, languages, and religious conventions on all international networks.”<sup>21</sup> Hopkins adds that the cosmopolitanism that was a marked feature of the preceding two centuries was “corralled, harnessed and domesticated to new national interests.”<sup>22</sup> Where property rights had earlier been grounded in nature, now even land “was converted to property, property became the foundation of sovereignty; sovereignty, in turn, defined the basis of security.”<sup>23</sup> In the economic realm, older and looser economic linkages gave way to more formal agreements between states, or they were simply redefined through coercion. Compliance, nevertheless, was something else, and on this matter, Tilly is also compelling. The full range of rights that eventually came to be associated with citizenship, he argues, “came into being because relatively organized members of the general population bargained with state authorities for several centuries, bargained first over the means of war, then over enforceable claims that would serve their interests outside of the area of war, and thereby helped to enlarge the obligations of states to their citizens. The leverage broadened the range of enforceable claims citizens could make on states even more than it expanded the population who held rights of citizenship.... White-hot bargaining forged rights and obligations of citizenship.”<sup>24</sup>

Scholars do not agree on when the tipping point occurred. But sometime after 1945, supraterritorial pressures clearly began asserting or reasserting themselves upon the intellectual foundations of these rights and obligations of citizenship. Nor do they agree on whether or when such pressures become sufficiently important that the historic grip of nationality and internationality began to lessen. Indeed, some argue that just such a grip is actually tightening right now. Eventually, however, and notwithstanding self-defeating efforts to turn the clock back, many close observers see the development in recent times of a companion system of rule coming into view alongside the rule of nation-states coming. Marx's analysis of the inexorability of capitalist growth certainly opened one prominent pathway for thinking about such a development. Today, other traditions of thought lead to the conceptual linkage of scientific and technological innovations with positive as well as political consequences. Few scholars doubt, however, that today's very highly developed corporate globalization would have been

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<sup>21</sup> C.A. Bayly, *The Birth of the Modern World: 1780-1914*, Oxford: Blackwell, 2004, p. 234.

<sup>22</sup> Hopkins, *Globalization in World History*, p. 30.

<sup>23</sup> Hopkins, *Globalization in World History*, p. 6.

<sup>24</sup> Charles Tilly, “Where do Rights Come From?” in Lars Mjøset, ed. *Contributions to the Comparative Study of Development*. Oslo: Institute for Social Research, 1992, p. 10. See Sidney Tarrow, ““Debating War, States, and Rights with Charles Tilly: A Contentious Conversation,” in *Contention, Change, and Explanation*, New York, Social Science Research Council, October 3-5, 2008.

possible without the use of the sophisticated economic and technological capabilities nurtured over the past century by certain key states and then promoted by them inside other states. Sometimes by accident and sometimes by design, leading states--and the United States in particular--supported the creation of the nodes and material infrastructure for supraterritorial connectivity.<sup>25</sup> And whether irony is justified or not, that infrastructure, now embedded within interacting states, in turn begins to challenge the way state institutions themselves mediate demands for individual and collective autonomy.

With internationalization, the realization and securing of collective autonomy became primarily the responsibility of nation-states, a few of which shaped informal empires. Their expansion in the nineteenth and the twentieth centuries meant that imperial states significantly influenced the degree to which peoples in many other territories of the globe could exercise their collective autonomy. US power in the contemporary era tends to be indirect and informal. Katzenstein offers the term "imperium" to characterize this type of rule: the conjoining of power that has territorial and non-territorial dimensions, with the former being related to internationalization and the latter to globalization.<sup>26</sup> Whatever term is used, the assessment of the degree of presence or absence of collective autonomy becomes more difficult as globalization-influenced forms of rule conflict with traditional patterns of territorially-based nation-states.

The intensification of internationalization in the nineteenth century meant that the degree to which people actually possessed individual autonomy came to depend heavily on the nature of rule in the state within which they were citizens or subjects. Other factors were obviously important: relative wealth, gender, access to food, and physical well-being to name but a few. These factors too were variously available depending on the state to which one belonged. Associated processes of individualization – the spread of state-enforced private property rights, the expansion of the electoral franchise, and the growth of material consumption – all contributed to transforming the values of autonomy in a direction of self-fulfillment, especially the fulfillment of appetites. Globalization, in turn, encourages the questioning and ultimately the broadening of claims to collective autonomy, and thereby challenges the state's monopoly even within a given territory. It also impinges upon considerations of individual autonomy. I may be free to move, but that does not mean that I escape heightened global risks.

