

# Global Democracy, World State, or Business as Usual? On the Challenge of Arms Trade to Democracy Promotion

Pavel Dufek

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Dr Pavel Dufek is Associate Professor at the Department of Political Science, Masaryk University, Czech Republic. His research interests lie in various areas of political theory/philosophy, especially theories of public reason, democratic theory, and international political theory. Recent publications include ‘Equal Respect, Liberty, and Civic Friendship: Why Liberal Public Justification Needs a Dual Understanding of Reciprocity’ in *Czech Journal of Political Science* (with S. Bláhová); ‘The Twin Challenges to Separation of Powers in Central Europe: Technocratic Governance and Populism’ in *European Constitutional Law Review* (with D. Kosař and J. Baroš); ‘Democracy as Intellectual Taste? Pluralism in Democratic Theory’ in *Critical Review*; or ‘Why a World State is Unavoidable in Planetary Defense: On Loopholes in the Vision of a Cosmopolitan Governance’ in Schmidt (ed.), *Planetary Defense: Global Collaboration for Defending Earth from Asteroids and Comets*. He has a book manuscript in the making provisionally titled *Democracy as Public Justification: Towards a Non-Authoritarian Political Theory*.

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There is certainly no shortage of arguments on behalf of globalising democratic rule in the scholarly literature, and the *World Government Research Network* is one important hub of such convictions.<sup>1</sup> Interestingly, for all the reasons and causes proposed, the problems associated with small arms exports and trade have received marginal attention by theorists of global democracy, even though the issue itself is certainly salient on the international (and sometimes domestic) level.<sup>2</sup> At the same time, while research into the consequences of arms exports to non-democratic and democratising countries produces rather pessimistic findings and gloomy predictions, it has never seriously attempted to make a step beyond the state-centric conceptual confines. I explain in this essay that the theoretical framework of

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<sup>1</sup> The essay draws on the ideas developed in Pavel Dufek and Michal Mochťak (2019), ‘A case for global democracy? Arms exports and conflicting goals in democracy promotion’, *Journal of International Relations and Development* 22(3): 610–639, DOI: <https://doi.org/10.1057/s41268-017-0114-0>. My many thanks go to Michal Mochťak whose contribution to the JIRD article, and thus by proxy to this essay, needs to be stressed, but who waived his right to be listed as co-author here.

<sup>2</sup> I will be using the terms ‘arms trade’ and ‘arms exports’ as a shorthand for small arms and light weapons trade and exports.

*conflicting goals in democracy promotion* allows for arranging the related issues and dilemmas in a comprehensive picture, pointing out to global democracy as a strong candidate for an institutional solution.<sup>3</sup> In short, global democracy promises to kill two birds with one stone, by providing both a solution to the problem of arms trade and a model of democratic decision-making on the transnational level that would facilitate smoother democratisation of non-democratic regimes.

Acknowledging that the idea of global democracy does open new avenues for conceptual and normative thinking about conflicting goals *beyond* democracy promotion, I will nonetheless argue that it faces some serious difficulties having to do with the shadow of a world state (which may or may not overly bother the readers of the *World Orders Forum*) or unclear location of collective political agency. Upon discussing some blind spots of global democratic and global democratic alternatives, I maintain that states must retain the central role even in novel theoretical visions of a ‘new world order’, and show that both arms exports and democracy promotion may be fruitfully combined with a context-based perspective on legitimacy in the international realm which (a) puts emphasis on its proximity to extant practices and institutions, and (b) rejects the claim that there can be no legitimacy without democracy. Coupled with a constructivist take on the involved actors’ self-understandings, we obtain a reasonably morally ambitious vision of global political decision-making which preserves a connection to the realities of international politics and law.

### **Conflicting goals in democracy promotion: what it is and why it matters**

Both promotion of democracy and protection of human rights enjoy strong support in scholarly production, international law, politics, and diplomacy, for reasons that are both ethical (moral desirability) and pragmatic (mutual benefits such as peace and prosperity). Democracy is regularly portrayed as the political regime most conducive to protection and promotion of human rights, and some think the connection is conceptual rather than just empirical.<sup>4</sup> However, real-world success in both areas has been rather inconsistent, and backlash is common. One part of the explanation might be that not all good things go always together in democracy promotion, and that this is a structural feature of the enterprise. On top of that, there are always some not-so-good things to reckon with which cannot be simply assumed away, as long as human societies are not populated by moral angels.

In Sonia Grimm and Julia Leininger’s systematic framework of conflicting goals, three major aspects stand out, parts of which will motivate much of the following.<sup>5</sup> (1) The first and most general is the distinction between *intrinsic* and *extrinsic trade-offs* which cuts across the rest: The former refer to situations where there is a conflict of goals or instruments which are tied to democracy promotion itself, while the latter capture cases when democracy promotion as

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<sup>3</sup> See Sonja Grimm and Julia Leininger (2012), ‘Not all good things go together: conflicting objectives in democracy promotion’, *Democratization* 19(3): 391–414, DOI: <https://doi.org/10.1080/13510347.2012.674355>. Grimm and Leininger use the term ‘conflicting objectives’.

<sup>4</sup> Michael Goodhart (2008), ‘Human Rights and Global Democracy’, *Ethics & International Affairs* 22(4): 395–420, DOI: <https://doi.org/10.1111/j.1747-7093.2008.00177.x>

<sup>5</sup> Grimm and Leininger, 397ff.

such clashes with other valuable social goals or priorities of the involved actors. (2) The distinction applies to either of *normative*, *strategic* and *operative* phases of democracy promotion. As regards the normative phase which will figure prominently in the essay, conflicts arise both intrinsically between competing visions of what type (model) of democracy is most desirable (think of liberal individualist vs. Confucian collectivist vs. socialist egalitarian conceptions) and extrinsically between democracy itself and other social goals, ideals or priorities valued by the involved actors (such as peace-building, state-building, stability, economic development, welfare and justice, religious faith, or calculations of economic benefit).<sup>6</sup>

(3) Finally, particular *interacting factors* may gain in significance at various points, such as the socio-political and economic condition of recipient countries, the nature of interaction between international and domestic actors, or the scope of participating actors themselves. The latter two interacting factors centrally concern who is to take part in decisions on what type of democracy will be promoted, as well as what shape the process will take. It is precisely the interplay between these interacting factors and the normative phase which opens up many questions about the current practice of democracy promotion, especially against the background of arms exports which constitute a significant conflicting goal in both extrinsic normative and extrinsic strategic phases.<sup>7</sup>

### **Arms exports at cross-purposes**

Arms exports appear in the democracy promotion picture once the argument is made that external arms support is necessary for either state- or democracy-building, so that a government can build ‘democratic police and army’ and fight off order- or democracy-threatening forces. In fact, Article 51 of the UN Charter can be interpreted as granting a *legal right to purchase* arms from abroad in self-defence situations, which raises the interesting question of what kind of duties on the part of arms producers and exporters this provision could entail.<sup>8</sup> Leaving this aside, I want to highlight several dilemmas arising from the many conflicting goals present in the background. First, there is the age-old choice between state-building and democracy-building, which is especially salient in case of fragile (weak, unstable, failed etc.) states. On the one hand, it is a commonplace that establishing effective and stable governing institutions capable of enforcing legal rules – including individual rights – is a prerequisite for successful democratisation. One corollary would be that there is no hard

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<sup>6</sup> An example of an intrinsic trade-off in the strategic phase is the common dilemma between organising free nation-wide elections and ensuring equitable access to power to representatives of all significant segments of the given society (for example by means of power-sharing arrangements)

<sup>7</sup> Governments at least in countries of the West do not usually manufacture or sell weapons themselves; rather, they grant licences for arms trade deals. The logic of the problem however remains the same.

