

TRUST IN THE AGE OF FEAR MULTILATERALISM AFTER 9/11

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1. *On the viability of unilateralism.*- Whether in search of effectiveness in its fight against terrorism or taking advantage of a window of opportunity to gain a freedom of action comparable to its dominant position in the international system, the United States, after 9/11, turned unilateralist. America chose not to act within the NATO framework while bringing war to the Talebans' Afghanistan. In Iraq it was backed by a "coalition of the willing" that may have given the enterprise some "internationalization", but had nothing to do with multilateralism indeed¹.

As a matter of fact, this vociferous (neocon) faith in the superiority of unilateralism was quite quickly shaken when a deep legitimacy crisis forced the U.S. to face a serious "friction" problem involving most of its foreign policy (Gaddis 2005). In the meantime, though, the revisionist attitude of the Bush administration had scaringly proved to the international community that multilateralism might not be an irreversible choice for the dominant power. The *in-principle* unquestionability of multilateralism² was not any longer the

¹ In this case it was the mission that decided the coalition and not the other way around as in institutionalized alliances. Thus the country that defines the mission is acting unilaterally even if other ones join in. The endeavour is only nominally multilateral since substantive multilateralism implies the following features (Caporaso 1992, 601-2): generalized principles of conduct – such as procedures to take decisions collectively; indivisibility among members (a trait obviously not present in these highly volatile associations); and diffuse reciprocity, which is not possible in these «marriages of interest» because they are not stable enough to make it reasonable for the partners to exchange present commitments for future rewards.

² As noted, two distinct arguments were brought by the Bush administration to back its shift to unilateralism: the U.S. cannot afford to follow the rules if it wants to be effective in fighting terrorism, and the U.S. should not bind itself to international law because the only legitimate limits to the exercise of its power are those set at the domestic level. As Robert Kagan nicely summarized (2003, 36), anarchy ultimately serves the interests of a strong country much better than order and law. Of course the principled argument had a stronger impact on the international community than the pragmatic argument because the latter would justify only *occasional* unilateral actions (when «needed») while the former hinted at a real shift in U.S. foreign policy.

cornerstone of international order. The tension between “power and principle”, something that Berdal sharply focuses on, came out fully when it reverberated in the United Nations, the organization that had institutionalized “high-politics” multilateralism.

My precise aim in this paper is to discuss the viability of unilateralism in present-day international relations in order to reflect more widely on the evolution of multilateralism after 1989 and, in particular, after 9/11.

Mats Berdal starts his discussion of this issue by recognizing that «in a world of sovereign states, with no overarching authority but beset by threats and challenges that cut across national borders, commitment to principle and a preference for collective solutions are for good reasons treated as commendable virtues»³. Therefore multilateralism is often the preferred course of action for practical and moral reasons. However, unilateralism has its advantages despite the bad reputation it has earned because of the U.S.’ recent poor performance, as Berdal states. In some cases it may be the only alternative to inaction, the only effective way to provide resolute leadership for a hesitant international community and to overcome the operational limits of present international organizations, such as the unarmed UN in the field of security.

Borrowing Inis L. Claude’s words (1993, 225), Berdal then rejects the “commonplace associations” of multilateralism with «disinterested and salutary behavior, uncontaminated by national bias and ambition» and unilateralism with «arbitrary, irresponsible, and abusive behavior», concluding that states should let pragmatism guide their choices so that they can work out the most effective line of conduct in different circumstances. After all – it is Berdal’s strong point – for decades “inconsistency” has allowed the international community to reconcile sovereignty and the protection of human rights, managing the inherent tension between these two conflicting sets of principles which, for different reasons, cannot be renounced.

The thesis I tentatively put forward is that, after 9/11, in an international society deeply socialized to multilateralism, certain

³ In his *Sources of Adherence to Multilateral Institutions: The Case of the United Nations*, on this issue of the Review, 699.

security “functional imperatives” emerged⁴ which produced (a discourse on) a new, more demanding form of multilateralism⁵. Quite paradoxically popularized by the “order of democracies” image of the second-term Bush administration⁶, this “advanced” multilateralism implicitly stresses *mutual accountability* (a fundamental feature of domestic democratic governance)⁷ as a means to enhance trustworthiness among states⁸, an increasingly precious good in a world of perverse interdependence – the world that emerging global terrorism revealed.

