



PART  
1

# CONCEPTS OF GLOBAL CIVIL SOCIETY

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## CHAPTER 1

## 'GLOBAL CIVIL SOCIETY': A SCEPTICAL VIEW

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## Introduction

This chapter aims to raise scepticism about both the conceptual and the practical foundations of 'global civil society'. We describe, and then challenge, a widely received, standard account of what it means for international non-governmental organisations (NGOs) and international social movements to be described as constituting 'global civil society'. In particular, we are dubious about the very application of the term 'global civil society' to the international NGOs and new social movements said to comprise it.

We are sceptical, first, of the claim that transnational or international NGOs constitute 'global civil society', at least if this term is intended to draw upon on the conceptual machinery of 'civil society' as understood to apply in a settled domestic democratic society. This claim, in our view, is misplaced; indeed, we find the term 'global civil society' conceptually incoherent. Our argument goes on to consider why, however, if our scepticism is indeed justified, such inflated ideological claims are made so as to convert international NGOs conceptually into 'global civil society'. We also consider other, better, ways of viewing the rise of transnational and international NGOs, including as a quasi-religious movement and as a revival of the post-religious of the earlier European and American missionary movements. Alternatively, we suggest, the global civil society movement might better be understood as imagining itself as the bearer of universal values, both operating in the teeth of globalisation and yet simultaneously using globalisation as its vehicle for disseminating universal values. It may be even better understood as a movement seeking to universalise the ultimately parochial model of European Union integration.

We are sceptical, second, about whether the values that the global civil society movement embodies are, indeed, as desirable as the movement's supporters would claim. Specifically, the fundamental moral values of the global civil society movement appear to be about human

rights rather than democracy. Despite valiant theoretical attempts by global civil society theorists to find ways to satisfy the requirements of democracy while recognising the limits of electoral participation in something intended to encompass the whole world, we argue that the 'democracy deficit' of the international system is buttressed rather than challenged by the global civil society movement, despite its commitment to human rights. Indeed, we argue, the global civil society movement seems to present human rights as a set of transcendental values and as a substitute for democracy, whereas, we would have thought, each ought to be considered indispensable. But, if this is the case, why is it so? We argue that it is best understood as intertwined quests for legitimacy both by the NGOs said to make up global civil society and by public international organisations such as the UN. We suggest that each legitimises the other in a system that is not only undemocratic but also ultimately incapable of becoming democratic. This, we argue, is what drives the severe inflation of ideological rhetoric surrounding claims about 'global civil society'.

The final question addressed in this discussion is deliberately speculative, and we do not pretend to finality in our responses. Nonetheless, we pose the question: what does the discourse of 'global civil society' mean post-September 11 and in the midst of conflicts in Iraq and Afghanistan and the war on terror? We tentatively suggest that, following September 11, sovereignty and democratic sovereignty are back at the centre stage of political discourse. This, we suggest, is as true for states as it is for international organisations such as the UN. One consequence is, perhaps, that since September 11 attention has shifted away from 'global civil society', considered as a marker of international legitimacy, and back towards relations between powerful states, the superpower, and the UN Security Council Global civil society, both as a concept and as a

practice, might be seen by future historians as essentially a 1990s discourse which reached its apogee with the 1999 Seattle protests and the 2000 Millennium Summit but which is frankly much less important in 2004 than it was in 2000.

## The standard account of global civil society

The standard account of the meaning of 'global civil society' (and this is deliberately the simple, unsophisticated analysis written for broad consumption which, while running the risk of caricature, nonetheless highlights some salient features) runs as follows.

Globalisation, it is said, is gradually eroding the authority of sovereign states, which traditionally have exercised control over actions, events, and persons within their borders and, in the case of powerful states, touching their vital interests abroad (Waters, 1995). The processes of economic globalisation are instead transferring unprecedented power to a variety of transnational actors, including transnational business and financial interests. Many of these transnational business actors are familiar Western transnational corporations, such as Shell Oil or Proctor & Gamble; others, however, are much less 'brand-visible' to Western consumers and include the movement of ethnically based diaspora capital across borders, such as the circulation of ethnic Chinese capital around the markets of the Pacific Rim (Chua, 2003). These actors are able to take advantage of the increasingly global nature of economic and many other activities, whereas economic regulation remains fundamentally national because the principle of national sovereignty remains, well, sovereign.

In addition to transnational economic actors, a wide variety of other actors also flourish in an environment in which economic transactions, transportation and, above all, communications are both transnational and inexpensive (Rugman, 2001). These other actors include NGOs of every variety and purpose, leveraging their influence globally through global media and new technologies such as the Internet (Gamble, King and Ku, 2000) The falling cost of worldwide communications, however, has especially favoured the development of transnational social movements. These include not just international NGOs but transnational social movements at a mass and not simply an organizational or institutional level, including the growth of transnational religious movements such as Islam, new social movements such as Falun Gong, as well as a globalised

popular culture. Unsurprisingly, too, these actors also include transnational organised crime, which takes advantage of gaps between state jurisdictions to set up transnational operations in drug trafficking, weapons smuggling, illegal immigration, trafficking in persons, prostitution and the exploitation of child sex workers, and other illegal activities. Finally, of course, there are transnational terrorist organisations, such as al-Qaeda, which rely on a web of globalised economic transactions to finance themselves (including cross-border crime such as drug trafficking), international social movements that provide a base of social support that transcends borders, and cross-border acts of terrorism; transnational terrorism acts, in effect, as a kind of perverse NGO.

