Global and Local Sovereignties

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Abstract. This paper offers an analysis of sovereignty that focuses particularly on domain or subject-matter as a component of sovereignty. While traditional analyses of sovereignty typically focus on supremacy, authority, and territoriality, subject-matter is also part and parcel of the concept of sovereignty and provides the key to understanding its role in a global age. Despite important human rights, environmental, and security concerns, state sovereignty remains a desirable political convention when supplemented by narrowly circumscribed global sovereignties.[1]

Key words: sovereignty, global justice, cosmopolitanism, human rights.

As we approach the second decade of the twenty-first century, we are faced with two realities. First, we live in a global world. Second, this global world is populated by sovereign states with different, sometimes conflicting, methods and interests. These two realities give rise to four areas of global concern with regards to state sovereignty: (1) human rights concerns; (2) environmental concerns; (3) security concerns; and (4) concerns about supra-national organizations such as the European Union. In this paper I will argue that despite the legitimacy of these concerns, sovereignty, when properly circumscribed by subject-matter, is a useful political concept that can help resolve tensions between local sovereignty and global interests.

I. THE FOUR AREAS OF GLOBAL CONCERN

The first set of concerns arises out of the widely shared belief that human beings, no matter what their racial, ethnic, religious, or national affiliation, are ultimate objects of moral concern, and that this translates in practice to a set of shared human rights. The rights enshrined in the Universal Declaration of Human Rights are supposed to apply globally, to every human being simply by virtue of being human.[2] Those rights must be respected and must not be traded off for other types of political gains. Yet, those who hold the offices of state sovereignty often abuse the rights of their citizens. Furthermore, it is at least arguable that the imposition of an unjust global order resulting in, or insufficiently mitigating the effects of, widespread abuses of power,[3] poverty, disease, and malnutrition across the developing world, generates further abuses of individuals' rights to subsistence

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1] Thanks to Thomas Pogge, Stuart Yasgur, Andrew Hall, Michael Fuerstein, Jonathan Rick, Daniel Viehoff, and Tom Beauchamp for helpful comments on earlier drafts of this paper.

2] I bracket for the purposes of this paper issues relating to animal rights.

3] Largely, though not exclusively, because of international borrowing and resource privileges attached to sovereignty.

and security. State sovereignty appears to provide a handy justification both for lack of intervention in cases of human rights abuses, on grounds that we have a duty to respect sovereignty, and for inaction or insufficient action with regard to poverty and disease, on grounds that the responsibility for providing resources to citizens lies with the state.

The second set of concerns arises out of the problem of shared natural resources. Our ecosystem has not conveniently cut itself up to match territorial boundaries. What a country does internally has widespread ramifications both for present individuals in other countries and for future individuals everywhere. Once again, state sovereignty limits our ability to address environmental concerns across boundaries.

The third set of concerns relate to security matters, either local or shared. Local concerns include a narrowly American (or British, or whatever) perspective, as in: "The national security of the USA is threatened by the policies of or the lawlessness within other sovereign states." Shared concerns arise out of the global outlook enshrined in the "mission statements" of terrorist networks that pose a threat to everyone, as in: "We are all at risk of terrorist attacks, and circumstances in some sovereign states reinforce those risks." There is also the threat of weapons of mass destruction and nuclear proliferation. Again in such cases, sovereignty limits what can be done to address such threats to security.[4]

Finally, the rise of supranational organizations and institutions such as the European Union, as well as the phenomenon of globalization in general, appears to be eroding the convention of state sovereignty, possibly even rendering it somewhat obsolete. In legal philosophy, the idea of moving "beyond sovereignty" both in our understanding of the authority of law and in our understanding of cross-border relations has been floating around for at least a decade.[5] For example, in a discussion of the European Union, Neil MacCormick announces the passing away of the sovereign state. "Where at some time past there were, or may have been, sovereign states, there has now been a pooling or a fusion within the communitarian normative order of some of the states' powers of legislation, adjudication, and implementation of law in relation to a wide but restricted range of subjects" (MacCormick 1993, 16).[6] David Held argues that an appropriate world order ought to be organized around cosmopolitan law, and that in such an order, "the nation-state withers away." Cosmopolitan law, he says, "demands the subordination of regional, national, and local 'sovereignties' to an overarching legal framework" (Held 2005, 26).

4] At least in principle if not always in practice.

5] Another set of challenges have to do with the un-geographic or multinational nature of many corporations and businesses, giving rise to issues of jurisdiction and to the need for unified business practices. But that is a matter I can set aside because it does not, on its own, warrant circumscriptions of sovereignty. In such cases, agreements and conventions between sovereigns accompanied by some global regulation appear to be by and large sufficient.