If the social environment is evolving in this direction, unilateralism will be perceived as more and more disruptive not so much because it is “abusive” but simply because it is «irresponsible». Whether unilateralism is “abusive” or not is in fact something that needs to be proved on a case-by-case basis, while it certainly is “irresponsible” in the literal sense that it is a course of action “not to be accounted for” within the international community. Not being accountable, that is being irresponsible, according to the Oxford Dictionary means to be “not trustworthy” and the lack of mutual trust is exactly what many key members of the international community believe they cannot afford anylonger in their social life. In particular since deterring and balancing potentially hostile countries – the key

⁴ The most basic of these new imperatives induced the international community to formally adopt a broader definition of security with respect to the traditional one, a definition which links very tightly the international and the domestic domains.

⁵ I am well aware that there are, at most, traces of this development in present international relations. Nevertheless, as Rosenau notes (1990, 76), change and continuity are not objective phenomena. Rather, «their observation acquires form through conceptual formulation, not from empirical reality».

⁶ Paradoxically, given the previous attempt of the U.S. to obtain legitimation for its unilateralism (in particular for preventive war, whose justification could only come from an act of faith since it was meant as a response to «emerging threats before they are fully formed» [National Security Strategy 2002, Preface]). But of course this new shift in U.S. foreign policy – i.e. the move towards “transformational diplomacy” (2006 National Security Strategy, 44) – could be expected considering the high degree of (at least formal) support of multilateralism in present international relations.

⁷ I use the term accountability on purpose in order to place my argument within the “international democracy” framework since I subscribe to the argument that «it may be useful to compare the two realms of domestic and international politics; the sharply defined features of the former will, hopefully, offer us a better understanding of elements and aspects of the latter which we might otherwise neglect or not detect at all» (Bonanate 1995b, 42).

⁸ Given the limits of the purely “predictive” definition of trust (which posits that trusting is basically equivalent to gambling), I adopt the “fiduciary” one which combines «the concept of obligation with the idea that trust involves risk» as «it includes trustors’ perceptions that their trustees have a responsibility to fulfill the trust placed in them even if it means sacrificing some of their own benefits» (Hoffman 2002, 379).

strategies enacted by states to keep the peace before 9/11 – appear to be less effective than they used to. And, as Michael W. Doyle noted (1992, 318), «an important alternative to the balancing of enemies is [...] the cultivation of friends».

Assuming a growing appreciation of the practical value of principled or consistent behavior, we have to conclude that pragmatism and inconsistency will lose appeal and that it will surely become more difficult to reconcile the irreconcilable⁹. It is then reasonable to expect that the growing tension between sovereignty and the protection of human rights – now deemed necessary for enhancing global security – will lead to a reinterpretation of sovereignty. This is exactly what happened in contexts where interdependence – whether imposed by circumstances or socially constructed – has been taken seriously¹⁰.

2. *It's anarchy's fault. Is it really?*- What made trust such a rare and precious good for states through time is the much-celebrated pervasiveness of fear in the international domain. Fear is crucial in International Relations theory and, apparently, in the practice of interstate relations, albeit increasingly less so – one would say – given the number of conflicts which have *not* broken out in our troubled world. The inevitability of war is rooted in fear via the security dilemma: «a social structure composed of intersubjective understandings in which states are so distrustful that they make worst-case assumptions about each others' intentions, and as a result define their interests in self-help terms» (Wendt 1995, 73). It's fear that makes anarchy both the permissive *and* the efficient cause of the outbreak of war (Waltz 2001, 234)¹¹. Mearsheimer (2001) emphasizes the role of fear in explaining the “offensive” rationality of states. For Realists,

⁹ In day-to-day international relations this attitude leads to criticizing the adoption of double standards.

¹⁰ In the European Union, for example, sovereignty is «pooled», or exercised jointly. This choice implies of course less freedom to decide for oneself and more responsibility towards the community's wellbeing.

