THE GOVERNANCE OF GLOBALISATION: ETHICAL AND PHILOSOPHICAL PERSPECTIVES

VITTORIO POSSENTI

Minnerath's brilliant paper is an example of sound historical analysis combined with an attention to the development of the Church' social doctrine (CSD) on the pivotal subject of 'world authority'. He has carefully explored the doctrinal and historical developments of CSD, drawing mainly on *Pacem in Terris* (*PT*), *Gaudium et Spes* (GS) and other paramount documents. In my opinion there is little to add to his paper. Preferably we could explore some other sides of the problem. The ethical and philosophical character of the present session suggests that we should not neglect certain comparisons between CSD and contemporary issues in political philosophy on the matter of world authority, peace and security, human rights, in harmony with the deep structural analysis developed by *PT*, the encyclical that investigated the inner causes of the anarchy to be found in the international context and which was clearly a document firmly grounded in a strong political and philosophical tradition.

An impartial observation of current political trends in international relations suggests that because of the present global system the political dimension is acquiring a new significance. This is contrary to what was expected for many years, namely that a new world order would emerge through economic exchanges, contacts, trade, and the spread of technical know-how. No advanced or developing society can dispense with politics as the place where the common good is sought after, where collective choices are made, and where the defence of the existence of individual societies is implemented.

1) The general subject of our session is the governance of globalisation. This includes the question of a world public authority. We shall see later what would be the best name to designate it. The question of a plan-

etary political authority is so important in relation to war and peace, and indeed in relation to globalisation, that the present state of international relations raises decisive questions that are closely connected with this question: how can we attain an adequate governance of economic, technical and financial globalisation when political globalisation seems to be encountering such serious difficulties; when serious criticisms are being expressed about the United Nations and international law is experiencing a marked crisis; when the international order is dominated by power, national interests, discord, and the violation of human rights; and when the great evils of the human condition – war, oppression, poverty, famine, genocide and mass murder, religious persecution, and violation of freedom – are very present and strongly evident?

The question of a world authority has been traditionally bound up with the question of war and peace. The hope has been that such an authority could put an end to the fundamental cause of war – anarchy in international relations. Among the many words uttered on the subject those of J. Rawls are particularly worth quoting:

> One does not find peace by declaring war irrational or wasteful, though indeed it may be so, but by preparing the way for peoples to develop a basic structure that supports a reasonably just or decent regime and makes possible a reasonable Law of Peoples.[1]

For some time international debate has again been posing the question of what, at the level of theory or doctrine, could be the role of such an authority – which is at present non-existent or only opaquely prefigured by a series of international organisations – as regards the dynamics of globalisation. The CSD proposes its own perspective in this area. Here I shall draw on some of its themes in order to begin my analysis.

2) As regards the supranational organisation of the world, there is a strong doctrinal continuity to be found in twentieth-century papal teaching, which had its roots in authors of the past, including Luigi Taparelli d'Azeglio of the nineteenth century.[2] This continuity emerged particularly with the pontificates of Pius XII, John XXIII, Paul VI, and John Paul II. In addition, the political thought of Christian inspiration of these years, which was highly sensitive to this question, should not be overlooked: CSD and

---

[1] J. Rawls, *The Law of Peoples* (Harvard University Press, 1999), p. 123.

[2] Cf. *Saggio teoretico di diritto naturale appoggiato sul fatto*, vol. II, 'Dissertation VI', pp. 227 ff. (Rome, 1949).

Christian thought had a reciprocal influence on each other. A good example is the reflection of J. Maritain, which culminated in *Man and the State* (*L'homme et l'Etat*) (1951), a classic work of twentieth-century political philosophy whose last chapter is dedicated to the political unification of the world. On a broader horizon, we should also recall (not least because it belonged to the same period), the *Preliminary Draft for a World Constitution* of 1948, drawn up by the 'Chicago group', which included such figures as R. Hutchins, G.A. Borgese, M. Adler, S. Barr, A. Guérard, H.A. Innis, E. Kahler, W.G. Katz, and C. McIlwain. Nor should we forget Y.R. Simon's profound studies on authority,[3] a vital subject in *Pacem in Terris*, although it should be stressed that this subject has been largely marginalised for decades in Western public philosophy.