6] See also Gould 2006 for a rehearsal of the problems associated with state sovereignty and the need to move beyond sovereignty and towards "transnational localities" in our understanding of self-determination.

What are we to make of all of this? Are we beginning to move towards politics without sovereignty? Or is there still a role for sovereignty to play, and if so, how can it coexist with human rights, environmental, and security concerns? I will argue that despite these concerns, there is still a role for sovereignty to play. State sovereignty has almost always been circumscribed by subject-matter. Just as we might redraw territorial boundaries, we might also rethink the subject-matters over which state sovereignty legitimately ranges. There is, I will argue, a strong need and an available justification for the coexistence of both local and global sovereignties. The concept of sovereignty properly understood can accommodate this coexistence.

I will proceed as follows: first, I will present an analysis of the concept of sovereignty. Second, I will present three arguments for local sovereignties: (1) an argument from effectiveness; (2) an argument from self-government and political self-expression; and (3) an argument from the need for checks on global institutions and regulations. Third, I will argue that global sovereignties are required in two general arenas: (1) the arena of shared resources and common concerns; and (2) the arena of fundamental or essential individual interests, which we can express in the language of basic human rights. I will conclude that sovereignty, properly understood and circumscribed, is a convention that should be retained and that is consistent with the reality of globally shared concerns and fundamental interests.

II. RECONCEPTUALIZING SOVEREIGNTY?

Contrary to what is widely claimed,[7] sovereignty is not in need of radical reconceptualizing. Rather, if we scrutinize our traditional understanding of sovereignty, we can find within it the solution to problems associated with sovereignty. We can start with a standard definition of sovereignty as supreme authority within a territory (Philpott 2001, 16-17).[8] Sovereignty, on this widely accepted view, involves three essential components: (1) authority, meaning the power to legislate, execute, and adjudicate; (2) supremacy, meaning that there is no higher authority than the sovereign; and (3) territoriality, meaning that this supreme authority is exercised within a bounded geographical region. Internally, this conception of sovereignty entails duties of compliance on the part of the people within the territory in question, and externally, it entails duties of non-intervention by other state and non-state actors.

Two notable restrictions and one notable exemption arise out of the convention of state sovereignty: first, state sovereignty restricts the claims of individuals on any insti-

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7] See for example Dabbour 2006, Risse 2006, and Gould 2006.

8] An alternative definition of sovereignty would include legitimacy in the definition of sovereignty, thus understanding sovereignty in terms of: (1) authority; (2) control; and (3) legitimacy (cf. Liftin 1997). But Philpott's definition is preferable because control can be subsumed under supremacy and authority, and legitimacy introduces a normative component that is better kept separate from an initial understanding of the concept of sovereignty itself.

tution or authority outside of their own state.[9] Second, it restricts the ability and, some would argue, the responsibility of outsiders to interfere in cases where there are internal abuses.[10] It also appears to provide a moral exemption[11] for state actors to consider only their own interests and the interests of their citizens to the exclusion of all outsiders.[12]

Concern about the troubling consequences of these restrictions and exemptions in important domains such as human rights has led many to conclude that we either have to give up on state sovereignty, rethink the concept entirely, or endorse it only as the lesser of several evils.[13] But what about subject-matter as a component of sovereignty? If we break down the concept of sovereignty into four rather than three components, some of our concerns can be accommodated. While Philpott's analysis is a helpful place to start because it makes explicit the territorial component of sovereignty, focusing only on authority, supremacy, and territoriality obscures the centrality of a fourth component: namely, domain or subject-matter. Sovereignty is supreme authority within a territory *over a range of subject matters.* Subject-matter is not merely an external constraint on supreme authority; it is part and parcel of the concept of sovereignty itself.

Two examples illustrate the way in which this component is already implicit in our understanding of state sovereignty. Were we to take the position that there is a strong right to privacy no matter what legislation is enforced in any particular country, we would be saying that the state's domain is the public sphere and does not extend to matters properly within the private sphere. This illustrates that our concept of sovereignty can already accommodate different views with regard to appropriate subject-matter. We may think about the separation of church and state as another illustration: a simple way to understand this convention is to say that it removes from the subject-matter range of sovereignty the domain of the spiritual or ecclesiastical. Any authority the state has in relation to privacy and religion has to do with the necessity for regulating the interaction of those spheres or associations with other aspects of societal organization, and not any jurisdiction over those spheres as such.[14]

Just as sovereignty is territorial, it is also subject-specific, and we can coherently argue about the subject-matters it ranges over. We can even read Hobbes's account of sovereignty as including an (admittedly narrow) subject-matter constraint. Hobbes allowed

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9] For instance, the state is taken to bear primary responsibility for providing subsistence and security guarantees to its citizens, thus limiting the claims individuals can make on other institutions or governments.

