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# Hooray for Global Justice? Emerging Democracies in a Multipolar World

**Abstract:** Rising powers are fundamentally shifting the relations of power in the global economic and political landscape. International political theory, however, has so far failed to evaluate this nascent multipolarity. This article fills this lacuna by synthesizing empirical and normative modes of inquiry. It examines the transformation of sovereignty exercised by emerging democracies and focuses especially on the case of Brazil. The paper shows that – in stark contrast to emerging democracies’ foreign policy rhetoric – the ‘softening’ of sovereignty, which means that emerging powers gain as well as lose certain aspects of sovereignty, has become the norm. The paper explores this softening of sovereignty from the perspective of global justice by assessing it on the basis of globalist, statist, and internationalist conceptions of global justice. We find that the emergent multipolarity contributes in various ways to the realization of the distinct socioeconomic and political criteria of these three conceptions of global justice. However, we also point out that the transformation of sovereignty generates particular problems for the realization of all three conceptions.

**Keywords:** rising powers, multipolarity, sovereignty, global justice, Brazil

## Introduction

Contrary to the expectations of prolonged unipolarity,<sup>1</sup> the hope in an evolving global state,<sup>2</sup> and the dystopia of a global ‘superclass’ of billionaires and multinationals,<sup>3</sup> rising powers from the Global South stand to challenge the Western monopoly on political and economic power in the early twenty-first century.<sup>4</sup> Most prominently, China has become the locomotive of global economic growth. India continues to struggle with poverty, internal turmoil and the stalemate of its conflict with Pakistan; yet its size, demographics, nuclear capabilities and recent economic growth make it an important global player. Meanwhile, democratic consolidation and economic liberalization throughout the 1990s and into the twenty-first century in Brazil and South Africa went hand-in-hand with attaining regional power status and fulfilling increasingly vital roles in international negotiations on an assortment of issues (e.g., climate change, financial regulation, development aid and trade).

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1 William C. Wohlforth, ‘The Stability of a Unipolar World’, *International Security* 24/1 (1999), 5-41.

2 Martin Shaw, *Theory of the Global State* (Cambridge: Cambridge University Press, 2000).

3 David Rothkopf, *Superclass. The Global Elite and the World They Are Making* (New York: Farrar, Straus and Giroux, 2000).

4 Andrew Hurrell, ‘Hegemony, Liberalism and Global Order: What Space for Would-Be Great Powers?’, *International Affairs* 82/1 (2006), 1-19; World Bank, *Multipolarity: The New Global Economy* (Washington DC: World Bank, 2011). Also see the special issues devoted to rising powers in *Third World Quarterly* 34/6 (2013); *International Affairs* 89/3 (2013); *Global Society* 26/3 (2012); *International Affairs* 82/1 (2006).

Curiously, although the rise of new powers marks a turning point in global politics, few efforts have been made to analyze this change from the point of view of global justice. We recognize, of course, that normative political theorizing needs to maintain a certain distance from the most immediate political and economic developments. Political theorizing that is too proximate to current affairs is in danger of being status quo biased. Yet we believe that rising powers are altering the global political landscape in such fundamental ways that practically relevant normative theorizing needs to reflect carefully upon this macrochange.<sup>5</sup> Therefore, our article explores from a normative point of view the increasingly multipolar constellation by addressing the basic question of how one should assess the existence of rising powers from the point of view of global justice.

We concentrate on the role of emerging democracies as a subgroup of rising powers and focus especially on the case of Brazil. The group of emerging democracies, depending on the precise definition, may include a number of other countries – Turkey and Indonesia in particular. Our analysis, however, builds upon empirical work on three democratic regional powers (Brazil, India and South Africa) – that is, democratically constituted nation-states widely regarded as leaders in their respective region. Our reason for concentrating on these emerging democracies in particular is that we believe that due to their regional influence the developments in these three countries are not only very relevant for the respective regions as a whole, but also for the various countries that constitute these regions. Hence examining the structural changes associated with these three democratic, rising and regional powers may enable us to appreciate certain trends that will eventually be very relevant for a wide array of political affairs and thus for global politics in general.

This way of addressing the stated question is, of course, insufficient in providing a fully satisfying answer. If we were to fully assess the novel, increasingly multipolar constellation of global politics, then we would also have to take into consideration the effects on global justice brought about by nondemocratic rising powers. Unfortunately, our exploration of this new terrain of global justice theorizing does not provide such a full – and extremely complex – evaluation.

The upshot of our assessment is that three widely accepted conceptions of global justice – at least *cum grano salis* – view the nascent multipolarity rather positively overall. We believe that this is an important insight because it opens up a new perspective that is different from the extremely dim diagnostics of global politics that many global justice theorists have provided as of late.<sup>6</sup> In fact, we

5 For a recent defense of the idea that political theory has to be sufficiently attuned to the actual operation of political institutions, see Jeremy Waldron, 'Political Political Theory: An Inaugural Lecture', *The Journal of Political Philosophy* 21/1 (2012), p. 9.

6 One central theme of Thomas Pogge's latest book *Politics as Usual* (Cambridge: Polity Press, 2010), for instance, is 'the monumental crime we are committing against the world's poor' (p. 3) given that 'the global economic regime that our countries designed and impose kills more efficiently than the Nazi extermination camps' (p. 2).

think that our assessment provides reason for some optimism and helps avoiding cynicism.

The article proceeds as follows: the first half is descriptive and begins by briefly characterizing the central features of rising powers and by explaining how they are shifting inter- and transnational relations of power. In particular, we analyze the transformation of sovereignty occurring in these states because it precisely captures the fundamental changes that are taking place both in the internal and external political relations of emerging democracies.<sup>7</sup> For this analysis, we consider current transnational processes of fragmentation and integration ‘from below’ and ‘from above’ the nation-state.<sup>8</sup> Our analysis ends with the conclusion that emerging democracies exercise what we call ‘soft sovereignty’ – that is, a kind of sovereignty that is neither captured by the postmodern label of ‘European-style’ shared sovereignty nor falls into the category of the ‘modern’ understanding of sovereignty underlying the Westphalian state system.<sup>9</sup> Soft sovereignty means that emerging democracies have a degree of effective, or positive, internal sovereignty that distinguishes them clearly from political societies with limited statehood. Yet they are not sovereign in the modern sense, because they are bound in various ways by inter- and transnational norms and power relations that affect the autonomy of the nation-state both from below and from above. The case of Brazil serves well to illustrate what the exercise of soft sovereignty means for the internal and external relations of an emerging democracy. Moreover, this empirical case illustrates the ambiguity of rising powers from the point of view of global justice.

The second half of this article engages in the normative assessment of emerging democracies from the perspective of three competing conceptions of global justice: statism, globalism, and democratic internationalism. We argue that statist, globalist, and internationalist conceptions welcome, albeit for different reasons and to various degrees, the political changes in the internal and external relations of emerging democracies. But we highlight that several aspects of these changes also constitute obstacles for the realization of global justice as conceived by these three conceptions.

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7 Note that our understanding of sovereignty is purely descriptive and not normative. By saying that a country gained in sovereignty in a certain respect we do not mean to suggest that this is necessarily a good thing.

8 The notion of globalization as a parallel process of fragmenting and integrating forces has been developed most prominently by James N. Rosenau in *Along the Domestic-Foreign Frontier* (Cambridge: Cambridge University Press, 1997).

9 On postmodern, modern and premodern sovereignty, see Steven Krasner, ‘The Durability of Organized Hypocrisy’, in *Sovereignty in Fragments*, Hent Kalmo and Quentin Skinner (eds.), (Cambridge: Cambridge University Press, 2010), 96-113. On soft sovereignty see also Sandra Destradi and Johannes Plagemann, ‘Soft Sovereignty, Rising Powers and Subnational Foreign Policy-Making: The Case of India’, *Globalizations* (forthcoming) as well as Johannes Plagemann, *Cosmopolitanism in a Multipolar World* (Basingstoke: Palgrave Macmillan, forthcoming).

### Rising Powers in a Multipolar World

In International Relations rising powers are often times described as states that have recently gained veto-player status but do not yet possess agenda-setting capabilities in global politics.<sup>10</sup> In terms of the transformation of sovereignty that we further describe below, this means that (among other things) rising powers are nation-states who have lately increased significantly their interdependence sovereignty, that is, their capacity to effectively influence events beyond their borders. The least disputed rising powers are represented in leader-level coalitions such as BRICS, IBSA and BASIC. Having invited South Africa into its ranks in 2010, BRICS today stands for a group of countries that share a sense of entitlement to global power and the objective of balancing transatlantic hegemony in global politics.<sup>11</sup> The IBSA grouping unites the three emerging democracies of India, South Africa and Brazil in a dialogue forum that aims at coordinating common positions in the United Nations (e.g., permanent membership in the United Nations Security Council [UNSC]) and strengthening South-South cooperation in several other fields.<sup>12</sup> There is also the BASIC coalition of Brazil, South Africa, India and China, which – to the dismay of the established European powers – brokered the deal with the United States at the 2009 Copenhagen summit on climate change.<sup>13</sup>

The United Nations Development Programme's (UNDP) most recent Human Development Report (HDR) was devoted to the 'rise of the South' and noted how larger rising states, including the BASIC countries, advanced particularly rapidly.<sup>14</sup> For instance, the BRICS countries' share of the global gross domestic product (GDP) doubled from around 9 percent in 2000 to over 18 in 2010.<sup>15</sup> The fundamental changes arising from these coalitions' recent economic growth and political stability is perhaps best exemplified by the Brazilian case – a highly dependent debtor to the International Monetary Fund (IMF) in the 1980s and an esteemed creditor to the same institution from 2009 onward.