<sup>8</sup> Art. 51 reads: ‘Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.’

dilemma, because democracy presupposes stabilisation of coercive and administrative capacities within the polity. On the other hand, one thing political scientists seem to rather consensually accept is that successful and lasting democratisation crucially depends on the dispersion of political and military power.<sup>9</sup> Thus, building structures of governance and building democracy may come at cross-purposes, located either in the extrinsic normative or intrinsic strategic phase (depending on whether we consider state-building a self-contained goal or a part of democratisation itself).

Besides this basic dilemma, there are others which cast doubt over arms supports to such countries. One is the often-blurred distinction between state and non-state actors, as regards both day-to-day governance in various parts of the territory and the relationship between official administrative structures and ‘non-state’ actors.<sup>10</sup> Whether the latter are labelled as ‘insurgents’ or ‘freedom fighters’, and therefore whether arms supplies are justified or not, may be too dependent on the priorities of either the domestic government or the potential arms suppliers.<sup>11</sup> Another worry is that once the government stabilises its position, it may proceed to crush any opposition forces, including pro-democratic ones, or even turn against the goals and interests of the sellers.<sup>12</sup> In short, while people, institutions, regimes as well as interests change, weapons provided by external suppliers “will last for decades”.<sup>13</sup> The latter problem obviously extends to stable but authoritarian regimes who have already consolidated their monopoly of physical violence (‘coercive superiority’) over a given territory. Because overt and continuous use of violence is costly, such behaviour is usually concealed by the government, but that makes it no less problematic.<sup>14</sup> Moreover, because external arms supplies help such governments to maintain their power grip over the country, they become less dependent on revenue and/or resources extracted from its citizens (usually via taxes) – which further undercuts democratising efforts.<sup>15</sup> They may also covertly resell thusly acquired

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<sup>9</sup> Charles Tilly (2007), *Democracy*. Cambridge: Cambridge UP, 58.

<sup>10</sup> Louise Andersen, Bjørn Møller, and Finn Stepputat (2007), ‘Introduction: Security Arrangements in Fragile States’, in Andersen, Møller, and Stepputat (eds.), *Fragile states and insecure people? Violence, security, and statehood in the twenty-first century*. New York: Palgrave MacMillan, 3–20, 11; Paul Staniland (2012), ‘States, Insurgents, and Wartime Political Orders’, *Perspectives on Politics* 10(2): 243–264, 247ff.

<sup>11</sup> Keith Krause and Jennifer Milliken (2009), ‘Introduction: The Challenge of Non-State Armed Groups’, *Contemporary Security Policy* 30(2): 202–220, 211; Zeev Maoz and Belgin San-Akca (2012), ‘Rivalry and State Support of Non-State Armed Groups (NAGs), 1946–2001’, *International Studies Quarterly* 56(4): 720–734.

<sup>12</sup> Zoltan D. Barany (2009), ‘Building Democratic Armies’, in Zoltan D Barany and Robert G Moser (eds.), *Is democracy exportable?* Cambridge, New York: Cambridge UP, 186ff. Recent examples include Yemen, Iraq, Afghanistan, Egypt, Libya, Syria or Rwanda; see Stephen D. Goose and Frank Smyth (1994), ‘Arming Genocide in Rwanda’, *Foreign Affairs* 73(5): 86–96; Alan Angell (1996), ‘International Support for the Chilean Opposition 1973–1989: Political Parties and the Role of Exiles’, in Laurence Whitehead (ed.), *The international dimensions of democratization: Europe and the Americas*, Oxford: Oxford UP, 175–200; Nicholas Gilby (2009), *The no-nonsense guide to the arms trade*, Oxford: New Internationalist; Milja Kurki (2013), *Democratic futures: revisioning democracy promotion*, New York, NY: Routledge, 137.

<sup>13</sup> Nancy Bermeo (2010), ‘Democracy Assistance and the Search for Security’, in Peter J Burnell and Richard Youngs (eds.), *New challenges to democratization*. Abingdon: Routledge, 73–92, 90.

<sup>14</sup> Guillermo O’Donnell’s recounting of the powerlessness of ordinary citizens vis-à-vis the machinery of secret police in 1970s Argentina is instructive here; see his 2010 book *Democracy, agency, and the state: theory with comparative intent*. Oxford: Oxford UP

<sup>15</sup> Bermeo, ‘Democracy Assistance and the Search for Security’, 89.

weapons to anti-democratic groups abroad, the Islamic State being just one recent example.<sup>16</sup> As such, irresponsible arms deals may have regional-wide political and security consequences.

On the face of it, there are thus both ethical and pragmatic reasons why democratic countries *qua* arms exporters should think twice before supplying weapons to problematic recipients. It may even seem platitudinous to say that only ‘the right sort of actors’ should receive ‘the right sort of resources’, as evaluated from the perspective of (successful) democracy promotion.<sup>17</sup> In the conflicting goals perspective, whether a customer in an arms deal is ‘the right sort of actor’ constitutes a crucial *interacting factor*. I will show in the next section that the track record of Western liberal democracies is nothing to cheer about, and that one source of the problem lies in the extrinsic normative phase of democracy promotion. This then supply one weighty argument on behalf of a general rethinking of the current state-centric decision-making framework.

### **Practise and consequences of arms trade: organised hypocrisy?**

Negative consequences of irresponsible arms trade are well known and widely documented, concerning primarily violations of human rights and violent deaths, but also general disturbances of the security environment in national, regional, and perhaps global contexts.<sup>18</sup> However, the volume of arms trade shows no signs of decreasing, and the global armaments industry actually increased its revenues even during the economic recession which started in 2008.<sup>19</sup> A major share of these exports has been carried out by manufacturers and/or exporters based in Western democracies who are among the most vocal supporters of the promotion of democracy and human rights. Nancy Bermeo who reviewed available data on US military aid (of which arms supplies constitute a substantial part) concluded that it ‘may have an independent and negative effect on the likelihood of democratic regime change,’ which implies that ‘increasing democracy aid without decreasing military aid may not boost

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<sup>16</sup> Julia Harte and Jeffrey Smith (2010), ‘Investigators find Islamic State used ammo made in 21 countries, including America.’ *The Center for Public Integrity*, available at <https://www.publicintegrity.org/2014/10/05/15827/investigators-find-islamic-state-used-ammo-made-21-countries-including-america> (accessed January 30, 2021)

<sup>17</sup> Bermeo, ‘Democracy Assistance and the Search for Security’, 77.

