**Global Public Reason, Diversity, and Consent**

**Abstract**

In this paper, I examine global public reason as a method of justifying a global state. Ultimately, I conclude that global public reason fails to justify a global state. This is the case, because global public reason faces an unwinnable dilemma. The global public reason theorist must endorse either a hypothetical theory of consent or an actual theory of consent; if she endorses a theory of hypothetical consent, then she fails to justify her principles; and if she endorses a theory of actual consent, her theory will lead to a highly unstable political system. On either side of the dilemma, global public reason faces untenable implications. Although similar criticisms have been advanced against domestic public reason, my argument is not repeating points made before me. My argument is new, in that it raises these objections specifically against global public reason, and in that it shows how, due to increased diversity of belief in the global arena, these problems are more pressing for global public reason than they are for domestic public reason.

**Global Public Reason, Diversity, and Consent**

Since the publication of Rawls’ *Political Liberalism*, public reason theories of political justification have received significant attention. Much of this discussion has focused on public reason in the context of a single country, usually conceived of as a liberal democracy. However, in addition to his theory of domestic public reason, Rawls, in *The Law of Peoples*, also developed a theory of global public reason. Despite the growth in the literature on domestic public reason, global public reason has received relatively little attention.[[1]](#footnote-1)

In this paper, I examine global public reason as a method of justifying a global state or world government. Ultimately, I conclude that global public reason fails to justify a global state or world government.

Although no philosophers have used global public reason to justify a global state, it is still useful to discuss the connection between the global public reason and a world government. Public reason at the domestic level is one of the most popular theories of political authority in contemporary philosophy; presumably, if a global state could be justified, it would be reasonable to justify it by appeal to global public reason. Furthermore, public reason takes as its starting point the vast diversity of opinion of individuals who are owed a justification of the states’ policies. At the global level, this diversity greatly increases; for this reason, the attempt to use global public reason to justify a global state seems even more reasonable. Given this, we can safely say that, if global public reason does not justify a global state, then it is unlikely that there is any justification of a global state. To clarify, my claim is not that global public reason is the only theory of political authority that could justify a global state; I claim only that it is perhaps the most likely theory to be used in the justification of a global state, meaning that if it fails to justify a global state, it does not bode well for other attempts to do so.

I argue that global public reason faces an unwinnable dilemma and thus cannot justify a global state. The global public reason theorist must endorse either a hypothetical theory of consent or an actual theory of consent; if she endorses a theory of hypothetical consent, then she fails to justify her principles; and if she endorses a theory of actual consent, her theory will lead to a highly unstable political system. On either side of the dilemma, global public reason faces untenable implications: either the global state would have no principles of justice, or it would be unstable.

Although similar criticisms have been advanced against domestic public reason, my argument is not repeating points made before me. My argument is new, in that it raises these objections specifically against global public reason, and in that it shows how, due to increased diversity of belief in the global arena, these problems are more pressing for global public reason than they are for domestic public reason.

In section I, I define global public reason. In section II, I advance the aforementioned dilemma. In section III, I respond to remaining objections.

**I. GPR Defined:**

I first define domestic public reason and then define global public reason.[[2]](#footnote-2) Henceforth, I use PR to mean ‘public reason’ and GPR to mean ‘global public reason.’ Domestic PR has three essential features: (1) it affirms the public justification condition, (2) it distinguishes between public and private evidence, and (3) it uses idealizations about the legitimation constituency (the people to whom justification is owed). Global PR endorses features 1-3, and it extends them into the global domain. In the coming paragraphs, I explain each feature of GPR.

*I. 1: The Public Justification Condition:*

As Quong puts it, the central claim of public reason is this: ‘public reason requires that the moral or political rules that regulate our common life be, in some sense, justifiable to or acceptable to all those persons over whom the rules purport to have authority.’[[3]](#footnote-3) Or, as Gaus’s puts it more precisely, the central claim of public reason is that ‘a moral imperative “ɸ!” in context C, based on rule L, is an authoritative requirement of social morality only if each normal moral agent has sufficient reasons to (a) internalize rule L, (b) hold that L requires ɸ-type acts in circumstances C and (c) moral agents generally conform to L’ (2011, 263).[[4]](#footnote-4) Henceforth, I refer to this claim as the public justification condition.

*II. 2: Public vs. Private Evidence:[[5]](#footnote-5)*

For a coercive state action to be justifiable to or acceptable to all people over whom it has authority, it must be justified using reasons and evidence that are accepted by all those over whom it will be enacted. As Rawls says, ‘our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions’ are such that ‘we…reasonably think that other citizens might also reasonably accept those reasons’ (1997, 771).[[6]](#footnote-6)

This prompts the question: what reasons and evidence can be accepted by all people affected by a state policy? According to the public reason theorist, the evidence and reasons that are acceptable to all people must be public and accessible to all of these people.[[7]](#footnote-7) As Rawls says, ‘public reasoning aims for public justification. We appeal to…ascertainable evidence and facts open to public view, in order to reach conclusions about what we think are the most reasonable political institutions’ (1997, 768). Or, as he says elsewhere, those engaged in public reasoning should ‘appeal only to those public or political ideas that…can be assumed acceptable to all persons as reasonable and rational’ (1993, 217). This means that public reason should include only ‘plain truths now widely accepted, or available, to citizens generally’ (1993, 224-225). Ultimately, this entails that the evidence which is public and accessible to all is evidence which all people affected by a state policy agree with or accept. Given this definition of *public* and *accessible* evidence, it follows that any evidence which is not agreed upon by all people affected by a state policy is *private* and *inaccessible*. This private evidence is inadmissible in the court of public reason and cannot be used in a public justification of a state action. As Rawls says, public reasoning ‘will thus eschew appeals to religious ideas or other controversial claims over which reasonable persons are assumed to disagree’ (1993, 217).