The rise of Southern powers also means that states and governments continue to shape global and domestic politics in very significant ways. Compared to most of the last century, rising powers are now in a better position to manage their

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10 Amrita Narlikar, 'Negotiating the rise of new powers', *International Affairs* 89/3 (2013), 561-76, p. 561.

11 Ibid., p. 562.

12 Marco A. Vieira and Chris Alden, 'India, Brazil, and South Africa (IBSA): South-South Cooperation and the Paradox of Regional Leadership', *Global Governance* 17/4 (2011), 507-28.

13 David Brown, 'Conclusion. The Contemporary Distribution of Power', in Donette Murray and David Brown (eds.), *Multipolarity in the 21st century* (London, New York: Routledge, 2012), pp. 161-2.

14 United Nations Development Programme, *The Rise of the South. Human Progress in a Diverse World* (Washington, D.C.: UNDP, 2013), pp. 148-51.

15 Rupa Chanda, 'Deepening Cooperation in Services among BRICS Members', in Sajal Mathur and Meghna Dasgupta (eds.), *BRICS: Trade Policies, Institutions and Areas for Deepening Cooperation* (New Delhi: Centre for WTO Studies, 2013), p. 215.

internal affairs and to influence political and economic processes within and beyond their region. Thus while the idea of ‘governance without government’<sup>16</sup> may be appropriate to describe certain developments in transnational business, the importance of government is anything but on a steady decline in global politics.

In sum, then, rising powers are altering the global economic and political landscape.<sup>17</sup> They contribute to an increasingly multipolar constellation in which national governments play a key role. The following section analyzes emerging democracies by examining the transformation of sovereignty in these countries. It therefore introduces the concepts of fragmentation and integration in global transformations. Following this analytical framework and to a degree based on one of the authors’ fieldwork, the empirical section exposes the transformation of sovereignty in Brazil as an example.<sup>18</sup>

### **The Transformation of Sovereignty in Emerging Democracies**

We concentrate on the role of emerging democracies as a subgroup of rising powers. The term ‘emerging democracies’ is not meant to imply that Brazil, India and South Africa are perfectly democratic. The centralization of power within a quintessential dominant party system in South Africa, political corruption in Brazil and the continued rule of India’s political parties by family dynasties raise doubts about all three states’ democratic credibility. The severity of these concerns notwithstanding, from a democratic perspective, normatively important characteristics remain intact – or at least more intact than in clearly nondemocratic cases such as China or Russia.

We analyze the changes in the internal and external relations of emerging democracies by concentrating on the transformation of sovereignty in these states. Following Krasner, ideal-type national sovereignty consists in the state having, on the one hand, the capability to effectively regulate activities within (domestic sovereignty) and across national borders (interdependence sovereignty) and, on the other hand, internationally recognized (international legal sovereignty) domestic authority structures that are independent of external actors’ decisions (Westphalian sovereignty).<sup>19</sup> An oft-made distinction in this context is that between negative and positive sovereignty – the former denoting the freedom from external interference, and the latter circumscribing the effective freedom to

16 See James Rosenau and Ernst-Otto Czempiel (eds.), *Governance without Government* (Cambridge: Cambridge University Press, 1992).

17 Miles Kahler, ‘Rising powers and global governance: negotiating change in a resilient status quo’, *International Affairs* 89/3 (2013), 711-29, p. 720.

18 Besides the relevant academic texts, grey literature and newspaper articles, 55 semi-structured expert interviews with bureaucrats, academics and civil society representatives conducted between 2011 and 2012 in Europe, Brazil, South Africa and India inform the empirical section of this paper.

19 Steven Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).



select from certain options.<sup>20</sup> Positive sovereignty as ‘self-mastery’<sup>21</sup> is congruent with domestic and interdependence sovereignty, while negative sovereignty refers to Westphalian and international legal sovereignty.<sup>22</sup>

Rising powers’ foreign policy rhetoric on diverse issues (e.g., climate change and the responsibility to protect [R2P]) tends to underline the principle of nonintervention associated with Westphalian sovereignty when formulating opposition to ‘Western’ propositions.<sup>23</sup> Accordingly, one may even hold that the rise of Southern powers marks the return to a fundamentally Westphalian global order in which states are the sole political authorities in their territories. This seems, *prima facie*, to be a sound position because rising power status itself is based in part on increasing positive sovereignty, which, in turn, is employed to defend the ‘sanctity’ of negative sovereignty.

A closer look at political developments in emerging democracies throughout the past decade reveals, however, that processes of political fragmentation and integration have had a severe impact on their exercise of sovereignty. The upshot of these processes for emerging democracies is what we term ‘soft sovereignty’.<sup>24</sup> Soft sovereignty is neither the ‘postmodern’ European-style of shared sovereignty<sup>25</sup> nor the Westphalian understanding of sovereignty. It is also clearly separable from the kind of vacuum of domestic sovereignty found in areas of limited statehood, because emerging democracies are by and large capable of managing their internal affairs. Instead, soft sovereignty denotes a potentially stable form of partially diffused sovereignty that combines the persistence of some ideal-type sovereignty’s attributes with several sovereignty-compromising domestic, international and transnational processes. In foreign policy, it entails a diffusion of power to a variety of new actors, including line ministries, civil society organizations (CSOs), inter- or supranational institutions and subnational governments. Domestically, it recognizes the relevance of an array of dynamics, such as claims to indigenous autonomy and the diffusion

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20 Robert H. Jackson, *Quasi-states: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990), pp. 26-31.

21 Miriam Ronzoni, ‘Two conceptions of state sovereignty and their implications for global institutional design’, *Critical Review of International Social and Political Philosophy* 15/5 (2012), 573-91, p. 577.

22 *Ibid.*, p. 578.

23 Zaki Laïdi, ‘BRICS: Sovereignty power and weakness’, *International Politics* 49/5 (2012), 614-32.

24 We do not deny that the transnational processes of political fragmentation and integration also have a severe impact upon states that neither belong to the established powers nor to the (democratic) rising powers. However, our focus in this paper is the structural changes brought about by emerging democracies. Hence we bracket for the most part the changes in other states. However, we assume, although we do not demonstrate this, that the exercise of ‘soft sovereignty’ is distinctive of emerging democracies because states that neither belong to the established nor to the (democratic) rising powers possess far less domestic, interdependence and Westphalian sovereignty (as specified below) and therefore do not qualify as states who exercise ‘soft sovereignty’. More precisely, in contrast to the emerging democracies these states suffer from the erosion of their positive sovereignty due to globalization processes, without, at the same time, gaining authority in the international realm, as emerging democracies do.

25 Krasner (2010).

of increasingly global legal norms and formats of political representation.<sup>26</sup> Hence, soft sovereignty captures the seemingly paradoxical process of emerging democracies simultaneously gaining some, and losing other forms of sovereignty.

Transnational processes of integration affect sovereignty in two ways: from above and from below. ‘From above’ refers to international organizations on the global and regional levels limiting governments’ autonomy by imposing certain standards and inducing the development of common policies and norms. The World Trade Organization’s (WTO) regulation, for instance, profoundly affects emerging democracies’ trade policies. In addition, emerging democracies’ regional agendas within South America, Africa and South Asia have been transformed – to differing degrees – from independence, negligence and dominance to integration, commitment and cooperation, respectively. All these forms of regional cooperation go along with sovereignty-compromising norms even if they are – primarily due to the persistence of inter-governmentalism as the *modus operandi* – anything but impressive when compared to EU-style integration.

‘From below’ refers to citizens and CSOs in emerging democracies increasingly grounding their demands on governments in a global legal language. Indeed, ethnological fieldwork on the ‘globalization from below’ and the ‘juridification of protest’ observes a transformation of political practices on the local level and across emerging democracies toward common transnational legal principles.<sup>27</sup> Indian tribal activists, for instance, seek to protect themselves from state intrusion by making use of the international legal human right to culture, and South African women alter male-dominated local institutions via references to the fundamental right of gender equality. Likewise, the human right to health was a key discursive resource in the struggle for affordable antiretroviral HIV/AIDS medication in India, Brazil and South Africa.<sup>28</sup>

All of these processes of integration are softening ideal-type sovereignty since they challenge its domestic, interdependence and Westphalian aspects via infusing substantial and procedural normative principles that restrict national governments’ sets of choices. Moreover, these processes redirect the focus of

26 See the pertinent analyses of Jürgen Habermas, ‘The Postnational Constellation and the Future of Democracy’, in *The Postnational Constellation* (Cambridge: MIT Press, 2001), 58–112, and of Miriam Ronzoni, ‘The Global Order: A Case of Background Injustice?’, *Philosophy & Public Affairs* 37/3 (2009), 229–56, on the erosion of positive, or effective, sovereignty of established powers.