<sup>18</sup> Eg Victor W. Sidel (1995), ‘The international arms trade and its impact on health’, *British Medical Journal* 311: 1677–1680; Small Arms Survey (2015), ‘Small Arms Survey 2015’, available at <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2015.html>; Simone Wisotzki (2013), ‘Humanitarian Arms Control: The Anti- Personnel Mine Ban Treaty, the Programme of Action on Small Arms and Light Weapons, and the Convention on Cluster Munitions’, in Harald Müller and Carmen Wunderlich (eds.), *Norm dynamics in multilateral arms control: Interests, conflicts, and justice*, Athens: University of Georgia Press, 82–106; Clara Da Silva (2009), ‘Creating a human rights standard for the Arms Trade Treaty’, in Kerstin Vingard, Jane Linekar and Valérie Compagnion (eds.), *Disarmament Forum*, Geneva, 1–2, 27–35. Extrapolating from Sidel’s (1995) data, the number of casualties since 1945 related to arms trade arguably reaches into (higher) dozens of millions.

<sup>19</sup> According to the Stockholm International Peace Research Institute, between 2010 and 2014, the volume of arms transfers rose by 16 %; see Pieter Wezeman and Siemon Wezeman (2015). ‘Trends In International Arms Transfers 2014’, *SIPRI Fact Sheet*, available at <https://www.sipri.org/sites/default/files/files/FS/SIPRIFS1503.pdf> (accessed January 30, 2021).

democratization.<sup>20</sup> If this finding is generalisable, which I think is not beyond reasonable, then the conclusion seems to be that Western democracies share culpability for the many negative consequences of arms trade, despite their pro-democracy-promotion and pro-human-rights rhetoric.

The international community in general as well as Western democracies themselves officially recognise the negative impact of selling weapons to the ‘wrong sort of actors’, and several binding legal documents have emerged in recent years which speak an unambiguous voice. One example is the EU’s *Council Common Position 2008/944/CFSP* which defines common rules and procedures governing the control of exports of military technologies and equipment by the EU member states. The criteria set forth in the document are meant to limit or block arms exports from EU countries if there is a danger of human rights violations, aggravation of the domestic internal situation, regional-wide ramifications, risk of reexports, and so on.<sup>21</sup> But loopholes remain. First, the Lisbon Treaty itself grants, under Article 346, security-based prerogatives to all member states.<sup>22</sup> Second, the criteria as stated in the Common Position itself are deliberately ambiguous, thus open to interpretation by national authorities in the light of competing policy priorities. The upshot is that, legally speaking, problematic arms exports can always be justified by reference to strategic, security, or foreign-policy interests (ie conflicting extrinsic normative goals).<sup>23</sup> Indeed, the loopholes have been generously exploited by governments and private enterprises alike who fail or refuse to discriminate among recipients according to the criteria they explicitly subscribe to, routinely sending weapons to authoritarian regimes.<sup>24</sup> Against the background of expected consequences of such arms deals, this means that promotion of democracy and human rights takes the back seat to other policy priorities such as economic profit or self-interested foreign policy considerations. This has led some authors to label Western democracies’ behaviour *organised hypocrisy*.<sup>25</sup>

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<sup>20</sup> Bermeo, ‘Democracy Assistance and the Search for Security’, 81.

<sup>21</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008E0944> (accessed January 30, 2021).

<sup>22</sup> Susanne T Hansen (2016), ‘Taking ambiguity seriously: Explaining the indeterminacy of the European Union conventional arms export control regime’. *European Journal of International Relations* 22(1): 192–216, 198.

<sup>23</sup> Jennifer Erickson (2015), *Dangerous trade: arms exports, human rights, and international reputation*, New York: Columbia UP.

<sup>24</sup> Blanton, Shannon Lindsey (2000) ‘Promoting Human Rights and Democracy in the Developing World: U.S. Rhetoric versus U.S. Arms Exports’, *American Journal of Political Science* 44(1): 123–131; Indra De Soya and Paul Midford (2012), ‘Enter the Dragon! An Empirical Analysis of Chinese versus US Arms Transfers to Autocrats and Violators of Human Rights, 1989–2006’, *International Studies Quarterly* 56(4): 843–856; Jennifer Erickson (2013), ‘Market Imperative Meets Normative Power: Human Rights and European Arms Transfer Policy.’ *European Journal of International Relations* 19 (2): 209–234; Susanne T Hansen and Nicholas Marsh (2015), ‘Normative Power and Organized Hypocrisy: European Union Member States’ Arms Export to Libya’. *European Security* 24 (2): 264–286; Anna Stavrianakis (2016), ‘Legitimising Liberal Militarism: Politics, Law and War in the Arms Trade Treaty’. *Third World Quarterly* 37 (5): 840–865.

<sup>25</sup> Richard Perkins and Eric Neumayer (2010), ‘The organized hypocrisy of ethical foreign policy: Human rights, democracy and Western arms sales’, *Geoforum* 41(2): 247–56; Hansen and Marsh, ‘Normative Power and Organized Hypocrisy’. This is a variation on Krasner’s original use of the term in the context of state sovereignty; see Stephen Krasner (1999), *Sovereignty: Organised Hypocrisy*, Princeton: Princeton UP.

There are, of course, realist and pragmatic arguments why these other priorities should take precedence over self-incurred restraints, such as the unreasonableness of ceding ground and leverage in the recipient countries to competing non-democratic exporters (typically Russia, China), or the need to keep domestic jobs in the armaments industry. However, if the principled commitment to promoting democracy and human rights is to be upheld, none of these pragmatic arguments is plausible.<sup>26</sup> Something has to give, which is just another way of saying that not all good things go always together in democracy promotion. More specifically, we have at our hands a clear case of manifold conflicting goals in the *extrinsic normative phase*, and the point to emphasise is that this is unavoidable under the current political and institutional circumstances.

### **Democratisation Towards Which Democracy?**

Much hope has been invested into the Arms Trade Treaty (ATT) adopted by the UN General Assembly in 2013 and ratified in 2014. However, because the ATT's mechanisms of control and enforcement are even weaker than in the EU case, we should not hold our breath. Implementation of such measures ultimately depends on internal policies and review procedures by arms exporters themselves, and it is obvious that signatories to the ATT possess even more divergent geopolitical interests and ideological commitments than EU member states.

Let us suppose, counterfactually, that all parties to the ATT sincerely aimed at eliminating problematic transfers, in part because they consensually acknowledged the damaging consequences of globally unregulated arms trade for prospects of democracy and human rights worldwide. Even such fanciful scenario would not however avoid conflicts about particular objectives and priorities, arising from various interacting factors and their involvement in the intrinsic normative phase. I have already mentioned the rather vague and politically-laden criteria for distinguishing problematic and OK recipients ('insurgents or freedom fighters?'), and thus problematic and OK arms transfers. Furthermore, the question of the scope of inclusion in the decision-making process becomes crucial here, for it links the problems of arms exports and democracy promotion.

