

The London School of Economics and Political Science

Globalisation, Legitimacy and Public Deliberation

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Abstract

Most significant policy issues facing humanity reach across national borders. Consequential political decisions with cross-national effects are frequently made by states, non-state organisations, and corporations. Under these circumstances, it is widely acknowledged that it is important to conduct public deliberation at the global level. Below this shallow agreement, however, lies much less clarity on *how* deliberative principles can be applied at the global level. This challenge is the focus of my thesis.

I begin by arguing that existing theories of global deliberation have not yet satisfactorily answered two questions. The first pertains to the agents involved: *who* speaks? The second relates to procedure and institutional design: *where* should global deliberation take place? In both cases I suggest that modifications to prevalent views in the existing literature are required. To press this argument, the thesis identifies several epistemic and non-epistemic values that public deliberation seeks to realise, before testing candidate proposals for institutionalising global deliberation against these values.

I then turn to the primary contribution of the thesis, on the question of *how* supranational public deliberation should be conducted. To do this I conceptualise and address the *problem of global public justification*: how, if at all, is it permissible to impose a set of international laws and rules on a world population that is deeply pluralistic in its moral and political attitudes? There have been three main attempts to resolve this problem, locating legitimacy in either competition, neutrality or dialogue between different value systems. I argue that neither of the first two attempts succeeds. I then develop and defend the third route to global legitimacy, outlining its general features, and illustrating how it should proceed. To do this, I analyse a particular value or principle which would be likely to emerge from philosophical dialogue as a publicly justifiable value for use in global decision-making: the value of ‘oneness’.

Globalisation, Legitimacy and Public Deliberation

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Introduction

Climate change, international conflict and economic externalities are all examples of the myriad ways in which the lives of individuals are profoundly affected by political decisions made beyond the borders of their state, over which they have no control. The global order is thus widely held to be insufficiently responsive to the interests and views of those subject to it. It suffers, in a way I make more precise below, from a deficit of legitimacy.

Legitimacy can be descriptive or normative. Legitimacy as a descriptive property is achieved when those subject to a political order believe it to be justified. Ascertaining legitimacy in this sense is an empirical task. A normative concept of legitimacy, by contrast, locates legitimacy in the moral character of the political order. Descriptive legitimacy may well, as a matter of fact, rely on normative legitimacy. People may only believe that a political order is justified if it meets certain normative conditions. But the two uses of the term legitimacy are distinct. In this thesis I am concerned with the second type of legitimacy, understood in an ecumenical sense, as the *rightful exercise of political power*.¹

My claim is that the normative legitimacy deficit in global politics derives, at least in part, from the limited responsiveness of the global order to the preferences of the population subject to it. As a result, we can understand the global legitimacy deficit to be, in part at least, a deficit of *democratic* legitimacy.² Democratic legitimacy, understood as a subset of the more general concept of legitimacy, refers to legitimacy derived from the democratic character of a

¹ The term 'rightful' is intended to be agnostic between conceptions of political legitimacy which locate legitimacy in the justified use of coercion, and those which link legitimacy to the justification of political authority more generally. For an example of a conception of legitimacy grounded in coercion, see Arthur Ripstein, "Authority and Coercion," *Philosophy & Public Affairs* 32, no. 1 (2004): 2-35. For an example of a conception of legitimacy grounded in justified political authority more generally, see Joseph Raz, *The Morality of Freedom* (New York: Oxford University Press, 1986).

² There is a growing literature on the notion of a 'democratic deficit', or deficit of democratic legitimacy, at the supranational level; many of the thinkers analysed in the thesis understanding themselves to be addressing themselves to this problem. Nancy Fraser helpfully distinguishes between two dimensions to the deficit. On the one hand, there are situations where administrative structures with cross-national effects lack mechanisms to hold them democratically accountable. Fraser cites as evidence both the familiar case of the European Union, and places in this category cases in which nation-states exercise influence or control beyond their borders. The second dimension, which she terms 'a deficit of political efficacy', highlights the emergence of transnational public opinion that has no administrative or legislative channels through which it can be enacted. Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Cambridge: Polity Press, 2008), 150-156.

political order.³ Some thinkers, including a selection discussed in this thesis, reject the claim that the global order should itself be democratic, and hold that other forms of political order, particularly nation-states, should be the locus of democratic inclusion. However, it is important to note that they are not questioning the *problem* of international democratic legitimacy, as I am defining it here, they are questioning that the *solution* will require globalising democracy (as opposed to, say, extending and reinforcing it domestically). Against this background, an important question arises: how can the deficit of democratic legitimacy at the global level be addressed?

One influential position within contemporary political theory holds that *deliberation* is necessary for democratic legitimacy. Following the ‘deliberative turn’ within democratic theory, the notion that a ‘voice’ is one component of democratic citizenship, alongside a ‘vote’, has become well-established. The deliberative turn emerged in response to concerns about the limitations of purely aggregative models of governance. Aggregation procedures are said to be *unstable*, because they can generate cyclical or intransitive social orderings, and thus can be subject to manipulation by strategic voting or by agents with agenda-setting power. Further, they are *ambiguous*, in that voting outcomes can be influenced by the choice of voting procedure.⁴ Beyond this, there is the concern that purely aggregative conceptions of legitimate governance do not challenge the existence of persistent or intense minorities. As John Dewey puts it bluntly: pure ‘majority rule is as foolish as its critics charge it with being’.⁵

Deliberation is intended to address these problems. Instead of associating legitimacy with simple majority rule, theorists of deliberation identify processes of discussion, consultation and persuasion as (at least) necessary conditions for legitimate political decisions. To continue with Dewey: ‘The essential need, in other words, is the improvement of the methods and conditions of debate, discussion and persuasion. That is *the* problem of the public’.⁶ This emphasis on deliberation has been revived and grown in the last several decades. Joshua

³ I leave open the possibility that there are sources of legitimacy deficits in the global order other than the deficit of democratic legitimacy, but I begin from the presumption that, whatever other problems the global order has, it has a problem of democratic legitimacy.

⁴ These problems are highlighted by, among others, William Riker. William Riker, *Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice* (Long Grove: Waveland Press, 1982), 65-238.

⁵ John Dewey, *The Public and Its Problems: An Essay in Political Inquiry*, ed. Melvin L. Rogers (University Park: Penn State Press, 2012), 207-208. For an overview of the relationship between aggregation and deliberation, see Jack Knight and James Johnson, "Aggregation and Deliberation: On the Possibility of Democratic Legitimacy," *Political Theory* 22, no. 2 (1994): 277-296.

⁶ Dewey, *The Public and Its Problems*, 144.

Cohen, for example, grounds his influential account of deliberative democracy ‘in the intuitive ideal of a democratic association in which the justification of the terms and conditions of association proceeds ‘through public argument and reasoning among equal citizens’.⁷

Theorists naturally disagree on the precise relationship between public deliberation, including at the global level, and legitimacy. Some scholarship on the global order has suggested that deliberation is uniquely suited as the normative basis for international legitimacy. In some of John Dryzek and Simon Niemeyer’s work, for example, global democracy is understood in exclusively deliberative terms.⁸ Other authors, by contrast, defend forms of global democracy which combine deliberative and electoral elements.⁹ My argument does not take a stand in these debates. Instead, my starting point is that a legitimate global order will be deliberative *in some sense*.¹⁰ This starting point is internal to the literature I engage with.¹¹ As a result, the thesis begins not from the question of whether it is important to conduct deliberation at the global level, but instead seeks to pick up from where the existing literature has left off, asking: *if we believe that the global order should involve deliberation, how should global deliberation be conducted?*

Addressing this broad question requires decomposing deliberation into constituent parts, which I term the ‘who’, ‘where’ and ‘how’ questions, as follows: 1. **Who** should participate? 2. **Where** should deliberation take place? 3. **How**, if at all, can justificatory legitimacy be achieved at the global level? Each question, motivated in more detail below, is important in its own right. The majority of the thesis, however, focuses on the third question because it is more challenging to answer and comparatively under-theorised. As a result, it is the focus of in-depth analysis in what follows.

⁷ Joshua Cohen, "Deliberation and Democratic Legitimacy," in *The Good Polity: Normative Analysis of the State*, ed. Alan Hamlin and Phillip Pettit (New York: Blackwell, 1989), 21.

⁸ John Dryzek and Simon Niemeyer, "Discursive Representation," *American Political Science Review* 102, no. 4 (2008): 481-493.

⁹ See, for example, Richard A. Falk and Andrew Strauss, *A Global Parliament: Essays and Articles* (Committee for a Democratic UN, 2011).

¹⁰ I do not claim, to be clear, that deliberation is the only thing necessary to create a legitimate global order, nor does the thesis take a firm stance on how deliberative democracy and national sovereignty should interact. Instead, my starting point is that deliberation is at least one component of a legitimate global order.

¹¹ This acknowledgement is expressed both in normative theory, and to some extent in political practice. For examples of attempts to instantiate deliberative methods on issues of global governance, see the series of initiatives designed to foster deliberative inclusion around the creation of the Sustainable Development Goals, or successive rounds of the Conference of the Parties (COP) negotiations on environmental protection. For a summary and assessment of these deliberative processes, see John S. Dryzek and Ana Tanasoca, *Democratizing Global Justice: Deliberating Global Goals* (Cambridge: Cambridge University Press, 2021).

A successful answer to each of these questions must account for two key desiderata, which I will term the *globality* and *diversity* desiderata. The globality desideratum holds that any set of publicly justifiable values and principles that underpin supranational laws and rules must be expansive and rich enough to allow for the generation of globally applicable solutions to shared problems.¹² The force of this desideratum may be motivated by highlighting cases where we feel its intuitive pull. Consider first a global collective action problem: climate change. This is clearly a ‘shared’ global problem: pollution and carbon emissions generated in one part of the world have effects across borders, not only in their place of origin. A satisfactory theory of global legitimacy, then, will have to permit arguments for international rule-making on issues of environmental protection which go beyond simply allowing bargaining for mutual advantage. When questioned about his government’s deforestation practices, for example, the then Brazilian President responded to a foreign reporter: ‘the Amazon is Brazil’s, not yours’.¹³ A theory of global legitimacy that endorses this response - which implies a doctrine of state sovereignty so strong that supranational oversight is impermissible even in cases of significant cross-national environmental harm - will violate the globality desideratum.

Consider a second kind of supranational problem: economic externalities. It is widely accepted that the effects of a state’s economic and financial policies rarely end at that state’s borders. Countries, for example, may purposely devalue their currency in order to make exports cheaper, and, by extension, equivalent exports from other countries more expensive. This clearly amounts to a case of cross-national affectedness which may have significant consequences for economic activity and employment levels on other countries. The cross-national effects of lowering corporate and personal taxation rates (perhaps in response to pressure from multinational corporations threatening to move investment elsewhere), or the effects of laws governing transfer pricing, as further examples, can be equally significant. In

¹² One could posit different possible relationships between values and principles, and the rules that they inform. For example, one could hold that public discourse about values is important even without any connection to law-making, or conversely hold that laws and rules can legitimately be made solely by reference to issue-specific preferences. In this thesis I begin from the premise that legitimacy derives, at least in part, from public justification, and thus that the rightfulness of rules depends to some degree on the legitimacy of the values underpinning them. I defend this premise later in the introduction.

¹³ Simone Preissler Iglesias, "The Amazon Is Brazil’s, Not Yours, Bolsonaro Tells Europeans," *Bloomberg*, last modified July 19, 2019, <https://www.bloomberg.com/news/articles/2019-07-19/the-amazon-is-brazil-s-not-yours-bolsonaro-tells-europeans>

such cases, the globality desideratum reminds us that the justificatory constituency for a state's policies are not solely its own citizens.

The globality desideratum is not only a constraint on the actions of nation-states. Indeed, a further route to motivating the globality desideratum highlights that there already exist international institutions which make consequential political decisions. The 'structural adjustment' programmes of the International Monetary Fund and the World Bank, for example, make loans conditional on particular economic policies, such as trade liberalisation and reduced government spending. The globality desideratum reminds us that the conduct of international organisations of this type should intuitively be subjected to some form of public justification. We see, then, not only the breadth of cases in which the globality desideratum applies, but also the significant stakes involved in its satisfaction.

The diversity desideratum is equally pressing. It holds that any set of globally legitimate values and principles must, in some sense, respect the diversity of interests and worldviews present across the world's population. It can be motivated in multiple ways. First and foremost, the diversity desideratum is a corollary of democracy. On anything other than a purely epistemic conception of democracy, a fundamental democratic commitment is that views should be represented, independent of whether those views track the truth.¹⁴ People's views matter *because* people hold them, not only if they are correct.

Global diversity is not only a consequence of individual variation in preference and temperament. Rather, individuals combine to form collective ways of social, economic, cultural and political life which give meaning and orientation to their members. The nature and design of these forms of life has become the object of examination, codification and discussion within every human community, giving rise to what we can call, as a shorthand, political cultures and philosophical traditions. Naturally, different communities – and different groupings within and across communities – have found a diversity of ways to identify, pursue, and realise individual and collective flourishing. Accordingly, a satisfactory theory of global order must reckon with diversity not just between individuals, but also among political cultures and philosophical traditions. We will see throughout the thesis that thinkers conceptualise and account for political thought and culture in a variety of ways. But there is

¹⁴ For one of many discussions on this theme, see Geoffrey Brennan and Loren Lomasky, "Toward a Democratic Morality," in *Democracy*, ed. David Estlund (Oxford: Wiley-Blackwell, 2002), 237-267.

widespread agreement that it cannot be ignored. The diversity desideratum highlights that the legitimacy of a political order depends on its ability to account for individual and collective diversity.

The diversity desideratum is relevant to all three of the ‘who’, ‘where’ and ‘how’ questions outlined above. The connection to the first two is intuitive. If, for example deliberation only occurs among elites (who) in a closed, inaccessible forum (where), it will be unlikely to represent societal diversity in a meaningful way, and will thus struggle to satisfy the diversity desideratum. A primary motivation for the thesis, though, is to suggest that the question is also of crucial relevance to the third question. A successful account of ‘how’ global public deliberation is conducted, we will see, must account for the diversity desideratum.

We have then, two key desiderata for any account of global public deliberation, desiderata which may pull in opposite directions. Reconciling globality and diversity presents, I submit, one of the most significant challenges to legitimate international governance, a challenge which I take up in this thesis.

Outline of the Argument

This thesis concerns the applicability of principles associated with deliberative democracy to the global level. Primarily, I am concerned with the problem of global public justification:

how can globally applicable rules and laws be imposed on a diverse global population?

Before getting to this problem, however, I argue that existing answers to the question of ‘who’ should participate in global deliberation, and ‘where’ it should take place, require reassessment. I do not offer a comprehensive answer to either the ‘who’ or ‘where’ questions, but I do seek to advance the literature regarding each dimension of transnational deliberative democracy by arguing for two specific alterations to the current dominant view. First, regarding ‘who’ should participate, I argue that individuals should have greater access to the global public sphere than many existing theorists envisage. Second, regarding ‘where’ deliberation should occur, I argue that there are strong reasons to establish a global parliamentary assembly alongside intergovernmental institutions and the background culture of global civil society. Naturally, my answer to the question of ‘how’ global deliberation should be conducted would apply to individuals participating in the global public sphere, and to deliberation within a global parliamentary assembly. However, the answer to the ‘how’ question would apply to supranational deliberation wherever it takes place. As a result, my

answers to each question are separable. Even if I am wrong about one, my answer to the others may still be correct.

The thesis advances the claims above across four main chapters. The first chapter considers the first and second questions: who deliberates, and where? It begins by developing a functional model of a well-ordered public sphere, identifying the epistemic and non-epistemic values that public deliberation seeks to realise:

Epistemic	Non-epistemic
Exposure to diverse thought	Access to deliberation
Combining widely distributed knowledge	Transparency in public decision-making
Creating common knowledge	Accountability of public institutions

It then applies this model to two puzzles about how the supranational public sphere should be structured. I argue, against several significant voices in the current global democracy literature, that individual citizens should have substantive, as opposed to merely formal, access to the global public sphere. Further, against the dominant view within domestic democratic theory, I suggest that the global public agenda cannot be left solely to be decided in deliberation itself. The second half of the chapter considers the question of where supranational public deliberation should occur, testing candidate proposals for institutionalising deliberation against the functions of public deliberation identified above. I begin by considering the status quo at the global level, which institutionalises deliberation primarily through intergovernmental fora and the background culture of civil society. I argue that this status quo does not satisfy all the functions of public deliberation. I then consider two proposals to radically alter the global deliberative system. The first we can term the ‘global parliament’ proposal, which I endorse. In doing so, however, I conclude that while intergovernmental deliberation is not sufficient for deliberative legitimacy, it is a necessary complement to a directly elected global parliament. The second, which is an ascendant position within the existing literature, is the ‘systemic’ view. I argue that, while the systemic view is right to argue that there must be a plurality of spaces in which global public deliberation is conducted, the view is insufficient on its own.

The remainder of the thesis turns to the content of global deliberation. A core tenet of contemporary democratic theory is a commitment to decision-making based on reasons that promote a shareable public interest. The exercise of political power, it is said, requires

justification in terms that those subject to it can, in some sense, accept. Call this the demand for public justification. Two facts complicate the satisfaction of this demand at the global level. The first is the fact of globalisation. The second is the fact of deep diversity in the global population. Combining these facts with the demand generates the fundamental problem of global public justification: how, if at all, is it permissible to impose a set of international laws and rules on a world population that is deeply pluralistic in its moral and political attitudes?

To date there have been three main attempts to resolve this problem. Each of the subsequent three chapters addresses one proposal.¹⁵ First, there is global legitimacy born of competition: different systems of thought fight it out, and the winner becomes universal. Examples of this include proposals which defend the global extension of comprehensive liberalism, such as those offered by David Held and Kok Chor Tan. The chapter also examines an alternative proposal grounded in contemporary Chinese political philosophy, examining theories of the ‘new *tianxia*’. I argue that both globalised comprehensive liberalisms, and Zhao Tingyang’s prominent version of the *tianxia* system, fall prey to similar problems of cultural parochialism, and are thus insufficiently attentive to global diversity. I argue, however, that a stronger reconstruction of the *tianxia* system, drawing on other voices in the literature, combines a commitment to the possibility of a framework of universally legitimate values and principles, with the belief that such a framework cannot arise from the universalisation of a particular tradition of thought. This combination of beliefs forms the basis for the third route to global legitimacy developed later in the thesis.

Second, there is legitimacy born of neutrality, which holds that by avoiding appeal to certain concepts or doctrines which are the object of reasonable controversy, it is possible to have a generally inclusive political framework while respecting diversity. The chapter addresses the most prominent version of this account, assessing theories of global public reason. I argue that accounts of liberal global public reason face a dilemma: either they are rich enough to generate determinate answers to a wide range of global problems, but remain parochial (and thus are too *thick*), or they are less parochial but indeterminate (and thus are too *thin*).

¹⁵ This typology draws on, and adds argumentative flesh to, a tripartite distinction between three forms of universalism identified by Qian Yongxiang (who uses slightly different terminology) in Qian Yongxiang, “How does the subject deal with others? Three types of universalism,” in Qian Yongxiang *Pubian yu teshu de bianzheng: Zhengzhi sixiang de fa jue* 普遍与特殊的辩证：政治思想的发掘 (*The dialectics of universal and particular: The exploration of political thought*) (Taipei, Taiwan: yanjiuyuan renwen shehui kexue yanjiu zhongxin zhengzhi sixiang yanjiu zhuanqi zhongxin 研究院人文社会科学研究中心政治思想研究专题中心, 2012).

Third, there is legitimacy born of dialogue, whereby a process of supranational deliberation itself confers legitimacy on values that can be invoked in the justification of laws and rules. The approach draws on an intuition that has been expressed in different ways, in different literatures, but which share the conviction that the best prospects for global political legitimacy reside in a process of cross-cultural, cross-national dialogue. The argument proceeds in two halves. First, the chapter provides a general statement of the dialogic route to global legitimacy. It argues for a process of ‘meta-deliberation’ aimed at identifying publicly justifiable values for use in public deliberation, which incorporates both the views of individuals and the input of philosophical traditions of thought. Second, the chapter analyses a particular value or principle, the value of ‘oneness’, using it as a “test case” to illustrate what might be expected to emerge from philosophical meta-deliberation as a publicly justifiable value for use in global decision-making.

Why Public Justification?

I outlined above how the thesis will address three primary questions about global public deliberation, with the first two relating to who participates and where it takes place. The majority of the argument, though, concerns the third question regarding the content of global public deliberation. Recall the specific question that I will examine, which we can term the problem of global public justification: how, if at all, is it permissible to impose a set of international laws and rules on a world population that is deeply pluralistic in its moral and political attitudes?

A sceptic might question why we need to address this question at all. Why not, we might ask, leave the ‘how’ question open, with no constraints on how deliberation should be conducted, and accept that whatever is decided by fair procedures will be globally legitimate. In response to this question, let me motivate the ‘how’ question, by providing pro tanto reasons to care about the problem of global public justification.

All of the answers to the problem of global justification that I discuss in the thesis rely on the assumption that legitimacy consists of more than majority endorsement (whether a majority of individuals or states). They all concur that justification matters. We should, in other words, care about the values and reasons that are used when power is exercised, and not simply accept that power is legitimately exercised whenever it is exercised by a majority. Not everyone would accept this assumption. Agonist democrats, for example, believe that any

search for consensus or attempt at public justification is a chimera, or a simply a mask for the operation of power. As a result, let me say something at the outset about why we should care about public justification at all. In the thesis I will critique the application of existing approaches to public justification to the global level, including those grounded in comprehensive and political liberalism. These constitute particular theories of public justification, but they do not exhaust the range of possible approaches to justification in the broad sense. That said, as the most developed attempts to develop the logic of justification are found within the literature on contemporary liberalism, it makes sense to begin with this literature as a place to look for reasons to care about justification, even if we do not go on to adopt all its specific conclusions. My purpose in this section, then, is to motivate a case for why we should investigate the prospects for public justification at the global level, and to offer sufficiently strong reasons for why public justification is at least one significant component of legitimacy.

Three main grounds for public justification have been offered in the literature on political liberalism. There is considerable debate about which grounding is the strongest, and also whether any of them are sufficiently strong to ground public reason liberalism's specific understanding of public justification. Here I do not take a firm stance in these debates. Instead, we can see all three arguments as offering *pro tanto* reasons for caring about public justification, each one strengthening the overall notion that legitimacy relies, in some sense, on the values and reasons underpinning the exercise of political power.

One of the most prominent grounds for a principle of public justification argues that it is necessary to realise the idea of respect for persons. Charles Larmore, one of the earliest proponents of political liberalism, offers one such argument. He contrasts political justification with proof. Mathematical proof, for example, is a matter of logical relations between propositions. Justification, by contrast is – in the words of John Rawls – ‘not simply valid reasoning but argument *addressed to others*’.¹⁶ Justification works ‘only by appealing to what [others] already believe, thus to what is common ground between us’, or at the very least, refraining from appealing to reasons that others have no reasons to share.¹⁷ The next step of the argument is an account of why we should care about justification understood as argument addressed to others. Why not just resort to threats or the force of numbers? This is where the

¹⁶ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 465 (emphasis added).

¹⁷ Charles Larmore, "Political Liberalism," *Political Theory* 18, no. 3 (1990): 347.

norm of equal respect for persons comes in. It is closely connected with the Kantian idea of never treating others merely as a means. As Larmore puts it, “if we try to bring about conformity to a political principle simply by threat, we will be treating people solely as means, as objects of coercion” and “we will not also be treating them as ends, engaging directly their distinctive capacity as persons”.¹⁸

Larmore’s account has received criticism. William Galston, for example, questions whether public justification is the only way to realise respect:

“While the (general) concept of equal respect may be relatively uncontroversial, the (specific) conception surely is not. To treat an individual as person rather than object is to offer him an explanation. Fine; but what kind of explanation? Larmore seems to suggest that a properly respectful explanation must appeal to beliefs already held by one’s interlocutors; whence the need for [public justification]. This seems arbitrary and implausible.”¹⁹

Let us accept, for the sake of argument, that there is something to Galston’s critique of Larmore’s specific view of what respect for persons requires. The crucial point for our purposes here is that he does not question the more limited claim which I am seeking to establish, which is that respect entails some form of justification. To use Galston’s terms, my account of the kind of ‘explanation’ that individuals are owed in global public discourse will diverge significantly from Larmore’s. But both accept that *some* form of explanation is required. Hence, the value of respect for persons gives us at least one *pro tanto* reason to care about the reasons used in the exercise of public power.

A second reason to care about justification invokes considerations of stability. Rawls himself uses this language in grounding the idea of political liberalism.²⁰ One way of motivating the stability argument is empirical in nature. On this argument, public justification ensures that the exercise of political power is acceptable to a wide range of individuals subject to it. This

¹⁸ Larmore, “Political Liberalism,” 348. There are other respect-based arguments in the literature. Christopher Eberle, for example, offers an alternative account of what it means to realise respect for persons, grounded in an ‘ideal of conscientious engagement’. Christopher Eberle, *Religious Conviction in Liberal Politics* (Cambridge: Cambridge University Press, 2002).

¹⁹ William Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991), 109.

²⁰ See Rawls, *Political Liberalism*, 140-144.

fosters trust and reduces frustration, rendering the social order more stable.²¹ The challenge for this empirical stability argument is whether liberal public justification specifically is necessary for actual social stability. Many factors might be said to contribute to stability (communitarian or national sentiment, respect for rights, equality before the law, economic prosperity, and so on), and it is not clear that the absence of public justification would itself tip society into instability. For our purposes, we can simply note the plausible empirical claim that justification is *stability-strengthening*, without making too bold a further claim.

Faced with the limitations of empirical stability arguments, more recent accounts have understood Rawls to be advancing primarily a *normative* claim about stability. This follows Rawls' language in describing 'stability for the right reasons'.²² Stability for the right reasons is achieved when all (reasonable) citizens can freely endorse the terms they live under. One concern for this normative stability argument is that it appears tautological: to say society is stable for the rights reasons when reasonable individuals find its basic structure acceptable to them is simply to restate a principle of public justification, rather than to offer an independent reason for it.²³ A more promising recent attempt to connect justification to stability is Kevin Vallier's argument that public justification promotes social trust. For Vallier, when a rule is publicly justified, this means that 'complying with it flows from one's personal convictions'.²⁴ When people see rules that flow from their convictions, they see themselves as having reason to be trustworthy by complying with the rule. This in turn fosters social trust, because others can perceive this 'properly incentivised trustworthiness'.²⁵ Again, we might question whether social trust justifies the specific view of public justification advanced by political liberalism, but the connection between the concept of social trust, and the concept of justification is eminently plausible.

Related to social trust considerations are a final family of arguments for public justification, grounded in the notion of 'civic friendship'. Civic friendship, in general terms, is a valuable relationship between individuals which shares some of the characteristics of ordinary

²¹ George Klosko offers an empirical reading of the stability justification along these lines. George Klosko, "Rawls's 'Political' Philosophy and American Democracy," *American Political Science Review* 87, no. 2 (1993): 348-59.

²² Rawls, *Political Liberalism*, 458-60.

²³ This point is made by Collis Tahzib, *A Perfectionist Theory of Justice* (Oxford: Oxford University Press, 2022), 65; Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (London: Wiley-Blackwell, 1992), 184-88 and Jonathan Quong, *Liberalism Without Perfection* (Oxford University Press, 2011), 166-70.

²⁴ Kevin Vallier, *Must Politics Be War?: Restoring Our Trust in the Open Society* (New York: Oxford University Press, USA, 2019), 118.

²⁵ Vallier, *Must Politics Be War?*, 79.

friendship, whether this be cooperation, acting in concert, demonstrating non-prudential concern for one another, or possessing a set of shared values.²⁶ By regulating their common life on the basis of reasons that, in some sense, are shareable or at least accessible by everyone, individuals express the kind of cooperativeness that is constitutive of civic friendship. As with the previous values of respect and stability, one might question whether civic friendship is strong enough to ground the approach to public justification found in political liberalism. For political liberals, public justification based on shared ‘political’ values as opposed to ‘comprehensive doctrines’ is not merely a valuable ideal, but an overriding constraint. Even if this strong claim does not go through, all I need to motivate my case is the weaker and less controversial claim that the value of civic friendship – the kind of relationship realised between individuals – provides at least a *pro tanto* reason to care about public justification as a component of democratic legitimacy.²⁷ Considerations of respect, stability and the ideal of civic friendship all provide, then, reasons to take seriously the notion that the legitimacy of laws and rules depends, at least in part, on the values and reasons presented for them in the public sphere.

In existing literature, the term ‘public reason’ has become intertwined with the liberal tradition. We can understand the project of this thesis, however, as attempting to tease the two apart. It provides, in other words, a route towards a more globally inclusive, and thus superior, account of global public reason, widening the scope of public reason so that it includes, but is not limited to, the values upheld by political liberalism.

With this motivation for the public justification project in place, a related cluster of questions arise concerning its use. Who, for example, should be bound by its requirements? As we will see, particularly in discussing theories of public reason, theorists have different views on what public justification requires and when it applies. Deferring discussion of these specific views to the main body of the thesis, as an initial formulation we can understand the requirements of public justification to apply to individuals, peoples, civil society actors, states, international institutions, and their representatives whenever they offer arguments intended to influence rules and decisions at the international level. A further question concerns the stakes involved

²⁶ For a full summary of civic friendship-based arguments, see Tahzib, *A Perfectionist Theory of Justice*, 66-68.

²⁷ Although I do not rely on it here, a fourth approach to grounding liberal public justification is offered by Gerald Gaus, based on what he calls the ‘reactive attitudes’. Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2010). For criticism of the reactive attitudes argument, see Anthony Taylor, "Public Justification and the Reactive Attitudes," *Politics, Philosophy & Economics* 17, no. 1 (2017): 97-113.

in public justification. Following Rawls, we can understand the requirement to offer publicly justifiable reasons as a non-legal moral duty.²⁸ Additionally, and more fundamentally, an account of what is and is not publicly justifiable allows us to appraise the legitimacy of the actions of powerful political agents, and the reasons offered for those actions.

Rejecting Globalisation?

With an outline of, and a motivation for, my overall argument on the table, I should note that there is one theoretical path which I consciously choose not to go down in the thesis. It is increasingly recognised that existing patterns of globalisation are not reflective of the interests or preferences of large swathes of the global population. This emerging consensus was first articulated as a claim about the economic losers of globalisation. But concern about rising economic inequality and entrenched poverty is one symptom of a broader worry: that global economic, political, and social forces are regulated according to values remote from those held by a significant proportion of the world's population. Thus universalism and globalism have come, in some quarters, to be considered synonymous with unfettered market exploitation, cultural homogeneity, and even neo-imperialism. According to this line of thought, there is an inherent tension between globality and diversity, and the best way to address this tension is to prioritise concern for diversity at the expense of globality.

I should defend the decision not to endorse this line of thought. To do this, let me engage with one attempt to steer a path between imperialistic universalism and crude relativism, in order to demonstrate that the demands of globality are not easily ignored.

Katrin Flikschuh's analysis of the problem of "orientation" in global thinking begins with the claim that the current discourse on global justice is in a state of conceptual crisis. The concepts within global justice theorists' particular liberal framework cannot, she argues, give them traction on the questions of global political morality which they are asking.²⁹ To address this crisis, Flikschuh encourages global normative theorists to engage with non-Western traditions of thought. She proposes engagement with non-Western thought primarily as a tool

²⁸ Adhering to the demands of public reason is the major component of what Rawls calls the 'duty of civility'. Rawls, *Political Liberalism*, 217. Rawls adds the 'proviso' that agents can invoke non-public reasons in political discussion, so long as in due course they provide public reasons. He also qualifies the duty of civility, stating that it only applies to deliberation regarding the basic structure of society and issues of basic justice. Other liberals, such as Jonathan Quong, see no reason to limit the scope of public justification in this way. The claims I defend in the thesis are agnostic between these different positions. Quong, *Liberalism Without Perfection*, 256-289.

²⁹ Flikschuh, *What is Orientation in Global Thinking? A Kantian Inquiry* (Cambridge: Cambridge University Press, 2017), 1-28.

for recognizing certain problems with liberal universalism, challenging global normative theorists to recognize their own parochialism, and to cultivate certain dispositions, such as a disposition of epistemic humility. Flikschuh expresses this conclusion, for example, in arguing that the purpose of comparing liberal conceptions of personhood with African conceptions which incorporate the notion of ancestral existence is not to suggest that liberal theorists should come to believe in ancestral existence. Rather, the purpose of engaging with initially alien ideas is to challenge oneself, and reveal the unspoken (or spoken) assumptions and beliefs which structure one's worldview.³⁰

It may not be necessary to seek consensus across traditions of thought to achieve these philosophical aims – to breakdown patterns of hegemony, foster humility and reflexivity, and so on. However, in the realm of political deliberation, where the nature of the issues discussed, and the fact of limited time, make globally binding decisions a necessity, we have reason to think the globality desideratum requires more from the process of cross-cultural engagement.

Flikschuh wrestles with the competing demands of globality and diversity throughout the book *What is Orientation in Global Thinking?*. Here I focus on one example. Flikschuh asks her audience to consider the possibility that the concept of the state as understood in liberal thought and contemporary political practice is inappropriate in the African context.³¹ The contemporary state system did not emerge in a historically contingent way on the African continent; instead it was imposed by European colonial powers on existing diverse forms of political association.³² The style and form of colonial administration militated against the emergence of civil society as a counterpoint to state power.³³ Shortly before independence these soon-to-be independent states were 'fitted out' with institutional arrangements akin to European nation-states. This created the fiction that African states were simply younger

³⁰ Flikschuh, *What is Orientation*, 190-196. This goal is often the stated aim of cross-cultural engagement within postcolonial theory, comparative political theory and anthropology. This goal is logically compatible with supporting universal principles – indeed for some comparative political theorists such as Fred Dallmayr, 'cross-cultural comparative theorists are genuine, even better, universalists' than their "monological" counterparts. Other postcolonial and comparative theorists, however, are more sceptical of universalism. Fred Dallmayr "Beyond Monologue: For a Comparative Political Theory," *Perspectives on Politics* 2, no. 2 (2004): 249-257. See also Roxanne Euben, *Journey to the Other Shore: Muslim and Western Travelers in Search of Knowledge* (Princeton: Princeton University Press, 2006); Benedict Anderson, *Language and Power: Exploring Political Cultures in Indonesia* (Ithaca: Cornell University Press, 1990).

³¹ Flikschuh, *What is Orientation*, 221.

³² Flikschuh, *What is Orientation*, 201-203.

³³ Flikschuh, *What is Orientation*, 207. Here Flikschuh draws on analysis by Peter Ekeh.

versions of their European counterparts, when in fact the state system does not fit much of the African political experience.³⁴ State borders, for example, often lack significance except in a formal sense, creating nothing but inconvenience (or worse) for communities who operate across these boundaries. The creation of the state system has also disenfranchised migrant communities across the continent, while the equation of democracy and political participation with the existence of multiparty electoral competition often means that ‘African citizens are constrained to engage in participatory act-tokens which satisfy the international community but which may have little meaning in their own lives’.³⁵ Let us follow Flikschuh in positing that the existing state system stands in tension with both the practices and values of particular African political communities.³⁶

The next question, as Lenin famously put it, is: what is to be done? Flikschuh follows Jeffrey Herbst in arguing that Euro-American thinkers should ‘cede intellectual space’ to Africans to theorise alternatives to the state system.³⁷ Considering how this might be expressed at the level of practical politics illustrates the globality issue well. One option would be to declare it morally permissible to bypass the state when interacting with certain African communities (a tactic she notes multinational corporations have used). But, rightly, Flikschuh concludes that this is even more troubling than the current situation.³⁸ Another possible solution would be to give African political communities or groups a unilateral right to secede from their states, but Flikschuh recognises this is also not a workable solution because, in the present global order, this would mean those communities would lose all the semblance of participation rights and protections that being a state gives you under international law.³⁹ Further, while Flikschuh does not make this point, we can add that, if generalised as a global principle, were a large, powerful political community to opt out of the state system, one might protest that political communities cannot so easily free themselves of the moral obligations that are tied to statehood. If the people currently living under the Chinese or American state were to (somehow) collectively renounce their statehood, announcing that because they are no longer

³⁴ Flikschuh, *What is Orientation*, 209.

³⁵ Flikschuh, *What is Orientation*, 211-212.

³⁶ One might object that the tension only derives from the strategic use of the state system to disenfranchise or marginalise particular groups, or from material constraints. But Flikschuh’s point is deeper – her argument is not simply that multiparty elections are insufficiently responsive to the preferences of these political communities, but that the conceptions of democracy (and of governance more generally) within such communities diverge at a deeper level from those underpinning the competitive, adversarial multiparty system associated with Euro-American electoral democracies.

³⁷ Flikschuh, *What is Orientation*, 225.

³⁸ Flikschuh, *What is Orientation*, 222-223.

³⁹ Flikschuh, *What is Orientation*, 223.

a state, international rules on carbon emissions and human rights, say, no longer apply to them, this would widely be viewed as shirking their moral commitments. More generally, on some issues, it is possible for community A to hold one perspective, and for community B to reject this position but remain relatively unaffected by community A. But certain moral questions cannot be addressed without reckoning with the deep interdependence of different political communities. It would not be satisfactory, for example, for community A, whose moral consensus permits exploiting the environment, to say to community B, which is threatened by the effects of climate change, that it simply has a different philosophical view about the relationship between man and nature. Flikschuh does note that ‘to cede such [intellectual] space cannot amount to walking away from it; it must to the contrary include a preparedness to listen, to engage, and even to revise our own received and cherished views about statehood say, or human rights, or self-determination.’⁴⁰ The globality desideratum reminds us that this preparedness to listen cannot end with two traditions talking, then going their separate ways. In the realm of political practice, if not philosophy, the demands of ‘globality’ cannot be ignored.

A guiding hypothesis in this thesis is that globality and diversity are not irreconcilable, nor *necessarily* antagonistic.⁴¹ It begins from the assumption that globalisation is an inevitable and irreversible process which will continue to generate defining questions of political life. At the same time, a just and legitimate global order will not simply emerge from the entrenchment or extension of existing globalisation frameworks. Instead, a just global order will have to be grounded in a wider range of philosophical and conceptual sources. The body of the thesis constitutes an attempt to defend and elaborate this guiding hypothesis.

A Methodological Note

Developing the argument outlined in this thesis has required making a number of methodological choices, which I outline and defend below. The thesis is broadly located within the tradition of analytical political theory. As a result, it engages in conceptual analysis and seeks to test candidate proposals for ordering global public deliberation against standards of logical coherence and intuitive plausibility. Much of the argument could be characterised

⁴⁰ Flikschuh, *What is Orientation*, 225.

⁴¹ To say that globality and diversity are *inevitably* antipathetic would be to endorse a particular understanding of diversity that equates diversity with conflict and intractable disagreement. As we will see in Chapters 4 and 5, someone with, say, sympathy for ‘holistic’ accounts of the body politic might see diversity among complementary parts of a broader whole, not just disagreement between conflictual interests or social classes.

as applying the method of coming to reflective equilibrium, working backwards and forwards between intuitions about particular cases and general principles until a stable equilibrium has been reached. However, the thesis seeks to challenge much of the existing literature on global democracy, arguing that the process of coming to reflective equilibrium about the design of the global public sphere and the conduct of global public justification has not yet been sufficiently globalised. Indeed, a core claim running throughout the thesis is the guiding epistemic supposition that a legitimate and compelling theory of global public deliberation is unlikely to be found whole within any tradition of thought, Western or otherwise.

Presented with this claim, one might ask why reflective equilibrium, an idea associated closely with the archetypal analytic liberal thinker John Rawls, is an appropriate methodological criterion. I have two responses to this worry. First, many of the existing theories that I criticise themselves invoke reflective equilibrium. Drawing on the criterion thus makes my argument appropriately internal to the perspectives I am arguing against. Second, the fact that reflective equilibrium – which I should emphasise is only one of the criteria I draw on – emerged from a particular tradition does not itself make it invalid. I am explicitly not endorsing the relativist perspective that philosophical ideas cannot have cross-cultural validity; I am instead suggesting that to date we have not yet articulated the correct procedure for identifying ideas that do. Further, I draw on reflective equilibrium in a broad, ecumenical sense of the term, describing the general process of assessing the normative status of a particular principle or proposal by testing it against other principles and intuitions that are widely held. Drawing on the criterion does not mean I endorse how it has hitherto been used. Indeed, one claim I make in the thesis is that if the process of coming to reflective equilibrium was properly globalised, different answers would be generated to when the criterion is applied within the terms of contemporary liberal theory.

To press this claim, parts of the thesis engage with Chinese political thought. In engaging with this body of thought, I make several further methodological choices. First, I engage primarily with contemporary academic Chinese political philosophy. Of course, contemporary thought always draws on historical antecedents; the contemporary theories of *tianxia* that I engage with draw on historical roots just like contemporary Euro-American discussions of cosmopolitanism draw on the Greek tradition, and on Kantian thought. One might object that focusing on contemporary Chinese political theory undermines the distinctiveness of this engagement across traditions, since contemporary theory is inevitably inflected by interaction

with non-Chinese thought, including analytic-normative political philosophy. Again, we can respond with two points. First, as we will see in looking at particular arguments, theories and ideas in the body of the thesis, contemporary Chinese thought about the global order does use distinctive heuristic devices and forms of argument in order to theorize the operation of the global sphere. Second, and more important, my concern is not primarily exegetical or historical, but normative. As a result, I am not interested in distinctiveness for its own sake, nor interested in fidelity to particular historical sources *per se*. Most of the authors I engage with consciously understand themselves to be redefining or revising a tradition of thought, modifying and developing canonical ideas to develop original lines of thought.

Contemporary Confucian Joseph Chan, for example, distinguishes three methods for engaging with ancient thinkers, whether Western, Chinese, or otherwise. The first, ‘classical scholarship’, seeks to understand a historical figure on their own terms, consciously remaining within their perspective and context to engage in literary analysis or intellectual history.⁴² The second, ‘philosophical reconstruction’, seeks to understand a thinker not only on their own terms, but also brings their views ‘to bear on questions that he himself may not have asked but that are of interest to contemporary theorists’.⁴³ One’s interest is thus not simply interpreting a text but also developing it to a point where it is possible to compare it with a contemporary perspective, or test whether the perspective would generate a compelling answer to a contemporary problem. Chan describes the third approach as ‘philosophizing within a tradition’. He describes the method as follows:

“Adopting this method involves original philosophizing within the broad framework of a philosophical tradition. Certain basic tenets of a tradition of thought are taken as the points of departure and developed into a new perspective previously not explored by thinkers in that tradition. The primary interest of this method is not accurate exegesis of an ancient thought or critical assessment of its contemporary philosophical significance but active contribution to the contemporary development of a tradition of thought. The theories resulting from such philosophizing are often denoted by the prefix “neo” (e.g., neo-

⁴² Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton: Princeton University Press, 2013), 207.

⁴³ Chan, *Confucian Perfectionism*, 207.

Confucianism) to emphasize the fact that they are new developments within a broad tradition.”⁴⁴

While the first two methods or approaches to historical thinkers have validity, and often individual theorists will employ more than one method, most of the authors I engage with in the thesis adopt the third methodology of ‘philosophizing within a tradition’. Accordingly, I approach contemporary Chinese political thought not as a fixed canonical entity, but an open-ended and dynamic tradition of thought, whose future trajectory can be influenced. The fact that the Chinese thinkers I engage with are already part of a cross-national and cross-traditional discourse increases, rather than decreases, their relevance to my project.