Public reason theorists disagree on what kinds of reasons should be included within public reasoning. As Vallier puts it, a convergence view of reasons ‘only requires that individuals accept laws and political proposals for their individual reasons,’ while a consensus view of reasons holds that ‘laws and political proposals [must be] accepted by reasons that have some common epistemic property like shareability’ (2011a, 263). For example, a convergence view holds that, so long as Christians and atheists reach the same conclusion, P, regarding some public issue, it does not matter if they used reasons that are private to their own comprehensive doctrines. On a consensus view, this is not permissible; the Christian and the atheist must each use the same reasons for endorsing P. Post-Rawlsian public reason theorists have altered the requirements on what kind of evidence ought to be used in public reasoning. For example, philosophers have argued that the evidence that we should use in public justifications must be sharable, intelligible, etc. to all affected parties. [[8]](#footnote-8) For my argument, these fine-grained distinctions will not be relevant, as my dilemma for GPR does not hinge on any particular conception of evidence.

Given all of this, public reason is the view that coercive state actions are justified IFF they can be justified to all parties affected by them using evidence that is public and accessible (or intelligible, sharable, etc.) to all of these parties. A coercive state action is unjustified if it fails to meet this test.

*II. 3: Idealizations About the Legitimation Constituency:*

As articulated thus far, public reason faces an obvious problem: it entails political anarchism. Public reason claims that coercive state actions are legitimate IFF they can be justified to all people affected by them according to reasons that those people accept. Modern societies contain wide diversity of beliefs and intractable disagreements about nearly everything. Given this, there is likely no coercive state action which can be justified to all people affected by it using reasons that they all accept. For example, anarchists do not even accept justifications of the state. If there are no state actions which can be justified to all affected parties, then no state actions are legitimate, and ‘anarchism follows’ (Enoch 116-117).

To avoid anarchism, nearly all public reason theorists use idealizations about the people to whom justification is owed, also referred to as the legitimation constituency.[[9]](#footnote-9) The idealizations used by public reason theorists alter the legitimation constituency in order to make the public justification condition easier to fulfill (Enoch 118). As Enoch says, public reason theorists employ two methods of idealization. The first method involves ‘excluding the unreasonable’ (Enoch 117). This entails ‘restricting the scope of the [the legitimation constituency] so that what’s needed for legitimacy is not justifiability to all, but, say, to all the reasonable’ (118). This means that it is not necessary for the state to justify its policies to unreasonable people. Put simply, the reasonable are owed a justification from the state while the unreasonable are not owed a justification. Obviously, this method requires the public reason theorist to define ‘reasonable’ and ‘unreasonable.’ Rawls offers the most influential, and perhaps most infamous, definitions of these terms.[[10]](#footnote-10)

The second method of idealization involves ‘going hypothetical’ (117). On this method ‘those engaged by…[the public justification condition] are not people as they actually are, but some hypothetical, idealized version thereof’ (118). For example, a public reason theorist might say that if people were ‘placed in the right hypothetical conditions’ (such as being fully informed, fully rational, etc.), then they *would* see that the coercive state action in question is justifiable to them. This hypothetical consent is taken to be sufficient to ground the legitimacy of this state action (127).

With these idealizations, public reason is the view that coercive state actions are justified IFF they can be justified to all of the reasonable and/or hypothetical people affected by these actions based on evidence that is public and accessible (sharable, intelligible, etc.) to these people.

*I. 4: PR Extended To The Global Domain:*

Thus far, I have defined PR as it applies to domestic justification of principles of justice. I now discuss PR as a method of justification on a global scale. Numerous philosophers (including Rawls, Cohen, and Reidy) have developed theories of global public reason (GPR).[[11]](#footnote-11) The most well-known version is developed by Rawls in *The Law of Peoples*.[[12]](#footnote-12) My discussion of GPR will not focus solely on Rawls but will rather be about the most essential features of GPR.

GPR is the same as domestic PR, but it is extended to the international domain. As Smith says, ‘global public reason operates in an analogous fashion to the domestic reason of a liberal society’ (122), and Shue puts it quite clearly when he describes GPR as ‘a public reason for the international arena’ (311). Given that GPR extends domestic PR into the international domain, it takes features 1-3 of domestic PR and applies them at the international level. [[13]](#footnote-13)

GPR extends the public justification condition to the international level. The public justification condition holds that coercive state actions and principles of justice must be justified to *all* people that they affect. If a state action or principle affects people in a different country, it must be justified to them. Gaus puts this point well:

‘Our question, confronting a social rule, is whether those whose lives are governed by the rule…all have sufficient reasons to…endorse it as binding. Thus the range of public is determined by the extent of the moral practice governed by the rule. Depending on the rule, this may be…a society, a culture, or a cosmopolitan community’ (268).