One important source of the presumed erosion of sovereignty is the loss of regulatory control over cross-border actions, which produces situations for which regulation is urgently needed, such as cross-border protection of the natural environment (pollution knows no borders). Still, the erosion of sovereignty generally is understood, on the standard account, to be a good and worthy thing (Held et al., 1999). Sovereignty is at best an impediment to the universal good governance of human beings, whose fundamental rights and needs know no borders, and to the ideal of political progress which, in a long intellectual tradition, has been understood to lead to universal political governance for the protection of universal human rights and the provision for universal human needs. At worst, sovereignty has served, on the standard account, to protect regimes that oppress their own people and, perhaps worst of all, that wage war (the right to wage war, after all, was long seen as the defining attribute of sovereignty). A globalising world stands in need of a globalising political authority to regulate it, according to the standard account, less because of the failures of sovereign states adequately to regulate the transactions of the global world than because of the moral deficiencies of the very idea of sovereignty (Beck, 2003).

What is needed instead, therefore, is global governance, ideally exercised by a reformed and transformed United Nations, in order to protect the poor and global labour, promote the global distribution of wealth and the equity of trade, and safeguard the environment, health, human rights, gender equity and many other things. The just claims of global governance are impeded, however, by the residue of sovereignty, and above all by the sovereignty of the world's superpower, the United States, which sees much to lose and little to gain from global governance because of the authority it would have to yield to others over how it uses its



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### Are faith groups part of 'global civil society?'

power. (Although all states would have to cede authority, the more powerful the state, the more power is ceded; and the United States, the most powerful state of all, would have to cede the most power.) This is indeed vexing, on the standard account. And yet the growth of transnational global governance is understood as historically inevitable. It is as natural a process as the consolidation that the United States experienced in the nineteenth century, or the consolidation that the European Union is heroically undergoing today (Giddens, 2000). It cannot help but occur – eventually – for it is not merely a matter of ideology but is materially driven by essentially the same forces that today benefit from an economy which is global in effect but nationally controlled – technology, communications, and transportation especially – but which tomorrow benefit from markets that are both globally open and globally regulated rather than regulated piecemeal by conflicting and counter-efficient national regulators. Be of good cheer – for, on the standard account, the material conditions of history drive forward both the erosion of sovereignty and the final triumph of global governance.

We are, however, at a dangerous historical moment: transnational economic forces are taking advantage of the current vacuum in which national sovereignty is being eroded but is not definitively being replaced by global governance. Much of the burden of sustaining the dream has fallen, ideologically at least, not just upon the existing organs of international governance such as the UN (which is understood even by its friends to be, however noble in original intent, inefficient and weak at best, and venal and lacking in legitimacy at worst), but also upon transnational NGOs (Kaldor, Anheier and Glasius, 2003) This may appear, on the standard account, initially somewhat surprising; who are these self-appointed NGOs to be the bearers of anything besides their own interests and values? Yet international NGOs have gradually taken a leading role in providing what is declared to be the legitimate, and politically legitimising, input of the world's people across a myriad of issues and causes (Tyler, 2003). International NGOs come together to advocate for the peoples of the world, those who would otherwise have no voice, given that the actors they seek to influence, which include both economic

actors and the world's superpower, are globally unregulated.

It is conceptually appropriate, on the standard account, to describe this conglomeration of transnational NGOs and associated social movements as 'global civil society' (or 'international civil society' or 'transnational civil society') because they are civil society organisations that operate on a transnational or international rather than a domestic scale (Keane, 2003). Yet their advocacy function is really analogous, on a global scale, to that of their domestic society homologues. And given that the international arena is far from democratic, their advocacy is all the more necessary because international civil society provides the only voice the 'peoples' of the world have to intermediate on their behalf with transnational actors or international institutions (*The Economist*, 1999)

Nonetheless, it is essential to be clear, even in the midst of delivering this standard account, that those who speak with enthusiasm about global civil society in fact have a specifically value-laden view of it. It is, in a word, institutionalised 'new social movements' – promoting environmentalism, feminism, human rights, economic regulation, sustainable development, and so on – that count (Carothers, 1999). Yet the Roman Catholic Church and many far more politically conservative Christian denominations, for example, are in fact transnational NGOs of great size, resources, members, and energy. But for their politics, they surely would be included as part of 'global civil society' on any politically neutral interpretation of that term. But 'global civil society' is understood by its advocates to be a 'progressive' movement, and thus it contains only certain – politically progressive – NGOs and social movements (Rieff, 1998).

With that caveat to the standard account, therefore, global civil society is thus perceived as the logical continuation of the growth of civil society (or at least of 'progressive' civil society), elevated from the level of merely domestic democratic society. Global civil society is the advocate and intermediary for the people of the world both in the nascent institutions of global governance as well as against those transnational actors – transnational economic actors and the United States, principally – that impede the emergence of global governance that reflects 'progressive' values. Without global civil society, the people of the world have no voice and no representation to advocate for 'correct' values before the world's transnational institutions. These transnational NGOs are properly called 'global civil society' and not merely 'advocacy NGOs' for the

fundamental reason that they are perceived, on the standard account, to speak for the people of the world (Williams, 1997).

## Why 'global civic society' is a misnomer

The claim to be 'global civil society' is at its heart a claim to be something more than merely a collection of advocacy NGOs and social movements with visions and axes to grind on any number of particular topics. Global civil society is claimed to be the international, transnational analogue of that which is called 'civil society' in a settled domestic democratic society. This claim rests, however, on two alleged analogies: between 'civil society' and 'global civil society' and between a settled domestic democratic society (in which civil society is a part of the fabric of domestic society) and an 'international society' or, of one likes, 'international community'. These analogies seem to us flawed, in closely related ways.

The analogy between civil society and global civil society rests on the assumption that the NGOs bearing these conceptual labels can and do play similar roles in very different settings. Civil society institutions that are part of the social fabric of a settled domestic democratic society are able to play the role of single-minded advocates – organisations with an axe to grind and a social mission to accomplish – precisely because they are not, and are not seen as being, 'representative' in the sense of democratic representation (Anderson, 2000). They do not stand for office. Citizens do not vote for this or that civil society organisation as their representatives because, in the end, NGOs exist to reflect their own principles, not to represent a constituency to whose interests and desires they must respond. NGOs in their most exalted form (and there are many hybrid exceptions) exist to convince people of the rightness of their ideals and invite people to become constituents of those ideals, not to advocate for whatever ideals people already happen to have. Thus, voters may listen to what NGOs tell them as lobbyists and advocates but, in the end, NGOs are separate from the ballot box.