If it makes sense to take on board the views and interests of other actors than just exporters and recipients for purposes of arms trade (eg non-state actors in the territory in question, or neighbouring countries), then why not extend this logic also to decisions on the conditions and goals of democracy promotion? For instance, it is by no means certain that domestic actors, if asked, would in fact accept the standard model of liberal individualist electoralist market-based democracy placed within a territorial state. It might be the case that heretofore marginalised or repressed segments of the given society would want to deviate from donor interests and preferences, typically by demanding far-reaching redistribution of economic resources and entrenched power privileges, rather than a simple replacement of the ruling

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<sup>26</sup> James Christensen (2015), 'Weapons, Security, and Oppression: A Normative Study of International Arms Transfers', *Journal of Political Philosophy* 23(1): 23–39

elites.<sup>27</sup> After all, large socio-economic inequality (among other types of what Tilly calls ‘categorical inequalities’), including the control over natural resources or financial capital, may constitute a significant obstacle to democratisation.<sup>28</sup> Or they might prefer a more communitarian or participative versions of democracy. Or it might turn out that rather than a modern state, the recipients prefer some kind of decentralised model of governing. All this implies that democratisation is an eminently political and normative task, not least because of the many trade-offs besetting democracy promotion. This is all but lost if the model of democracy-to-be-promoted is automatically synonymised with the state-based model of representative democracy.<sup>29</sup> Essentially political – normatively laden – decisions become depoliticised, which renders both the intrinsic and extrinsic normative phases of democracy promotion invisible.<sup>30</sup>

Inclusion of other actors in the decision-making process on either arms exports or conditions of democracy promotion in itself constitutes an act of democratic opening. But this means that difficult questions about the nature and conditions of the democracy-to-be-promoted reappear with respect to the composition and workings of the decision-making body: Who belongs among the involved parties? Who and how is to represent them? What should be the decision-making method (majority, supermajority, some consensus voting rule etc.)? Who is to be bound by the decision, and whence comes its legitimacy? Will there be any chance to appeal the decision? No consensually accepted answers to these fundamental questions of democratic theory is available. On the contrary, democracy represents a fiercely contested concept as regards its meaning, institutional implications, and paths toward realisation.<sup>31</sup> The problem of legitimacy of decisions on arms trade and democracy promotion therefore spills over to the legitimacy of the decision-making authority itself. Hence the perceived need to rethink the practice of democracy promotion on a deeper conceptual level.

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<sup>27</sup> Jonas Wolff (2012), ‘Democracy Promotion, Empowerment, and Self-Determination: Conflicting Objectives in US and German Policies towards Bolivia’. *Democratization* 19(3): 415–37, 418ff., 430. DOI <https://doi.org/10.1080/13510347.2012.674356>; Berman, Sheri (2011), ‘The Past and Future of Social Democracy and the Consequences for Democracy Promotion’, in Milja Kurki and Christopher Hobson (eds.), *The Conceptual Politics of Democracy Promotion*, Abingdon: Routledge, 68–84; Heikki Patomäki (2011), ‘Democracy promotion: neoliberal vs social democratic telos’, in in Milja Kurki and Christopher Hobson (eds.), *The Conceptual Politics of Democracy Promotion*, Abingdon: Routledge, 85–99.

<sup>28</sup> Tilly, *Democracy*, 7.

<sup>29</sup> Milja Kurki (2013) *Democratic futures: revisioning democracy promotion*, Abingdon: Routledge; Annika E. Poppe and Jonas Wolff (2013) ‘The normative challenge of interaction: Justice conflicts in democracy promotion’, *Global Constitutionalism* 2(3): 373–406; Jeff Bridoux and Milja Kurki (2014) *Democracy promotion: a critical introduction*, Abingdon: Routledge; Jonas Wolff and Lisbeth Zimmermann (2016), ‘Between Banyans and Battle Scenes: Liberal Norms, Contestation, and the Limits of Critique’. *Review of International Studies* 42(3): 513–34, DOI <https://doi.org/10.1017/S0260210515000534>

<sup>30</sup> Kurki, *Democratic Futures*, 18, 217ff.

<sup>31</sup> David Collier, Fernando Daniel Hidalgo, and Andra Olivia Maciuceanu. 2006. ‘Essentially Contested Concepts: Debates and Applications’. *Journal of Political Ideologies* 11(3): 211–246, 222–228 DOI <https://doi.org/10.1080/13569310600923782>.

## Global Problems Require Global Solutions?

Among the candidates for an alternative democratic future is a broad set of ideas usually grouped under the term *global democracy*, organised around such moral and political principles as ‘avoidance of serious harm’, ‘inclusiveness and subsidiarity’, or ‘collective decision-making through voting procedures’.<sup>32</sup> Here we can see why the global democratic alternative promises to kill two birds with one stone: if some such arrangement could achieve avoidance of harm as well as inclusive decision-making, we would have at our hands a solution to the thorny issues befalling both arms exports and democracy promotion. Defenders of global democracy are convinced that many seemingly necessary trade-offs in democracy promotion as well as the ills associated with arms trade have a common root in the ‘sovereign strong stable active liberal state’-perspective on democratisation<sup>33</sup> coupled with a ‘liberal, electoralist, elitist, capitalist and minimalist model of democracy’,<sup>34</sup> both still popular among scholars and decision-makers alike. For global democrats, the standard ‘Weberian’ model of stateness ceases to be a natural container for democratic government, which radically changes the substance of the *intrinsic normative phase* of democracy promotion as well as its consequences for decisions on arms trade.<sup>35</sup>

I will discuss three further points relevant to arms exports which have led political philosophers to suggest abandoning the principle of sovereign stateness. First, Thomas Pogge has famously criticised certain legal privileges which are granted, under extant international law, to governments of internationally recognised sovereign states.<sup>36</sup> The most salient one for our purposes is the *borrowing privilege* which allows governments to borrow money from abroad. Not surprisingly, because of the lack of effective control mechanisms these funds are often used to purchase arms supplies which help the government suppress opposition; this in turn constitutes a major incentive for competing power hubs in the country to try overthrow the regime by violent means. Violations of basic human rights of ordinary citizens are an all-too-common corollary in this kind of scenario. Adding insult to injury, continues Pogge, after years of oppression citizens of poor countries are ultimately required to repay the debt incurred originally by purchases of the very weapons which were used to oppress them.<sup>37</sup> Hence the belief that only by shifting the decision-making powers away from the level of the

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<sup>32</sup> David Held (2010), *Cosmopolitanism: ideals and realities*, Oxford: Polity Press, 97–98.

<sup>33</sup> Kurki, *Democratic futures*, 19.

<sup>34</sup> John Dryzek, ‘Democratic Political Theory’, in Gerald F Gaus and Chandran Kukathas (eds.), *Handbook of Political Theory*, 143–154, London: SAGE, 144–145.

<sup>35</sup> Andersen, Møller and Stepputat, ‘Introduction’, 12; Kurki, *Democratic Futures*, chs 5, 11; Jennifer Milliken and Keith Krause (2002), ‘State Failure, State Collapse, and State Reconstruction: Concepts, Lessons and Strategies’, *Development and Change* 33(5): 753–774, 763; Ken Booth (2007), *Theory of world security*, Cambridge: Cambridge UP, chs. 2, 7; Anna Stavrianakis (2011). Small Arms Control and the Reproduction of Imperial Relations. *Contemporary Security Policy* 32(1): 193–214, 202–204.

<sup>36</sup> Thomas Pogge (2008), *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Cambridge: Polity, 119ff.