Thus, according to GPR, if a coercive state action or principle of justice affects people across borders, this action or principle must be justified to all of these people, regardless of nationality. As Williams says, ‘Global public reason views…hold that international relations, institutions and law must be justified from the perspectives of the reasonable members of the global community’ (1). For example, if a particular economic policy put into place by country A causes a coercive effect on citizens from country B, this policy (perhaps a trade restriction, a border, etc.) must be justified to the individuals that it affects within country B. Typically, GPR theorists envision GPR as a method for determining the principles of justice which will govern the entire international society. As Cohen says, ‘global public reason is global in its reach, inasmuch as it applies to all political societies, and global in its agent, inasmuch as it is presented as the common reason of all peoples’ (2010, 361).

One might wonder who, on the global scale, the parties are to whom justification is owed. This is a matter of debate among advocates of GPR. For some, the parties to whom justification is owed are individuals within states, and to others the parties are representatives of states. I consider both options in my dilemma for GPR.

Additionally, GPR only uses evidence which is *globally* public and accessible. Thus, the parties in an international dispute must only use evidence that can be accepted and agreed upon by each party. This entails that any evidence which is not agreed upon by the parties in the dispute is private and inadmissible in GPR. As Sieger says, in GPR, ‘representatives [of states] should set aside comprehensive views, even if fundamental to their internal ordering, and limit international political discourse to political reasons that all could reasonably accept’ (438).[[14]](#footnote-14) The same debates among domestic PR theorists about the nature of admissible evidence are applicable for GPR. However, as my objections to GPR do not hinge on any one conception of evidence or reasons, I will not discuss this any further.

Furthermore, GPR uses the aforementioned idealizations about the legitimation pool (‘excluding the unreasonable’ and ‘going hypothetical’). After all, if it was too difficult to justify principles of justice in the domestic sphere without idealizations, it is surely necessary to use idealizations at the international level! Rawls draws a distinction between reasonable and unreasonable states. He regards certain states as ‘well-ordered peoples’ and others as ‘outlaw states’ (1999, 4-5). The former are reasonable and are owed a pubic justification of the policies and principles that affect them, while the latter are unreasonable and are not owed justification. Rawls also uses the ‘going hypothetical’ idealization. On his view, hypothetical representatives of each well-ordered state deliberate on principles of justice while in a hypothetical Original Position.[[15]](#footnote-15) In my dilemma for GPR, I address both of these idealizations.

In total, GPR is the view that coercive state actions which affect people across borders and global principles of justice are justified IFF they can be justified to all of the reasonable and/or hypothetical parties (however they are modelled) affected by these actions or principles based on evidence that is public and accessible (etc.) to all of these parties.

 Finally, it is helpful to describe what GPR would look like if implemented. GPR theorists envision the existence of a global public forum, in which the reasonable parties (however they are understood) convene and deliberate about which principles of global justice they can all accept based on their shared global public reason. As Smith says, ‘global public reason can be said to apply to deliberation about the mutual relations of peoples in the global public forum’ (125). This global public forum can be conceived of as a hypothetical choice-scenario or as an actual discourse. In the end, the parties agree on a set of principles which will govern their mutual relations. Finally, for those who would use GPR to justify a global state, this global public forum would constitute the global government. Specifically, the global state would be the body that enforces the principles of justice and the policies that are agreed to in this global public forum.

**II. A Dilemma for GPR: Hypothetical or Actual Consent?**

In this section, I argue that GPR faces an unwinnable dilemma and thus cannot justify a global state. GPR must endorse a theory of consent, either hypothetical or actual. If it endorses a theory of hypothetical consent, it fails to justify any of its principles, meaning that the global state would have no principles to enforce. And, if it opts for a theory of actual consent, it produces an unstable global state. This dilemma will be developed through the premises which follow. Insofar as any version of GPR must endorse a theory of consent, my dilemma applies to all versions of GPR. Also, my dilemma does not hinge on any single conception of evidence/reasons or idealizations. Finally, I am assuming that any legitimate state needs to have principles of justice that are justified and that such a state must be stable. My dilemma aims to prove that a state based on GPR cannot satisfy either of these conditions.

My argument begins as follows:

**1:** GPR holds that global principles of justice are justified IFF all affected parties (however they are conceived) consent to these principles based on the use of public reason.

Premise 1 is a restatement of the basic thesis of GPR. For concision, all subsequent premises will abbreviate ‘global principles of justice’ as ‘principles’ and ‘affected parties’ as ‘parties.’

**2:** If the principles are to be justified, then the parties must either (1) *hypothetically* consent to the principles or (2) *actually* consent to the principles.

As a descendant of the social contract tradition, PR views ground political legitimacy in the consent of the governed.[[16]](#footnote-16) As such, GPR must endorse a theory of consent. Premise 2 outlines the exhaustive options (hypothetical or actual consent) by which the parties can consent to the principles.

**3:** If the parties only hypothetically consent to the principles, then the principles are not justified.

Suppose that GPR holds that, for the principles to be justified, all parties must only hypothetically consent to them. As stated earlier, hypothetical consent is an idealization in which ‘the thought is…not necessarily that the relevant principles…be justified to the satisfaction of members of the relevant constituency as we find them, but rather that they would be satisfied, if placed in the right hypothetical conditions,’ such as being sufficiently rational, ‘being fully informed,’ etc. (Enoch 127). On this view, the principles of global justice are justified if the parties would accept them if they were in the relevant hypothetical circumstances.

Premise 3 argues that hypothetical consent fails to ground the justification of the principles. Essentially, I argue that the hypothetical acceptance of the hypothetical global parties is not sufficient to bind the conduct of the nations that these parties represent. Numerous powerful arguments have been made against hypothetical consent theories, in general.[[17]](#footnote-17) I will not rehearse these arguments here. Rather, for the sake of argument, I grant that hypothetical consent may successfully ground the acceptance of principles in domestic political justification, but I will argue that (even if this is true), hypothetical consent fails to ground principles in the global context.