One implication of this approach is that my analysis inevitably and consciously does not only describe existing arguments, categories and concepts, but seeks to actively participate in the construction of new ones as an outcome of a process of cross-traditional dialogue. A key example of this is the claim, developed in the fifth chapter, that ‘oneness’ is a concept that stands a good chance of emerging from cross-national dialogue as a legitimate value for use in public justification at the global level. There is already a literature on the concept of oneness – it is not a concept I am inventing – and it emerges in different ways from a number of non-liberal traditions of thought.⁴⁵ At the same time, however, existing literature on the concept of oneness – and my engagement with it – inevitably generates new interpretations of oneness, drawing links between different traditions of thought, identifying overlap and family resemblance between otherwise disparate bodies of thought. The question of whether Confucius would believe in the conception of oneness as I describe it is not of overwhelming importance; what matters is whether the concept of oneness sufficiently connects to the web of concepts associated with neo-Confucian, Buddhist, North American Indigenous and other thought, while providing traction on important problems of global political organisation.

As a final point, a concern might be raised regarding the political context of Chinese thought. As I note in the second chapter, the theories of *tianxia* that I engage with have been accused of providing ideological cover for authoritarian political ends. My response to this and the more general worry that any engagement with contemporary Chinese political thought might be co-opted for political purposes is this: it is surely preferable to clarify what a philosophical

⁴⁴ Chan, *Confucian Perfectionism*, 208

⁴⁵ Philip Ivanhoe et al., eds., *The Oneness Hypothesis: Beyond the Boundary of Self* (New York: Columbia University Press, 2018).

body of thought such as the *tianxia* system should and should not stand for, clarifying, in other words, what exactly the system is and how it is best understood. Careful theoretical work of this kind can deny theoretical ammunition to those who wish to adopt the language of *tianxia* in support of indefensible political ends, while avoiding an alternative problem of simply assuming that every political theory emerging from the Chinese canon is by nature authoritarian.

A further methodological choice I make concerns the integration of empirical evidence, particularly in the first chapter and the discussion of various proposals for institutionalising global deliberation. The thesis analyses the normative case for various ways of instantiating global deliberation, and for various ways of defining justificatory legitimacy at the global level. As such, it does not engage in novel empirical research, nor does it test its claims using empirical or statistical methods. The argument does, however, rely at points on claims that are amenable to empirical analysis, and where in some cases empirical analysis has been performed. In such cases, I integrate references to empirical literature to support these claims, generally in footnotes.

The Argument in Context

The argument presented here, then, is a normative one, grounded primarily in the tradition of analytical political theory. There is no claim that the institutional innovations, or the approach to justificatory legitimacy I propose are historically or empirically inevitable.⁴⁶ However, as historically and comparatively minded theorists remind us, ideas do not exist in a vacuum. They are shaped by – and respond to – a particular context. As a result, to close this introduction let me make more explicit where my argument sits within broader intellectual and socio-political trends.

The idea of “governing the world”, to use Mark Mazower’s term, has a long history.⁴⁷ Diogenes’ declaration that he was a ‘citizen of the world’ (*kosmopolites*), descriptions of *tianxia* during the classical Zhou dynasty, Dante Alighieri’s *de Monarchia*, and the intellectual futurism of Kan’s *Perpetual Peace* all exemplify this perennial interest. While sustained intellectual attention began to be directed to the question of global government in the eighteenth and

⁴⁶ Arguments of this type have been offered. See, for example, Alexander Wendt, “Why a World State is Inevitable,” *European Journal of International Relations* 9, no. 4 (2004): 491-542.

⁴⁷ Mark Mazower, *Governing the World: The History of an Idea* (London: Penguin, 2012).

nineteenth centuries, it was in the twentieth that systems for global coordination and cooperation were seriously envisaged and tested. In particular, one can identify three moments in which intellectual and political discussions regarding the global order advanced notably. The first two were consequences of the World Wars, with the first leading to the establishment of the League of Nations, and the second giving rise to the United Nations (UN), the system of Bretton-Woods international financial institutions, and a series of conventions codifying human rights and the foundations of international law. Alongside these political developments, each of these moments was accompanied by an uptick in scholarly interest in the question of world government. James Yunker and Luis Cabrera, for example, chart the world government “heyday” of the late 1940s, in which academics, public intellectuals, and prominent politicians all made statements emphasising the desirability or even inevitability of some form of permanent arrangement for international governance.⁴⁸

The third moment coincided with the end of the Cold War. During the 1990s there was a significant expansion in the range and strength of systems designed to foster international cooperation, exemplified by a series of conferences on thematic issues organised under the auspices of the UN, various developments in the area of international law including the adoption of the Rome statute leading to the creation of the International Criminal Court, and the formulation of the Millennium Development Goals, to cite only a few examples. These political developments were matched by an upsurge in scholarly attention to the question of global governance (and in fact the emergence of this term in common academic parlance).⁴⁹ David Held’s *Democracy and the Global Order* was published in 1995, for example, while the first decade of the twenty-first century saw continued scholarly attention in this area.⁵⁰

This is the intellectual context in which I wish to make more explicit where my argument stands. Alongside the political optimism of the immediate aftermath of the Cold War, another prominent feature of intellectual discourse at this time was the assumption that an expanded global order would consist largely in the progressive extension of the achievements of the

⁴⁸ James A. Yunker, *The Idea of World Government: From Ancient Times to the Twenty-first Century* (Oxfordshire: Taylor & Francis, 2011); Luis Cabrera, "Review article: World government: Renewed debate, persistent challenges," *European Journal of International Relations* 16, no. 3 (2010): 511–530.

⁴⁹ Weiss charts how the notion of ‘global governance’ came to displace the language of ‘world government’ in academic and policy discourse. Thomas G. Weiss, "What Happened to the Idea of World Government?," *International Studies Quarterly* 53, no. 2 (2009): 253–271.

⁵⁰ David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995), See also, as examples, work by Daniele Archibugi, including *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy* (Princeton: Princeton University Press, 2008) and Luis Cabrera, *Political Theory of Global Justice: A Cosmopolitan Case for the World State* (London: Routledge, 2004).

modern West around the world. Fukuyama's 'end of history' thesis was totemic of this assumption. Fukuyama did not believe that history had actually ended, but he did not see a serious ideological competitor to liberal democracy and the market economy.⁵¹

Yet against the optimism of many who assumed that liberal democracy would inexorably suffuse political systems worldwide, the first two decades of the twentieth century have seen a series of cross-cutting trends that complicate this narrative, and which seem to have eroded faith in the very idea of international governance. In some parts of the world – notably Europe and North America – a “globalization backlash” has been expressed in phenomena such as growing anti-immigrant rhetoric, member states leaving international organisations, increasing trade protectionism, and more general protests against international financial institutions.⁵² Underlying many of these phenomena is a general concern that the structures and ideologies underpinning globalisation serve only a small minority of the world's population, reinforced by a concern for the erosion of diversity and culture in the face of homogenising global forces.

Alongside these political developments, and building on the postcolonial tradition, this period has also seen growing scholarly interest in the subaltern, and in comparative political theory, often with the goal of unmasking the “false universalism” of dominant liberal thought. This has provided intellectual weight to some of the concerns about globalisation that have appeared in the public sphere. The challenge laid down for proponents of global governance is this: if the exercise of power at the global level has historically been used to dominate and marginalise, why should we want more of it?

While social and intellectual trends have raised questions about the direction of globalisation, the inherently cross-national challenges for which global institutions are designed have hardly disappeared. If anything, their intensity has grown, as exemplified by the deepening climate crisis, and the recent global pandemic. In the juxtaposition of these trends lies the key aporia which the thesis addresses. On the one hand, the forces propelling global integration are strengthening, and with them the incentives for, and necessity of, global cooperation. On the other, consensus around the basis for a legitimate global order is eroding. Liberalism as the end of history is being increasingly questioned, but there is not yet clarity around what can or

⁵¹ Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

⁵² For a survey of research on the “globalisation backlash”, see Stefanie Walter, "The Backlash against Globalization," *Annual Review of Political Science* 24 (2021): 421–442.

should emerge in its place. The argument that follows constitutes one attempt to reckon with this fundamental challenge.

Chapter 2: The Structure of the Global Public Sphere

This thesis addresses three primary questions, which I have termed the ‘who’, ‘where’ and ‘how’ of global public deliberation. The bulk of my analysis, contained in Chapters 3- 5 concerns the question of ‘how’ global deliberation should be conducted. Before addressing this primary question, however, I would like to propose two modifications to the existing consensus on ‘who’ should participate in global deliberation, and ‘where’ it should be conducted. To press the case for these modifications, we first require an account of the nature and purpose of deliberation in the public sphere.

The ‘public sphere’ is an amorphous concept. Its boundaries are fuzzy and ambiguous, and its diffuse and decentralised nature resists easy conceptualisation. Nevertheless, since Jürgen Habermas coined the term in the 1960s, theorists have used it to pick out a distinct arena of social life in which individuals and groups communicate with one another about the terms of their common life. The purpose of this chapter is to ask how, if at all, the structure of the global public sphere should differ from its domestic counterparts.

The current composition of the global public sphere – while not as developed as most national public spheres – includes several distinct components. First, there are sites of public deliberation associated with supranational decision-making entities. Many of the international institutions which have come into existence since the Second World War have deliberative procedures and fora associated with them. The United Nations (UN) General Assembly, for example, and the commissions associated with various of the UN’s other organs are all sites of public discussion. A second component of the global public sphere comprises the networks and structures of global civil society. Entities as ideologically and sociologically different as the *World Economic Forum* and the *World Social Forum* exist in this space. Finally, there are communication networks which facilitate public conversations across national borders. These include informal communication networks, such as those enabled by social media platforms, as well as more formally constituted media organisations. The *Financial Times*, for example, speaks to, and is read by, an international audience united more by interest, industry and socioeconomic background than by nationality. Given the emergent and decentralised nature of the global public sphere, one might prefer to talk about multiple public spheres, to avoid the impression of a unified global forum. While it is important to recognise the diffuse,

decentralised nature of the global public sphere, for the sake of simplicity, I refer to it in the singular here as a term covering a range of phenomena, networks and spaces.

The chapter proceeds in four sections. The first sketches a model of an idealised public sphere, identifying the epistemic and non-epistemic values that it seeks to realise. With this model in hand, the remaining sections examine the implications of this model for the questions of ‘who’ should participate in the global public sphere, and ‘where’ it should take place. The second and third sections examine two particular puzzles which arise when trying to apply a theory of the public sphere to the global level. The second section asks whether the assumption that individuals should have access to the public sphere holds at the supranational level. Against several significant voices in the current global democracy literature, I argue that it does. The third section considers how the agenda for the global public sphere can be set in ways that reflect the values we want the public sphere to realise. Against the dominant view within domestic democratic theory, here I argue that the task of agenda-setting cannot be left to be decided solely in global deliberation itself. The fourth section considers how global public deliberation is best institutionalised, arguing for the creation of a global parliamentary body to complement intergovernmental and civil society-oriented deliberation.

A Model of a Well-Ordered Public Sphere

The purpose of this section is to sketch a simple model of a well-functioning public sphere, regardless of the particular agents, networks and institutions that comprise it.⁵³ By identifying

⁵³ While I confine my focus to public spheres that realise values associated with democracy, I do not intend to outline a model that applies only to *liberal* democracies. The latter is a much thicker notion, which prescribes particular institutional forms such as multiparty electoral systems, a free press, separation of powers, and so on. The ‘thin’ conception of democracy I am working with is not intended to be culturally specific. One might object, as Boaventura de Sousa Santos does, that the concept of the ‘public sphere’ is itself global North-centric. Santos points to certain features of (his reading of) the Habermasian model of public discourse, such as the assumption of a separation between the state and civil society, the identification of agents such as parties, unions and the mass media as the primary participants in deliberation, and a commitment to reaching consensus through rational dialogue based on shared evaluative standards as premises which do not apply to the experience of the global South, and *a fortiori* a majority of the world’s population. While Santos is right that certain features of the classical Habermasian vision of the public sphere may not be applicable at the global level, it is a further, and unwarranted, move to claim that the concept of the public sphere itself must be jettisoned. At the most general level, the term refers to the sphere of social life in which deliberation about issues of public or societal concern takes place. This definition is compatible with a broad range of answers to the questions of who deliberates, and how they should deliberate. Indeed, the suggestions Santos himself makes for how theorising about public discourse should be recast to, say, identify and encourage grassroots social movements, or indigenous and rural communities as agents with emancipatory democratic potential are compatible with this definition. See Boaventura de Sousa Santos, “Public Sphere and Epistemologies of the South,” *African Development* 37, no. 1 (2012): 44-47.

the values or goals which a public sphere should realise, we will have a starting point for assessing various proposals for how it should be structured, and what, if anything, should change when we apply the model to the international sphere.⁵⁴

We can begin by distinguishing two kinds of value that the public sphere should realise: *epistemic* and *non-epistemic*. Regarding the former, one of the essential purposes of a public sphere is to increase the quality of political decision-making. Regarding the latter, there are certain intrinsic values which the process of public discussion seeks to realise, irrespective of its epistemic effects. Within each category, we can identify three specific attributes of a well-ordered public sphere.

Epistemic Functions

Exposure: One of the primary epistemic functions of the public sphere is to expose agents to new information, argumentation and points of view.⁵⁵ This function covers the role of the public sphere in facilitating preference alteration. While aggregative procedures can give some indication of the distribution of preferences in a population, they say nothing about why those preferences are held, and, more importantly, provide no mechanism by which preferences can be changed in response to argument. The public sphere's 'exposure' function fills this gap. It is this function which is most salient in Habermas' seminal work on the public sphere, where he describes the public sphere as the space in which reasons and arguments regarding matters of public interest are exchanged.⁵⁶ The public sphere works well, for

⁵⁴ This normative model of the public sphere contrasts with a compositional perspective which would seek to identify the agents and spaces which make up the public sphere. The account below draws on descriptions of the public sphere from a variety of authors, including Jürgen Habermas, Elizabeth Anderson, Thomas Christiano and Kai Spiekermann. Each has a slightly different purpose and method for describing the public sphere: for Habermas to describe its historical transformation, for Anderson to specify an ideal of deliberative democracy, for Spiekermann to use the spatial metaphor of a public forum or square as a springboard for analysing speaker-listener agential interactions in the public sphere, and how social media is disrupting their proper functioning. My account is distinctive in specifying and schematising both the epistemic and normative values that the public sphere should realise. I do not claim that the values identified are exhaustive, but I do submit that they represent the primary functions of a public sphere. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society* (Cambridge: Polity, 1992); Elizabeth Anderson, "Democracy: Instrumental vs. Non-Instrumental Value," in *Contemporary Debates in Political Philosophy*, ed. John Christman and Thomas Christiano (New Jersey: Wiley-Blackwell, 2009); Thomas Christiano, "Deliberative Equality and Democratic Order," *American Society for Political and Legal Philosophy* 38 (1996): 251-287; Kai Spiekermann, "Why Populists Do Well on Social Networks," *Global Justice: Theory Practice Rhetoric* 12, no. 02 (2020): 50-71.

⁵⁵ I borrow this term from Spiekermann, "Why Populists Do Well on Social Networks," 57.

⁵⁶ Habermas, *The Structural Transformation of the Public Sphere*.

Habermas, when the ‘unforced force of the better argument’ wins in public debate, when, in other words, the exposure function is operating in an uncorrupted way.⁵⁷

Knowledge combination: A related but distinct function is that of facilitating the interaction of different pieces of knowledge, and the construction of new proposals or arguments as a result. For many issues of public significance, understanding them, and understanding what to do about them, requires the interaction of different agents in the public sphere. For some issues this is a consequence of *complexity*. Consider, for example, artificial intelligence and its regulation. It would be impossible for a single agent to form a considered view on all the manifold ethical, scientific, technological, and economic questions raised by artificial intelligence across the almost infinite range of social, political and economic domains it touches on. Some of the agential interaction required to construct proposals about the public regulation of artificial intelligence will occur outside the public sphere, but since it is unlikely that all the relevant interlocutors will be known privately to any given agent, much of this interaction will occur in the public sphere itself. Two academics might privately agree, for example, to co-author a paper or newspaper article on a particular issue, but their resultant contribution will be a contribution to a public conversation, one with an audience that is not limited to those personally or privately known to them.⁵⁸

The public sphere also acts as a facilitator of knowledge generation in cases of *experiential diversity*. Consider the example of public conversations in recent years about gender and race-based systemic discrimination. Experience of gender-based discrimination, say, is unevenly distributed throughout the population, and so is knowledge about its effects – particularly at the micro-level. One effect, then, of public discourse around gender-based prejudice is to increase awareness of the nature and effects of systemic discrimination among those not in the marginalised groups, and who otherwise would not have first-hand access to the relevant information. Further, while those within marginalised groups may have personal experience of discrimination, it does not automatically follow that they will know the problem is caused by structural biases. Listening to others recount similar experiences in the public sphere combines personal experiences in a way that builds societal understanding of the nature of

⁵⁷ Quote from Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* (Boston: MIT Press, 1998), 37.

⁵⁸ This function is arguably even more important at the supranational level given the greater scale and number of potential stakeholders on a given issue.

systemic discrimination.⁵⁹ This function reminds us that knowledge is not always pre-political: in cases such as these it is formed and re-formed through the act of public deliberation itself.⁶⁰

Creation of common knowledge: A third epistemic feature of the public sphere is the creation of ‘common knowledge’. Peter Vanderschraaf and Giacomo Sillari, drawing on earlier descriptions of common knowledge from David Kellogg Lewis and Morris Friedell, draw a distinction between ‘mutual knowledge’ (which occurs when all individuals know a fact) and ‘common knowledge’ (which adds the condition that all individuals know that there is mutual knowledge of a given fact, and all individuals know that all individuals know, and so on).⁶¹ Common knowledge is important in a whole range of cases of social cooperation – from the trivial (standing on the right of escalators on the London Underground to allow those walking to pass on the left) to the highly significant (assembling in large groups to protest an authoritarian regime).⁶² In such cases it matters not only that all agents are aware of a given fact, but also that they know all agents are aware of that fact. The public sphere is well-suited to creating common knowledge because it is possible to not only make pronouncements that are heard by everyone, but also that all agents are able to observe others receiving the announcement.⁶³ It is the ‘publicity’ of the public sphere that facilitates the creation of common knowledge; if a trustworthy statement is made in the public sphere, it becomes common knowledge, whereas if the same statement is conveyed to all agents in private, it becomes mutual knowledge.

Non-epistemic Values

⁵⁹ For analysis of this in the context of online communicative action, see, for example, Nathan Eckstrand, "Complexity, Diversity and the Role of the Public Sphere on the Internet," *Philosophy & Social Criticism* 46, no. 8 (2020): 961–984. This function of the public sphere has also been spoken about in the context of the creation of ‘counterpublics’ which create spaces for hitherto marginalised voices to convene and be heard in a public setting. On this, see, for example, Guy-Uriel Charles and Luis Fuentes-Rohwer, "Habermas, the Public Sphere, and the Creation of a Racial Counterpublic," *Michigan Journal of Race & Law* 21, no. 1 (2015): 1.

⁶⁰ In this respect my account can absorb the Foucauldian insight that knowledge and social structures mutually influence one another, without necessarily endorsing the view that all knowledge is an expression of power, nor that there is no such thing as pre-political knowledge. I remain agnostic regarding these radical positions, making instead the more limited claim that at least some knowledge is created through the act of public communicative action.

⁶¹ See Peter Vanderschraaf, s.v. "Common Knowledge," in *Stanford Encyclopaedia of Philosophy* (2008); Giacomo Sillari, "Common Knowledge and Convention," *Topoi* 27, no. 1-2 (2008): 29-39. David Lewis, *Convention: A Philosophical Study* (Oxford: Blackburn, 1969); Morris Friedell, "On the Structure of Shared Awareness," *Behavioral Science* 14, no. 1 (1969): 28-39.

⁶² Julian De Freitas et al., "Common Knowledge, Coordination, and Strategic Mentalizing in Human Social Life," *Proceedings of the National Academy of Sciences* 116, no. 28 (2019): 13751–13758.

⁶³ Spiekermann, "Why Populists Do Well on Social Networks," 11.

Deliberative access: One core desideratum of a public sphere is to provide citizens with the opportunity to contribute to deliberative processes which inform the rules they live under. This conception of the public sphere's importance has been central throughout the historical evolution of the idea of democracy itself – from Aristotle's depiction of the eudemonic citizen participating in public deliberation in the *agora* (literally derived from the verb 'I speak in public'), through Alexis de Tocqueville's assertion that the foundations for democracy are the shared practices and ideas that help individuals combine into publics and deliberate regarding the issues of the day, to John Dewey's assertion that democracy involves "a consultation and a discussion which uncovers social needs and troubles".⁶⁴ Within contemporary literature, as noted in the Introduction, Joshua Cohen's influential formulation identifies a democratic association as one in which 'the justification of the terms and conditions of association' proceeds 'through public argument and reasoning among equal citizens'. Democratic legitimacy, according to Cohen, is a consequence of all those subject to a decision deliberating about its content.⁶⁵ Most democratic theorists recognise that democracy consists of more than just deliberation. But given the problems associated with purely aggregative models of governance, including concerns about intense or persistent minorities, and the fact that different aggregative procedures can generate different results, it is now widely accepted that the opportunity to participate in deliberation is at least one component of democratic membership. A society that significantly proscribes or restricts its citizens' access to the public sphere would widely be considered to be unfree, even totalitarian.⁶⁶ For this reason, most accounts of the public sphere specify inclusivity, or opportunity for access, as a guiding value.⁶⁷ Importantly, then, the kind of deliberative access proposed by theorists of the public sphere is not simply a defence of deliberation itself – which could conceivably take place

⁶⁴ Aristotle, *The Politics and the Constitution of Athens* (Cambridge: Cambridge University Press, 1996); Alexis De Tocqueville, *Democracy in America* (Ware: Wordsworth Editions, 1998); John Dewey, *The Public and Its Problems: An Essay in Political Inquiry*, ed. Melvin L. Rogers (University Park: Penn State Press, 2012), 154–155.

⁶⁵ Joshua Cohen, "Deliberation and Democratic Legitimacy," in *The Good Polity: Normative Analysis of the State*, ed. Alan Hamlin and Phillip Pettit (New York: Blackwell, 1989), 21.

⁶⁶ Indeed, empirical measures of the degree of 'openness' in particular societies generally operationalise this characteristic by tracking access to the public sphere in one way or another, whether in terms of the presence or absence of restrictions on civil society, the way governments interact with civil society, opportunities for civic participation, and so on. See, for example, the Open Government Index of the World Justice Project, which is organised around four dimensions: 1. Publicized Laws and Government Data 2. Right to Information 3. Civic Participation 4. Complaint Mechanisms. See World Justice Project, *WJP Open Government Index*, (2015), https://worldjusticeproject.org/sites/default/files/documents/ogi_2015.pdf.

⁶⁷ See, for example, Rawls' statement in *A Theory of Justice* that 'If the public forum is to be free and open to all, and in continuous session, everyone should be able to make use of it'. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), sec. 36.

among elites, experts, ideologies, mini-publics chosen by sortition, and so on, but a claim about deliberative access *for individuals*.

Beyond the arguments offered for why deliberative access is a moral imperative derived from individual democratic rights, some authors go further and reinforce the importance of individual deliberative access by pointing to some of the particular virtues of deliberation among citizens. The first merit concerns the kind of *culture* created through deliberation. As Anderson argues, democratic institutions require a democratic culture, itself sustained by a flourishing civil society which consists in ‘free gatherings of neighbours to discuss back and forth what is read in uncensored news of the day’.⁶⁸ A second merit concerns the kind of *relationship* realised between citizens under deliberation: the practice of consultation and cooperation - the process of meeting together and talking freely about collective problems - ‘embodies relations of mutual respect and equality’ between citizens.⁶⁹ Third, deliberation has particular *effects on individual deliberators* themselves. One effect, as Christiano notes, is to make citizens better informed: ‘the chance to express oneself in public gives one an invaluable motive for thinking and learning’, not least because ‘the very preparation for expressing one’s views to others stimulates one to more serious reflection on what one is about to say’.⁷⁰ Deliberation is also associated with civic virtues such as sympathy, solidarity and responsibility.⁷¹ At least some of these claims have received empirical attention and support.⁷² This empirical support is significant in that if deliberation were to be uncorrelated with, or even antithetical to, civic virtue, there would be a tension between the normative argument for deliberative access and its empirical effects. To be clear, however, the normative status of deliberative access as a desiderata of a well-working public sphere is not contingent on these empirical benefits: denying deliberative access is to deny a basic democratic right.

It is also worth clarifying that while the opportunity to participate in public deliberation is a right associated with democratic citizenship, it is not a right that citizens are obliged to

⁶⁸ Anderson, "Democracy: Instrumental vs. Non-Instrumental Value," 217.

⁶⁹ Anderson, "Democracy: Instrumental vs. Non-Instrumental Value," 219.

⁷⁰ Christiano, "Deliberative Equality and Democratic Order," 259.

⁷¹ For detailed treatment of the relationship between deliberation and civic virtue, see, for example, Anderson, "Democracy: Instrumental vs. Non-Instrumental Value,"; Joshua Cohen, "Deliberation and Democratic Legitimacy," 24-26.

⁷² See, for example, Kimmo Grönlund, Maija Setälä, and Kaisa Herne, "Deliberation and Civic Virtue: Lessons from a Citizen Deliberation Experiment," *European Political Science Review* 2, no. 01 (2010): 95-117.

exercise. Deliberative participation can benefit both speakers and listeners, but it cannot be demanded of individuals.

Transparency: The publicity of speech in the public sphere also realises the value of transparency. Transparency and accountability, described below, are sibling desiderata. Following Dingwerth we can conceptualise transparency as ‘the extent to which individuals who may be significantly affected by a decision are able to learn about the decision-making process, including its existence, subject matter, structure and current status’.⁷³ Well-ordered public conversations, by nature, are open to general observation. Agents are able to observe conversations, and know that their own conversations may be observed by others, mitigating the worry that public decision-making is being corrupted by well-placed insiders manipulating decisions to their own advantage.

Accountability: The above functions and values - exposure, knowledge generation, common knowledge, transparency and deliberative access - generally attempt to improve political decision-making *ex ante*. Accountability, by contrast, is concerned primarily with the *ex-post* situation, when a decision has been made and should be justified or reconsidered.⁷⁴

Aggregation procedures are often justified on the grounds that they subject powerful actors to accountability. Even here, the public sphere plays an important role, since electoral accountability is only possible if citizens have had an opportunity to form a political preference based on information provided to them in the public sphere. In such cases, the epistemic functions of the public sphere – in particular exposure and knowledge combination – are necessary for the operation of electoral accountability.

There is a further form of accountability that is specific to the public sphere, one which arises out of the justificatory relationship in which public institutions stand in relation to their citizens. To begin, we can distinguish different aspects to accountability. As a general definition, let us follow Bovens: ‘Accountability is a relationship between an actor and a

⁷³ Klaus Dingwerth, *The New Transnationalism: Transnational Governance and Democratic Legitimacy* (Basingstoke: Palgrave Macmillan, 2007), 30.

⁷⁴ Jens Steffek, "Public Accountability and the Public Sphere of International Governance," *Ethics and International Affairs* 24, no. 1 (2010): 54.

forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences.⁷⁵

With regards the first component of accountability, it is widely acknowledged within democratic theory that political institutions are expected to *explain* their decisions as they are making them, and to explain in terms that are, in some sense, public. While it is possible, and normal in certain circumstances for institutions to communicate directly with particular individuals or groups, the overwhelming majority of institutional justification is offered in the public sphere. This is true for reasons of practicality – as noted above public pronouncements are a uniquely effective way of creating ‘common knowledge’ among citizens. But publicity of justification is also important for realising the value of transparency outlined above.

In this respect, the kind of accountability fostered by the public sphere complements electoral accountability in at least two ways. First, the public sphere does not depend for its operation on discrete moments of decision; public justification is by nature an ongoing, open-ended process.⁷⁶ Second, accountability in the public sphere is more fine-grained than electoral accountability: individual policy decisions can generally be justified and scrutinised in the public square, but seldom at the ballot box.⁷⁷

The public sphere, then, provides an opportunity for institutions to speak in defence of their actions. Importantly, though, it is also the sphere in which other agents, including citizens themselves, can *talk back*. This is the second component of accountability that Bovens identifies. Some of the communicative processes thus generated can be conceptualised as the public sphere fulfilling its epistemic functions of testing arguments and ideas. But there is a particular type of reason-giving and reason-taking that characterises the relationship between

⁷⁵ Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework," *European Law Journal* 13, no. 4 (2007): 450. This definition broadly tracks Buchanan and Keohane's description of accountability in the context of international relations as possessing three components: standards that those held accountable are expected to meet, information available to accountability holders, and the ability of accountability holders to impose sanctions. Allen Buchanan and Robert O. Keohane, "The Legitimacy of Global Governance Institutions," *Ethics & International Affairs* 20, no. 4 (2006): 405-437. On the similarity between domestic and international accountability, see Mathias Koenig-Archibugi, "Accountability in Transnational Relations: How Distinctive Is It?," *West European Politics* 33, no. 5 (2010): 1142–1164. Koenig-Archibugi finds that the similarities between international and domestic accountability outweigh the differences, and that what differences there are do not exist at the level of conceptualisation (which is my focus here). As a result, this is one area in which theorising about accountability domestically should apply, other things being equal, to the global level.

⁷⁶ This is not to say that issues never enter or leave the public square, but that they generally enter and leave the public agenda much more gradually than they do legislative or executive agendas.

⁷⁷ Even when elections become, in practice, ‘single issue’ referenda this only happens at the expense of pushing every other issue off the electoral agenda. On this second point, see Steffek, “Public Accountability and the Public Sphere of International Governance,” 55.

institutions justifying their actions, and other agents responding to those reasons. This relationship allows institutions to modify decisions and change course, even if there is no imminent threat of their power being removed by an aggregative moment. It is this function of the public sphere that is most visible when, for example a government U-turns on a particular policy, despite there being no election imminent.⁷⁸ At the global level, such accountability is arguably even more important, since the existing international architecture provides few options for electoral accountability. In the case of international organisations, the ‘judgment’ passed by the public sphere constitutes one of the primary levers of external influence over their conduct. In this respect, the public sphere plays at least a partial role in the third component of accountability, through the reputational costs it is able to impose on powerful agents.

This conception of accountability challenges one widely held assumption in the literature on the public sphere. This is the assumption that the distribution of views expressed in the public sphere should be insensitive to the distribution of views in the population.⁷⁹ The assumption proposes a strict division of labour between public discussion and aggregative procedures: the former makes information known and tests ideas, and the latter measures the distribution of views. While this division of labour is true as a general guide to the primary function of each form of democratic representation, the accountability function requires that the public sphere remain, in some limited respect, permeable to the influence of a ‘balance’ of public opinion. There are naturally limits to the legitimacy such accountability can provide, and (just like electoral accountability) it should not be considered epistemically infallible. There may well be situations – such as moral panics or McCarthyist “witch hunts” – in which justice demands that public institutions do not simply bend to the momentary majority in the court of public opinion. But the overall point to note is that, while the public sphere is rightly seen as one leg of more general accountability relationships that combine electoral and discursive

⁷⁸ This is especially true under governance systems in which moments of aggregation are few and far between. General elections in the UK, for example, generally occur every four to five years, US Presidential elections occur every four years, German Federal elections every four years, and so on. This fact is true even of institutions governed by relatively short election cycles, such as the biennially elected US House of Representatives, which in the past two decades has passed an average of more than three hundred laws and several hundred further resolutions between elections. "Historical Statistics About Legislation in the U.S. Congress -- GovTrack.us," GovTrack.us, accessed July 20, 2023, <https://www.govtrack.us/congress/bills/statistics>.

⁷⁹ Christiano and Spiekermann take this line. See Christiano, “Deliberative Equality and Democratic Order,” 258-9, and Spiekermann, “Why Populists Do Well on Social Networks,” 62.

components, accountability in the public sphere has its own merits and justification, even when it is not coupled with electoral accountability.

The functions of a public sphere can be summarised, then, as follows:

Epistemic	Non-epistemic
Exposure	Access
Knowledge combination	Transparency
Common knowledge	Accountability

With this general account of the public sphere in mind, we can now consider what characteristics and constraints must govern the global public sphere, in order for these functions to be properly fulfilled. Below I investigate two specific questions surrounding the structure of the global public sphere: a) who should participate? and b) what should be on the agenda?

I press two claims: first, that individuals should be able to form part of ‘strong’ international publics, and second, that there must be extra-deliberative constraints on whether issues come to the global public agenda.

Individual Access

The question here is whether individuals should be considered participants in global public deliberation. At the domestic level, there is widespread agreement that individual access to the public sphere is necessary for it to realise the value of ‘deliberative access’. But, as I note below, several theorists, including John Dryzek, Jürgen Habermas and David Miller, have offered accounts of the public sphere which do not guarantee individual access to supranational public deliberation.

One might respond that asking this question is unnecessary, because few theorists believe that individuals should be actively prevented from voicing opinions in the global public square. Individuals are free, for example, to make social media accounts, publish blogs, pay for advertising billboards outside UN buildings, and so on. However, this overlooks an important

difference between the current access mechanisms for individuals in domestic and in the global public spheres.

Fraser's distinction between strong and weak publics is helpful here. 'Weak' publics are those concerned with opinion formation only. Strong publics, by contrast, help to form public opinion *and* have access to power structures.⁸⁰ At the domestic level, most political theories (at least democratic theories) take it for granted that some measure of individual access to strong publics is morally necessary. This consensus is reflected in actual political practice: within domestic public spheres, there are a range of mechanisms which – while they do not offer an equal voice to everyone – nonetheless provide individuals and informal associations with access to decision-making entities. Within the United Kingdom, for example, individuals have mechanisms for writing to – and expecting a reply from – Members of Parliament and ministers, and have the right to create petitions with a correlate undertaking that they will be debated in Parliament once they pass 100,000 signatures. Political parties (to varying degrees) allow members a say in the production of party platforms which then get presented to the electorate, and so on. There is a clear disjunct between the structure of the current international public sphere and its domestic counterparts in this respect.⁸¹ Very few, if any, equivalent mechanisms enable individual deliberative access to sites of deliberation associated with international decision-making institutions.

Thus, we have a *prima facie* case for why individual access to strong publics should constitute a desideratum for the design of the global public sphere.⁸² However, this conclusion is not

⁸⁰ Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in *The Idea of the Public Sphere: A Reader*, Jostein Gripsrud et al. (Lanham, MD: Lexington Books, 2010), 142-144.

⁸¹ Regional institutions such as the European Union provide evidence that such mechanisms are feasible and practicable at the supranational level. The EU allows for citizens' petitions in a broadly similar vein to the UK, requiring one million signatures from at least seven member states. The petition is checked for relevance regarding EU competences, after which there is a hearing with EU officials. The European Parliament and Commission must then discuss it and consider proposing legislation on the matter or explain why they will not do so. European Parliament, "The Right to Petition," European Parliament Website, last modified October 2023, <https://www.europarl.europa.eu/factsheets/en/sheet/148/the-right-to-petition>.

⁸² There are further compelling reasons available in the realm of non-ideal theory. One such reason is that the mechanisms for international representation that currently exist do not accurately represent the interests or views of a significant majority of the world's population. Leif Wenar makes the point that the international legal system treats states as the legitimate holders of collective rights (including resource rights), giving incentives to groups to engage in 'state capture'. Controlling the state, in effect, makes you legitimate in the eyes of the international community. An analogous point can be made about representation in international fora: control the state and you control a given nation-state's access to most (formal) international deliberative and decision-making processes. Yet many states do not represent the interests or views of their citizens (whether as autocracies, kleptocracies etc). Individual rights of access into global deliberative processes are one possible corrective mechanism against this. See Leif Wenar, "Property Rights and the Resource Curse," *Philosophy and Public Affairs* 36, no. 1 (2008): 2-32.

universally accepted in the global democracy literature. In this section I address two of the most prominent arguments given for why individuals are *not* owed access to strong global publics.

The 'discourses' proposal

The first, associated with John Dryzek's seminal work on global deliberative politics, denies that individual representation is required in deliberation at the global level.⁸³ Dryzek argues that what matters at the global level is not the representation of individual preferences or viewpoints, but the representation of competing 'discourses' in an ongoing process of contestation. A 'discourse', for Dryzek, is a 'shared set of concepts, categories, and ideas that provides its adherents with a framework for making sense of situations...and provides basic terms for analysis, debates, agreements and disagreements'.⁸⁴ Examples of prominent discourses in international deliberation include 'market liberalism', 'globalisation', 'realism', and 'sustainable development', to name only a few. Across his work, Dryzek describes two primary means for instantiating deliberation between discourses – in places endorsing civil society actors as the primary agents of global deliberation, while elsewhere proposing the creation of a global 'chamber of discourses'. In the latter half of this chapter I consider and critique both of these methods for institutionalising discursive deliberation, but here I am focused on the claims regarding deliberative access that underlie Dryzek's discursive proposal.

There are two principal premises in Dryzek's argument for prioritising discursive representation in the global public sphere. The first, stated briefly, is that, under certain conditions, representing discourses rather than individual views is democratically legitimate. The second premise is that, at the transnational level, individual representation is unfeasible. The conclusion is that, at the international level, discursive representation is the best available form of democratic representation.

Dryzek and Niemeyer offer two considerations in favour of the first premise. The first is that a diversity of viewpoints is epistemically valuable in the process of critically evaluating different options. Since it is the diversity of viewpoints which is valuable, they propose that all relevant discourses on a particular subject should be represented in deliberation, regardless of the

⁸³ In more recent work Dryzek's view has evolved to include the possibility of direct citizen input in the form of a deliberative global citizen's assembly, which I discuss in more depth in Chapter 5.

⁸⁴ John Dryzek, *Deliberative Global Politics: Discourse and Democracy in a Divided World*, (Polity: Cambridge, 2006) 1.

number of adherents they have. The second argument is that individuals hold multiple values, identities and interests. As a result, individual representation using, say, elections, cannot represent the “whole” person. Instead the best that aggregative preference representation can do is to make a subset of an individual’s values and interests salient, and represent those. Discursive representation, by contrast, can include all the discourses which individuals align themselves with, and thus can represent all aspects of an individual. Dryzek and Niemeyer accordingly understand discursive representation to ‘do a morally superior because more comprehensive job of representing persons’.⁸⁵

The second premise in Dryzek and Niemeyer’s account can be derived from two further arguments they make. The first is that representative democracy in its conventional sense requires a bounded demos, because a definition of ‘the people’ is ‘logically prior to contemplation of their representation’ (a position embodied by the slogan: ‘no demos, no democracy’).⁸⁶ Discursive representation, by contrast, does not require a bounded demos, because different discourses can construe ‘the people’ in different ways; the constitution of the demos, in other words, can intelligibly be the subject of deliberation between different discourses.⁸⁷ The second argument Dryzek and Niemeyer offer for the infeasibility of transnational representative democracy echoes a common line of attack on theories of deliberative democracy. Deliberation, according to this argument, faces a problem of scale: authentic deliberation is only possible in small fora. Discursive representation, by contrast, solves this problem of scale, because the number of discourses that would have to be represented in global deliberation would be much smaller than the number of representatives a global representative democracy would require, and indeed would be smaller than most national legislatures. Given the boundary and scale problems that confront the global public sphere, then, Dryzek and Niemeyer conclude that, at the global level, ‘representing discourses is actually more straightforward than representing persons’.⁸⁸

In response, let us accept that some measure of discursive representation is permissible, and even desirable in the transnational public sphere. The claim I dispute is that it is a fully satisfactory account of representation in global deliberation. The first point to note is that there are costs to construing representation in solely discursive terms; this is presumably why

⁸⁵ John Dryzek and Simon Niemeyer, “Discursive Representation,” *American Political Science Review* 102, no. 4 (2008): 483.

⁸⁶ Dryzek and Niemeyer, “Discursive Representation,” 484.

⁸⁷ Dryzek and Niemeyer, “Discursive Representation,” 484.

⁸⁸ Dryzek and Niemeyer, “Discursive Representation,” 491.

Dryzek and Niemeyer stop short of advocating for exclusively discursive representation in all public spheres, including domestic ones. While some functions of the public sphere – in particular the exposure function – require only the airing of different perspectives, and thus could conceivably be fulfilled using a discursive model, several of the functions identified above could not. Most notably, Dryzek and Niemeyer’s account does not realise the value of deliberative access, which, we noted, was tied specifically to the opportunity for individual participation in the public sphere, not simply to individuals having their preferences represented by a discourse. Moreover, as the accountability function highlights, while the public sphere should not strive to achieve an accurate representation of the distribution of individual views, it equally should not be completely insensitive to the balance of public opinion. This can only be reliably gauged if there are mechanisms by which individual views and preferences can be filtered into the public sphere. Dryzek and Niemeyer’s view, by contrast, explicitly builds in the constraint that all relevant discourses must always be kept in the public conversation, regardless of the number of adherents they hold. Where discursive representation is combined with other forms of individual representation, this is not a problem. But relying on discursive deliberation exclusively would preclude the operation of this dimension of accountability.

Purely discursive representation, then, can only be a theory of the second-best. But what if, as Dryzek and Niemeyer’s second premise suggests, going further than this to include individual voices in the public sphere is *unfeasible* at the global level, due to the problem of scale identified above? In that case, perhaps a purely discursive model, while imperfect, is the best we can do. It is certainly true that the global level does present a problem of scale for theories of deliberation, and for this reason a significant proportion of global deliberation will involve representation, including discursive representation. But individual access to global deliberation is not as unfeasible as Dryzek and Niemeyer suggest, because – as my definition of deliberative access notes – individual access implies only the *opportunity* of deliberative access; it does not require parity of deliberative influence between individuals.⁸⁹ It is thus

⁸⁹ This distinction is analogous to the oft-drawn distinction between equality of opportunity and equality of outcome. Equality of deliberative influence, quite apart from being near-impossible to ensure in practice, would not be normatively desirable, requiring radical intervention to muzzle influential speakers, and/or make prominent absurd or nonsensical contributors to public discussion who would otherwise have little influence. A public sphere in which all individuals were guaranteed the same level of influence would neither be free nor epistemically valuable. Of course, drastic *inequalities* of influence also appear troubling, particularly if such inequalities track socially salient characteristics such as nationality, race, socioeconomic status or gender (particularly in situations in which such influence appears to undermine the values of transparency and accountability). In such cases, there may well be compelling arguments for, to give only one example,

unclear where the infeasibility lies. Certainly, upholding rights of deliberative access would require the creation of new mechanisms by which individuals can access strong global publics, but this is neither conceptually difficult, nor would it require particularly drastic alterations to current institutional design. As in public spheres within most large nation-states, most individuals exercise their right of deliberative access only sparingly, relying on representation most of the time. But it is the denial of the *opportunity* to enter the public sphere that constitutes the injustice.

Incommensurable Lifeworlds?