10] One need only think about what is happening in Darfur to see the force of this point.

11] What Buchanan calls the Permissible Exclusivity Thesis (2005, 112).

12] Thus, we find recurring foreign policy arguments based solely on US national interests rather than on the interests of the peoples at whom the foreign policy is directed.

13] For example, because of the potential for abuses of world sovereignty.

14] This understanding of sovereignty as ranging over some subject-matters and not others can easily be read into the work of religious-minded thinkers such as Augustine (especially in his *City of God*) and Luther (especially in his "On Governmental Authority").

that the sovereign cannot force a subject not to defend his own bodily integrity and related survival interests. For example, the subject has the right not to self-incriminate. This is true even if the sovereign legislates that subjects do not have the right not to self-incriminate (Hobbes 1996, 144-5 [Ch. XXI § 11]). The simplest way to understand this is as a subject-matter constraint: on the Hobbesian picture, the domain of sovereignty extends over all matters except an individual's right to defend his own survival. These considerations suggest that subject-matter is already a part of the concept of sovereignty.[15]

Does the subject-matter component of sovereignty make it useless, or worse, vacuous, because it does away with a meaningful notion of absolute sovereignty? No, just as territoriality does not make it useless or vacuous. Sovereignty is always territorial, and this immediately entails one way in which supreme authority is qualified.[16] It also always ranges over some subject-matter, and this immediately provides a simple way of cashing out the other sense in which supreme authority is qualified. We can then avail ourselves of two ways of understanding *absolute* sovereignty, should we choose to stick with that terminology. One is to understand absoluteness to mean that the limiting components in the definition are lacking in content, in which case absolute sovereignty would simply be supreme authority. On this understanding, only an all-encompassing world state would fit the description, and subject-matter does not pose a special problem. If the main argument for absolute sovereignty has to do with the existence of a final arbiter in order to avoid conflict, territoriality and division of powers already rule out that possibility.

The other way is to acknowledge that the concept of sovereignty includes two inherent limitations, territory and subject-matter, and to argue that absoluteness is not a function of lack of limitations. Thus, we can have absolute sovereignty within a circumscribed territory and with regard to a circumscribed domain. Absoluteness would then refer to the degree of power or authority held by the sovereign in question. The concept of sovereignty is not thereby rendered vacuous. Rather, understanding sovereignty in this way helps reconcile our moral responses to internal abuses and the reality of globally shared concerns with our sense that there is a use and a value to maintaining the convention of state sovereignty. While state sovereignty restricts in some ways the rights and responsibilities of outsiders, sovereignty does not extend over all subject-matters within a given territory.

Another objection to acknowledging subject-matter as an internal component of sovereignty is a "who decides" question. How would we settle questions about delimiting subject-matters? The short answer is that it can be done by agreements, by bargaining processes,[17] and by appeal to pre-existing bodies of international law and norms.

15] Philpott acknowledges subject-matter only as an external constraint on absoluteness. The argument here is that subject-matter functions in the same way that territoriality does -that is, not as an external constraint but as a component internal to the concept of sovereignty itself.

16] Cf. Philpott 2001, 16-17.

17] Cf. Hochstetler et. al. 2000 for an empirical study of bargaining about sovereignty with regard to certain domains.

International courts will have a large role to play as well. I cannot get into issues of practical implementation in this context, but I will have more to say about justifications for subject-matter delimitations in section 4. I note here only that territoriality in a global age already does away with the possibility of a final court of appeal. Instead, what we have are dynamic political processes that evolve and, in evolving, change our conceptions of appropriate territorial and subject-matter delimitations. We can set up our institutions in better or worse ways such that these dynamic processes take place within a more or less just framework and are likely to produce better or worse outcomes. For an institutional framework to be just and likely to lead to better outcomes, corrections have to be made for blind spots within the overall system. Removing certain subject-matters from the domain over which state sovereignty extends is a step in that direction -or so I will argue below.