Specifically, I argue that hypothetical consent fails on the global level, because when put into the global context, hypothetical consent theories must use a level of abstraction which undermines their ability to ground consent. In order for hypothetical consent theories to be successful, the parties to the hypothetical deliberations must either endorse a single set of principles or arrive at a sufficiently small number of possible sets of principles. However, on the global scale, to model the hypothetical global representatives in a way that reaches even a small number of possible sets of principles, the hypothetical agents must be hyper-idealized, to the point where they no longer bear a sufficiently strong relationship to the actual individuals whose consent they are aimed at grounding. I explain this argument in more detail in the coming paragraphs.

The goal of hypothetical consent theories is to abstract away from the disagreement and pluralism that characterize modern societies, to arrive at a single set of principles (or at a small number of possible sets of principles).[[18]](#footnote-18) This idealization is used to, so to speak, remove the clutter of the actual world in order to reach principles that agents would consent to. If the agents in the hypothetical deliberations reached anything more than a small number of possible sets of principles, we would be left no better off than we were prior to going hypothetical. The reason that we use hypothetical consent idealizations is to arrive at consensus (or something close enough to it) so that we can have usable principles of justice. If after our hypothetical deliberations, we do not reach this near consensus, then there would be no point in using hypothetical consent.

However, there is an important constraint on this process: for the consent of a hypothetical agent to be normatively binding for the actual person that this agent represents, there must be some strong similarity between the two of them. In short, when philosophers use hypothetical consent idealizations, their goal is to model hypothetical agents who are sufficiently similar to the actual agents whose consent is at issue.[[19]](#footnote-19) Given this, if hypothetical John’s consent is to bind the conduct of actual John, there must be some substantial relation and similarity between actual John and hypothetical John. Or, as Thrasher puts it, ‘the reasons of the representatives in the choice situation are meant to model *our* reasons’ (2017, 6). If there were no such similarity, actual John would rightfully not see any normative value in the decisions of hypothetical John. So, if our models of hypothetical agents abstract too far away from the actual people who they represent, then our hypothetical deliberations will mean nothing to these actual people. As Gaus says, ‘it would not help to construct a deliberative situation in which highly idealized parties agreed on the true principles of justice, if actual agents simply do not have reason to endorse those principles. Because of this, we cannot require abstracting too far away from the reasons of normal moral agents’ (2011, 276). Thus, a hypothetical consent theorist must model agents in a way that is idealized enough to generate near consensus but under-idealized enough so as to be close to the actual people whose consent it is thought to ground. In short, the agents in our hypothetical model must ‘realistic idealizations of moral agents’ (Gaus, 2011, 266). Given all of this, I argue that GPR is stuck between two bad options: either (1) it models global hypothetical agents in a way that is sufficiently similar to their actual counterparts, in which case it fails to reach anything near consensus on principles, or (2) it models global hypothetical agents in such a way that they fail to sufficiently resemble their actual counterparts, allowing it to reach near consensus on principles, but failing to normatively bind actual agents to these principles.

In the global setting, the amount of reasonable pluralism and intractable disagreement about fundamental issues of justice is substantial. Although people disagree deeply *within nations*, this disagreement pales in comparison with the disagreement *between nations*. Within a given country, there is often one dominant political ideology or group of sufficiently similar ideologies; but, between nations, multiple ideologies are brought into conflict. For example, the divide between an American Republican and an American Democrat seems very minimal when compared with the divide between an Eastern European Communist and a Sunni Muslim. The goal of hypothetical consent is to abstract away the features of actual people which cause them to disagree, so as to go from actual disagreement to hypothetical (near) consensus. In the global context, to abstract away and arrive at consensus on principles, we would have to use an extreme amount of abstraction. When faced with a disagreement between an Iraqi Muslim and an American radical feminist, how much abstraction must be used to bring them to agreement on principles of justice? A lot. One or both of these people would have to lose some of their most deeply held beliefs for agreement to be possible on issues of justice. The amount of abstraction required to reach agreement becomes even more severe when we add more people from more diverse sets of beliefs into the discourse; suppose that a Saudi Muslim, an American Southern Baptist, a French atheist, an Indian Hindu, and a Tibetan Buddhist are all put in a room and asked to find a common set of principles. To reach agreement in such a situation, a massive amount of abstraction must take place. Some or all of these people must set aside their personal beliefs, their religion and their personal histories. I argue that this abstraction undermines the moral relevance of global hypothetical consent. In the domestic context, the consent of hypothetical citizens is morally relevant, because it is (one could argue) a reliable proxy for what people would agree with in certain idealized conditions. Furthermore, in domestic justification, the hypothetical version of a given agent is fairly similar to that agent. In the global context, this is difficult to achieve. To gain consensus, we must abstract away huge portions of global agents’ identities, to a much stronger degree than in the domestic context. Given this, to reach something near consensus on principles, the hypothetical agents in the global public forum must be extremely different from the actual people who they are thought to represent. The more a hypothetical agent does not resemble an actual agent, the less morally relevant and binding the hypothetical agent’s consent is for the actual agent. For example, if the Sunni Muslim’s consent is grounded by the consent of a hypothetical agent who does not have Muslim beliefs, it is implausible to suggest that the consent of this hypothetical agent means anything to the Muslim. To put it bluntly, the following claim sounds highly implausible: I am obligated to obey a certain principle, because a hypothetical agent who lacks most of my cherished beliefs agrees with this principle, even though I do not agree with it in reality. To use Enoch’s example, this sounds about as compelling as hypothetical water would to a person dying of thirst (119). There simply is nothing binding for me about the consent of a hypothetical agent who does not resemble me in any important respect. In total, for the global hypothetical agents to reach (near) consensus, they must be hyper-idealized; but, if they are hyper-idealized, then their decisions will be normatively irrelevant to the actual parties that they represent. Thus, even if it is successful in the domestic sphere, hypothetical consent fails on the global level.

