

## Multi-level citizenship: causes and opportunities

Keynote speech at Conference on The Dynamics of Citizenship in the Post-Political World, Department of Political Science, Stockholm University, May 26 2010

-----Speaking notes, do not cite -----

### Introduction

We are guests in Sweden, a nation state with an exceptionally high standard of living, distributed extremely equally among the citizenry, scoring very high on the Human Development Index, and registering very high levels of political trust in government (Follesdal, 2002b, Follesdal and Wind, 2009).

Even as visitors we have a rough idea of what is expected of Swedes as citizens living under such close-to-ideal institutions: How they should act to protect, respect and promote human rights, *including* how Swedes should exploit their democratic rights: they must do their part to maintain just institutions, and comply as called for.

Our conceptions of democracy and human rights are well suited to assess Swedish institutions, and citizenship. But should similar standards apply to institutions above the state? And to non-state actors that act across political borders? What sort of citizen obligations should Swedes – and we – take on, in our multi-level and less just global order?

Globalisation consists of, and causes, profound changes in the opportunities, objectives and obligations of states, international and regional organizations, multinational corporations – and us as individuals. What we do, and can do, individually and collectively, is affected by and impacts other actors across state borders. This fact of globalisation raises intriguing challenges to perceived notions of citizens' obligations and rights.

What should we expect of one another, and of 'our' government and institutions of governance – domestically and as 'citizens of the world'? What does citizenship entail for someone who is not only a citizen of a state, but who also finds themselves citizen of the world? We must consider both the 'passive' rights of citizenship – the protection of various human rights – and the 'active' rights of citizenship: the democratic rights of political participation as equals.

### *Citizens of the World*

Talk of citizenship beyond state borders is not new. Indeed, we find several - competing - conceptions in ancient Greek and Roman political thought (Follesdal, 2002a).

\*When asked which was his country, Socrates insisted that he was a citizen of the world, rather than an Athenian or a Corinthian. \*Likewise, when asked where he came from, Diogenes answered that "I am a citizen of the world". Their notion of citizenship beyond the city-state was meager – For Socrates and Diogenes, citizenship of the world did not include *any* legal rights beyond borders. And in addition, in contrast, as Athenian citizens – the privileged set of free men – they would enjoy active rights to political participation. - It seemed to *replace* traditional

citizenship rights and duties.

In comparison, the Roman Empire recognized and even encouraged *dual* citizenship, with loyalty both to the local community and to Rome. This arrangement allowed citizens of Rome freedom of movement and trade within the Empire. Still, the Roman notion of dual citizenship had its drawbacks, both for the individual and for the political order.

To be a citizen of Rome usually only provided status or passive citizenship in the form of *protection*, - some of what we now think of as human rights - rather than *active* citizenship rights to political participation, enjoyed only by the patrician class. Dual citizenship also created dual loyalties in the populations of the Empire, which led to unresolved conflicts (Toynbee 1970, Clarke 1994).<sup>1</sup>

### ***Globalisation – Multi-level governance***

Several of these challenges to our conceptions of citizenship are closely linked to the changing role of the unitary nation state in the global legal, political and economic order.

Two central changes to the capability set and responsibilities of the state are often subsumed under ‘multilevel governance’ (Caporaso, 1996, Marks et al., 1996, Follesdal et al., 2008). They both merit particular concern, both among empirical political scientists and for normative political theory.

\* We live as individuals under rules imposed by *public authorities at several territorial levels*: \*the state, \*regional political orders such as the EU, and \*International bodies such as those of the UN Security Council. How if at all can we sustain political obligations toward several such units, as members of several ‘commonwealths’? What happens when they conflict, what ‘shared identity’ does each require? Can and do all of them need to be democratically accountable? Can this multiplicity of territorial sites of political authority enhance human rights, in ways that respect, protect and promote these rights? – or do these developments hinder the prospects of democracy and human rights?

\* Multi-level governance is also used to signify the increased formal and informal influence of non-state, *private actors in public regulations*. How should we assess these trends, e.g. in the form of \*‘New Modes of Governance’ in the EU (Héritier, 2002, Follesdal, 2010?-b); or \*the role of multinational corporations in specifying their tax obligations in host countries? What risks and opportunities arise when \*entities with such drastically different objectives as states and multinational corporations negotiate rules of the games they – and we – must play?