We should first briefly analyse the terms used to refer to the idea of a supranational organisation of the world made necessary by the existence of a universal common good and in particular by the need for world peace and security. *Pacem in Terris* draws on the concept of public powers, which possess breadth, structures and instruments on a global scale. *Man and the State* uses the phrases 'the political unification of the world' and 'the political organisation of the world'. It is worth stressing that neither the aforesaid encyclical nor Maritain refer to a *world state* or a *world government*, which tend to evoke the creation of a new Leviathan, with the accompanying risks of planetary despotism. The question of a world authority cannot be solved through the creation of a super-state, but by seeking to create institutions that work for a pluralistic political unification of the world. In addition, a new Leviathan could well find suitable conditions for its emergence in the state of anarchy of the so-called international order – which should sometimes be more realistically be called the 'new international disorder' – if a power were to emerge that saw itself as uncontrolled, *superiorem non recognoscens*, and which was endowed with crushing military superiority. This has happened before and it is not impossible that it will happen again. Indeed, international disorder involves a Hobbesian law of the jungle in which each power seeks to enforce justice on its own and where it is probable that in the end a hegemonic power, backed by military might, will emerge.

---

[3] Y.R. Simon, *Nature and Functions of Authority* (Marquette University Press, Milwaukee, 1948); *A General Theory of Authority* (University of Notre Dame Press, Notre Dame, 1980); *Philosophy of Democratic Government* (University of Chicago Press, 1951).

Perhaps *PT*'s recourse to the plural noun 'powers' instead of the singular noun 'authority' suggests that this encyclical did not want to propose a clearly unified and mono-centric character for such an authority, but to leave the door open to a multilateral approach to the subject, at the same time indicating a method by which to seek answers to a plurality of problems. Though the analysis of *PT* takes place at a fundamental doctrinal level and generally does not suggest specific solutions, it may be assumed that its use of the plural noun 'powers' indicates support for multilateral public powers that work through a network that includes many supranational institutions and adopts solutions that are structural (planetary public powers), juridical (e.g. an international penal court), operative, and functional. In this approach, the utmost importance is attached to the creation of regional or continental political unions, such as – or at least one hopes – the African Union. If in the future adequate continental Unions in the five continents of the world were to emerge, this would facilitate the path towards a more effective establishment of world public powers and create a form of subsidiarity in their structures. Given the present state of affairs it is very difficult to attempt to envisage whether these powers should have a federal unity or a pluralistic structure capable of accommodating the permanent diversity of existing political communities, which J. Rawls recently categorised into five types of societies:

> The first is *reasonable liberal peoples*, the second the *decent peoples*, then thirdly *outlaw states* and fourth *societies burdened by unfavourable conditions* and finally, fifth, societies that are *benevolent absolutisms*.[4]

3) In my view a prominent element that contributes to the epoch-making importance of *PT* lies in the fact that it illustrates in a doctrinally impeccable manner and in clear language what is really at the heart of the question of peace. This factor may have been suspected by many but was articulated by very few.

Let us now re-read the decisive passages of the text:

> The public Powers of individual political communities, being all on an equal footing, however much they multiply their meetings and their endeavours to discover more fitting legal instruments, are no longer able to face and to solve adequately the problems pointed out. And this happens not mainly for a lack of good will and of initiative,

---

[4] *The Law of Peoples*, p. 4.

but because of their structural deficiency. We are thus driven to the conclusion that on historical ground has disappeared the proportion between the present organization and operation of the principle of authority on world scale from one side and the objective requirements of the universal common good on the other one... Today the universal common good presents us with problems which are worldwide in their dimensions; problems, therefore, which cannot be solved except by public authorities with power, organization and means co-extensive with these problems, and with a world-wide, efficient sphere of activity. Consequently the moral order itself demands the establishment of some form of public powers (§§ 134, 135, 137).