An objector might respond in several ways: (1) she can argue that this critique is nothing new, as it already applies to domestic public reason in highly diverse societies; and (2) she can argue that my objection can be avoided by limiting the constituency of GPR (those to whom justification is owed) to only liberal states.

First, the objector might claim that my argument would apply equally to highly diverse individual societies. If this were the case, then my objection would fail to supply anything new to the discussion on this issue and would be an objection to PR in general, not just to GPR.

To this, I respond that the amount of diversity of belief is almost always greater between nations than within nations. As Tan says, ‘global diversity is more pronounced than domestic diversity’ (9). To illustrate this, it is useful to note that, even within relatively homogenous groups, diversity of belief is much greater from country to country than within countries. For example, although there is considerable diversity of tradition and practice among Muslims, all Muslims affirm a core set of religious doctrines. Yet from country to country, there is considerable disagreement among Muslims on many important issues. In a large survey (consisting of over 38,000 interviews) conducted by the Pew Research Center, researchers found that although ‘the world’s 1.6 billion Muslims are united in their belief in God and the prophet Muhammad and are bound together by such religious practices as fasting during the holy month of Ramadan,’ they ‘have widely differing views about many other aspects of their faith, including how important religion is to their lives, who counts as a Muslim and what practices are acceptable in Islam.’ As the study also suggests, ‘while there is broad agreement on the core tenets of Islam…Muslims across the 39 countries and territories surveyed differ significantly in their levels of religious commitment, openness to multiple interpretations of their faith and acceptance of various sects and movements.’ This can be seen even between countries that are relatively close to each other. For example, in Iraq, 14% of Sunni Muslims believe that Shia Muslims are not genuinely Muslims, while less than one thousand miles away in Egypt, 53% of Sunnis believe that Shias are not genuinely Muslims (Pew). I use this example to illustrate that, even within relatively unified ideological groups, the amount of belief diversity increases sharply across borders. All of this suggests that the amount of domestic diversity of belief will be far less than the amount of global diversity of belief.

Of course, there are exceptions to this claim; but, for the most part, the diversity of belief between all the reasonable nations in the world will be greater than the diversity of belief within a given individual country. Given that global diversity is greater than domestic diversity, it follows that, when global hypothetical agents deliberate about principles of justice, there will be a greater differences between their beliefs, meaning that more idealization will be required than at the domestic level. Thus, the problem of idealizing too far away from the agents whose consent we aim to ground is more acute for GPR than domestic PR, because global diversity is more acute than domestic diversity. All of this suggests that, even if hypothetical consent could work in most domestic cases, it would fail at the global level. So, rather than this being an objection that has already been made against domestic PR, my objection is uniquely pressing for GPR, even if it can be surmounted by domestic PR.

Second, the objector might respond to my argument by limiting the constituency of GPR to liberal states. Doing this would considerably reduce the amount of diversity of belief between the global hypothetical representatives, as the representatives of liberal states would all share a commitment to liberal principles. Given this, it would be very likely that something close enough to consensus on principles of justice would emerge from the deliberations of the global representatives. Thus, argues the objector, limiting the constituency of GPR would avoid my objection.

As will become clear later on, although it may save GPR from my objection, the exclusion of non-liberal countries will lead to problems. I later argue in detail that excluding non-liberal countries will lead to a stability problem for GPR.

**4:** Thus, if the principles are to be justified, then the parties must *actually* consent to the principles (from 2, 3).

Premise 2 outlines the two methods by which the parties can consent to the principles (hypothetically or actually), and premise 3 shows that hypothetical consent cannot ground the justification of global principles of justice. From this, it follows that GPR’s only method to justify the principles is for the parties to actually consent to them.

**5:** If the parties are to actually consent to the principles, then either (1) every actual *individual* reasonable person from every reasonable country must actually consent to the principles or (2) an actual *representative* from each reasonable country must actually consent to the principles.

To even attempt to use actual acceptance of actual parties to ground the justification of the principles, GPR must use the reasonableness idealization. Without restricting the parties to whom justification is owed, no principles would be justified, because there is nothing that all actual parties agree on. For the sake of argument, I grant this idealization to the GPR theorist. However, I argue that, even with this idealization (however it is construed), the view still fails.

Premise 5 outlines the only two methods by which the actual reasonable parties can actually consent to the principles. If GPR is to gain the actual consent of all actual reasonable parties, it must do so through one of these methods.

**6:** It is impossible for every actual individual reasonable person from every reasonable country to actually consent to the principles.

Premise 6 argues that option 1 from premise 5 faces the obvious difficulty that it requires all actual reasonable individual people in all reasonable states to accept the principles. This is a practically impossible task. Depending on the number of reasonable individuals in the world, this would require one to ask up to billions of individual people if they consent to the principles. Since this is not likely to happen, this option seems unable to ground the justification of the principles.