\*What should we make of such ‘responses’ as \*‘multi-level’ citizenship; political consumerism (Micheletti et al., 2004, Micheletti and Follesdal, 2007), \* ‘socially responsible investing’ (Nystuen et al., 2011), or \*‘corporate social responsibility’, in response to globalization? Are they, as the sceptics claim, temporary, second-best band-aid solutions? Or are they, as optimists hope, components of new multi-pronged conceptions of citizenship, for our present circumstances where each one of us find ourselves a member of several political commonwealths at different territorial levels, i.e. with several political identities and loyalties; and where each of us is a

national citizen, but also a consumer, and often employee and investor?

In short: How can we best respond to the challenges of fragmentation, dispersion or even evaporation of responsibility formerly squarely placed with the state; gaps in protection and promotion of others' vital interests; and deep conflicts among different sites of authority in the multi-level political order?

I would like to take this opportunity to contribute to the fascinating conference that lies ahead, not so much by offering my preferred philosophical answers to these challenges, but rather to provide two forms of input for our discussions. One is a suggestion about the causes behind the challenges to our established conceptions of a legitimate political order, formerly known as the sovereign state. Secondly, I want to draw attention to some of the normative issues that seem most urgent – questions that I believe require meetings such as these to answer: they require both empirical and normative research, among scholars eager to learn from each other.

## **1 Why globalisation requires us to reconfigure citizenship**

### ***1.1 Normative premise:***

Cosmopolitan Justice:

We have developed some of the perspectives from the \*Ancient Greeks...

\*H.G. Wells; - and taken over by \*Bodyshop

"Human beings are rights-deserving subjects of equal moral worth "

Explication: Moral Cosmopolitanism (Follesdal, 2010?-a):

Justification of shared practices and institutions is owed to every person as moral equals: as parties worthy of equal concern and respect.

NOT Institutional Cosmopolitanism: that the world order should be one of a universal republic, such that global distributive pattern of benefits and burdens should be independent of the borders of states or other political units.

### ***1.2 Globalisation***

Widening and deepening of relations and institutions across space: Our actions and practices systematically and mutually affect others across territorial borders (Held, 1995, 21).

Often of great mutual benefit, economically, culturally, ....

HERE: some of the disadvantages

Increased *Complex Interdependence* among individuals and organisations globally, without a common government.

Challenges perceived obligations of states, corporations and citizens

### ***1.3 Distribution of responsibility among states, and between public and private actors – the 'standard case'***

When the sovereign state developed, - and political philosophy concerned itself

mainly with that, the powers of the unitary state was the main topic of attention  
\*

When the sovereign state was the main subject of normative concern, it had main responsibility for many normative requirements: \*

*Respect vital interests*: No one must damage the vital interests of others

*Protect vital interests*: The vital interests of all must be protected against threats by third parties.

*Secure important 'Public Goods'*: Institutions should be in place to help individuals create valued benefits that benefit all, yet cannot easily be obtained due to coordination problems. Such goods may include those central to markets: the enforcement of contracts etc.

*Distribute and redistribute benefits and burdens fairly* by means of taxation, tariffs.

\*The moral obligation of Corporations could be limited: they did not have to aim for the general good. Instead – as Adam Smith argued – \* they could act within governmental regulations to create economic value for owners and consumers

\*The role of civil society including – Religious institutions, NGOs, media, universities: was to secure other social functions: socialise to responsible citizenship, monitor the powers that be..