The reasons suggested by *PT* for taking the path towards the hoped-for public planetary powers are three in number: a) the justification for the authority, whose only purpose is to promote the common good. The doctrine of authority has an absolutely central place in *PT*. Developed in §§ 46-54, it concludes with the vital statement: 'The attainment of the common good is the sole reason for the existence of civil authorities'; b) the intrinsic connection between the dimension of the common good and the dimension of authority, so that a new planetary extension of this good must necessarily be matched by a planetary authority; c) the structural deficiency of the public powers of individual political communities, which means that the basic criterion of politics is lacking – a congruence or proper proportion between the structure and dimensions of the authority and the dimensions of the common good to be secured. *Gaudium et Spes* (*GS*) moves in a similar direction, though perhaps with less force. In paragraph 82 it recognises the need for

a universally acknowledged public authority vested with the effective power to ensure security for all, regard for justice, and respect for rights.

In both cases, reading between the lines, one can discern a criticism of State sovereignty. However, this is not made explicit and is less articulated and less forceful than is the case in the teaching and declarations of Pius XII.

The *intrinsic relationship between authority and the common good* was a major gain for the CSD and the Church's public philosophy. Here we encounter a marked continuity with the political thought of the trajectories of St. Thomas Aquinas and Aristotle. To have an approximate idea of the scale of the problem, we may recall the definition of the common good adopted in *GS*, which defines it as

the sum total of those social conditions which allow people, either as groups or as individuals, to reach their perfection more fully and more easily (§ 26).

This important definition, which includes a reference to human fulfilment and thus rejects any form of anthropological agnosticism, is different from the liberal and neo-liberal position. This latter tends to minimise or cancel the reality of the common good, to leave inexplicit its connections with the political authority, and fails to embrace anthropological commitments.

Personally, I am convinced of the permanent validity of the perspectives of *PT* on peace and war, and in general of the structural analysis it employs to give weight to important features of the tradition of public philosophy. If anything, forty years later, it is advisable to update the phenomenological picture referred to so that the analysis offered by *PT* is not mistakenly understood as a principally ideal position, but is seen as a practical statement, one capable of guiding action. In a certain sense we need a new CSD document on the world order and peace after the events of 1989-2003, a text attentive in assessing and taking into account the cultural, philosophical and religious differences that now exist in the world, maintaining, where necessary, a distinction between the view of the Church and the view prevailing in Western democracies.

Such a document could also have some other key features: an analysis of new and old forms of State sovereignty, and an up-to-date analysis of the doctrine of the just war as applied to new forms of contemporary warfare. Its criteria should also include the point that the declaration of a (defensive) war is the responsibility of a competent authority. In principle, this authority is the United Nations Security Council. The vital criterion of the immunity of civilians, which has been violated on countless occasions, should also be examined. According to John Paul II

> War is never just another means that one can choose to employ for settling differences between nations. As the Charter of the United Nations Organisation and international law itself remind us, war cannot be decided upon, even when it is a matter of ensuring the common good, except as the very last option and in accordance with very strict conditions, without ignoring the consequences for the civilian population both during and after the military operations.[5]

---

[5] *Address of Pope John Paul II to the Diplomatic Corps*, 13 January 2003. On this vital issue Rawls adopts the supreme emergency exemption, i.e. the possibility of killing innocent civilians in a situation of supreme emergency, whereas Catholic doctrine denies this possibility and admits only the double effect position, i.e. that civilians are not to be directly attacked. The doctrine of double-effects forbids civilian casualties except insofar as they are the unintended and indirect result of a legitimate attack on a military target, and this,

The great burden of responsibility that *PT* places on the political authority implies a renewal of doctrine on the subject, which has hitherto been largely absent from international public philosophy. In Rawls's *The Law of Peoples*, for example, there is no theory of authority, not even a proposal for a global political authority: its pivotal concept is the law of peoples. It is likely that the author omitted the subject of authority not only because it has little currency in public philosophy but also because it is not possible to uphold the concept of authority if the concept of the common good has been weakened or cancelled, as is generally the case in the approaches that now prevail.