27 Boaventura de Sousa Santos and César A. Rodríguez-Garavito (eds.), *Law and Globalization from Below: Towards a Cosmopolitan Legality* (Cambridge: Cambridge University Press, 2005); J. Michael Williams, *Chieftaincy, the State and Democracy: Political Legitimacy in Post-Apartheid South Africa* (Bloomington: Indiana University Press, 2010); Julia Eckert, ‘From Subjects to Citizens: Legalism from Below and the Homogenization of the Legal Sphere’, *Journal of Legal Pluralism* 53–4 (2006), 45–75.

28 Wolfgang Hein and Suerie Moon, *Informal Norms in Global Governance: Human Rights, Intellectual Property Rules and Access to Medicines* (Farnham: Ashgate, 2013).

attention from the defense of national autonomy to the solution of common problems, such as climate change and health.

Throughout the 1990s, processes of integration from above and below dominated the public imagination and the social scientific discourse.<sup>29</sup> Since the beginning of the twenty-first century, however, parallel processes of transnational fragmentation have become ever more prevalent – they too affect ideal-type sovereignty from above and from below. In terms of fragmentation, ‘from above’ denotes the emerging multipolarity in global politics that is providing foreign policy-makers in the Global South with a new menu of potential partners (e.g., IBSA and BRICS). This is not necessarily a sovereignty-compromising nor sovereignty-strengthening factor, as recent BRICS summits exemplify; instead of restricting cooperation to intergovernmental summitry, member states decided to establish a common 100 billion USD support fund, a common bank and a business think tank, ostensibly to function as alternatives to the Bretton Woods Institutions dominated by Northern states.<sup>30</sup> While such innovations may improve emerging democracies’ bargaining positions vis-à-vis the latter, these new institutions will likewise codefine their members’ foreign policy options – once they come with financial or political commitments – and thus alter their positive sovereignty.

Moreover, despite the fact that rising powers – in principle – coalesce around the desire to counter the hegemony of established powers in international affairs, they are by no means undivided on specific issues of global governance (e.g., military intervention, climate change, financial regulation and currency policies). Hence, fragmentation from above not only implies the differentiation between rising and established powers, but also ‘issue-specific divergences, multiple potential coalition partners, and the absence of a hegemon’.<sup>31</sup> Thus the advent of soft sovereignty means that emerging democracies may gain positive sovereignty in some respects and allows for its diffusion in many others.

Fragmentation from below is most visible in the increased recognition of autonomous legal spheres that, in unprecedented ways, limit the freedom in domestic legislation and thereby domestic sovereignty exercised on the nation-state level. Indeed, the consolidation of emerging democracies has gone hand in hand with the formal recognition of pluralism in their domestic contexts.

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29 Consider the spread of regionalism culminating, among others, in the establishment of the African Union modeled after the EU, successful multilateral initiatives from Kyoto to the International Criminal Court, a powerful Western CSO environment under a fairly cohesive normative worldview challenging a still largely unquestioned ‘Washington Consensus’ – all of which mirrored by globalization literature underlining the decline of the Westphalian state.

30 CNBC online, ‘Watch Out, World Bank: Here Comes the BRICS Bank’, published online 27 March, 2013, <http://www.cnbc.com/id/100596232> (accessed 15 August 2013).

31 Schirm, ‘Global Politics are Domestic Politics. A Societal Approach to Divergence in the G20’, *Review of International Studies* 39/3 (2013), 685-706.



Fragmenting tendencies can be seen in the proliferation of diverse legal systems such as India's personal law and South Africa's legal pluralism, claims for subnational autonomy by ethnic, linguistic and religious communities, and the growing role of subnational governments in both domestic and foreign policy.<sup>32</sup> Ostensibly, legal fragmentation<sup>33</sup> and the 'invention of tradition'<sup>34</sup> via sub- and transnational identity politics are truly global phenomena. Perplexingly, these fragmenting and sovereignty-compromising processes occur at the same time as they themselves are subject to substantively integrating tendencies.<sup>35</sup>

### **Soft Sovereignty in Brazil<sup>36</sup>**

For a long time, nationalism has been a key component of both leftist and rightist developmental projects in Brazil, and the term *soberania* (sovereignty) has been their focal point. Brazil's historical role as a provider of natural resources to Europe and North America and its colonial past reinforced the desire for independence in both economic and political terms. It is no surprise, then, that the Ministry of Foreign Affairs (commonly referred to as *Itamaraty*) is renowned for its pronounced focus on safeguarding Brazilian sovereignty as autonomy from external powers.<sup>37</sup>

Today, the very status of Brazil as a rising power implies that it enjoys not only more domestic and interdependence sovereignty but also more Westphalian sovereignty. Accordingly, in international negotiations, Brazil insists on the maintenance 'of domestic policy space in the face of norms and rules that had been too often developed without their participation'.<sup>38</sup> Furthermore, partaking in the process of international rule creation is of utmost importance.<sup>39</sup> Hence, neither Brasília's deep-seated skepticism concerning the motivations of established powers from the Global North nor its bid for membership in the UNSC are surprising.

Against the background of a seemingly steady increase of positive and negative sovereignty, the remainder of this section shows that attention to empirical findings

32 Alfred Stepan, Juan J. Linz and Yogendra Yadav, *Crafting State-Nations: India and Other Multinational Democracies* (Baltimore: The Johns Hopkins University Press, 2011).

33 Gunther Teubner, 'Global Bukovina: Legal Pluralism in the World Society', in Gunther Teubner (ed.), *Global Law Without a State* (Aldershot: Dartmouth, 1997), 3-28.

34 Eric Hobsbawm and Terence Ranger, *The Invention of Tradition* (Cambridge: Cambridge University Press, 1992).

35 Franz von Benda-Beckmann and Keebet von Benda-Beckmann, 'The Dynamics of Change and Continuity in Plural Legal Orders', *Journal of Legal Pluralism* 53-54 (2006), 1-44.

36 We exemplify emerging democracies' exercise of soft sovereignty by focusing on the case of Brazil because this is the case that both authors know best. However, as Plagemann (forthcoming) argues, the changes occurring in Brazil can be generalized to the other emerging democracies, even though, of course, the phenomena that justify speaking of the exercise of soft sovereignty in these countries are different ones.

37 Sean W. Burges, 'Seria o Itamaraty um problema para a política externa brasileira', *Política Externa* 21/3 (2013), 133-48.

38 Kahler (2013), p. 716.

39 John G. Ikenberry, 'The Future of the Liberal World Order', *Foreign Affairs* 90/3 (2011), 56-68.

reveals a far more complex picture. Several examples illustrate how integration from above (regionalization) and below (inclusion of civil society) as well as fragmentation from above (multipolarity) and below (indigenous autonomy) have had sovereignty-compromising effects in early twenty-first century Brazil. Hence, seemingly paradoxically, Brazil both gained and lost sovereignty in the period in which it was increasingly recognized as a rising power.

### *Integration from above*

Brazil under military rule was characterized by a profound and historically evolved negligence of relations to its Latin America neighbors.<sup>40</sup> The end of military rule in Brazil and Argentina in the mid-1980s allowed for the fast establishment of the Common Market of the South (MERCOSUR), also including Uruguay and Paraguay as founding members. Throughout the 1990s, Brazilian foreign policy elites sought to dispel any notion of a particularistic agenda by highlighting South American cooperation and consensus vis-à-vis an alternative, more market-driven US initiative.<sup>41</sup> As a result, a set of regional bodies developed, facilitating cooperation in a variety of areas beyond mere market integration (e.g., defense, infrastructure and health) under the umbrella of the Union of South American Nations (UNASUR).<sup>42</sup> Moreover, regional integration includes a MERCOSUR parliament (Parlasur), significant nonreciprocal financial mechanisms in the form of a MERCOSUR development fund (FOCEM)<sup>43</sup> and the Permanent Review Tribunal tasked with settling disputes among members states.

The prioritization of regional relations in institutionalized settings has become a consensual aspect of Brazilian foreign policy despite the fact that intergovernmental decision-making still is the norm, MERCOSUR's institutional structure has stayed relatively minimal,<sup>44</sup> and the extent of regional integration is contested. This has seen new actors (e.g., line ministries, CSOs, subnational governments and businesses) partake in foreign policy-making and thus

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40 Leslie Bethell, 'Brazil and "Latin America"', *Journal of Latin American Studies* 42/3 (2010), 457-85.

41 Sean W. Burges, 'Consensual Hegemony: Theorizing Brazilian Foreign Policy after the Cold War', *International Relations* 22/1 (2008), 65-84.

42 Monica Saraiva, 'Brazilian foreign policy towards South America during the Lula Administration: caught between South America and Mercosur', *Revista Brasileira de Política Internacional* 53 (2010), 151-68.