There is a further significant objection to individual participation in global deliberation that we must consider. An influential formulation of the objection comes from the progenitor of the literature on the public sphere, Jürgen Habermas. For Habermas, full deliberation is only possible between those who inhabit a shared ‘lifeworld’ – a shared set of experiences, understandings and beliefs that determine how individuals interpret and act upon the world. While Habermas is open to the possibility that some aspects of lifeworlds may be shared across borders, for example among European nations, and also recognises that lifeworlds can evolve and ‘reorganize’ over time to have transnational bases, he maintains that at the global level there is not currently the convergence between different lifeworlds that would be necessary for full deliberative communicative action to obtain.⁹⁰

‘Within the framework of a common political culture, negotiation partners have recourse to common value orientations and shared conceptions of justice, which make an understanding beyond instrumental-rational agreements possible. But on the international level this “thick” communicative embeddedness is missing.’⁹¹

It may be possible for, say, governmental representatives who have been socialised into the norms, structures and languages of international life to deliberate, but not for the generality of the world’s population.⁹²

contribution limits or public funding for political campaigns. But just as drastic socioeconomic inequalities are not an argument for equality of distributive outcome, strict equality of deliberative influence is neither necessary nor desirable. For an argument on why deep inequalities in access to the public sphere are wrong, see Michael Bennett, "An Epistemic Argument for an Egalitarian Public Sphere," *Episteme* (2020): 1–18.

⁹⁰ Jürgen Habermas, *The Postnational Constellation* (Cambridge: Polity, 2001), 82–87.

⁹¹ Habermas, *The Postnational Constellation*, 109.

⁹² Later in this chapter I consider intergovernmental deliberation in more depth, arguing that it is necessary but not sufficient for deliberative legitimacy.

The notion of a 'lifeworld' is somewhat vague, but we can put flesh on its argumentative bones using an argument which purports to demonstrate the effects of *not* sharing one. Though David Miller does not use the language of a 'lifeworld' himself, we can extract from his work an argument about one important kind of deliberation that Habermas suggests is impossible across lifeworld boundaries: deliberation about justice.⁹³

Miller argues that deciding what is fair requires deliberation together in a democratic forum, in which we decide what does and does not warrant compensation. Such deliberation requires us to be able to give and receive reasons from those who disagree with us. This presupposes a level of common ground which can only be found in national communities, not at the global level. We may be able to agree internationally on certain basic rights or needs, in which case we should ensure everyone enjoys such basic rights, but this level of consensus is much thinner than what is possible domestically.⁹⁴ Behind Miller's claim is a communitarian intuition, of the kind theorized by Michael Walzer. Walzer argues that justice is constituted by shared social meanings – justice depends on how a given society values the various goods which can be distributed among its members. Since justice is constituted by shared social or cultural meanings, democratic deliberation about values at the global level would be meaningless because there is no universal standard of justice for participants to aspire to. There is simply not enough convergence, runs the argument, on how to value different goods at the global level for the results of democratic deliberation to be accepted by everyone.

We might, of course, push back against this claim, and point to examples of judgments about justice that are often made across cultural boundaries. Europeans, for example, can (and do often) say that the American healthcare system is unjust because it distributes healthcare largely according to ability to pay. Similarly, the European Union redistributes money from richer countries to poorer countries despite member states having different cultures.

A more incisive formulation of the Millerite position would connect it with concerns regarding the tyranny of the majority. In divided polities with segmental, rather than cross-cutting cleavages, runs the worry, persistent minorities will not feel enough stake in the collective enterprise to consider governing institutions legitimate. This, it might be suggested, would be the case for a global parliament. As a fundamentally empirical objection, it can be

⁹³ David Miller, "Against Global Democracy," in *After the Nation?: Critical Reflections on Nationalism and Postnationalism*, ed. Keith Breen and Shane O'Neill (Basingstoke: Palgrave Macmillan, 2010), 141-161.

⁹⁴ Cecile Fabre, *Justice in a Changing World*, (Polity: Cambridge: 2007), 108.

addressed with an empirical response. Thomas Hale and Mathias Koenig-Archibugi analyse survey data to address precisely this question, finding that the risk of being in a persistent minority is no higher at the global level than in several existing democratic countries, such as India.⁹⁵ While a full appraisal of this empirical analysis is beyond the scope of this thesis, there is, at the very least, insufficient evidence to conclude *a priori* that a global parliament would be wracked by segmental cleavages.

Beyond this, there is a more general point that can be made in reply to the Millerite position, which would apply not just to his specific arguments, but to many other possible versions of the “incommensurable lifeworlds” thesis. The assumption of cross-national non-convergence is just that – an assumption. Even if we accept that it is possible that the kind of convergence necessary for democratic decision-making will be elusive at the global level, it would be unwarranted to say that this is a self-evident claim which requires no further investigation. Here is the crucial point: in the absence of a self-evident answer to this question, the only way to investigate the truth of this claim is to *instantiate cross-national deliberation*. Miller’s claim is in this respect very bold: that supranational deliberative democracy is impossible because, first, participants lack the shared basic orientation necessary for regulating common life, and second, that the absence of a shared community of fate at the global level means parties have no incentive to go beyond acting out of pure self-interest. Yet the bar for proving that lifeworlds or national cultures are so incommensurable as to make deliberation impossible is too high as to be decided *ex ante*; the burden of proof is on Miller not his opponent. It is, to put the point another way, impossible to tell whether people will talk past one another without letting them talk in the first place. But this is precisely what the global public sphere seeks to facilitate.

Agenda Setting

A second important question concerns agenda-setting in the global public sphere. Ever since Steven Lukes identified agenda-setting as a distinct ‘face’ of power, it has been widely recognised that the way an agenda is set influences the outcomes of deliberation.⁹⁶ This affects both the epistemic and non-epistemic functions of the public sphere. The link between agenda-setting and the epistemic functions is fairly clear: if certain issues that should be on the

⁹⁵ Thomas Hale and Mathias Koenig-Archibugi, “Could Global Democracy Satisfy Diverse Policy Values? An Empirical Analysis,” *The Journal of Politics* 81, no. 1 (2019): 112-126.

⁹⁶ Steven Lukes, *Power: A Radical View*, (Macmillan: London, 1974).

public agenda are excluded from it, then the ‘exposure’ and ‘knowledge combination’ functions are undermined, since the communicative action necessary to propose and test ideas is not taking place. But the way an agenda is set also affects the non-epistemic values, in particular the value of ‘transparency’. According to the value of transparency, one purpose of the public sphere is to mitigate the worry that political decisions are made by powerful actors who engage in private conversations or hidden coordination in order to steer decision-making in their favour. It is the publicity of communication in the public sphere - the fact that conversations are open to general observation - which realises this value of transparency. But this function is undermined if powerful actors are able to influence deliberative outcomes before a given issue comes onto the public agenda, for example by excluding issues from the agenda when the status quo suits them. An important agenda-setting question for any theory of the global public sphere, then, is this: when should an issue, policy or problem be considered in the domain of global political deliberation?

An initial answer is when an agent with standing to raise an issue in the global public sphere does in fact do so. But this is clearly not a complete answer, because on a wide range of issues what counts as a ‘shared’ or ‘global’ problem will itself be contested. In such cases there will be disagreement between different agents over whether a particular issue should be on the global agenda. This is true for ‘weak’ international publics which have no function beyond opinion formation, but will likely be even more pressing for ‘strong’ international publics which are directly connected to power-wielding institutions. Examples of such disagreements in recent years have included discussion of Amazonian deforestation (recall the example from the introduction of the Brazilian President dismissing a foreign reporter questioning his government’s deforestation practices: ‘the Amazon is Brazil’s, not yours’), the US government’s continued refusal to allow international oversight over the conduct of its armed forces (a stance expressed in policies such as non-membership of the International Criminal Court), or the reply given by many governments when questioned on their human rights record (‘this is a domestic matter to be dealt with by a sovereign state’).⁹⁷

A resolution to this problem will have two components. First, it will have to specify the regulative principle that is to be used in resolving jurisdictional disagreements regarding the public agenda. Second, it will have to specify the agents who will apply this regulative

⁹⁷ For analysis of the Chinese government’s use of this argument, see Katrin Kinzelbach, “Will China’s Rise Lead to a New Normative Order? An Analysis of China’s Statements on Human Rights at the United Nations (2000–2010),” *Netherlands Quarterly of Human Rights* 30, no. 3 (2012): 299–332.

principle, and any constraints they are to operate under. To establish the first part of an answer, let us assume – for the sake of argument – that the appropriate regulative principle to resolve disputes about the global public agenda is the ‘all-affected interests principle’ (AAIP). The AAIP holds that those affected by a decision have a right to have their views or interests taken into account in the process of making that decision. Theorists offer different reasons for why the all-affected principle is valuable, but two of the most prominent reasons are, first, that it allows principles of democratic inclusion to be generated whenever and wherever *power* is exercised. And second, the AAIP recognises that where individuals’ *interests are interlinked*, co-participation in a democratic process is required.⁹⁸

According to the AAIP, then, an issue is a permissible subject for inclusion in global deliberation when it concerns an issue with potentially cross-national or cross-territorial effects. The AAIP has its critics, notably on the grounds that it is too inclusive. Various modifications to the principle have been suggested to account for this worry, such as weighting different voices according to proportionality of stake. Some theorists go further and prefer a version of what is often called the ‘all-subjected’ principle. This holds that all those subject to a legal framework which governs the major structure of their lives have a right to have their conceptions taken into account in decision-making processes.⁹⁹ If one is unconvinced by the merits of the AAIP, then, one can substitute in one’s preferred principle of democratic inclusion into the argument below. Here I focus on the AAIP, however, since it is a familiar and widely endorsed principle within democratic theory. Further, participants in the global public sphere will differ in their interpretations of how the AAIP is to be applied to particular cases. This is to be expected, and not itself problematic. In part at least, what is on the global agenda is something that can be (and is) the subject of deliberation within the global public sphere.¹⁰⁰

However, a full answer to the problem of global agenda-setting would not be complete without a second component, which is the focus of this section. The key question is: who

⁹⁸ David Owen, "Constituting the polity, constituting the demos: on the place of the all affected interests principle in democratic theory and in resolving the democratic boundary problem," *Ethics and Global Politics* 5, no. 3 (2012): 136-143.

⁹⁹ On the “all subjected” principle, and for an argument that the principle would have similarly expansive implications as the all-affected principle at the global level, see Robert Goodin, "Enfranchising all subjected, worldwide," *International Theory* 8, no. 3 (2016): 365-389.

¹⁰⁰ In this respect, the analysis in the following chapters of what arguments and values are deemed globally legitimate will underpin arguments for what should and should not be regulated at the global level.

determines how our chosen regulative principle – such as the AAIP – should be applied in global deliberation? Is the application of the principle to be decided by the deliberators themselves, or should there be an extra-majoritarian constitutionalist constraint on the application of the principle?

The general tendency within the domestic deliberative literature is to opt for the former, and specify that the deliberative agenda can only be set in deliberation itself. Thomas Christiano's view is emblematic in this respect:

“Democrats require that the citizens themselves make the decisions in these circumstances of disagreement. The deliberative agenda must be chosen by the citizens. It ought not to be determined entirely a priori nor ought it be determined by some third party. Both of these methods would be inconsistent with the basic principles that underlie democratic equality...”¹⁰¹

Against this view, I suggest below that there are good reasons for the global deliberative agenda to incorporate extra-deliberative constraints in its curation. There are several possible ways in which to operationalise such a constraint, but for the sake of illustration, let me table the following proposal: an institution akin to the global constitutional court proposed by Raffaele Marchetti should be created.¹⁰² Marchetti proposes that a global court be created, and granted the authority to settle any dispute about whether a particular issue falls within the remit of a global or national institution. While Marchetti's proposal is meant to distribute decision-making rather than agenda-setting competences, an analogous institution would be tasked with regulating the resources and attention given to different candidate issues for inclusion on global deliberative agendas.¹⁰³

Extra-deliberative constraints on agenda-setting are generally acknowledged to be necessary when power asymmetries limit the feasibility of an ‘ideal-speech’ scenario obtaining (one in which the only influence on the outcome of deliberation is the ‘unforced force of the better

¹⁰¹ Christiano, “Deliberative Equality and Democratic Order,” 267. For another example of this view, see Nancy Fraser, “Rethinking the Public Sphere,” 139-141.

¹⁰² Raffaele Marchetti, *Global Democracy: For and Against: Ethical Theory, Institutional Design and Social Struggles* (London: Routledge, 2008), 162.

¹⁰³ The proposal I offer here is meant to be illustrative, demonstrating how extra-deliberative constraints on agenda-setting could work, thus I do not specify the form of such an institution in significant detail.

argument', as Habermas famously puts it).¹⁰⁴ A distinctive feature of the global level is the existence of deep and inherent asymmetries of this kind. One might respond that deep power asymmetries also exist domestically. This is undoubtedly true – and may well be a justification for extra-deliberative constraints on agenda-setting in non-ideal circumstances. But one key difference between the national and international levels in this respect is that, within nation-states, there are conceptually coherent and feasible measures one can implement in order to limit such concentrations of private power, whether in the form of redistributive taxation, breaking up monopolies, limiting the effect of money on political life, and so on. At the international level, however, even if one were to neutralise (or abstract away from) such injustices, a further source of significant power imbalances would remain: those based on population size. Contemporary nation-states have vastly different population sizes, from those with inhabitants measuring in the thousands, to those with populations of well over one billion persons. Since population size is (imperfectly, but nonetheless significantly) correlated with economic power, cultural influence, and in many cases military capability, generally speaking larger states will benefit from the absence of extra-deliberative interventions, at the expense of smaller states.¹⁰⁵

There are, of course, many other highly significant causes of power differentials between contemporary nation-states, including their history as either perpetrators or victims of colonialism, access to resources (whether this is a benefit or burden), language, and so on. But I highlight population size to make the point that, unless we treat population as just one among the contingent features of the world one would alter under ideal conditions (which I think few would be inclined to do), then the radically different levels of power that, say, Australia and Papua New Guinea have to influence the global deliberative agenda will be a

¹⁰⁴ See Jürgen Habermas, "Introduction," *Ratio Juris* 12, no. 4 (1999): 329.

¹⁰⁵ It might be objected that, so long as influence is proportional to population size, this is unproblematic – if anything it would be undemocratic for smaller states to have the same influence as larger ones. The question of whether deliberative influence should be directly proportional to population size is a contested one, with various proposals suggesting that proportionality be combined with principles such as 'one state one vote', at least in certain fora, to protect small states. But the key point to note is that, even if we endorse a purely proportional account, in many cases large states exert a degree of deliberative influence that is outsized *even relative to their population*. To give just one of many possible examples, an empirical study of inequalities in news production and online content generation finds that economic resources for news production are highly unevenly distributed, leading to overrepresentation of larger, more economically powerful countries – especially from Europe and North America – on the global news agenda. To some extent this finding likely also reflects global wealth inequalities. While the two dimensions of wealth and population interact in various ways, population constitutes at least one axis along which agenda-setting inequalities arise between countries, even adjusting for population. Tristan Mattelart, Stylianos Papathanassopoulos and Josef Trappel, "Information and news inequalities," in *Digital Media Inequalities: Policies against Divides, Distrust and Discrimination*, ed. Josef Trappel (Gothenburg: Nordicom, 2019), 215–228.

fact about the world that an ideal theory of global deliberation must adapt itself to, rather than one it can abstract away from.

The ‘constitutional over-reach’ objection

One of the strongest objections to this conclusion can be termed the ‘constitutional over-reach’ objection. The thrust of the objection is that such extra-deliberative constraints on public agenda-setting run the risk of specifying the proper subjects of deliberation in so much detail that the democratic character of the public sphere is undermined. At first glance, this objection appears to track a debate regarding the relationship between judicial and legislative structures and their effects on democracy, as expressed, for example, in the literature on whether judicial review is anti-democratic. On the one hand, some such as Jeremy Waldron believe extra-legislative mechanisms such as judicial review – even if all-things-considered justified – are anti-democratic.¹⁰⁶ On the other hand, authors such as Ronald Dworkin hold that the notion of democracy itself is more expansive. In addition to rights that are constitutive of democratic procedures, a wider category of rights are preconditions for the legitimate exercise of democratic power. Violating such rights fails to treat those violated as partners in the democratic endeavour, and thus such rights can be protected by extra-legislative or judicial structures without any cost to democracy itself.¹⁰⁷

It is important to note that my proposal does not constitute a direct target for the Waldronian position because it does not concern the exercise of coercive power, concerning itself instead with the prior stage of agenda-setting rather than decision-making. Further, as I will outline below, it is possible to build into such extra-deliberative constraints measures to limit their effect (such as only permitting them to add rather than remove issues from the public agenda).

However, there is a distinctive objection to the nature of *transnational* agenda-setting that we can extract from Fritz Scharpf’s work on democratic deficits in the European Union. Scharpf notes that European Treaties perform the functions associated with ‘basic law’ in national democracies, and as such create legally binding obligations that are ‘even harder to change than most national constitutions’. At the same time, however – and this is where the key difference between the national and international levels arises – such Treaties regulate in

¹⁰⁶ Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999), Chapter 13, 282-312.

¹⁰⁷ Ronald Dworkin, *Justice for Hedgehogs* (Cambridge: Harvard University Press, 2011), Chapter 18, 379-399.

considerable detail a whole range of specific matters that would in national constitutions generally be left to be determined by ordinary political legislation. The problem with this approach is that it heavily circumscribes the scope for democratic political action to affect the operation of European policy and law, thus contributing to the creation of the widely discussed ‘democratic deficit’ in European politics.¹⁰⁸ The objection to an extra-deliberative agenda-setting body would have the same form: empowering such a mechanism or institution would heavily circumscribe in advance what is and is not on the public agenda, undermining the democratic credentials of global deliberation.

In response, let us begin by noting that the extra-deliberative constraints I advocate regulate only what is on the agenda, *not* what the content of decisions should be. The ‘all-affected interests court’ – or whatever other institution is used to operationalise this principle – would be empowered to decide on whether and which interests are affected by a particular problem, and not a) the moral implications of such effects nor b) what should be done about the problem. These latter two issues are left to be decided in deliberation itself.

A critic might be unpersuaded, however. They might point out that it is difficult to separate the notion of ‘affectedness’ from substantive judgments about the merits of particular arguments. What, for example, is our ‘affected interests court’ to do, say, when someone claims that they are ‘affected’ by a practice of another group of people that they find morally repugnant? Or when an agent argues that, while others may be affected by their actions, they are not affected in a ‘morally relevant way’? In such cases it seems as though any extra-deliberative body will be drawn into substantive judgments about the content of global deliberation.

This is indeed a potential issue for my view, but not, I believe, an insurmountable one. Even if ‘affectedness’ cannot be separated from substantive value commitments, it is possible to build constraints into the design of our extra-deliberative body that address the worry about over-reach which Scharpf presents. One such constraint specifies that an extra-deliberative institution can only *add* issues to the global public agenda, not remove them. That is to say, it can only expand the scope of the global public sphere, to secure attention for issues that

¹⁰⁸ Fritz Scharpf, "Towards a more democratic Europe: De-constitutionalization and Majority Rule," *Zeitschrift für Staats- und Europawissenschaften (ZSE) / Journal for Comparative Government and European Policy* 15, no. 1 (2017): 84-85.

would otherwise have been absent from the agenda. To return to the case of the Brazilian President's comments on the Amazon, for example, an agent may well advance arguments grounded in national self-determination in favour of treating Amazonian deforestation as a purely national issue.¹⁰⁹ But taking the issue off the global public agenda can only occur as an outcome of global deliberation, *not* at the level of agenda-setting; the 'affected interests court' would not be authorised to make such a determination. This constraint, I submit, mitigates the worry that agenda-setting in the global public sphere will be so removed from deliberative control as to undermine the deliberative quality of the public sphere itself.

Institutionalising Global Deliberation

In the previous section I sketched the values which a public sphere should realise, and then considered how, if at all, the structure of the global public sphere should differ from its domestic counterparts if it is to realise those values. In addressing the question of how the global deliberative agenda should be set, I argued that some kind of extra-deliberative institutional mechanism is needed at the global level. While I deliberately did not specify in detail how such a mechanism should operate, the nature of the argument demonstrated that the values instantiated in global deliberation are intimately linked to the institutional structures and spaces within which deliberation takes place. As a result, in this section I turn to the question of how global public deliberation is best institutionalised.

Recall two of the three questions that theories of global political deliberation must answer. The first pertains to the agents involved, and was addressed in the previous section: who

¹⁰⁹ I focus on the Brazilian President's comment because it is an exemplar argument in public discourse, rather than a philosophical defence of state sovereignty and territorial rights. Clearly, more rigorous defences of territorial and sovereign rights exist. Within the academic literature, three main types of argument for jurisdictional, border control, and resource rights have been offered. There are Lockean accounts, focusing on improvement of a territory, Kantian accounts, focusing on the functions that a state performs, and nationalist theories, focused on the symbolic connection between a people and a piece of territory developed over a period of time. To give just one example, Anna Stilz' Kantian theory argues that where a state regulates property and protects individuals rights to the degree that it can secure their consent, and is not an usurper state, then it acquires territorial rights over the territory it controls. My account has no quarrel with these views. Such positions could be presented in public discourse as reasons for why a given issue or resource should be under the control of individual states. The purpose of extra-deliberative constraints on agenda-setting is not to overrule such views, but simply to ensure that self-interested, powerful actors at the global level cannot maintain their power by pushing discussion of certain issues out of the global public sphere, preventing reasoned deliberation about the merits of positions like those outlined above. For a Lockean account, see A. J. Simmons, "On the Territorial Rights of States," *Philosophical Issues* 11, no. 1 (2001): 300-326. For Stilz' Kantian account, see Anna Stilz, "Why do states have territorial rights?," *International Theory* 1, no. 2 (2009): 185-213, and Anna Stilz, "Nations, States, and Territory," *Ethics* 121, no. 3 (2011): 572-601. And for a nationalist account, see David Miller, "Territorial Rights: Concept and Justification," *Political Studies* 60, no. 2 (2012): 252-268.

speaks? The second concerns to procedure and institutional design: in what forum? I now turn to this latter question.

Below I test candidate proposals for institutionalising deliberation against the desiderata of a public sphere identified above. First, I consider the status quo at the global level, which institutionalises deliberation primarily through intergovernmental fora, and the background culture of civil society. I argue that, alone, intergovernmental and civil society-oriented deliberation does not satisfy all the functions of public deliberation. I then consider two proposals to radically alter the global deliberative system. The first we can term the ‘global parliament’ proposal, which I endorse. In doing so, however, I conclude that while intergovernmental deliberation is not sufficient for deliberative legitimacy, it is a necessary complement to a directly elected global parliament. The second, which is an ascendant position within the existing literature, is the ‘systemic’ view. I argue that, while the systemic view is right to suppose that there must be a plurality of spaces in which global public deliberation is conducted, the view is insufficient on its own.

The Intergovernmental Status Quo

Currently, global deliberation occurs in large part among representatives of existing political units, principally nation-states, not among individuals or their directly elected representatives. The United Nations General Assembly is emblematic of this approach to deliberation, one also expressed in the plenary bodies of other international institutions such as the World Trade Organisation. The premise underlying this approach is that states are legitimate representatives of their populations.

There are, however, three principal problems for this heavily intergovernmental status quo, each of which can be associated with the public sphere functions outlined above. First and foremost, states differ widely in the degree to which they represent the views of their populations in global deliberation. In 2018, for example, close to half of all states in the world were classified as non-democratic.¹¹⁰ Democracy is, of course, a spectrum, so even among

¹¹⁰ According to the Polity V dataset. See Monty G. Marshall and Gabriella Elzinga-Marshall, *Global Report 2017: Conflict, Governance, and State Fragility*, (Center for Systemic Peace, 2017). It is thus perhaps unsurprising that one prominent defence of intergovernmentalism, articulated by Richard Bellamy, is offered in the context of the European Union, which as part of its accession criteria requires member states to be democratic. See Richard

states considered democratic, significant differences are found in the degree to which states transmit citizen preferences. This situation undermines the deliberative access function in particular, preventing a significant component of the global population from accessing or even being represented in global deliberation. Second, inter-state deliberative institutions treat the state as an agent with a single view. This, however, disenfranchises in global deliberation those who disagree with the policies or actions of their state. This undermines the knowledge combination and accountability functions of the global public sphere. Third, the relationship between states and international institutions does not always correspond with a principal-agent relationship, whereby international institutions act only as vehicles for expressing the (aggregated) preferences of states. Naturally, many international organisations are ultimately bound by treaties agreed upon by states, but in the course of their operation they develop institutional powers and cultures of their own; they become group agents in their own right.¹¹¹ While some measure of deliberation can occur within international institutions, some desiderata of the public sphere such as accountability require more than exclusively internal deliberation. Without a deliberative institution that directly focuses on the actions of supranational institutions themselves, international institutions will not be subject to the accountability and transparency functions of a public sphere.¹¹²

Another component of the existing international deliberative architecture is the space that can be termed the ‘global background culture’. Entities that exist within this space include universities, media outlets, and social movements, particularly as they relate to international politics. Agents within the background culture are often concerned not with direct access to power, but with the more diffuse formation of public opinion within the wider public sphere. Networks and institutions of this type perform an important role in a well-ordered public sphere, particularly in relation to the epistemic functions of knowledge combination and exposure to diverse thought. Importantly, they also can serve the non-epistemic functions of, for example, transparency and accountability, subjecting institutional power to scrutiny in public deliberation outside of those institutions themselves. These two components of the

Bellamy, *A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU* (Cambridge: Cambridge University Press, 2019).

¹¹¹ The European Union is a good example of this, and so is the International Labour Organisation in that its plenary body includes representatives not only of states, but of employers and trade unions also.

¹¹² Note these are problems for *exclusive* intergovernmentalism. Below I argue that intergovernmental deliberation can be justified, when combined with other forms of deliberative representation, notably in the form of a global parliamentary body.

global public sphere do interact, with non-state actors being granted access to deliberative spaces within many intergovernmental institutions.¹¹³

The existing ‘global background culture’ is not, however, well-ordered. Many of its most influential component institutions and networks reflect the interests and perspectives of small minorities of the world’s population, particularly in relation to economic affairs.¹¹⁴ Thus the question arises again of what institutional innovation is required to address these deficiencies in the structure of the global background culture.

Faced with the inadequacy of the status quo, we can examine two key proposals for reforming the global deliberative system in order to realise the functions of public deliberation outlined above – the ‘world parliament’ and ‘systemic’ proposals. The former, I argue below, is superior, so long as a world parliament is *complemented* by intergovernmental deliberation. I thus endorse a form of ‘global bicameralism’.

The World Parliament Proposal

This proposal suggests that, if one of the key deliberative spaces within a domestic public sphere is a parliamentary body, then instantiating deliberation at the global level requires

¹¹³ Tallberg et al. chart the dramatic rise in access of civil society organisations such as NGOs, social movements, foundations and corporations, to international institutions since the 1990s. They note, though, that access varies significantly between international organisations, with civil society most closely involved in issues such as environmental governance, human rights and development, but enjoying far less access to organisations in the fields of security, finance and migration. Jonas Tallberg et al., *The Opening Up of International Organizations: Transnational Access in Global Governance* (Cambridge: Cambridge University Press, 2013), 1–21. Moreover Agné, Dellmuth and Tallberg find that civil society participation in international organisations does not necessarily increase democratic legitimacy, at least in the eyes of civil society actors themselves. Hans Agné, Lisa M. Dellmuth, and Jonas Tallberg, "Does stakeholder involvement foster democratic legitimacy in international organizations? An empirical assessment of a normative theory," *The Review of International Organizations* 10, no. 4 (2015): 465–488.

¹¹⁴ Empirical evidence for this is provided by Senit and Biermann, who note that global civil society systematically underrepresents the voices of the poorest segments of the global population, focusing on the negotiations surrounding the Sustainable Development Goals as a case study. They analyse three forms of representation: procedural (i.e. extent of formal access to the negotiations), geographical (i.e. actual share of participation in the negotiations by geographical distribution) and discursive (i.e. the extent to which civil society representatives claiming to speak on behalf of the poor tracked their interests). On all three dimensions of representation, they find that global civil society underrepresents the interests of the global poor. Of course, this is not to make the exaggerated claim that global civil society does nothing beneficial for the global poor, nor that their interests are completely excluded. But Senit and Biermann’s analysis reinforces the eminently plausible conclusion that the geo-political dominance of the Global North extends beyond the exercise of state power, to encompass agenda-setting power and deliberative influence within global civil society. Carole-Anne Sénit and Frank Biermann, "In Whose Name Are You Speaking? The Marginalization of the Poor in Global Civil Society," *Global Policy* 12, no. 5 (2021): 581–591.

instituting such a body. Stated generally, a world parliament is an institution in which elected representatives from the global population deliberate in the pursuit of solutions to shared problems. Two main proposals for a world parliament have been put forward. The first, supported by among others Andreas Bummel, Jo Leinen and Luis Cabrera, proposes a United Nations Parliamentary Assembly, to sit alongside the General Assembly in a bicameral system.¹¹⁵ Its remit could be extended to cover other international organisations such as the International Monetary Fund and World Trade Organisation, thus becoming a Global Parliamentary Assembly, and eventually develop into a World Parliament, with authority to pass legislation in its own name.¹¹⁶ Second, Richard Falk and Andrew Strauss call for the creation of a Global Parliament independent of the United Nations system, suggesting that such a body could be started by a coalition of the willing, and attract others to it as its legitimacy grows, and the reputational costs of not joining increase.¹¹⁷ These proposals differ primarily over questions of strategy, and the route to establishing a global parliamentary body that is most politically feasible given the structure of the present international order. But the underlying normative case for each proposal is essentially the same. Both hold that representation through states is insufficient for democratic legitimacy and deliberative quality to obtain at the global level. And both identify a global parliamentary solution as a necessary adjustment to the existing global order.

Proposing a world parliamentary body naturally raises many questions about how it should be designed, elected, and function. However, I do not here offer a detailed blueprint for how such a global parliamentary body should be constituted and function, in part because my concern here is for the normative case for establishing a body, regardless of the particular form it takes (and the most politically feasible route to its establishment). Hence, the argument outlined below is agnostic across a range of institutional configurations. That said, it is important to clarify two general features of the institutional design of the type of body I am defending below.

¹¹⁵ Jo Leinen and Andreas Bummel, *A World Parliament: Governance and Democracy in the 21st Century* (Democracy Beyond Borders, 2018). See also Augusto Lopez-Claros, Arthur L. Dahl, and Maja Groff, *Global Governance and the Emergence of Global Institutions for the 21st Century* (Cambridge: Cambridge University Press, 2020).

¹¹⁶ Leinen and Bummel, *A World Parliament*, 373.

¹¹⁷ Richard A. Falk and Andrew Strauss, *A Global Parliament: Essays and Articles* (Committee for a Democratic UN, 2011).

The first pertains to the nature of its electoral units. These units need not necessarily align with national boundaries. Even if they follow the general principle within domestic democratic theory of having a geographic basis, they could be subnational or cross-border in nature. The second principle concerns proportionality of representation. One of the key distinctions between an intergovernmental deliberative institution like the UN General Assembly, and a global parliamentary body is that the former is committed to a principle of ‘one state one vote’. Given state populations vary widely from tens of thousands to over one billion, this leads to vast discrepancies in how many citizens are represented by an individual representative. A parliamentary body would make the number of representatives from a particular geographic territory more proportional to the population of that territory. However, it is important to note that this need not imply – nor would it be desirable – to implement a strict proportionality principle. Instead, a principle of ‘degressive proportionality’ can be applied, which holds that the larger the population, the greater the number of individuals represented by each elected representative. The EU Parliament operates according to this principle: each state is accorded a minimum of six representatives, and a maximum of ninety-six. This means that a Member of the European Parliament (MEP) from Germany represents more individuals (one MEP per c.850,000 citizens) than an MEP from Estonia (one MEP per c.190,000 citizens), but Germany is still allocated substantially more representatives (ninety-six vs. seven) in the European Parliament.

It might be objected that degressive proportionality not only violates the principle of democratic equality (each person counts the same), but also that statist forms of representation – of the kind I defend below as necessary but insufficient components of the global democratic order – are better placed to express the principle of state equality. However, we can offer a normative defence of degressive proportionality using Habermas, who provides such an argument in the context of the European Union. Habermas begins with the presumption that nation-states possess independent democratic legitimacy (subject to meeting certain conditions). With this assumption in place, Habermas engages in a thought experiment in which citizens are members of two *demos* at once, tasked with creating a constitution for the EU and their state at the same time. In their role as members of nation-states, the citizens could reasonably insist that the ‘democratic-constitutional substance of “their” states should continue to exist’ in the larger union. Essentially, they seek to preserve

their national constitutional achievement within the larger union.¹¹⁸ Degressive proportionality gives expression to this principle: the higher level polity cedes some sovereignty and reinforces the principle of state equality, in order to preserve national constitutional achievements, which might otherwise be undermined by extreme differences in size between states. At the global level as much as at the EU level, individuals are not being asked to sacrifice national democracy, or their status as national citizens, nor to wholly subordinate this to transnational democracy. Instead, through the principle of degressive proportionality, they retain the option to overweight the interests of their state, even in a chamber that is directly elected. In Habermas' thought experiment, the constitution-creating citizens have two non-negotiable goals: to preserve national and transnational democracy. Degressive proportionality is one mechanism for reconciling these two constraints.

Applying this principle globally would deflect the concern that in any chamber of a reasonable size many distinct national, cultural or linguistic groups would receive no guaranteed representation, while upholding to some degree the widely held intuition that representation should be, in some sense, proportional to population size. With these general characteristics of a global parliamentary body established, we can now lay out a normative case for its establishment.

There are strong epistemic and non-epistemic considerations in favour of establishing a specific, empowered deliberative body at the global level. Each of the functions of public deliberation that exclusive intergovernmentalism fails to realise can be addressed through the creation of a global parliamentary body. Most directly, such an institution would provide some measure of deliberative access to the currently disenfranchised majority of the world's population. Clearly, a global parliament would still rely on representation, but it would improve on the intergovernmental approach in at least two ways. First, it establishes a direct connection between representatives and those represented, unlike the intergovernmental approach which, even in the minority of states that are robustly democratic, relies on a much more indirect method of representation. Second, as I note above, parliamentary institutions can (and often do) provide mechanisms for interaction between representatives and individuals outside of moments of electoral decision, to facilitate individual participation in public deliberation. The second problem for exclusive intergovernmentalism identified above

¹¹⁸ Jürgen Habermas, "Citizen and State Equality in a Supranational Political Community: Degressive Proportionality and the Pouvoir Constituant Mixte," *Journal of Common Market Studies* 55, no. 2 (2017): 171–182.

is the way it obscures intra-state pluralism.¹¹⁹ A global parliament would likely possess the capacity to address this concern by enabling the formation of interest groups and coalitions based on transnational bases of agreement and disagreement, strengthening the knowledge combination and accountability functions of global deliberation.¹²⁰ Third, much as parliamentary institutions are a primary vehicle for realising the values of accountability and transparency domestically, particularly in relation to the exercise of governmental power, an international equivalent would, *prima facie*, serve the same purpose in regulating the operation of supranational executive and decision-making institutions.

The virtues of a global parliament, and the vices of exclusively state-centric international deliberation lend an initial plausibility to the claim that the former should replace the latter. After all, why should we give existing political units and their representatives independent standing in global deliberation? Should we not, in other words, reject intergovernmental deliberative institutions as unnecessary or even illegitimate? Do we not ultimately care about the views of individuals, not states?

In assessing this claim, there are at least two questions we need to ask. The first is whether intergovernmental deliberation is either *necessary* or *sufficient* for deliberative legitimacy at the global level. The second is whether the intergovernmental proposal should be understood as either a *complement* or a *competitor* to the global parliament proposal.

Regarding the first question, the moral considerations in favour of a global parliamentary body suggest that intergovernmental deliberation cannot be *sufficient* at the global level. As noted above, nation-states currently vary significantly in their ability and willingness to reflect

¹¹⁹ Koenig-Archibugi provides empirical evidence that this is an actual, not merely hypothetical problem by analysing the voting patterns of delegates to the International Labour Organisation. Addressing Joseph Nye's objection that that "treating the world as one global constituency implies the existence of a political community in which citizens of around 200 states would be willing to be continually outvoted by more than a billion Chinese and a billion Indians.", Koenig-Archibugi finds that delegates to the International Labour Organisation from the same nation are no more cohesive in their voting patterns than groupings of delegates based on their function representing workers, employers or governments. If replicated in a global parliamentary body, this pattern suggests that, far from simply echoing the voting behaviour of national representatives, delegates would vote and form coalitions across a variety of dimensions. As a result, treating states as representatives of a unified national opinion obscures important differences between different groups within the state. Mathias Koenig-Archibugi, "Non-governmental voters in global assemblies: Insights from the International Labour Organization" (Paper presented at International Studies Association Annual Convention, San Diego, CA, April 4, 2012).

¹²⁰ For empirical evidence that this assumption is not unfeasible, see Hale and Koenig-Archibugi, "Could Global Democracy Satisfy Diverse Policy Values?" 112-126.

the views and interests of their citizens in global deliberation, and statist representation homogenises national perspectives, disenfranchising those whose views do not align with those of their government.

However, while intergovernmental deliberation is insufficient, we still have strong reasons to consider intergovernmental deliberation a *necessary* component of the global deliberative architecture. This conclusion can be derived in two ways. First, states may possess independent moral standing in global politics if they possess *internal* legitimacy. Richard Bellamy, for example, offers a republican proposal for intergovernmentalism. Democratic states, he argues, establish the conditions for non-domination by placing political power under the equal control of those subject to it. Globalisation has created patterns of cross-national dependency which make ‘external domination’ from sources beyond a state’s borders possible. A republican association of states can protect citizens against this threat by instituting intergovernmental institutions and practices for deliberation and coordination, in which governments act as the legitimate representatives of their peoples, and must treat other states and their citizens as objects of moral concern.¹²¹ Bellamy’s position exemplifies the broader principle that, if a state is duly constituted as the legitimate wielder of political power by a free and fair democratic process, then it is intuitive that its views carry some measure of legitimacy in the global public sphere.

As my argument for a directly elected global parliament suggests, this does not mean that the state and its representatives hold *exclusive* legitimacy. In a situation where, for example, a member of a global parliamentary body, and a representative of their internally legitimate state of origin were to express divergent views, neither perspective would morally ‘trump’ the other; both possess legitimacy. Global bicameralism institutionalises this principle.

It might be objected that this attempt to combine statist and individual representation in the global deliberative system is too quick, and that there is a reason advocates of intergovernmental deliberation are often *critics* of global democracy. Bellamy’s intergovernmental proposal outlined above, for example, is premised on the ‘no demos no democracy’ thesis. According to Bellamy, in the absence of a high degree of interdependence, rough equality of stake, and an understanding among individuals that they constitute a

¹²¹ See Bellamy, *A Republican Europe of States*, 11, 61-69, 74-83.

public, itself derived from a shared history and political culture (i.e. in the absence of a demos), legitimate democratic sovereignty is impossible. For this reason Bellamy argues against transferring democratic sovereignty upwards from states to supranational institutions.¹²²

However, we need not read Bellamy's position as directly opposed to my claims. The target for critics of global democracy like Bellamy and Miller is the view that a global parliamentary body should possess the sovereign powers which domestic parliaments currently possess. It is an argument, then, about democratic *sovereignty*. My proposal operates in a different register, which neither requires me to endorse the 'no demos no democracy' claim, nor to contest it. My argument does not require taking such a stance because it is limited: it proposes establishing a global parliamentary body, without necessarily granting it full political sovereignty.¹²³ A legitimate global order, on my argument, must be deliberative in some sense, but this does not require taking a firm position on how democracy and national sovereignty should interact.

Of course, one might point out that many existing states would fail to meet a standard of internal democratic legitimacy, rendering the point moot in both this and close counterfactual worlds. I agree – and this constitutes a powerful argument for minimum internal standards of procedural justice and democracy as a condition of state membership of global deliberative institutions. But, in a range of cases between manifest injustice and authoritarianism, on the one hand, and strong internal legitimacy derived from well-ordered democratic institutions, on the other, it is possible to motivate intergovernmental deliberation in a further way.

This second justification derives from the value of treating states as a *group agent* – a collective that possesses a world view, a set of plans or desires, and some capacity to act in ways that change the world to better conform with those plans and desires. States act as collective agents in the international public sphere – for example by entering into political, legal and financial arrangements - in ways that confer on them *group responsibility*. List and Pettit

¹²² Bellamy, *A Republican Europe of States*, 78-9

¹²³ Indeed, we could understand a deliberative institution such as a world parliament as one step *towards* testing and promoting the sociological preconditions in which the full apparatus of democratic sovereignty might be possible at the global level. For critiques of how the 'no demos no democracy' thesis is used to rule out global democracy, see Laura Valentini, "No Global Demos, No Global Democracy? A Systematization and Critique," *Perspectives on Politics* 12, no. 4 (2014): 789-807; Christian List and Mathias Koenig-Archibugi, "Can There Be a Global Demos? An Agency-Based Approach," *Philosophy & Public Affairs* 38, no. 1 (2010): 76-110.

influentially distinguish between two reasons to ascribe moral responsibility to group agents. The first is to provide grounds to regulate the group and make it liable when it deviates from its moral responsibilities. The second is to ‘responsibilize’ the group – to make it feel like it is a moral agent, and thus to internally order itself in ways that bring its actions into line with the demands of morality. For example, groups with moral responsibility will be more likely to establish a structure of checks and balances within the group so that members cannot hide their personal misdeeds behind that of the collective.¹²⁴

Given these reasons to treat states as possessing group responsibility and moral agency, intergovernmental deliberative institutions are necessary for the non-epistemic deliberative functions of transparency and accountability to obtain. Regarding the value of transparency, recall that well-ordered public conversations are not secret: decisions are debated and made by reference to reasons and arguments that are accessible to the public. Intergovernmental deliberative institutions provide a forum in which states, as significant and powerful group agents affecting international political life, can engage in deliberative reason-giving and justification in spaces that are open to public view.

With regards accountability, it might be objected that the ascription of group agency to states does not itself mandate presence in a deliberative or justificatory chamber. Corporations, for example, are group agents, but few think they should be given seats in domestic parliaments. However, there are two specific features of states which suggest they should be treated differently to other agents. First, while non-state group agents often possess group responsibility, states face particular justificatory obligations. The accountability function reminds us that public institutions are under a duty to explain their decisions. Corporations might be held to possess some justificatory burdens, as demonstrated when legislatures and regulators question their representatives, but they are not expected to be directly accountable to the public as a whole (though they may of course explain their decisions in public when it is in their interests).¹²⁵ Second, at the international level, public institutions must justify

¹²⁴ Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (New York: Oxford University Press, 2011). I do not engage here the metaphysical and epistemological dimensions of group agency; while there is disagreement about the precise nature of group agency and its relationship to group responsibility, there is general agreement that it exists in some form. Further, states are widely considered paradigm cases of such agents, even on different accounts of group agency. Thus my claims above are not tied to List and Pettit’s overall theory of group agency, which is ‘unmysterious’ in not ascribing agency to an emergent property of groups.

¹²⁵ Where corporations do possess significant power, most theorists agree that this justifies ascribing justificatory duties to them, and also in some cases justifying action to limit the extent of their power over the public sphere.

themselves not only in relation to their domestic publics, but also in relation to one another. Since decisions made by one state frequently affect the ability of other states to perform their functions, fora are required in which states can justify their decisions, beyond their domestic audiences, to other states. This constitutes another difference with the corporate analogy: corporations are not expected to justify themselves to one another, only to the legal and political institutions which regulate them.