State sovereignty may previously have signified supreme authority within a territory with regard to all subject-matters. In the last century, however, this has come to be circumscribed in various ways: by agreements and covenants such as the UDHR and the two Covenants, by international economic organizations capable of imposing sanctions, by bodies such as the Security Council and supra-national organizations such as the EU, etc. There are also good arguments for further circumscriptions with respect especially to environmental matters, which I will discuss in section 4 below. That the two Covenants (on Economic, Social, and Cultural Rights and on Civil and Political Rights) are currently agreements among sovereign states does not undercut this point: they impose limits on state sovereignty and themselves require institutions to enforce them. Those institutions, in turn, become the seat of supreme global authority on the subject-matter covered by the Covenants. Thus, we can say that in our world today, there is ample room for normalizing subject-matter circumscriptions based on an already-existing trend in international law. This trend is grounded in an enhanced recognition of the fundamental moral importance of human rights. The convention of state sovereignty allows for further circumscriptions of subject-matter if sufficient justification for such circumscriptions exists.

We can now sum up our analysis of sovereignty thus far. Sovereignty is supreme authority within a territory over a range of subject-matters. State sovereignty is supreme authority that is territorially circumscribed and usually also circumscribed by subject-matter. Global sovereignty is supreme authority that is not territorially circumscribed but can be circumscribed with regard to subject-matter. On this understanding of sovereignty, more than one sovereign may exist within the same territory. This allows us to make sense of the coexistence of global and local sovereignties -an arrangement, I will now argue, that is better able to capture all the relevant normative considerations that bear on the new realities of our global world.

III. THE JUSTIFICATION FOR LOCAL SOVEREIGNTIES

This section explores the place of state sovereignty within a theoretical framework that accepts an individualistic, universalistic conception of justice. Such conceptions of justice assume that all and only individuals are ultimate objects of moral concern. Thus,

any justifications for political conventions ultimately have to make reference to the good for all affected individuals.[18] Three strong arguments for local sovereignty are consistent with this fundamental assumption: (1) a voluntarist argument from the value of self-government and political participation; (2) a division-of-labor argument from greater effectiveness; and (3) an argument from the need for checks and balances provided by distributing sovereignty over several dimensions.

Voluntarist arguments for sovereignty could have a more or less communitarian flavor. In their more communitarian manifestation, the idea is that states are superimposed on and gain their legitimacy from underlying "political communities," as Michael Walzer call them,[19] typically conceived as a group of people sharing at least a history or a historical narrative, a language, a set of cultural practices and norms, and possibly also a religious tradition. Such communities are valuable because they contribute to the well-being of their members, in particular by providing a menu of options, only against the backdrop of which individuals can make meaningful autonomous choices.[20] States are superimposed on communities of this sort, and state sovereignty is justified because it is the political expression of the self-governance of the underlying political community.[21] The appeal to political community is meant to provide a non-arbitrary way of individuating "peoples" such that the arbitrariness of boundaries objection does not rear its ugly head.

There are a number of problems with arguments of this kind. They have to do with potential and actual mismatches between the good for the community and the interests of the individual members of the community. Such arguments also tend to overstate the role communities play in individuals' lives and identities, and their necessity for providing menus of options to choose from. These problems arise at the level of the move from the individuals to the political community. But even if we set those problems aside, the second move, from the political community to the state, is equally problematic. Few if any states are superimposed on a single political community of this kind.[22] The homogeneity and identification with a single group envisioned in this picture are lacking in a world where most states are states with multiple political communities -and when they

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18] Some version of this assumption appears, among other places, in Barry 2001, 134, Kukathas 1995, 246; Kymlicka 1989, 21, Pogge 2002c, 167-228, Raz 1986, 194, Waldron 2003, 1-20 and Walzer 2000, 53.

19] E.g. in Walzer 2000, and in Walzer 1980. As noted by Veit Bader, Walzer goes back and forth between a communitarian understanding of 'political community' and a citizenship-based one. Most of his discussion, however, crucially relies on a communitarian understanding (Bader 1995).

20] For this argument (that communities are valuable because they provide a range of options for their members, not that this provides a justification for the convention of state sovereignty) see for example Kymlicka 1989.

21] A prominent example of this type of position is Walzer's (see for example the discussion at and around p. 212 in Walzer 1980, and cf. Walzer 2000).

22] A point that has been made repeatedly, e.g. by Veit Bader (1995, 217-18).

are apparently not so, it is often because those outside the dominant political community are being oppressed.