43 Its budget for 2013 was 204 million USD. Individual projects are chosen consensually by heads of state. Main beneficiaries were Uruguay and Paraguay. See MERCOSUR, *INTAL Monthly Newsletter N° 196* (2012) [www.iadb.org/intal/cartamensual/Cartas/PDF/196/en/MonthlyNewsletter196\\_Integration%20Blocs\\_MERCOSUR\\_Art2.pdf](http://www.iadb.org/intal/cartamensual/Cartas/PDF/196/en/MonthlyNewsletter196_Integration%20Blocs_MERCOSUR_Art2.pdf) (accessed 7 July 2013). During the end of the first decade of the twenty-first century, only 14.9 percent of the FOCEM budget went to projects in Brazil, which contributes about 70 percent of the total. See Marcos A. M. Cintra, *Cooperação brasileira para o desenvolvimento internacional: 2005-2009* (Brasília: IPEA, 2010), [http://www.ipea.gov.br/portal/index.php?option=com\\_content&view=article&id=6874](http://www.ipea.gov.br/portal/index.php?option=com_content&view=article&id=6874) (accessed 1 June 2013).

44 Laura Gómez-Mera, *Power and Regionalism in Latin America* (Notre Dame: University of Notre Dame Press, 2013), p. 92.

contributed to the erosion of *Itamaraty's* traditional foreign policy monopoly<sup>45</sup> – an unintended consequence. As a result, Brazil has consolidated its role as a regional leader while sovereignty compromises in specific issue areas have become more likely.

Brazilian regional leadership, however, is not always welcomed. In fact, a high degree of suspicion exists among Brazil's smaller neighbors. For instance, Argentina ardently opposes Brasília's bid for permanent membership in the UNSC. Moreover, investments in South American infrastructure under the umbrella of UNASUR first and foremost serve Brazilian business interests in foreign markets. UNASUR's planning processes correspond with Brazilian infrastructural development initiatives in terms of methodology and conception.<sup>46</sup> In addition, the Brazilian development bank BNDES remains by far the single most important financier of infrastructural development in the region. This ensures that Brasília, rather than UNASUR's *Banco del Sur* (located in Caracas), remains in control of most of the funds.<sup>47</sup> And yet, the novel prioritization of regional affairs also strengthened smaller neighbors' bargaining position vis-à-vis Brasília. A case in point is the above-mentioned MERCOSUR development fund FOCEM.

#### *Integration from below*

Leftist or 'progressive' Brazilian CSOs contributed considerably to the end of military rule. Today, the systematic inclusion of CSOs into political decision-making in Brazil is unmatched in regional comparison. At the same time, the CSO ecology has been 'tamed' over the past decades. 'Professional' rather than radical organizations are the preferred partners when making and implementing policies on behalf of the state.<sup>48</sup> Federal employment has become an attractive alternative for career-oriented activists – thus blurring the distinction between state and civil society.<sup>49</sup> The Brazilian state has promoted this trend by considerably increasing federal and municipal funding for the third sector, which roughly quadrupled between 2002 and 2009.<sup>50</sup>

45 Jeffrey W. Cason and Timothy J. Power, 'Presidentialization, Pluralization, and the Rollback of Itamaraty: Explaining Change in Brazilian Foreign Policy Making in the Cardoso-Lula Era', *International Political Science Review* 30/2 (2009), 117-40.

46 André Calixtre and Pedro Barros, 'A integração sul-americana, além da circunstância: do Mercosul à Unasul', in IPEA (ed.), *Brasil em Desenvolvimento 2010: Estado, Planejamento, e Políticas Públicas* (Brasília: IPEA), 443-64.

47 The Brazilian Constitution prohibits the borrowing to projects outside Brazil carried out by non-Brazilian companies, meaning it does allow for financing projects inside Brazil carried out by foreign companies or outside Brazil carried out by Brazilian companies.

48 Original interviews with nine civil society activists and scholars in Rio de Janeiro, São Paulo and Brasília in March 2012, cf. Plagemann (forthcoming).

49 Rebecca Abers and Marisa von Bülow, 'Movimentos sociais na teoria e na prática: como estudar o ativismo através da fronteira entre Estado e sociedade?', *Sociologias* 13/28 (2009), 52-84.

50 Garcia Lopez, Luciana d. S. Leão and Mario L. Grangeia, 'State, Third Sector, and the Political Sphere in Brazil: Evolution and Current Scenario', *International Journal of Sociology* 41/2 (2011), 47-71, p. 55.

Tangential to these developments, forms of protest on a variety of issues (e.g., health care, the environment and indigenous claims) have converged toward a common language of human rights. As in other emerging democracies, the latter has become visible in an increasing willingness among activists to go through the courts to pursue certain sociopolitical objectives.<sup>51</sup> Global models of CSO management and philanthropic engagement have spread through a more globalized Brazilian middle and upper class. New domestic sources of funding from the private sector, the state and large parastatals have emerged, while hitherto crucial foreign funding has been reduced – not least due to Brazil's new status as a middle-income country. Clearly, the Brazilian commitment to participatory democracy and the continuing vocal activism of CSOs diffuses domestic sovereignty toward nonstate actors.<sup>52</sup>

*Fragmentation from above*

In alliance with other rising powers, Brazil's return to the developmental state subscribes to an economic agenda that differs considerably from the more liberal market economies in Europe and North America.<sup>53</sup> Enthusiasm for alternative cooperation schemes (such as UNASUR, BRICS, IBSA, BASIC and Lula da Silva's Africa strategy) excluding established powers emerged as a key characteristic of Brazilian foreign policy throughout the 2000s.<sup>54</sup> The description of rising powers as sovereign in the Westphalian sense finds most support on this level of analysis. Indeed, behind the Brazilian consensual regional leadership model, in South-South cooperation and in global fora such as the G20 or the WTO, foreign policy scholarship identifies the 'priority of maintaining the pre-eminence of the international norm of sovereignty as a device for protecting national autonomy'<sup>55</sup> – and achieving global great power status.

Notably, however, a number of perhaps unintended consequences accompany the choice of such an approach to sovereignty – as exemplified by Brazilian foreign aid. Although trying hard to avoid the sort of 'tutoring' associated with Northern countries' aid policies,<sup>56</sup> Brazil itself froze aid to Guinea Bissau following democratic ruptures there. Indeed, according to Abdenur and de Souza

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51 Roberto Gargarella, Pilar Domingo and Theunis Roux (eds.), *Courts and Social Transformation in New Democracies* (Aldershot: Ashgate, 2006).

52 See Adrian Gurza Lavalle, Peter P. Houtzager and Graziela Castello, 'Democracia, Pluralização da Representação e Sociedade Civil', *Lua Nova* 67 (2006), 49-103; and more broadly on the transnational dimension of civil society in domestic contexts Saskia Sassen, 'Globalization or Denationalization?', *Review of Political Economy* 10 (2003), 1-22, p. 13.

53 Andrew Hurrell, 'Brazil: What Kind of Rising State?', in Alan S. Alexandroff and Andrew F. Cooper (eds.), *Rising States, Rising Institutions* (Washington: Brookings Institution Press, 2010), 128-150, pp. 138-41.

54 Raúl Bernal-Meza, 'International Thought in the Lula Era', *Revista Brasileira de Política Internacional* 53 (2010), 193-212, p. 206.

55 Burges (2013), p. 593.

56 Marco Vieira, 'Rising States and Distributive Justice: Reforming International Order in the Twenty-First Century', *Global Society* 26/3 (2012), 311-29.

Neto, 'Brazil has made democracy and human rights promotion key components of its cooperation with Guinea Bissau, working not only to encourage elections, but also to strengthen institutions that are essential to the rule of law and adherence to the norms of democracy and human rights'.<sup>57</sup> A further example is the Brazilian agency for development cooperation ABC promoting Brazilian digital voting-machine technology in Africa – a project that involves not only the Brazilian Superior Electoral Court as a center of competence, but also the Brazilian Bar Association. Examples such as these illustrate the decline of the noninterventionist foreign policy orthodoxy tied to the traditional approach to sovereignty employed by the foreign ministry.

Another example is Brazil's engagement in the debate on R2P. In November 2011, foreign minister Antonio Patriota proposed an amendment to the original concept of R2P in the UNSC.<sup>58</sup> His notion of 'responsibility while protecting' (RWP) includes formal mechanisms and a more rigid chronologization of legitimate intervening acts as safeguards against its instrumentalization on behalf of UNSC members. While RWP would primarily serve as a means to curtail intervening states' autonomy in the interpretation of a given UNSC resolution, the proposal explicitly includes a reference to legitimate intervention in principle.<sup>59</sup> Claiming a stronger role in the UN incentivized compromising the hitherto sacrosanct principle of nonintervention. A global role, it seems, does not go well with the unconditional respect for national sovereignty.

### *Fragmentation from below*

Prior to democratization, the military expressed their pronounced hostility toward indigenous autonomy in *terras indígenas* (indigenous territories) in terms of the defense of national sovereignty and the securitization of its borders.<sup>60</sup> In the absence of border disputes, indigenous aspirations for self-determination represented a straw man threat to national integrity and repeatedly resulted in clashes over border security, national development and sovereignty.<sup>61</sup>

Democratization in the 1980s therefore sparked considerable enthusiasm among indigenous activists and defenders of minority rights. The transition

57 Adriana Erthal Abdenur and Danilo Marcondes de Souza Neto, 'South-South cooperation and democracy in Africa: Brazil's role in Guinea-Bissau', *Africa Review* 5/2 (2013), 104-17.

