SPEECH: ASSESSING THE PROPOSAL FOR A GLOBAL
PARLIAMENT: A SKEPTICS VIEW

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Thank you very much. This is an exciting conference, and I'm thrilled to be here, although I have not been involved in the project of promoting the idea of a global parliament. Nevertheless, I was very moved this morning by Andy Strauss' opening remarks and his jumping off point for the symposium seems to be exactly right. He eloquently voiced the sentiment that our global governance structure is not up to the political challenges of the contemporary world, whether one is thinking of social and economic exclusion, or environmental challenges, or public health challenges, or any number of other issues. The institutional arrangements outside the nation state are simply not up to contesting and remaking the most significant policies and regulations that might have some impact on those problems.

That said, I remain skeptical of the parliamentary idea as the way forward. Not at all because it's unrealistic—to remake the political order, we must sometimes think unrealistically. My worry is that the image of politics embedded in the proposal for a global parliament seems outmoded, even part of the problem.

First, the global parliament project seems to ride on an assumption that our domestic political order is up to the challenges of contemporary life, and that its parliamentary form is part of the reason why. As a result, it seems sensible to try to extend what we're doing here to the global level. I am simply more skeptical about our national public capacity, and unpersuaded that the best way to think about our own system is to focus on its parliament. I am certainly not alone in feeling that our national government lacks—think only of Katrina. Of course, we who live in Blue states tend to think Katrina shows the importance of building public capacity, but we forget the equally plausible lesson one might draw—government repeatedly screws everything up, and all you can do is move to a gated community and forget it. This is more than implementation difficulties. The proposals most hotly debated in government often seem wildly out of line with the underlying problem. You can talk about the Kyoto Protocol all you want, but even if it were enacted it would not solve global warming. But it is not simply the disconnect between the threat politicians evoke and the tools they propose to address it. In our own governance system, it seems increasingly difficult to find opportunities to contest or reformulate policies that do influence the order of things.

In part, this seems true because our politics, nationally and internationally, no longer has a center. The decisions which affect the distribution of things are not made in a parliament—they are made in the capillaries of economic

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and social life, by experts, officials, private actors, and public officials. There is no concentrated point of deliberation condensing contestability and choice. There are the morning talk shows and the mid-western dinner parties and the meetings of lobbyists and regulators. The center of political life is slipping off in a variety of directions.

This was brought home most clearly to me working as a lawyer in the European Union. No matter whom you talked to, they would tell you the decision was someplace else—it was actually the Member States, or it was the Council, or it had been the Commission, or the Working Group, or the Court. This is in part because actors and forces other than governments have become increasingly important—precisely as Richard Falk has insisted here today.

The problem is not that everything is "really" decided by something called "global capital" or some group sitting on Wall Street. The problem is the erosion of the capacity of anybody to make that kind of focused decision—the emergence, if you will, of large and small-scale semi-autonomous systems of a variety of sorts, which we call the "economy" or "globalization" or the media or technocracy. Whatever we call it, the sense that we are increasingly governed by semi-autonomous systems poses a challenge to the form of politics that would find a world parliament, were we to set one up, useful.

It is striking how true this is in our own context, even for something which seems as concentrated as the "war power." We debate whether it is the President or the Congress who makes war—but the reality is far messier. The power to make war is shared among thousands of people and institutions. The Iraq War incubated in the background of a think-tank here and a think-tank there. Of course, in some way, President Bush could have turned the whole thing off, and must have done many small things to get and keep the momentum going, but by the time the decision got to the Security Council or even to President Bush, a great deal of water was already under the bridge. Pulling back would already have costs—the decision, as presented, was already shaped. And this is true for every important political actor, whether a government Minister, an EU Commissioner, or a CEO.

As a result, I'd like to develop a map of governance that would not treat the existing public entities as the units out of which we would aim to build a new global political order. In my picture, the thing that really needs more attention than it's gotten is the work of professionals and experts working in the institutions that operate in the background of public and private life. These are economists, lawyers, marketing people, media people, journalists, academics, professors, but also parents, teachers, and a wide variety of people who are doing things in these semi-autonomous systems where they have roles. These people are not simply giving advice; they are participating in rulership, often with the very clear sensibility that they are doing no such thing. In this, they resemble judges in many respects. A new global politics would need to find a way to awaken these people to the experience of their own judgment as political and contestable.

The question, for me, is not how we would build a global parliament, but how we would develop international, national, and local politics that would expand public capacities in the face of these encroaching semi-autonomous economic, cultural and other kinds of systems. And my way of thinking about that is not to focus on participation and representation, nor to focus on trying to establish an institutional center. I mean, what, in the end, would a global parliament do? It would adopt uniform legislation. That's what parliaments do. Maybe there would be a mix and match system, of global and local parliamentary activity, like they have in Europe, but in one or another way, a parliament would legislate.   But legislation no longer seems able to control the operation of these many semi-autonomous systems.   As a mode of governance, legislation is outmoded.