The coherence of the analysis of *PT* in linking authority with the common good is not, however, used by the encyclical to suggest specific paths by which to secure a planetary authority. Perhaps in the background of the text lies the idea that it is possible to enhance the power of the UN to the utmost and make it the highest but not the sole expression of such planetary powers. But at the same time a difficult question remains unanswered: how is it possible to construct a global political society or planetary public powers without a world *demos* that in some way designates those public powers from the grass roots up? Without the existence of a global *demos*, who would express that authority? Perhaps here Maritain's definition of a political organisation of the world is less demanding, because it seems not to see as absolutely essential an investiture of the global public powers from below or by wholly democratic paths. In addition, it seems utopian to believe that public powers on a planetary scale can exist and operate only when all of the two hundred or so States in the world have achieved a democratic form. Here perhaps reference can be made again to the relevance of Rawls's classification of States: liberal, decent, outlaw, burdened and in need of assistance, and those based on benevolent absolutism.

4) The two principal obstacles (although there are others) to the establishment of lasting peace are: the *disorder of international relationships,* which are still powerfully conditioned by the sovereignty of States; and the ambivalent impact of the *economic interdependence* of nations during the present difficult phase of political evolution.

The *anarchy of international relationships* and the way States exercise their sovereignty remains the great issue. Anarchy is the structural disorder

---

in turn, denies Rawls's theory of the supreme emergency exemption. In Rawls's view, Catholic doctrine is in contradiction with the duties of the statesman according to political liberalism (cf. *The Law of Peoples*, p. 105).

that is inevitably encountered by those (the States) that interact without a common government but instead allow themselves to be guided by '*raison d'état*'. This doctrine assumes that the vested interest of a State is the supreme law of its activity, especially as regards its relations with other States. The outcome of this is confirmed today when a survey of what takes place is carried out: the world still finds itself in a situation of uncertainty and danger caused by an anarchy that has once again reared its head. The irrationality of the current political organisation of the world is the cause of the low levels of peace, which, in principle, cannot exist as long as men and nations seek to live together without a common authority, that is to say in a state of anarchy. In this respect little has changed in the structure of international relations since the time of the Peloponnesian Wars, narrated and analysed by Thucydides. As R. Gilpin observes:

> The fundamental nature of international relations has not changed over the millennia. International relations continue to be a recurring struggle for wealth and power among independent actors in a state of anarchy. The history of Thucydides is as meaningful a guide to the behaviour of states today as when it was written in the fifth century.[6]

During these last difficult months the great problem that has obsessed international relations since 1648 (the Treaty of Westphalia) has gained new prominence: how can an international system still largely centred on the sovereignty of States, and today of a handful of powerful States – indeed, perhaps just one State – be administered in a way that conforms to justice and legality (or at least that legality determined by the international law now in force)? How can we create an effective international law that limits the sovereignty of States? Some authorities speak of a new international disorder, exemplified by the crisis of global economic institutions and the Iraqi war, and relate it, especially as regards its political dimension, to the difficulties of the United Nations, which, indeed, has often been marginalised and rendered largely incapable of governing periods of crisis. The United Nations, indeed, was created to avoid a return to the Hobbesian state of international relations through the use of procedures that would prevent conflicts.

Unfortunately, the UN is not endowed with the authority necessary to ensure peace and prevent aggression; nor does it seem able to act permanently as an arbitrator in controversies between States and as an effective safeguard of existing international law. This is due to the fact that it is the

---

[6] *War and Change in World Politics* (Cambridge University Press, 1981), p. 7.

expression of the sovereign States that produce it and whose decisions – and naturally those of its most powerful members – it has to observe. Here, too, we are led to the centrality of the theme of sovereignty. Maritain held that the very concept should be eliminated because it evokes the idea of the absolute and transcendent power of the State over the body politic in the domestic sphere (absolutism and totalitarianism), and the freedom of the State from any moral restraint in the international field, where it is guided only by its own interests.[7] Rawls, too, is fully aware of the seriousness of the issue, to the point that he states in forthright terms:

> We must reformulate the powers of sovereignty in the light of a rea-
> sonable Law of Peoples and deny to states the traditional rights to
> war and to unrestricted internal autonomy (*op. cit.*, p. 27).