True, voters do vote for political parties, which are in some sense civil society organisations. Yet political parties, like labour unions, while non-governmental in certain ways, are historically separate from the NGOs that serve as the touchstones of the global civil society analogy – the crusading or do-gooding organisations that see themselves as bearers of values far more

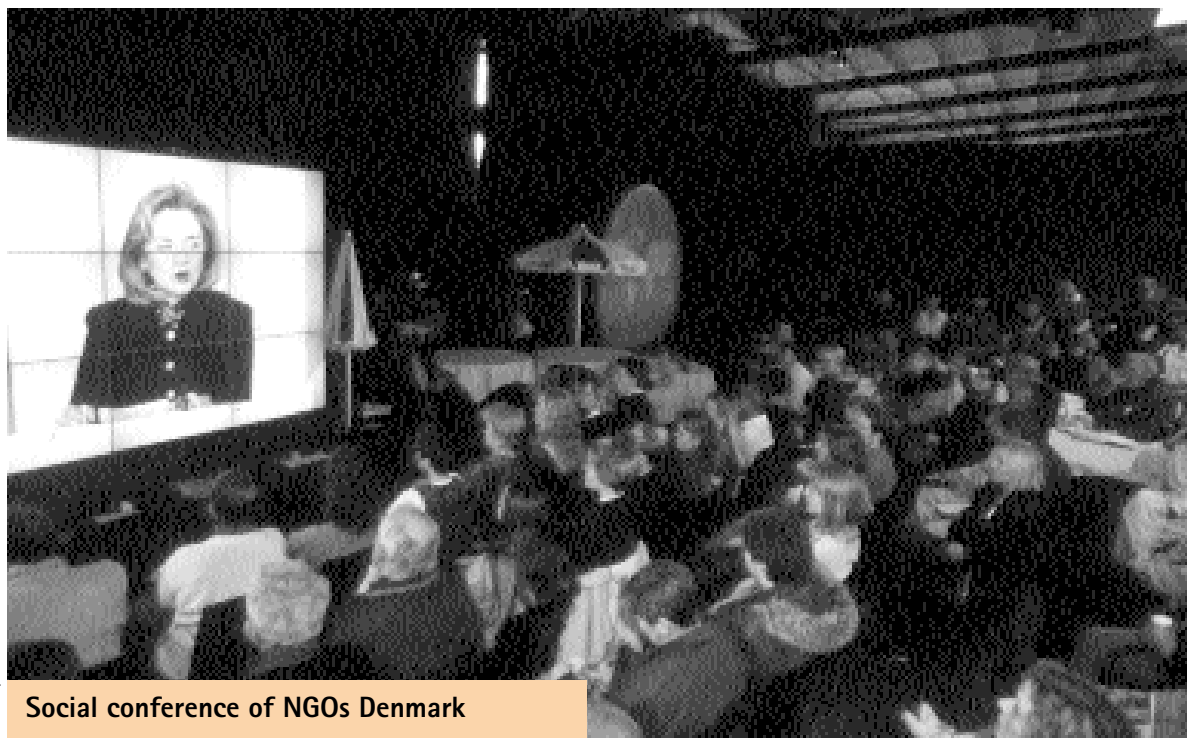
universal than the agglomerated interest groups that are political parties. Certainly those who draw an analogy between global civil society and domestic civil society are thinking, not of political parties, but rather of such examples as the American Civil Liberties Union in the United States, or the Grupo de Apoyo Mutuo of Guatemala (supporting families of the disappeared), or the Grameen Bank in Bangladesh (providing micro-credit and organising development projects among the poor) (Otto, 1996). This partly reflects the view, often justified, among civil society advocates that political parties, when not merely venal, and despite their rhetoric to the contrary at party congresses and conventions, are bearers of interests, not of the universal values disinterestedly held on which civil society organisations pride themselves: global civil society advocates would not necessarily *want* to assimilate themselves by analogy to political parties. At the same time, it has also been observed that in democratic transitions there is an indispensable point when talented and virtuous people, committed to the democratic process, must invigorate the political party process precisely because, responding to multiple interests of multiple groups, it serves a vital social and political integrating function in a way that civil society organisations, remaining isolated in their purity of principle, cannot do (Carothers, 1999). Civil society organisations are therefore the glory of democratic societies, but they are not the electoral institutions of democracy. And because they are not electoral institutions – not representative in the electoral sense – they are free to be pure, unabashed advocates of a point of view, free to ignore all the contradictory impulses that democratic politics requires and the compromises and adjustments and departures from principled purity that democratic politicians must make, and free to ignore entirely what everyone else, the great democratic masses and their leaders, might think in favour of what they themselves believe is the right, the true, and the good (Anderson, 2001).

International NGOs may believe that they play this same role in the international realm but, in so far as they aspire to the legitimacy of 'global civil society', they cannot and do not. The reason is beyond their control: the system in which they purport to advocate is not democratic. And because it is not, their advocacy role cannot be and is not the same; the analogy fails. The difference lies in the claim of 'representativeness' (Annan, 1999a). In a settled domestic democratic society, civil society advocacy claims to represent no one other than itself, and stakes its legitimacy, first, on the right

and value of free expression and, second, on the ability to persuade others to adopt its views. In some cases it might organise itself as a voting bloc, an electoral interest group, but it is striking that within democratic societies the most effective civil society advocacy organisations have no electoral constituencies of their own, but rely on their rational persuasiveness; if they have a constituency, it is the media. International civil society, when it sees itself as global civil society, aspires to a quite different, and much more inflated, set of roles: first, to 'representativeness', and second, to 'intermediation' – to stand between the people of the world and various transnational institutions (Annan, 2000). Civil society organisations in domestic democratic societies do not claim either to represent or to intermediate; they do not stand between the people and their elected representatives, because the ballot box does.