58 Alcides Costa Vaz, 'Brazilian Perspectives on the Changing Global Order and Security Challenges', *Centre for European Policy Studies Working Document* 376 (2013), [http://europa.eu/espas/orbis/sites/default/files/generated/document/en/Brazilian\\_perspectives.pdf](http://europa.eu/espas/orbis/sites/default/files/generated/document/en/Brazilian_perspectives.pdf) (accessed 14 November 2013).

59 Thorsten Benner, 'Brasilien als Normunternehmer: die Responsibility While Protecting', *Vereinte Nationen* 6 (2012), 251-56.

60 Ivani F. de Faria, *Território e Territorialidades: Indígenas do Alto Rio Negro* (Manaus: Editora da Universidade Federal do Amazonas, 2003), p. 115.

61 Lino J. d. O. Neves, 'The Struggles for Land Demarcation by the Indigenous Peoples of Brazil', in Boaventura de Sousa Santos (ed.), *Another Knowledge Is Possible: Beyond Northern Epistemologies* (London: Verso, 2007), 105-19.



allowed for a new discourse including the recognition of historical discrimination and the legitimacy of minority activism.<sup>62</sup> The 1988 Constitution granted indigenous peoples with the right to self-representation, the group right to culture and the right to the exclusive use of ancestral lands. No longer treated as 'relatively unable' subjects under state tutelage, indigenous groups became legally recognized groups – a development that 'opened up the way for the conquest of a political voice on the international scene, until then held for them by the Brazilian state'.<sup>63</sup> Instead of insisting on the exclusive sovereign authority of the state, indigenous Brazilians gained an entirely new status in democratic Brazil, including more pronounced subnational autonomy. While this is laudable, new threats to their livelihoods emerged from an accelerated state-led development agenda.

### **A Global Justice-Based Assessment**

Empirical research into the transformation of sovereignty in emerging democracies reveals a whole series of sovereignty-diffusing processes. It shows that the emergence of new centers of state power is not to be confounded with a linear increase along the four dimensions of ideal-type sovereignty or the return to a Westphalian model of international relations (however hypocritical in the first place).

How is one to assess these developments from the point of view of global justice? An answer to this question depends, of course, on the particular kind of conception of global justice that one endorses. In the following section we discern and sketch statist, globalist, and internationalist conceptions of global justice. We then ask how to assess the transformation of sovereignty and the nascent multipolarity in world politics that it brings about. Our exploration shows that – by and large, though with several qualifications – on the basis of these conceptions one can view these changes rather positively indeed. We believe that this finding is relatively surprising given that the 'neo-Westphalian' foreign policy rhetoric of emerging democracies suggests that future world politics will neglect border-transcending concerns of morality and justice. In addition, it provides a more positive assessment of global politics that differs from the very negative – and at times perhaps frustrating – moral diagnostics by global justice theorists like Pogge.

Given the well-known problem of second best,<sup>64</sup> we refrain from arguing that the realization of some of the criteria of statism, globalism, or internationalism

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62 G. Reginald Daniel, *Race and Multiraciality in Brazil and the United States: Converging Paths?* (University Park, PA: Pennsylvania State University Press, 2006), 285-94.

63 Lino J. d. O. Neves, 'Olhos mágicos do Sul (do sul): lutas contra-hegemônicas dos povos indígenas no Brasil', in Boaventura de Sousa Santos (ed.), *Reconhecer para libertar. Os caminhos do cosmopolitismo multicultural* (Rio de Janeiro: Civilização Brasileira, 2003), 113-151.

64 Richard Lipsey and Kelvin Lancaster, 'The General Theory of Second Best', *The Review of Economic Studies*, 24 (1956-7), 11-32.

constitutes an approximation or gradual realization of fundamental global justice. Rather, our assessment is based on our judgments as to whether the structural changes described above are conducive to realizing all the criteria of global justice in the long run, as conceived by the statist, globalist, and internationalist perspectives.<sup>65</sup>

Since the remaining gap between the status quo and the realization of the conditions of global justice means that current conditions are ‘nonideal’, assessing the transformation of emerging democracies’ national sovereignty in terms of global justice requires a relatively high degree of moral and political judgment. After all, diminishing one kind of injustice often goes along with the emergence of other kinds of injustices. In the context of our discussion, a concrete example of the unavoidable but delicate weighting of distinct and probably incommensurable injustices concerns the balancing of the justice-promoting effects brought about by the processes of fragmentation and integration vis-à-vis the injustices due to the asymmetries between the rising powers’ governments and their poorer neighbors.

It is important to note, moreover, that soft sovereignty located between the postmodern and the modern exercise of sovereignty is an ‘ideal type’ in the sense of Max Weber. It is based upon stylized empirical research that concentrates on some phenomena characteristic of the ideal type and abstracts from many other phenomena. This explains why our analysis uses a broad brush and is necessarily controversial. Nevertheless, we seek to contribute to a better normative understanding of rising powers’ importance for global justice. The following analysis is but a first step to do so.

### **The Statist Assessment**

The question as to whether some egalitarian standard of distributive justice is valid only among co-citizens of states or among all individuals globally has been at the center of the debate on global distributive justice. While globalists have defended a certain ideal of global distributive equality, which we explain below, statisticians like Thomas Nagel and Michael Blake have claimed that it is only the special kind of coercive social practices within the nation-state that generate demands of egalitarian distributive justice. Outside the state only certain sufficientarian requirements (of either justice or humanity) are valid at most.<sup>66</sup> Hence they hold a position similar to the nationalist position of David Miller, according to which global economic justice requires the fulfillment of a certain

<sup>65</sup> This discussion relies on an understanding of nonideal theory as – following Rawls – a theory of transition; on this understanding see John Simmons, ‘Ideal and Nonideal Theory’, *Philosophy and Public Affairs* 38/1 (2010), 5-36.

<sup>66</sup> Michael Blake, ‘Distributive Justice, State Coercion, and Autonomy’, *Philosophy & Public Affairs* 30/3 (2001), 257-96; Thomas Nagel, ‘The Problem of Global Justice’, *Philosophy & Public Affairs* 33/2 (2005), 113-47.

minimal threshold and which Miller defines in terms of certain basic human rights.<sup>67</sup> Moreover, the statist and nationalist positions agree that the ideal of distributive equality among individuals has its proper place within the nation-state.

With regard to global political justice, both Nagel and Blake have said very little. Indeed, Blake does not address at all the question whether there are requirements of global political justice. It remains unclear whether he thinks that global justice requires something other than fulfilling his understanding of a requirement of global sufficiency, namely, that all individuals should enjoy being able to lead a minimally autonomous life.<sup>68</sup>

Likewise, Nagel focuses primarily on the question of what global distributive justice requires. Yet his claim that issues of justice only arise where there is a sovereign power that coerces individuals in their names, and that therefore the very idea of *global* justice is misguided in the absence of a world state, is far-reaching. Indeed, Nagel thereby seems to exclude the existence of issues of global political justice.<sup>69</sup> Only considerations of humanitarian morality may influence international decision-making.

Accordingly, Nagel holds that there are no duties of international political fairness; he argues that states only need to avoid contributing to domestic injustices within other states and enact international regulations that are conducive to the realization of the humanitarian concern of securing basic human rights.<sup>70</sup> Perhaps Nagel would even concede that Miller<sup>71</sup> is correct in arguing that there is a certain duty of fairness among states, which commands sharing fairly the burdens that arise in collective action for the sake of securing basic human interests. Such an obligation is by far less demanding than the internationalist requirement to ensure equality and just background conditions among states, which we further describe below. In addition, statist like Nagel may also embrace the other aspect of this duty of fairness amongst states, namely, that there is an obligation of non-exploitation. This obligation means, for instance, that international trade and investment regulation should not entail outcomes, like overly harsh working conditions that would not be accepted if the weaker party would not find itself in a miserable situation. Statists like Nagel can recognize such a duty of non-

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67 David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), ch. 7 and 9.

68 Blake (2001), p. 271.

69 Nagel (2005), p. 130. Joshua Cohen and Charles Sabel make the same claim in 'Extra Rem Publicam Nulla Iustitia?', *Philosophy & Public Affairs* 34/2 (2006), 147-75, p. 156.

70 Nagel (2005), p. 143.

71 David Miller, 'Reasonable Partiality Towards Compatriots', *Ethical Theory and Moral Practice* 8 (2005), 64-81, pp. 77-8.

exploitation because it contributes to the realization of greater domestic equality, but falls short of the internationalist demand, which Nagel rejects, that states need to enjoy an equal status.<sup>72</sup>

How is emerging democracies' exercise of soft sovereignty to be judged in light of the statist conception of global justice? We consider first how the described structural changes impact upon statist's socioeconomic demands for domestic economic equality and a global minimum in terms of human rights or autonomy.

On the one hand, such a global minimum is better realizable because emerging democracies are now not only capable of achieving this minimum internally but can also support other, poorer states to reach it. The widely celebrated Brazilian social assistance program *Bolsa Família* is exemplary in how emerging democracies are already engaged in sharing, at least in part, their economic gains throughout their populations. More recently, civil society activism led the Brazilian government to promise investing 75% of royalties from offshore drilling in national education and 25% in national healthcare.<sup>73</sup> In addition, as civil society's activism has become more influential and increasingly refers to inter- and transnationally crafted rights, norms and standards, the process of integration from below in emerging democracies (as described above) also contributes to the realization of a global minimum in terms of human rights. This is the case not only because civil society actors are standing up for rights to culture, health and gender equality, but also because the usage of the human rights vocabulary has gained a considerable discursive power that makes it more difficult for governments to reject the claims of these actors.