#### ***1.4 Drivers of globalisation: Global Markets, sought by states ...***

Not new:

A merchant, it has been said very properly, is not necessarily the citizen of any particular country. ....

a very trifling disgust will make him remove his capital, and together with it all the industry which it supports, from one country to another

Smith, 1954

\*In short: Capital has become Citizen of no country

Why business may maximize its own profit and self interest

What IS new:

**The density, speed and impact of global *economic* interdependence:**

- The digital economy
- Globally integrated financial markets
- Large transnational corporations

**Increased global *political* interdependence:**

- Governments previously had more de facto control over tariffs, monetary policies, and taxation levels.
- Thereby a government could 'embed' economic liberalism by a domestic 'grand social bargain' that shared the adjustment costs when opening up to international competition, and buffer by social protection schemes and safety nets.
- Governments have agreed to make some of these instruments unavailable

- **Power and policy options shifts from states toward corporations** (John Ruggie: 'Embedded Liberalism' (Ruggie, 1982, Ruggie, 2003))
- The global mobility of capital forces governments to compete to attract and keep multinational corporations that demand cheap resources and labour

IN brief:

Governments are no longer rule makers, corporations no longer mere rule takers

...

Governance Gap

## **Changed power and opportunities – and responsibilities**

Changes in the opportunity space and relative power must lead us to reconsider the division of moral responsibility between government, corporations and civil society.

When a single government *cannot*, *who* shall honor Cosmopolitan Justice

- *Respect vital interests*: No one must damage the vital interests of others
- *Protect vital interests*: Someone must protect the vital interests of all against threats by third parties.
- *Secure 'Public goods'*, including those required for a market: enforces contracts...
- *Distribute and redistribute benefits and burdens* by means of taxation, tariffs..

Two important options – both of which we will pursue these days:

States must cooperate more, creating more organizations and binding institutions at several territorial levels

Corporations must be called upon to take on some of the responsibilities.

In either case: \* Citizens must take on new obligations out of respect for foreigners.

Citizens cannot claim – as Socrates and Diogenes seemed to hold – that they have no normative obligations to any domestic order. Instead: there are new, MORE obligations...

## **2 Research challenges**

I have understood the description of our 'post-political world' to mean that it is multi-level in the two senses I have described: political authority is dispersed territorially, and nonstate/private actors participate in public power – clearly require and merit critical scrutiny by scholars. At the same time, these developments tempt us to scrutinize received standards of normative legitimacy, such as human rights and democracy,

Let me now point to some important research issues

### *2.1 Theoretical issues concerning Human Rights and Democracy*

#### **How to 'reconceptualise' \*human rights and \*democracy for new settings?**

What reasons do we have to value these standards, - within the nation state and beyond? How must they be transformed in order to be brought to bear on these new, non-state political orders?

The new definitions and social functions must remain sufficiently close to 'traditional' usage applied to the 'special' domestic case (Erman, 2009). We must 'explicate' these normative standards, and these mechanisms of the rule of law and popular participation and control – for settings outside their 'origin' within the nation state. For instance: Must global democracy include institutional mechanisms by which policy makers are held accountable to citizenry? Need there be political parties? What role should majority rule have in multi-level political orders? Let me expand on some points:

**- \* Tensions between democracy and human rights: domestically – And multi-level?**

the two normative standards or ideals stand in a somewhat troubled relationship even domestically, especially in 'well-functioning' democracies (Waldron, 2006, Bellamy, 2007, Follesdal, 2009b). How are they to fit together internationally? Can we have both? Do we need both (Follesdal, 2008)?

**- What 'social functions' should human rights and democracy serve at levels above the state?**

How might international human rights, and democratic mechanisms of accountability at levels above the sovereign state, figure both as ends and means – as standards and strategies – for a legitimate global order?

Within unitary states, human rights have constrained central authorities, to protect individuals' vital interests against standard social risks. In a multi-level political order, other risks emerge. What new roles should human rights play – and what reasons might there be to hold that all of these regulations merit the label 'human rights' (Follesdal, 2006)?

Within a state, political equality in the form of democratic accountability has served to ensure that the authorities remain sufficiently responsive to the best interests of individuals, and distribute benefits and burdens fairly among them.

This seems to be largely an empirical claim that will have to be substantiated.

It remains an open question whether similar generalizations are true for democratic accountability mechanisms above the state. If so, 'post-political' citizenship should include such political rights at several geographical levels.

**2.2 Prospects for Democracy above the state?**

Some look in vain for the preconditions for democracy at the international level. Can there be a sufficiently vibrant civil society, can there be enough political arenas among sufficiently other-regarding citizens of different states?