Moreover, the effort to set up a global parliament is, in some sense, constitutional—the parliament would be established by a legal document of some sort.   I'm not a constitutional lawyer, but my sense is that the United States Constitution is a pretty poor description of how power is actually constituted in American society. It's interesting as an idealized description of a few institutions, but the forms of political and public life are mostly just not described in the constitution; and one needs to search elsewhere for their description.   I suspect much the same would be said about the global constitution establishing a global parliament.

As a result, my own orientation in thinking about building a new politics does not lie in constituting the world anew. My focus is rather quickening the pace and emotional tenor of decisions in the background institutions of life in such a way as to awaken a sense among actors there that they do govern, that they have discretion, that they can act to change their institutional arrangements. The objective would be to multiply the sites at which decisions that effect the distribution of things can be contested.   Multiply the sites, rather than condensing them in a center. So, it could be local, could be inside a corporation, it could be inside a church. It's where decisions are taken when these systems focus on expanding the possibility of contesting them.

Secondly, I would aim for heterogeneity of solutions and heterogeneity of approaches and a large degree of experimentation, rather than an improved legislative process. My sense is, we're going to have to build public capacity in small local spaces that will have to defend their public sovereignty against the encroachments of these technical systems, including whatever a new global parliament comes up with. So, I want cities that can experiment with public capacity in the face of the nation as kind of a state's rights argument, but in an open-ended global multiplied system.

And the same for ethics. Rather than aiming for a universal ethics, I would imagine taking a break from the tradition of propounding human rights norms and start over with the idea of expanding the possibilities for dialogue and communication among different ethical systems. We don't need an improved institutional platform upon which self-satisfied global ethicists can speak for the universal against those who must be cast out from the community of the universal.   We need heterogeneity, interaction, and ethical pluralism.

One way to think of what I have in mind is an altered posture for people who think of themselves as experts, rather than rulers—opening people up to the human experience of responsible discretion and freedom. An example would be reporters in Iraq who encountered soldiers overcome with remorse after having slaughtered some people, whether insurgents, soldiers, or civilians. Back in their base, they would be counseled back to duty by their chaplains or their officers, who would say it was necessary, it was just. You were ordered to do it, the damage was "collateral." It was all okay. Now this counseling, in the language of legal expertise—proportional, necessary, collateral—is rulership, and it offloads responsibility and dulls the experience of remorse and responsibility. I would prefer soldiers who kill people be left with that experience—that we arrange our expertise to awaken them to that experience, and allow them to fashion their own ethical response.

In institutional terms, one can, of course come up with utopian heuristics alternative to a global parliament. For example, perhaps every person on the globe would be born not only into citizenship and a passport, but also granted a once in your life five-year residence visa for the country of your choice; or in elections everyone gets three votes and can cast them in any election they feel motivated to participate in; or rethinking the United Nations to focus on cocktails of policy rather than uniform solutions; or having "policy juries" of citizens who decide whether or not to drop bombs rather than experts who would consult with them on television and so on. I am not at all sure these would be good ideas—they surely are not politically practical, but as utopian heuristics, they point in a different direction than the idea of a global parliament.

One last point—the proponents of a global parliament stress repeatedly its practicality. They have thought it through, and imagine its creation in a series of small steps. Indeed, the whole thing is done in a tone of modest reform. I must confess it is hard not to hear this at least in part in the key of irony, but still, the intention seems sincere, earnest, pragmatic. For my taste, it is altogether too earnest and practical, actually. I do not think we can build a democratic global public capacity through modest reform.

Looking back, I am afraid my sense is that politics gets remade through much more rupturing historical forces when the rising aspirations of the world's middle classes clash with the elite's inability to address these basic problems. When tension along this fault line becomes strong enough, something will happen. I doubt that whatever blueprints we place on the shelf will then be dusted off for implementation—the people who rupture our political world will build it anew in their own way.

We see some promising revolutionary possibilities out there which might well be forerunners for the energy necessary to remake our global political life—the emergence of left leaders across Latin America, the emergence of tribal nationalism in so many places, the rise of religious fundamentalism, even the Iraq war, as an expression of a revolutionary project of a dissatisfied

American middle class experiencing its vulnerability.   Any of these might be the sign of something breaking through.   As might the disaffection with the European project mentioned this morning.   However it happens, and through whichever of these forces, the results could well be terrible.   There are few historical examples of revolutionary political shifts getting it right the first time.   That said, what we might do as intellectuals, is keep our critical faculties intact, sharpen our ability to understand what is missing and ways to point toward which might yet be—proposals for a global parliament might well be part of just such a heuristic project, and I have benefited greatly from the opportunity to discuss the project with you here.