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<sup>25</sup> See the work of Saskia Sassen, especially *Deciphering the Global*, London: Routledge, 2007.

<sup>26</sup> Peter Katzenstein, *A World of Regions*, pp. 2 and 208. Also see Harold James, *The Roman Predicament: How the Rules of International Order Create the Politics of Empire*, Princeton: Princeton University Press, 2006.

Lines of responsibility begin to break down under conditions of globalization. Where it once made sense to speak of autonomous individuals exercising their personal responsibility to govern themselves through collective political instruments resting on self-evident sources of legitimacy, a blurring of responsibility now occurs all around us. To be sure, such a blurring has long since been presaged within certain polyglot and complicated societies where collective bonds were already attenuated in ways not difficult to comprehend. In hierarchical and unitary societies like that of Great Britain, the idea of responsible government and its full meaning was easy to see in practice. In the more diverse and pluralist United States, meanwhile, intentionally divided sovereignty, checked and balanced power centers, and the deliberate opacity of the dividing line between society and state has always rendered direct political responsibility ambiguous. (Perhaps this explains the exceptional reliance of the United States on religion to remind Americans of a traditional obligation of stewardship, which must ultimately rest on a sense of personal responsibility for all members of the social collectivity to which one belongs.)

### Beyond Limits to Solidarity?

To the extent that the expansion of global opportunities and global risks erodes social and political boundaries without providing new sources of collective identity of sufficient breadth and depth to justify new assertions of autonomy, it blocks the reconstitution of political and social responsibility. That I am my brother's keeper becomes a sentiment, even for those who believe it. It begins to seem a worthy aspiration routinely operationalizable only by saints, of whom I personally know but a few. If the term "international community" has become a nearly meaningless figure of journalistic speech, then what hope is there that the term "global community" could become meaningful?

Since we actually live in St. Augustine's City of Man, there seems no way of avoiding the necessity of bringing just such a principle to ground in the face of truly pressing and now truly global risks, threats, challenges, and opportunities. As difficult as it seems, this means reconceiving actual modes of government. Not governance. Perhaps intentionally, that obfuscates the issue. I mean government. Globalization forces a move out of analytical comfort zones. The historians among us might hear echoes of earlier political formations. But few of us will deny that effective problem-solving, risk mitigation, and the search for maximum feasible degrees of autonomy now takes us to many places, some below, some alongside, and some above the analytical level of the nation-state. But it takes us there from the existing practice of cooperative decision-making within and across the nation-state itself.

The key feature of institutional adaptation and innovation in the search for solutions to problems of collective action is *increasing complexity*. The building up and breaking down of institutions for coordinating the actions of discrete governments is

certainly part of the long story of internationalization. One thinks of the League of Nations, commercial unions, monetary standards, and federations that have come and gone. Even in cases where reform has actually been achieved, erosion and constant adaptation seem more common than stability. The trend is clearly evident in the international institutions established by the victorious allies after World War II. Globalization, however, suggests deeper and more profound changes in the relationships constitutive of institutions aspiring to authoritative social ordering--relationships between individuals and among large groups of individuals.

There is nothing inevitable about the creation of governing structures to sustain what is best in and from those relationships. Reshaping old institutions and fostering new ones require basic agreement on principles. It also requires the willingness of leaders and followers to make trade-offs between principles that are competing or contradictory. The transformative processes of globalization do not necessarily make it any easier to achieve such agreements or engineer such tradeoffs. In fact, by making increasingly visible the multipolarity of the world, whether in terms of economic power, cultural systems, or social practices, they render more and more inconceivable a world where institutions are simply designed, adapted and directed by the states that have led the world since 1945. In such a context, the multi-faceted concept of autonomy and the question of precisely who is responsible to whom in our new circumstances provide important metrics for setting achievable goals and defining realistic limits.