**7:** Thus, if the parties are to actually consent to the principles, then an actual representative from each reasonable country must actually consent to the principles (from 5, 6).

Premise 5 outlines the two methods by which the actual consent of actual reasonable parties can be achieved, and premise 6 argues that the first method fails. From this, it follows that the GPR theorist can only achieve actual consent of the parties if actual representatives from each reasonable country consent to the principles. On this view, each reasonable country has a representative who deliberates about principles with the representatives of other reasonable countries; if all representatives accept a principle, this justifies the principle.

**8:** Thus, if the principles are to be justified, then an actual representative from each reasonable country must actually accept the principles (from 4, 7).

According to premise 4, the only way for the principles to be justified is if the parties actually accept them, and, according to premise 7, the only plausible way for the parties to actually accept the principles is for a representative from each reasonable country to actually accept them. Thus, if the principles are to be justified, then these representatives must accept them.

**9:** The actual representatives from each reasonable country can be either (1) democratically elected by the people from their respective countries or (2) not democratically elected by the people from their respective countries.

Premise 9 describes two exhaustive options for how these representatives can be appointed to their positions.

**10:** If the actual representatives from each reasonable country are not democratically elected by the people from their respective countries, then their acceptance of the principles does not justify the principles to their people, meaning that the principles are not justified.

Premise 10 argues that if the representatives from each reasonable country are not democratically elected by the people that they represent, then their acceptance of the principles does not justify the principles. If an individual who I have democratically elected accepts a principle, I have, by extension, accepted this principle. I freely gave this person the power to make decisions on my behalf; so, if she makes a decision to accept a principle, I have also accepted this principle. Essentially, if a principle is justified to my democratically elected representative, then it is justified to me. However, if my representative is not democratically elected, then her acceptance of a principle does not mean that I have accepted this principle. If I have not freely given this person the power to accept principles on my behalf, then she cannot do so, even if she has my best interests in mind. In fact, if a non-democratically elected representative accepts principles for me, this person is making a decision on my behalf without my consent, which is a relationship of domination, not representation. Thus, if a non-democratically elected representative accepts the principles, this does not justify them to the people from this representative’s country, meaning that the principles will not be justified to all reasonable parties, which entails that they are unjustified.[[20]](#footnote-20)

One might object that this argument fails to be neutral, because it assumes the justness of democratic systems of representation over other, non-democratic forms of representation. To such an objector, I respond that one need not think of this as a value-laden preference for democracy; rather, value-free claims can support the position from the previous paragraph. Take the following principle: if S does not give J the ability to consent on S’s behalf, then if J does not have the ability to consent on S’s behalf. This principle is purely descriptive, just as ‘if I don’t give you my coffee, then don’t have my coffee’ makes a descriptive claim. If this principle is true, then non-democratic representatives cannot be said to serve as a proxy for the consent of those that they represent, because they were never given this ability. Thus, insofar as consent of the affected parties is required to justify a principle, and insofar as non-democratic representation fails to be a proxy for the consent of the parties supposedly represented, then non-democratic representation fails to justify the principles.

However, the objector might respond by pointing to the possibility of a non-democratically elected representative who can still speak for others. For example, the Pope can be said to speak for Roman Catholics, even though he is not elected by them. Noting this, the objector might argue that this refutes premise 10. In response, I argue that the Pope has been given authority by the people he speaks for. It is only in virtue of Roman Catholics’ shared belief in the power of the Papacy that the Pope can speak for them. Thus, the Pope is still a representative who has been *given* authority by the people. If the Pope tried to accept principles on behalf of non-Catholics, this would not justify these principles to those people, because they do not believe that the Pope has this authority. A similar response could be made to any purported counter-example to premise 10.

**11:** Thus, the actual representatives from each reasonable country must be democratically elected by the people from their respective countries (from 9, 10).

**12:** If the actual representatives from each reasonable country must be democratically elected by the people from their respective countries, then GPR will lead to an unstable global state.

Thus far, if GPR is to justify its principles, then it must justify them by showing that the actual affected parties actually consent to them; and, the only plausible method of achieving the actual consent of the actual parties is to use a system of representatives from each country. Furthermore, if these representatives are to accept the principles on behalf of their people, they must be democratically elected. This means that the only way that a country can accept or reject the principles is if it does so through democratically elected representatives. However, non-democratic countries do not have democratically elected representatives. And, it is exceedingly unlikely that a non-democratic country would hold a democratic election to appoint its representative to the global public forum. Thus, non-democratic countries do not, *and perhaps cannot*, have democratically elected representatives to the global public forum. If the only way for a country to accept or reject a principle is through a democratically elected representative, and if non-democratic countries do not have democratically elected representatives, it follows that non-democratic countries cannot accept or reject any principles in the global public forum. Thus, non-democratic countries have no say in the justification of the principles and are excluded from the global public forum. As I argue in this section, the exclusion of non-democratic countries means that GPR will produce a highly unstable global state.

A state, and the conception of justice on which it is based, must be stable. On Rawls’ definition, a state is stable if ‘when [its] institutions are just (defined by this conception), those taking part in these arrangements acquire the corresponding sense of justice and desire to do their part in maintaining them’ (1971, 454). Or, as Klosko puts it, stability is ‘a regime’s ability to generate its own support’ (238). Essentially, a system is stable if, when it is implemented and just by its own standards, those subject to its authority will desire to obey its principles. A system is unstable if those subject to its authority will not develop the desire to follow its rules. If a state is unstable, it will not last for long. As Wenar puts it:

‘Why would a citizen willingly obey the law if it is imposed on her by a collective body many of whose members have beliefs and values quite dissimilar to her own? Yet unless most citizens willingly obey the law, no social order can be stable for long.’

