

AALS Annual Convention Plenary Panel: Impact of Globalization on Human Rights – Globalization and the Democratic Entitlement

By Dean Tom Farer

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Each of us was asked to approach the theme of globalization and human rights from a distinct perspective. I chose democracy, which is both an enumerated right and a means to the realization of other rights, because it leads ineluctably to some of the thorniest ethical and conceptual issues that engage or ought to engage morally alert people.

By globalization I refer to much more than a recent stunning increase in cross-border contacts and transactions or the profound effects that developments in one political space can have in others. If that were all that we meant by globalization we would, in large measure, be remarking little more than the renewal of the Nineteenth Century world: when gold, rather than the dollar, was the global currency; when there was, as now, massive labor mobility, in fact greater labor mobility in terms of permanent movement; when changes in the cost and availability of natural resources produced in some few countries had huge effects on the economies of many others; and when the ratio of trade to total gross national production was essentially the same in the world's five largest economies as it is now, excepting the United States.

What, then, distinguishes contemporary globalization from the Nineteenth Century version? I will refer to six distinguishing characteristics, though I could add others:

First, multi-nationally integrated supply and production chains embracing the great majority of goods and even services.

Second, the worldwide velocity of global capital.

Third, a global convergence, to be sure still incomplete, of tastes and conceptions of the good life, frequently labeled consumerism. This characteristic coincides with an unparalleled degree of urbanization and population increase (in all but the wealthiest states) resulting in a dramatic dependence upon the health of the supply and production chains and access to capital.

Fourth, deep cognitive integration. This characteristic, itself consists of three elements: (a) Far greater numbers of people are aware of what their counterparts in distant places are thinking and doing; (b) To an unparalleled degree people all over the globe share a common idiom for understanding events and debating policy. Concepts like economic development rights, democracy, and equality are no longer the property of a small subset of humanity; and (c) Because of these first two elements, the events in one part of the world can be construed everywhere else as precedents, bearing on the assessment of policy choices. Thus there has been an exponential increase in the potential contagion of initially parochial political and economical initiatives.

Fifth, cognitive integration has facilitated identity integration. That is, we more readily see peoples elsewhere as similar to us and therefore can feel vicarious hurt when those people are hurt and vicarious pleasure when they triumph.

Sixth, there has been a multiplication of social action organizations in places where they once did not exist and an exponential increase in transnational communication and joint action by such organizations.

Practically all of these characteristics are related to a radical increase in the speed and a decline in the cost of transportation and communication. It is worthwhile recalling that, in 1930, a three-minute call from London to New York cost the present-day equivalent of \$250. Today that call is a matter of cents.

So much for globalization. Does democracy also require a few words by way of a definition? It did during the Cold War when Marxist dictatorships chose to describe themselves as "Peoples' Democracies." And it did during the administration of Ronald Reagan when, after first purporting to purge human rights from the agenda of American foreign policy, Reagan's administration affected an about face and declared itself to be nothing less than Wilsonian in its instincts and passions. The administration would, it was explained, pursue human rights but with an emphasis on electoral democracy. In the consequent embrace of regimes that duly held elections, without pausing in their own brutal treatment of peaceful, hardly less than violent opponents of the status quo, the administration opened up debates in the U.S. about what constitutes a democracy: what are the minimum conditions of a

fair election; whether elected governments, by that fact alone, stand higher in the human rights league tables than any non-elected government and should be presumed to be on the way, however gradually, to a full-fledged open society.

Today, in the American cottage industry of democracy analysis, debate is more civil and division is less wide; intellectually respectable conservatives no less than liberal organizations distinguish between merely electoral and liberal democracies. But, by any reasonable definition, the number of democracies has grown substantially since the Second World War. While this claim is indisputable, it is necessary to remark that the number of states has also grown substantially. In 1950 I would argue that there were about 15 stable democracies accounting for about 30% of global population, another 20 or so more, mostly in Latin America, had electoral forms but very little of democratic substance. By the end of the Twentieth Century some put the estimate of authentic democracies at 85. I think 55 would be a more accurate estimate, and they accounted for roughly 38% of the world's population. As far as formal or electoral democracies are concerned, they now account for about 120 of the 192 recognized sovereign states. This increase (which, I must emphasize, coincides with globalization) does not, I fear, confirm Francis Fukuyama's claim that democracy, with capitalism, has won a total and final victory in the struggle of ideas.

After all, that self appointed authority on the meaning of the Koran, our ally, the King of Saudi Arabia, has found that the Koran and democracy are incompatible. Certainly he reached that conclusion after deep cerebration, and, no doubt to his consternation. The only legitimate source of legal authority turns out to be a devout Muslim monarch. Still, if the victory is not yet complete, I think it's fair to say open opponents of the democratic project are very much on the defensive today and it was reverse in the 1930's when in much of the world Fascism not only as a movement but as a set of ideas, seemed on the offensive. Can one say, then, that globalization has coincided with and quite probably contributed to the democratic project and that the project has never been in better shape? Some say "no." Indeed, they fear that globalization is eviscerating the central element of democracy which is, they argue, popular sovereignty exercised within a determinate political space.