However, the pronounced process of fragmentation from below also means that the realization of some form of equality among co-citizens becomes increasingly unlikely. The recognition of subnational difference in form of indigenous autonomy, for instance, is not conducive to realizing domestic socioeconomic equality. To illustrate, consider that if one holds that socioeconomic equality involves fair equality of opportunity to access productive activities and positions of power that are generally valued, then the fact that subnational groups subscribe to distinct views regarding what kind of activities and positions are desirable undermines the aspiration to achieve fair equality of opportunity so conceived. Furthermore, consider that indigenous in the Amazon employ the same arguments for differing treatment and autonomy from state interference as Indian tribals. Hence, the ideal of domestic fair equality of opportunity seems no longer realizable due to these processes of global integration from below. Instead, the dual process

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<sup>72</sup> Nagel (2005), section VII.

<sup>73</sup> See BBC News online, 'Brazil Congress back oil royalties bill', published online 15 August, 2013, <http://www.bbc.com/news/world-latin-america-23707449> (accessed 7 January 2014).

of fragmentation and integration from below diffuses national sovereignty and – contrary to Nagel – point at the importance and vivacity of issues of global political justice because the various claims for socioeconomic justice cannot be coherently framed and defended by philosophical argument alone.

Finally, the process of fragmentation from above contributes clearly to the realization of the statist conceptions of global justice. An increase in positive sovereignty enables emerging democracies to pursue effectively an agenda of inclusive economic development less constrained by the international rules made by and for established powers in the industrialized North.<sup>74</sup>

In global health governance, for instance, Brazil, India, and South Africa successfully challenged pharmaceutical companies' insistence on the primacy of international intellectual property rights over the access to medicine. Against the opposition of many Northern governments, Brasília succeeded in changing the trade-related intellectual property rights regime in order to promote the greater fulfillment of a 'human right to health'. Hence, Brasília not only protected its successful domestic AIDS strategy from foreign interference but also actively engaged in the definition of a basic human right.<sup>75</sup> This achievement is owed partially to the growing influence on behalf of emerging democracies – their increased positive sovereignty – in global fora.

Yet, an examination as to whether emerging democracies' exercise of soft sovereignty contributes to a fair burden-sharing between states for the sake of satisfying basic human interests yields more ambiguous results. On the one hand, their increase in positive sovereignty vis-à-vis both established powers and their smaller neighbors in some instances undermined former alliances across Southern countries. Brazil, for instance, in 2007 substituted its regional economic diplomacy via MERCOSUR with a bilateral strategic partnership with the EU. On the other hand, the Brazilian desire for regional leadership repeatedly necessitated demonstrating concern for the claims and interests of its smaller neighbors. The same applies to India and South Africa.<sup>76</sup> Among the results is the regional development fund, FOCEM, benefitting primarily smaller MERCOSUR members. In addition, Brazil's latest engagement as a 'new donor' shows that foreign policy-makers recognize the growing need to legitimize its new status by

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74 For a pertinent analysis of the way in which international law violates human rights, see Thomas Pogge, 'Recognized and Violated by International Law: The Human Rights of the Global Poor', *Leiden Journal of International Law* 18/4 (2005), 717-45.

75 Markus Fraundorfer, 'Global power shifts in international law. A case study of Brazil and the human right to health', in Francis Snyder and Lu Yi (eds.), *The EU, the USA, China and the BRICS: The Future of Transnational Law* (Brussels: Bruylant, forthcoming).

76 For India see, for instance, S. D. Muni and Rajshree Jetly, 'SAARC Prospects: The Changing Dimensions', in S. Muni (ed.), *The Emerging Dimensions of SAARC* (New Delhi: Cambridge University Press, 2011), pp. 1–31. For South Africa, see Chris Alden and Garth Le Pere, 'South Africa in Africa: Bound To Lead?' *Politikon*, 36/1 (2009), 145-69.



partaking in the humanitarian efforts of the international community. Or consider global climate governance. Here, Brasília is careful to represent itself as part of the global South, thereby improving its own bargaining position and ensuring the support of a number of smaller and poorer nations. While this does not mean that the latter's interests are represented adequately by Brazilian diplomacy, the legitimacy of the Brazilian position at least in part depends on smaller nations' consent.

### **The Globalist Assessment**

Globalists like Thomas Pogge and Darrel Moellendorf argue that certain egalitarian requirements of justice possess global validity.<sup>77</sup> Pogge defends a certain ideal of global political equality, arguing in favor of a human 'right to an institutional order under which those significantly ... affected by a political decision have a roughly equal opportunity to influence the making of this decision'.<sup>78</sup> Since the political decisions that are taken in one nation, for instance about its energy policy, have externalities and thus impact upon those living outside of the national community, national decision-making alone is insufficient to guarantee the fulfillment of this right. Accordingly, a certain degree of centralization of political decision-making in inter- and supranational institutions is necessary. On the other hand, however, considerations like the importance of local knowledge, the desirability of effective accountability structures, and the costs of political decision-making also suggest decentralizing political decision-making. Accordingly, Pogge envisions the gradual evolution of a multilayered order in which some decisions are addressed at 'lower' levels and others at 'upper' levels.

Given that Pogge views the fulfillment of this human right to a certain institutional order as intrinsically valuable, its value does not rest on its relevance for satisfying a global sufficientarian minimum or its importance for avoiding contributing to the domestic injustices perpetrated within other states. Nor is it simply a duty of fair play of the kind described by Miller. After all, realizing global political justice by fulfilling such a human right requires that people afford each other an equal political status in various settings, ranging from local to global level political decision-making.

Turning now to globalists' view on socioeconomic justice, consider that Moellendorf holds that the existence of a global economic association, which involves a global division of labor and global markets of capital, goods and

<sup>77</sup> Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002); Darrel Moellendorf, *Global Inequality Matters* (Basingstoke: Palgrave Macmillan, 2009a); Darrel Moellendorf, 'Global Inequality and Injustice', *Journal of International Development* 21 (2009b), 1125–36.

<sup>78</sup> Pogge (2002), p. 184 (footnotes omitted). He also adds that this influence should be exercised either directly or indirectly through appropriate forms of representation.

services, gives rise to egalitarian requirements of distributive justice. He argues that there are four characteristics of this association that trigger these demands: (1) the association is non-voluntary because there is no reasonable exit option; (2) it is a fundamental background factor for the organization of many aspects of people's lives; (3) it has a pervasive impact upon morally relevant human interests; and (4) it is alterable by human endeavors.<sup>79</sup>

Moellendorf claims that irrespective of the particular demands of global *political* justice, global *distributive* justice asks for the realization of a certain degree of equality among all individuals globally.<sup>80</sup> Moellendorf qualifies this requirement by saying that due to the 'failure of institutional capacity'<sup>81</sup> at the global level this requirement is only 'indeterminately egalitarian'.<sup>82</sup> Thereby he means to clarify that under current circumstances a substantial ideal of economic equality cannot at all be realized fully. More substantively, Moellendorf defends the idea that all individuals participating in the global economic association should have an equal opportunity to enjoy the goods that this association produces, such as income and wealth, access to 'meaningful productive activity, positions of power and status, and leisure time'.<sup>83</sup> According to the globalist perspective, hence, states must cede a substantial degree of sovereignty to inter- or supranational institutions in order to avoid committing global distributive injustices.

How is emerging democracies' transformation of sovereignty to be judged from the globalist conception of global justice? Beginning with phenomena that we described under the rubric of fragmentation from above, we observe that Pogge's vision of centralizing certain political decisions at 'upper', supranational levels of decision-making has very little chance of materializing in the near future. The new power imbalances make global supranational (not multilateral) institutions unlikely to evolve – at least for the time being. As described above, instead of investing their political capital in the Bretton Woods Institutions, BRICS established an alternative monetary fund. Moreover, the characteristic insistence on strictly intergovernmental decision-making by (some) emerging democracies (India and Brazil in particular) suggests that partaking in the erection of supranational institutions is now more unlikely than prior to their rise in world politics. As David Held notes gloomily: 'The newly ascendant powers, particularly those in Asia, exhibit stronger allegiances to their national identities than to the values of cosmopolitanism or liberal egalitarianism'.<sup>84</sup> In fact, while

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79 Moellendorf (2009a), p. 33.