<sup>37</sup> *Ibid.*, 167.

sovereign states (both as customers and sellers/ granters of licences) – can the vicious circle of violence and injustice be broken.<sup>38</sup>

Second, the statist liberal democratic model is closely tied to capitalism, free trade, and market-friendly economic policies, even though the link is historical (contingent) rather than conceptual (necessary). Now global arms trade represents a not insignificant share of international trade as such,<sup>39</sup> with the manufacturing process being distributed among numerous countries.<sup>40</sup> Moreover, the truly ecumenic global reach and impact of arms trade has led some to label the industry as ‘the most global of all’.<sup>41</sup> Philosophically speaking, one could argue that there is a ‘a set of economic and political institutions that has profound and enduring effects on the distribution of burdens and benefits among peoples and individuals around the world,’ which amounts to saying that there is a *global basic structure* in arms manufacturing and trade.<sup>42</sup> The existence of a basic structure however calls for an adequate set of political institutions which would regulate the distribution of benefits and burdens (ie negative consequences of arms trade); otherwise all the involved parties would be wilfully complicit in reproducing (global) *injustice*. To wit, this set of political institution should be in some sense global and preferably inclusive, so that all parties to the deal – and especially those who are affected involuntarily, or get the short end of the stick – have a say in such decisions.

Michael Mann expresses a consensual view when he writes that ‘we should exercise much greater control over arms sales.’<sup>43</sup> But, and this is the third point, *who* is *us*? I have been emphasising throughout that one crucial interacting factor in democracy promotion has been the determination and/or selection of those who will co-decide on its goals and conditions. One traditional philosophical principle helping delineate the relevant parties looks for individuals or groups which are *affected* by a given decision.<sup>44</sup> On the one hand, if it is true that the global armaments industry is ‘the most global of all’ or at least somewhere near the top, then a great many people all around the world have been and will be relevantly affected by it. According to the *all-affected principle*, they should be given the opportunity and perhaps the right to participate in the decision-making process, besides the exporters and the purchasers. But the least arbitrary way of delineating the community of affected actors seems to be to expand its scope to all of humanity (at least in principle). We can arrive at essentially

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<sup>38</sup> Cf. Daniele Archibugi (2008), *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy*, Princeton: Princeton UP, 96ff.

<sup>39</sup> Global military expenditures which make arms trade possible in the first place are now nearing 2 trillion US dollars. Cf. SIPRI (2017) ‘Military expenditure’, available at <https://www.sipri.org/research/armament-and-disarmament/arms-transfers-and-military-spending/military-expenditure> (accessed January 30, 2021)

<sup>40</sup> María Garcia-Alonso and Paul Levine (2007), ‘Arms trade and arms races: a strategic analysis’, in Keith Hartley and Todd Sandler (eds.), *Handbook of Defense Economics* vol. 2, Amsterdam: Elsevier, 941–971.

<sup>41</sup> Michael Mann (2005), *The Dark Side of Democracy: Explaining Ethnic Cleansing*. New York: Cambridge UP, 521.

<sup>42</sup> Allen Buchanan (2004), *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*, Oxford: Oxford UP, 213.

<sup>43</sup> Mann, *The Dark Side of Democracy*, 526.

<sup>44</sup> Robert Goodin (2007), ‘Enfranchising All Affected Interests, and Its Alternatives’, *Philosophy&Public Affairs* 35(1): 40–68.

an identical conclusion via a different argument, too: it would seem that *external* democracy promotion amounts to a contradiction in terms, as any interference in the given country/society from outside, *including democracy promotion itself*, constitutes by definition a violation of the society's self-determination (as the core value of democracy).<sup>45</sup> The same then holds for consequences of externally-led democratisation for neighbouring countries, the region, and perhaps other parts of the world as well. The only way of escaping the conceptual trap would seem to imply extending the scope of participants in the decision-making process, so that the global ramifications for political freedom and for the distribution of political power can be properly assessed. Because arms exports as well as democracy promotion efforts often indirectly affect world politics as such, the desired scope would again seem to be all-encompassing, that is, global.

The range of global democratic suggestions for institutional transformation in the realms of politics, law, economy and perhaps culture is very broad. Sticking to Held's well-known set of ideas, this would include entrenchment of cosmopolitan democratic public law; interconnected global legal system concerned with issues of criminal, human rights, and environmental law; a network of democratic fora from the local to the global level; or global taxation mechanisms and transfer of resources to poor members of the system.<sup>46</sup> Traditional calls for expanding the powers of the International Criminal Court, reforming and strengthening of the United Nations, regulation of international trade and finance, or generally for judicialisation and constitutionalisation of world politics can be thus dialectically subsumed under the global democratic project.

### **Global democracy, global democracy, and their blind spots**

Objections to the global democratic project are manifold, both in terms of ideal theory (roughly, mostly bracketing the issues of institutional feasibility, stability, psychological motivations, path-dependencies and so on, on behalf of the normative-theoretical argument) and non-ideal theory (taking into account features of the world as we know it, ie those previously bracketed). I will discuss a general worry which I find independent on non-ideal considerations. As I have argued in a slightly different but closely related context (debates on global justice), the idea of a global set of binding rules that are to be successfully enforced requires the establishment of a global coercive political authority – a world state no less –, notwithstanding the fact that cosmopolitan-minded political theorists are usually at pains to avoid the world-statism charge by invoking ideas such as 'global governance', 'multi-level

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<sup>45</sup> Hans Agné (2014), 'Is successful democracy promotion possible? The conceptual problem', *Democratization* 21(1): 49–71

<sup>46</sup> Held, *Cosmopolitanism*, 103–112; cf. Daniele Archibugi and David Held (2011), 'Cosmopolitan Democracy: Paths and Agents'. *Ethics & International Affairs* 25(4): 433–461

decision-making' and the like.<sup>47</sup> The distinctions made between various approaches to what global democracy actually requires then serve a similar goal.<sup>48</sup>

As the handful of cosmopolitan political philosophers who have addressed arms trade seem accept, effective regulation of arms trade most likely requires a globally centralised decision-making and control mechanism, of which the Arms Trade Treaty could perhaps be a major building block. I reckon many readers and authors of the *World Orders Forum* will not find the idea of a world government too troubling, for reasons having to do with its supposed ability to deal with issues (apart from trade in conventional arms) such as environmental dangers, nuclear weapons, planetary defence against asteroids, and so on.<sup>49</sup> Hardcore world-statist will be fine even with global replication of sovereign stateness, even though theirs is arguably a marginal position nowadays. For the majority, however, this would be a tough bullet to bite, and they will insist on keeping the ideas of a *world government* and a *world state* separate, as two alternative modes of future arrangements – while I am again of the view that the distinction makes no difference.<sup>50</sup> Put simply if crudely, squaring local democratic self-rule with globally enforceable norms ('law') on the back of a sufficient coercive capacity while claiming that we do not need the concept of stateness anymore is not coherent. A federation may permit a degree of independence or autonomy on the part of its constituent units, but it has to retain the right of the last word, as well as the power to back the last word with sufficient coercive muscle in case of conflicts with lower levels over some fundamental ('constitutional') issue – such as, perhaps, the right of states to unilaterally purchase arms, or equal political rights for all citizens. In a global setting, such conflicts are to be expected, most likely multiplied by the different experiences, cultures, and political goals. In short, a multi-level federation is still a state. However, if this is the case, then global democratic visions of democracy are not really alternatives to the liberal democratic model as much as its 'mere' extensions to the global level. But then it seems we need to grapple with precisely the same set of theoretical and conceptual problems which beset 'regular' liberal democracies –

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<sup>47</sup> Pavel Dufek (2013), 'Why strong moral cosmopolitanism requires a world-state', *International Theory* 5(2): 177–212. Here on the *World Orders Forum* see W. Julian Korab-Karpowicz (2018), 'Why a World State is Unnecessary: The Continuing Debate on World Government', 16 June 2018, available at <https://www.wgresearch.org/world-orders-forum>, for a rebuttal of the kind of position I embrace.