In this section, I argue that GPR, due to its exclusion of non-democratic countries, will produce an unstable global state. And, in virtue of this instability, GPR would produce a political order that would likely fail before long.

Given that only democratic countries can participate in the global public forum, a substantial number of countries will not be able to participate in the justification of the principles. The Economist Intelligence Unit studied 165 states and two territories and found that, of these countries, 82 are democratic, while 85 are considered non-democratic (Kekic 2).[[21]](#footnote-21) If this is true, then roughly 44 percent of countries would be excluded from the global public forum.[[22]](#footnote-22) The 85 non-democratic countries would still be coercively subject to the principles, but they would have no ability to influence these principles, and they would very likely disagree with them. Recall that a state is unstable if it fails to gain the voluntary consent of those subject to it; if these 85 countries are excluded from the deliberations about the principles, and if they are unlikely to agree with the principles (as the principles will likely reflect democratic values), then they will not voluntary agree to follow these principles. In short, GPR is committed to a political system in which 44 percent of those subject to this system’s authority do not have a reason to follow its principles. Of course, not everyone subject to a conception of justice will agree with it; but, surely more than 56 percent of the parties subject to the global state’s authority (the percentage of democratic countries in the world) must agree with it in order for the state to be stable.[[23]](#footnote-23) Thus, GPR would create an unstable global state. To put the point differently, suppose that an individual nation-state justified its authority in a such a way that nearly half of the population of the country in question disagreed with the country’s fundamental principles of justice; would such a state be stable and long-lasting? Surely not. This problem becomes even more pressing at the global level. Insofar as unstable systems ought to be rejected, we ought to reject GPR and the global state that it would justify.

 In response, the GPR theorist might object that this concern is practical and institutional, meaning that it is not the subject matter of philosophical theorizing. The philosopher, she might argue, is not concerned with implementation; rather, she is concerned with establishing the ideal of justice.

 To this objection, I argue that philosophers very much ought to be concerned with their theories being, in principle, realizable. I agree that philosophers are not political scientists or economists, but it seems quite clear to me that our theories of justice have no purpose if they are based on idealizations and assumptions that could never be true in reality. Rather, our theorizing about justice ought to be done with an eye to how reality actually is. Furthermore, it is telling that Rawls, who is an ideal theorist if there ever were one, took stability to be a pressing problem for a theory of justice. This suggests that the objector cannot waive the magic wand of ideal theory in order to address this objection by fiat.

 An objector might further respond that this objection is nothing new. Stability problems for domestic PR have already been extensively addressed, meaning that my objection is nothing new for PR theories in general.[[24]](#footnote-24)

In response, I argue that my objection is distinct from the stability problems that have been raised against domestic PR. This is the case, because stability objections are particularly pressing for GPR in a way that they are not for domestic PR. As I argued earlier, global diversity of belief is far greater than domestic diversity of beliefs, barring a few exceptions. Given this, the problem of stability becomes even greater at the global level than at the domestic level, because there is more diversity of belief in the global forum than there is in the domestic forum.

**13:** Thus, GPR leads to an unstable global system (from 12, 11).

**14:** Thus, GPR either fails to ground the justification of any principles of justice, or it leads to an unstable global state (from 3, 6, and 13).

Premise 3 shows that hypothetical consent cannot justify principles of justice in the global setting, meaning that only actual consent can justify them. Premise 10 shows that it is nearly impossible to gain the actual acceptance of all individual reasonable people within each reasonable country, meaning that this acceptance must be gained through representatives of each country. However, premise 13 shows that this method of representation leads to instability. Thus, GPR either leads to a global state that fails to justify any of its principles, or it leads to a highly unstable global state. Neither option is tenable. Thus, we must reject GPR and the global state that it would justify.[[25]](#footnote-25)

**III. Remaining Objections:**

Here, I respond to two remaining objections, both of which try to show that GPR would still have a role to play in global governance, even if my argument succeeds.[[26]](#footnote-26)

 First, one might argue that, if we relaxed the requirement of uniqueness (that there must be a single set of principles that results from the deliberative process), GPR could justify a global system of governance. If all that is required is that there is small number of sets of principles, rather than one set of principles, then this lower standard could secure the agreement necessary for a global state.

 This objection fails. My argument shows that the amount of diversity on the global scale is such that not even a small number of sets of principles would emerge from the deliberation. Again, I find it hard to see how a Sunni Muslim and a Southern Baptist could agree on some small number of sets of principles. And, even if there were agreement on some small number of sets of principles, these principles would have to be so thin that the resulting global state would lack actionable principles.

 Second, one can argue that, even if GPR does not justify a robust global state, it could still justify some sort of global federalism that enforced loose principles. As I argued above, if there would not be agreement on some small number of sets of principles, such a federalist system would lack any actionable guidance. Also, so described, this federalist system sounds more like an international advisory body, which fails to rise to the level of a genuine global government.

**Conclusion:**

 Although it seems plausible to use GPR to justify the legitimacy of a world government, the preceding argument shows that a system of global government, and the principles of justice on which it relies, could not be justified by appeal to GPR. This means that the overall case for the global state is dubious. The burden would be on the defender of the global state to find a theory of legitimacy that can overcome the problems with GPR. The prospect seems dim.