Obviously this scepticism about the analogy between civil society in a domestic democratic society and global civil society in an undemocratic global system is closely related to the second grounds for scepticism, about the analogy between a settled domestic democratic society and what is inappositely (begging the question, as it were) called 'international society' or the 'international community' (Rieff, 1999). Because, plainly, international society is not democratic, international NGOs are deprived of the democratic context in which their (disanalogous) domestic counterparts act. That democratic context, peculiarly, allows domestic civil society organisations to be what we understand as 'civil society' by relieving them of the possibility, the obligation, and indeed the temptation to regard themselves as representatives or intermediaries.

Scepticism about the claims of 'global civil society', therefore, rests on scepticism about its analogy with domestic civil society and about the analogy between domestic democratic society and international society. In each case, the touchstone is the problem of democracy. The claim of global civil society is that it plays the same role as domestic civil society but, because the environment in which it acts is not democratic, it aspires, perversely, to roles that domestic civil society does *not* claim, namely, representation and intermediation. The claim of global civil society elevates the status and reach and importance of what are otherwise merely international NGOs advocating and acting for what they see as the right and the good. It elevates them, however, supposedly to the equivalent level of civil society but by claiming precisely what civil society eschews, because it operates in a democratic



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### Social conference of NGOs Denmark

environment. But the key in these ironies is always the democratic deficit of the international system, and the question whether it can be made up.

Before turning to those issues, however, we should acknowledge the two principal objections to this scepticism about the claims of global civil society. The first objection (which will be taken up later as one of the normative concerns about democracy) is that this account makes too much of democracy and electoral democracy in particular (Held et al., 1999) Domestic democratic systems, it might be said, are not so democratic as all that, and the ballot box is overrated and fetishised in what is really better understood as an agglomeration of interest groups in which NGOs indeed serve as representatives and intermediaries. Democracy is not all that it is made out to be, and our scepticism sets too high a bar by invoking it.

The second objection is a practical one. Even if this scepticism, this lack of analogy, should be acknowledged in some way as true, then is that really a reason for NGOs to pack up their tents, so to speak, and go home? Isn't the proper response to press on for the sake of both their causes and the democratisation of the international system, so that the scepticism is defanged by making the system democratic and the NGOs genuinely a global civil society? The short answer is that our scepticism is a basis for giving up the ideological

pretensions of global civil society in order to focus on accomplishing specific social missions, but this objection will likewise be taken up at greater length below under the normative discussion of democracy.

### Other ways of understanding international NGOs

It is worth noting that international NGOs can be understood as a social movement on very different models from that of global civil society. One or another of these might be thought frankly more powerful in explaining the international NGO movement. One model is simply that of a contemporary secular, post-religious missionary movement (Anderson, 1998).

On this view, the NGO movement, rather than being global civil society in the contradictory sense discussed earlier, is simply the analogue of the Western missionary movements of the past, which carried the gospel to the rest of the world and sought in this way to promote truth, salvation, and goodness. It is a weak sense of religious movement because it claims a connection to earlier religious missionary movements only by analogy rather than through a genuinely historical inheritance. Yet even by analogy alone it remains a powerful way of explaining the international NGO movement. It is a



movement with transcendental goals and beliefs. It is self-sacrificing and altruistic. It asserts a form of universalism and builds it into its transcendentalism. It appeals to universal, transcendental, but ultimately mystical values – the values of the human rights movement and the 'innate' dignity of the person – rather than to the values of democracy and the multiple conceptions of the good that, as a value, it spawns. Most notably, its personnel do indeed resemble missionary orders – the human rights organisations, for example, might be thought of as the Jesuits of the movement, or perhaps Opus Dei, keepers of the true doctrines, the true universals, while the development organisations might be thought of as the equivalent of the Maryknoll Order, one of the Catholic missionary orders devoted to human development among the world's poor. (If this be thought offensive as a caricature, no offence is intended, as it proposed as an aid to thinking beyond the categories of liberalism writ into liberal internationalism; if, on the other hand, this characterisation is thought offensive because sacrilegious to the NGO movement – what, nineteenth-century foreign missionaries in modern dress? – well, that is just the point.)

Why does this matter? Because, in so far as the NGO movement, especially in aspiring to the status of global civil society, actually elevates itself into a religious movement, it underscores that the universal claims it makes are so only in the sense that each religion makes its own universal claims. That is, each religion makes a claim of universality, but – seen severally from the outside – each is just one among many such religions. Seen as a religion, seen as missionary work, global civil society's (fundamentally human rights) claims are just one set of universal claims amid all the others that religions and transcendental philosophies make. There is no obvious sense in which any one of them has special authority. This, obviously, threatens the moral hegemony that the NGO movement claims through its morality of human rights, and so has been a reason for resisting the analogy to religious missionary movements and for preferring the much more accommodating ideology of global civil society.

A second way of seeing the international NGO movement and its claims about the need for global governance – the presumed obviousness of the good of overcoming sovereignty – is that it universalises and claims as the path of history the ideal of creating larger and larger political entities. The narrow motivation for doing so is perfecting the regulation of transnational actors. The broad motivation is that it is thought to be the historically progressive thing to do. But it might be

thought that this universalising of size and number in fact represents the fetishising of a parochial model – that of the European Union (Giddens, 2000). One may admire the accomplishments of the European Union without believing that it represents a universal model for humankind at the planetary level. One may understand European grandees whose experience has taught them that integration works – works in Europe and can create peace, prosperity, and respect for human rights – without actually believing the corollary, not just that it can work elsewhere, but that it can work on a planetary level (Carothers, 1999). Why does this matter? Because it raises the possibility that what has been urged with such grandiosity as the universal condition of liberal internationalism is, instead, simply the unjustified universalising of a particular historical and cultural experience, EU integration – a project, moreover, whose ultimate outcome is far from clear.