Some scholars discern an increase in 'multilevel' deliberative opportunities and spaces above the state. I would agree, but I am still reluctant to count this in favour of the 'democratic quality' of such a political order, in the absence of institutionalised mechanisms of electoral accountability.

Consider this debate with regard to the European Union.

Several authors worry that there is not sufficient mutual respect and solidarity

among Europeans. There is too little in the way of shared values and beliefs, and insufficient opportunities for public discussion in a common language, to make democratic rule a plausible mode of decision making. There is no common 'demos' – at least not yet (Weiler 1995, Kohler-Koch 1999), there is a lack of common language, media or public discussions among the European citizenry, with no shared identity weak political parties etc. In the absence of opportunities for taking others' weal and woe into consideration through public discussion and scrutiny, majority rule runs the risk of tyranny.

Several authors –also present here - argue that this may be temporary; (Grimm 1995, Abromeit 1998, 32; Habermas [95] 1998). The institutions may themselves help foster just European patriotism, solidarity and compromise. (Rawls 1999, 134; Habermas 1994).

In addition, in a multi-level world order, only *some* issues and aspects of individuals' well being need to be heeded globally – while many concerns will be the tasks of regional, national or sub-national political bodies.

Finally: Many note that for some such issues there is already signs of widespread if not global concern. Evidence ranges from tax payer – and political party - support for international development assistance, emergency relief and environmental measures, Political consumerism action, to emerging transnational civil society organizations in areas such as human rights and the environment (Keck and Sikkink, 1998; Price, 2003; Ruggie, 2004). Thus, the prospects for a sufficiently vibrant public debate that shapes individuals' preferences are not completely bleak.

But: To trust a majoritarian system, the minority must be assured that the majority will consider their plight. Parties are not fully developed and functioning at the EU level, and certainly not at the global level. So we should be wary of establishing majoritarian democratic arrangements - too soon, for all issue areas.

### ***2.3 Democracy and human rights – learning from the federal tradition?***

I submit that some of the more promising ways forward to address these issues may draw from a combination of liberal political thought and the federal tradition - of the USA, India, Canada, Switzerland (Rawls, 1971, Scanlon, 1998, Karmis and Norman, 2002, Follesdal, 2006, Follesdal, 2009a).<sup>2</sup>

- the roles of human rights,

- how to reduce the 'democratic deficit' of the EU (Follesdal and Hix, 2006).

- How to create institutional and cultural sources of self-sustaining stability and support for these arrangements, and how to allocate - and re-allocate - authority in justifiable ways.

- How maintain 'dual' loyalty, to the own state and to the higher levels of authority? For federalism is not 'post-political', but ADDS a layer of political issues and loyalties.<sup>3</sup>

### ***2.4 The responsibilities of Non-state/Private Actors***

- Should Transnational corporations be governed democratically? What would that mean? – stakeholder influence on the boards?

## ***2.5 Prospects for\* Effective Regimes for Corporate Social Responsibility?***

Is it possible to hold economic actors such as transnational corporations accountable, to normative standards concerning human rights – if not democracy?

*Should* they be held accountable in this way?

We witness several intriguing developments concerning how to make multinational corporations more respectful of human rights:

John Ruggie's work within the UN (Ruggie, 2007, Ruggie, 2009).

- Political Consumerism: citizens using their purchasing power to boycott or boycott corporations (Micheletti, 1999, Micheletti et al., 2004, Micheletti and Follesdal, 2007)

- Socially Responsible Investing (Follesdal, 2007)

We see traces of development of norms that affect expectations and minimum standards. How likely are these to flourish? What are enabling conditions, in which sectors, what standards?...

## **\*Conclusion**

I have tried to lay out how processes of globalisation give rise to multi-level governance of two kinds – \*several territorial levels of political authority, and the rise of \*non-public/private actors with great power over individuals.

One of the fascinating results of globalisation is that we as scholars are forced to think anew, deep and hard, about why we have reason to value human rights and democracy – even at the state level. In Sweden, this may be obvious, but in other less stable and secure states the reasoning may be more difficult.