In essential terms, the present international system is a mixture of Westphalia and the UN; of 1648 and 1945/48. We are still in a situation that we may define as 'Westphalia corrected': 'Westphalia', because the sovereignty of the major States is of pre-eminent importance; 'corrected', because, compared with the situation in 1648, a frame of reference for human rights is now emerging in a significant way, partly, indeed, because of the work of the UN itself. Trying to predict how all this will develop is difficult because there is the risk that the old system of power politics will return. On this point it is worthwhile paying close attention to the doctrine of the pre-emptive strike/war, which seems to be a violation of international law and political justice, as well as a new version of the *ius ad bellum* as the highest expression of the sovereignty of a State. This doctrine undermines the existence of the UN, contradicts its Charter (especially art. 51, which accepts the natural right of legitimate defence only if a member of the UN is the object of armed aggression and until the Security Council has taken the necessary measures to maintain international peace and security), reinstates war as a method of solving disputes, and removes its governance from the UN Security Council. At present, international law has only with great difficulty established the following two key points: the restriction of the *ius ad bellum* to self-defence and the setting of limitations on the right of a State to internal sovereignty.[8]

---

[7] 'The two concepts of sovereignty and absolutism were forged together on the same anvil. Together they must be banned'("Les deux concepts de Souveraineté et d'Absolutisme ont été forgés ensemble sur la même enclume. Ils doivent être ensemble mis au rebut"): J. Maritain, *L'homme et l'Etat*, in *Oeuvres complètes*, vol. IX, p. 539.

[8] Here there emerges the grave problem of what kind of relations should be main-

Conclusion

5) The present-day international situation seems to be moving towards a scenario in which the rule of (international) law is weaker and where military hegemony takes its place. In essential terms, it may be likely that the international system is evolving towards a Hobbesian interruption of the rule of law where the strength of right is replaced by the right of strength, and where the pivotal parameter is military force and its related hegemony.

Although the importance of global public powers in the governance of globalisation needs to be stressed in the only possible way – that they should reduce poverty and inequalities and help in removing disagreements and disputes – it appears necessary to review international economic and juridical institutions, including the UN. The latter should be made responsible, far more broadly than it has been so far, for safeguarding peace and preventing war through a regulation of the *ius ad bellum* of States. Moreover, the remote foreshadowing of planetary public powers to be found in the UN at the present time encounters a stumbling block in relation to the task of enforcing respect for fundamental human rights. In some instances a notable difference exists between how the CSD and the liberal democracies understand human rights, whose uniform *universal* interpretation is impeded by current political, cultural and religious divisions. In the Western consideration of human rights and of natural law as their root, notable is the influence of a version of hermeneutics which is marked by ethical relativism and legal positivism – lines of thought that were vigorously combated by the encyclical *Centesimus Annus*.

We still have a strong impression of precariousness within the international order at the economic, juridical and political levels: wars continue to break out; inequalities have increased; and there is a shortage of effective and just global initiatives. At the same time, the arms race continues as a

tained with those outlaw States that engage in serious violations of human rights. It is Rawls's view that

> If the political conception of political liberalism is sound, and if the steps we have taken in developing the Law of Peoples are also sound, then liberal and decent peoples have the right, under the Law of Peoples, not to tolerate outlaw states (p. 81).

However, to my knowledge Rawls does not illustrate what is meant by 'not tolerating'; nor does he clarify whether this includes waging war on them indiscriminately. It seems that this is not the case because the fifth of the eight criteria that embody the Law of Peoples reads:

> Peoples have the right of self-defence but no right to instigate war for any reason other than self-defence (p. 37).

result of a desire to maintain or increase the superiority of a handful of States, with the consequence that it now seems that we have passed from the balance of terror of the Cold War to the present imbalance of hegemony. It is very difficult to answer the question: how can we construct public global powers in an age marked by the growing military and economic hegemony of a small group of States and multi-national companies? Only in the future will we know whether the current crisis of the international system and its law has been temporary or whether we have entered a new phase in which hegemony is combined with more acute conflicts.