What is common among these alternative views is

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that they challenge a key moral assumption built into the ideology of global civil society: the universality and transcendence and *completeness* of its moral system, which is that of universal human rights. They question whether leaving democracy out of account can give a complete moral system in the way that the ideology of human rights claims to – while not coincidentally leaving the interpretation and authority of that ideology in the hands of global civil society itself. In invoking either religious models or EU parochialism, alternative explanations of the international NGO movement challenge the movement's universal claims. Thus, by extension, they challenge a key reason for which the claim to be 'global civil society' was invoked in the first place, namely, its claim to be universal, representative, and an intermediary for the peoples of the world. Each alternative explanation in its own way threatens the authority that the international NGO movement claimed for itself when it appropriated the elevated, ideologically extravagant language of global civil society.

## The value of democracy

A further ground for scepticism about global civil society is that the universalist values that it espouses may not be so good, or at least so *complete*, as it implies. The key issue, once again, is the question of democracy or, more precisely, democratic legitimacy and the lack thereof – the much discussed ‘democratic deficit’ (Diamond, 2003). Against our moral complaint that the international system lacks democratic legitimacy, and that this is a major problem for advocates of global civil society who are inclined to substitute human rights for democracy, there are perhaps five principal responses. We will set them out and offer a reply to each of them.

First, it can simply be said that global democratic legitimacy is not as necessary, or at least not as important, as our moral claim makes it out to be. It can be said, for example, that the claim that the international system lacks democratic legitimacy ignores the fact that most so-called national democracies are not really democratic, but are really just collections of colliding interest groups, in which the ballot box plays a relatively small role in how political decisions are reached. Our account fetishises the ballot over actual political relations in democratic states. We have, it can be said, raised the bar for the democratic legitimacy of the international system far higher than it is in so-called democracies. Democratic legitimacy is mostly an illusion in democratic states, not the fact of the matter; what matters is instead the perception of their legitimacy. And that perception is less a function of actual democratic process than the fulfilment, through efficient government, bureaucracies, and economies, of the material expectations of the citizenry than of its expectations of democratic perfectionism (Alvarez, 2000).

The difficulty with this response is that, despite the many failings of democratic sovereign states, and however imperfect their democratic systems, the fact remains that democratic legitimacy – of the kind obtained only at the ballot box – *does* matter. It is simply a fact of contemporary life. Modern nation-state constitutionalism is right about that – a legitimate state is one which is democratic, respects basic human rights and the rule of law, and looks after the common good. In that the ballot box is indispensable. This is true both in fact and as a matter of perception; in the contemporary world, states which seek legitimacy without elections have serious difficulties in reality as well as perception (Annan, 1999b).

This reply, that the ballot box is indispensable, anticipates the second response. It is that, even granted

that democratic legitimacy is a requirement of legitimacy in the world today, for nation states as well as for an international system, it is *not* the case that democratic legitimacy requires the actual ballot box (Held, 1991). There are methods of participation other than elections that can supply democratic legitimacy – after all, representative democracy is itself a modification of the ‘purest’ form of democracy, so why not others? These others include participation through intermediaries, such as NGOs and other ‘organic’ sites of people’s actual lives, rather than through the formality of universal suffrage. And so, for example, we have suggestions for a new upper chamber of the UN General Assembly, to be filled by representatives of NGOs, and many other proposals which would deal with the fact that even representative, quasi-parliamentary democracy at the level of the whole planet is not realistic (Held et al., 1999).

The effect of these other mechanisms for achieving democratic legitimacy is, notably, to restore international NGOs to precisely the position of intermediation and representation that we earlier denied them on the grounds that they are not a replacement for the ballot box. And we remain as unenthusiastic as before. This form of global civil society, and this ballot-free representation and intermediation, is *not* civil society as we have so far understood it. It is *not* democracy as we have understood it because, however imperfect its implementation, it does include the mystery of the ballot box. And it is, moreover, morally wrong to the extent that it indulges in a sleight of hand over what the world generally understands democracy to mean, which does include the ballot box.

The third response acknowledges the force of this reply, and accepts that democracy means ballot boxes, parliamentary elections, and the associated apparatus. These are necessities that cannot be wished away by means of new social movements, intermediation through NGOs or labour unions or peasant assemblies or UN conferences or anything else. Therefore, let us straightforwardly create a world parliamentary system; the role of international NGOs is merely to advocate for that system, and it is mistaken to accuse NGOs of having a role other than temporary midwife to a democratic system. Let us have elections and make planetary democracy a reality (Commission on Global Governance, 1995).

This response is admirable in confronting the issue directly, without any sleight of hand whatsoever. Unfortunately, it confronts a profoundly practical problem, which is that it is unlikely that planetary

parliamentary democracy is possible. Democracy is a system of government which rapidly bumps up against human problems of space and numbers. It is not, in our understanding, infinitely upwardly scalable, and certainly not scalable up to the level of the whole planet (Diamond, 1999).

On the contrary, what we refer to as the world's large democracies, with their tens of millions or hundreds of millions of people, are really compromises between the requirements of democracy, which tends towards the smaller, and the wealth of the common market, which, being a network, *does* benefit from growing larger and larger. Democracy and the common market are frequently confused, particularly by economists of a conservative persuasion, but it is important to understand that, although the large, wealthy democracies have compromised their democracies significantly in a shifting trade-off between democracy and wealth, size and numbers take a severe toll upon the purity of democracy. The large democratic states are helped in various instances by common languages, common cultures, common ethnicities, common religions, none of which is present at the level of the whole planet (Harrison, 2000). It is simply not the case that parliamentary democracy can be projected and scaled upwards from the nation state to the whole planet.