Nonetheless, we can make the voluntarist argument by appealing instead to a more diluted, citizenship-based conception of political communities. If we understand constituting a political community to require no more than participation in shared political institutions and the sharing of a common territory over time, state sovereignty still admits of a voluntarist justification. In this picture, state sovereignty is understood as the mechanism for embodying the will of the people and is thus justified simply because it is an expression of autonomy and of the right of the people to self-govern, whether or not the underlying people constitute a political community of the communitarian sort. Here the justification from self-government is an extension from the individual case. This provides a voluntarist justification for self-government, which in turn justifies the convention of state sovereignty insofar as that convention is required for the exercise of self-government.[23]

Another fact lends support to the idea that we ought not move away entirely from the convention of state sovereignty. Rawls has called it "the fact of reasonable pluralism."[24] There are a plurality of reasonable conceptions of the good life, and therefore a plurality of legitimate but different, and potentially incompatible, ways of organizing political life. Insisting on total legal cosmopolitanism -that is, on a single unified body of cosmopolitan law deriving its authority from one single source -may limit the ability of different communities to consensually organize their lives in multiple ways. Local sovereignty provides an effective means for facilitating such differences in organization, civil law, and other social and political arrangements. One might characterize the flaw with total legal cosmopolitanism as overemphatic paternalism about the good for individuals. While some measure of paternalism is to be expected when it comes to social justice, there must also be room for an accompanying principle of autonomous choice and responsibility. State sovereignty, accompanied by reinforced global restrictions with regard to narrowly circumscribed subject-matters, provides a better model in this respect.

There is a further argument relating to self-government from the connection between considerations of identity, political participation, and self-respect. It has become fairly clear over the past few decades that some degree of integration within a political community is necessary for stability and success in representative governance. Often, people's well-being and sense of self-respect is bound up with their sense of the dignity, recognition, and status of their communal identifications as well. People's sense of self-

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23] There is also an argument to the effect that the communal political expression of one's membership in a community is intrinsically valuable and indelibly tied to well-being. Self-determination is required for such communal self-expression, thus providing a justification for local sovereignties to exist when superimposed on nations. This line of argument is presented by Yael Tamir (though she is not discussing sovereignty as such) in her defense of the right to national self-determination (1993, esp. Ch. 3). But in reality, sovereignty is not required for communal political self-expression. This point is made in Margalit and Raz 1990, 451.

24] See for example Rawls 1996, 36-8.

respect thus becomes partly tied to the official status of their representative political community, possibly because of a perceived connection between their identity as citizens of a state and the status of the state to which they belong.

Thus, the vehicle of state sovereignty is a useful vehicle for democracy because it provides a clearly circumscribed setting within which an integrated sense of identity necessary for full democratic participation may be realized. Where people feel directly connected to the final decision-making process, they are more likely to participate and to try to make an active contribution. State sovereignty is capable of giving individuals a clearer sense of ownership over the processes that govern their lives, insofar as public life is aided by a sense of shared bonds and associations. The value of political participation thus instrumentally justifies the convention of state sovereignty and also possibly favors smaller states over larger ones.

The second set of arguments is from the greater efficiency of the operation of political institutions when sovereignty is localized. If the ultimate authority on political questions that arise in Myanmar resides somewhere in Belgium, the bureaucracy involved and the greater complication of the political process will decrease the efficiency of the operation of local political institutions, thus incurring costs with respect to the fulfillment of the political interests of individuals.[25] Therefore it is important that sovereignty be localized with regard to most matters, on pain of making all political processes inefficient and cumbersome, thereby defeating a central purpose of their existence: to improve the quality of life of their citizens, in part by providing for greater expediency in resolving political and social problems as they arise.[26]

Of course, the importance of participation and effective self-governance does not imply that the concentration of power should be specifically at the level of states. This is why I prefer the locution "local sovereignties." Greater participation and the efficiency of political institutions may be achieved by distributing sovereignty among towns, counties, neighborhoods, states, and the global community, so that different institutions have supreme authority over different subject matters, and not everything is concentrated at the level of the state.[27] The point is simply that some measure of local sovereignty is ultimately desirable in international politics.

25] Evidently, the proponents of a world-state would not want to abolish all local authorities anyway, so the force of this point is limited. But there is something to be said for having the *supreme* authority on most questions (and not simply the delegated enforcer) be localized for purposes of efficiency. A lack of such localization provides too wide latitude for interference in internal matters that are usually best understood by the "locals" anyway. In addition to constituting an abrogation of autonomy (provided the local sovereignty is representative), such latitude for interference can easily lead to too much second-guessing, thus potentially giving rise to problems of efficiency in the running of local affairs. This is why, in anything but matters of fundamental human rights and matters of common concern (as I will argue in section 4 below), local sovereignty is more appropriate.

26] For division of labor justifications for the state system, cf. e.g. Goodin 1988.

27] There have been a number of arguments to the effect that sovereignty should be "dispersed" in this way. See for example Held 1995 and Pogge 2002b.