Only when we have clear in our minds why democracy and human rights is required for a legitimate state, can we then start to consider how these norms and mechanisms may be developed further, for our multi-level, 'post-political' world order.

We live in a 'post' political world in the sense that traditional politics of sovereign nation states is not enough to protect and respect all of us as political and moral equals:

the power of non-state/private actors, and of political bodies above the state, create a massive legitimacy deficit of the present global order – as if there was not one before...

I have argued that these processes of globalisation raise intriguing challenges to perceived notions of citizens' obligations and rights, often expressed as human rights and democratic rule. – Can they be transposed for our multi-level political order?

What should we expect of one another, and of 'our' government and institutions of governance – domestically and as 'citizens of the world'? What citizen obligations should and must we take on, in our multi-level and less just global order? – It is not enough to be law abiding, when the necessary laws are absent...

We have considered some of the \*'passive' human rights of citizenship and the \*'active' democratic rights of citizenship: Some of these rights and obligations may be required against different – more – institutions in our new global order.

\* The contents of citizenship must be rethought, for someone who is not only a citizen of increasingly \*powerless states, and a beneficiary of \*economic globalisation, whose corporations are citizens of no country. What are our obligations, when we insist that we are also citizen of the world - .

- BELLAMY, R. 2007. *Political Constitutionalism: A republican defense of the constitutionality of democracy*, Cambridge, Cambridge University Press.
- CAPORASO, J. A. 1996. The European Union and Forms of the State: Westphalian, Regulatory, or Post-Modern? *Journal of Common Market Studies*, 34, 29-52.
- ERMAN, E. 2009. Online Exclusive: On Goodhart's Global Democracy (A critique). *Ethics and international Affairs*, 22.
- FOLLESDAL, A. 2002a. Citizenship: European and Global. In: DOWER, N. & WILLIAMS, J. (eds.) *Global Citizenship*. Edinburgh: Edinburgh University Press.
- FOLLESDAL, A. 2002b. Rawls in the Nordic Countries. *Rawls in Europe, special issue of European Journal of Political Theory*, 1, 181-198.
- FOLLESDAL, A. 2006. Justice, stability and toleration in a Federation of Well-ordered Peoples. In: MARTIN, R. & REIDY, D. (eds.) *Rawls's Law of Peoples: A realistic utopia?* Oxford: Blackwell.
- FOLLESDAL, A. 2007. Ethical Investment and Human Rights: A Norwegian Case. *Nordic Journal on Human Rights*, 25, 420-433.
- FOLLESDAL, A. 2008. Human Rights, Democracy and Federalism - part of the problem or part of the solution? Securing stability in the European Union and the People's Republic of China. *Current Politics and Economics of Asia*, 17, 211-236.
- FOLLESDAL, A. 2009a. *Federalism* [Online]. Stanford Encyclopedia of Philosophy - <http://plato.stanford.edu/entries/federalism/>. Available: <http://plato.stanford.edu/entries/federalism/> [Accessed 2009].
- FOLLESDAL, A. 2009b. The legitimacy of international human rights review: The case of the European Court of Human Rights. *Journal of Social Philosophy*, 40, 595-607.
- FOLLESDAL, A. 2010?-a. Cosmopolitanism in Practice: The case of the Norwegian Government Pension Fund. In: BAILLIET, C. (ed.) *Cosmopolitanism..*
- FOLLESDAL, A. 2010?-b. The Legitimacy Challenges for New Modes of Governance: Trustworthy Responsiveness. *Government and Opposition*.
- FOLLESDAL, A. & HIX, S. 2006. Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *Journal of Common Market Studies*, 44, 533-62.
- FOLLESDAL, A., WESSEL, R. & WOUTERS, J. (eds.) 2008. *Multilevel Regulation and the EU: The interplay between Global, European and National normative processes*, Leiden: Martinus Nijhoff.
- FOLLESDAL, A. & WIND, M. 2009. Introduction: Nordic Reluctance towards Judicial Review under Siege. *Nordic Journal of Human Rights*, 27, 131-141.
- HELD, D. 1995. *Democracy and the Global Order*, Cambridge, Polity Press.