Grande and I contend that what we are witnessing and participating in is a *complex and partly contradictory transformation* of authority that remains to this point in time centered on the state.<sup>27</sup> This transformation "affects all aspects of public authority, in particular the distribution of political decision-making power across territorial levels; the relation between public and private actors; and the definition of public functions." The new complexity is most evident today in the case of the European Union, where the sharing of sovereign prerogatives in a rapidly evolving system of decision-making is subtle, impossible to dismiss, full of dissonance, and constantly challenged by events. The dis-integration of that system is not inconceivable; it is just ever more unlikely.

Along this line, even if we accept a protean conception of sovereignty-in-practice, it seems reasonable to assert that access to the structures of the state today still creates the surest possibility for any specific community to make a claim to collective autonomy across a full range of areas of life. But globalization multiplies the situations where states find themselves pushed to delegate their authority, to share it, and, increasingly, to accept a reduction in their scope for unimpeded action. Plausible claims of responsibility encompassing but necessarily now going beyond claims bounded by state frontiers can only rest on new, or rediscovered, foundations of autonomy. But if they are

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<sup>27</sup> Edgar Grande and Louis Pauly, eds. *Complex Sovereignty*, Toronto: University of Toronto Press, 2005, p. 5.

to be as stable as earlier foundations, the citizens of still-discrete states must come to see them as just and right.

Nearly a century after Simmel wrote about it, economic sociologists would note without controversy that modern market society, organized as it has been around relatively autonomous nation-states, has produced more prosperity for more people than any other social and political formation in history. As Fligstein observes, for example, "It has done so by creating the conditions for social exchange between large groups of human beings, often separated across large geographic spaces."<sup>28</sup> Those conditions include shared understandings to enable exchanges that are stable, efficient, and perceptibly just enough to be repeated. Since the dawn of modernity, human beings separated from one another by space and time, as well as by more artificial boundaries, have reconstituted such understandings repeatedly.

To combine the language of economics and the language of politics, the world's most prosperous societies have managed to combine economies of scale and scope with the defense of autonomy, defined in both collective and individual terms. Although there is no single model of a perfectly balanced society, the various societies comprising the advanced industrial world, along with growing parts of the emerging industrial world, exemplify constant struggles to attain and maintain a delicate balance. They seek stable points of equilibrium among the prosperity produced by an integrated market, the stable social ordering created by a sense of collective belonging, and the fulfilment associated with the freedom both to escape wants and to make personal choices. Quite apparently, not all of their citizens have enjoyed all three outcomes equally. Even for those coming close, however, globalization now shakes the ground under their feet. Still, we have only to recall the tragic history of the twentieth century in much of the world to imagine that things could get worse. And today we have only to neglect the various global risks humanity is now obviously facing to fail to imagine that things could become very much worse for all of us.

If, as noted above, the denser that the space of flows becomes, and the greater becomes the challenge of holding the allegiance of elites within territorially bounded societies, then the more difficult it is to address problems of global order through existing states and the international institutions they created. At a certain point, institutional adaptation seems likely to be superseded by the necessity to create new kinds of institutions, albeit based on recent experience and on habits of collaboration nurtured within heretofore successful states. On this point, it is worth clarifying and then extending a distinction already implied.

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<sup>28</sup> Neil Fligstein, *The Architecture of Markets*. Princeton: Princeton University Press, 2001, p. 3.

## Accountability, Responsibility, and a Global Order

At the level of the system, accountability is not always entirely synonymous with responsibility. As Keohane explains, accountability in its fullest sense entails both the sharing of information concerning actions, decisions, or behavior of some sort and the exercise of sanctions.<sup>29</sup> In politics, the relationship is quite clear inside functioning democracies, where governments may be said to be accountable if citizens are entitled to information upon which to base judgments about decisions and empowered to punish those authorized by them to decide. Democratic governments have thereby been constrained by acceptance of the idea that citizens are ultimately responsible for their own decisions. The accountability of their government to them makes it feasible for the autonomous collectivity defined by citizenship to exercise that responsibility. At the level of the global system as a whole, however, not only is full information likely to be unavailable, but the ability to seek redress of grievances or to sanction leaders is weak or non-existent. The idea of accountability, however, is not completely irrelevant.