<sup>48</sup> See Jonathan Kyuper (2015), 'Global Democracy', *Stanford Encyclopedia of Philosophy*, available at <https://plato.stanford.edu/entries/global-democracy/> (accessed January 30, 2021)

<sup>49</sup> At the *World Orders Forum* see Campbell Craig, 'Weberian World Government in the Nuclear Age', 12 June 2015; Joseph P Baratta, 'Historical Reflections on the World State', 4 October 2015; Dan Deudney, 'On Wells, World Government, and Our Possibly Dystopian Space Future: An Interview with Dan Deudney', 6 February 2016; Joseph P Baratta, 'Report to World Federalists on the Inaugural Conference of the Post-Cold War Movement for World Government', 30 August 2016; Ian Crawford, 'Space, World Government, and a "Vast Future" for Humanity', 4 August 2017; Ian Crawford, 'Can "Big History" Help Lay the Foundations for World Government?', 30 August 2018; Mark Beeson, 'The Environmental Path to World Government? A Review of Climate Leviathan: A Political Theory of Our Planetary Future', 26 August 2020. All articles available at <https://www.wgresearch.org/world-orders-forum>.

<sup>50</sup> See, in a similar vein, William Scheuerman (2014), 'Cosmopolitanism and the world state', *Review of International Studies* 40(3): 419–441; William Scheuerman, 'Some Skepticism About World Government Skepticism', *World Orders Forum*, 20 April 2018, available at <https://www.wgresearch.org/world-orders-forum>.

rule of law, separation of powers, political representation, decision-making methods, extent of judicial review, collective political identity, and so on – , just on a wholly unfamiliar terrain.

Moreover, there is the problem of the (existence of) global *demos*. This has been discussed multiple times from many angles, and I do not want to echo these otherwise intriguing debates.<sup>51</sup> But here is one aspect which perhaps has not received the attention it deserves. Let me assume (quite uncontroversially I think) that conceptually speaking, democracy is centrally, if not exclusively, about the given community (‘people’) collectively deciding on its fate – ie being autonomous by giving binding enforceable rules unto itself. Now either there is a global *demos* or there is not. (1) If there is a global *demos*, however construed, organised, and represented, then global democrats need it to make decisions consistent with their preferred moral and political values – say, *social democratic* in socio-economic matters, *multicultural* as regards collective identities, and *pacifist*, or at least *informed*, in arms trade. Suppose, however, that the global *demos* occasionally and perhaps often takes libertarian, nationalistic, and arms trade-permissive turns, and its political representatives on the appropriate level decide accordingly (by whatever decision method is in place). If we are to condemn such decisions on moral grounds, then we need to assume the existence of an antecedent (apriori?) natural order of moral values which the global *demos* is required to respect. But if the moral order comes first and overrides the sovereign decision of the global people – that is, if it always takes priority in case of conflicting goals –, why bother with the extremely complex global *democratic* network in the first place? Why not opt for a *benevolent global dictator*, say a selection of the smartest experts available, including the most cited moral and political philosophers (arguably minus those who have a soft spot for nations and territorial states), to make the wisest decisions leading to best consequences? Coming to terms with bad decisions of ‘the people’ is not an option, because the wish to move away from bad decisions in both arms exports and democracy promotion was the primary motivation for introducing the global democratic narrative.

(2) If there is no global *demos*, then the world is necessarily inhabited by multiple *demos* (whatever their origin and internal organisation) who claim to be autonomous in their internal matters, in order to create their normative reality for themselves. Unless we return to the idea of a natural moral order, it would seem that we are back to square one, having made little progress in figuring out how to avoid cross-purposes in democracy promotion, arms trade, and likely a host of other globally salient goals. Disagreement among the units of the world order is to be expected, while the source of legitimacy for globally binding legal provisions which the global democratic model seemed to provide (ie the global *demos*) has evaporated. Suppose we reject a world state, understand that global democracy is not really feasible short- and mid-term (if at all), but also believe the current state-centric model is no longer tenable, for either pragmatic or moral reasons, or both. Where does that leave political theorists?

One can keep insisting that *legitimate* decision-making must be *democratic* decision-making – that is, only democratically enacted international law can be legitimate and therefore binding. An intriguing recent suggestion in this vein is the so-called global *demoicracy* which exploits

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<sup>51</sup> See eg Laura Valentini (2014), ‘No Global Demos, No Global Democracy? A Systematization and Critique’, *Perspectives on Politics* 12(4): 789–807.

the all-affected principle discussed above to arrive at an idea of a global polity emerging from a ‘union of peoples’.<sup>52</sup> While the class of relevant actors is greatly expanded, so that states/nations are accompanied by multiple other *stakeholders* defined functionally (relative to the issue at hand), and state borders no longer constitute artificial bounds of affectedness, national polities remain indispensable for the ratification and implementation of international democratic norms. This why they are claimed to retain a significant role in the deterritorialised, transnationally deliberative global governance, even though the principle of sovereignty (sovereign autonomy) no longer applies.

I cannot do the democratic visions full justice here, not least because they are far-reaching, ambitious, and quite vague. However, one thing seems clear: if the problem with global democracy proper was the expected conflict between/among levels of decision-making, then the radically pluralistic democratic model, encompassing as it is multiple levels of different types of self-contained law-making processes, channels of deliberation, and law-making agents,<sup>53</sup> is at least equally vulnerable to the same type of objection. The emphasis put on, and the corresponding hope invested in, the mechanism of intranational, national, transnational, and supranational deliberation must leave one wondering who is ultimately to decide, enact, enforce, and also be held accountable. These are not small-minded quibbles of a political realist; if political theory is to provide reasonable guidelines for political action,<sup>54</sup> then it needs to show how reliable *collective political agency* is to be realised. We cannot expect multi-level inclusive deliberation among myriads of actors and their representatives to mysteriously end up in consensus, which means that a *political decision* among conflicting objectives has to be taken. But then more needs to be said, such as: who is to take decisions (in order to ‘democratise’, ‘protect’, ‘regulate’, ‘control’, ‘punish wrongdoers’ and so on), what are the sources of the actor’s legitimacy, what are the mechanisms of control and accountability (including the separation of powers, rule of law and the like), what (if any) are the procedural and substantive limits of such political authority, and so on.