The same problem afflicts the closely related claim that the international system already *has* democratic legitimacy, through the legitimacy of the nation states that make it up (which ignores the question of how many of those states are democratic); nation states pass their legitimacy upwards to endow the international system with legitimacy. No doubt for many purposes – the setting of international postal rates, for example – such legitimacy is sufficient (Slaughter, 2004). But, as the international system both tasks itself with more and more intrusive tasks and, it must be said, is assigned more and more intrusive tasks by leading states, including the United States, the ever more diluted legitimacy that passes upwards from nation-state to international system is inevitably far too attenuated to satisfy the requirements of those new tasks.

The fourth response likewise confronts the issue head-on. It says that democratic legitimacy is not really the issue; the international system, through the tutelage of global civil society, has another, different, moral basis and legitimacy. It is the moral foundation of human rights. Democracy is a lovely thing, if you can have it, but although it is sometimes thought of as the moral exercise of ordered liberty, really it is just a way, in the

language of economics, of sorting mass preferences, a sort of market in politics, nothing more. It is not a fundamental moral principle. Human rights, on the other hand, *is* about fundamental moral principle. And what global civil society brings to the international system, infuses it with and advocates for, is human rights. It, rather than democracy, is what gives moral and political legitimacy.

This response puts squarely on the table what is often an occult move by human rights advocates. Noting correctly that somewhere, higher or lower, in the canon of human rights one can find many references to the value of democracy, they claim that they, too, favour democracy. Yet in fact it would be more accurate to say that, seeing the insuperable difficulties in creating a genuinely democratic international system, they opt for substituting the ideology of human rights for the ideology of democracy (Casey and Rivkin, 2001). But this substitution likewise fails the test of civil society in a liberal, democratic, constitutional order, consisting of democracy, human rights and individual guarantees, the rule of law, and the common good. It dispenses with one but says that it does not ultimately matter so long as the other is available. But it does matter.

Moreover, the top-down nature of human rights norms, and the fact that they are held, formed, fomented and determined by what might appear, for example, in a UN conference on women or the environment or race to be a vast agglomeration of groups and people, is in fact a tiny collection of transnational activists responding to the sometimes downright peculiar cultural characteristics of these groups. Like other religionists, they imagine that they carry forth moral universals that they have somehow discerned. As they fly effortlessly from place to place, continent to continent, capital to capital, they cannot imagine that they are less than a universal class, pure and disinterested, beyond geography and the parochialism of place. They cannot grasp that 'international' is not the same as 'universal', and that even those who have apparently abandoned fidelity to location might still have interests, class interests to defend, the interests of – well, the interests of those who live in the jet stream. Nor can they grasp that there are those at the bottom who, without being moral relativists, nonetheless believe that they are just as capable of discerning the true universals, just as capable of identifying universal values, as those who take the overnight flight business class from New York to Geneva.

The fifth and final response is an intensely practical one. Is not the effect of this corrosive scepticism merely



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### Should NGOs 'pack up and go home'?

a call for the NGOs to pack up their tents and go home? Of what possible value could that be? If the fundamental complaint is that the international system is undemocratic, how would it help if the NGOs were to leave the scene, especially since our claim is that the international system not merely is undemocratic but can never become democratic? The question is an important one because it highlights what we do *not* ask international NGOs to do, that is, to pack up and go home – far from it. The original claim of international NGOs was that they merited being respectfully heard by those engaged in international planning and execution of policy as well as receiving a share of the budget because of their expertise and their competence. That is what should indeed command respect.

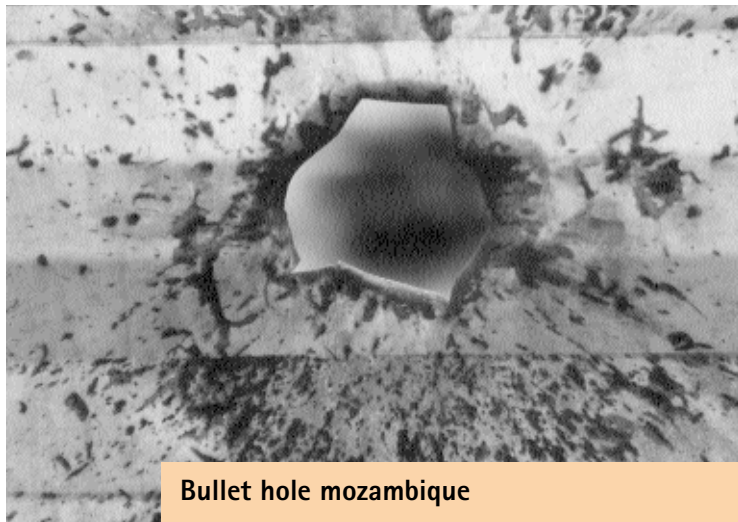
But the claim to constitute 'global civil society' asserts a sharply different claim and role – that of intermediary and representative of the world's people. This is a claim for a legitimate place that at once elevates the role of NGOs and, significantly, dispenses with the need for NGOs to prove their expertise and competence, whether in development, humanitarian relief, health, or whatever. After all, if they represent someone, especially a 'someone' who is so vague as to be entirely malleable, then what matters is their representation, not their competence at any actual skill. This is a seductive

position for any NGO because it places it permanently beyond the bounds of serious accountability. But it is also a recipe for failing to serve those who most need the help of international NGOs. Our call, therefore, is not for international NGOs to retire from the field, but instead to assert themselves on the basis of their expertise and competence and, concomitantly, to give up their claims to intermediation and representation – that is, to give up the claim to constitute global civil society.