The third set of arguments is from the need for checks on global institutional power. This argument has been eloquently presented by Jean Cohen, who argues that doing away with the convention of state sovereignty and the presumption of the equality of states merely opens the door to another "age of empires." Legal cosmopolitanism, she argues, will inevitably be used to defend unilateral, and ultimately unjustified, interferences in internal matters, giving rise to a dynamic of forcing people to be free (Cohen 2004, 21).[28] This is an important consideration. The existence of numerous loci of authority and legality is vital to create a balance of powers necessary for the maintenance of healthy pluralism and the enhancement of justice in international relations.

However, the point about the connection between legal cosmopolitanism and the types of abuses Cohen has in mind (in particular, the US offensive in Iraq and the tone that accompanies the so-called war on terror) is somewhat overstated. Cohen attributes unilateral abuses of power and the danger of "empire" to an overly cosmopolitan outlook, and takes legal cosmopolitanism to exacerbate that problem (2004, 2-3). Yet, such abuses occur even in the absence of an "overly" cosmopolitan outlook. In fact, they are possibilities inherent in the state system itself, and point to the absence of the checks that could come from a global sovereign. International law is severely lagging behind in respect of inter-state conflicts and human rights concerns; it therefore leaves room for abuses by not having both sufficiently strict legislation and a sufficiently independent sovereign body to adjudicate.[29] While accepting the point about the need for checks and balances and the desirability of "distributing" sovereignty, we can also acknowledge the great desirability of suitably circumscribed global sovereignties that can replace the *ad hoc* system currently in place for humanitarian intervention. To illustrate this last point, one need only think about the differences in action on Iraq and Darfur. But this is a point I will return to in the next section.

On balance, and given considerations of self-government, effectiveness, and the need for checks and balances, there is still a large role for state or local sovereignty to play despite globalization and worries about internal and external abuses. Nonetheless, there are some subject-matters that are not best placed under the jurisdiction of states. I now turn to arguments for subject-matter circumscriptions and for global sovereignties.

IV. THE JUSTIFICATION FOR GLOBAL SOVEREIGNTIES

A central reason for global sovereignties is the exemption provided by the convention of state sovereignty for states and state actors to consider only or primarily the interests of their citizens. This gives rise to a need for a balancing mechanism. In this section, I will argue that the existence of global sovereign institutions is sorely needed in two gen-

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28] See also her 2006 article.

29] The Security Council can hardly be called an independent body, though it does embody some of the markers of sovereignty.

eral arenas: the arena of fundamental individual interests (or basic rights), and the arena of common concerns. In each of these areas, locating sovereignty at the level of the state will fail to achieve the targeted goals and is therefore inappropriate. Having global sovereign institutions with very narrow subject-matter scope in conjunction with local sovereignties provides a better set of safeguards and fits better with all the normative considerations relevant to international politics.

We know that the basic rights of many individuals are regularly abused. We know that environmental sustainability is at severe risk, and the well-being of present and future individuals is thereby being severely jeopardized, as is their right to a clean environment. We know that states can and do avail themselves of presumptions against intervention generated by the state system to protect themselves against the consequences of human rights abuses. They also avail themselves of the argument from their obligation to attend to their internal interests first in order to circumvent environmental controls.

The proper response to this disturbing set of facts is that neither basic rights nor environmental issues are matters over which state sovereignty ought to extend. Excluding the former is required by moral cosmopolitanism.[30] Excluding the latter is required by the moral conviction that people ought to have a say in matters that fundamentally shape their lives. The problem of addressing issues of common concern is a public goods problem and therefore requires a public solution. This justifies the need for global sovereignty in order to avoid either "tragedy of the commons" situations or injustice in the effects of divergent power with regard to the use of public goods.

Moral cosmopolitanism holds that all individuals, no matter their place of birth or origin, have equal moral standing (cf. Beitz 1983). This gives rise to an institutional requirement to attend to their fundamental interests, violations of which severely limit the capacity of individuals to lead a meaningful life. If we accept the Rawlsian thesis that we have a duty to uphold and promote just institutional arrangements, and an understanding of rights as claims against institutions, we are led to a requirement to put in place institutions that can govern the delivery of the objects of basic rights. Reflection on the high incidence of abuses of human rights over the past century and well into this one underscores the emptiness of declarations like the UDHR in the absence of an enforcement mechanism for their implementation. On the other hand, it also underscores the danger of *ad hoc* unilateral interventions under the rubric of "humanitarian" intervention, in the absence of independent sovereign institutions to legislate, adjudicate, and delegate their execution. The need for permanent, stable, global institutions that have supreme authority with regard to such matters -positions in which should not depend on existing power differentials among states -becomes apparent in light of these twin dangers.