This line of thought might be challenged: why should special justificatory obligations imply that states are given what appears to be a privileged status in international deliberation? To respond we can first note that this status is contingent. States constitute the primary vehicle through which human political organisation is currently arranged. The overall thrust of my argument, of course, is that relying exclusively on states as agents of deliberation and decision-making is unjustified and that other institutions ought to be established with complementary forms of democratic representation. At the same time, the fact that states occupy the place they do within national and international political orders creates especially acute justificatory burdens necessary for states to be held accountable, and to publicly justify and explain their actions. If politics were to be radically restructured such that states were no longer central to the basic structure of society, then states might well lose these special justificatory burdens and thus their distinctiveness as a group agent. Absent such a development, however, we have good reason to retain statist representation in global deliberative institutions. This justification reverses the logic advanced by proponents of strong state sovereignty, for whom states deserve independent standing in global deliberative institutions because of their *rights* as sovereign entities. The argument here, by contrast is that statist representation is derived from the unique *duties* on states, particularly their interrelated duties of justification, transparency and accountability.

Intergovernmental deliberation, then, is necessary but not sufficient for global deliberative legitimacy. Given this status, and the fact that there is no conceptual incoherence in institutionalising both individual and statist representation at the global level,

On this see Bennett, "An Epistemic Argument for an Egalitarian Public Sphere," 1-18; Elizabeth Anderson, *Private Government: How Employers Rule Our Lives (and Why We Don't Talk about It)* (Princeton: Princeton University Press, 2019); David Ciepley, "Beyond Public and Private: Toward a Political Theory of the Corporation," *American Political Science Review* 107, no. 1 (2013): 139–58. Dryzek and Tanasoca make a similar case for restricting corporate power and influence in public deliberation at the international level. Dryzek and Tanasoca, *Democratizing Global Justice*, 80-102.

intergovernmental deliberation should be understood as a complement, not a competitor, to a global parliament.

Before addressing the rival systemic proposal, it is also important to point out that a global parliamentary body would possess some measure of ability to address injustices in the global background culture. This is significant in countering Klaus Dingwerth's argument that efforts to foster global democratization should focus not on institutional design but on securing the material and social preconditions for democratic participation. Dingwerth's argument runs that individuals do not lack institutional rights and mechanisms to participate in global decision-making. Rather, they lack the effective freedom to participate because of obstacles in the realms of health, wealth and respect for human rights, and that resources for democratisation should instead be directed to these areas. We can readily accept that these effective – as opposed to formal – barriers to political participation can be highly significant, and do significantly disenfranchise the global poor. However, Dingwerth's argument paints an unnecessarily dichotomous picture – which sees the two goals as incompatible, or at least in tension. Leaving aside the empirical question of which reforms to fund or promote in which order, we can first note that a global parliamentary institution (depending on the powers granted to it) would be able to allocate or at least influence the allocation of resources to support particular social and economic outcomes. More importantly, without relying on speculation about the distributive effects of such an institution, we can note that public institutions such as parliamentary bodies directly shape the public deliberative agenda – including in ways that can support the interests of the globally disenfranchised. Examples of mechanisms by which this can and does occur include, at the domestic level, state funding – and rules about private funding – for civil society organisations. Funding constitutes one major determinant of the shape of the public sphere. If given control over (a measure of) public revenue, as is usually the case for domestic parliaments, a global parliament would be able to exert analogous influence. Further, parliamentary institutions exert significant influence over the public agenda through the ways they interact with the wider public sphere, for example by creating mechanisms for non-state organisations and individual organisations to access processes of public deliberation. A parliamentary body more representative of the world's population would be in a position to influence these mechanisms in ways that better align with the global population's interests.

The Systemic Proposal

Above I have argued that there are compelling reasons to create a directly elected global deliberative institution, and retain statist representation, as central components of the international deliberative architecture. In recent years, however, an alternative position has become ascendant in the literature, a position often labelled the ‘systemic view’. The systemic view suggests that rather than focus on the deliberative legitimacy or quality of any single institution or forum, transnational deliberation should be understood as a complex practice that can be dispersed across ‘a plurality of interrelated spaces and forums’.¹²⁶ Particular institutions and forums are thus to be judged as elements of a system, which if well-designed will contain components that complement one another. The ‘systemic view’ traces its inspiration to Habermas’ ‘two track’ account of deliberative democracy, which sets up an informal division of labour within the public sphere. According to Habermas, communication at the periphery of the public sphere serves to identify and diagnose problems, while deliberation connected to decision-making institutions at the centre of the public sphere (such as a parliament), selects the most appropriate solution for society to adopt.¹²⁷ More recent literature has articulated in more detail the characteristics and elements of a ‘systemic’ approach to deliberative democracy. Jane Mansbridge et al., for example, suggest that deliberative quality within a domestic public sphere is best promoted by a division of labour between different deliberative spaces and institutions, some of which, for example, focus more on deliberative inclusion, others on connecting public opinion to sites of decision-making, and so on.¹²⁸ Different spaces, on this view, could emphasise particular functions of public deliberation outlined above; deliberation among elite experts might promote knowledge combination in cases of complexity, state-funded (but not controlled) media might promote exposure to diverse viewpoints, civil society organisations might promote accountability, parliamentary committees transparency, and so on. While the literature on deliberative systems was initially focused on established democratic entities, the literature on global deliberation has since incorporated the language of the ‘systemic turn’ into its lexicon, suggesting that the ‘systemic’ view is one way of conceptualising how global politics should be

¹²⁶ William Smith, "Transnational and Global Deliberation," in *The Oxford Handbook of Deliberative Democracy*, André Bächtiger et al. (New York: Oxford University Press, 2018), 864.

¹²⁷ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: MIT Press, 1996).

¹²⁸ Archon Fung, Jane Mansbridge, and Dennis F. Thompson, "A Systemic Approach to Deliberative Democracy," in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. John Parkinson and Jane Mansbridge (Cambridge: Cambridge University Press, 2012), 1–26.

democratised. On this view, transnational deliberation should be conceptualised as a practice that is dispersed across multiple interrelated sites of deliberation, which are judged not on their individual merits but on the deliberative character of the 'system' as a whole. William Smith is emblematic in endorsing the systemic proposal at the supranational level, arguing that 'the "systemic turn" offers the most promising avenue for conceptualizing and realizing transnational and global deliberation, as it resists the temptation to place too much emphasis on a particular institution, forum or process.'¹²⁹ On Smith's account, around specific agendas or regulatory regimes, such as those pertaining to climate change or trade, different institutional arrangements, mini-publics, and communication networks can be treated as elements of a deliberative system to be judged according to their ability to promote authentic, inclusive and consequential deliberation when considered as a package.¹³⁰

To respond, we should first distinguish between two interpretations of the systemic proposal, which we can term 'weak' and 'strong'. The weak systemic proposal holds that a plurality of spaces, mechanisms and sites of deliberation can increase the deliberative quality and legitimacy of the international system. This weak claim is not only uncontroversial, it is consistent with the proposals I defend here. A global parliamentary body would not replace all existing or potential sites of international deliberation, it would be one key deliberative institution among others.

The 'strong' systemic claim is more distinctive, suggesting that no single deliberative institution or forum is necessary for deliberative legitimacy to obtain. This strong claim would be incompatible with my argument above, which holds that there are compelling normative reasons in favour of establishing a global parliament. On the strong systemic view, no institution of this sort is required. While the systemic view deliberately refrains from endorsing a particular deliberative institution as essential for global deliberation, to have any bite it must spell out in more detail how it envisages global deliberation being conducted. For one account of this, we can return to Dryzek, in particular work in which he identifies global civil society as a key agent for democratising the global order. Recall that, for Dryzek, deliberation is important as a means of challenging prevailing 'discourses' (such as 'neoliberalism', 'realism', and so on) which structure global decision-making, thus making global deliberation more democratic. He identifies civil society actors as the primary agents of supranational

¹²⁹ Smith, "Transnational and Global Deliberation," 856.

¹³⁰ Smith, "Transnational and Global Deliberation," 865.

deliberation, advocating not that they enter sites of decision-making at the global level (where deliberation is often impossible in environments characterised by intense competition to win control), but in the more diffuse, informal spaces in which public opinion is generated, and where the lower costs of moderating and changing one's position make genuine deliberation possible.¹³¹

However, there are two key conceptual concerns with the civil society model. First, Dryzek's model pins its hopes on the democratising influence of civil society, while simultaneously suggesting that civil society remove itself from the very spaces in which decisions of global import are made. Second, Dryzek assumes that civil society actors will adequately represent the interests of all parties affected by decisions made at the global level. However, as James Bohman notes, this overlooks the fact that different segments of civil society have different levels of ability to organise themselves and push their views in the public sphere.¹³² Indeed there is no guarantee that the set of civil society actors present in global deliberation will be representative of the world's population; just as global politics is dominated by wealthy states, global civil society may be dominated by civil society organisations from wealthy states.¹³³

A Dryzekian might respond that this is an unfair comparison, comparing civil society as it *currently* is, with a global parliament as it *might* be. Dryzek's position amounts to an affirmation of faith in a particular kind of agent, or set of agents: the networks and organisations that comprise global civil society. By nature, these agents are decentralised and diverse, and it is thus difficult if not impossible to make reliable claims about their effects. For Dryzek's argument to be compelling, we would need strong empirical or logical reasons to confidently predict that global civil society not only *can* act in this way, but *will* act in this way. Such an argument is unlikely to be possible using logical inference alone. And, at the very least, the empirical evidence on this subject falls well short of delivering the resounding evidence that Dryzek's argument requires.

This does not mean, though, that deliberation between discourses in civil society need be completely separate to institutional structures. As noted above, public institutions can and often do engage in action that affects deliberation in the wider public sphere, whether

¹³¹ Dryzek, *Deliberative Global Politics*, 54-58.

¹³² James Bohman, "Cosmopolitan Republicanism," *Monist* 84, no. 1 (2001): 17.

¹³³ Jackie Smith and Dawn Wiest, "The Uneven Geography of Global Civil Society: National and Global Influences on Transnational Association," *Social Forces* 84, no. 2 (2005): 621-652.

through funding, creating spaces or otherwise engaging with particular conversations in civil society and the public sphere as a whole. Such mechanisms might be especially important in cases where marginalised discourses need to be brought into public conversation. But overall, deliberation among discourses should be seen as part of what Rawls would call the background culture, rather than the basic structure of society.

The systemic approach, then correctly identifies the need for multiple forums in which global deliberation takes place. In its strong form, however, its definitional characteristic is the view that no single space is necessary for deliberative legitimacy and quality to obtain at the global level. On the systemic view, different institutions, process and fora should exist internationally, as they do domestically. But unlike in the domestic case, no single institution is necessary, nor is there a hierarchical relationship within this pluralistic constellation of spaces and institutions. This premise, I have suggested, should be rejected.

Conclusion

To summarise, we can identify six functions which any well-ordered public sphere must fulfil. With these functions in mind, the chapter addressed two puzzles which arise when attempting to apply this model of the public sphere at the supranational level. These puzzles can be expressed as two questions: 1) Who should participate? 2) How should the agenda be set? In answer to the former question, I have suggested that the answers at the domestic and global levels should converge; on the latter question I have suggested, against the consensus in the domestic democratic literature, that the global deliberative agenda cannot be set solely through the process of public deliberation itself.

The chapter then turned to the question of institutional design. The primary institutional innovation proposed in the foregoing is the creation of a global parliamentary forum. Proposals of this type have been made before, but often by reference to an overly simplistic logic that if deliberation is good, then more of it is better. The account offered above seeks to be more systematic, identifying the functions that public deliberation seeks to realise, and then identifying deliberative institutions to match those functions. I have given consideration not only to the desirability of particular deliberative institutions, but also to whether they are necessary or sufficient. A global parliament and intergovernmental deliberative institutions, I

have suggested, are both necessary components of a legitimate international deliberative system.

This analysis opens up a range of questions about the content of discussion in the global public sphere, and the kinds of arguments that can be put forward to justify laws and rules at the international level. These questions regarding ‘how’ global public deliberation is conducted would apply to deliberation *wherever* it takes place (whether in a parliamentary body, intergovernmental institution or the background culture of civil society) and *whoever* is participating in it (whether an individual, state or multinational corporation). Before addressing these questions of content, however, I have argued for adjustments to prevalent views within the existing literature on the ‘who’ and ‘where’ of global public deliberation.

Chapter 3: Legitimacy Through Competition?

I noted above that theories of global public deliberation must answer at least three questions. The first two concern the agents involved in global deliberation, and the institutional settings in which they deliberate, respectively. The third question, which I now take up in the rest of the thesis, concerns the content of deliberation. A core tenet of contemporary democratic theory is a commitment to decision-making based on reasons that promote a shareable public interest. The exercise of political power, it is said, requires justification in terms that those subject to it can, in some sense, accept. Call this the demand for public justification. Two facts complicate the satisfaction of this demand at the global level. The first is the fact of globalisation. The second is the fact of deep diversity in the global population. Combining these facts with the demand generates the fundamental problem of global public justification: how, if at all, is it permissible to impose a set of international laws and rules on a world population that is deeply pluralistic in its moral and political attitudes?

To date, there have been three main attempts to resolve this question, with each of the following three chapters addressing one proposal. I term them, respectively, the ‘competition’, ‘neutrality’ and ‘dialogue’ models. This chapter is primarily about the first proposal, which seeks public justificatory legitimacy in competition: different systems of thought are tested in the marketplace of ideas, and the superior candidate becomes universally legitimate.

In this chapter I examine two accounts of this kind. The first defends the global extension of comprehensive liberalism. The second emerges from a discourse within contemporary Chinese political philosophy on proposals for a ‘new *tianxia*’. I argue that both globalised comprehensive liberalism, and Zhao Tingyang’s prominent version of the *tianxia* system, fall prey to similar problems of cultural parochialism, and thus do not succeed as theories of global public justification. I argue, however, that a stronger reconstruction of the *tianxia* system, drawing on other voices in the literature, identifies the basis for a third route to global legitimacy grounded in dialogue, which I analyse in Chapter 5.

Global Comprehensive Liberalism

Let us begin with a globalised comprehensive liberalism whose prominent defenders include David Held and Kok Chor Tan. David Held’s theory of cosmopolitan democracy, for

example, attempts to construct a theory of global order using a foundational commitment to the principle of autonomy, which requires first, that ‘persons should enjoy equal rights and, accordingly, equal obligations in the specification of the political framework which generates and limits the opportunities available to them’, and second, that ‘they should be free and equal in the determination of the conditions of their own lives’.¹³⁴ Held notes that his conception of autonomy places at its centre the capability of persons to choose freely, to enter into self-chosen obligations... [and to] deliberate, judge, choose and act upon different possible courses of action in private as well as public life’. This clearly reflects the comprehensive liberal understanding of autonomy as consisting in choosing one’s commitments and living a reflective life.¹³⁵ Held states that this should be thought of as a principle of public justification, one that articulates ‘the basis on which public power can be justified’.¹³⁶

What makes autonomy, so understood, a legitimate foundation for global public justification? The literature does not always provide an explicit answer; either comprehensive autonomy is assumed to be self-evidently correct, or as in the case of Tan’s defence of global comprehensive liberalism, theorists understand themselves to be engaged in an internal debate between comprehensive and political liberals, deferring a defence of liberalism as a whole to an unspecified future time. If pushed, however, Held and Tan would answer that global comprehensive liberalism is legitimate because comprehensive autonomy is the value that best passes scrutiny in the marketplace of ideas.¹³⁷ Below I consider – and critique – two ways of defining success in this marketplace: empirical popularity, and philosophical scrutiny.

¹³⁴ David Held, *Democracy and the Global Order*, 147.

¹³⁵ Quote from David Held, “Law of States, Law of Peoples,” *Legal Theory* 8, no. 1 (2002): 26. This ‘comprehensive’ understanding of autonomy, tracing its lineage to the conception of autonomy espoused by classical liberals such as John Stuart Mill, is generally contrasted with the thinner notion of ‘political’ autonomy, which is intended to be a freestanding idea, unmoored to metaphysically controversial ideas about the nature of freedom and the right way to live. I address political conceptions of autonomy and liberalism in the next chapter.

¹³⁶ Held, “Law of States, Law of Peoples,” 153. From this principle – or meta-principle – as he calls it in places, Held derives eight substantive principles of cosmopolitan democracy, which form moral constraints on supranational political deliberation. Held lists them thus: “the principles of: 1. equal worth and dignity; 2. active agency; 3. personal responsibility and accountability; 4. consent; 5. collective decision-making about public matters through voting procedures; 6. inclusiveness and subsidiarity; 7. avoidance of serious harm; and 8. sustainability.” Held, “Principles of Cosmopolitan Order,” 154.

¹³⁷ The core claim underpinning the ‘legitimacy through competition’ model is that legitimacy is conferred on an international rule system by being superior in competition with alternative rule systems. So the claim (fully stated) is about *both* competition and being successful/superior in the competition. One reason to emphasise competition in the phrase ‘legitimacy through competition’ is that both David Held and Zhao Tingyang, the exemplar theorists I engage with, emphasise the strengths of their view in the marketplace of ideas (as opposed to, say resting their claim to superiority on its alignment with human nature).

Before doing so, we can raise an initial objection, questioning the compatibility of comprehensive liberalism with the fact of global diversity. Globalising Enlightenment liberalism, runs the objection, constitutes just another attempt to impose a Western framework of values on the global population. Held and Tan could respond that hospitality to diversity is a cardinal virtue *within* the framework of comprehensive liberalism. Held rejects, for example, the assertion that the language of autonomy and self-determination is not cross-culturally valid because of its western origins. He argues that, far from being a vehicle for the exercise of Western power interests, such principles of cosmopolitan order make power - including Western power - more accountable.¹³⁸ Tan, for his part, argues that comprehensive liberalism, unlike its political equivalent, can ground group-specific rights, since its concern for individual ethical autonomy permits it to support cultures or groups which create environments within which individuals can exercise autonomy. Supporting such rights makes it more hospitable to cultural diversity than a globalised political liberalism. More generally, the comprehensive liberal response to this objection is to highlight features of modern Western political culture, such as a commitment to toleration and the harm principle, that themselves allow for the existence of diverse ways of life.

On its own, however, this response is not satisfactory, because it does not distinguish between responsiveness to diversity at two levels. The first is hospitality to diversity in the ways of life permitted by a particular conception of public justification. The second is hospitality to diversity in the design of that conception of public justification. For Tan and Held, values and arguments from diverse systems of thought are only permissible in justifying public decisions if consistent with comprehensive liberalism. Comprehensive liberalism is thus the standard of public justification against which claims from non-liberal traditions are judged. Tan exemplifies this position in his discussion of the compatibility of liberalism with Islam and Confucianism, arguing that such traditions of thought are not 'irremediably nonliberal' since they can be 'reformed or "liberalized" without actually being destroyed'.¹³⁹ Privileging comprehensive liberalism in this way requires justification. Unfortunately, however, below I argue that the two most plausible routes to such justification do not succeed.

¹³⁸ Held, "Principles of Cosmopolitan Order," 163.

¹³⁹ Kok-Chor Tan, *Toleration, Diversity, and Global Justice* (University Park: Penn State Press, 2000), 133.

The first possible strategy is empirical: comprehensive liberalism is a legitimate basis for global public justification because a significant majority of the global population endorses it.¹⁴⁰ It is unclear how this conclusion could be established, let alone that it is true.

Comprehensive liberalism is not simply an endorsement of freedom as an important value, it is a very specific philosophical theory about how autonomy should be understood, and how it should be weighted in relation to other values. Survey data, for example, showing support for the values of freedom and autonomy would be insufficient to show support for comprehensive liberalism insofar as these surveys would not discriminate between comprehensive liberalism and any number of other autonomy-incorporating positions such as political liberalism, classical liberalism, a moderate perfectionism grounded in one of many possible traditions, and so on.¹⁴¹

A second strategy grounds legitimacy in philosophical scrutiny. On this view, regardless of how empirically popular comprehensive liberalism is, it is a legitimate foundation for public justification because it is the most compelling theory available, as determined through a process of normative scrutiny. Held states, in this connection, that his account cannot rely solely on empirical popularity, distinguishing between ‘legitimacy as belief in existing law and political institutions, and legitimacy as ‘rightness’ or ‘correctness’’.¹⁴² He suggests his theory of ‘democratic autonomy’ is justified as the answer rational agents would reach in an ideal-speech situation.¹⁴³ This strategy has the virtues of simplicity and directness. However, this strategy is also unlikely to succeed. What it is missing is some account of why – if we care about diversity in the number of ways of life permitted by the justificatory rules of the game –

¹⁴⁰ Held suggests that there would be an empirical *component* to the full justification of his theory in stating that ‘the ultimate test of its validity must depend in contemporary life on the extension of the conversation to all those whom it seeks to encompass’. However, as I note below, he also states a solely empirical justification would be insufficient. In any event, I argue here that his account does not succeed on either empirical or normative grounds. Held, *Democracy and the Global Order*, 165.

¹⁴¹ Another issue, which I expand on in the fifth chapter, is that most systems which attempt to survey and understand the preferences of the global population use questions and categories associated with the political science of the English-speaking Western world. There is nothing intrinsically wrong with this, but the questions one asks (and in the case of many surveys, the answer options presented) affect the answers received, as well as how those answers are interpreted, categories and analysed. The World Values Survey, for example, contains questions gauging support for ‘postmaterialist values’, following Ronald Inglehart’s (controversial) thesis about why individuals in high income democracies are becoming more liberal. Other questions suggest a dichotomy between science and religion, reflecting the legacy of the Enlightenment which saw the institutional power of the church set against the emerging Scientific Revolution. Highlighting the Eurocentricity of the World Values Survey’s design is not meant to discredit it, it is simply to highlight that care is required when extrapolating from such survey data endorsement for particular philosophical traditions or positions which may be embedded in the survey design itself. “World Values Survey Database,” WVS Database, accessed July 22, 2023, <https://www.worldvaluessurvey.org/WVSContents.jsp>.

¹⁴² Held, *Democracy and the Global Order*, 162

¹⁴³ Held, *Democracy and the Global Order*, 162.

we should not care about diversity in the very rules of the game. Importantly, at points comprehensive liberals seem to recognise this point. Held, for example, notes that cosmopolitan democracy embodies a commitment to ‘the equal moral standing of all human beings, their entitlement to equal liberty and to forms of governance founded on deliberation and consent’.¹⁴⁴ To simply assert that comprehensive liberalism is justified by its metaphysical correctness seems to give short shrift to the notion of individuals living under a conception of public justification ‘founded on deliberation and consent’.

Let me illustrate this point by drawing a comparison between global comprehensive liberalism and a non-liberal counterpart, derived from a conversation within contemporary Chinese political thought regarding a ‘new *tianxia*’. Doing so will allow us to see two things. First, the *tianxia* system cannot be simply subsumed into comprehensive liberalism as one of the ways of life or philosophical doctrines that it permits. The difference between the two bodies of thought exists at a more fundamental level. Second, while each of these philosophical positions will have its merits, and perhaps following sufficient reflection, one may emerge as normatively superior, the strength of the claim to global legitimacy which the *tianxia* system and a globalised comprehensive liberalism can each assert is not so disparate as to justify the adoption of one to the exclusion of the other. To ground a global comprehensive liberalism in its metaphysical correctness, or at least superiority to alternatives like the *tianxia* system, is to ignore the very motivation for public justification in the first place, and thus to fail to respond adequately to the demands of diversity.

***Tianxia*, Universalism and the Global Order**

Let us turn to this alternative theory of global order, grounded in a non-Western tradition of thought. Recall the general problem that theories of global public justification must address: how, if at all, is it permissible to impose a set of international laws and rules on a diverse world population?

Far from being the exclusive concern of those within the liberal tradition, this question is also the subject of debate among a group of thinkers within the contemporary Chinese academy who have articulated proposals for a ‘new *tianxia*’. I engage with the *tianxia* system here primarily

¹⁴⁴ Held, “Principles of Cosmopolitan Order,” 166.

for illustrative reasons – to demonstrate the limitations of existing theories of world order within the liberal tradition. Beyond this use as an argumentative foil, however, it is important to note that the *tianxia* system is one of the more prominent non-liberal accounts of global order available, attracting attention from thinkers both inside and outside the Chinese academy. There is now a fairly developed literature on *tianxia* which gives attention to both institutional design, and the question of what kinds of principles and values should underpin the global order. Of course, the *tianxia* system is not the only nor necessarily the most compelling non-Western theory of world order. Equivalent analysis, for example, could be performed on other traditions of thought, such as the southern African tradition of *Ubuntu*.

The argument below proceeds in four stages. First, I offer an account of the *tianxia* system in terms of the values it seeks to realise, and argue that it has no weaker a claim to legitimacy than its comprehensive liberal counterpart. Second, I consider the system on its own merits, assessing it as a candidate value system to underpin global public justification. I argue that existing expressions of the *tianxia* system remain inconsistent with the diversity desideratum outlined above, and would perpetuate rather than escape patterns of hegemony. As versions of the ‘legitimacy through competition thesis’, then, both global comprehensive liberalism and the *tianxia* system fail.

Third, and by contrast, I propose that embedded within lesser-known voices in the *tianxia* literature are claims that allow us to construct a different route to justifying global values, one grounded in dialogue, rather than competition, between value systems. To this end, I outline a reconstruction of the *tianxia* system that combines a commitment to the possibility of legitimate, universally binding rules and laws, with the belief that a legitimate universalism cannot arise from the universalisation of any single tradition of thought. This combination of beliefs forms the basis for the third route to global legitimacy analysed in the final chapter of the thesis. Fourth, I illustrate the contribution that the *tianxia* system can make to intercultural deliberation regarding the shape of the global order. I recover from it a distinctive account of the relationship between partialist moral reasoning and the existence of cosmopolitan moral obligations, before considering the implications this might have in the realm of public justification.

The *Tianxia* System

At the most general level, *tianxia* (天下; literally ‘All Under Heaven’) refers to a family of assumptions or beliefs about how the global order should be conceptualised and structured. The animating idea behind the system of thought is the claim that since ‘Heaven’ is all-inclusive, and since human affairs should reflect ‘Heaven’, then human political affairs should be ordered in such a way that they are ‘all-inclusive’.¹⁴⁵ The key failing of the contemporary statist order is that it does not understand the world itself to have a political existence, to be understood as a unit of politics, much like the city, or nation-state, is currently. As Zhao Tingyang puts it, ‘mankind has not yet been able to embrace the world as world’ – it has not yet constructed the kind of global institution, or embraced a global political philosophy capable of bringing justice and stability to international relations.¹⁴⁶

References to *tianxia* in canonical literature are found in both the Confucian (Confucius 551–479 BCE) and Mohist (Mozi 491–370 BCE) traditions. The leading principle of Mohist ethics – universal love (‘jianai’, ‘兼爱’) – is described, for example, as the means to promote the benefit of ‘all under heaven’ (*tianxia*). Within the Confucian tradition, *Mencius* (c.300 BCE) expands on Confucius’ understanding of ‘ren’ (仁) as a familial virtue, extending its scope to include all peoples under heaven.¹⁴⁷ Various translated as ‘love’,¹⁴⁸ ‘benevolence’,¹⁴⁹ and ‘humaneness’¹⁵⁰ (hereafter, benevolence), *ren* – the cardinal Confucian ethico-political value – refers to an affective sentiment for another individual, akin to those that characterize parent-child or sibling familial relationships.¹⁵¹ Benevolence, then, while learned and expressed most strongly within the family unit, is a political concept, which demands that individuals demonstrate moral concern for wider and wider circles of people. For proponents of *tianxia*, benevolence is unbounded: it does not stop at national borders. Modern proposals for the reconstruction of the *tianxia* system generally draw on this latter Confucian heritage. Kang

¹⁴⁵ It is described in contemporary literature as a tradition of thought with a long history, having been born as a political ideology during by the Zhou dynasty (1046–256 BCE), which was established after the small Zhou state overthrew the Shang dynasty. The Zhou, according to this description, used the notion of *tianxia* as a way of legitimising their rule over a large population that was culturally, ethnically and politically diverse. See, for example, Zhao Tingyang, *Redefining a Philosophy for World Governance* (Singapore: Palgrave, 2019), 9–10.

¹⁴⁶ Zhao, *Redefining a Philosophy*, 43–4.

¹⁴⁷ Zhang Dainian, *Key Concepts in Chinese Philosophy* (New Haven: Yale University Press, 2002), 295.

¹⁴⁸ Ruiping Fan, “Is a Confucian Family-Oriented Civil Society Possible?,” in *The Politics of Affective Relations: East Asia and Beyond*, ed. Daniel A. Bell and Hahm Chaihark (Lanham, MD: Lexington Books, 2004), 81.

¹⁴⁹ Joseph Chan, *Confucian Perfectionism*, 253.

¹⁵⁰ Daniel Bell and Hahm Chaibong, “Introduction: The Contemporary Relevance of Confucianism,” in *Confucianism for the Modern World*, ed. Daniel Bell and Hahm Chaibong (Cambridge: Cambridge University Press, 2003), 5.

¹⁵¹ Confucius, *The Analects*, ed. D.C. Lau (London: Penguin, 1979), I:2.

Youwei's early twentieth century treatise *The Book of Great Unity* ('Datong Shu', '大同书'), for example, seeks to extend the notion of 'benevolent government' to apply to a unified world community.¹⁵² More recently, Bai Tongdong outlines a model of international relations explicitly grounded in 'ren', while Zhao Tingyang's presentation of the *tianxia* system draws on the example of the sage-kings of the Zhou dynasty which underlie Confucian ethics.¹⁵³ Zhao has been arguably the most influential advocate of the system in the contemporary Chinese academy, with his 2005 articulation of the system as a normative basis for international relations followed in the years since by a series of successor publications on the same theme.

According to Zhao's reinterpretation, *tianxia* as a concept has at least 3 meanings: 1. A geographic meaning, referring to the whole Earth (literally, 'everything under the sky') 2. A 'psychological or sociological' meaning – a reference to the existence of a common or general will of all the people in the world 3. A 'political' meaning – a global political system headed by a global government, and run according to the principles of a global political philosophy.¹⁵⁴ While Zhao refers to psychology and politics, the second and third meanings of *tianxia* are best understood as referring to its *moral* and *institutional* implications respectively.

Regarding its institutional implications, Zhao borrows from historical speculation about the Zhou dynasty (c.1046-256 BCE) to outline a system in which a suzerain global state rules a fixed amount of territory directly, and then exerts supervisory control over all other political communities, whose size and military strength is delimited in such a way that individually they are powerless to resist the suzerain, but collectively powerful enough to subdue it.¹⁵⁵ My primary interest in this thesis, however, is in the second – moral – meaning of *tianxia*, and specifically its views on the prospects for, and form of, universal moral standards to govern the operation of international political life.

¹⁵² Ban Wang, "The Moral Vision in Kang Youwei's *Book of the Great Community*," in *Chinese Visions of World Order: Tianxia, Culture, and World Politics*, ed. Ban Wang (Durham: Duke University Press, 2017), 98.

¹⁵³ Zhao, *Redefining a Philosophy*, 2-9; Bai Tongdong, *Against Political Equality: The Confucian Case* (Princeton: Princeton University Press, 2020), 175-207.

¹⁵⁴ Zhao, *Redefining a Philosophy*, 9-12.

¹⁵⁵ The Zhou dynasty was an imperial dynasty established following the military conquest of the Shang dynasty. The dynasty created the concept of the 'Mandate of Heaven', ascribing a divine mandate to the ruling monarch. The dynasty is usually periodised into the Western Zhou (1046-771 BCE) and Eastern Zhou (771-256 BCE). See Elizabeth Childs-Johnson, ed., *The Oxford Handbook of Early China* (Oxford: Oxford University Press, 2020), in particular Chapters 17-20.

At the core of the *tianxia* system is what Zhao calls the ‘internalisation of the world’. The argument can be reconstructed as follows: the primary cause of instability in the present statist order is its recognition of divisions into “us” and “them” – not simply the fact that such divisions exist, but that they are deliberately baked into the design of political institutions. In assuming that nation-states are self-interested actors which seek to preserve their own interests, creating adversarial political institutions, or presuming that collective solidarity requires the construction of an ‘other’, current political thought and institutions reify difference and conflict. One of the cardinal principles of the *tianxia* system, by contrast, is ‘necessarily the “exclusion of nothing and nobody” or the “inclusion of all peoples and all lands”’.¹⁵⁶ Universal inclusion requires that all components of the *tianxia* system recognise that agents, from individuals to political communities such as nations, can only exist and flourish in an ecosystem of other actors.

The *tianxia* system cannot be simply subsumed into comprehensive liberalism as one of the ways of life or philosophical doctrines that it permits. The difference between the two bodies of thought exists at a more fundamental level. Consider the case of a proponent of *tianxia* who holds autonomy to be an important political value, but also places ‘ren’ in the same category. Autonomy is thus not a trumping value, but one value among others that must be weighted against, or reconciled with, other principles such as ‘ren’ in public justification. According to such a conception of *tianxia*, for example, individuals may be guaranteed a scheme of basic rights, but when such fundamental rights are not at stake, a policy that promotes individual autonomy may not necessarily be preferred to one which promotes the discharge of obligations of ‘ren’ towards others. Both systems contain conceptual resources to justify global coordination – if necessary backed by coercion – to solve international political problems, whether in the form of supporting resource redistribution, the provision of public goods, the creation of globally binding laws and rules, and so on. Both could also be specified in a way that respects the fundamental rights codified in documents like the Universal Declaration of Human Rights.

Each of these philosophical positions will have its merits, and perhaps following sufficient philosophical reflection, one may emerge as normatively superior. The above presentation of the *tianxia* system is not intended to endorse it as superior to global comprehensive liberalism.

¹⁵⁶ Zhao Tingyang, “A Political World Philosophy in terms of All-under-heaven (Tian-xia),” *Diogenes* 56, no. 1 (2009): 11.

It does, however, highlight that the theory has no weaker a claim to global legitimacy than a globalised comprehensive liberalism. Neither liberalism nor ‘tianxia’ can claim to be so self-evidently superior (nor, for that matter, claim to be sufficiently more representative of the global population), that we can legitimately decide *ex ante* that the other has no place in public decision-making. In the next chapter I will assess the more sophisticated criteria for defining the boundaries of the justificatory constituency for public decisions associated with political liberalism. But in dealing with a globalised comprehensive liberalism, it is sufficient to note that the conceptual apparatus of public justification exists precisely to provide a mechanism for joint decision-making in conditions of diversity which make it untenable to decide prior to deliberation on a particular comprehensive theory of morality, and to force all public discussion to be conducted within its specific terms. To ground a global comprehensive liberalism in its metaphysical correctness, or at least superiority to an alternative like the ‘tianxia’ system, is to ignore the very motivation for public justification in the first place, and thus to fail to respond adequately to the demands of diversity.

Escaping or Replacing Hegemony?

Of course, the literature on *tianxia* does not exist solely as a foil for critiquing comprehensive liberalism as a candidate theory of global public justification. Rather, many of its proponents go further and present a positive case for it, suggesting that it not only avoids the parochialism of liberalism, but can prove itself superior in competition between value systems, and form a legitimate basis for the international order. In one presentation of his view, for example, Zhao explicitly compares his account of *tianxia* to rival theories of world order. He criticises Kant’s account of perpetual peace for relying on political and cultural homogeneity, dismisses a Habermasian vision of peace through rational dialogue on the grounds that it could ‘only settle certain inconsequential disputes’, rejects Rawls ‘law of peoples’ on the grounds that his failure to embrace international distributive justice would lead to instability, and despatches the existing United Nations system as ‘an organization with no real power’.¹⁵⁷ If Zhao is right, perhaps the limitations of comprehensive liberalism are specific to that tradition of thought, rather than representative of all attempts to ground a theory of global deliberation in philosophical superiority. As a result, in this section I consider the *tianxia* system on its own terms, to see if it can succeed as a system of thought to underpin global public justification.

¹⁵⁷ Zhao, *Redefining a Philosophy*, 46-49.

An initial problem confronts any proponent of *tianxia*: several aspects of its general framework seem at variance with modern political sensibility. There are at least two key aspects of *tianxia* as it appears in canonical literature that appear troubling to contemporary discussions of global democracy. The first is the association of *ren* in canonical literature with the performance of one's social duties within a hierarchical system. The second is the historical claim that, since Chinese rulers derive their mandate from heaven ('tian'), they are neither subject to popular sovereignty, nor required to treat other political communities as equals. Regarding the former, contemporary literature tries to separate benevolence from embeddedness in social hierarchy, emphasizing the exercise of empathetic concern for others.¹⁵⁸ Regarding the latter, the historian and public intellectual Xu Jilin contrasts the 'old' and 'new' *tianxia*:

“The reason that the old *tianxia* had a center was due to the belief that the Chinese people who inhabited the center had received the mandate of heaven, and their legitimacy to rule the world thus came from the transcendent will of heaven. This is why there was a distinction between the center and the margins. In today's secular age, the legitimacy of nations and states no longer derives from a universally transcendent world (regardless of whether you call it “God” or “heaven”), but instead from their own authentic nature.”

Below I argue that there is still some way to go in ridding the *tianxia* system of this historical baggage. One key objection to raise at this point is that the system retains a commitment to a particular form of cultural chauvinism which places Chinese culture at the centre of the world. The upshot of this objection would render the *tianxia* system even less sensitive to global diversity than its comprehensive liberal counterpart. William Callahan offers such an objection, highlighting ways in which universalist, inclusivist rhetoric has been used to further the domestic and international aims of the Chinese state, in support of the contention that the *tianxia* system's desire to be 'all-inclusive' justifies the forcible inclusion of those who do not wish to be included.¹⁵⁹

¹⁵⁸ Where authors defend anti-egalitarian Confucian premises as relevant to the contemporary world, it is usually on the grounds that permissible political inequality (say, in the form of meritocracy) should be derived from virtue rather than social position. See, for example, Bai, *Against Political Equality*, 32-47.

¹⁵⁹ William A. Callahan, “Chinese Visions of World Order: Post-hegemonic or a New Hegemony?” *International Studies Review* 10, no. 4 (2008), 749-761. There are several other objections that have been presented to particular theories of *tianxia*, such as that they make selective and misleading use of canonical Chinese texts, or make dubious justificatory appeals to empirical facts about peace and stability in ancient China. There is undoubtedly

This objection should be disambiguated into two strands, one political, the other conceptual. The former concerns the danger of a universalist concept like *tianxia* being appropriated in service of authoritarian political ends. While the language of *tianxia* is not currently the primary vehicle through which state action of this kind is justified (the language of state sovereignty being much more prominent), there remains the possibility of the concept being co-opted for such ends. On its own, this objection is not enough to discard the theory wholesale, since we could respond that it is preferable to clarify what the *tianxia* system as a philosophical body of thought does and does not stand for, clarifying, in other words, what exactly the system is and how it is best understood. Theoretical analysis of this kind can deny ammunition to those who wish to co-opt the language of *tianxia* in service of whatever political ends they are pursuing.

Callahan's critique is not solely about how the concept has been – or might be – co-opted for political ends. Instead, he seeks to identify conceptual problems with the content of Zhao's theory. In particular, he points to Zhao Tingyang's criticism of democracy (on the grounds that the world's population is incapable of thinking at the level of scale required to solve global problems) as evidence of the authoritarian underpinnings of the new *tianxia*.¹⁶⁰ Further and more centrally, he takes issue with the *tianxia* system's assertion that a just and legitimate global order requires there to be no 'other' in world politics. On Callahan's reading of Zhao, the *tianxia* system does not accept difference, or pluralism, instead it replaces the civilisation/barbarism distinction of the classical tributary system (in which neighbouring territories had tributary relationships with the ruling Chinese dynasty) with a modern equivalent, in which 'barbaric lands and tributary states serv[e] as beneficial competitors' for Chinese civilization.¹⁶¹ Even if Zhao claims that the hierarchy between civilised and barbarian states is not based on race or culture, Callahan states that 'it certainly sounds like a

some truth to these objections are they are pressed against particular authors. For these other objections, see Xu Bijun, "Is Zhao's Tianxia system misunderstood?," *Tsinghua China Law Review* 6, no. 95 (2014): 96-108, and Callahan, "Chinese Visions of World Order," 753.

¹⁶⁰ Zhao Tingyang, *Tianxia Tixi: Shijie Zhidu Zhixue Daolun (The Tianxia system: A Philosophy for the World Institution)* (Nanjing: Jiangsu Jiaoyu Chubanshe, 2005), 53, 59-61.

¹⁶¹ Bai Tongdong also incorporates a civilised/barbarian distinction into his account of *tianxia*, but stresses the distinction should be used to distinguish legitimate from illegitimate members of the international community, based on their adherence to international norms and rules rather than culture. In this respect, Bai's language resembles John Rawls' distinction between liberal and 'decent' peoples who can be members of the 'society of peoples', and 'outlaw' states whose conduct internationally or domestically is so egregious that they cannot be considered members of the international community in good standing.

hierarchy of cultures analogous to modern racism'.¹⁶² The problem goes one step further for Callahan: the goal of the *tianxia* system is to *transform* 'enemies' (or barbarous states) into 'friends' (legitimate members of the international order).¹⁶³ But this transformation, runs the objection, legitimises and encourages the conversion of difference, rather than respect for pluralism. The system thus endorses the imperial logic of a central power conquering or suppressing the periphery for its own benefit.

Callahan's arguments, at least as they are pressed against Zhao Tingyang, are broadly correct. Zhao's vision of *tianxia* does not include a strong democratic component, and it does propose that the international community be redesigned around a form of hierarchy which grants elevated status to 'civilised' members of the international community. And while Callahan's target is Zhao's influential statement of the *tianxia* system, some of the same arguments apply to other voices in the literature. For example, Bai Tongdong explicitly contrasts the United Nations system, whose General Assembly grants formal equality to all states, with his proposal for instantiating a new *tianxia*, which would incorporate a hierarchy between states based on the degree of benevolence with which they act. Of course an author like Bai would dispute that this hierarchical structure is by definition a limitation – the book in which his analysis of *tianxia* appears explicitly argues against the notion of political equality – but his position highlights how the *tianxia* system departs significantly from core intuitions embraced by many in the discourse on global democracy.

Importantly, though, we can point to a further limitation of existing presentations of *tianxia*, which has not yet been sufficiently recognised in the literature. The problem is this: the *tianxia* system is presented by proponents such as Zhao as a complete philosophical system to underpin global governance, one that will replace the supposedly failing Westphalian system.¹⁶⁴ As a "ready-made" system, we can point out, it has no better claim to global 'representativeness' than the Westphalian and liberal theories that it criticises. Theorists such as Zhao explicitly criticise the 'unilateral universalism' of Western political thought for

¹⁶² Callahan, "Chinese Visions of World Order," 755.

¹⁶³ Callahan, "Chinese Visions of World Order," 755.

¹⁶⁴ A related objection targeting the institutional proposals associated with the *tianxia* system charges that the system seeks to place the Chinese state at the centre of world order. While an accurate description of historical incarnations of the *tianxia* system, this is explicitly rejected by Zhao Tingyang, who argues for a world government that would control more territory and resources than any single state, China included. Zhao Tingyang, "All-under-Heaven and Methodological Relationism: An Old Story and New World Peace," in *Contemporary Chinese Political Thought: Debates and Perspectives*, ed. Fred Dallmayr and Zhao Tingyang (Lexington: University Press of Kentucky, 2012), 73-74.

attempting to impose its own value system on the global arena, but end up promoting the same kind of universalism on behalf of Chinese political thought. Zhao presents the *tianxia* system as a replacement for the current statist order, with a unique pedigree and appropriateness to the contemporary world, exemplified by statements such as the following: ‘the world order has two traditions: imperialism invented by the Romans and the *Tianxia* system invented by China...While both envision a universal world order, the imperial system seeks to conquer and achieve a dominating rule, while the *Tianxia* system, on the other hand, tries to construct a shareable system’.¹⁶⁵ As with global comprehensive liberalism, there is a limit to this shareability – the system seeks to accommodate diversity within its parameters, but reserves for itself exclusive prerogative to design the global order within which diversity exists.