In the post-1945 period, the deepening of economic interdependence among legally separate nation-states occurred in consequence of both policy design and the re-assertion of cross-border markets. (In truth, as Steil suggests, such markets were never actually extinguished in the preceding conflagration.) A set of collaborative political institutions and habits of inter-state collaboration developed in tandem, with the principal objective of holding the separate nation-states accountable to one another for the external consequences of their own internal policy choices.

Even as the practices of those institutions evolved, however, the weakness of any sanctioning mechanisms defined the compromised nature of systemic accountability. Enshrined, for example, in the early informal consultations process and later treaty-based surveillance procedures of the International Monetary Fund, accountability for the international impact of macroeconomic policy choices was only as robust as the willing deference of member-states to the rather weak practice of peer review.<sup>30</sup> Especially when no borrowing from the Fund occurred, members were legally bound to subject themselves to surveillance, but they also retained their capacity to ignore external criticism. Accountability in this sense did represent something new under the sun, but it did nothing to obviate the clear lines of legal *responsibility* of the officials authorized to

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<sup>29</sup> Robert Keohane, "The Concept of Accountability in World Politics and the Use of Force," *Michigan Journal of International Law*, vol 24, 2003.

<sup>30</sup> Harold James, "The Historical Development of the Principle of Surveillance," *IMF Staff Papers* vol. 42, no. 4, 1995, pp. 762-91; and Louis Pauly, *Who Elected the Bankers?: Surveillance and Control in the World Economy*, Ithaca, NY: Cornell University Press, 1997.

speak in the name of those nation-states. They remained accountable to one another but *responsible* only to the citizenry they formally represented. To be called to account internationally was one thing. To be held responsible domestically was quite another.

Internationalization did not erode norms of responsibility, indeed it preserved and arguably even strengthened certain autonomous collectivities endowed with resources of power. But again, globalization suggests something else. By redefining the social group, shifting identities, spreading novel risks, opening new possibilities for movement and imagination, reinforcing habits of collaboration, and effectively transcending territorial divides, globalization extends outward nascent bonds of transnational responsibility.

An expansive form of accountability is to interdependent governments as a fully realized form of responsibility is to global government. With such a syllogism in mind, a global civil society and a global polity would be implied if human beings began acting as if they were responsible to and for one another, without restriction. If they acted this way, their actions would suggest that they were beginning to see themselves as stewards of a common legacy facing shared risks. They could, however, only take requisite policy actions capable of enduring enforcement if they retained a degree of autonomy.

Long before the term globalization was invented, Maritain anticipated this central truth. "If world political society is someday founded," he wrote, "it will be by means of freedom. It is by means of freedom that people will have been brought to the common will to live together."<sup>31</sup> That such a society would call forth its own "supra-national" state, or body politic, seemed in-principle obvious and unproblematic to Maritain. He did not see such a development as inconsistent with a continuing "multiplicity of nations." He could not imagine that new polity structured like a tight federation, and he lived long enough to be disappointed with experiments like the United Nations. Still, he envisaged the gradual emergence of a transcendent body politic and apparatus for self-government grounded in a sense of the common good of one people, which would supersede the sense of the common good characteristic of today's distinctive polities. To be sure, Maritain was tapping here into a distinguished vein of political thought, one which had long preceded the rise of the modern state itself. But the modern state was for him the necessary starting point in our own time. Following along this line of thought, if we seek a solid grounding for a greater sense of responsibility in an era of global risks, of a sense of stewardship for the shrinking planet human beings inhabit together, and for a reasonable basis for collaborative action, we need not start from scratch.

As a first step in this direction, we might envisage a loosening of existing bonds of certain practical rights and obligations, at least with regard to certain necessarily transnational policy spaces. Think climate change, inexpensive and easily transportable

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<sup>31</sup> Jacques Maritain, *Man and the State*, Chicago: University of Chicago Press, 1951, p. 206

biological and chemical weapons, or cascading financial instability resulting from inadequately coordinated macroeconomic policies. In the absence of practical problems confronted by the very fact of having to live together, human beings confront no reason for re-imagining (self)government. It is only a matter of common sense, therefore, to perceive that as the level of common risks and challenges begins migrating from one level of our shared human experience to another, authoritative solutions might migrate too. There is no basis in political history, however, for imagining that this migration must occur through functional necessity. Uncertainty, mistakes, ignorance, irrationality, venality, and even malice – all undercut the logic of functionalism.