30] Regrettably, not everything can be done in a single paper. I am therefore assuming the correctness of moral cosmopolitanism and of an individualistic justificatory outlook for the purposes of this paper. My goal is to show how, internally to this perspective, the co-existence of local and global sovereignties is justified.

Moreover, it seems a morally basic observation that people ought to have a say in the governing of their lives. This would be vacuous if it did not involve having a measure of control in matters that fundamentally shape those lives. Environmental concerns are a basic category of such matters, as the decisions of some individuals have enormous ramifications on the lives and possibilities of all other individuals. Sustaining the environment is not a local matter, and therefore ought not be under the exclusive control of local actors. Given the natural partiality people and states have for their own interests, and the natural ensuing tendency to ignore the interests of other individuals, there is a need for global regulations to correct for that partiality. In the absence of a clean environment and natural resources, the ability of individuals to have a decent quality of life is severely limited. This gives rise to a need for global institutions to regulate environmental matters.What about global security concerns? Here we have to tread carefully. Pragmatic concerns about abuse of power are particularly strong when it comes to security issues. There may also be severe problems of equity and conflict of interest between domestic and global security concerns. Nonetheless, insofar as this is a shared concern, and insofar as the lack of centralization ends up resulting in unilateral action that is largely unchecked and certainly unregulated, there may be reason to have a global sovereign responsible for security issues.

Perhaps ultimately, security matters are best dealt with by agreements among local sovereignties rather than by a single global institution. But even if stopping short of global sovereignty with regard to this matter, there is a need for stronger international regulations and for more centralized and impartial actors to be involved. This would provide a destination for states to bring security-related concerns, thus making state-to-state confrontation not the only viable option. A global sovereign would act as a facilitator for mediating disputes, and would create limitations on stronger countries using their power to bully other countries to their own advantage. This would make it possible to coordinate security activities in a principled way, thus removing the perverse incentives inherent in the current state system to foment non-state actors for internal reasons, thereby inadvertently giving rise to security threats externally.[31] It should also be noted that long-term solutions to large-scale security problems are much aided by an increased focus on human rights, social justice, and stability, as their absence is what generates the circumstances for fostering the kind of radical terrorism we have the unfortunate burden of living with.

The unifying factor among these two issues -the environment and security problems -is that both are matters of common concern, with regards to which there are two issues at stake: a justice issue and a pragmatic issue. The central justification for the existence of global sovereignties that regulate such matters is justice-based. When there are goods held in common, the current system gives rise to a dynamic where the most powerful can pursue solutions that are in their interest while landing the weak with the brunt of all the

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31] E.g. the case of Pakistan supporting (or even actively promoting) non-state actors to fight against India, thus inadvertently giving rise to what becomes a significant worldwide threat.

negative effects. Further, it may well not be rational for a state to pursue environmental regulations in a context in which such regulations are not global, because that state would end up bearing all the costs. This may provide each state taken individually with a kind of "sucker exemption" not to pursue regulations the lack of pursuit of which end up having drastically negative consequences for others. The presence of global regulating institutions removes such considerations from the picture. By coordinating the actions of all states, it nullifies the sucker exemption for each state, thus facilitating the obtainment of just solutions.

While less forceful when we are concerned with justification, pragmatic arguments nonetheless have some independent weight aside from considerations of justice. To take the case of security concerns, the lack of a global regulating body makes it the case that individual states have to pursue their security interests as they see fit. The lack of coordination and the narrow perspective they take in such cases often have terrible consequences. An often-cited example is US support for the *mujahideen* in Afghanistan as a way of countering the security threat it faced from the Soviet Union; this support is not causally unconnected to the rise of Al-Qaeda. US support given to Saddam Hussein to counter a perceived Iranian threat is also not causally unconnected to the extent of the power he ended up wielding, both internally and regionally. Of course, the possibility that measures taken to counter security concerns turn out badly will remain even if a global institution exists to deal with inter-state security matters. But the wider perspective and more impartial consideration such an institution would give is likely to lead to better results.

Even if the moral considerations outlined here are convincing, much thought has to go into the setup and structure, including the incentives structure, of such global institutions in order to arrive at an arrangement that embodies the greater representativeness and equity being sought. I am not here undertaking this task. Instead, my task has been to outline the moral justifications for global sovereignty in areas where the sovereign states system suffers from moral blind spots.