The main reason, in my view, why global democrats/democrats feel little need to delve into these matters is that they are now solved (with greater or lesser success) on the national level, to the effect that no need for re-resolution seems to arise elsewhere. In reality, however, infra- and supra-state levels remain parasitic on the nation state which does much of the dirty work

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<sup>52</sup> Samantha Besson (2009), ‘Institutionalising global democracy’, In: Lukas Meyer (ed.), *Legitimacy, Justice, and International Public Law*, Cambridge: Cambridge UP, 58–91, 69. Inspiration by theoretical work on democracy in the EU is obvious (and explicitly admitted), cf. Kalypso Nicolaïdis (2012). ‘The Idea of European Democracy’, in Julie Dickson and Pavlos Eleftheriadis (eds.), *Philosophical Foundations of European Union Law*, Oxford: Oxford UP, 247–273; Francis Cheneval, Sandra Lavenex and Frank Schimmelfennig (2015), ‘Democracy in the European Union: Principles, Institutions, Policies’, *Journal of European Public Policy* 22(1): 1–18, doi:10.1080/13501763.2014.886902; James Bohman (2007), *Democracy across Borders: From Dêmos to Dêmoi*, Cambridge, MA: MIT Press.

<sup>53</sup> Global democracy thus ‘takes place *at the same time* at many different levels of territorial governance: national, international, supranational and transnational. These different layers constitute a *network* of national, transnational and international agencies and bodies that match, cut across or group spatially delimited locales.’ Besson, ‘Institutionalising global democracy’, 76–77, emphasis in original, footnotes omitted.

<sup>54</sup> But see David Estlund (2020), *Utopophobia*, Princeton: Princeton UP, for a defence of the value of political theorising which is useless in practice.

and thus provides an ‘invisible’ layer of fine-tuned executive-administrative capacity as well as (in the ideal scenario) democratic legitimacy. There are authors who, while formally placing themselves in the democratic camp, do emphasise the continuing significance of states for transnational governance: Richard Bellamy for instance perceptively notes that ‘the statist ghost of already existing civic political communities always lurks within the cosmopolitan machine’.<sup>55</sup> There is much more overlap between this position any mine; however, it is doubtful we can assume the conditions necessary for such ‘intergovernmental democracy’ beyond the EU area on which these writings are predominantly focused. At any rate, I want to focus on another aspect of the problem, namely the legitimacy of any such system and its relationship to democratic governance.

### **Context-based institutional legitimacy**

All the previous supports the general observation that insofar as there has been the occasional international success in democracy promotion, it always consisted in ‘creat[ing] durable, modern nation-states that are organised around democracy and markets.’<sup>56</sup> This may sound like an underwhelming message. However, rather than having made no progress at all, we have in fact proceeded on a dialectically higher level on the return path, because we can now see that some kind of ‘middle ground’ between the excessively broad idealistic brush of global democratisers/democratisers and the status quo bias of mainstream political science is called for, one which creates space for interrogation of alternative models of democracy (including, as it were, global democracy itself).

My suggestion is roughly this. First, having set the normative bar somewhere between the status quo and the globalist vision, I conclude that insofar as states remain for the foreseeable future the central actors in international politics, a reasonably feasible path of moving forward in both democracy promotion and arms trade regulation is to change the way these actors construe their goals and preferences. Recent research on norm dynamics in multilateral arms control shows that successful cooperative regimes in the realm of arms exports and arms control combine both utilitarian/interest-based incentives and intrinsic moral imperatives (above all justice), so that logic of consequences and logic of appropriateness supplement and shape each other.<sup>57</sup> Broadly constructivist approach to political actors and their relations is thereby implied: Constructivists generally agree that X is what the involved actors make of it,

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<sup>55</sup> Richard Bellamy (2019), *A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU*, Cambridge: Cambridge UP, 44. Bellamy calls his position ‘republican intergovernmentalism’.

<sup>56</sup> Michael N. Barnett and Martha Finnemore (2004), *Rules for the world: international organizations in global politics*, Ithaca, N.Y.: Cornell UP, 164; see also Milliken and Krause, ‘State Failure, State Collapse, and State Reconstruction’, 762ff.; O’Donnell, *Democracy, agency, and the state*, 10; Laurence Whitehead (2010), ‘State sovereignty and democracy: An awkward coupling’, in Peter J Burnell and Richard Youngs, eds., *New challenges to democratization*, Abingdon: Routledge, 23–41.

<sup>57</sup> Carmen Wunderlich (2013), ‘Theoretical Approaches in Norm Dynamics’, in Harald Müller and Carmen Wunderlich, eds., *Norm Dynamics in Multilateral Arms Control: Interests, Conflicts, and Justice*, Athens: University of Georgia Press, 20–47; Hansen, ‘Taking ambiguity seriously’.

where ‘X’ may be anarchy,<sup>58</sup> sovereignty, war, democracy, but also material incentives in general. As the abovementioned research attests, *ideological* factors play a crucial role in directing political agency, not least of states.<sup>59</sup> Accordingly, normative political theory could gradually regain some of its relevance to real-world politics by helping clarify what is at stake here, not least as regards the expected pros and cons of the alternative states of the world.

Thusly understood, the Arms Trade Treaty represents not so much a definitive solution to the problem of arms exports in democracy promotion as a first and necessary step enabling a sustained *official ethical* criticism: The ‘Helsinki Effect’, or the (mostly unexpected) consequences for Cold War politics of the adoption of the human rights-focused *Helsinki Final Act*, might serve as a guiding example.<sup>60</sup> However, such processes take time. Politics, especially in sensitive areas such as arms trade and democratisation, does indeed remind of a ‘slow drilling through hard boards’ with the aim of reaching for the impossible, in Max Weber’s memorable words.<sup>61</sup> The task of political philosophy is then doubly difficult, for the hard board it seeks to penetrate is political activity itself.

Second, we should abandon the assumption shared by global democrats and democrats alike, namely that there can be no legitimacy without democracy. On the international/global level, this means that attempts to formulate one universally valid principle of legitimacy (procedural or substantive) for political institutions and/or decision-making processes are wrongheaded. Instead, I suggest taking a lesson from recent writings on *context-based institutional legitimacy* which work with a plural set of criteria, adjusted to the social practice at hand and the corresponding social or political institution.<sup>62</sup> Depending on the criticality (importance) of the issue, the previous existence or non-existence of the institution/practice in question, and the level of interest that various parties ascribe to the institution (as expressed eg by their motivation to participate in deliberation about its legitimacy), the constituency is either more or less inclusive, and the set of normative limits to the resulting decision either more or less demanding. The more inclusive the constituency, the higher the democratic threshold of legitimacy; the more demanding the normative criteria, the higher the constitutionalist threshold of legitimacy. Schematically, at one extreme (‘highly inclusive +demanding’) we have institutional legitimacy reminiscent of constitutional (liberal) democracies as we know them from countries of the West, only applied to the transnational/global level. This includes

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<sup>58</sup> Alexander Wendt (1992), ‘Anarchy is what states make of it: the social construction of power politics’, *International Organization* 46(2): 391–425

<sup>59</sup> Harald Müller, Marco Fey and Carsten Rauch (2013), ‘Winds of Change: Exogenous Events and Trends as Norm Triggers (or Norm Killers)’, in Harald Müller and Carmen Wunderlich, eds., *Norm dynamics in multilateral arms control: interests, conflicts, and justice*, Athens: University of Georgia Press, 141–160, 157.