- HÉRITIER, A. 2002. New modes of governance in Europe: Policy-making without legislating? In: HÉRITIER, A. (ed.) *Common goods: Reinventing European and International Governance*. Lanham: Rowman & Littlefield Publishers.
- KARMIS, D. & NORMAN, W. 2002. The Moral Foundations of Federalism: History, Concepts and Theories In: KARMIS, D. & NORMAN, W. (eds.) *Theories of federalism*. New York: Palgrave.
- KECK, M. & SIKKINK, K. 1998. Activists beyond borders: advocacy networks in international politics.
- MARKS, G., HOOGHE, L. & BLANK, K. 1996. European integration from the 1980s: State-centric v. Multi-level governance. *Journal of Common Market Studies*, 34, 341-378.
- MICHELETTI, M. 1999. Put your money where your mouth is.
- MICHELETTI, M. & FOLLESDAL, A. 2007. Shopping for human rights - special issue. *Journal of Consumer Policy*, 30.
- MICHELETTI, M., FOLLESDAL, A. & STOLLE, D. (eds.) 2004. *Politics, products and markets: Exploring political consumerism past and present*, New Brunswick, N.J.: Transaction Press.
- NYSTUEN, G., FOLLESDAL, A. & MESTAD, O. (eds.) 2011 *Corporate Complicity, Human Rights Violations and Disinvestment: Legal and Philosophical Perspectives (to appear)*, Cambridge: Cambridge University Press.
- PRICE, R. 2003. Transnational Civil Society and Advocacy in World Politics. *World Politics*, 55, 579-607.
- RAWLS, J. 1971. *A theory of justice*, Cambridge, Mass., Harvard University Press.
- RUGGIE, J. 2009. Business and human rights: Towards operationalizing the “protect, respect and remedy” framework. *Human Rights Council*
- RUGGIE, J. G. 1982. International regimes, transactions and change: embedded liberalism in the postwar economic order. *International Organization*, 36.
- RUGGIE, J. G. 2003. Taking embedded liberalism global: The corporate connection. In: HELD, D. & KOENIG-ARCHIBUGI, M. (eds.) *Taming globalization*. Cambridge: Cambridge University Press.
- RUGGIE, J. G. 2004. Reconstituting the global public domain: issues, actors and practices. *European journal of international relations*, 10, 499-531.
- RUGGIE, J. G. 2007. Business and human rights: the evolving international agenda. *KSG Faculty Research Working Paper Series 07/029*.
- SCANLON, T. M. 1998. *What we owe to each other*, Cambridge, Mass., Harvard University Press.
- SMITH, A. 1954. *An inquiry into the nature and causes of the wealth of nations*, London, Dent.
- WALDRON, J. 2006. The core of the case against judicial review. *The Yale Law Journal*, 115, 1346-1406.

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<sup>1</sup> [European Union Citizenship is closer to this Roman practice than to the Greek vision of cross-border citizenship. Union citizenship carries clear legal implications fostering freedom of movement and trade, and is intended to supplement, rather

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than to replace, national citizenship. Dual citizenship also means that the European Union must come to grips with challenges of institutionalisation and multiple loyalties. Reflection on the roles and challenges of Union citizenship may teach lessons for global citizenship. Both forms of citizenship create aspirations to a human rights respecting, and democratic political order with a scope beyond existing states. Union citizenship and global citizenship both face challenges regarding institutions and political culture aspiring to treat all affected individuals as equals. ]

<sup>2</sup> Federalism concerns political orders where final authority is divided between sub-units and a center (FOLLESDAL, A. 2009a. *Federalism* [Online]. Stanford Encyclopedia of Philosophy - <http://plato.stanford.edu/entries/federalism/>. Available: <http://plato.stanford.edu/entries/federalism/> [Accessed 2009].). Units at each level have final authority and can act independently of the others in some area. Some of the insights of federalism help inform assessment of the legitimacy of the EU:

<sup>3</sup> I submit that there is more to be learned about the challenges and benefits of such 'non-state' federal elements, be it under intriguing new conceptions of 'cosmopolitan empire' (Beck 2010 and Grande 2010), or demoi-cracy and democratic federalism (Mueller 2010).