Universalism Through Dialogue?

Zhao’s articulation of the *tianxia* system, then, constitutes another unsuccessful attempt at legitimacy through competition. Does this mean that we should reject theories of *tianxia* as valueless to the problem of global public justification? Not yet. While the most prominent versions of the *tianxia* system fall prey to the problem of parochialism outlined above, there are other, more promising strands in the literature which are critical of attempts to simply substitute *tianxia* for liberalism as the core of a legitimate global order. Xu Jilin, for example, proposes that a new *tianxia* must jettison the very idea of a world with a centre, regardless of whether that centre is Euro-American or Chinese in provenance:

“What new *tianxia* wants to undo is precisely this axial civilizational structure, which is shared by both traditional *tianxia* and other foundational civilizations, all of which move from a core people towards the world, from the center to the margins, from a singular particularism to a homogenous universalism. The universal value that the new *tianxia* seeks is a new universal civilization. *This kind of civilization does not emerge out of the variation of one particular civilization...*”¹⁶⁶

¹⁶⁵ Zhao, *Redefining a Philosophy*, xvii.

¹⁶⁶ Xu Jilin, "The New Tianxia: Rebuilding China's Internal and External Order," in *Rethinking China's Rise: A Liberal Critique*, translated by David Ownby (Cambridge: Cambridge University Press, 2018), 135. My italics. While the general thrust of Xu’s work is critical of what he sees as a rising nationalism in Chinese political practice and academic thought, my argument in this section seeks to draw on and endorse what I take to be the best interpretation of his view, rather than a primarily exegetical claim about his intentions. As John Makeham points out, there are statements in Xu’s work which point in different directions. On the one hand, Xu argues

There are promising strands within the discourse on *tianxia*, then, that criticise the global extension of liberalism, but at the same time embrace the need for some form of universalism to underpin a global political framework. As Xu puts it elsewhere: ‘for a pluralized world to avoid massacres between civilizations and cultures, one needs a Kantian universalism and an everlasting peaceful order. The universal principle of world order cannot take the rules of the game of Western civilization as its standard, nor can this principle be built on the logic of resistance to the West. The new universalism is one that all people can enjoy: the “overlapping consensus,” in the American scholar John Rawls’s (1921-2002) words that has emerged from different civilizations and cultures’.¹⁶⁷ The *tianxia* system is, on this conception, neither liberal universalist, nor non-liberal relativist.

Immediately, two important questions arise. First, how can one ‘undo’ a civilisational structure which assumes a world with a ‘centre’? Second, what does this notion of a world without a centre mean for the status of the *tianxia* system itself as a theory of world order?

Regarding the first question, the *tianxia* literature contains different answers as to what a non-parochial universalism would look like. Xu Jilin, for example, in the quote above seems to identify ‘the ‘new universalism’ of *tianxia* with the Rawlsian liberal idea of an overlapping consensus’.¹⁶⁸ Yet, immediately afterwards, Xu endorses a quite different approach to grounding universalism, drawing on Qian Yongxiang. Qian distinguishes between three forms of universalism.¹⁶⁹ First, there is universalism born of struggle – different ideas fight it out, and the winner becomes universal. Universalisms which take a specific value system from

that the *tianxia* value system is important precisely because it constitutes a challenge to nationalist currents of thought within the Chinese academy, yet also asserts that due to China’s ‘own unique understanding of universal civilisation’ which it takes from the pre-modern concept of *tianxia*, it should ‘re-establish itself as a civilisational power with great influence in global affairs’. See Xu Jilin, “Universal Civilization, or Chinese Values? A Critique of Historicist Thought since 2000,” in *Rethinking China’s Rise: A Liberal Critique*, translated by David Ownby (Cambridge: Cambridge University Press, 2018), 61-95, and Xu, “The New Tianxia,” 127-155. See also John Makeham, “Chinese Philosophy and Universal Values in Contemporary China,” *Asian Studies* 8, no. 2 (2020): 327-8.

¹⁶⁷ Xu, “The New Tianxia,” 136-7.

¹⁶⁸ Xu, “The New Tianxia,” 137.

¹⁶⁹ While Qian speaks of ‘universalism’ in a general sense, my interest in the thesis is in global – or universal – *legitimacy*, rather than the prospects for universalism as a metaphysical value claim. This is what differentiates this project from, for example, Tong Shijun’s attempt to produce a typology of different types of universalism. In this respect the project is agnostic between positions as diverse as, say, universalism grounded in objectivist natural law, and Linda Zerilli’s view that cross-cultural moral judgment can seek only intersubjective, rather than objective, moral validity. See Qian, “How does the subject deal with others?” 30-31; Tong Shijun, “Varieties of Universalism,” *European Journal of Social Theory* 12, no. 4 (2009): 449-463; Linda Zerilli, *A Democratic Theory of Judgment*, (Chicago: University of Chicago Press, 2016).

China, the West, or indeed any other particular civilisation as their centre generally belong to this category. Second, there is universalism born of metaphysical abstinence or neutrality. Political liberalism exemplifies this position, suggesting that by avoiding appeal to certain concepts or doctrines which are the object of (reasonable) controversy, it is possible to have a universal political framework while respecting diversity. The third option – which Qian favours – is universalism born of what he calls the ‘mutual recognition of the self and the other’, such that the interaction of different ‘civilisations’ in a deliberative process generates a universal framework which is irreducible to that of any particular place.¹⁷⁰

The challenge laid down by Qian’s approach, then, is for an inter-civilisational dialogic process to generate a set of values that can be used to justify, propose and defend political action at the global level. Qian leaves underspecified how exactly such dialogue might proceed. But we can reconstruct the thrust of this position as a route to global justificatory legitimacy in the following way. Two forms of deliberation are required: first, deliberation about particular political issues (call this ‘*public deliberation*’); and second, deliberation regarding the values that can be invoked in public deliberation (call this ‘*meta-deliberation*’). This latter form of deliberation, ‘meta-deliberation’, should be cross-cultural and cross-traditional, seeking to identify legitimate values for use in public deliberation through a process of dialogue. In the fifth chapter of the thesis I develop this meta-deliberative route to global legitimacy, specifying it in more detail, presenting a general statement of it, and illustrating how global meta-deliberation might proceed.

Regarding the second question, Xu’s position requires a reappraisal of the purpose and function of the *tianxia* system, seeing it not as a system of thought seeking to replace liberalism as the basis for world order, but as one tradition of thought contributing to a broader intercultural deliberative process regarding the shape of a global order. In addition to proposing legitimacy through dialogue, the *tianxia* system should, in other words, be considered one participant voice in global meta-deliberation. Without these commitments, the *tianxia* system would, by its own lights, suffer from the limitations of the ‘unilateral universalism’ that authors such as Zhao and Xu criticise in liberal thought.

¹⁷⁰ Qian, “How does the subject deal with others?” 30-31.

The argument sketched above suggests that it is possible, taking the *tianxia* conversation as a starting point, to distil a set of claims about how a process of cross-cultural inquiry aimed at identifying globally legitimate values might proceed without falling prey to the patterns of unwarranted ‘unilateralism’ for which *tianxia* theorists criticise existing theories of world order. This undoubtedly marks a departure from many historical and contemporary articulations of the *tianxia* system. In this respect, my argument constitutes both an intervention in the *tianxia* literature, and an articulation of its potential value to the broader discourse on global democracy.¹⁷¹

***Tianxia* as Partialist Cosmopolitanism?**

The section above argues that we can extract from the *tianxia* system a particular route to identifying a global political framework that enjoys legitimacy, through a process of global meta-deliberation. This reconceptualization of the value of the *tianxia* system departs significantly from some of its more nationalist-inflected presentations. As noted above, we will return in Chapter 5 to a more detailed account of meta-deliberation between philosophical traditions.

However, it is important to note that the *tianxia* system, on my reading, is not solely making a meta-level argument about the way to identify publicly legitimate values at the global level. Rather, we can develop from the *tianxia* system not only an argument about how to identify globally legitimate values, but also claims about the *content* of those values. In this section I draw out this contribution. The purpose of the analysis below is thus to use the *tianxia* system to offer a preliminary example of how a body of thought could be used to generate arguments that would constitute an input into intercultural meta-deliberation regarding a set of principles for legitimately regulating international political life.

To do this I first engage in close conceptual analysis of the tenets of the *tianxia* system in order to clarify whether they are conceptually coherent. This analysis itself constitutes an original contribution to the literature on *tianxia*. If *tianxia* survives this initial examination, as I submit it does, we will then be able to illustrate some of its possible implications for public

¹⁷¹ As I noted in the introduction, methodologically my aim is primarily to engage in what Joseph Chan has called ‘philosophizing within a tradition’ – taking certain tenets a tradition of thought as a point of departure, but actively contributing to its development. See Chan, *Confucian Perfectionism*, 207-8.

justification. To be clear, I am here using the *tianxia* system simply to illustrate some of the conceptual work that would be involved in meta-deliberation, without necessarily endorsing its conclusions as globally legitimate.

Let us begin with our conceptual analysis. Latent in the *tianxia* system is a distinctive account of relational cosmopolitanism whereby we owe moral duties – specifically duties of benevolence – to all humans, even if duties to distant others are weaker than duties to compatriots, which are in turn weaker than duties to those with whom we share a personal or familial connection.¹⁷² The distinctiveness of this conclusion derives from the particular heuristic devices and argumentative strategies the *tianxia* system absorbs from the Confucian tradition, in particular the image of the family, both nuclear and extended.¹⁷³ While professing alertness to the dangers posed by the familial image, authors in the *tianxia* conversation nonetheless believe that one can use it as a heuristic device for extracting certain useful insights and moral principles. The notion of affective familial sentiment underlying the value of benevolence points to at least two key ideas. First, it gestures towards the concept of interconnectedness. Family members are generally taken to be constitutively attached to the well-being of other members.¹⁷⁴ If political relationships mirror familial ones, the implication is that the well-being of one part of the polity is ultimately tied up with the well-being of the whole.¹⁷⁵ A second implication of the familial image is the premise that an individual's moral duties are defined by group membership. The role of individual family members qua family

¹⁷² Chen Lai, *Renxue bentu lun 仁學本體論 (Humaneness-Based Ontology)* (Beijing: Sanlian Shidian, 2014).

¹⁷³ This is a feature of not only the *tianxia* conversation, but of contemporary and historical Confucian scholarship more generally. As David Wong puts it, modeling of the public sphere after the private is ‘an enduring theme in the Confucian tradition...members of political society are conceived as belonging together as members of a family belong together: it is a matter of the natural and healthy course of human development’. See David Wong, “Confucian Political Philosophy,” in *The Oxford Handbook of the History of Political Philosophy*, ed. George Klosko (Oxford: Oxford University Press, 2011), 777. The image of a family is of course present in other traditions as well. Notably, it plays a negative role in liberalism: a key theme of the liberal tradition is its rejection of the family as a model for political relationships, from John Locke’s refutation of Robert Filmer’s claim that the king is father of the political community, to contemporary political liberal worries about paternalism. The first treatise of Locke’s ‘First Treatise on Government’ is a rebuttal of Filmer’s *Patriarcha*, after which the ‘Second Treatise’ goes on to develop Locke’s contractarian alternative. See Robert Filmer, *Filmer: 'Patriarcha' and Other Writings* (Cambridge: Cambridge University Press, 1991) and John Locke, *Locke: Two Treatises of Government* ed. Peter Laslett (Cambridge: Cambridge University Press, 1988). For contemporary worries about paternalism, see, for example, Jonathan Quong, *Liberalism Without Perfection* (Oxford University Press: Oxford, 2011), 73-108.

¹⁷⁴ Wong, “Confucian Political Philosophy,” 777.

¹⁷⁵ This contrasts with, say, the assumption of ‘mutual disinterest’ of parties in Rawls’ contractarian original position. See Rawls, *A Theory of Justice*, 12. This principle is especially prominent in the canonical text *The Classic of Filial Piety* written as a dialogue between Confucius and a disciple. See, for example, the statement: ‘As they serve their fathers, so they serve their rulers, and they reverence them equally.’ Confucius, *Xiaojing 孝经 The Classic of Filial Piety: Chinese-English Edition*, trans. James Legge (FV Editions, 2020), Chapter 5.

members is defined by the wider entity of the family. For example, the concept of a ‘mother’ is unintelligible outside the context of a family.

Highlighting the distinctiveness of the familial metaphor is not to endorse the claim that it – or for that matter any other political metaphor such as a social contract or veil of ignorance – exists at any fundamental level. The primary purpose of such metaphors is to access certain moral commitments and conceptions of society. Such metaphors are an enduring feature of political thought because they make vivid and intelligible ideas and premises which are otherwise very difficult to grasp. Heuristic devices organize ideas and affect our intuitions about which moral principles are correct, how to judge borderline cases and so on. Where the familial metaphor leads proponents of *tianxia* is to the claim that it is possible to both ground moral obligation in affective sentiment, *and* to hold that such moral obligations extend globally.

This claim is distinctive because it holds together two positions that are often seen as irreconcilable: partiality and cosmopolitanism. Indeed, one key objection to modern reinventions of the *tianxia* system drawing on Confucian principles, expressed by among others Liu Qingping and Daniel Bell, is that the system is inherently contradictory or incoherent.¹⁷⁶ Liu argues that Confucian philosophy – including the literature on *tianxia* – rests on a fundamental tension. On the one hand it prioritises affective sentiment that is inherently tinged with partiality. On the other, the *tianxia* system promotes an impartialist ‘loving concern for all’.¹⁷⁷ Liu understands this to be an inherent dilemma, which can only be resolved by plumping for one moral consideration over the other; Liu himself believes that ‘Confucianism ought to put a more universal ethic at its core and jettison its emphasis on kin relations’.¹⁷⁸ Daniel Bell echoes this line of thought in arguing that the *tianxia* system is ‘radically inconsistent with the key Confucian value of graded love’ (‘ren’), which suggests we

¹⁷⁶ While here I focus on critiques of the cosmopolitanism embedded in the *tianxia* system, it should be noted this critique is not unique to this tradition of thought; Martha Nussbaum raises a similar objection against Cicero’s cosmopolitanism in Martha Nussbaum, *The Cosmopolitan Tradition: A Noble but Flawed Ideal* (Cambridge: Harvard University Press, 2019), chapter 2. Thus, if the *tianxia* system can respond to the objection, this will be of value to the cosmopolitan tradition more generally.

¹⁷⁷ Liu Qingping, “Lun Kong-Meng Ruxue de xueqin tuantixing tezhen 論孔孟儒學的血親團體性特徵 (On the Characteristics of Consanguineous Community in Confucius-Mencius Confucianism),” *Zhexue men 哲學門 (Philosophy)* 1, no. 1 (2000): 80-101. Translation of excerpt in Makeham, “Chinese Philosophy and Universal Values in Contemporary China,” 321.

¹⁷⁸ Hagop Sarkissian, “Recent Approaches to Confucian Filial Morality,” *Philosophy Compass* 5, no. 9 (2010): 725-734.

‘owe more to intimates (starting with the family) than to strangers’.¹⁷⁹ There is a tension, in other words, between cosmopolitanism and the inherently partialist concept of benevolence, which promotes greater moral obligations to proximate others. According to this line of critique, cosmopolitanism is much more naturally affiliated with the impartialist Mohist concept of ‘universal love’ (‘*jianai*’). The Mohist tradition emerged as a challenge to the then dominant Confucian tradition. Where the Confucian concept of benevolence specifies “differentiated love” with greater moral obligation to proximate others, Mohism advocates an impartial “love without distinction” (an alternative translation of ‘*jianai*’). The cosmopolitan universalist commitment to treating all humans as members of the same moral community seems, at first glance, to be at fundamentally at odds with the partialist Confucian notion of benevolence. If true, this objection would suggest that the literature on the ‘new *tianxia*’ is going down a conceptual dead end.

I submit that this objection is misplaced; it is possible to specify ‘*ren*’ and the cosmopolitan ambitions of *tianxia* in such a way that they are mutually compatible. Indeed, the argument below suggests that both *ren* and *jianai* can ground conceptually coherent routes to moral obligations with a global scope. I will do this in two ways. First, I will argue that to see benevolence as incompatible with moral obligations that extend globally relies on two overlapping mistaken assumptions. Second, I will draw on recent literature within the Mohist tradition to suggest that the above contrast between the impartialism of Mohism and the partialism of Confucianism is overdrawn, and that the *tianxia* system relies on a conceptually coherent reconciliation of the two.

The first mistaken assumption is that cosmopolitanism must be *non-relational*. While early articulations of cosmopolitan principles, such as Peter Singer’s utilitarian argument for global resource redistribution, were often couched in non-relational terms, it is now widely recognised that there are both non-relational and relational routes to cosmopolitanism.¹⁸⁰

¹⁷⁹ Daniel Bell, “Realizing Tianxia: Traditional Values and China’s Foreign Policy,” in *Chinese Visions of World Order: Tianxia, Culture, and World Politics*, ed. Ban Wang (Durham: Duke University Press, 2017), 132-3.

¹⁸⁰ Peter Singer, “Famine, Affluence, and Morality,” *Philosophy and Public Affairs* 1, no. 3 (1972): 229-243. Non-relational routes to cosmopolitan conclusions also include luck egalitarian arguments for global distributive justice. For a prominent relational cosmopolitanism, see Thomas Pogge, who argues, for example, that ‘there are significant international interdependencies and cross-border externalities some of which clearly aggravate the situation of the global poor’. Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity, 2002), 15. See, for another example, Darrel Moellendorf, *Cosmopolitan Justice* (New York: Routledge, 2002). Moellendorf accepts that justice only arises between those who stand in a relationship – in particular the relationship shared by those living under the same ‘basic structure’ (in the sense intended by John Rawls). Moellendorf extends the argument

Indeed, the explicitly relational familial metaphor underlying the *tianxia* system looks particularly suitable for analysing political problems caused or exacerbated by inherent global interdependence, such as climate change. What differentiates the *tianxia* system from other relational arguments for cosmopolitan conclusions is its grounding not only in relationships founded on shared interests but in affective relations. The relational component to benevolence, then, constitutes no obstacle to its extension to the global level.

A second mistaken assumption behind the above objection is that cosmopolitanism must inherently be *impartialist*. Again, early cosmopolitan literature did indeed identify the claims of partiality as a threat, giving this assumption some initial plausibility.¹⁸¹ However, once again, this dichotomy proves false. A strict impartialism now has few defenders, given its highly counterintuitive outcomes. Few cosmopolitans expect parents to sacrifice as much for foreigners as for their own children, for example.¹⁸² So there is widespread recognition that some accommodation between partiality and cosmopolitanism is required. The *tianxia* system can be understood as offering a reconciliation which claims we owe less to distant others than proximate others, but that we still owe obligations of benevolence to all individuals globally. Against Liu and Bell's objection, a proponent of the *tianxia* system can argue that our moral relations with distant others are of the *fundamentally same kind* as those which regulate relations between proximate others. This is a significant step beyond, say, the views of David Miller and Thomas Nagel, for whom we may have humanitarian or other obligations to foreigners, but these are of a qualitatively distinct kind to the obligations of distributive justice that arise between compatriots.¹⁸³

The foregoing already constitutes a significant deflection of the force of the objection. Without further argumentation, however, it permits Liu and Bell to claim a partial victory, since it does not challenge their claim that there is an inherent tension between the values of

beyond Rawls' initial conclusion, arguing that the current level of global interdependence has created a global 'basic structure', giving rise to global obligations of distributive justice.

¹⁸¹ Singer, "Famine, Affluence and Morality," 229-243.

¹⁸² One might respond that what is at stake in the debate between cosmopolitans and non-cosmopolitans is not whether familial partiality is acceptable, but whether 'compatriot favouritism' is legitimate (to use Lea Ypi's term). The *tianxia* system can be understood as offering a reconciliation between these two forms of partiality, suggesting, first, that they spring from the same moral basis, and second, claiming that neither constitutes a legitimate argument against extending the scope of morality globally. On compatriot favouritism see Lea Ypi, "Cosmopolitanism Without If and Without But," in *Cosmopolitanism versus Non-Cosmopolitanism: Critiques, Defenses, Reconceptualizations*, ed. Gillian Brock (Oxford: Oxford University Press, 2013), 75-91.

¹⁸³ Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33 No.2 (2005): 113-147; David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

‘ren’ and cosmopolitanism. The tension might be manageable, but would remain a tension nonetheless. However, it is possible to go further and specify a cosmopolitanism that is not only compatible with, but *grounded in*, partialist reasoning.

The core conceptual strategy of a partialist cosmopolitanism would combine the following claims. First, moral obligations and motivations emerge from affective relationships. Second, affective relationships are not only possible with particularly proximate others. Third, partialist theories of cosmopolitan order encourage individuals to expand their circle of affective concern to the whole of humanity, thereby treating distant others according to the same principles with which we treat close relations. This general conceptual strategy, of course, permits of multiple variations. One key question, for example is what happens to the intensity of one’s duties as distance increases. One could specify *tianxia* such that all persons are owed the same consideration as close kin, or – following standard formulations of benevolence – accept that duties decrease with distance. This latter route, however, does not generate a problem of incoherence if duties to distant and proximate others are of fundamentally the *same kind*, and duties to distant others are of *sufficient* intensity. This is the position Zhao Tingyang expresses when he claims that moral duties across borders are sufficiently intense to require a governing ‘world institution’.¹⁸⁴

One might object that to accept that duties decrease with distance is to accept a trade-off between partiality and cosmopolitanism: the more duties decrease with distance, the less cosmopolitan you are. In part this is a terminological issue of how cosmopolitanism is defined; it presumes that someone who believes in no special duties to proximate others is “more” cosmopolitan than someone who believes that we owe justice to proximate and distant others but owe more to proximate others. There is reason to be sceptical of this position. To give an analogy, this line of reasoning would suggest that a neoliberal is “more liberal” than a Rawlsian liberal, since the neoliberal believes exclusively in liberty untrammelled by other considerations such as equality. But this way of defining terms is unhelpful – surely it is better to identify the minimum conditions for classification as a “liberal”, and then consider each position on its own merits as a version of liberalism, rather than presuming a ‘sliding scale’ of liberalism.

¹⁸⁴ Zhao, “A Political World Philosophy in terms of All-under-heaven (Tian-xia),” 11.

Cosmopolitanism is, I submit, best understood as the claim that duties of justice, benevolence or morality more generally are global in scope, and that the fundamental principles for regulating domestic social life also apply globally. Around this core claim, the pertinent question is what version of cosmopolitanism best captures our considered convictions in reflective equilibrium. On this definition, *tianxia* is cosmopolitan. What makes the *tianxia* position cosmopolitan is that the overarching principle, *ren*, that generates duties to proximate others, is the *same* principle that limits those duties according to what we owe internationally. It is not “one rule for compatriots, another for foreigners”. Thus there is no conceptual incoherence in Bai Tongdong stating that ‘the pursuit of national interest, one’s loyalty to the state, and the sovereignty of the state are all limited by the same Confucian concept of compassion and humaneness [‘ren’]’.¹⁸⁵

Note, this line of reasoning is not making an empirical claim about human motivation, so is not vulnerable to the objection that existing persons do not have moral sentiments that extend beyond their family, tribe, or nation (the nation, we can note as an aside, being a community for whom many feel moral concern despite its members not sharing personal ties). Instead, the partialist cosmopolitan is making a claim about moral obligation, raising the further question of how moral psychology can be cultivated in a way that matches these obligations.¹⁸⁶

We can bolster the claim above – that there is no inevitable tension between partiality and cosmopolitanism – by drawing on recent scholarship highlighting that the Mohist and Confucian positions are not as diametrically opposed as is commonly believed. Chris Fraser argues that the Mohist doctrine of universal love (*jianai*) is not blind to affective sentiment, being (as I argue regarding cosmopolitanism above) a claim about the scope of moral concern rather than the claim that proximate and distant others should be treated according to a principle of strict equality. Fraser suggests, against the conventional understanding of *jianai* – which views it as a radical stance requiring us to treat strangers and family members with the same degree of moral concern – that it requires only ‘refraining from taking advantage of

¹⁸⁵ Bai, *Against Political Equality*, 179.

¹⁸⁶ Some *tianxia* thinkers do give attention to this question. Kang Youwei, for example, suggested that aesthetic cultural experience can build solidarity across political boundaries. See Kang Youwei, *Datong shu* 大同书 (*Book of the Great Unity*) (Shenyang: Liangning Renmin, 1994) and Ban, “The Moral Vision in Kang Youwei’s *Book of the Great Community*,” 93-95.

others, treating our circle [of family and friends] well, being a good neighbor, and contributing to charity for those who have no other means of support’.

Bryan van Norden criticises this view, stating that Fraser’s reading of *jianai* collapses the concept into the Confucian notion of benevolence (*ren*), and that this view stands in clear tension with other statements within the Mohist tradition. Van Norden, for example, points to Mohist statements which clearly suggest *jianai* entails a demanding level of altruism, such as the following:

‘... [I]n order to be a superior person in the world, one must regard the well-being of one’s friends as one regards one’s own well-being; one must regard the parents of one’s friends as one regards one’s own parents.’¹⁸⁷

‘If people regarded other people’s families in the same way that they regard their own, who then would incite their own family to attack that of another? For one would do for others as one would do for oneself.’¹⁸⁸

Further, he asks why – if *jianai* is as undemanding as Fraser suggests – Mohists go to great lengths to defend against the common critique that the notion of universal love, or ‘love without distinction’ is unfeasibly demanding. The Mohist response to this critique is, broadly, that radical transformations in human character are possible, as exemplified by soldiers being trained to march into burning ships and certain death. But if *jianai* aligns so closely with conventional intuitions about the scope and nature of our moral obligations, why rely on such extreme examples of behaviour modification?

The debate between Van Norden and Fraser is primarily exegetical, concerning the way that Mozi and canonical Mohists should be interpreted. Fraser’s view is certainly revisionist, challenging the prevailing interpretation of the relationship between impartial moral concern and *jianai*. It is important to note, though, that van Norden is not questioning the conceptual coherence of Fraser’s position. Given that our interest in *jianai* here is primarily its normative upshots, it is sufficient to note that, even within Mohism, which might naturally be

¹⁸⁷ Philip Ivanhoe and Bryan Van Norden, *Readings in Classical Chinese Philosophy* (Indianapolis: Hackett Publishing, 2005), 70.

¹⁸⁸ Ivanhoe and Van Norden, *Readings in Classical Chinese Philosophy*, 69.

understood as a basis for critiquing the position that the *tianxia* system can be grounded in the partialist notion of benevolence (*ren*), recent scholarship has introduced a position that broadly supports the claims made by the *tianxia* system.

We can, then, refute the objection that the *tianxia* system is conceptually confused because it combines the fundamentally irreconcilable notions of partiality and cosmopolitanism. The foregoing analysis demonstrates that this objection is misplaced. I have not taken a stand on the question of whether impartialist or partialist routes to cosmopolitan conclusions are superior, all things considered. Indeed, one of the distinctive contributions of the *tianxia* system is that it opens conceptual space in the global justice conversation to see both as parallel routes to similar conclusions. All I require for my argument is the modest claim that there is no inherent conceptual confusion underlying the *tianxia* system.

With this conceptual analysis on the table (which is in itself valuable to theorists of *tianxia*), we can return to the primary purpose of this section, and consider what implications *tianxia* might have for global public justification, this as an initial illustration of how a contribution to intercultural meta-deliberation might proceed. First and foremost, we can extract from the *tianxia* system the notion that benevolence constitutes a publicly legitimate value.

Benevolence, we have seen, could be invoked to justify arguments regarding what we owe to distant others and the nature of international moral obligations. Importantly, while benevolence might be invoked in discussions on the international distribution of resources and opportunities, of the kind referenced above, it could also specify distinctive political arguments on non-distributive issues.

To illustrate this distinctiveness, let us consider a few examples of how a theory of global public justification influenced by the *tianxia* system might differ from existing theories grounded in comprehensive liberalism. Recall David Held's theory of cosmopolitan democracy, for example, which begins with a foundational commitment to autonomy as a principle of public justification. Held's conception of autonomy requires, first, that persons should enjoy equal participation rights in determining the political framework they live under, and second that they should be free and equal in determining the course of their own lives.¹⁸⁹ This conception of global democracy, we noted previously, is grounded in the comprehensive

¹⁸⁹ Held, *Democracy and the Global Order*, 147.

liberal understanding of autonomy as consisting in choosing one's commitments and living a reflective life.¹⁹⁰

Now let us compare this globalised liberalism with a theory of public justification informed by the principle of benevolence. Joseph Chan reconstructs Confucian philosophical premises in a way that treats both autonomy and benevolence as central values. Distinguishing 'personal autonomy' – the notion that people should be the authors of their own lives, from 'personal sovereignty' – the doctrine that individuals have a 'strong moral right to guard against any external action that intrudes on a person's private life', Chan endorses the premise that while personal autonomy is an important value, it is not automatically a trumping value.¹⁹¹ It must be weighed alongside others, benevolence included. This view permits arguments for perfectionism under certain circumstances and within certain constraints. For example, it might be used to justify civic education policies (including for adults) that focus on general moral cultivation and not just on citizenship practices.¹⁹² At the global level, benevolence might equally be used in the realm of social policy to defend proposals which both extend the scope of social justice globally, and which seek to encourage familial or communal provision of social welfare (say, through taxation incentives) with a governmental (or international) welfare net in place as a backup. Further, benevolence could be invoked, as suggested by Bai Tongdong, as a standard by which to judge whether societies should be considered members in good standing in the community of nations.¹⁹³

Note I am not here endorsing these particular arguments, but simply illustrating the kinds of political argumentation that the *tianxia* system suggests should be permissible for use in justifying public policy. Whether or not such arguments are compelling would depend on further scrutiny in a process of intercultural meta-deliberation, and, for particular policies, on the terrain of public deliberation. But liberal theories of global public justification, such as David Held's, preclude such arguments pre-deliberatively. For example, arguments to introduce a familial component to the social welfare system would be precluded if it was found that they interfered to any degree with individual autonomy; autonomy, for liberalism,

¹⁹⁰ Quote from Held, "Law of States, Law of Peoples," 26.

¹⁹¹ Chan does not specify the distinction in a fully precise way, since even committed personal sovereignists would accept external interference is justified to prevent harm to others. I submit the distinction is best articulated as a distinction between the view that individuals should be the authors of their own lives (personal autonomy) and the harm principle (personal sovereignty). Chan, *Confucian Perfectionism*, 155.

¹⁹² See Chan, *Confucian Perfectionism*, 94-100.

¹⁹³ Bai, *Against Political Equality*, 180-187.

has lexical priority over benevolence. A reconstruction of the *tianxia* system in the realm of public justification would dispute this conclusion. The *tianxia* system, then, provides both the conceptual resources for a particular route to a global legitimacy through dialogue, and, as I have emphasised in this final section, a distinctive contribution to that dialogue.

Conclusion

Both global comprehensive liberalism and proposals for a new *tianxia* present theories of global order emerging from a specific tradition of thought. Both contain resources to construct a theory of global public justification. And, in their most prominent articulations, both seek to ground themselves in their philosophical superiority as compared with rival value systems.¹⁹⁴ In this chapter I have criticised each theory in turn, and by extension questioned the merits of the general approach to defining globally legitimate standards that they represent. This general approach states that, in a contest between value systems, a legitimate theory of global public justification will be the most normatively compelling theory available, all things considered.

In both cases, our conclusion must be nuanced by recognising that both theories have content to offer a successful theory of global public justification. For example, while I have not argued for this in detail (and support this claim in more detail in the following chapter), it is highly likely that any account of global deliberative legitimacy will permit many of the principles and concepts associated with liberalism – such as a commitment to human rights – at the bar of public justification. This does not mean, however, that global comprehensive liberalism is itself a solution to the problem of global public justification.

A similar conclusion applies to the *tianxia* system. Theories of *tianxia* have served three primary purposes in the argument of the chapter. First, I have used them to demonstrate that non-liberal theories can have a claim to respect diversity that is at least no weaker than a globalised comprehensive liberalism. Second, I have argued that existing articulations of *tianxia* fall prey to the same issues of parochialism that undermine comprehensive liberalism, and thus do not succeed as a legitimate international value system, if legitimacy is derived from success in the philosophical marketplace of ideas. As a result, any defensible formulation

¹⁹⁴ I also considered and rejected an attempt to ground comprehensive liberalism in empirical popularity.

of the *tianxia* system will depart in significant ways from its existing prominent expressions, such as Zhao Tingyang's.

Third, and by contrast, I have argued that embedded within the system are claims that can be worked up into an alternative approach to grounding universally legitimate moral standards, grounded not in competition but in intercultural meta-deliberation. In this way, the *tianxia* system suggests a route between the unpalatable poles of embracing cultural hegemony, or its converse, emphasising difference to the point of rejecting the very notion of universally applicable moral standards. A reconstructed *tianxia* system constitutes both an argument for, and a contribution to, an approach to grounding legitimacy in global public deliberation that seeks legitimacy not in competition between value systems, but through dialogue between them. We will return to this key insight in Chapter 5. Before expanding on the proposal for 'legitimacy through dialogue', however, there is one further candidate route to global justificatory legitimacy that must be addressed. The next chapter, then, considers answers to the problem of global public justification grounded in *neutrality*.

Chapter 4: Legitimacy Through Neutrality?

The limitations of locating legitimacy in competition between value systems have led more recent attempts to synthesise the demands of globalisation and diversity to invoke the idea of neutrality. The ‘legitimacy through neutrality’ thesis holds that by avoiding appeal to certain concepts or doctrines which are the object of reasonable controversy, it is possible to have a generally inclusive political framework while respecting diversity.¹⁹⁵ This chapter addresses the most prominent version of this account, assessing theories of global public reason. I argue that accounts of global public reason face a dilemma: either they are rich enough to generate determinate answers to a wide range of global problems, but remain parochial (and thus are too *thick*), or they are less parochial but indeterminate (and thus are too *thin*). I thus conclude that no extant theory of public reason works at the global level. I also address a recent ‘convergentist’ route to global neutrality, drawing on the work of Serene Khader, but conclude it is also unsuccessful.

Let us remind ourselves of the fundamental problem we are trying to resolve. It is widely acknowledged, and seems axiomatic, that it is important to conduct deliberation at the global level. Below this shallow agreement, however, lies deep disagreement about a crucial question: how, if at all, is it morally permissible for deliberation to result in a set of international laws and rules that are imposed on a world population which is deeply pluralistic in its moral and political attitudes? Without an answer to this question, meaningful global deliberation will prove elusive.

When the equivalent question is asked within the confines of a political community, one prominent answer – at least within the liberal tradition - is by reference to a standard of *public*

¹⁹⁵ There are different ways to understand neutrality (the 3 main ways being neutrality of *effect*, *intention* and *justification*). The type of neutrality proposed by Rawls is neutrality of justification. Political, as opposed to metaphysical, justifications are ‘neutral’ in the sense that they are neutral between rival comprehensive doctrines and metaphysical conceptions of the world. Some political liberals have moved away from the neutrality label in recent years. The purpose of this chapter is to address the position that seeks global legitimacy through the use of public reason liberalism, regardless of how political liberals cash out the relationship between public reason liberalism and neutrality. With this clarification in mind, I retain the neutrality label because it remains the language used by many thinkers in the public reason literature. For an overview of the relationship between political liberalism and neutrality, see Collis Tahzib, "Survey Article: Pluralist Neutrality," *Journal of Political Philosophy* 26, no. 4 (2018): 508-532.

reason. While there is a large and mature literature about public reason at the domestic level, the literature on global public reason is comparatively underdeveloped. This chapter addresses this lacuna in two ways. First, it motivates the global public reason project, and conceptualises the nature of the challenge that accounts of global public reason face. On the one hand, they must be expansive and rich enough to allow for the generation of globally applicable solutions to shared problems (the ‘globality desideratum’). On the other hand, they must avoid imposing on diverse individuals and societies policies which they could reasonably reject (the ‘diversity desideratum’). While responsiveness to diversity is of course also a concern for domestic public reason, the chapter identifies why the challenge posed by the diversity desideratum to global public reason is importantly distinctive. Second, it demonstrates that, by their own evaluative standards, existing accounts of global public reason are unable to satisfy both desiderata simultaneously, being either too ‘thick’ or too ‘thin’.

The argument proceeds in four stages. The first section motivates the global public reason project. The second lays out three evaluative standards which public reason liberals themselves endorse for judging between theories of public reason. The third then examines cosmopolitan accounts of global public reason, arguing that they are parochial and therefore fail to satisfy the second desideratum, rendering them too thick. The fourth turns to nationalist accounts of global public reason, which – in large part to circumvent the problem of parochialism – posit a much thinner set of principles to govern global political justification. I argue, however, that such theories fail to satisfy the first desideratum, and are thus too thin.

Motivating Global Public Reason

Theories of public reason specify norms to govern public discourse in such a way that the political decisions which result from public deliberation are acceptable to all reasonable individuals. Public reason tells us what kinds of reasons and justifications may be legitimately advanced in public deliberation, and what forms of reasoning may permissibly be used to defend arguments in the public sphere. Theories of public reason differ in how they draw the justificatory constituency of agents to whom rules must be acceptable, and over the standards by which justifications for policy are to be judged. But their essential feature is that to be legitimate, laws and coercively-enforced rules must accord with some principle of public justification.

Introduced into contemporary analytical political philosophical debates by John Rawls, public reason is a key component of his answer to the question of how, in societies characterised by widespread disagreement on almost all matters of social life, the state can legitimately impose a single set of laws and institutions on a diverse citizenry. In societies characterised by widespread disagreement on all matters of the good, public reason requires that arguments offered in public deliberation be justified by reference to metaphysically uncontroversial 'political' values, not by appeal to the tenets of a 'comprehensive doctrine'. Public reason liberalism concurs that the comprehensive liberalism underpinning Held and Tan's accounts in the previous chapter is incompatible with the fact of diversity. Many people are not liberals in the style of, say, John Stuart Mill, seeing the good life in choosing and changing one's commitments, living a reflective life and so on, but are still reasonable. Public reason liberalism grounds itself instead in political autonomy. Political autonomy is the capacity to frame, revise and pursue a conception of the good, and is meant to be a freestanding idea, unmoored to metaphysically controversial ideas about the nature of freedom, and the right way to live. According to Rawlsian public reason, then, while it is acceptable to argue for a particular policy on the basis that it realises, say, the value of moral equality between persons, it is not acceptable to justify policy by reference to religious doctrines or personal dreams.

Accounts of global public reason extend this kind of reasoning to the supranational level, specifying a set of principles that must be used when justifications for laws and policies are offered in the global public sphere.¹⁹⁶ One issue that accounts of global public reason will have to clarify is who, or what, count as the relevant agents or users of public reason. Following the general formulation offered in the introduction, we can understand global public reason as a set of publicly justifiable principles that individuals, peoples, states, and civil society groups must use when offering justifications for the design of supranational laws, and the decisions of international institutions and practices.¹⁹⁷

¹⁹⁶ William Smith, "Deliberation Beyond Borders: The Public Reason of a Society of Peoples," *Journal of International Political Theory* 7, no. 2 (2011): 118.

¹⁹⁷ See Smith, "Deliberation Beyond Borders," 118. Kevin Vallier argues that public reason need only be used by those who have 'direct, obvious and substantial control over the levers of power' such as public officials, rather than ordinary citizens. This might inspire the view that public reason theories are meant to provide criteria only for the permissible imposition of rules, rather than to regulate discourse as well. While I speak of public reason as a theory for regulating deliberation in this chapter, the argument is in principle compatible with Vallier's position if one reads 'public justification' in place of 'public deliberation'. See Kevin Vallier, "Public

Global public reason has explicit proponents – as I will note below, authors such as Blain Neufeld, and Rawls himself defend versions of it. Importantly, though, many public reason liberals, even if they do not explicitly defend global public reason, hold the position implicitly, as an extension of their other beliefs. Let me explain, with reference to both of the most prominent grounds offered in the literature for why public reason is important, and the conditions under which it applies.

First, there is the view, associated with among others Gerald Gaus, that public reason is required to justify any instance of coercion. According to this view, coercing someone is only justified if they can be given reasons for the coercion that they can, in some sense, accept. If one subscribes to this view, then the necessity of some form of global public reason is apparent. The point of many international agreements, rules and institutions is to enact coercively binding rules to govern international life.¹⁹⁸ So insofar as theories of global deliberation purport to be about rules which will coerce individuals from across the world, justification is owed to them in terms they can accept. Gaus recognises that the requirements of public justification stretch across political borders when he notes: ‘that a political society has boundaries and its own system of authority does not give it permission to coerce non-members without justification’.¹⁹⁹

Second, there is the view, held by among others Jonathan Quong, that public reason should apply even to non-coercive state actions. In Quong’s formulation, for example, the requirement to use public reason is implicit in a conception of society as a fair system of social cooperation among free and equal persons. The story runs like this: in a society of free and equal persons marked by reasonable pluralism, a shared basis for settling fundamental political questions is only possible by bracketing metaphysically controversial values, and appealing to political values which are accessible to everyone, regardless of their comprehensive doctrine. To deny the importance of finding such a shared basis, and to insist that principles of justice be grounded in one’s own comprehensive doctrine is to commit one

Justification versus Public Deliberation: The Case for Divorce," *Canadian Journal of Philosophy* 45, no. 2 (2015): 140.

¹⁹⁸ For empirical and theoretical work which shows this see, for example, Eric Cavallero, "Coercion, Inequality and the International Property Regime," *Journal of Political Philosophy* 18, no. 1 (2010): 16-31.

¹⁹⁹ Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge: Cambridge University Press, 2010), 479.

of two wrongs. Either it is to deny the fact of reasonable pluralism, or it is to deny the moral equality of persons, by assuming that one's own moral beliefs should carry greater weight than the claims of others.²⁰⁰

The reason why this type of public reason liberal should endorse the need for global public reason is more complex. The first question to ask is why they believe we should adopt this conception of society as a fundamental organising idea, and the commitments – to moral equality and reasonable pluralism – that are said to flow from it. Quong's own answer, as I explain in more detail in the third section of the chapter, is that they are justified by the fact they withstand scrutiny in reflective equilibrium. Since Quong's use of the method of using reflective equilibrium is not culturally or nationally bound, then this method of justifying public reason provides no grounds for denying that public reason applies globally. Quong recognises this when he suggests that his version of political liberalism is not meant to apply only to societies that are currently liberal: 'We are very lucky to live in a time and a place where many people do accept society as a fair system of social cooperation between free and equal citizens under conditions of reasonable pluralism. This does not mean that liberal justice does not apply to those who are not as lucky as us, only that it will be more difficult for them to achieve'.²⁰¹

Another possible answer draws on how Rawls links the idea of society as a fair system of social cooperation to the public political culture of the West, in statements such as the following: 'we look to the public political culture of a democratic society, and to the traditions of interpretation of its constitution and basic laws, for certain familiar ideas that can be worked up into a conception of political justice... The most fundamental in this conception of justice is the idea of society as a fair system of social cooperation over time from one generation to the next'.²⁰²

It is important to note that most public reason literature does not ground the view in its emergence from the constitutional history of the West. In part this is because of Quong's arguments, and also because Rawls himself suggests that ideas from the public political

²⁰⁰ Jonathan Quong, "On the Idea of Public Reason," in *A companion to Rawls*, ed. Jon Mandle and David A. Reidy (John Wiley & Sons, 2013), 274-277.