### A 1990s discourse in a post-9/11 world?

And yet there is a whiff of tiredness about this whole discussion – both the claims and our responses. It all feels very much like a discussion from the late 1990s rather than 2004, a discussion from pre-September 11. The question is what remains of this kind of discourse in a world in which security is back on the table, and with it the value of sovereignty. The love affair between global civil society and international organisations, each legitimising the other, during the 1990s, has given way to an international system under a specific challenge from the world's superpower: make yourself relevant or

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Bullet hole mozambique

see yourself disappear. Time was when the UN Secretary General could go and address the Millennium Forum of NGOs in 2000 and describe in ecstatic terms how they represented the world's peoples (Annan, 2000). Today, Annan has, and must have, his eye on the White House and a handful of other capitals; and NGOs, whether styling themselves as global civil society or anything else, appear frankly irrelevant as the grown-ups, nation states, confer among themselves, sometimes with international organisations and sometimes not.

In some respects, therefore, the ideal of a love affair, the mutual legitimisation, between the nascent organs of global governance and their loyal, if sometimes critical, constituency, global civil society, appears to have led the NGOs astray. There is a marriage, loveless and probably childless, to be sure – and, moreover, one that is in serious danger of ending in divorce. But it is not between international institutions and the NGOs: it is between the leading nation states, particularly the superpower, and the UN. The love affair between international organisations and global civil society was never more than a minor affair with a minor mistress; when push came to shove, as it did on September 11 and again in the war in Iraq, what mattered was the marriage (including the potential divorce), not the affair. The NGOs promised that they would, on behalf of the people of the world, confer legitimacy on the nascent organisations of global governance. It has turned out that what matters to the Secretary General, when the stakes are genuinely high, is the legitimacy that comes from the capitals of important nation states. The legitimacy of the 'world's peoples', at least as conveyed by global civil society, is merely icing on that cake, dispensable as and when necessary. If that is the case,

then perhaps it is the strongest, least theoretical reason of all why the international NGOs should give up their claims to constitute global civil society, give up their dreams of representing the people of the world – indeed, devote fewer of their resources to advocacy and to creating a system of global governance and more time and care to the actual needs of their actual constituencies, and re-establish their claims of expertise and competence.

That is our advice. Nevertheless, the complications and convulsions of the world in circumstances of terror, the war on terror, September 11 and March 11, and the wars in Iraq and Afghanistan all raise questions about the proper roles of international NGOs *even if* they give up the pretence of representativeness and intermediation. For example, the bombings of the UN and the international Red Cross headquarters in Iraq, and the kidnap and murder of NGO representatives as a strategy of asymmetric fighting in Iraq and Afghanistan, raise questions about the role international NGOs can hope to play in the world's most difficult circumstances (Anderson, 2004). Of course, at one level this is the wrong question; the whole world is not at war, and while international NGOs that operate in dangerous zones are the most visible in the media, the overwhelming majority of international NGOs work in quite different circumstances; their personnel are not being kidnapped nor are their headquarters being blown up. It would be a mistake to generalise on the basis of the visible minority of NGOs that work in conflict situations.

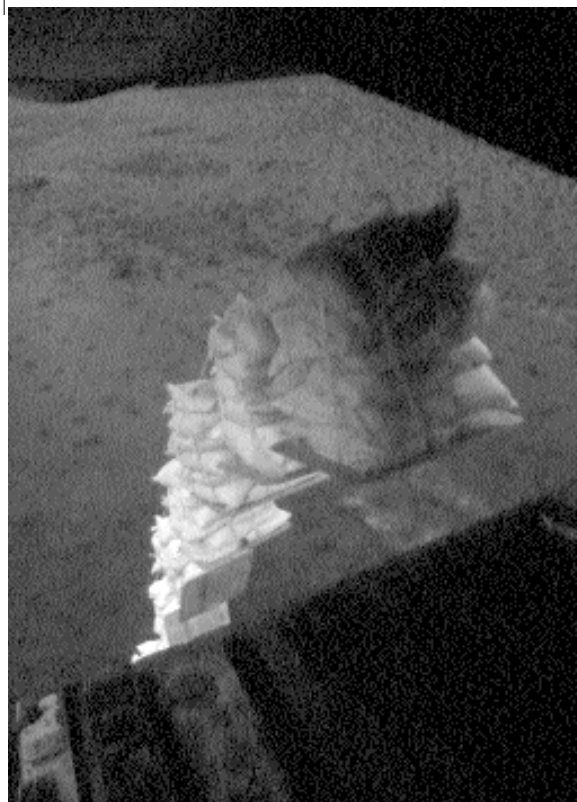
Nevertheless, even with that caveat, it is also true that, even where conflicts are not occurring, international NGO work has become much more difficult and significantly more dangerous. The problem is compounded by a confusion indulged in by both the United Nations and its agencies on the one hand and by many international NGOs on the other. This is the fiction of neutrality in the work of international and NGOs. There are moments of crisis and disaster in which basic human needs take precedence over other considerations, moments of humanitarian emergency in which, arguably, humanitarian aid can be thought to be genuinely neutral, in the sense that it responds only to need. The organisations, including NGOs, that work in such circumstances have traditionally benefited from a doctrine of humanitarian inviolability based on the belief that no one could oppose activities aimed at relieving dire human suffering. That doctrine of humanitarian inviolability is in crisis and under attack today from fighters who have discovered in Western aid workers an easy means of leverage, another form of

asymmetric warfare (Anderson, 2003). But it is also in crisis because the aid agencies themselves have sought to extend the concept of humanitarian inviolability to cover a series of NGO and international agency activities which cannot properly be regarded as neutral.

Nation building is not a politically neutral activity. On the contrary, it is an activity which requires the assistance of many outside agencies, whether governmental or non-governmental, if it is to work at all (itself an open question), whose interventions, however tactful, cannot be considered neutral (Rieff, 2002). The commitment to democracy is not neutral; there are many in the world who are opposed to it. The commitment to basic human rights, including the rights of women, is not neutral; it is the object of intense opposition, and not merely from the Taleban and Saudi Arabia. The list of matters which are essential to remaking a political society and yet on which outside aid agencies, including NGOs, cannot remain purely neutral (in the sense of viewing any outcome as morally and politically acceptable) is very long. It follows that the claim of humanitarian inviolability for the activities of agencies involved in nation building is unsound. Such agencies have a claim to inviolability; however, it is not based on the humanitarian nature of their work but rather on the democratic rule of law. The confusion of these two kinds of activity, and the respective bases on which they operate, is potentially a fertile source of tragedy in many sites of nation building today – not just in Iraq or Afghanistan, but also in Kosovo, East Timor, and other places. The confusion places genuinely neutral humanitarian relief in a situation of dire risk, and suggests, incorrectly, that nation building is a value-neutral enterprise.