There was after all nothing inevitable about the nation-state itself. It emerged as an unintended consequence of policy decisions taken in Europe during the 14<sup>th</sup> and 15<sup>th</sup> centuries. As Spruyt emphasizes, it solved certain collective action problems at definite historical moments, problems mainly fiscal and military in nature. It simply did so more effectively than its main competitors, namely city-leagues and city-states. Moreover, it inherited mainly by accident certain functions that were once managed by empires.<sup>32</sup> The nation-state was hardly perfect. Nevertheless, once leading nation-states began joining together in concert, again to address whatever problems happened to confront them at the time, they began to construct an international system. Eventually, the success of this system drove out of existence alternative surviving forms of polity. Just as its predecessors and competitors finally faded into distant memory, however, there is no good reason to view this particular form of polity as immutable.

Indeed, we seem now to be living now through a period of complex political re-constitution. The best evidence is provided by the reactions to it, which are mostly negative. Many, on the political “right” as well as the “left,” desperately seek an escape back to the comfortable past, the world of known boundaries. Resisting such flights of fancy, some see disorder and a regrettable coming apart – perhaps as a necessary step toward the reformation of political authority. Depression, global war, terror-induced closure, environmental catastrophe. Certainly the reactions of leading states to the prospect of a systemic financial meltdown in 2007 and 2008 suggested that such outcomes were entirely conceivable and that quite relevant policy argument concerned their probability. Those reactions, in turn, implied that no serious wielder of state power now on the scene calculated that probability as zero. After all, this is human history we are discussing not some kind of mechanical machinery or biological organism.

The sounds of underlying political reorganization may be faint and dissonant, but they are becoming audible. In the search for practicable measures to deal with problems of collective action, and especially to govern global risks, the nation-state seems caught up in a new political architecture. Institutionally differentiated but also structurally integrated, the state remains essential, but it is not sovereign in any sense than a conventionally legal one.

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<sup>32</sup> Hendrik Spruyt, *The Sovereign State and Its Competitors*, Princeton University Press, 1994.

Effective decisions are increasingly no longer always being taken by the state alone or by the state in simple concert with other states. The growing involvement of various types of organizations and non-state actors cannot be ignored.<sup>33</sup>

It has long been quite clear that the member-states of the European Union were embarked on an historic venture to create a novel and workable regional system of authority. The temptation for scholars interested in the international implications of this development has long been simply to place this case in an analytical box labelled “federalism.” This has the advantage of protecting inherited intellectual categories and economizing on intellectual energy. It has the distinct disadvantage, however, of missing the actual complexity of our current situation and foreclosing the possibility of meaningful analogies.

Think more generally about the scale and complexity of the economic resources required to address fundamental security challenges now emanating from central Asia. If Americans can seriously tackle those challenges on their own, no one has explained that clearly to the taxpayer. In truth, the generation and coordination of effective responses appear to require a remarkable degree of economic, intelligence, policy, and military coordination across several continents. The need for much more intensive transnational cooperation has become much more obvious, not less, and authoritative structures for effective decisionmaking continue to evolve responsively to this reality. In this and in other readily identifiable policy arenas, the process of re-constituting political authority has not come to a halt. Just as we should expect, however, it is clarifying points of convergence and points of conflict among interests, ideas and values.