²⁰¹ Quong, *Liberalism Without Perfection*, 157.

²⁰² John Rawls, *Justice as Fairness: A Restatement* (Harvard University Press, 2001), 5.

culture must ultimately be assessed for their validity in the process of coming to reflective equilibrium.²⁰³ However, even if one does justify the public reason project in this latter way, it is still possible to motivate its global extension. The first point to note in this regard is that there is now a constitutional tradition of viewing international politics as governed by the same normative ideal of a 'fair system of social cooperation' that underpins public reason liberalism. Consider, in this regard, the United Nations Charter, whose first article lists the United Nations' purposes as 'to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace...To develop friendly relations among nations...To achieve international co-operation in solving international problems...[and] to be a centre for harmonizing the actions of nations in the attainment of these common ends'.²⁰⁴

Crucially, we can further note that the nature of cooperation does not have to be identical at the domestic and international levels. Even if theorists believe that the nature of cooperation is different at the two levels, there is still general agreement that *some* form of cooperation is required. Rawls himself, for example, is not a cosmopolitan egalitarian, but still generates his account of the 'law of peoples' in recognition of the fact that there will be shared, ongoing political challenges at the global level which cannot be regulated solely by individual, localised agreements for mutual advantage.²⁰⁵ So while a political liberal might well say that the nature of cooperation at the global level is distinctive, and thus requires a distinctive type of public reason, the burden of proof is on the opponent of global public reason to specify why it does not apply at all in the international realm. And if one simply defines the nature of 'social cooperation' such that it only matches the kind found within constitutional democracies, this becomes a tautology – the burden of proof is on the proponent of this view to provide a positive justification for this move.

A significant number of public reason theorists, then, are committed to some version of its use at the global level, whether this is an explicit commitment they hold, or an implicit extension

²⁰³ See Rawls, *Political Liberalism*, 8; Rawls, *Justice as Fairness*, 5 n.5.

²⁰⁴ United Nations, *Charter of the United Nations and Statute of the International Court of Justice* (United Nations Publications, 1985), Article 1.

²⁰⁵ Certain liberal nationalists and statist, such as Thomas Nagel, believe that there are no obligations of *distributive* justice across borders, but this is quite a different claim to the view that there is no such thing as (any form of) *political* justice across borders. See Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (2005): 113-147.

of other beliefs about the nature of public reason and the conditions under which it applies. With these motivations for the global public reason project in place, we can now turn to the criteria by which to judge its various incarnations.

Judging Theories of Public Reason

The aim in this chapter is to use only principles internal to theories of public reason to critique them. Below I sketch three criteria liberals themselves offer: completeness, plausibility in reflective equilibrium, and non-sectarianism.²⁰⁶

Completeness

The first criterion, which responds to the demands of the globality desideratum, is *completeness*. To be complete, a theory of public reason's political conceptions must – in Rawls' words – 'give a reasonable answer to all, or to nearly all, questions involving constitutional essentials and matters of basic justice'. He goes on to highlight the importance of this criterion: 'the significance of completeness lies in the fact that unless a political conception is complete, it is not an adequate framework of thought in the light of which the discussion of fundamental political questions can be carried out'.²⁰⁷ It is easiest to get a handle on completeness by describing its absence. Following Gaus, theorists generally distinguish between two forms of incompleteness: inconclusiveness and indeterminacy. Public reason is *inconclusive* when it fails to generate agreement on a given political issue.²⁰⁸ Public reason is *indeterminate* when it cannot provide a member of the justificatory constituency with sufficient reason(s) to come to any reasoned conclusion on a particular issue. As Micah Schwartzman argues, inconclusiveness does not seem to be a problem for Rawlsian public reason.²⁰⁹ Nowhere does Rawls claim that public reason should generate a single best conclusion on any given political question. Indeed, he strongly suggests that this will not be the case, recognising that there will be a *plurality* of reasonable political conceptions (of which his preferred conception, justice as

²⁰⁶ Note, these criteria are not the only ones discussed in the public reason literature, they are simply the selection that I draw on in this chapter.

²⁰⁷ John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64, no. 3 (1997): 777; Rawls, *Political Liberalism*, 225.

²⁰⁸ To use Gaus' terminology, a public reason argument is inconclusive if it is 'undefeated' but not 'victorious'. See Gerald Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (Oxford University Press, 1996), especially sections 9.3–9.4, 144–158.

²⁰⁹ Micah Schwartzman, "The Completeness of Public Reason," *Politics, Philosophy & Economics* 3, no. 2 (2004): 191–220.

fairness, is one). Public reason, then sets limits to public discussions, ruling out appeal to certain considerations, rather than specifying a method for converging on a single conception of justice. Indeterminacy, by contrast, does constitute a serious threat to the public reason architectonic. I will explain why in laying out the case against liberal nationalist public reason below.

Plausibility in Reflective Equilibrium

The second criterion, reflective equilibrium, is one of Rawls' most influential legacies in contemporary analytical philosophy, the idea being that we work backwards and forwards between general principles and considered judgments about particular cases until we arrive at a stable equilibrium. Given the nature of this criterion, it cannot specify in advance exactly what implications a theory must avoid to retain plausibility. However, the use of the criterion in judging theories of public reason is apparent: to give just one example, if a theory of public reason contains a principle of absolute state sovereignty, such that no argument for coercive intervention in the life of a society is admissible at the bar of public justification, regardless of how badly a state is mistreating its own citizens, then this highly counterintuitive outcome would clearly count as a significant strike against the theory.

Non-sectarianism

Theories of public reason hold that laws must be justifiable to all 'reasonable' citizens. This raises a question – how does one discriminate between candidate definitions of the 'reasonable'? Public reason theorists disagree about how to draw the boundaries of this justificatory constituency of 'reasonable' people, with some preferring little to no idealisation, and others preferring strong idealisation. One criterion to help discriminate between candidate definitions of the 'reasonable' is *non-sectarianism*. Within the domestic literature, this criterion measures how widely or narrowly an account of public reason draws the justificatory constituency, relative to the number of actual people who will be bound by those rules. It is thus a measure of how inclusive a justificatory constituency is. The criterion is necessary to retain faithfulness to the underlying motivation for public reason: to provide a method for justifying laws that are acceptable to more than a narrow segment of those bound by them. As Kevin Vallier puts it, 'political liberals generally acknowledge that one point of public reason

is to avoid the sectarianism of alternative approaches to political legitimacy'.²¹⁰ Given the point of political liberalism is to avoid the sectarianism of rival theories, it is important that it is itself non-sectarian. Otherwise, the justificatory constituency for public reason views becomes what Gaus calls a 'liberal sect', one that excludes many 'good-willed' and 'sensible' people.²¹¹

Importantly, this is not to claim that less sectarianism is always better. It may be that after some sufficient threshold of non-sectarianism has been met, trying to include more and more of the actual views of citizens is, at best, of no value, or worse, ruins a theory by making it hostage to, say, racist or sexist views which have no place in the justificatory constituency. However, even if we adopt a threshold conception of non-sectarianism, the criterion reminds us that the distribution of views among real people forms an ordinary language understanding of the term 'reasonable disagreement'. Technical conceptions of 'reasonableness' might depart from this in idealising the justificatory constituency of 'reasonable' people, but they cannot go so far as to bear no relation to the folk understanding without becoming unfaithful to the point of public reason.²¹²

Non-sectarianism presents a distinctive challenge for theories of global public reason. Not only must they reckon with the demands of non-sectarianism in terms of the proportion of individuals included in the justificatory constituency, they must also operate without an assumption available to theories of domestic public reason: that there exists a developed, single background political culture. Rawls describes the public culture as 'the shared fund of implicitly recognized basic ideas and principles' which form 'provisional fixed points' from which theorising about a political concept of justice can begin.²¹³ A liberal public political culture may be said to emerge, for example, when principles of liberal political morality, such as the harm principle, and a commitment to (some version of) state neutrality, over time become codified in constitutional documents, embedded in popular consciousness, expressed in legal precedent, and come to form part of the historical self-perception of the political

²¹⁰ Kevin Vallier, "On Jonathan Quong's Sectarian Political Liberalism," *Criminal Law and Philosophy* 11, no. 1 (2017): 185.

²¹¹ Gerald Gaus, "Sectarianism without Perfection? Quong's Political Liberalism," *Philosophy and Public Issues* 2 (2012): 10.

²¹² It is for this reason that Collis Tahzib argues that when Quong says that 'the justification of liberal principles at no point depends on the beliefs of real people', he puts the point too strongly. For more detail on non-sectarianism see Collis Tahzib, "Is Anti-Sectarianism a Desideratum of a Public Reason View?," *Public Affairs Quarterly* 35, no. 3 (2021): 234.

²¹³ Rawls, *Political Liberalism*, 8.

community. At the global level, it is widely recognized that the public culture – if one exists – is much thinner than most domestic counterparts. Further, it is understood that at the global level there are a *multiplicity* of political cultures interacting.

As I will discuss below, theorists of public reason disagree about why exactly public political culture matters, but there is general agreement that it exists, and is morally significant.²¹⁴ It is for this reason that many theories of global public reason recognise that the boundaries of the justificatory constituency should be drawn in such a way that they permit the inclusion of representatives from a variety of political cultures. Consider, for example, Rawls' insistence that certain non-liberal peoples be considered as full members of the 'Society of Peoples':

‘...if liberal peoples require that all societies be liberal...then decent nonliberal peoples – if there are such – will be denied a due measure of respect by liberal peoples. This lack of respect may wound the self-respect of decent nonliberal peoples as peoples, as well as their individual members...Denying respect to other peoples and their members requires strong reasons to be justified.’²¹⁵

Some might point to specific societies that are highly polarised domestically and deny that a shared political culture obtains in these cases as well. Here I do not take a stand on the fundamentally empirical question of whether a particular political community does or does not possess a common political culture. Instead, I merely note that the existence of a public political culture within a political community is a contingent matter, one which depends on particular facts about that community. At the global level, by contrast, it is widely recognised that a distinctively global public culture is much less developed, and that deliberation must account for not only this global-level culture, but also a *plurality* of domestic public cultures. This challenge is what differentiates global and domestic public reason, requiring new analysis over and above existing discussions of how domestic public reason responds to diversity.

²¹⁴ By way of a very brief summary, one version of public reason liberalism is grounded in the fact it works up ideas implicit in liberal public political culture into a coherent theory, while most recent versions – notably Jonathan Quong's – use public culture as a key source of normative intuitions, and thus a significant component of the process of coming to reflective equilibrium. I articulate this distinction in more detail in the section on cosmopolitan public reason below.

²¹⁵ John Rawls, *The Law of Peoples: With "The Idea of Public Reason Revisited"* (Harvard University Press, 2001), 61. Note the language in Rawls' statement above, which draws a clear distinction between the harm of cultural imposition to individuals within a given society, *and* to the 'people' or society itself.

With these criteria in hand, we can now test two forms of global public reason against them.

Cosmopolitan Public Reason

A first, cosmopolitan, formulation of global public reason holds that we should deploy domestic public reason liberalism in the same form at the global level. Blain Neufeld defends this position, arguing that arguments in the global public sphere must pass the same test of public justification as that used by domestic political liberals.²¹⁶ The justificatory constituency is idealised to exclude people with views incompatible with political liberalism, but is not so narrow that it only includes comprehensive liberals. Does this cosmopolitan formulation of the public reason position succeed?

My central contention in this section is that – even if political liberalism can be justified in this form at the domestic level – such an account of *global* public reason defines the justificatory constituency in a way that violates the non-sectarian desideratum. Before laying out my argument, I should first address another attempt to reach a similar conclusion, but which I believe is incomplete. Samuel Director asserts that accounts of global public reason face a dilemma: either they ground themselves in the consent of actual people from across the world, in which case consent will not be obtained, or they ground themselves in hypothetical consent from an idealised category of people, in which case one has to idealise so far away from the views and characteristics of real people, that the hypothetical agents bear little or no relation to the actual individuals they purport to represent.²¹⁷ Director's arguments do not succeed, for several reasons. First and foremost, he does not specify why exactly global diversity is greater than, or qualitatively different from, domestic diversity, so does not establish a problem for global public reason specifically. Second, it should be noted that many political liberals would not take actual consent as a basis for liberalism's legitimacy. Quong's influential view, for example, explicitly rejects explicit or tacit consent as the basis for legitimacy, grounding it instead in a natural duty to support reasonably just institutions.²¹⁸ Third, Director's arguments regarding hypothetical consent do not offer a precise specification of how different these agents have to be before hypothetical consent loses its normative force. Political liberals deliberately idealise away from real people so that their

²¹⁶ Blain Neufeld, "Civic Respect, Political Liberalism, and Non-liberal Societies," *Politics, Philosophy & Economics* 4, no. 3 (2005): 275-299.

²¹⁷ Samuel Director, "Global Public Reason, Diversity, and Consent," *Philosophical Papers* 48, no. 1 (2019): 31-57.

²¹⁸ Quong, *Liberalism Without Perfection*, 147.

theory is not held hostage by, say, the inclusion of sexists and racists in the justificatory constituency. Pointing out that hypothetical parties are different to real people is insufficient, and asserting that they are “too different” is ambiguous and vague. A more precise argument is required.

To press a more sophisticated line of argument against cosmopolitan public reason, we must distinguish between two versions of political liberalism. The first is easier to critique. This version draws attention to Rawls’ description of the project of domestic political liberalism as working up certain norms and ideas – especially those that pertain to freedom and equality – implicit in the public culture of liberal democratic societies into a coherent political theory. The presence of these ideas in the public political culture, according to this view, is one reason why it is permissible to impose political liberalism on an individual who does not accept liberalism: it is part of the background framework of the society in which they live. But this defence of political liberalism, of course, is not available at the global level. The world as a whole contains a variety of public political cultures, each with distinct understandings of the nature of the moral personhood, the proper relationship between individuals and social structures, and even such fundamental matters as the nature of moral reasoning. For those who ground public reason liberalism in the public political culture of Western societies, then, applying their theory to the global level in unmodified form would, by their own lights, violate the non-sectarian desideratum.

There is, however, as I note above, a second strand of thought within contemporary liberalism which does not ascribe moral significance to political culture in the same way. Quong’s internal conception of political liberalism is emblematic of this view. Quong draws a distinction between an external conception of political liberalism, for which the justificatory constituency is made up of the individuals in diverse modern societies, and an internal conception, under which the justificatory constituency are individuals in an idealised liberal society marked by reasonable pluralism, for whom disagreement on all aspects of the good is an inevitable consequence of human rationality exercised in good faith under liberal institutions.²¹⁹ The analogous distinction at the supranational level would be between an ‘external conception’ which holds the justificatory constituency to be the world’s diverse population, and an ‘internal conception’ in which reasonable individuals are defined in such a way that they accept the basic premises of freedom and equality, and the family of liberal

²¹⁹ Quong, *Liberalism Without Perfection*, 139.

principles which are derived from them. For the internal conception, it seems, legitimacy is not conditional on acceptability to a particular public political culture, nor on alignment with the views of real individuals; all that is required for policy to be justified is for it to accord with a liberal conception of legitimacy. The challenge, then, is to demonstrate how this ‘internal’ conception of global public reason liberalism runs afoul of the non-sectarian desideratum.

To do so, we can first note that Quong does not jettison political culture entirely. He accepts that “we cannot construct our theory of political liberal justice out of thin air. As Rawls readily admits, ‘not everything, then, is constructed; we must have some material, as it were, from which to begin’”.²²⁰ This material, Quong accepts, comes from the public political culture. But where Quong differs from external conception liberals is in why the public culture matters.²²¹ Rather than understanding political liberalism as an interpretive exercise, trying to work out the best version of ideas implicit in the public culture, Quong advocates looking to public culture as part of the process of reflective equilibrium:

‘Drawing on the ideas implicit in our public culture is therefore not a radical departure from the methodology employed in *A Theory of Justice*, but rather a continuation of Rawls’s commitment to the method of reflective equilibrium. On this view we begin with certain ideas in our public culture because they represent our most strongly held convictions about justice. We take these convictions as provisional ‘fixed points’ in our political theorizing because we are most confident about their validity. We then see if we can construct a coherent normative framework that can make sense of these convictions’.²²²

It is true, then, that Quong’s internal conception uses public culture in a distinctive way. However, we should note that there is still significant theoretical weight being placed on what public cultures say. Applying domestic political liberalism globally would likely create tensions with the majority of public cultures in the world. If a Quongian global public reason theorist bites the bullet and says so much the worse for those political cultures, then it seems they are not in fact placing significant weight on those cultures after all.

²²⁰ Quong, *Liberalism Without Perfection*, 154.

²²¹ Note, Quong suggests Rawls himself is best interpreted as using the public political culture in this way. See Quong, *Liberalism Without Perfection*, 155.

²²² Quong, *Liberalism Without Perfection*, 155.

The broader point is this. An important question which arises for anyone who adopts an internal conception of political liberalism is: why adopt one internal conception rather than another? What determines the bounds of the reasonable? For an external conception the answer is clear: it is set by a conception of society as a fair scheme of cooperation between free and equal persons, that is *embedded in the public political culture*. But the internal conception's answer is different – it says that we should adopt the Rawlsian organising conception of society because it generates an elegant, attractive view which coheres with our considered convictions about justice. It is, in other words, the most plausible conception available in *reflective equilibrium*.

Given this premise, it makes sense to ask the question: is domestic public reason liberalism writ global the conception of public reason that most coheres with our considered convictions? In answering this question, it is important to note that a Quongian is giving us both a method for answering this question (“use reflective equilibrium”), and an answer (“the right conception of global public reason is identical to domestic public reason”).

I submit that – even if we use reflective equilibrium as our method – we have good reason to dissent from the Quongian answer. To begin, there is no principled basis for political liberals to assume that, at the global level, the only equilibrium that matters is one they reach from within their own perspective. Recall why Quong argues internal-conception political liberals use ideas from liberal public cultures: because ‘they represent *our* most strongly held convictions about justice’.²²³ But the ‘our’ is different at the global level – it does not only comprise those who share a liberal political culture. For a Neufeldian global political liberalism to go through, the process of reflective equilibrium has to generate the same answers at the global and domestic levels, even if the individuals involved in generating the equilibrium are different. This is, as I will attempt to show below, unlikely to be the case: if the group engaged in the process of reflective equilibrium differs, then different conclusions are bound to be reached.

A Neufeldian might object that this conclusion should not be reached so hastily. After all, the mere holding of non-liberal values by individuals from non-liberal political cultures does not invalidate global public reason – perhaps such people are simply unreasonable. The Neufeldian must then give an account of what is different about the foundational liberal

²²³ Quong, *Liberalism Without Perfection*, 155.

premises of freedom and equality, as compared with, say, the communal conception of moral personhood associated with Ifeanyi Menkiti, or a conception of value theory which ascribes intrinsic moral value to nature, or a form of moderate perfectionism grounded in Confucianism.²²⁴ Such a distinction might reside, runs the argument, in the ecumenicism built into the values of liberty and equality. These values can, in other words, be endorsed from within a much wider range of worldviews than, say, the Confucian value of 'li' (禮, 'ritual propriety'). As a result, liberty and equality are not the subject of reasonable controversy in the way 'li' is, rendering the latter unsuitable as a basis for public reason. The challenge laid down, then, is to provide an example of a value or principle which should be included within the fundamental terms of global public justification, which domestic political liberalism does not already contain.

To meet this challenge and put the argumentative ball back in the political liberal's court, let us work through an example of a value which is not included within cosmopolitan public reason, but which, I suggest, would be considered an admissible principle at the bar of public justification if the process of coming to reflective equilibrium was properly globalised.

This is the value of 'oneness'. Oneness as a moral or political value is prominent within many non-liberal traditions of thought, both secular and religious. Like any fundamental moral or political concept, there is unlikely to be an uncontested, exhaustive and perfectly precise way to specify the value. But an ecumenical, bare-bones statement of the principle is this: "there is a fundamental interconnectedness and identity between different components of human society, or reality more broadly, that implies the good of a particular individual, or segment of society, is inseparable from the good of the whole. This structure to reality places normative obligations on human beings". To give only a few examples of particular specifications of the principle, neo-Confucian philosophy outlines what Philip Ivanhoe terms the 'Oneness Hypothesis', whose 'core assertion' is the 'claim that we – and in particular our personal welfare or happiness – are inextricably intertwined with other people, creatures or things';²²⁵ Mahayana Buddhism's concept of Bodhisattva holds that the salvation of the self requires 'saving' part or all of the external world;²²⁶ Neoplatonic thought in Christianity describes a

²²⁴ Ifeanyi Menkiti, "On the Normative Conception of a Person," in *A Companion to African Philosophy*, ed. Kwasi Wiredu (Blackwell Publishers, 2006), 324-31; Chan, *Confucian Perfectionism*.

²²⁵ Philip Ivanhoe, *Oneness: East Asian Conceptions of Virtue, Happiness, and how we are all Connected* (Oxford: Oxford University Press, 2017), 1.

²²⁶ Mark Unno, "Oneness and Narrativity," in *The Oneness Hypothesis: Beyond the Boundary of Self*, Philip Ivanhoe et al. (Columbia University Press, 2018), 142-168.

‘Great Chain of Being’ in which every part of the natural world is part of an order designed by God, and in which flourishing consists in fulfilling one’s function in this wider order;²²⁷ indigenous traditions describe ‘cosmologies expressing webs of mutual responsibilities shared across human and non-human beings, entities, and collectives’;²²⁸ and the southern African concept of *ubuntu* emphasizes that ‘every human being is integrated into a comprehensive network of mutual dependencies and that...these relationships are what constitutes the human self.’²²⁹

Importantly, oneness as it is invoked in political and philosophical discourse is not simply an empirical claim about causality and interconnectedness. It is simultaneously a claim about the structure of reality, and a claim about the normative implications of this structure. One might perceive interconnections in the natural or social world that are morally regrettable, such as the connection between a human body and a cancerous tumour within it.²³⁰ But the case of a malignant tumour would not, for an advocate of oneness, constitute one of the relevant connections. Equally, one might hold that interdependence is a morally neutral feature of social life, recognising, say, that economic firms produce negative environmental externalities which affect third parties, but denying that this places obligations on them, beyond their fiduciary duties to shareholders. A proponent of oneness would (depending on their understanding of the principle) reject this claim. ‘Oneness’ as a political value, then, makes a specific claim: that there are certain forms of interdependence built into the structure of reality which, when human actions harmonise with this reality, conduce to the well-being or flourishing of the human and non-human world.

Appealing to the value of oneness in global deliberation to justify and appraise laws or policies may imply, among other things, that the legitimacy of domestic policies be judged by reference to their global impacts, and that self-interested bargaining by a participant in global deliberation would be both morally unacceptable and a fundamental misunderstanding of the participant’s own interests. Consider, for example, an argument supported by the principle of oneness in the realm of economics. The United States Federal Reserve’s legal terms of

²²⁷ Philip Ivanhoe et al., eds., *The Oneness Hypothesis: Beyond the Boundary of Self* (New York: Columbia University Press, 2018), 4.

²²⁸ Kyle Whyte, "Indigenous Environmental Movements and the Function of Governance Institutions," in *The Oxford Handbook of Environmental Political Theory*, Kyle Whyte et al. (Oxford University Press, 2016), 564.

²²⁹ Anke Graness, "Ubuntu and the Concept of Cosmopolitanism," *Human Affairs* 28, no. 4 (2018): 396-7; see also Mvuselelo Ngcoya, "Ubuntu: Toward an Emancipatory Cosmopolitanism?," *International Political Sociology* 9, no. 3 (2015): 248-262.

²³⁰ Ivanhoe et al., *The Oneness Hypothesis*, 1.

reference are purely domestic, directing it to promote ‘the goals of maximum employment, stable prices, and moderate long-term interest rates’ within the United States.²³¹ It is widely acknowledged, however, that US monetary policy has significant effects on economic output in other countries. There is empirical evidence to suggest, for example, that falls in Gross Domestic Product (GDP) triggered by an increase in interest rates are of the same size (as a proportion of GDP) in foreign countries, as in the US itself. The effect, moreover, is greater in certain developing countries than in non-US developed countries and the US itself.²³² The value of oneness could be invoked in public deliberation on this issue to argue that the legitimacy of US monetary policy be judged by reference to its global impacts, not solely by reference to its domestic effects, or its effects in service of the US national interest (as is currently the case).

One might respond by questioning whether the argument outlined above is only available by invoking the conceptual apparatus of oneness. Why not, runs the question, analyse the issue of monetary policy externalities through the lens of an already endorsed democratic principle, such as the ‘all-affected interests principle’, which holds that those affected by a decision have a right to have their interests or preferences taken into account in the process of making that decision?²³³ There are at least two responses we can give to this question. First and foremost, there are important differences between appealing to oneness and ‘all-affected interests’ in the case of US monetary policy. Most notably, a oneness lens implies that the US itself suffers from failing to take account of the international effects of its monetary policy decisions, since, according to the principle of oneness, it is axiomatic that the well-being of the part is constitutively tied up with the well-being of the whole. The ‘all-affected interests’ principle does not generate this conclusion, highlighting only that excluding affected interests causes unjust harm to the excluded interests themselves. Second, even if in a case like this, the policy outcomes implied by each principle would overlap, it seems normatively superior to permit in public justification a concept like oneness that is native to non-Anglophone political cultures and philosophical traditions, even if it is not the only concept able to give conceptual traction on a particular policy issue.

²³¹ United States Federal Reserve, "Federal Reserve board - Section 2a. Monetary policy objectives," Board of Governors of the Federal Reserve System, n.d. <https://www.federalreserve.gov/aboutthefed/section2a.htm>.

²³² Matteo Iacoviello and Gaston Navarro, "Foreign Effects of Higher U.S. Interest Rates," *Journal of International Money and Finance* 95 (2019): 232-250.

²³³ Robert Goodin, "Enfranchising All Affected Interests, and its Alternatives," *Philosophy and Public Affairs* 35, no. 1 (2007): 40-68.

Let us now apply the internal conception's tests for public justifiability to this concept. The first test, of course, is whether the principle is attractive in reflective equilibrium. As the number of traditions which endorse versions of oneness cited above suggest, many at the global level will think it is. The next test is whether the value of oneness can be specified in a way that falls on the 'public' side of the public/non-public distinction, according to the criteria public reason theorists themselves use to draw the distinction. There are two primary criteria that distinguish publicly justifiable political conceptions from non-public comprehensive doctrines. First, the former apply only to the structure and conduct of major social institutions rather than the domain of personal morality, and second, they can be presented as 'freestanding' from any particular conception of the good life.²³⁴

The concept of oneness can be specified in a way that passes both tests. The above description of oneness as a political value is deliberately ecumenical; it seeks to bring out a recognisable core associated with the term 'oneness' without defending a specific conception of it. The individual traditions of thought cited above – and different voices within those traditions – then specify the ideal in more detail. These conceptions of oneness will, in many cases, draw from metaphysically controversial conceptions of the good life, and make moral claims that reach beyond the basic structure of society. Crucially, though, it is possible to abstract from these specific conceptions to the freestanding notion of oneness described above, which can be plugged in like a module to specific traditions of thought. Indeed, contemporary philosophical literature on the concept of oneness seeks to do exactly this, grounding the concept of oneness in empirically verifiable scientific claims, but retaining the concept's moral upshots.²³⁵ This mirrors public reason liberalism's approach to its foundational value of freedom, which draws a distinction between freedom as a comprehensive value – whether Mill's, Kant's, Hayek's, and so on - and freedom as a political value, which is specified in more abstract terms, and does not presuppose adherence to any of these particular comprehensive conceptions.

To exclude oneness as a permissible basis for justifying policy at the international level, then, appears sectarian: it excludes a value native to the political frameworks of a majority of the world's population, without providing grounds internal to public reason liberalism for doing

²³⁴ Rawls, *Political Liberalism*, 11-15. Rawls offers a third criterion – that political conceptions be based on ideas drawn from the public political culture of the society in question. But as I have noted, this is a) not a sufficient ground for public justifiability according to *internal* conceptions of public reason liberalism and b) not an option for any theory of *global* deliberation, liberal or otherwise.

²³⁵ See, for example, Ivanhoe et al. *The Oneness Hypothesis*.

so. The aim of the foregoing analysis, of course, is not to engage in detailed conceptual analysis of the concept of oneness, but to use it as an exemplar value to set up the claim that globalising domestic political liberalism narrows the bounds of reasonableness too much.²³⁶ Extant accounts of cosmopolitan public reason thus violate the non-sectarian desideratum.

Liberal Nationalist Public Reason

Non-cosmopolitan public reason theorists agree that cosmopolitan public reason is unduly exclusionary, and propose alternatives that, they believe, avoid the problem of sectarianism. The most influential of these are liberal nationalist theories of public reason, according to which the nation-state should be the principal site for collective governance and decision-making.²³⁷ There may be a role for international coordination and cooperation, but this must not interfere with the autonomy and self-determination of individual societies. The most prominent application of this general position to the issue of global public reason is Rawls' *The Law of Peoples*. More recent authors, such as Joshua Cohen, have updated and revised Rawls' position, while remaining within its broad contours.²³⁸ For Rawls, Cohen and others, treating non-liberal peoples as standing in relations of equality with their liberal peers requires that a much thinner set of liberal principles be used as the basis for global public reason. In this section I argue, however, that liberal nationalist accounts of global public reason, including Rawls', can only purchase a defence against the sectarian objection at the cost of either completeness or plausibility in reflective equilibrium.

The 'law of peoples' extends Rawls' idea of domestic public reason to the global level. Here, the justificatory constituency comprises not the individual citizens of a liberal society, but the 'peoples' that make up the international community. The principles of the 'law of peoples' are

²³⁶ I develop my analysis of the concept of oneness in the next chapter.

²³⁷ An example of a non-cosmopolitan, non-nationalist, attempt to extend public reason to the international realm might be inferred from brief comments by Gaus in *The Order of Public Reason*. His motivations are statist rather than nationalist, asking how, in a world in which 'many of our moral rules are articulated through the authority of the state', but not all states 'treat their citizens as free and equal moral agents', moral obligations between political societies can be settled in way that overcomes the 'severe' threat of 'moral incompleteness' raised by instances of cross-societal affectedness. However, Gaus' short discussion is oriented towards identifying the complexities involved in such cases rather than providing a worked-out theory, and he ends up endorsing a Rawlsian position, stating: 'given these complexities, we can better appreciate the force of Rawls' proposal that liberal states may admit into the "society of people's" [sic] some regimes that do not fully respect the fundamental rights of all as free and equal persons'. See Gaus, *The Order of Public Reason*, 470-479.

²³⁸ Rawls uses the term 'public reason of the Society of Peoples', rather than 'global public reason'. See Rawls, *The Law of Peoples*, 55. The latter term is used by Joshua Cohen to describe Rawls' view of international deliberation in Joshua Cohen, "Minimalism About Human Rights: The Most We Can Hope For?," *Journal of Political Philosophy* 12, no. 2 (2004): 190-213.

generated in a global original position, in which representatives of liberal peoples are denied knowledge of their own societies (such as size, relative strength, and population). These representatives agree on terms of cooperation which are both acceptable to them, and which, they believe, other (non-liberal) peoples have good reason to endorse, provided they accept that each people should be considered free and equal, and are thus 'reasonable' or 'decent'. Rawls lists the principles of the 'law of peoples' as follows:

- “1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
2. Peoples are to observe treaties and undertakings.
3. Peoples are equal and are parties to the agreements that bind them.
4. Peoples are to observe a duty of non-intervention.
5. Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense.
6. Peoples are to honor human rights.
7. Peoples are to observe certain specified restrictions in the conduct of war.
8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime”.²³⁹

These principles generate a store of reasons to which representatives of states can appeal in making arguments to justify their foreign policy in the community of nations. Rawls notes that the terms of 'the law of peoples' permit of several possible interpretations. As a result, his theory of global public reason is best understood as a family of reasonable interpretations of 'the law of peoples'.²⁴⁰

To assess the Rawlsian theory of global public reason, we must turn to two criteria Rawls himself offers for judging his theory of public reason: plausibility in reflective equilibrium, and completeness.

As noted above, theorists distinguish between two forms of incompleteness: inconclusiveness and indeterminacy. Conclusiveness is not a goal of public reason accounts, and thus inconclusiveness is not a problem for them. Indeterminacy, by contrast, does constitute a

²³⁹ Rawls, *The Law of Peoples*, 37.

²⁴⁰ Rawls, *The Law of Peoples*, 4 n.4. On this, see also Smith, "Deliberation Beyond Borders," 124.

serious threat to the public reason architectonic. Schwartzman, in defending the completeness of public reason, suggests that cases of actual indeterminacy will be vanishingly rare. He offers four putative grounds for claiming that public reason is indeterminate: the vagueness and abstractness of political concepts, the lack of principles for ordering them, the complete silence of arguments derived solely from political conceptions on a given issue (say, the moral status of fetuses), and the assertion that intuitions about borderline or hard cases will inevitably be made by implicit reliance on comprehensive doctrines.²⁴¹ He rightly argues that the first two cases give rise to inconclusiveness, not indeterminacy, and that the final one is compatible with public reason, so long as public reason arguments are eventually given to support the comprehensively derived intuition. This leaves the third charge – that public reason is silent on certain questions. In addressing this challenge, Rawls asserts that this question ‘cannot be decided in the abstract independent of actual cases’, since establishing this conclusion would require refuting every single determinate justification offered for a particular policy.³⁸ The burden of proof, runs the argument, falls on those who wish to assert that public reason is silent on a given political issue. Schwartzman thus endorses Gaus’ conclusion that we should adopt the methodological assumption that public reasons will ‘rarely run out’, and that indeterminacy is rare.²⁴²

I believe it is possible, however, to show that Rawls’ theory of global public reason does indeed run out of reasons on key international political issues.²⁴³ The principles of the ‘law of peoples’ only allow justifications for policy that involve violating the political autonomy of a particular people on three grounds: to prevent international aggression, violations of human rights, or in response to humanitarian catastrophe. This means that Rawlsian global public reason does not have the conceptual resources to deal with a whole swathe of international political problems that are intrinsically global, but which cannot straightforwardly be described as issues of aggression, human rights, or humanitarian catastrophe.

²⁴¹ Schwartzman, “The Completeness of Public Reason,” 191-220.

²⁴² Gaus, quoted in Schwartzman, “The Completeness of Public Reason,” 207.

²⁴³ Jeremy Williams makes the case that the ‘law of peoples’ is indeterminate on at least two crucial matters in the conduct of war – the moral status of decisions made by individuals during the conduct of war, and on the question of whether a given warring action is proportional and thus legitimate. My argument in this section is that the problem of indeterminacy is not limited to questions associated with just war theory. Instead, the gaps Williams identifies are symptomatic of a much more general problem of indeterminacy in the ‘law of peoples’. Jeremy Williams, “War and Global Public Reason,” *Utilitas* 29, no. 4 (2017): 398-422.

It might be objected, before I go further in making this argument, that even if the above statement is true, it proves not that Rawlsian global public reason is *indeterminate*, but that it is simply *permissive*. That is, Rawlsian global public reason affirms that individual peoples should have the autonomy to set their own policies, unless and until their policies involve international aggression, entail a danger to human rights, or cause humanitarian catastrophe. As I will demonstrate in discussing the examples of climate change and economic externalities below, this permissiveness would still be a problem for Rawlsian public reason, because it would run afoul of the criterion that public reason views be plausible in reflective equilibrium.

It is possible, though, to go further and assert that the problem for the ‘law of peoples’ is not merely one of implausibility in reflective equilibrium, but that its permissiveness collapses into indeterminacy. Imagine a theory of criminal law which contains a single principle: life imprisonment for murder. The theory could rightly be accused of being too permissive, of failing to mandate legal punishment in a whole range of other paradigm cases of serious crime: robbery, sexual assault, manslaughter, and so on. But, crucially, we would also want to describe the theory as *indeterminate*, because it is silent on a whole range of cases about which we expect it to have an answer. The purpose of such a theory is to tell us how to identify when a crime has been committed, how it should be punished in a way that balances the claims of offenders, victims and society as a whole, how the severity of different crimes can be compared, and so on. The problem with the theory, then, is not that it is simply too lenient on robbers. Rather, it is that it is too thin to achieve its purpose.

I submit that the same problem affects the ‘law of peoples’. The purpose of the theory is to provide a set of rules and principles by which global political problems can be addressed. Yet, by working through two paradigm examples of policy issues about which we would expect global public reason to permit an answer, we will see that the theory does not have the conceptual resources to achieve this purpose.

Consider, first, the issue of environmental protection. It is unclear which of the principles of ‘the law of peoples’ could be used to ground, say, a global, coercively-backed framework regulating carbon emissions.²⁴⁴ The principle that peoples are free and independent suggests

²⁴⁴ This inability is perhaps unsurprising given Rawls’ more general inattention to ecology, exemplified by his explicit statement that matters of environmental protection should not be considered matters of basic justice in *Political Liberalism*: “The status of the natural world and our proper relation to it is not a constitutional essential or

that peoples should be allowed to choose for themselves an environmental policy, not have one imposed on them by a global order. The principle of treaty observation amounts to the claim that peoples should honour their word, but is silent on the commitments that they should make. Principles 5 and 7 speak to the specific question of how to conduct a just war, so are irrelevant to the question of ecological preservation unless and until climate catastrophe becomes a cause of war. The duty of assistance towards burdened societies is essentially a reactive principle, mandating humanitarian assistance in cases of severe need, rather than providing a framework for *preventing* environmental catastrophe.

The principle that looks most likely to be of help is the duty to respect human rights. However, precisely to avoid appealing to controversial doctrines that are unlikely to command cross-cultural support, Rawls specifies human rights in a much more minimal way. Rawls deliberately limits the definition of human rights to a class of ‘particularly urgent’ rights, such as the right to freedom of conscience or association, a class much smaller than the full range of rights to which citizens in liberal societies are entitled. While drastic and complete environmental degradation, with social consequences so intense that basic human rights to life and liberty are violated, may be one possible outcome of current environmental protection rules, it is surely intuitively unacceptable for a theory of global public reason to only permit constraints on individual state action when such extreme consequences are at stake. After all, many of the dangers associated with climate change – such as loss of biodiversity, and rising food prices due to an increase in adverse weather events – are widely seen as morally important, even though they cannot easily be criticised on human rights grounds specifically. There exists, in other words, a moral category *between* basic human rights violations, and cross-national effects that are benign enough that they can plausibly be left to the discretion of individual peoples. It is this “in-between” category that Rawlsian global public reason is unable to address.

A liberal nationalist might suggest, at this point, that a thickened conception of human rights, which departs from Rawls’ own account, could do the requisite amount of normative work. Such an argument could draw on Joshua Cohen’s contention that the content of human rights can be substantial, even if one wishes to adhere to what he calls ‘justificatory

a basic question of justice [...] It is a matter in regard to which citizens can vote their nonpolitical values and try to convince other citizens accordingly. The limits of public reason do not apply”. See Rawls, *Political Liberalism*, 246.

minimalism'. That is to say, it is possible to specify an account of human rights which goes beyond a minimalist collection of negative rights concerned with bodily integrity, but does not rely on adherence to a particular comprehensive doctrine, and indeed can be made compatible with various influential traditions, such as Confucianism and Islam.²⁴⁵

The challenge for such a move is to mitigate the problem of incompleteness which faces Rawls, without taking liberal nationalist public reason beyond its recognisable core. If the list of human rights is expanded to be coterminous with the full set of liberal rights guaranteed by domestic political liberalism, then the position simply collapses into liberal cosmopolitanism, whose problems I outline above. It is this challenge which leads Cohen to accept that even if the correct conception of human rights is not Rawls' own fairly minimalist version, Rawls is right to identify human rights as a *subset* of the full rights associated with liberal democratic citizenship.²⁴⁶ A similar tension arises if one attempts to create a specifically environmental human right. For such a principle to have any force, it must be permissibly enforced using coercion. If this is the case, then by public reason liberalism's own lights, this requires justification. What is to be said to political cultures and traditions of thought which conceptualise the relationships between human and non-human entities in non-liberal ways?²⁴⁷ What is to be said to, for example, someone who accepts the list of human rights outlined in the Universal Declaration on Human Rights, but also holds to the *Anishinaabe* conception of non-human entities (such as bodies of water) as moral agents in their own right, and thus for whom a human rights framework – which is, by definition, anthropocentric – is unlikely to be satisfactory as a sole reference point for deliberation on environmental protection? If the answer is that conceptions of the environment and non-human agency that are incompatible with a human rights framework are unreasonable, and that the constituency of the reasonable is to be defined by the terms of political liberalism, then liberal cosmopolitanism has re-entered by the backdoor.²⁴⁸

²⁴⁵ Cohen, "Minimalism About Human Rights," 190-213.

²⁴⁶ Cohen, "Minimalism About Human Rights," 210.

²⁴⁷ On this, see, for example, Whyte, "Indigenous Environmental Movements," 563-80; Farah Godrej, "Culture and Difference: Non-Western Approaches to Defining Environmental Issues," in *The Oxford Handbook of Environmental Political Theory*, Farah Godrej et al. (Oxford University Press, 2016), 39-57; Prasenjit Duara, "The Chinese World Order and Planetary Sustainability," in *Chinese Visions of World Order: Tianxia, Culture, and World Politics*, ed. Ban Wang (Duke University Press, 2017), 65-83.

²⁴⁸ Morton Ebbe Juul Nielsen and Asbjørn Hauge-Helgestad attempt to render domestic political liberalism compatible with arguments for environmental protection policies that go beyond protecting basic rights (such as measures to protect biodiversity) on the grounds that they could be defended using non-public reasons, since such policies do not concern 'constitutional essentials' or matters of 'basic justice'. It should be noted, though, that Rawls' restriction on the use of public reason to only constitutional essentials is controversial in the

This is before we note that, while human rights may well have particular moral and strategic value as a conceptual apparatus for addressing certain questions of ecology, they are unlikely to be suitable for all environmental problems. It is unintuitive to speak of a human right to a certain level of biodiversity, for example, especially in cases where biodiversity loss has little or no impact on human beings. Should global public discourse be silent on this issue? Even if one can identify a harm to humans associated with the loss of a particular species' habitat, it seems that using the language of human rights generates the right policy, but for the wrong reasons.

Cohen's attempt to 'thicken' human rights, then, does not rescue the liberal nationalist public reason position. What if, taking our cue from Cohen, we attempted to thicken not human rights, but the other Rawlsian grounds for allowing international oversight of individual peoples and their decisions? The problem with this response, however, is that human rights are the grounds for international intervention most amenable to 'thickening', without collapsing the position into cosmopolitan public reason. Consider the principle of non-aggression. This is an international version of the harm principle, proposing that states are free to act as they please unless they harm other peoples. But this is a foundational difference between liberal cosmopolitanism and nationalism – the latter treats peoples as collective agents subject to the harm principle, whereas the former does not. Similarly for the duty of assistance to burdened societies (the concept of 'humanitarian assistance'): a definitional difference between the positions concerns the existence of obligations of distributive justice across borders. To 'thicken' nationalist public reason to incorporate a principle of distributive justice across borders is to abandon the nationalism underlying it.²⁴⁹

literature; more recent political liberals such as Jonathan Quong question why, if public reason is deemed important for constitutional essentials, it should not cover the full range of state action. More importantly, even if we side with Rawls on the 'constitutional essentials restriction', Nielsen's argument does not resolve the problem for *global* public reason. Rawls does not include the restriction in his theory of the 'law of peoples', for the simple reason that liberal nationalist public reason only seeks to regulate 'essential' questions of international politics. For Rawls, in other words, anything that is not a 'constitutional essential' should simply be left to the discretion of individual peoples. Whatever the merits of Nielsen's argument domestically, it does not rescue Rawlsian global public reason. See Morten Ebbe Juul Nielsen and Asbjørn Hauge-Helgestad, "Come as you are? Public Reason and Climate Change," *Res Publica* 28, no. 1 (2022): 17-32.