The circumstances of the post-September 11 world have altered the relationship between global civil society and public international organisations such as the UN. They have altered the relationship of mutual legitimisation in which global civil society organisations provided legitimacy to public international organisations that substituted for the democratic legitimacy that one might otherwise have thought was required. For their part, public international organisations gave to international NGOs an unprecedented legitimacy based not on competence or expertise but on the presumption of representativeness. That cosy embrace of mutual legitimisation is no longer at the heart of international organisations, which today look directly to the most powerful nation states.

This means, however, that international NGOs must also redefine their relationships and their conception of



**Food aid target: humanitarian work has become much more dangerous**

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their legitimacy. For many, it means, too, defining the relationship between them and the superpower, the United States. Global civil society (in the progressive, left-wing, normative sense that advocates of the concept ordinarily mean) faces something of an identity crisis not only with respect to the US but necessarily as well with respect to its self-conception. Actions of the US, whether one agrees with them or not, have taken centre stage in the world in a way not true for a long time; and particularly at a moment in which international NGOs cannot simply seek their identity in an idealised relationship with international global governance, they must determine where they stand in relation to the United States. Plainly, there is a way in which a belief in a certain form of liberal internationalism as the only acceptable form of global governance leads, at the present moment, to principled opposition to a Bush administration committed to a quite different concept of democratic sovereignty as the basis of such limited global governance as it does accept. Equally plainly, much of the global civil society movement has simply defined global civil society to be anti-Americanism, a sort of counter-cultural ideology based on mere opposition, intellectually sterile where not outright self-contradictory, and morally uninteresting; if the intellectuals of the global civil society movement wish to guarantee its irrelevance to

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future political debates, this is surely the way to do it, but the loss to the discourse of the morality of globalisation and its future directions would be immense.


This is partly what the debate over the reconstruction in Iraq is about for international NGOs. The United States government has had mixed views – on this as on many things – about the role of NGOs in occupied Iraq. Drawing on a sort of 'compassionate conservatism' rhetoric grounded in certain self-help and limited government ideologies within the United States and its unquestionably robust civil society, the Bush administration believed that international NGOs could take a lead in reconstruction. But such a lead was in fact far beyond the capacities of the NGOs. Irrespective of what one thinks of Haliburton or Bechtel, it was always some international corporation that would have to rebuild the oil facilities, for example, obviously not an NGO; and the question was simply, would it be American, British, Russian or French? In part, of course, underestimating what kind of rebuilding would be required and what kind of opposition would be faced, but also underestimating the visceral hatred of many of the international NGOs for the US, the Bush administration assumed that international NGOs would be – well, what? partners? grantees? contractors? – *present*, at least, in occupied Iraq. Global civil society, with its set of ideological blinkers, has never really understood that, for reasons grounded in a very American ideology, a sizeable part of the Bush administration has always been receptive and, indeed, overly receptive, to the work of NGOs.

The reasons for the non-presence of the international NGOs in Iraq are overdetermined. On the one hand, the levels of violence and risk certainly deterred many organisations. But on the other hand, attitudes ranging from the refusal to be 'tainted', as it were, by the occupation to a straightforward desire that the occupation break down altogether despite the obvious disaster that would be for the Iraqis have also been a decisive reason for the absence of the usual collection of international NGOs from Iraq (Anderson, 2004). At the same time, another part of the Bush administration, taking careful note of the aftermath of the bombings of the UN and Red Cross headquarters in 2003, and the subsequent mass exodus of organisations, has questioned whether the NGOs and UN agencies really mattered very much in the actual reconstruction efforts, as opposed to providing icing on the cake of a legitimacy that mattered more to outsiders than to ordinary Iraqis. It was not so clear that the exit of the aid agencies

mattered very much to concrete material facts of reconstruction – electricity, security, and so on. The convulsions at the time of writing (May 2004), with sharply increased levels of fighting in Iraq, hostage taking and executions of Western NGO workers, and the scandals of the prison abuses leave it unclear whether it is true that international legitimacy of the kind offered by UN and NGO agencies, even if it did not contribute directly to material conditions such as electricity and potable water, would have contained the present violence. It is not possible to know how things will turn out as of this moment, and we will not speculate further about current events.

What is clear, however, is that the coin that many NGOs, like the UN agencies, offer is now not necessarily their competence or expertise. What they offer is legitimacy and cover – a sort of branding process whereby money from various national sources, particularly from the US, is 're-branded' with the logos of some NGO, or UN agency, or both. Legitimacy is not to be sneered at, to be sure; it is an invaluable, if intangible, element of political stability, in Iraq as elsewhere. But the entitlement of international NGOs to offer legitimacy, and to receive legitimacy, that is among the ideologically extravagant claims of global civil society is suspect. Nor is it merely an academic question, a question of the success or failure of this or that intellectual analogy. The stakes are much, much higher. Organisations that have legitimacy based on representativeness have less necessity, frankly, to be either expert or competent. It is a recipe for rot and utter lack of accountability.

Unmoved by the claims of representativeness, and disbelieving that the assent of NGOs to this or that is a substitute for ballot-box democracy, we believe that the value and the salvation of the international NGO movement lie in giving up the pretensions, however seductive, of the ideology of global civil society and making its case to be heard on the basis of undeniable expertise and competence.



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### Editor queries

[MJ0]1999a or b? See References

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