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1. As Williams says, ‘oddly, in the otherwise rich and rapidly expanding public reason literature, global public reason…is rarely discussed’ (1). [↑](#footnote-ref-1)
2. I borrow the terms ‘domestic’ and ‘global’ PR from Quong. [↑](#footnote-ref-2)
3. While this is the most accepted understanding of public reason, Van Schoelandt has recently argued that the project of public reason liberalism, so conceived, fails. [↑](#footnote-ref-3)
4. Gaus refers to this as the ‘Basic Principle of Public Justification’ (2011, 263). [↑](#footnote-ref-4)
5. The next two sections borrow heavily, sometimes verbatim, from the definition of public reason theories of justice that I developed in Director (2018). For purposes of clarity, I have borrowed from the definition section in my 2018 paper. None of the argument from that paper is used here. [↑](#footnote-ref-5)
6. Gaus adds that these reasons cannot be simply reasons that, in the externalist sense, exist in the world; rather, ‘unless a person has the requisite beliefs and desires that would motivate her to ɸ, or she can deliberate her way to them, there is no reason for her to ɸ’ (2011, 233). [↑](#footnote-ref-6)
7. For an argument that public reason should not include an accessibility requirement, see Vallier (2011b). [↑](#footnote-ref-7)
8. For a summary of these distinctions, see Vallier (2011b, 367). [↑](#footnote-ref-8)
9. As Quong says, ‘virtually all proponents of public reason favor an idealized account of the constituency of public reason.’ [↑](#footnote-ref-9)
10. See *Political Liberalism* 48-61. My argument will apply to all versions of the reasonableness idealization. [↑](#footnote-ref-10)
11. See Rawls (1999), Cohen (2004, 2010), and Reidy (2004). These GPR theorists have not used GPR to justify a global state, but they have argued for it as a theory of global justice. [↑](#footnote-ref-11)
12. For Rawls’ account of GPR, see the section in *The Law of Peoples* (54-58) and (121-128). [↑](#footnote-ref-12)
13. As Costa says, for Rawls, GPR ‘has a role that is analogous to the public reason employed within a constitutional democratic regime’ (58). See Rawls (1999,122-123) for more on this point. [↑](#footnote-ref-13)
14. Smith adds that ‘global public reason is a shared vocabulary that peoples must employ when…debating the design and decisions of global cooperative arrangements’ (118). [↑](#footnote-ref-14)
15. In *The Law of Peoples* (10 and 30-34), Rawls models a two-step hypothetical Original Position. [↑](#footnote-ref-15)
16. As Thrasher says, ‘public reason theories are highly abstracted versions of a kind of social contract argument’ (2017, 4). [↑](#footnote-ref-16)
17. Nozick (1974), Dworkin (1973), Simmons (2001), and many more reject hypothetical consent theories. As Dworkin famously put it, ‘a hypothetical contract is not simply a pale form of an actual contact; it is no contract at all’ (501). For a recent defense of hypothetical consent, see Stark (2000). For Gaus’s discussion of hypothetical consent, see Gaus, 2011, 264-267. [↑](#footnote-ref-17)
18. There is disagreement about whether the result of a hypothetical deliberation must be unique/determinate, leading to a single set of principles. Rawls thought that the deliberations of the parties in the Original Position would yield a single set of principles. Similarly, Thrasher argues that ‘bargaining theories of justice require a unique solution to the bargaining problem, they require that there is one and only one rationally correct conclusion about how to divide the benefits and burdens of social life’ (Thrasher, 2015, 684). Gaus disagrees and argues that ‘the most we can achieve…[is] a (nonempty, nonsingleton) set of optimal eligible proposals’ (2011, 43). [↑](#footnote-ref-18)
19. On this point, Thrasher (2017) says ‘simply showing that *some* idealized agents could choose or agree to some set of principles would hardly show that we have any reason to endorse or comply with those principles. There must be a relationship between the reasons of the representative choosers in the constructivist model and the reasons of real people’ (Thrasher, 2017, 3, emphasis original). [↑](#footnote-ref-19)
20. Rawls disagrees with this and argues that representatives of non-democratic but ‘decent’ peoples can accept principles of justice on behalf of those who they purport to represent. [↑](#footnote-ref-20)
21. For a description of the methodology of this survey, see Kekic 8-11. [↑](#footnote-ref-21)
22. According to the Kekic, there are 192 independent states in the world. If 85 are non-democratic, this comprises 44 percent of all countries. [↑](#footnote-ref-22)
23. Rawls (1971, 219) seems to agree with this. [↑](#footnote-ref-23)
24. For discussions of stability in the context of domestic PR, see Gaus (2013), Weithman (2010), Thrasher and Vallier (2015), Kogelmann (2018). [↑](#footnote-ref-24)
25. As a helpful referee comment made clear to me, this dilemma can also be rendered in Thrasher’s terms. As Thrasher articulates it, public reason theories must satisfy three conditions: ‘constructivism, representation, and stability’ (2017, 3). Rather than viewing my dilemma as one about consent, we could also understand my dilemma as claiming that GPR cannot satisfy all three conditions and that if it fulfills the constructivism condition, it fails to fulfill the representation and stability conditions. [↑](#footnote-ref-25)
26. I am thankful to an anonymous referee for raising both of these objections. [↑](#footnote-ref-26)