²⁴⁹ One could, perhaps, try to widen the scope of cases covered by the term 'humanitarian assistance' or 'humanitarian disaster', but at some point this will become vulnerable to the charge of 'conceptual stretching', and seem ad hoc. The problem with Rawlsian global public reason is not that it cannot say anything about egregious cases of humanitarian need, but that it cannot say anything about less severe cases that in ordinary language are not considered cases of 'humanitarian crisis'.

One further potential objection to my criticism of liberal nationalist public reason runs that we should simply create new principles of the ‘law of peoples’ to deal with environmental protection – animal rights or sustainability principles, say. But again, this would require a significant alteration to the character of the ‘law of peoples’. Unlike Rawls’ domestic principles of justice, the principles of the ‘law of peoples’ are set up to be exhaustive. The first principle gives a people a *pro tanto* right to autonomous decision-making, and the other principles act as riders on this prevailing presumption of societal autonomy. Thus, the ‘law of peoples’ is set up such that no binding law or rule can be enforced against a political people’s decision, except on the grounds specified by principles 2-8. It is these principles which set the fundamental framework that structures (the Rawlsian view of) global public reason, within which publicly justifiable arguments for political action must be offered.

We can illustrate the implications of this position using an example. Federico Zuolo proposes a theory of public justification which widens the scope of reasonable disagreement about the status of animals to permit biocentric views, stipulating that epistemic reasonableness is achieved when a position is a) non-inconsistent and non-discriminatory and b) compatible with the findings of science.²⁵⁰ He suggests that this position can treat as reasonable views as varied as ‘animal subjectivism’ (the view that animals are fully autonomous moral agents) and humanism (which holds that animals are only owed duties of humanity or benevolence, not justice).²⁵¹ Zuolo notes that this position departs from Rawlsian (domestic) public reason, describing it as a hybrid consensus (à la Rawls) and convergentist (à la Gaus) view.²⁵² But the key point at the supranational level is that, whatever the scope of disagreement domestically, liberal nationalism deliberately limits the scope of reasonable arguments internationally to the core grounds of human rights, humanitarian assistance and non-aggression. Regardless of whether one’s domestic public justification view permits, say, animal subjectivism as a reasonable doctrine or not, liberal nationalism’s desire to respect *peoples* places strict constraints on what counts as a reasonable argument in the realm of international decision-making.

²⁵⁰ Federico Zuolo, *Animals, Political Liberalism and Public Reason* (Palgrave Macmillan, 2020), 85-90.

²⁵¹ Zuolo, *Animals, Political Liberalism and Public Reason*, 129-152.

²⁵² On why this is a hybrid view, see Zuolo, *Animals, Political Liberalism and Public Reason*, 90-103.

The problem would not dissolve if one were to defend Rawlsian global public reason's approach to environmental protection by recourse to the *internal* reasons that states have to combat the problem. First, not all states will have the same type and strength of reason to act on, say, rising sea levels; low-lying island and coastal states will have much stronger reasons to prefer costly mitigation and adaptation measures to landlocked countries, for example. Second, as noted above, the users of public reason (on both Rawlsian and cosmopolitan accounts) are not only states, but any agents justifying policy at the global level, such as international organisations. International and non-state actors would not have recourse to the 'domestic' theories of public reason on which this argument relies.

Lest it be responded that environmental protection is a unique case, which we should not use to judge the whole liberal nationalist architectonic, we can equally consider another type of supranational political issue: cross-border economic externalities. It is widely accepted that the effects of a state's economic and financial policies – from currency management, to taxation and trade policy – rarely end at that state's borders. One effect of cross-national affectedness is that individuals – particularly in smaller, poorer states – are vulnerable to the influence of other states. The question for Rawlsian global public reason is what it can and cannot say about the political implications of this fact.

Clearly, the 'law of peoples' will be able to morally appraise *some* policies with cross-national effects. Let us return to the three possible grounds for violating a people's autonomy: to prevent human rights violations, international aggression, or humanitarian catastrophe. If a country imposes an economic blockade on another in an act of aggression, or with consequences so severe that basic human rights are violated, then liberal nationalist public reason has grounds for condemnation. But on a whole range of other important cases, Rawlsian global public reason will again be silent.

Consider the case of a country that devalues its currency for domestic reasons, say in response to deflationary pressure. The domestic justification for the policy avoids the charge that this policy amounts to an indirect form international aggression. While the effects of a devaluation are complex, and to some extent unpredictable, they alter the terms of trade between countries, generally making exports from the devaluing country cheaper, and by extension, equivalent exports from other countries more expensive. Of course, the inverse would be true for imports, but for the purposes of this illustrative example, let us focus on a case in which,

all things considered, currency devaluation privileges the devaluing country's economic competitiveness at the expense of other countries. This clearly amounts to a case of cross-national affectedness which may have significant consequences for economic activity and employment levels on other countries, yet Rawlsian global public reason includes no grounds for international oversight or intervention in this case. This is only one of a plethora of examples of cross-border economic externalities that could be cited. The cross-national effects of altering corporate and personal taxation rates, for example, would raise equivalent problems for the Rawlsian position.

Thus we run into the tension within liberal nationalist public reason that this chapter is highlighting: make one's conception of public reason too rich or thick, and it collapses into liberal cosmopolitanism; make it too thin and it becomes an insufficient framework to deal with a range of paradigm international political problems. In their desire to satisfy the diversity desideratum, liberal nationalist accounts of public reason – both existing and close counterfactual accounts reconstructed using their premises – fail across a range of central political issues to satisfy the globality desideratum. One might argue that this problem is symptomatic of a more general flaw in liberal nationalism's fundamental commitments; whether or not this is the case, my aim here has been to demonstrate that existing attempts to apply the logic of liberal nationalism to the terrain of public reason are inconsistent with evaluative criteria internal to public reason liberalism itself.

Convergence to the Rescue?

Before concluding, it is important to consider one further neutralist possibility. This view holds that legitimacy is dependent on pre-deliberative convergence or consensus. Rather than adopting the whole apparatus of public reason, this approach looks to define neutrality on empirical grounds. Serene Khader's feminist attempt to decouple universalism from its impositionist connotations is a notable example of this. Khader describes the purpose of her work as developing a 'way out of the anti-imperialism/normativity dilemma. This dilemma suggests that we have a choice between abandoning feminism on the grounds that it is an imperialist imposition or biting the bullet and accepting that, if feminism is an extension of

Western chauvinism, so be it.’²⁵³ Khader recognizes that accepting the terms of the dilemma is deeply unattractive, and sets out to persuade us that it can be overcome. One need not choose, on her view, between making generalised normative claims, and avoiding imperialism. She describes her project, then, as ‘decolonising universalism’ – preserving universalism while stripping it of its imperialist baggage. To do this, Khader offers two kinds of argument.

The first is exemplified by statements like the following: ‘Feminist movements around the world seem to converge on the importance of women’s access to certain goods, such as freedom from violence and the ability to determine one’s reproductive life... So there is a need for a list of universal indicators of advantage and disadvantage...’²⁵⁴

On this argument, it is the fact that feminist movements converge on particular claims that makes those claims cross-culturally valid or legitimate. There are different objections one might raise to Khader, but here I highlight only one: if cross-cultural validity is determined by the fact of empirical agreement, then the list of universally valid principles or claims is likely to be very short. After all, many of the most pressing global political problems are intractable not only due to power asymmetries or bad faith bargaining, but due to genuine disagreements at the level of principle between individuals and across traditions of thought: to what extent, if at all, are national governments permitted to give more weight to the interests of their citizens than to those of others? To what extent should environmental harm be permitted in the name of continued economic development in lower income countries? These are only two of many possible examples that could be cited.

Khader does, though, offer a second type of argument, noting that ‘...transnational forms of gender injustice, such as neoliberalism and militarism, are difficult to recognise without the ability to see some things as gender-injustice-undermining [sic] across contexts.’²⁵⁵

²⁵³ Serene Khader, *Decolonizing Universalism: A Transnational Feminist Ethic* (New York: Oxford University Press, 2018), 7.

²⁵⁴ Khader, *Decolonising Universalism*, 39-40.

²⁵⁵ Khader, *Decolonising Universalism*, 39.

Here the claim is slightly different: because specific forms of gender injustice operate across cultural boundaries, we are only able to locate them if we hold to a conception of justice which ‘registers’ some things as ‘oppressive across contexts’.²⁵⁶

This argument, however, is question begging. Consider its structure: a) we need to be able to say that certain things – such as neoliberalism and militarism – are unjust; b) we can only say this if we have a conception of justice that is valid across cultural boundaries, therefore c) we should hold such a conception of justice. Yet this presumes precisely what is at stake: is neoliberalism (and other transnational phenomena of its kind) unjust? One might agree with Khader that many important forms of injustice do operate across borders, and a satisfactory theory of supranational moral legitimacy will have to recognise this fact. But without laying on the table a prior commitment to certain values or principles (such as opposition to extreme economic inequality), this grounding for a non-parochial universalism is question-begging and circular. This conception of legitimacy through neutrality, then, does not satisfy the globality desideratum.

Conclusion

There may well be other penetrating lines of critique against global public reason liberalism, in both cosmopolitan and nationalist form. For example, while I have consciously stayed within the liberal tradition as an argumentative strategy, postcolonial theorists, Marxists, non-Anglophone philosophers, and others may all have lines of criticism grounded in their own conceptual frameworks.

However, I have not rested my case on such arguments for the purposes of emphasising the single point I wish to make: whatever other problems liberal theories of global public reason have (or do not have), they face an important, fundamental problem: either they are too thick, or they are too thin. Liberal cosmopolitanism satisfies the globality desideratum, but not the diversity desideratum, and thus is too thick. Liberal nationalism, by contrast, seeks to satisfy the demands of diversity at the expense of globality, and thus is too thin. One might read into the failure of attempts to ground global legitimacy in competition or neutrality a pessimism about the prospects for any theory of global deliberation satisfying both desiderata

²⁵⁶ Khader, *Decolonising Universalism*, 39.

simultaneously. However, at this stage such pessimism would not be warranted. All I have attempted to show in this chapter is that one family of attempts to satisfy both desiderata, emerging from the public reason debates within the liberal tradition, has not yet succeeded. It remains possible that another approach to global deliberation and public justification could reconcile the demands of globality and diversity. In the next chapter I outline a route to such an alternative, drawing on the insights from the public reason tradition but casting a wider net than liberal antiperfectionism.

Chapter 5: Legitimacy Through Dialogue - The Case of Oneness

One main purpose of this thesis is to test theories of global public justification against two key desiderata. The first is that they be sufficiently ‘global’ to deal with the supranational issues they are designed to address (the ‘globality desideratum’). The second is that they do so in a way that is respectful of global diversity - in a way that does not impose in a normatively indefensible way on the lives, interests, or views of the world’s diverse population (the ‘diversity desideratum’).

In the Introduction and Chapter 3 I outlined a typology of three different proposals for addressing both desiderata simultaneously, offered by Qian Yongxiang. So far I have addressed two of these. First, there is global legitimacy born of competition: different systems of thought fight it out, and the winner becomes universal.²⁵⁷ Second, there is legitimacy born of neutrality, which holds that we can respect diversity by avoiding appeal to controversial concepts or doctrines.²⁵⁸ Neither of these proposals has succeeded. There is, fortunately, one further alternative, which we encountered in Chapter 3. This is Qian’s preferred option: legitimacy born of ‘mutual recognition’. Qian, however, leaves relatively unspecified what this route to global legitimacy entails. The aim of this chapter is to develop and assess the credibility of this third route to global legitimacy, suggesting that Qian’s idea is best conceptualised as proposing a process of supranational dialogue that confers legitimacy on its outcomes.²⁵⁹ While the two preceding chapters have been critical in orientation, here I present a positive case for this general approach to identifying globally legitimate public values, and an illustration of the fruits that this approach might yield.

²⁵⁷ Examples of this include proposals which explicitly defend the global extension of comprehensive liberalism and Zhao Tingyang’s conception of *tianxia* as outlined in Chapter 3. See Held, *Democracy and the Global Order*; Zhao, *Redefining a Philosophy for World Governance*.

²⁵⁸ The most prominent examples of this view, as outlined in the Chapter 4, are theories of global public reason, whether in cosmopolitan or nationalist form, as well as proposals which look for empirical convergence across national or cultural boundaries. Public reason sets the terms within which public dialogue is conducted, but the terms of public reason, for political liberals, are set by philosophical inquiry. On Quong’s influential formulation, discussed in the previous chapter, the “right” theory of public reason is the one most plausible in reflective equilibrium. This is one difference between the ‘neutrality’ and ‘dialogue’ models: on the latter model, the terms of public dialogue must themselves emerge from a process of intersubjective dialogue.

²⁵⁹ I use the terms ‘dialogue’ and ‘(meta-)deliberation’ interchangeably. I thus refer to ‘deliberation’ in its general sense of public communicative action, rather than to a particular set of procedures or requirements associated with any specific theory of deliberative democracy.

The argument proceeds in two halves. First, the chapter provides a general statement of the dialogic – or meta-deliberative – route to global legitimacy. Second, the chapter analyses a particular value or principle, which, it is argued, would be likely to emerge from a cross-cultural meta-deliberative process, the value of ‘oneness’.

Legitimacy Through Meta-Deliberation – A General Statement

According to the ‘legitimacy through dialogue’ approach, a publicly legitimate set of values and principles for use in supranational decision-making can emerge *through* a process of global intersubjective and cross-traditional deliberation. The approach draws on an intuition that has been expressed in different ways, in different literatures, but which share the conviction that the brightest prospects for a globally legitimate framework of values reside in a dialogic process of cross-cultural, cross-national engagement that generates a moral framework irreducible to that of any particular tradition of thought.

As we saw in Chapter 3 Qian Yongxiang, for example, endorses ‘universalism’ born of what he terms the ‘mutual recognition of the self and the other’; Charles Taylor draws on Gadamer’s notion of a ‘fusion of horizons’ to argue that ‘the language of a cross-cultural theory’ need neither be ‘theirs or ours’, and can instead be conducted in ‘a language of perspicacious contrast’; and Boaventura de Sousa Santos argues for a process of ‘mutual learning’ between the global South and North.²⁶⁰ These proposals differ in several respects, but they share a fundamental intuition: dialogue, if conducted in the right way, can generate epistemically valuable and legitimate outcomes.

One understanding of this claim – that dialogue can lead to legitimacy – might hold that the determinant of legitimacy in global political decision-making lies in institutional design and procedure, not in the content of what is said in the public sphere. If the right agents speak to one another in the right spaces, and according to certain procedural norms, then the outcomes of deliberation can legitimately bind all agents. This assumption, that the terms of global deliberation should consider only institutional design and procedural norms such as a

²⁶⁰ Qian, “How does the subject deal with others?” 30-31; Charles Taylor, “Understanding and Ethnocentricity,” *Philosophical Papers 2: Philosophy and the Human Sciences*, 1985, 125; Boaventura de Sousa Santos, “A New Vision of Europe: Learning from the South,” in *European Cosmopolitanism: Colonial Histories and Postcolonial Societies*, ed. Gurinder Bhambra and John Narayan (London: Routledge, 2016), 175-177.

commitment to civility, listening, turn-taking, and so on, underlies much of the existing global democracy literature, as exemplified in the view of Simon Caney. Caney argues that, above a threshold set of fundamental interests and rights which should be guaranteed extra-deliberatively, global decisions should be taken via fair deliberation. The democratic process that Caney proposes has two parts. First, international institutions must be ‘procedurally fair’ and ‘provide a just arena in which the different viewpoints can be expressed and adjudicated’. Second, ‘a just response to reasonable disagreement requires not simply institutional design. It also requires a certain kind of political culture – one in which persons treat others with respect, acknowledging the reasonableness of (some of) those who disagree with them, and expressing their own viewpoints with appropriate modesty.’²⁶¹ Global democratic procedures generate legitimate outcomes, then, when they a) allow for the expression of different viewpoints and b) when participants commit themselves to a set of deliberative procedural norms, in particular those pertaining to civility, respect and epistemic humility.

Luis Cabrera and others plausibly object that Caney’s conception of global deliberation has insufficient guardrails against a majority ignoring these participative norms and simply riding roughshod over minorities because, ‘while the norms of political humility are presented as binding and participants are exhorted to adopt them, there is no clear mechanism for challenging outcomes that would be deeply inconsistent with them.’²⁶² Cabrera’s favoured alternative specifies a much thicker set of rights and values that constrain international decision-making, which are to be set outside of global deliberation.

But then the original problem recurs: what gives these extra-deliberatively determined values legitimacy? It is for this reason that throughout the thesis I have been concerned with the question of *public justification*. The problem is especially acute for an account like Cabrera’s which goes beyond specifying a minimal set of fundamental rights to food, bodily integrity, and so on, incorporating such a thick set of rights and outcomes that the scope of the public deliberative agenda becomes significantly constrained. Both Caney and Cabrera’s positions, then, are unsatisfactory. This is in part because they share a common but misplaced underlying assumption. Both assume that we are faced with a dilemma: either outcomes are

²⁶¹ Simon Caney, "The responsibilities and legitimacy of economic international institutions," in *Justice, Legitimacy and Public International Law*, ed. Lukas Meyer (Cambridge: Cambridge University Press, 2009), 116.

²⁶² Luis Cabrera, *The Humble Cosmopolitan: Rights, Diversity, and Trans-State Democracy* (Oxford: Oxford University Press, 2020), 185.

decided outside deliberation, or they are decided during deliberation, where deliberation refers to conduct of deliberation.

The challenge, then, for the dialogic route to justificatory legitimacy is to specify how a set of values for use in justifying, proposing and defending political action at the global level can be generated. This is where we can recover the insights from Qian Yongxiang and Xu Jilin's argument that global legitimacy requires more than the universalisation of any single tradition of thought. The dialogic approach to global legitimacy, we can recall from Chapter 3, envisions two stages to legitimate global deliberation. The first stage, which we can term 'meta-deliberation', is deliberation that seeks to identify and determine public values.²⁶³ The second stage, which we can term 'public deliberation', seeks to conduct public discourse and decision-making by reference to these public values.²⁶⁴ A natural next question at this point is: how should meta-deliberation proceed?

Instantiating Meta-Deliberation

First, let us consider who and what must participate in meta-deliberation. In Chapter 2 I argued that there should be mechanisms for individuals to access the global public sphere. Here we are talking about a different type of deliberation – what I have termed 'meta-deliberation' – focused not on specific policy issues themselves, but on the values that are considered publicly justifiable bases for policy. The analogous question arises again: what inputs are required in meta-deliberation for legitimacy to obtain? Below I argue that, while individual representation is necessary in meta-deliberation, it is not sufficient. For global legitimacy to be achieved, the inputs of meta-deliberation must include at least one further,

²⁶³ Note this is not to endorse a claim about cross-cultural deliberation as a standard for identifying metaphysical truth, but a more limited claim that this methodology constitutes the brightest prospect for obtaining cross-cultural and cross-national *legitimacy*.

²⁶⁴ One might worry that there is a circularity or incoherence in this argument. Meta-deliberation is a form of 'deliberation about deliberation' – deliberation about the values that can be appealed to in the course of global public deliberation. But, runs the objection, this prior 'deliberation about deliberation' will itself rely on a set of values or procedures, creating a problem of regress. Closer examination, however, reveals this concern to be unfounded. Two forms of deliberation can be conducted simultaneously – first, deliberation about the rules and principles which should govern the process of public discussion, and second, deliberation about substantive political issues using those rules. Theories of public reason, for example, imply a similar 'dual track' structure, without issues of circularity or incoherence arising. Internal to public reason is a distinction between public and non-public reasoning. Only the former can be used to ultimately justify laws and state action, while the latter covers a much wider domain of social and political communication, including communicative action in the media, universities, among voluntary associations in civil society, and so on. In deliberating about the right theory of public reason, political theorists are engaged in a particular form of non-public reason. This academic conversation, according to the self-understanding of public reason theorists, generates proposals or suggestions for how political deliberation should be conducted, which can then be presented to the wider citizenry.

independently valuable, form of input: philosophical arguments and elaborated traditions of thought. The set of values which can legitimately be appealed to in global public deliberation, then, must be determined through a process of meta-deliberation which involves both the views and preferences of individuals from across the global population, but also through a process of philosophical scrutiny which includes input from geographically diverse systems of thought. Below I defend this premise and outline how it should be instantiated.

Individual Meta-deliberation

Let us begin with how individual preferences can be represented in global meta-deliberation – what would this mean in practice? We can operationalize meta-deliberation using the idea of a global citizens’ assembly.²⁶⁵ The concept of a citizens’ assembly – and even a global citizens’ assembly – is not new. In fact, as Dryzek and Tanasoca note, there has been a significant surge in the attention such assemblies have received in recent years, at both the national and international levels.²⁶⁶ The notion of a citizen forum or assembly naturally permits of many variations, but the general structure is as follows: a representative ‘mini-public’ of citizens is identified, generally through a process of random selection which is then tweaked to ensure representativeness of the broader population across a range of socially salient characteristics, and brought together in a facilitated setting in order to engage in deliberation.

Most forums organised to date have either been issue-specific and/or time-bound. Several, even if nationally circumscribed, have addressed issues of a global nature, such as climate change. In 2016 in Ireland, for example, a citizens’ assembly developed recommendations on carbon taxation that were adopted by the government. In 2020 the UK Parliament sponsored a citizens’ assembly tasked with making recommendations on how to reduce greenhouse gas emissions to net zero by 2050 (a legally adopted target). There have also been attempts to organise multinational deliberative exercises – concurrent forums held in different countries – such as the World Wide Views series organised prior to the 2009 COP conference in Copenhagen.²⁶⁷ There have also been instances of transnational deliberative spaces being

²⁶⁵ Note, my fundamental concern is for the inputs required if meta-deliberation is to confer legitimacy on its outcomes, and to demonstrate the utility of philosophical meta-deliberation. As such, while I present an institutional proposal which employs the device of a global citizens’ assembly, my use of this proposal is intended to illustrate a more general approach to achieving cross-national justificatory legitimacy.

²⁶⁶ Dryzek and Tanasoca, *Democratizing Global Justice*, 141.

²⁶⁷ For details, including on the strengths and limitations of these different forums, see Dryzek and Tanasoca, *Democratizing Global Justice*, Chapter 6.

convened, notably the EuroPolis poll organised within the European Union.²⁶⁸ Around these experimental initiatives a small literature has emerged assessing both whether they are effective, and how to maximise their quality. Here I am concerned not with the empirical dimension of how such deliberative spaces are best conducted, but with their underlying normative rationale.

Within the global democracy literature, the idea of a citizens' assembly has been advanced most directly in Dryzek, Milewicz and Bächtiger's proposal for a Deliberative Global Citizens' Assembly (DGCA).²⁶⁹ They argue that such an assembly would increase accountability, legitimacy and deliberative quality at the supranational level. The authors articulate a range of possibilities for its instantiations, from more minimal versions, which would be advisory and issue-specific, to wide-ranging and empowered versions, depending on considerations of political feasibility. Dryzek et al.'s proposal is focused on the deliberative assembly as a forum for public deliberation, bringing lay citizens into public discourse at the international level in novel ways. Extending the logic of this institutional innovation, we can modify the proposal to incorporate the two-level deliberative game envisaged on my account. The proposal, then, is to use the device of a citizens' assembly, but rather than designing it to focus on a substantive public policy issue, task it with conducting *meta-deliberation* about the values that can legitimately underpin global public justification. The assembly would function as a forum for meta-deliberation involving a representative sample of individuals from across the global population. Interestingly, Dryzek et al. state, without further analysis: 'maximally, it [a DGCA] could be envisaged as a kind of global constitutional convention, though that would be taking a very big leap into the dark.'²⁷⁰

Let us take this 'leap into the dark', and consider the image of a 'constitutional convention', applying it to the notion of a global deliberative forum tasked with meta-deliberation. In *A Theory of Justice*, Rawls describes a four-stage sequence in the construction of just institutions, with each stage gradually removing his famous veil of ignorance, providing more information to the deliberating parties. The first concerns the selection of principles of justice (in the case

²⁶⁸ Pierangelo Isernia and James Fishkin, "The EuroPolis deliberative poll," *European Union Politics* 15, no. 3 (2014): 311-327.

²⁶⁹ John Dryzek, André Bächtiger, and Karolina Milewicz, "Toward a Deliberative Global Citizens' Assembly," *Global Policy* 2, no. 1 (2011): 34. A similar proposal is tabled by Michael Vlerick, "Towards Global Cooperation: The Case for a Deliberative Global Citizens' Assembly," *Global Policy* 11, no. 3 (2020): 305-314

²⁷⁰ Dryzek et al., "Toward a Deliberative Global Citizens' Assembly," 34.

of justice as fairness, his two favoured principles of justice). The second stage is the constitutional convention stage, with participants given information about the society's political culture, and given responsibility for agreeing on constitutional principles and arrangements which embody these principles. The third stage concerns the passing of specific legislation that realises the principles of justice, within the constitutional framework decided at the second stage. And the fourth stage constitutes the application of this legislation within the course of political life by judges and public administrators.²⁷¹ Rawls is of course writing in a different context – to illustrate how his favoured principles of justice might be implemented. But we can extract from the sequence an important distinction between philosophical inquiry, constitution-making, legislation, and the application of legislation.

For those committed to democracy in some form, it is important that the common terms of political life are, in some sense, acceptable to those bound by them. As I explored in more detail in the preceding chapter on public reason, political theorists differ in whether – and how much – to idealise away from real people in specifying the justificatory constituency of those to whom laws must be acceptable. However, even if idealisation occurs in the realm of political theory, for such a theory to enjoy real-world legitimacy, it must eventually meet with some form of empirical acceptance. Following philosophical discourse around the shape of a legitimate global order – in particular a set of publicly justifiable values – a global citizens' assembly would instantiate something analogous to the second stage: a constitutional 'moment' prior to the operation of the general process of legislation and decision-making.²⁷² Unlike in Rawls' sequence, though, where elements of the veil of ignorance remain during the second stage, a citizens' assembly composed of real individuals would be tasked with conferring empirical legitimacy on candidate values for use in public justification.²⁷³ Particular laws, policies and rules, and decisions concerning their application, would then be made and justified by reference to these values.

²⁷¹ Rawls, *A Theory of Justice*, 171-176.

²⁷² Note, philosophical meta-deliberation, as detailed below, is not completely equivalent to Rawls' first stage, which in *A Theory of Justice* involves hypothetical deliberation among parties placed behind a veil of ignorance. Philosophical meta-deliberation generates one form of input into the constitutional 'moment' embodied by the citizens' assembly, it does not establish fixed parameters within which the assembly must operate.

²⁷³ In incorporating an empirical dimension to global public legitimacy, my account overlaps in this one respect with George Klosko's attempt to provide an empirical basis for justifying political liberalism within liberal societies. George Klosko, "An Empirical Approach to Political Liberalism," in *Political Liberalism: Variations on a Theme*, ed. Shaun Young (Albany: SUNY Press, 2004), 129-48.

Naturally, any attempt to instantiate meta-deliberation would involve inputs beyond the personal views of the individual participants in a citizens' assembly. The purpose of deliberative assemblies is to facilitate deliberation in response to information and argumentation provided not only by other participants, but also by expert testimony, public opinion surveys, arguments from stakeholders with different perspectives, and so on. A global constitutional convention or assembly tasked with meta-deliberation would be no different: it would deliberate, but include as input information regarding individual value-preferences from across the global population, as well as arguments for those preferences.

Before adding a second component to the meta-deliberative process in the form of traditions of thought, I should respond to two objections to my use of Dryzek et al.'s proposal. The first is that Dryzek et al. describe the DGCA as an alternative to a popularly elected global assembly, of the kind I defended in Chapter 2. On my account, they operate in different registers – the former as part of a meta-deliberative process to define the parameters within which global decision-making is conducted, and the latter as one institution within the global system for the conduct of public deliberation. The two proposals are thus complementary rather than competitive. This does not contradict the logic of Dryzek et al.'s proposal – their objection to an elected global body is based on considerations of feasibility rather than principle. A second potential objection queries whether a global deliberative citizens' assembly is itself a culturally-specific or parochial idea, not a “neutral” space in which different conceptions of global public justification could be discussed. Dryzek et al. are attentive to this challenge, responding that the notion of deliberation in some form – understood in the general sense of public communicative action rather than a specific theory of deliberation associated with, say, Rawls or Habermas – is found within practically all political cultures. Further, they note that while diversity in deliberative style undoubtedly exists within and across community boundaries, this need not preclude the operation of such a forum, so long as active facilitation ensures one particular style is not allowed to dominate.²⁷⁴

²⁷⁴ Dryzek et al., "Toward a Deliberative Global Citizens' Assembly," 37.

Philosophical Meta-deliberation

Above I have described how a global citizens' assembly is a necessary component of the 'legitimacy through dialogue' proposal, performing a function akin to the second stage of Rawls' four-stage sequence. I now argue that meta-deliberation involving individuals and their preferences must be complemented by *philosophical* meta-deliberation.

This claim might at first seem surprising. If my proposed route to cross-national legitimacy acknowledges an empirical dimension, as it does, then the objection can be raised: why should we not simply hold that the views and preferences of individuals are the only ultimate object of representation in meta-deliberation. According to the objection, individuals are the locus of ultimate moral value, and thus the value of traditions of thought is completely derivative of individuals adopting them. Indeed, it may be dangerous to rely on political cultures or philosophical traditions, since they can lead individual preferences to be ignored or overridden where they diverge from the orientations of one's background culture or dominant tradition.

The problem with the 'individual-exclusivist' approach is it fails to interrogate sufficiently the circumstances under which individual preferences are a) formed and b) measured. One way to motivate this argument notes the general limitations of associating democratic representation with individual preferences, invoking, for example, the problem of adaptive preferences and agenda-setting power. Here, though, I wish to go beyond highlighting such general problems and underline two particular problems with representing only individual preferences in global meta-deliberation.

The first concerns preference formation. It is widely recognised that individual preferences are formed against a global history filled with historical injustice which has affected precisely those arenas of social and political life in which such preferences are formed. One prominent example of this has been the suppression, and in many cases extinction, of languages in colonised countries through, for example, forcing colonised peoples to learn European languages and forbidding the use of indigenous languages in schools.²⁷⁵ In circumstances such as these, even if a particular constellation of political traditions – a combination of liberal

²⁷⁵ David Harrison, *When Languages Die: The Extinction of the World's Languages and the Erosion of Human Knowledge* (Oxford: Oxford University Press, 2008), 21.

democracy and neoliberal capitalism, say – were to achieve hegemony in the sense of dominance among individuals' preferences, the case for actively including other traditions of thought in global meta-deliberation could rest on the unjust process by which these traditions of thought became dominant.

A second limitation of the 'individual-exclusivist' approach concerns the way preferences are solicited, measured, and categorised. Given the scale involved at the global level, for individual preferences to influence meta-deliberation (for instance in being presented to a global citizens' assembly), they will have to be in some way represented and aggregated. Consider, for example, attempts to solicit individual opinions and preferences on global issues through surveys. Currently, most systems which attempt to survey and understand such preferences use questions and categories associated with the political science of the English-speaking Western world. There is nothing intrinsically wrong with this, but the questions one asks (and in the case of many surveys, the answer options presented) affect the answers received, as well as how those answers are interpreted, categories and analysed. Let me illustrate this point with an example.

The World Values Survey seeks to track 'changing values and their impact on social and political life' across the world.²⁷⁶ Its 'postmaterialist index' asks participants to choose their two most important priorities from the following list of four options: '1. a high level of economic growth 2. making sure this country has strong defense forces 3. seeing that people have more say about how things are done at their jobs and in their communities 4. trying to make our cities and countryside more beautiful'. On this basis it either classifies individual responses as 'materialist' (1+2) or 'postmaterialist' (3+4), or mixed. Several of its questions on science suggests a dichotomy between science and religion, asking participants to what extent they agree with the statement 'we depend too much on science and not enough on faith', or asking whether participants agree with the statement 'whenever science and religion conflict, religion is always right'. Other questions on religion ask about belief in 'hell' and 'heaven', but not other terms for destinations in the afterlife. One question on political culture implies that a 'democratic political system' is one involving multiparty elections. A further question identifies left-right as the primary lens through which political views are analysed: 'In political matters, people talk of "the left" and "the right." How would you place your views on this

²⁷⁶ "World Values Survey Database," WVS Database, accessed July 22, 2023, <https://www.worldvaluessurvey.org/WVSContents.jsp>.

scale, generally speaking?'.²⁷⁷ In each of these cases, the question design reflects the categories and political experience of the North Atlantic. The postmaterialist thesis is a (controversial) theory about why individuals in high income democracies are becoming more liberal. The questions on science and religion emerge from the legacy of the Enlightenment which saw the institutional power of the church set against the emerging Scientific Revolution. The left-right cleavage, born during the French Revolution, reflects to some degree the experience of electoral democracies in Europe and North America, but does not fit nearly as well for non-Western electoral democracies.²⁷⁸

The point of highlighting the Eurocentricity of these elements of the World Values Survey's design is not to criticise it. Rather, it highlights a more general point that, in any deliberative situation involving representation and limited time, there will inevitably be some constraints on the kinds of inputs individuals are able to deliver to the conversation. There is no 'value-neutral' way to survey or otherwise collect individual preferences. Further, there is no way to survey individuals about how their preferences should be collected without some prior design of a meta-level survey. As a result, there appears to be no alternative than to design mechanisms and procedures for collecting individual preferences by reference to an existing set of values, concepts and categories. In these circumstances, there is no option but to use background political orientations and conceptual maps of the world as an input in designing the procedures by which individual preferences are aggregated. If current methods for soliciting individual preferences as inputs for global deliberation are Eurocentric in design, then one promising way to make preference-aggregation methods more globally representative is to allow input from other traditions of thought at a fundamental level, leading us back to the premise that a global meta-deliberative process should seek to include them as an independent form of input.²⁷⁹

Importantly, the issue of solely representing individual preferences is not simply a limitation of using survey data. Consider, for example, analogous issues that would arise if we attempted to identify publicly legitimate values through electoral competition. As with surveys, the

²⁷⁷ "World Values Survey Database," WVS Database, accessed July 22, 2023, <https://www.worldvaluessurvey.org/WVSContents.jsp>.

²⁷⁸ It is possible to design surveys with more sophisticated or fine-grained questions, but the argument articulated below would still apply. See, for example, Hayley Stevenson, "Contemporary Discourses of Green Political Economy: A Q Method Analysis," *Journal of Environmental Policy & Planning* 21, no. 5 (2019): 533-548.

²⁷⁹ This constitutes one difference between the 'meta-deliberative' and 'competitive' models of global legitimacy: the former sees intrinsic value in the inclusion of a diversity of traditions of thought in public conversation, over and above their success in the competition for adherents.

structure and nature of elections would mean that only a limited range of options (or constellations of values) could be presented as candidates for public consideration. Further, recall Katrin Flikschuh's analysis of the problems associated with political systems based on multiparty competition in the African context which I examined in the introduction. The general point to extract from that analysis is that the design of an electoral system itself reflects background assumptions about the nature of democratic legitimacy; the system itself relies on choices made prior to electoral competition, presenting again a problem analogous to the limitations of survey design.

A more general objection might be raised, however. Why not, runs the objection, simply select publicly legitimate values using the same methods and procedures that are used to identify public representatives or select policies and laws? In other words, why bother with the scaffolding of meta-deliberation – whether this involves individual preferences, traditions of thought, or as I propose a combination of both – when we can simply use the processes of electoral competition and majoritarian democratic governance?

To respond, let us first clarify what is at stake with this objection: it effectively collapses the two-level deliberative system I am proposing, and by extension rejects the need for public justification in favour of straight majority rule.²⁸⁰ In previous chapters I have criticised existing approaches to public justification at the global level, but the reason I have engaged so closely with them is that their underlying motivation is sound.

Recall, from the introduction, the three main grounds for why public justification is important: respect, civic friendship and stability (for the right reasons). I do not here take a stand as to which grounding is correct, but begin from the presumption shared by all three that democracy is more than simply majority rule. The motivation for looking *wider* than liberalism in this thesis for the basis of global public justification is because the alternative would illegitimately marginalise much of the global population. But pure majority rule, particularly when operating against the backdrop of a divided polity with the possibility of persistent minorities, legitimises marginalisation. Majority rule expresses an ideal of

²⁸⁰ This majority rule might still be deliberative – one need not endorse a Schumpeterian conception of democracy as competition between elites, with citizen participation discouraged, to adopt this view. But the key point behind this position is that democratic endorsement is sufficient for a law or policy to be legitimate.

impartiality and is thus an important component of democracy, but it is not itself *sufficient* for democratic legitimacy.

One further objection to my argument holds that there is no non-arbitrary way of identifying or selecting traditions of thought to include in meta-deliberation. I have two main responses to this worry. First, my view proposes the inclusion of philosophical traditions *alongside* individual preferences: the citizens' assembly proposed above would have to legitimate proposals which emerged from meta-deliberation between traditions of thought. Second, and more important, this objection pushes us to specify how philosophical meta-deliberation would be instantiated. In the first chapter, I argued against Dryzek's chamber of discourses proposal on the grounds presented by this objection: that there would be no feasible way to choose which discourses to represent in the chamber. Instead, meta-deliberation between traditions should take place in the public sphere.²⁸¹ Proposals and ideas which emerge from philosophical meta-deliberation can then be presented to a citizen's assembly, or filtered through meta-deliberation between representative individuals through other institutional means.

One final note: given the impossibility of representing individual preferences without reference to background political culture or philosophical traditions of thought, one might be tempted to go in the opposite direction, and *only* seek to represent traditions of thought in meta-deliberation. Indeed, as we saw in Chapter 2, some of Dryzek's early work makes this move, arguing that what matters at the global level is not the representation of individual preferences or interests, but the representation of competing 'discourses' in an ongoing process of contestation.²⁸² This 'tradition exclusivist' approach, however, is similarly unpalatable. Its primary vice is that it has very limited credentials as a theory of *democratic* legitimacy. Individuals do not simply imbibe political culture and reflect it unquestioningly. Indeed a feature of any political culture or philosophical tradition of any meaningful size or sophistication will be a diversity of voices within it. Individuals are not prisoners of their background culture, and should not be treated as such by the structure of global public justification. To do this would create a conservative bias in favour of the status quo,

²⁸¹ As noted in Chapter 2 this need not entail that public institutions have no relationship whatsoever with philosophical meta-deliberation. Instead, something like the current arrangement within many domestic public spheres could obtain in which public institutions provide funding and other resources necessary for the conduct of non-public conversations, including philosophical dialogue.

²⁸² Dryzek, *Deliberative Global Politics*, 1.

precluding the possibility of individuals within a political culture redefining it, or rejecting particular of its assertions in favour of alternatives.²⁸³

Both elaborated traditions of thought and individual preferences, then, are important, independent sources of input into global meta-deliberation. This is not to say they are unconnected. To the contrary, individuals and traditions of thought are mutually constitutive, each shaping the other. But the key claim I have defended in this section is that, in the identification of globally legitimate values, both are necessary.²⁸⁴ Above, then, is a general statement of the meta-deliberative approach to resolving the problem of global public justification. It would be impossible to predict in advance all of the outcomes that such meta-deliberation would yield. In the latter half of this chapter, however, I illustrate how meta-deliberation might proceed, focusing on one candidate value, which, I believe, stands a good chance of emerging through a process of cross-cultural meta-deliberation. The analysis below thus constitutes an example of how *philosophical* meta-deliberation might proceed, generating arguments and ideas for consideration in a global citizens' assembly.

Illustrating Philosophical Meta-Deliberation: Oneness

A dialogic process seeking to identify globally legitimate values, we have seen, will have to include at least two forms of input. The next question to ask is what, if anything, we should expect to emerge as the 'outputs' of meta-deliberation. Which, if any, constitute the substantive values that can legitimately be invoked in publicly justifying policy at the global level?

Given the open-ended nature of the meta-deliberative process I have described, it is not possible to definitively state its outcomes. However, it is important to illustrate some possible results of philosophical meta-deliberation, in order to demonstrate the utility and

²⁸³ We can further note that individuals are not only embedded in traditions of thought, but in layers of power, history, and so on. Individual meta-deliberation allows these other dimensions of "embeddedness" to be reflected in global meta-deliberation.

²⁸⁴ Individuals and bodies of thought are not the only possible inputs, but I focus on traditions of thought here because they significantly shape individual and collective attitudes at a conscious and subconscious level. In the previous chapter I gave the example of how a liberal public political culture may be said to emerge when principles of liberal political morality, such as the harm principle, and a commitment to state neutrality, become embedded in constitutions, popular and cultural consciousness, and legal precedent. While an individual might consciously choose to reject some or all of liberalism's tenets, the background political culture still forms an important part of the conceptual landscape within which their individual views are formed. I leave open the possibility that there are other independently valuable inputs that ought to be included alongside individuals and traditions of thought.

distinctiveness of this approach to legitimacy. Further, it is important to demonstrate that at least some strong candidates for inclusion in the set of publicly justifiable values will come from non-liberal traditions. In Chapter 3 I offered an initial example of one contribution to philosophical meta-deliberation, focusing on how theories of *tianxia* deploy the concept of benevolence found within Confucianism. After engaging in conceptual analysis of the value of benevolence and its implications for cosmopolitanism, I offered examples of how it might be used in public justification, without necessarily endorsing the claim that benevolence is a globally legitimate value.

In this section I wish to illustrate meta-deliberation in more depth. To this end, I present a normative case for a particular value, expanding my analysis of the value of “oneness”. The ‘legitimacy through meta-deliberation’ thesis does not locate legitimacy in universal assent across existing philosophical or cultural boundaries.²⁸⁵ To the contrary, meta-deliberation requires not simply identifying points of convergence, but the presentation of arguments in favour of ideas that *can* travel across boundaries, even if they do not already enjoy universal endorsement. In previous chapters I have used oneness as an exemplar value to demonstrate the limitations of other routes to global justificatory legitimacy, particularly those grounded in neutrality. Here, I return to the value of oneness, but this time to develop a more detailed, positive case for its inclusion in the set of publicly legitimate values in global public discourse. While this analysis alone cannot make the final determination as to its public legitimacy, it can illustrate the point that there are non-liberal values with a strong *prima facie* claim to such legitimacy.

Oneness, as described in the previous chapter, is found within several non-liberal traditions of thought, both secular and religious. Without committing to a particular conception of oneness as a uniquely correct or compelling way of specifying the principle, we can recall the general statement of the value used in the previous chapter: “there is a fundamental interconnectedness and identity between different components of human society, or reality more broadly, that implies the good of a particular individual, or segment of society, is inseparable from the good of the whole. This structure to reality places normative obligations on human beings”. Recall also, from the previous chapter, how particular specifications of the principle then specify the ideal of oneness in more detailed (and diverse) ways, drawing from

²⁸⁵ In the previous chapter I critiqued this position as expressed in the work of Serene Khader.

traditions as diverse as neo-Confucianism, Mahayana Buddhism, Neoplatonic Christian thought, and North American indigenous thought.²⁸⁶

The political implications of oneness

Oneness may first appear to be a metaphysical – perhaps even mystical – principle. To be relevant to discussions of political deliberation and public justification, oneness must also have political upshots. To demonstrate its political relevance, let us consider cases in which the concept could plausibly be invoked to support political argumentation.