Concerns for the negative impact of globalization on democracy can be captured in two propositions. First, that a central motive for popular involvement in political activity has been to influence the allocation of income, wealth, opportunity, economic security, health and safety. If governments lose the capacity to produce desired results in these issue areas, then the stakes of political actions are greatly reduced and democratic politics are thereby impoverished. Second, that globalization tends to strip governments of the requisite capacity, and it does it in two ways. First, because of the mobility of private capital and its relentless search for maxi-

mum returns, globalization, according to this argument, pushes democratic governments into a race to the bottom in terms of taxation and regulation, which leads to greater insecurity and greater inequality. From this perspective, once having made themselves vulnerable by opening up to international capital penetration, governments cannot risk the shock of failing to expiate the managers of capital. That's one way in which governments have been striped of the requisite capacity according to the anti-globalization scripture. The second way is by increasingly pushing such regulatory activity as does occur into transnational institutions, largely insulated from the exercise of popular sovereignty.

In Felipe Schmitter's neat summary, it is the problem of growing dissociation among territorial constituencies, functional competences and collective identities. The summary answer to the first concern is that up to now the empirical evidence provides fodder for both sides of the argument. Unlike Latin America in the Nineteenth and first half of the Twentieth Centuries, the populations most integrated into the current global market system have, in general, experienced an absolute decrease in poverty, most of which is concentrated in Asia. The figures for Latin America and Africa are mixed and on the whole negative. The distribution of relative gains and losses in developing economies has varied. China, with its authoritarian government, has become dramatically more unequal but has accounted for more than half of the worldwide reduction in poverty at the same time. This trend recurs in democratic states; globalization has made inroads on absolute poverty but not on equality. Brazil, after twenty years of democracy, has quite modestly reduced its level of absolute poverty but, as a country, possesses one of the world's most unequal distributions of income and wealth.

In the West, the comprehensive welfare states that have provided a high degree of economic security for the middle and working classes are under some stress. It is by no means clear, however, that the stress stems from globalization. Another culprit may be the aging and declining population, evidence of the hedonistic tastes, native to a postindustrial society. The central fact for our inquiry up to this point in the globalization process is that both developed and developing states continue to display significant disparities in the production and distribution of public goods, like health and education. In short, globalization has not homogenized social policy in electoral democracies.

What about the second concern, reflecting the shift in public policy decisions outside the direct reach of popular sovereignty? I would say first that the shift is often exaggerated. For instance, populist rhetoric ignores what detailed studies of decision-making in the European Union show: Namely that transnational technocrats do not command behavior in national polities, but rather are engaged in an endless

process of negotiation with national authorities who sometimes simply ignore decisions and norms likely to disturb their electorates.

It is true that accelerating globalization has coincided in the West with a dramatic deterioration in popular feelings about government and the persons elected to run it. In the 1960s, for instance, when a representative sample of Americans were asked the question "How much of the time can you trust the government in Washington to do what is right?" three quarters replied: "Most of the time" or "Just about always." Only thirty-nine percent endorsed that view in 1998. In the 1960s, two-thirds of Americans rejected the statement "Most elected officials don't care what people like me think." In 1998, nearly two-thirds of Americans agreed with it. In Europe the trend line is roughly the same. Does globalization offer the only plausible explanation for this phenomenon? Or could it have more to do with withdrawal of many citizens from active engagement in political associations, with the displacement of economic by cultural grievances that cannot be mitigated very much within a liberal democratic society, and by the wide-scale elimination of poverty for the native born, leaving the certainty of death as the main surviving popular grievance, one which government still seems unable to address.

Let me suggest an additional set of possibilities. Diffuse dissatisfaction with government, particularly in Europe, may be traceable in part to increasing stress on the social bargain that brought class peace to the advanced industrial countries after World War II. That stress has much to do with demographics: Fewer workers supporting an ever increasing number of retired persons. The stress itself or the political alienation coincident with it may also reflect the gradual supplanting, again primarily in Europe, of a corporatist ideal by an individualistic one and the consequent hollowing out of the idea of social cooperation in favor of treating the enterprise of life as a simple matter of aggregating particular advantages and interests: In short moving close to the *laissez-faire* model. If life is experienced largely as a race to accumulate goods and services and if this experience coincides with a flattening of income for the working and middle classes and a concentration of gains at the peak of the socio-economic pyramid and if, at the same time, popular culture drenches the individual with images of affluence and the prospect of individual social mobility, an unfocused alienation seems a predictable result. Is globalization the ultimate culprit or are we witnessing nothing more than a natural incident of post-industrial society recognized some two decades ago, before the age of globalization, by the prescient sociologist Daniel Bell? If the culprit is primarily post-industrial society, then closing borders might leave us poorer but no less unhappy; strangers in a familiar land.