80 Moellendorf (2009b), p. 1127.

81 Moellendorf (2009a), p. 66.

82 Ibid., p. 66.

83 Ibid., p. 75.

84 David Held, 'Cosmopolitanism in a Multipolar World', in Rosi Braidotti, Patrick Hanafin and Bolette Blaagaard (eds.), *After Cosmopolitanism* (London, New York: Routledge, 2013), 28-39, p. 32.

the Brazilian President Cardoso repeatedly expressed sympathy for the post-Westphalian concept of *soberania compartilhada* (shared sovereignty) his successor President Lula da Silva insisted on the more traditional understanding of national sovereignty as freedom from external interference.<sup>85</sup>

Yet, several instances of integration from above, such as the above-mentioned initiative on Responsibility While Protecting illustrate that selective (Westphalian) sovereignty compromises are not precluded in principle. Moreover, policy thinking in emerging democracies increasingly emphasizes the potential value of regional cooperation and its untapped benefits, including in policy fields hitherto overlooked. Regional institutions dealing with security threats and an array of other policy issues are being developed, for instance under the umbrella of UNASUR. The understanding that regional leadership entails costs both in pecuniary terms and in terms of pooling decision-making on common policy issues is less contentious than ever. One expression of this turn to the region has been the increasing willingness to non-reciprocally contribute to its development via the creation of development funds and other financing agencies. In sum, processes of fragmentation and integration from above fall short of contributing substantially to the development of integrated and supranational global institutions but they involve a pronounced multilateral activism including selective sovereignty compromises. Hence, even if only in the very long run perhaps, emerging democracies may still contribute to the gradual development of a multi-level system of governance including, in particular, a stronger voice of Southern countries in world affairs.

Processes of fragmentation and integration from below, moreover, can be supportive of developing a more complex and less inter-governmental system of multilayered governance as they soften the understanding and praxis of national sovereignty as the all-encompassing framework for political order. As a result, novel forms of politics beyond the nation-state have emerged. Brazilian cities and subnational states, for instance, are actively engaged in MERCOSUR. Governors and mayors in Amazonian states joined civil society and the ministry of environmental affairs in support of a new global instrument to protect forests (REDD+) involving the formal target for the reduction of deforestation in exchange for international financial support.<sup>86</sup> In this case the Brazilian government did not adopt the more orthodox position represented by the *Itamaraty* but instead followed societal forces from below.<sup>87</sup> Thus the pluralization of Brazilian foreign policy and the corresponding decrease of *Itamaraty*'s influence make sovereignty

85 Miriam G. Saraiva, 'A diplomacia brasileira e as visões sobre a inserção externa do Brasil: institucionalismo pragmático x autonomistas', *Mural Internacional* (Online), 1 (2010), 45-52, p. 48.

86 Daniel Nepstad et al., 'The end of deforestation in the Brazilian Amazon', *Science* 326 (2009), 1350-1.

87 Kathryn Hochstetler and Eduardo Viola, 'Brazil and the politics of climate change: beyond the global commons', *Environmental Politics* 21/5 (2012), 753-771, p. 762.

compromises more likely and thereby contribute to a more multilayered – or less Westphalian – world order.

Globalists' demand for global distributive equality, similarly, is both furthered as well as hampered by emerging democracies' exercise of soft sovereignty. The pursuit of domestic development agendas largely unrestrained by other countries and international institutions, for instance, has been a relevant factor in lifting millions out of poverty<sup>88</sup> and contributing to greater inter-state equality.<sup>89</sup> Civil society activism in emerging democracies characteristically emphasizes socioeconomic, rather than political, human rights. Their above-mentioned participation in crafting a global right to health is exemplary in this regard. As a consequence, empowering emerging democracies' civil society both domestically and within transnational fora may contribute, at least to some degree, to the realization of global egalitarian standards. Yet, inequality within many emerging democracies (Brazil is the exception)<sup>90</sup> as well as inter-personal global inequality continued to rise throughout the past decade.<sup>91</sup> Moreover, Brasília's negotiating position in global climate negotiations is exemplary for a collectivistic argument clearly denying that a just distribution of benefits and burdens among *individuals* should be the primary moral concern: Brazil argues that Northern industrialized nations have greater obligations to combat dangerous climate change because of these nations' greenhouse gas emissions levels in the past. Thereby it accepts that individuals in Northern industrialized nations would be burdened because of actions by their predecessors, whereas individuals from the rising powers that have a comparable level of greenhouse gas emissions would not be burdened in this way.<sup>92</sup>

The process of fragmentation from below, moreover, raises similar concerns as described in the above assessment from the perspective of statism. Entrenching the right to difference subnationally, at least partially, makes the realization of the requirements of global egalitarian distributive justice very difficult. However,

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88 Shaohua Chen and Martin Ravallion, 'An Update to the World Bank's Estimates of Consumption Poverty in the Developing World' (2012), Washington, DC: World Bank, [http://siteresources.worldbank.org/INTPOVCALNET/Resources/Global\\_Poverty\\_Update\\_2012\\_02-29-12.pdf](http://siteresources.worldbank.org/INTPOVCALNET/Resources/Global_Poverty_Update_2012_02-29-12.pdf) (accessed 13 November 2013), p. 2.

89 Branko Milanovic, 'Global inequality recalculated and updated: the effect of new PPP estimates on global inequality and 2005 estimate', *Journal of Economic Inequality* 10/1 (2012), 1–18, pp. 12–3.

90 See World Bank Data on the GINI index measuring domestic income inequality on a scale from zero (total equality) to one (total inequality) under <http://data.worldbank.org/indicator/SI.POV.GINI>, (accessed 15 March 2014). In India, for instance, the GINI index rose from 30.8 in 1994 to 33.4 in 2005 and 33.9 in 2010. In South Africa, one of the world's most unequal societies, the index rose from 57.8 in 2000 to 63.1 in 2009.

91 Milanovic (2012), pp. 12–3. Indeed, increasing domestic socioeconomic inequality also undermines the realization of statist's demands for domestic distributive equality. However, the greater recognition of human rights may eventually contribute to more democratic arrangements (as we argue below), which will hopefully reverse this trend towards greater domestic socioeconomic inequality.

92 Simon Caney argues against such a collectivist position that adopts a polluter-pays principle on the basis that it is unfair to individuals because they should not inherit debts from their predecessors in 'Cosmopolitan Justice, Responsibility, and Climate Change', *Leiden Journal of International Law* 18 (2005), 747–75, p. 760.

empowering minorities through state action inherently involves some kind of integration and promotion of economic rights. Examples include affirmative action in favor of minorities and increasing legal literacy of activists on their behalf. Moreover, formally recognizing certain groups requires cooperation on the basis of common standards, which according to legal theorists then inevitably transform the communities' rules in question.<sup>93</sup> Brazilian indigenous, for instance, form associations in order to deal with state agencies. Rather than traditional chiefs, younger and better educated community members tend to be the interlocutors between their communities and the state. While their demands are often articulated in collective terms, they nevertheless habitually employ a 'universal' discourse of (socioeconomic) human rights and thereby tend to support greater economic cohesion. Yet, the kind of subnational pluralism that fragmentation from below promotes, as already mentioned, also means that greater economic cohesion is very unlikely to eventually result in a certain form of equality among all individuals globally. Hence globalists must indeed have relatively strong reservations about emerging democracies' exercise of soft sovereignty.

### **The Internationalist Assessment**

An increasingly dominant 'third wave'<sup>94</sup> of theories of global justice moves beyond the statist-globalist dichotomy. Democratic internationalism belongs to these theories of the third wave.<sup>95</sup> With regard to economic issues it holds that requirements of global distributive justice are not properly captured by some minimum threshold to be realized globally or by global egalitarian requirements among individuals. The conception adopts instead the insight of a discourse theory of justice that places the question about fundamentally just structures of justification prior to the question about just distributions of holdings.<sup>96</sup> So it assesses transnational affairs in terms of global political justice. More specifically, it asks for the establishment of reasonable background conditions for reasonably just political deliberations among representatives of states. In this way it shifts the emphasis from directly asking what a just global distribution of holdings would require to querying the social, political

93 Gunther Teubner, *Verfassungsfragmente. Gesellschaftlicher Konstitutionalismus in der Globalisierung* (Berlin: Suhrkamp, 2012), pp. 248-59.

94 Laura Valentini coined this term, see her *Justice in a Globalized World* (Oxford: Oxford University Press, 2011/2012), p. 3. Also, see Gabriel Wollner's review article of these theories in 'Third Wave Theorizing of Justice', *Global Justice: Theory Practice Rhetoric* 6 (2013), 21-39.

95 This exposition of democratic internationalism mainly relies on Julian Culp's defense of such a conception in *Global Justice and Development* (Basingstoke: Palgrave Macmillan, 2014), ch. 5. It shares many features of Rainer Forst's transnational conception of global justice in *The Right to Justification* (New York: Columbia University Press, 2012), ch. 12.

96 On the special importance of political justice, see Rainer Forst, *Justification and Critique* (Cambridge: Polity Press, 2014), ch. 1 and 5.



and economic conditions under which questions about global distributive justice could be properly answered.

Hence with respect to the globally just distribution of holdings, this means that the democratic internationalist account does not argue for the implementation of a certain ideal of global distributive justice. Rather, it urges that those affected by such distributive principles have to provide the justifications that establish the normative validity of these principles themselves, even if only through their state officials. Notably, though, in order to afford all representatives of reasonably democratic states sufficient justificatory power, it is essential to avoid excessive power asymmetries among states. Consequently, socioeconomic inequalities, *inter alia*, among states are to be curbed by devising regulatory mechanisms that have effect at the international level.<sup>97</sup> Furthermore, in order to guarantee that state officials really may be viewed as speaking for their citizens, reasonably democratic domestic structures must be installed as well.<sup>98</sup>

Perhaps most obviously, the increase of domestic sovereignty in emerging democracies contributed positively to their capacities to install democratic orders domestically.<sup>99</sup> As the above-cited improvements in emerging democracies' human development record suggest, it facilitated the introduction of social policies designed to enable citizens to partake in democratic deliberations in the first place. Since emerging democracies' national governments are, at least partially, willing to employ this capacity in order to promote the democratic cause of their societies, this development should be welcomed from the point of view of democratic internationalism.