Recent events provide a glimpse of something more than deeper cooperation among existing polities. In the financial realm, in the absence of clear arrangements for systemic burden-sharing, at the moment of crisis in 2007 and 2008, we witnessed leading states arguably ‘exceeding their authorities’ on an ad hoc basis to halt both national collapse and systemic contagion. In the United States, this translated into using US taxpayer funds awkwardly and indirectly to bail out foreign banks. In the European Union, certain outrageous breaches of implicit and explicit obligations, for example, by Ireland, and coercive policy reactions, for example, by Great Britain – all forced back onto the regional agenda the idea of negotiating new *ex ante* burden-sharing agreements.<sup>34</sup> Although it is possible to force analysis of such incidents back into conventional statist categories, the tensions so vividly witnessed in financial markets

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<sup>33</sup> Certainly this can threaten constitutional democracy, but this is an empirical matter subject to question. There is certainly evidence that even existing multilateral organizations can actually empower diffuse minorities against vested interests, protect vulnerable populations, and enhance democratic decision-making in leading states. See Robert Keohane, Stephen Macedo, and Andrew Moravcsik, “Democracy-Enhancing Multilateralism,” *International Organization*, vol. 63, Winter 2009, pp 1-31.

<sup>34</sup> Louis Pauly, “Financial Crisis Management in Europe and Beyond,” *Contributions to Political Economy*, vol. 27, no. 1, July 2008, pp. 73-89.

in 2007 and 2008 again suggest more plausibly a harking back to an older tradition. As Nardin puts it, sovereignty conceived simply as the power to decide – so apparently clear in emergencies, “misunderstands law, which is not simply coercion by another name but a distinct kind of association, association in terms of non-instrumental rules, in which coercion is justified only to secure observance of the rules that are the basis of association, and whose ultimate ground is that they prevent one person from interfering arbitrarily with the choices of another.”<sup>35</sup>

In this regard, perhaps an even clearer glimpse of the future came in 2003, when in response to the rapid spread of SARS, the World Health Organization took decisions it had failed to take in earlier incidents suggestive of the possibility of global pandemics. Although the authors of a recent study of transnational threats couch their overall analysis in what I have called here the camp of internationalization, which entails the straightforward need for more intense cooperation among established state authorities, they use a jarringly dissonant language when they describe this particular incident.

A key part of the story was that Director General Brundtland pushed for WHO to exert autonomy and influence beyond its authority and mandate. SARS was not covered under existing International Health Regulations, but WHO demanded cooperation and openness nonetheless. Brundtland issued travel warnings and advisories without the legal authorization to do so and amidst some criticism from member states.<sup>36</sup>

The fact that the member states of the WHO retrospectively conferred legitimacy on their acquiescence to such creative policymaking does not diminish the basic point. At least in this particular, and particularly important, policy arena, human beings across diverse communities using available instruments redefined and rationalized their sense of the common good and of the authority necessary to defend it.

### Reason, Responsibility, and Self-Government

Surely the Americans who ratified the Articles of Confederation in 1781 to govern thirteen former colonies on the Atlantic coast, as well as Upper and Lower Canada if they had agreed to join in, would have been surprised if they had come back one hundred years later to find their confederal system replaced by a complex new system combining unitary and federal

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<sup>35</sup> Terry Nardin, “Theorising the international rule of law,” *Review of International Studies*, vol. 34, 2008, p. 396.

<sup>36</sup> Bruce Jones, Carlos Pascual, and Stephen John Stedman, *Power and Responsibility: Building International Order in an Era of Transnational Threats*, Washington: Brookings, 2009, p. 156.

principles in the government of a now-continental society. The drafters of the new Constitution that replaced the Articles would also likely be surprised if they came back today to see interpretations of their document adapted significantly to changing circumstances, geographical expansion, and systemic demands. Similar surprises are readily imaginable in many other places in the world today, where sovereignty remains an important legal principle but where its actual application is now enmeshed in increasingly complex domestic and international networks of expectations, claims and obligations.<sup>37</sup> Contemporary scholars will perhaps therefore be forgiven if they are not surprised by the idea that political authority in our world can be and is being reconstituted by human beings struggling to cope with challenges and certain clear and ever more present dangers confronting them.

It would be hard to argue with President George W. Bush on this point.

The events of September 11, 2001, fundamentally changed the context for relations between the United States and other main centers of global power, and opened vast, new opportunities. With our long-standing allies in Europe and Asia, and with leaders in Russia, India, and China, we must develop active agendas of cooperation lest these relationships become routine and unproductive. . . . We can build fruitful habits of consultation, quiet argument, sober analysis, and common action. In the long-term, these are the practices that will sustain the supremacy of our common principles and keep open the path of progress.<sup>38</sup>

It would more difficult not to follow his successor toward the reasonable conclusion.