<sup>60</sup> Daniel C. Thomas (2001), *The Helsinki effect: international norms, human rights, and the demise of communism*, Princeton: Princeton UP

<sup>61</sup> Max Weber (1994), ‘The Profession and Vocation of Politics’, in Peter Lassman and Ronald Speirs, eds., *Weber: Political Writings*, Cambridge: Cambridge UP, 309–369, 369

<sup>62</sup> I draw here primarily on Pietro Maffettone and Luke Ulaş (2019), ‘Legitimacy, Metacoordination and Context-Dependence’, *International Theory* 11(1): 81–109, DOI: <https://doi.org/10.1017/S1752971918000258>; but see also Allen Buchanan (2013), *The Heart of Human Rights*, Oxford: Oxford UP, ch. 5; Andrei Marmor (2011), ‘An Institutional Conception of Authority’, *Philosophy & Public Affairs* 39(3): 238–261; NP Adams (2018), ‘Institutional Legitimacy’, *Journal of Political Philosophy* 26(1): 84–102.

political equality (equal political rights) mediated by some mechanism of political representation, or meaningful opportunities to become involved in political deliberation about the given issue. In case one prefers alternative models of democracy (social democratic, participatory etc.), then either set of criteria/thresholds changes accordingly, for example as regards socioeconomic equality in the social democratic model. At the other extreme ('exclusive+undemanding') we get a mixture of technocratic/expert decisions, self-interested power politics, covert bargaining deals, and the like.

Both democratic inclusiveness and normative demandingness are scalar variables, so that the composite criteria of legitimacy can be adjusted to the institution and/or issue in question.<sup>63</sup> Thus, existing trans- and supranational institutions (IOs, IGOs, INGOs etc.) need not necessarily fulfil demanding criteria of globally democratic inclusion. Instead, their legitimacy may be conditioned by their ability to provide acceptable reasoning in support of the norms they produce, as evaluated by the constituency – in the first place, states, but also other involved actors. Wojciech Sadurski speaks about *supranational public reason* which operates on criteria such as openness to diverse points of view, provision of good reasons for decisions, or 'deliberate screening off of prejudice, hostility and self-interest'.<sup>64</sup>

Let me give a partial illustration from an adjacent area of research. In a paper dealing with the legitimacy conditions of the use of high-energy lasers in space (concerning orbital debris removal, defence of Earth against comets and asteroids, or space exploration and space resource utilisation), we distinguish two basic phases of the development and use of large technical systems of which space lasers are a quintessential example.<sup>65</sup> (A) The *development stage* concerns the effective advancement of new technologies, on the back of global collaboration of multiple stakeholders across research institutes, universities, national agencies, and private companies. It is symbiotically tied to cutting-edge scientific discoveries (both theoretical and applied) and requires rather generous and no-strings-attached financing; the criteria of success largely concern the outcome of the research&development phase (ie reliable high-power laser technology), rather than full democratic inclusiveness at the input. Due to its technical complexity and desirable insensitiveness to beliefs and interests of the (dilettante) broad public, the legitimising constituency need not include all individuals or groups who 'have an opinion'. Hence the *all-involved principle*: Only stakeholders scientifically, economically, or otherwise motivationally invested in the R&D phase of super-lasers are supposed to speak to the corresponding policy priorities. (B) In contrast, the *deployment phase* brings about lower technical complexity but also heightened (sensitivity to)

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<sup>63</sup> Legitimate institutions acquire a 'right to function' which entails correlative duties not to interfere from the outside with their workings. However, no robust duty to obey is thereby entailed; its existence depends on further considerations. Adams, 'Institutional Legitimacy', 90.

<sup>64</sup> Wojciech Sadurski (2015), 'Supranational Public Reason: On Legitimacy of Supranational Norm-Producing Authorities', *Global Constitutionalism* 4(3): 396–427, 408, DOI: <https://doi.org/10.1017/s204538171500012x>. In contrast to Sadurski, however, I do not entirely abandon democratic prospects beyond the nation-state.

<sup>65</sup> Petr Boháček, Pavel Dufek and Nikola Schmidt, 'Peaceful Use of Lasers in Space: Context-Based Legitimacy in Global Governance of Large Technical Systems', *manuscript*

security risks, which will however be interpreted differently by the many actors.<sup>66</sup> Making the process as inclusive as possible helps avoid irreconcilable perceptions of (in)security, opening the door to reconciliation. This is why the original *all-affected principle* has its place in this phase. Higher democratic control also reduces the probability that the technical system is hijacked by a particular stakeholder for his or her security gain but is utilised within a normative framework of shared security perceptions. Combining – juggling, if you wish – the two approaches tied to the two stages seems to provide reasonable manoeuvring room for future reconciliation of otherwise contradictory imperatives as regards space lasers.

Obviously, the practices and institutions which accompany arms exports and democracy promotion differ substantially from those of large technical systems – for instance, they lack the credibility of hard science in many relevant respects.<sup>67</sup> Nonetheless, other structural features seem to be cutting across the policy areas. For one, ‘my’ approach to legitimacy recognises the central role of states, which is eminently desirable as regards the practical applicability of normative-theoretical visions. In this sense, the statist liberal representative model of democracy retains its primacy, which provides a hint (admittedly far from exhaustive) about what to look for in the *intrinsic normative* phase of democracy promotion. Second, the interest in non-proliferation of small arms, or more precisely the interest in strict regulation of international arms trade, is arguably shared by all citizens of all countries – which expands the scope of relevant actors far beyond the buyers, sellers, manufacturers and brokers of arms deals. More inclusive democratic criteria of legitimacy are thus called for (even if not fully global, as in Agné’s vision), which gives us a hint about what to look for as regards the *interacting factors* of democracy promotion. Third, the contextual approach to legitimacy implicitly helps untie the knot of the *extrinsic normative* phase, because it states that democracy becomes an overriding objective only under certain conditions.

### **The World State Rides Again, In the Future**

The sketch has been tentative and vague, for my goal has been to outline the conceptual and theoretical questions arising at the intersection of arms trade, democracy promotion, and global political theory. As regards the feasibility and long-term stability of a ‘middle-ground solution’ between global democratic utopias and the status quo, I am not sure the world-statist objection I raised against global democracy myself can be entirely avoided. After all, arms trade and democracy promotion are far from the only two globally salient issues humanity will have to deal with – besides planetary defence, one can think of nuclear weapons, climate change, or global pandemic threats. Thus the deployment phase of space laser technology may actually plant the seeds of a decision-making regime which will gradually stake a claim to being *the* level political authority. Perhaps Alex Wendt was right when he wrote that in the long run, the emergence of a world state was inevitable.<sup>68</sup> Even if he were right, however,

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<sup>66</sup> One major problem besetting high-power lasers and other such technology is their dual-use nature, i.e. exploitability for military purposes.

<sup>67</sup> Military science can be otherwise eerily exact, as regards e.g. the calculations of the types and extent of expected bodily harm done by various types of weapons.

<sup>68</sup> Alexander Wendt (2003), ‘Why a World State Is Inevitable’. *European Journal of International Relations* 9(4): 491–542

political theory should not lose attention of the here and now, and it is for this reason that I find the persevering state-centrism unobjectionable.