Furthermore, processes of fragmentation and integration affected the domestic conditions of emerging democracies in a similarly positive way. The inclusion of CSOs suggests that the rule of law is increasingly recognized in emerging democracies. Moreover, given that an influential civil society promotes the realization of human rights, this process supports various enabling conditions for a well-functioning democratic order and increases the attentiveness of governments to its citizens' needs. The recognition of a human right to an adequate level of

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97 Hence, democratic internationalism argues that there are *instrumental* reasons for reducing international socioeconomic inequalities. The importance of instrumental reasons for reducing international socioeconomic inequalities is also emphasized by Charles Beitz, 'Does Global Inequality Matter?', *Metaphilosophy* 32/1-2 (2001), 95-112, p. 104, and Thomas Pogge, 'Why Global Inequality Matters', in David Held and Ayse Kaya (eds.), *Global Inequality* (Cambridge: Polity Press, 2007), 132-47, p. 142. While Beitz emphasizes instances of humiliation that inequality can generate, Pogge argues that it can distort public reasoning and consequently public policy-making.

98 For compelling, deliberative democratic accounts of the institutional structure of a domestic democratic order, see Jürgen Habermas, *Between Facts and Norms* (Cambridge: Polity Press, 1998), ch. 8, and Forst (2012), ch. 7.

99 As an anonymous referee pointed out, reversely, democratic domestic structures can contribute to domestic sovereignty, e.g., due to the way in which such structures help avoiding internal political conflicts that would otherwise endanger domestic sovereignty. Hence a virtuous circle may evolve in which democratic domestic structures and domestic sovereignty support each other mutually.

health or education, for instance, fosters a potentially alert citizenry capable of participating actively in domestic democratic processes.

Moreover, the increasingly common official recognition of pluralism (referred to above under the heading fragmentation from below) suggests that emerging democracies conform to more liberal attitudes than was previously the case. Indeed, the acceptance of a plurality of ways of life is an important component of an internally just society. Democratic orders that grant civil liberties like freedom of conscience and political liberties like freedom of association cannot assume the existence of a homogenous culture that would be able to settle all societal disputes.

Regarding emerging democracies' impact on greater international democratization, there is a relatively clear sense in which emerging democracies' status as rising has a positive impact. This is because emerging democracies' position as veto-players vis-à-vis established powers in international negotiations reflects a significant reduction of international power asymmetries. Emerging democracies are powerful enough to threaten established powers with the rejection of a certain policy proposal and can thereby effectively shape the result of the negotiation outcome. As mentioned above, in some areas of global policy like global health governance they have already become norm creators.

This reduction of international power asymmetries may be further promoted by emerging democracies' establishment of international financial and development institutions parallel to functionally similar older institutions created by Northern states. These new institutions (mentioned earlier under the rubric of fragmentation from above) enable emerging democracies to defect from older institutions when they disagree with the established powers.

Moreover, international democratization also requires that the decisions and opinions of states' representatives increasingly reflect the democratic wills of their citizenries. Otherwise even international decision-making that is guided by democratic principles (e.g., inclusion and deliberation among state representatives) lacks the kind of democratic ground that it needs to stand on in order to be viewed as reasonably democratic. After all, democratic structures anywhere need to ensure that those who are subject to certain legal norms must be able to view themselves as (at least indirect) authors of these norms.

Conversely, multipolarity seems problematic in that it may undercut the very possibility of effective international decision-making and thereby destroy the hope in reasonably democratic arrangements globally. Arguably, the danger exists that emerging democracies may eventually place too much emphasis on their international legal and Westphalian sovereignty and thereby undermine

efforts by the international community to solve common problems equitably. Moreover, a multipolar world benefits first and foremost rising powers, not their smaller neighbors. Indeed, new imbalances of power accompany the emerging democracies' rise.

For several reasons, this danger should not encourage one to believe that the emerging democracies' exercise of soft sovereignty poses an obstacle, in principle, to realizing global justice along the lines of democratic internationalism. First, the rhetorical insistence of emerging democracies on their Westphalian and interdependence sovereignty does not match the actual political behavior of these countries. This is evident when taking into account the sovereignty softening effects of the integration processes from above. Foreign policy strategies in all emerging democracies take care to dilute any sense of hegemonic ambition within their respective regions, albeit imperfectly. Regional leadership efforts tend to reflect a cooperative, consensual understanding of leadership.

As noted, Brazil, India, and South Africa within the past two decades have introduced non-reciprocal funding mechanisms benefitting their smaller neighbors' development. India has invested considerably into rejuvenating bi- and multilateral diplomatic ties with its South Asian neighbors and South Africa in the 1990s developed a profoundly cosmopolitan vision of regional integration within Southern Africa and a transformed African Union. Like Brazil, both countries' governments ally with business in order to expand their access to regional markets. Embracing interdependence rather than securing freedom from external interference at all costs has become the norm underlying emerging democracies regional relations.

In addition, the discussion of fragmentation from above also reveals that rising powers are quite often in conflict with each other. Rather than expecting an everlasting conflict between new and old powers, it is more likely that the former group's diverse interests combined with their desire for more influence within the existing global institutional order<sup>100</sup> will allow for selective sovereignty compromises.

Again, the Brazilian proposition to amend the concept of R2P is an example in this regard. Indeed, one can argue that the 'perception and identity of each of the three IBSA states is fundamentally linked to multilateralism' and, for that matter, the democratization of international politics.<sup>101</sup>

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100 Ikenberry (2011).

101 Philip Nel, 'Redistribution and recognition: what emerging powers want', *Review of International Studies* 36/4 (2010), 951-74, p. 967.

Furthermore, from the point of view of instrumental reason alone, international cooperation is simply too important for all states, such that emerging democracies will certainly want to uphold it. Even as emerging democracies are more powerful today than they have been throughout the past century, they are nevertheless dependent upon the established powers' cooperative behavior in areas such as climate change or trade. In the meantime, integration from below strengthens the ability of domestic actors to argue in an increasingly global legal language focused on specific issue areas. Partaking in rather than defecting from global rule-making is in emerging democracies' expressed interest. Lastly, as the ideal of power symmetry between all states is impossible to be realized, increasing the number of great powers and their representativeness for all world regions contributes to the democratization of international affairs, albeit insufficiently.

Here we follow Jürgen Habermas' lead in thinking that global political and distributive problems like dangerous climate change and the regulation of economic transaction (that do not directly touch upon the morally more fundamental issue like security and human rights) need to be dealt with primarily, although not exclusively, among a limited number of global players that are representative for all world regions. This thought strikes us as compelling because the transaction costs involved in considering separately the view and – in part extremely limited – regulatory capacity of each state seems to inhibit a minimally efficient way of addressing said problems.<sup>102</sup> Accordingly, the fact that the emerging democracies Brazil, India, and South Africa happen to be regional powers (different from Indonesia, say) further supports our main conclusion that the nascent multipolarity should be viewed rather positively from the internationalist perspective on global justice.

## Conclusion

Current international affairs are characterized by two megatrends: the rise of new powers onto the world stage and national sovereignty-compromising processes of fragmentation and integration. While the latter of these two trends has already captured political theorists' attention with regard to its effects on established powers' sovereignty,<sup>103</sup> the former has not yet been addressed properly at all. It has been the central aim of this article to explore a global justice assessment of rising powers and the corresponding new multipolarity of global politics.

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<sup>102</sup> Jürgen Habermas, 'A Political Constitution for the Pluralist World Society?', in *Between Naturalism and Religion* (Cambridge: Polity Press, 2008a), 312–53, p. 333; 'The Constitutionalization of International Law and the Legitimation Problems of World Society', *Constellations*, 15/4 (2008b), 444–55, p. 452; 'The Crisis of the European Union in Light of a Constitutionalization of International Law', in *The Crisis of the European Union* (Cambridge: Polity Press, 2012), 1–70, pp. 66–9.

<sup>103</sup> Habermas (2001); Ronzoni (2009).

For this purpose, this article began by delving into the empirical findings on emerging democracies, which represent one large group of the rising powers. We found that, on the one hand, emerging democracies have indeed gained a substantial degree of positive sovereignty. On the other hand, however, transnational processes of fragmentation and integration cause the substantive softening of emerging powers' interdependence and domestic sovereignty, eventually also impinging on their defense of Westphalian sovereignty.

The paper explored this softening of sovereignty from the perspective of global justice by assessing it on the basis of globalist, statist, and internationalist conceptions of global justice. We found that the emergent multipolarity contributes in various ways to the realization of the distinct socioeconomic and political criteria of these three conceptions of global justice. However, we also pointed out that the transformation of sovereignty generates particular problems for the realization of all three conceptions. Hence further research on the rise of emerging democracies and on rising powers more generally is needed in order to properly estimate which feasible institutional changes are best justified.<sup>104</sup>

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