We are a nation of Christians and Muslims, Jews and Hindus – and non-believers. We are shaped by every language and culture, drawn from every end of this Earth... (and) we cannot help but believe that the old hatreds shall someday pass; that the lines of tribe shall soon dissolve; that as the world grows smaller, our common humanity shall reveal itself; and that America must play its role in ushering in a new era of peace.<sup>39</sup>

We cannot reliably move to common action based on our common humanity, however, unless we combine practical reason with a deeper insight that some thinkers trace to the tradition of natural law. Impermeable boundaries around human solidarity

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37 See my “Managing Financial Emergencies in an Integrating World,” *Globalizations*, special issue edited by William Coleman, forthcoming.

38 The White House, “National Security Strategy of the United States of America,” September 2002, p. 28.

39 Barack Obama, “Inaugural Address,” January 20, 2009.

cannot survive scrutiny, certainly not under conditions of globalization. At the same time, it would seem unreasonable to oppose the practical imperative of political decentralization, or subsidiarity, whenever feasible and constructive. Also unreasonable would be a disconnection between responsibility and autonomy as we consider practical implications. Responsibility for reimagining and then actually building a *political* society that is both integrated and stable on the largest geographic scale necessary to achieve the common good must be freely assumed. It cannot be induced. But consider the options of either doing nothing or of trying to turn the clock back.

In the face of global risks, the urge to seek avenues of retreat is understandable. Even as sage a guide as Skidelsky recently opined:

In this new climate, national politicians are likely to reach for ideas and influences that until recently would have seemed exotic. The idea, for example, that economic growth does not, beyond a certain point, make people happier. . . . Rich countries could probably abandon the globalist project without much damage to their material standards and with possible gain to their quality of life. Rejecting the inevitability of market-based globalisation would not necessarily be harmful – especially if it were accompanied by a reassertion of democracy at a national level.<sup>40</sup>

The thought is sincere, but the immediate consequences of implementation are all too easy to imagine counterfactually. Would Germany and Japan have been reconciled to world order after 1945 in the absence of rapid economic growth on a cross-continental scale? Would the Soviet tyranny have collapsed and the Chinese system begun a difficult process of reform in a less interdependent world focused on raising measurable living standards? Would the less than adequate level of financing flowing from industrial to developing countries really be increased in a low-growth environment? To be sure, 'our' environmental challenges might be less ominous in the immediate term, but would 'their' environmental situations be more tolerable or 'ours' less threatening in the long run?

Aspiring to the restoration of a moral balance is quite admirable. Unless we can imagine a realistic alternative, however, a reversal of supraterritorial economic, social, and political ambitions is not easily defensible. Modern markets can only be self-regulating in the abstract. As underlined above, the struggle for power, for the raw capacity to coerce and to defend against the coercion of others, co-exists with actual markets. That unfortunate coincidence seems to define practical limits to the idea of spontaneous and peaceful social ordering. It does so just as global risks and changing perceptions of the common good demand a re-imagining of workable forms of authority

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<sup>40</sup> Robert Skidelsky, "Where do we go from here?" *Prospect*, January 2009.

to govern dynamic and reasonably free societies. This does not imply the rapid obsolescence of currently existing forms of authority, but it does suggest at the global level what Europeans in their own region call a new and necessarily variable geometry of political responsibility and social obligation.

Economic growth and the wealth it generates have proven empirically to be necessary conditions for the sustainability of individual and collective autonomy. Responsible government now rests on the foundation they provide. Sustainable growth, moreover, now seems conditioned on transformative technological innovation, the fruits of which must rapidly be shared across the system. The truly sufficient condition, however, must be the wisdom to exercise political responsibility and extend outward the boundaries around real political lives – to provide a secure foundation of legitimacy for deep transnational collaboration in those policy arenas where it is required to reduce and manage ever more obvious global risks. In this stark new context, whether one calls such authoritative collaboration government or not, it is more than reasonable to continue believing that humanity can give itself laws.