Local and global sovereignty are not mutually exclusive, and make room for a setup that can be responsive both to paternalistic concerns and to democratic ones while building in enough checks and balances to avoid, as far as possible, abuses of power by having a number of different sovereign bodies operating in the same or overlapping regions. Some institutions would have sovereignty limited with regard to territory and subject-matter, and others only with regard to subject-matter. Local sovereign units would be territorially circumscribed, but also circumscribed by the greater limitation of the subject-matter over which they have authority, thus reducing the perverse incentives attached to state sovereignty by reducing both its scope and the powers and privileges it brings with it.[32]

32] On the question of perverse incentives attached to sovereignty by the current global world order (such as the international resource privilege and the international borrowing privilege), cf. Pogge 2002a, 112-15.

Global sovereign units, by contrast, would not be territorially bounded but would have final authority over a much narrower subject-matter. Thus we would have numerous global sovereign units, each of which would have supreme authority with regard to some narrow subject-matter, and all of which would act as checks and balances on each other. This is by virtue of the fact that they would operate in parallel on overlapping territories, and inevitably sometimes overlapping interests. Thus, sovereignty would be horizontally and vertically dispersed,[33] and numerous sovereign units will have input and a part to play in administering and implementing the decisions that come out of the sovereign global units.[34] This provides an additional layer of checks on abuses by the global institutions in question and vice versa. Considerations of checks and balances give us further reasons to hold on to the convention of state sovereignty, suitably modified to accommodate the existence of other larger, and possibly also smaller, sovereignties.

The role of global sovereign units would be to legislate, enforce, and adjudicate matters of fundamental interest and common concern. However, this would not require military intervention in all cases of violations. Intervention can take many different forms, including censure, fines, sanctions, and finally, as a last resort and in limited cases, military intervention.[35]

When it comes to considerations that are preconditions for a good life, to considerations of shared concerns and to the requirement of sharing control, global sovereignty is needed. There must be a stable, predictable, and principled way of ensuring that individuals have a recourse against abuse, and that intervention is undertaken in cases where that is appropriate. There must also be a space where communities, however constituted, can govern their lives independently and according to the peculiarities of their local contexts. A setup that has room for both local and global sovereignties takes account of these twin requirements.

V. CONCLUSION

The aim in this paper has been limited. I have not tried to offer an exhaustive picture of the proposed global and local institutional reforms, nor have I tried to give an account of how such reforms might be practically implemented. Instead, I have offered an analysis of sovereignty that provides us with a conceptual framework from within which we can better understand the evolving role of sovereignty in contemporary politics, the reasons for local and global sovereignty, and how they can productively coexist. I have also offered

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33] Cf. Pogge 2002b, where he describes a system with a number of "nested territorial units" as embodying a "vertical dispersal of sovereignty."

34] Veronique Zanetti argues for a similar point, though she advocates world government rather than a number of global sovereigns each charged with a narrow set of subject-matters. Cf. Zanetti 2003, 204-18.

35] On this point (that there are many peaceful means of coercion short of military intervention), cf. Zanetti 2003, 217.

arguments internal to a cosmopolitan outlook for the desirability of local sovereignty and the necessity of global sovereignty.

On the understanding that sovereignty always includes a subject-matter component, the tension between the requirements of sovereignty and the protection of human rights and matters of common concern is resolved: it is no violation of local sovereignty to execute and implement those matters over which such sovereignty does not extend. It is rather merely an execution by a different sovereign body of the matter under its jurisdiction. Global and local sovereignties are conceived of as complementary units within a just world order designed to ensure that democratic participation and local decision-making can be combined with the appropriate mechanisms for safeguarding the basic rights of all individuals, no matter what their place of birth or residence. The setup envisioned is such that it provides its own internal and external checks and balances, in part by maintaining and capitalizing on what is good about the political convention of sovereignty. Continuity in our understanding of sovereignty is also maintained, because what is envisioned is a series of changes to the subject-matter component of sovereignty -what redrawing boundaries would be for the territorial component. And the subject-matter component, I have tried to argue, is already implicit in our traditional understanding of sovereignty.

Philpott claims that revolutions in ideas about justice and political authority are what give rise to revolutions in sovereignty (2001). Perhaps the new revolution in ideas about justice has to do with our ever-expanding recognition of humans as humans, and of the global scope of justice. Revolutions in access to information and the great degree of interconnectedness in the contemporary world make us unable to set aside what happens in far away places. Perhaps this is the "revolution" that is spurring us to consider new ways of thinking about sovereignty. My suggestion is that we have available to us an understanding of sovereignty that does not depart radically from the ways in which it is already understood and implemented, while opening the door to an improved international framework.

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