Recall, first, the example discussed in the previous chapter of how oneness could support particular public arguments in the realm of economic policy. The value of oneness, it was stated there, could be invoked in public deliberation on the mandate of the United States Federal Reserve to argue that the legitimacy of US monetary policy be judged by reference to its global effects, not solely by reference to its effect on domestic levels of employment and inflation.

There are, of course, many further possible examples. The European Commission, the organ of the European Union (EU) responsible for proposing legislation and policy, for example, has developed detailed guidelines for developing and evaluating the impact of its policies across a range of policy areas as diverse as agriculture, financial regulation, and migration.²⁸⁷ These policy evaluation rules include a stipulation to consider the impact of EU policies (including internally focused ones) outside the Union’s borders, a stipulation that might itself be justified as a proto-instantiation of the value of oneness.²⁸⁸

At the same time, closer scrutiny of the guidelines reveals ways in which the concept of oneness might be invoked to justify criticisms of, or alterations to, these policy evaluation protocols, and their role in the broader policymaking process. Consider first, the place of these policy evaluation tools in the process of a new law or directive coming into effect. The

²⁸⁶ Ivanhoe, *Oneness*, 1-4; Unno, “Oneness and Narrativity,” 142-168; Whyte, “Indigenous Environmental Movements,” 564; Graness, “Ubuntu and the Concept of Cosmopolitanism,” 396-7; Ngcoya, “Ubuntu: Toward an Emancipatory Cosmopolitanism?” 248-262.

²⁸⁷ The principal documentary sources for such guidelines are European Commission, *Better Regulation Toolbox*, (2023), https://commission.europa.eu/system/files/2023-07/BR_toolbox_Jul_2023_en.pdf.; European Commission, *Better Regulations Guidelines: Commission Staff Working Document*, (2021), https://commission.europa.eu/system/files/2021-11/swd2021_305_en.pdf.

²⁸⁸ The *Better Regulation Toolbox* identifies effects on non-EU countries as an assessment criteria in at least three ways: in referring to effects on ‘developing countries’, the achievement of the Sustainable Development Goals, and on the satisfaction of the EU’s external treaty obligations.

Commission's guidelines, while formally adopted, only bind its internal operations. The Commission's task among the multiplicity of EU organs is to propose and draft regulations, which are then sent to the EU Parliament and Council of Europe who have ultimate law-making authority. The process of negotiation and alteration in these latter two institutions can result in significant changes to the content and effect of policies proposed by the Commission. But the stipulation to consider non-EU impacts is only incorporated at the initial Commission drafting stage. Compounding this is the fact that the impact evaluation protocols identify effects on 'developing countries' as only one 'tool' among at least twenty for evaluating policies and regulations.²⁸⁹ Such effects are thus traded off against a much larger number of other internally-focused concerns, such as the effects on EU consumers, employment rights, security, the maintenance of competitive markets, and so on. It is unsurprising, then, that in evaluations of EU policies, across a range of policy areas, domestic concerns override concern for the well-being of non-EU agents. Empirical analysis has noted, for example, that 'security' justifications tend to drive EU migration policy to the exclusion of 'global development' considerations.²⁹⁰ The concept of oneness might be invoked to question this ordering of priorities, whereby global interests are seen as secondary, only to be pursued after internal concerns have been satisfied.

The foregoing constitute two examples of ways in which oneness could be invoked as a value in public deliberation – similar to how I used it in the previous chapter to test the limits of cosmopolitan public reason. But there is a further, deeper, way in which oneness could have foundational political implications. As noted in the previous chapter, many traditions of thought rely on an underlying conception of society. The Rawlsian conception of society underlying public reason liberalism is that of a fair system of cooperation between free and equal persons, with an equivalent conception of global society as a system of cooperation between free peoples. The value of oneness could be used to construct an alternative conception of global society, a version of which could be stated as follows: "global society is an organic whole, populated by free and equal individuals, in which the good of any segment is bound up with the good of the whole". Note I am not here claiming that this conception of society is necessarily the best interpretation of the implications of oneness for a conception of

²⁸⁹ Effects on 'developing countries' are Tool #35 in European Commission, *Better Regulation Toolbox* (2023).

²⁹⁰ Daniel Wunderlich, "Towards Coherence of EU External Migration Policy? Implementing a Complex Policy," *International Migration* 51, no. 6 (2013): 26-40.

society. Rather, all I wish to do is demonstrate how one could use the value of oneness to put a conception of global society on the table.²⁹¹

As with any conception of society, we can then test its appeal. In the case of the above conception, we can point to certain appealing features. First and foremost, it coheres with the deepest convictions of many in the global population, as adherents of the multiple traditions of thought cited above would all affirm. More broadly, it is common to hear in public discourse, from informal everyday conversation to formal statements in global forums, recognition that in matters of public health ‘no one is safe until everyone is safe’; that technological advances and political integration are contracting the world into a ‘global neighbourhood’ or ‘global village’; that on climate change ‘the world will succeed or fail as one’. Of course, the mere fact these views are widespread among the global population does not itself prove their plausibility in reflective equilibrium. But these widely held convictions generate a strong *prima facie* case for the intuitive plausibility of oneness as a value informing a conception of global society. Across a range of paradigm global political issues – climate change, disease management, financial regulation – the principle of oneness allows agents to generate compelling moral arguments which clearly locate the normative upshots of global interdependence.

There are myriad other ways in which the concept of oneness might be invoked in public discourse by different agents to support different proposals. But these three examples demonstrate that the principle of oneness could have significant effects in the realm of

²⁹¹ Below I address various objections to this conception of society and the value of ‘oneness’ more generally. But a critic might try to pre-empt this discussion by alleging that the very existence of pluralism and conflict in global society renders the value of ‘oneness’ manifestly false. This objection, however is too quick. I am presenting oneness as a plausible value that challenges liberal presuppositions about the nature of society, not necessarily the metaphysically correct value; the view as to whether society is inherently cooperative or conflictual is one that touches on ground-level intuitions (and one where our beliefs in turn influence the social reality they are trying to describe) that cannot be straightforwardly justified using knockdown arguments. Even a liberal thinker such as John Rawls is somewhat torn on how to address the question of society’s ‘wholeness’. On the one hand, he sometimes emphasises the fact that societies are made up of members who are in competition for the resources needed to pursue their diverse conceptions of the good. For example, Rawls notes that his theory is only needed because the ‘circumstances of justice’ obtain. They obtain ‘whenever persons put forward conflicting claims to the division of social advantages under conditions of moderate scarcity’. See Rawls, *A Theory of Justice*, 110. Yet at other times he emphasises the cooperative nature of societies, using an orchestral metaphor to describe the benefits of a social union in which each person develops certain capacities and then is able to enjoy the different ‘realised natural assets’ of his or her peers. See Rawls, *A Theory of Justice*, 459. Clearly, despite these competing directions of thought, Rawls in *Political Liberalism* ends up considering the fact of disagreement the fundamental question of modern political life, and so builds his theory around a conflictual picture of society (though not as conflictual as, say, the Marxist conception of society as made up of irreconcilably opposed classes). Moreover, it is important to distinguish interdependence from disagreement. A plausible interpretation of the principle of oneness would not deny that disagreement is possible nor would it deny that it might be desirable in the process of testing ideas and values. What it does deny is that society is inherently conflictual.

political life. With this case on the table, we must then consider potential objections to the use of oneness in a theory of global public deliberation and justification.

Is oneness distinctive?

For ‘oneness’ to perform normative work, it must be a *distinctive* political value. The previous chapter addressed two concerns in this connection. The first worry suggested that oneness is not a moral or political value, but simply a claim about causality. My response there highlighted that ‘oneness’ is simultaneously a claim about the structure of reality, and a specific claim about the normative implications of this structure. The proponent of oneness is making the distinctive claim that there are certain forms of interdependence built into the structure of reality which, when human actions harmonise with this reality, conduce to the well-being or flourishing of the human and non-human world.

A second worry identified in the previous chapter questioned whether the public arguments outlined above are only available by invoking the conceptual apparatus of oneness. Why not, to recall one example, analyse the issue of monetary policy externalities through the lens of an already endorsed democratic principle, such as the ‘all-affected interests principle’? The answer offered in the previous chapter was twofold. First and foremost, there are important differences between appealing to oneness and ‘all-affected interests’; according to the principle of oneness, the well-being of each part is constitutively tied up with the well-being of the whole, but the ‘all-affected interests’ principle highlights only the harm to excluded interests. Second, even if the policy outcomes implied by each principle would overlap significantly, all else being equal it is preferable to permit in public justification a concept like oneness that is native to non-liberal political cultures and traditions of thought.

Another way of motivating this worry, which was implicit in the previous chapter, but would require further elaboration here, questions whether oneness would add significant content to existing theories of public justification. If oneness would require no or few such alterations, then the issue of distinctiveness re-emerges. In responding to this challenge, a first step is to note that the existing theories of public justification, and their global extensions, analysed earlier in the thesis do not consider oneness a public value. Neither cosmopolitan nor liberal nationalist public reason would permit policy or law to be made by reference to the principle of oneness alone, on the grounds that ‘oneness’, unlike the core liberal values of freedom and equality, may be the object of reasonable disagreement among citizens or peoples. Nor, for

that matter, would comprehensive liberalism, which holds autonomy to be lexically prior to all other values, oneness included.

We can further note that oneness cannot simply be “added” to a public reason theory’s core values of freedom and equality without requiring significant changes to the shape of the theory. Consider, for example, one political conception of justice that is permitted by public reason liberalism, and is indeed Rawls’ favoured conception of justice in his early work: the view known as ‘justice as fairness’. According to (Rawls’ version of) ‘justice as fairness’, principles of political and distributive justice are to be decided by hypothetical parties behind a veil of ignorance who agree on the terms of a contract that will set the terms of their society’s collective life. The outcome of deliberation in this ‘original position’ is agreement on a scheme of basic liberties, a commitment to a principle of ‘fair equality of opportunity’, and a ‘difference principle’ to regulate socioeconomic inequalities. Public reason liberalism does not require reasonable people to hold this political conception of justice, but it does consider it a paradigm case of a publicly justifiable set of beliefs about justice.

An approach to public justification which includes oneness as a core value, however, would likely question some of the assumptions underlying this contractualist methodology. The interconnectedness and constitutive attachment to the well-being of others implied by oneness, for example, stands in tension with the explicit commitment to ‘mutual disinterest’ among parties in the original position. It might be objected that Rawls does not assume real people are mutually disinterested, only that their hypothetical representatives in the original position are, but this does not deflect the force of this point, because the question can still be asked: why should we believe that the right way to model hypothetical parties for the purposes of clarifying intuitions about justice includes an assumption of mutual disinterest?²⁹² A full appraisal of the compatibility of justice as fairness with the principle of oneness would require a more detailed specification of the principle than the general statement I am using here. But this is enough to support the overall suggestion that the principle of oneness would require modifications to the structure and content of existing theories of globalised liberalism. It thus constitutes a distinctive and interesting political value.

²⁹² This assumption is reflective of a deeper use of legal contract as a foundational metaphor within the social contract tradition. Accounts of ‘oneness’ by contrast, often use alternative foundational heuristic devices, such as organic metaphors.

Let us assume, then, that a commitment to oneness would require non-trivial alterations to existing theories of public justification, in particular those associated with political liberalism. Perhaps, far from being a strength, this is a problem for oneness. Including oneness in the category of publicly justifiable values may simply be ‘unreasonable’ or sectarian, expecting individuals to live under rules and laws made by reference to a principle they could reasonably reject.

Without endorsing the entire political liberal architectonic (not least because I have already demonstrated its limitations at the global level), it is possible to demonstrate, however, that the principle of oneness need not fall afoul of the standards of ‘reasonable disagreement’ internal to public reason liberalism itself. Theories of public reason, we have seen, face a choice as to how they define the ‘justificatory constituency’ of those to whom laws and policies must be justified in terms they can accept. ‘External conceptions’ of political liberalism take the justificatory constituency to be made up of the individuals in diverse modern societies. George Klosko, for example, takes an empirical approach to determining public justifiability, asking which values are acceptable to citizens taken as they are.²⁹³ Given no value would receive completely unanimous endorsement in the real world, empirical approaches to public justifiability require instead widespread endorsement. If we take this route, it is very likely that, at the global level, oneness can be specified in such a way that it passes the publicity test. Consider how, in the non-exhaustive list of conceptions of oneness highlighted above, a version of oneness can be found, or endorsed from within, traditions of thought associated with most of the major world religions (Christianity, Buddhism, Hinduism), and philosophical traditions (Confucianism, North American indigenous traditions, Ubuntu thought), whose adherents collectively make up a significant majority of the world’s population. Indeed, in the global landscape of philosophical bodies of thought, those who endorse methodological or ontological individualism (say, in the assumption of mutual disinterest among parties to a social contract) are empirically fewer in number than those who endorse a version of oneness.

Of course, one might respond that these numbers don’t themselves constitute normative reasons to endorse oneness. Indeed, in part to avoid making public justifiability hostage to the quite possibly unpalatable (or at least non-liberal) views of real people, we have seen that

²⁹³ Klosko, “An Empirical Approach to Political Liberalism,” 129–48.

‘internal conceptions’ of political liberalism idealise the justificatory constituency. Jonathan Quong’s account of public reason liberalism is emblematic of this view, defining reasonable individuals in such a way that they accept the basic premises of freedom and equality, and the family of liberal principles which are derived from them.²⁹⁴ The previous chapter noted that internal conceptions of political liberalism ultimately ground themselves in reflective equilibrium, before identifying further criteria to distinguish publicly justifiable political conceptions from non-public comprehensive doctrines. Two criteria in particular were highlighted: first, political conceptions apply only to the structure and conduct of major social institutions rather than the domain of personal morality, and second, they can be presented as ‘freestanding’ from any particular conception of the good life.²⁹⁵ The chapter then argued that a view of public justification which includes the principle of oneness is no less attractive in reflective equilibrium, and no less sectarian, than one which does not.

We can go one step further than this and suggest that a conception of society which includes oneness will, at least in certain respects, likely be superior to one which does not. Across a range of paradigm global political issues – climate change, disease management, financial regulation – the principle of oneness, with its implication of organic interconnectedness, allows agents to generate compelling moral arguments which clearly locate the normative upshots of global interdependence. It thus has a strong *prima facie* claim to pass the reflective equilibrium test. At the same time, it can be specified in a way that falls on the ‘public’ side of the public/non-public distinction, according to the criteria public reason liberals themselves use to draw the distinction. While individual traditions of thought specify the concept in different ways, it is possible to abstract from these specific conceptions to the freestanding – and non-sectarian – notion of oneness described above. Oneness, then, cannot be straightforwardly excluded from a theory of global public justification using the refrain that any non-liberal value will inevitably be sectarian.

Is oneness inherently hostile to diversity?

Even if we can defend oneness from the charge of sectarianism, perhaps a more general worry remains: that oneness is inherently hostile to diversity. Does the logic of oneness, we

²⁹⁴ See Quong, *Liberalism Without Perfection*, 137-161.

²⁹⁵ Rawls, *Political Liberalism*, 11-15.

might ask, not tend in the direction of homogeneity? Does oneness not imply convergence on a single view, to the exclusion of others?

This worry is misguided. Oneness is a concept like freedom or justice. Just as one can have Rousseauian and Berlinian conceptions of freedom, each with significantly different conceptions of what freedom is and how it can be realised, different conceptions of oneness may be more or less compatible with diversity. Consider, for example, conceptions of oneness which take their cue from analogies to biological organisms such as the human body. Different parts of the organism are differentiated – and the functioning of the whole requires this diversity of form and function in its constituent components – but the organism as a whole retains its ‘wholeness’ or ‘oneness’.

Of course, there are potential, and historical, uses of the human body as a model for political society that are inhospitable to respect for diversity. One could point, for example, to eugenicist uses of Herbert Spencer’s deployment of the ‘body politic’ metaphor in his sociology, arguing that society – like a human body – is a collection of individual cells, some of which are low quality or parasitic and should be eliminated for the good of the whole.²⁹⁶ But plausible, considered conceptions of oneness that take their cue from the human body can – and do – easily avoid drawing crude and distorted implications from biological metaphors. Rather than understanding the body as simply an agglomeration of cells, ‘interchangeable in everything except their genetic quality’, plausible attempts to draw parallels between the body and the polis will likely focus on the complex interdependence of systems in the body, the complementarity of differentiated cells, tissues and organs, and so on.²⁹⁷

The implications of ‘oneness’ for identity raise similar questions. A version of oneness might hold that the value implies the abandonment of all particular or partial identities, in favour of a single universal human identity. But this is unlikely to be persuasive. By contrast, arguments have been made that a form of universalist human identity can promote rather than threaten diverse particular identities, because the unbounded (there is no ‘other’) and non-socially constructed nature of a universal identity can help grant the existential security necessary to

²⁹⁶ G Marie Aquilina, "Man is a Social Organism," *Genealogies of Modernity*, 2021, <https://genealogiesofmodernity.org/journal/2021/2/16/man-is-a-social-organism>.

²⁹⁷ Aquilina, "Man is a Social Organism".

overcome patterns of ‘othering’ and exclusion that arise when groups see the difference of others as a threat.²⁹⁸

My concern here is not to prove that these particular arguments or conceptions of oneness are correct, but to make the point that conceptions of oneness face the same challenge as conceptions of other, widely accepted, political values such as freedom, democracy, and equality. Each concept has considerable constructive potential, but can be specified in more and less conceptually attractive ways. While there may be versions of oneness that are incompatible with respect for diversity, this is far from inevitable, and, if specified in the right way, the two concepts may well form a symbiotic rather than antagonistic relationship.

Is oneness too liberal?

In order to deal with the objection that oneness is inherently sectarian or hostile to diversity, I have invoked a specific conceptual move: the extraction of a freestanding, widely-endorsable core concept, from more embodied conceptions found in particular systems of thought. A final objection to address, then, is that to speak of oneness in a ‘freestanding’ sense loads the dice in favour of certain traditions; that the ‘concept and conception’ distinction is itself reflective of a certain bias, marginalising traditions in which concepts are not analysed or understood in this way. We can reply in two ways. First, advocating for the extraction of a freestanding core from a fully embodied metaphysical value-claim does not rely on the epistemological claim that this represents the best route to truth, but the much more mundane claim that it is possible to extract certain concepts from their milieu without them becoming unintelligible. It is, of course, true that ideas exist in networks. And, as a result, it may be that something is lost in the process of rendering a value freestanding, but this does not imply that the process is without merit.

To illustrate this distinction, let us consider an example of a tradition of thought that might be considered hostile to the notion of abstraction to a freestanding concept. According to David Hall and Roger Ames’ reading, Confucius presents a distinctive idea of philosophical and moral reasoning, in which “thinking” involves learning (学, *xue*), reflecting (思, *si*), realizing (知, *zhi*) and living up to one’s word (信, *xin*).²⁹⁹ Truth is reached not through

²⁹⁸ Shahrzad Sabet, “Social Identity and a Reimagined Cosmopolitanism: Liberating the Particular Through the Universal,” *Working Paper* (2021): 14.

²⁹⁹ David Hall and Roger Ames, *Thinking Through Confucius* (Albany: SUNY Press, 1987), 29-68.

rational introspection, but only through a combination of action and reflection; theory and practice cannot be segregated from one another. Philosophical inquiry, as a result, must focus on how to ‘realize oneself as a human being in a social and political context, rather than on metaphysical speculations about personhood’.³⁰⁰ There is clearly a contrast here with, say, the Platonist position that truth and understanding are reached through a process of abstract reasoning divorced from the texture of empirical experience. Crucially, however, Hall and Ames’ claims are compatible with the mundane type of abstraction I am proposing. Indeed, this is what Hall and Ames are doing – extracting from passages in Confucian texts core concepts that are intended to guide the process of “thinking”. They consider, for example, the following passage from *The Analects*:

‘Where one realizes (知, zhi) something but his authoritative humanity (仁, ren) is not such that he can sustain it, even though he has it, he is certain to lose it...Where he realizes something, his authoritative humanity (仁, ren) is such that he can sustain it, and he handles it with proper dignity, yet he fails to use ritual actions (礼, li) to implement it, he will still not make good on it.’³⁰¹

From this passage and others like it, they extract certain propositions about the nature of *zhi* (知 – loosely, “realizing” as a verb, “wisdom” as a noun): it is ‘something done as well as known’; it has a ‘performative aspect’; it implies that ‘authentication in action is a necessary condition of knowing’.³⁰² This illustrates the point that truth is reached through a combination of theory and practice, a point that is intelligible even to someone uncommitted to the values of *ren* (仁) and *li* (礼). While concepts such as *zhi* (知) do not have exact English analogues, and thus something is lost in translation, Hall and Ames undertake their project precisely because they believe aspects of Confucius’ approach to “thinking” and philosophical activities can be productively shared across community boundaries, and speak to the contemporary English-speaking world. The relevant test of whether a concept is “compatible” with being made freestanding in the sense intended here is simply whether it is amenable to conceptual analysis.

³⁰⁰ Hall and Ames, *Thinking Through Confucius*, 59.

³⁰¹ Confucius quoted in Hall and Ames, *Thinking Through Confucius*, 52.

³⁰² Hall and Ames, *Thinking Through Confucius*, 52.

Second, the purpose of abstracting from a fully embodied metaphysical claim to a more ecumenical statement of the value is because this represents one of the best prospects for generating cross-traditional legitimacy. The motivation to abstract, in other words, is to present the concept to an audience beyond its original context, an audience which by definition will not share all the background suppositions and assumptions connected to it. To insist that, say, the concept of oneness in neo-Confucian thought cannot be separated from its background metaphysical claim that all things share an ‘original nature’ (本性, *benxing*), and are differentiated only because their ‘life force’ (气, *qi*) allows particular patterns to manifest themselves, is tantamount to saying that if neo-Confucian ideas are to have any weight in global public justification, they must be accepted as a whole package, and that everyone globally is required to accept these metaphysical background suppositions as a legitimate basis for rules and laws.³⁰³ But this would be highly unlikely to satisfy the diversity desideratum, just as insisting on, say, John Stuart Mill’s particular conception of autonomy as the basis for global public justification would be. Faced with a choice between freestanding oneness and no oneness in global deliberation, I venture to suggest the neo-Confucian would prefer the former.

Oneness, then, is a value native to the political cultures and philosophical traditions of a majority of the world’s population. It can be specified in a way that does not fall prey to the objection that it is sectarian or parochial and thus inappropriately sensitive to diversity. At the same time, it offers distinctive content to a theory of global public justification, providing just one example of a value that may well emerge from a meta-deliberative approach to grounding global political legitimacy.

Conclusion

The foregoing has attempted to achieve two related aims. The first is to present a general statement of the dialogic, or meta-deliberative, route to identifying publicly justifiable values at the supranational level. The second is to offer one illustrative contribution to philosophical meta-deliberation, making the case that one value found in many traditions of thought across a range of geographical, cultural and linguistic boundaries has a strong claim to be a permissible and valuable addition to the set of principles that can legitimately be invoked in support of global laws and rules. The meta-deliberative approach, then, widens the scope of

³⁰³ Ivanhoe, *Oneness*, 23.

publicly legitimate values and arguments at the global level so that it includes but is not limited to the values upheld by, say, political liberalism. In this respect, it offers a less stringent and thus more inclusive account of “public reason”, understood in a general sense, for use at the global level. Of course, certain questions remain for further research. For example, even if oneness emerges as a suitably ‘public’ value in philosophical meta-deliberation, would it command sufficient assent in meta-deliberation among individuals, say in a global citizens’ forum? This question would likely require empirical analysis. But what I hope to have accomplished here is to have clarified the overall shape of this dialogic approach to grounding globally legitimate values, and to have offered an illustration of the conceptual terrain that this meta-deliberative process would cover.

Conclusion

With all the building blocks of the argument in place, we can conclude. Recall the three questions outlined in the introduction, which one could characterise as the “who, where and how” of global public deliberation: Which agents should be involved? Where should it take place? How, if at all, can justificatory legitimacy be achieved at the global level?

To address these questions, we first needed an account of the functions of the public sphere. While there is a mature literature on the public sphere as a whole, there have been few attempts to systematically describe the core desiderata of a well-ordered public sphere. Accordingly, I began by describing the epistemic and non-epistemic values that public deliberation seeks to realise.

Epistemic	Non-epistemic
Exposure to diverse thought	Access to deliberation
Combining widely distributed knowledge	Transparency in public decision-making
Creating common knowledge	Accountability of public institutions

The public sphere has three primary epistemic functions. First, to expose individuals to new information and points of view, facilitating preference alteration. Second, to facilitate interactions between experiences and pieces of knowledge that would not otherwise occur. And third, to create common knowledge, which is knowledge that is not only widely shared within a population, but also knowledge where it is commonly known *that* it is shared. Beyond these epistemic properties, deliberation in the public sphere also seeks to realise non-epistemic values. Principal among them is to facilitate deliberative access: to provide individuals with the opportunity to contribute to the process of making and revising the rules that they live under. Alongside deliberative access, a well-ordered public sphere also realises the values of transparency and accountability. The former mitigates the concern that decision-making is being corrupted by vested and well-placed interests, while the latter subjects public institutions (and other powerful agents) to justificatory norms, which help to ensure that the decisions of such institutions track the interests of the public they serve.

The model sketched identifies values that any public sphere – domestic or international – should realise. With this general model in place, we could then ask how, if at all, the structure

of the global public sphere should differ from its domestic counterparts. Two key areas of possible difference were investigated: the question of whether individual access is necessary at the global level, and how the agenda should be set. In response to the former question, against several influential accounts in the global democracy literature, I argued that norms of individual access *should* apply globally just as they do domestically. And in response to the latter question, I suggested that the common democratic assumption that the deliberative agenda can only be set in deliberation itself does not apply at the global level. Due to structural asymmetries of deliberative influence in the current global order and its close counterfactual alternatives, extra-deliberative mechanisms to add issues to the public agenda are justified, where this would prevent powerful agents from pushing pressing global challenges off the deliberative agenda to suit their own interests.

The latter half of the second chapter then turned to the second of our three questions: where should global deliberation take place? I began by describing and considering the normative standing of the status quo, which combines intergovernmental deliberation with some measure of participation by agents from the ‘global background culture’, such as non-governmental organisations and corporations. This status quo, however, manifestly fails to satisfy many of the functions of a well-ordered public sphere. I then considered two candidate proposals for re-organising the global deliberative architecture. I endorsed the first proposal, which advocates for the creation of a global parliamentary body. First and foremost, such a body would provide the deliberative access which the existing global public sphere does not guarantee to individuals. While remaining agnostic across a range of possible configurations for such a body, I suggested the incorporation of a principle of degressive proportionality into its design. I then argued, however, that such a body should be considered a complement rather than competitor to intergovernmental deliberation, and provided normative reasons for why states should be treated as independent units in global deliberative processes. With this bicameral approach to global deliberation on the table, I then considered and rejected the rival ‘systemic’ proposal, whose defining characteristic is the claim that no single forum or institution is *necessary* for global deliberative legitimacy.

With this groundwork in place, the bulk of the thesis’ analysis then turned to the third of the core questions, specifically the question of how, if at all, justificatory legitimacy can be achieved at the global level. The first candidate proposal, examined in Chapter 3, seeks legitimacy in victory in the marketplace of ideas. I began here with attempts to globalise

comprehensive liberalism – a liberalism grounded in a full-bodied commitment to autonomy. Many of the seminal works in the global democracy literature, such as David Held’s theory of cosmopolitan democracy, are located within this tradition. In its philosophical foundations, liberalism of this type is, in Charles Taylor’s term, a ‘fighting creed’, rather than a value-neutral playing field.³⁰⁴ The key challenge for this proposal is that it does not offer us sufficient reason to privilege liberalism above other comprehensive doctrines. One could attempt to legitimise global comprehensive liberalism by virtue of its empirical popularity or philosophical scrutiny, but neither approach yields a convincing argument in its favour. Given this problem of parochialism, we have good reason to look wider than comprehensive liberalism for a resolution to the problem of global public justification.

Looking beyond liberalism naturally leads us to alternative theories of global order and public justification. And since the motivation to do so is in large part grounded in considerations of diversity, it makes sense to look to non-Western traditions of thought. This is where the *tianxia* system came into the argument. Drawing on material in canonical texts, contemporary articulations of *tianxia* attempt to define the contours of a sufficiently global yet diversity-sensitive system of global governance. While there is no single statement of the *tianxia* system, much as there is no single global liberalism, its core characteristics include a drive to make global politics “all-inclusive” through the extension of the principle of *ren* (benevolence) across borders. However, in examining theories of *tianxia* we encountered a key danger of replicating rather than escaping patterns of international hegemony in the design of a theory of global deliberative legitimacy. Most prominent statements of the new *tianxia* fall prey to similar problems of cultural parochialism as the theories of comprehensive liberalism they intend to supplant.

While criticism of the *tianxia* system along these lines is generally accurate, without further analysis one might be left with the impression of an unpalatable and unnecessarily binary choice between Western liberal parochialism, and non-Western authoritarianism. My analysis of the *tianxia* system, however, recovered an alternative reading of the system’s nature and purpose, providing insights that would prove useful later in the argument. Specifically, embedded within alternative voices in the *tianxia* literature, particularly in the work of Xu Jilin and Qian Yongxiang, is an approach to grounding a universally legitimate value system

³⁰⁴ Charles Taylor, “The Politics of Recognition,” in *Multiculturalism and the 'Politics of Recognition'*, ed. Amy Gutmann (Princeton: Princeton University Press, 1992), 62.

which seeks legitimacy not in competition but in intercultural dialogue. Following this line of thought allows us to re-appraise the nature of the *tianxia* system in its most compelling form, not as a replacement for liberal theories of world order, but as a proposal for, and a contribution to, a process of intercultural meta-deliberation. This insight constitutes the springboard on which the argument in Chapter 5 proceeds.

Before turning to the meta-deliberative approach, however, there was one further liberal position which required examination. This position is expressed in ‘neutralist’ theories of globalised liberalism, which take public reason liberalism, rather than comprehensive liberalism, as their starting point. Such theories represent the most philosophically sophisticated attempts to apply the logic of liberalism to the global level. There are authors such as Blain Neufeld and John Rawls who explicitly advocate for some form of global public reason. But one surprising feature of the public reason literature is that there has not yet been considerable systematic attention given to its global extension. Instead, many prominent liberals such as Gerald Gaus and Jonathan Quong gesture towards the idea that they are somehow committed to its global extension, but are vague on what this entails in detail. As a result, the first step in my argument was to demonstrate why many political liberals are committed to some form of its application at the global, as an implication of other beliefs they hold. I then categorised accounts of global public reason into two main variants and considered each. The more philosophically interesting of these positions holds that the public justification test remains the same at both the global and domestic levels. To respond I first demonstrated that the strongest grounds offered so far for any theory of public reason, domestic or global, is ultimately plausibility in reflective equilibrium. With this claim in place, the next step was to turn the method of reflective equilibrium on global public reason liberalism itself, and demonstrate that, by its own lights, it does not succeed. While alert to considerations of globality, cosmopolitan public reason liberalism is unlikely to emerge from reflective equilibrium as a compelling theory of public justification in the face of global diversity. It is, in other words, too thick. Liberal nationalist public reason suffers from the opposite problem. Its proponents, driven by concern for societal diversity and autonomy, propose a thinner liberalism for use at the global level. Unfortunately, their preferred solution makes public reason unable to reckon with the fact of globalisation, rendering it too thin.

Contemporary liberalism’s attempts to apply the logic of public justification to the global realm, then, whether in comprehensive or political form, have grappled for some time with

the challenge of reconciling the twin considerations of globalisation and diversity.

Recognising the importance of both has allowed contemporary liberalism to go beyond its historical embrace of imperialism, and its inversion, a strict localism. My central contention, however, has been that liberalism has not yet successfully synthesised the two. There remains an assumption that, in either comprehensive or political form, liberalism is the standard against which other traditions of thought and public cultures are to be assessed. This is, I have suggested, a tendency that a successful reconciliation of globalisation and diversity will have to resist.

In pressing this case against cosmopolitan public reason, I argued that the solution lies not in watering down liberalism, as liberal nationalists do. A more promising solution lies in the inclusion of non-liberal principles, such as the value of oneness, in the design and content of a theory of global public justification. One reaction this suggestion may provoke is that I have not so much dethroned liberalism as suggested that modifications may be in order.

Ultimately, not much hangs on this terminological issue. I do not here take a stand on whether an approach to public justification which includes the principle of oneness can be called liberal or not. But it is important to recognise that the differences between existing theories of globalised liberalism, and a theory of public justification which successfully reconciles globalisation and diversity, are unlikely to be trivial. From the third and fourth chapters, I hope to have motivated a case for the methodological presumption that a set of globally binding principles to govern political life will not emerge from the universalisation of any single civilisational or philosophical framework, liberal or otherwise.

The limitations of competitive and neutralist routes to global legitimacy led us to the third option in Qian Yongxiang's tripartite typology: legitimacy through 'mutual recognition' or dialogue. The challenge for this approach is to specify what it involves and why it is compelling, beyond vague references to the general value of dialogue. My challenge in the thesis, then, has been not only to argue for this approach, but to specify how it could be instantiated. I proposed a notion of 'legitimacy through dialogue' which involves two levels of deliberation. In addition to deliberation regarding particular policy issues ('public deliberation'), there is a need for *meta-deliberation*, which identifies the values and principles to legitimately guide the conduct of public deliberation. At the global level, meta-deliberation would inevitably be international and intercultural. One key question for meta-deliberation is who – or what – should constitute the relevant inputs.

Considering how individuals should be represented in meta-deliberation resurfaced the issues of institutionalising deliberation from Chapter 2. In particular, there is one institutional innovation which has been proposed as a vehicle for increasing the quality of public deliberation, but which I suggested should be employed in the service of meta-deliberation: the concept of a global citizens' forum. Simply constituting a global citizens' assembly would not itself, however, solve the problem of global public justification. Instead, I argued that individual viewpoints and philosophical traditions should *both* be considered necessary components of meta-deliberation. After presenting this general argument, I then illustrated how global philosophical meta-deliberation might proceed, by making a particular contribution to it. Having used oneness in previous chapters as a foil for critiquing liberalism, I presented a positive case for its ability to pass scrutiny in philosophical meta-deliberation as a publicly legitimate value at the global level.

From one perspective, my use of the concept of oneness is illustrative – I do not claim that it would inevitably emerge from philosophical meta-deliberation, nor that it would be the only value to do so. One could, for example, continue the analysis of the concept of benevolence undertaken in Chapter 3, to see if and how it emerges from a process of philosophical scrutiny. In Chapters 3 and 4, moreover, I did not in any way dispute that the value of freedom, or the concept of human rights, should be considered a legitimate basis for decision-making in global politics. What I queried instead was whether their particular arrangement and primacy within the liberal tradition is tenable at the global level. In this respect, my argument – while critical of much of the existing global democracy literature – seeks to be fundamentally reconciliationist.

The label “public reason” has come to be associated with a particular liberal tradition of thought underpinned by a set of presuppositions about the nature of society, social cooperation and public justification. The meta-deliberative proposal does not accept all of these presuppositions. However, it shares with the liberal public reason project the desire to find a shared underlying basis for the terms of political life, and identifies a more globally inclusive method for identifying this basis. In this respect, we can understand the meta-deliberative proposal as an attempt to provide a genuinely global account of “global public reason”.

Clearly, on the terrain of public deliberation itself, more conversation would be required to decide how, for example, the concepts of oneness and freedom should interact and be

weighed against one another. But at the prior stage of meta-deliberation my approach has been to suggest that the solution to the problem of global diversity is not to locate public justifiability in the lowest common denominator of what can be agreed across existing cultural or national boundaries. Instead, I have suggested that legitimacy is most likely to be achieved by widening the scope of public justification to include values from different traditions of thought, but where such values are subjected to a process of meta-deliberative scrutiny. To press this argument, rather than identifying only points of divergence and incompatibility between different traditions of thought – significant as these are – I have consciously chosen to locate points of possible post-deliberative convergence, in part to demonstrate that the project of meta-deliberation has the possibility of succeeding.

Future Directions

The analysis presented in this thesis opens up several lines of possible further research. Following the argument in Chapter 5, one question that could benefit from further investigation is how the value of oneness would fare in meta-deliberation among individuals. The most straightforward way to approach this question would be to instantiate the form of individual meta-deliberation advocated here, using a global citizens' forum, and to test whether or not oneness is compelling as a public value in such a setting. Short of conducting a global citizens' assembly, though, there are still possible avenues for exploring the value of oneness as an embodied value with meaning to real individuals engaged in political action. One could consider, for example, empirical social scientific research into the prevalence of oneness as a social attitude across different societies, and the social effects of its endorsement. Initial steps have been taken on this latter front by Dimitri Putlin, who finds that endorsement of oneness (as operationalised through surveying agreement with statements expressing psychological proximity and interconnection, such as 'all life is interconnected') is correlated with social behaviour that indicates empathic concern and non-prudential regard for others' interests.³⁰⁵

A complementary line of inquiry could examine particular ways in which the concept of oneness informs the political and social actions of communities of people, especially those that reach across national borders, where this might be expressed in, say, the values underpinning

³⁰⁵ Dimitri Putlin, "Tribalism and Universalism: Reflections and Scientific Evidence," in *The Oneness Hypothesis: Beyond the Boundary of Self*, Philip Ivanhoe et al. (New York: Columbia University Press, 2018), 351-370.

social movements, the praxis of transnational religious communities,³⁰⁶ or the orientation of discursive networks.³⁰⁷ Investigating what oneness means to a particular community would not itself, of course, tell us how it would fare in a global citizens' assembly, but it would offer insight into how the concept is understood, negotiated and instantiated by particular communities comprised of real, embedded individuals. At the very least this would confirm whether or not 'oneness' exists solely in the mind of its philosophical proponents (the examples cited above suggest not). Such research would necessarily be interdisciplinary, requiring the use of social scientific and anthropological methods, which would generate material for further conceptual analysis. Beyond oneness, of course, there is the business of conducting meta-deliberation regarding other candidate values for use in global public justification.

A second major direction for extending the analysis in this thesis would again consider the implications of the twin desiderata of globality and diversity. Instead of examining their implications for global public deliberation and justification, however, very similar questions could be addressed concerning their implications for the design of executive institutions at the global level. In Chapter 2, I considered how global public deliberation should be institutionalised. Building on this attention to institutionalisation, one could undertake similar analysis but broaden the focus beyond deliberative spaces, to global institutional design more generally.

One striking feature of the existing literature on global institutional design is how frequently the European Union and the United States of America are invoked as models for the design of the global order. This literature proposes, in general terms, that the institutional architecture associated with liberal democracy – such as a separation of powers, and a

³⁰⁶ On the expression of oneness in Buddhism, see, for example, Bradford Cokelet, "Kant, Buddhism and Self-Centred Vice," in *The Oneness Hypothesis: Beyond the Boundary of Self*, Philip Ivanhoe et al. (New York: Columbia University Press, 2018), 169-191. To give an explicitly transnational example, the Baha'i Faith is a globally distributed religious community which seeks to contribute to the emergence of a just global order. It incorporates a commitment to oneness as a cardinal value into both its beliefs and praxis – with the 'oneness of humanity' both an end-goal, and a value informing its activities. See Todd M. Johnson and Brian J. Grim, *The World's Religions in Figures: An Introduction to International Religious Demography* (Hoboken: Wiley-Blackwell, 2013), 59-62; Benjamin Schewel, *Seven Ways of Looking at Religion: The Major Narratives* (New Haven: Yale University Press, 2017), 3. The value of oneness is expressed in the community's praxis in a variety of ways, including through non-adversarial methods of governance. On this see Amanda Ripley, *High Conflict: Why We Get Trapped and How We Get Out* (New York: Simon & Schuster, 2021), 92-96.

³⁰⁷ On this, see, for example, "The Great Transition Initiative", an online network of scholars and activists: Great Transition Initiative, "Aims and Background," accessed July 22, 2023, <https://greattransition.org/about/aims-and-background>.

competitive multiparty system – be extended globally. A key justification offered is that the institutions and methods of liberal democracy are legitimate because they are uniquely hospitable to diversity.³⁰⁸ Even if this literature correctly identifies the need for a federal structure to the international system, the question arises of whether its proposals seek to globalise features of existing liberal democratic institutions which are increasingly associated in the domestic democracy literature with the pathologies of adversarial governing practices. These include a tendency towards polarisation and the fragmentation of the public sphere, and the problem of marginalised groups being persistent losers in electoral, economic and legal competition.

Further, if a legitimate global order is unlikely to consist of the unmodified universalisation of liberalism, a natural next question is what should we endorse in its place? One might extend the argument offered in this thesis and argue that a process of deliberation across traditions of thought can combine a commitment to strong global institutions with an embrace of diversity in the philosophical bases of their design. In this connection, research could examine institutional proposals and theories of world order in non-liberal traditions of thought. The existing literature has made initial steps along this line, for example through Cabrera's engagement with Ramji Ambedkar's work on political 'arrogance' in offering an account of 'humble' cosmopolitanism that incorporates attention to global institutional design.³⁰⁹

To close, let us return to the motivation for this project, outlined in the introduction. On the one hand, world-historical forces and existential risks are propelling global integration. On the other hand, the existing value frameworks used to regulate such forces seem remote, even illegitimate, in the eyes of many in the global population. There is, as yet, insufficient agreement around a framework or values or principles to guide the operation of political institutions tasked with dealing with supranational challenges.

I have argued, however, that the quest to reconcile the twin considerations of globalisation and diversity is not necessarily a futile one. It would be an overstatement to say that no measure of consensus exists regarding the values that should govern international politics. Norms such as the universal scope of human rights, the moral imperative of alleviating

³⁰⁸ See Falk and Strauss, *A Global Parliament*.

³⁰⁹ See Cabrera, *The Humble Cosmopolitan*.

poverty, the existence of duties of humanitarian assistance, and the imperative of environmental sustainability are all widely endorsed in theory, if not in practice. Further, while academic debates understandably seek to question even widely-shared norms, it is rare in public discourse to hear suggestions that justice is an exclusively “Western value”. Even democracy, a value at the centre of the so-called Asian values debate, enjoys consistent cross-national support. As Amartya Sen notes, while democracy as voting is a Western idea, democracy as the public exercise of reason resonates with practically all political cultures around the world.³¹⁰ These examples of fragile consensus exist only at a high level of abstraction, with disagreement about what it means to instantiate them. And, to put it mildly, these values receive more assent in principle than they enjoy implementation in practice. As a result, there remains much further to go. I have suggested as part of my argument that the value of oneness may well constitute another common aspiration or value to inform the operation of global public decision-making. Beyond this, I hope to have demonstrated that the broader question of how arrangements for global governance can legitimately stand among the world’s diverse population is a crucial one for our historical moment.

³¹⁰ Amartya Sen, "Why Democratization is Not the Same as Westernization: Democracy and Its Global Roots," *New Republic* 6 229, no. 14 (2003): 28-36.

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