¹¹ Writes Waltz (2001, 234): «War may result because state A has something that state B wants. The efficient cause of the war is the desire of state B; the permissive cause is the fact that there is nothing to prevent state B from undertaking the risks of war. In a different circumstance, the interrelation of efficient and permissive causes becomes still closer. State A may fear that if does not cut state B down a peg now, it may be unable to do so ten years from now. State A becomes the aggressor in the present because it fears what state B may be able to do in the future. The efficient cause of such a war is derived from the cause we have labeled permissive», that is anarchy which bolsters fear.

whose ideas have dominated the discipline and strongly influenced political discourse for a long time, only prudence limits conflict, but prudence is just another consequence of fear, one that induces moderation.

Is there anything that can help states not fear each other and consequently alter the presumption of potential enmity in their relationships? For the Idealists and those who have taken up their line of reasoning in recent times, what can help states are democracy in the domestic arena and international organizations. Contemporary Realists, though, believe that neither work. Democratic states living in an anarchic environment have the same worries about their own security as autocracies, so they will be forced to play power politics too. It is the anarchic structure of the international system that obliges them to do so even though they have opted for the peaceful resolution of controversies in the domestic domain.

International organizations are also ineffective in imposing restraints on the use of force because members' participation is voluntary and no member can be sure that a fellow state will not leave the organization at some point in order to defend its national interests and thus become a threat. This was the bitter lesson taught by the progressive marginalization of the League of Nations between the two world wars.

The conclusion that has to be drawn is that states have created an anarchic social environment by recognizing one another as sovereigns. In this environment trust is such a risky attitude that no sensible state will dare act on this basis. Apparently the security dilemma is a no-way-out trap.

No wonder, after 9/11 the image of anarchy, which clearly belongs to traditional interstate politics, continued to dominate public discourse. At most it was adjusted¹² to make room for some threatening developments that occurred after the end of bipolarism and were brutally brought to light by the terrorist attacks¹³. Quite

¹² For example, Robert D. Kaplan's image of the «coming anarchy» (2000) is very close to the traditional «state of nature» one, but it is stretched to include non-interstate disorder: civil wars, forced migrations, the ecological crisis and so on. All aspects which are considered part of an extended conception of security as the one put forward by the High-level Panel in its report *A More Secure World: Our Shared Responsibility* (2004).

¹³ The privatization of violence is a case in point: paramilitary troops in the Balkan wars and transnational organized crime in most of the 109 civil and internationalized civil wars which took place between 1989 and 2003 (Eriksson – Wallenstein 2004), then global terrorist

unexpectedly, though, hyperterrorism had an impact on the anarchical rhetoric too. The issue of trust, which can be dealt with only very uncomfortably within this conceptual framework, became crucial as much as fear.

States were divided into two categories: those that can be trusted and those that cannot. Basically, democracy – a democratic domestic regime – is what is supposed to make a difference. No democracy is a “rogue state”. None was included in the “axis of evil”¹⁴, while tyrannies are more and more pointed out as threats in themselves. The world ended up being cut in two parts: the Western post-historical paradise and the jungle, in Robert Kagan’s successful wording (2003). The good news is that the “jungle” does not cover the whole planet (as we would be forced to conclude if we considered anarchy the automatic consequence of sovereignty). However, if it is so, we have got a (theoretical) problem.

How can we explain the variation in the quality of international life associated with democratic domestic regimes if the anarchic structure of the international system poses the same constraints and offers the same opportunities to all members of the international community¹⁵? Why do democracies dare to trust each other while authoritarian regimes do not? Why do democracies not trust authoritarian states?

The answer dates back to 1957 and came from Karl Deutsch. Democracies do not fear each other – rather trust each other – because they share a particular social structure¹⁶, a “security community”, that makes it reasonable for them to expect those who are part of it to act consistently with domestic democratic principles in their relationships with other states too, opting for the peaceful resolution of controversies. In short, democracies are peace-loving *within this framework, because of it and toward those who are part of it*¹⁷. As Alexander Wendt noted (1992), after all «anarchy is what states make of it».

networks and finally mercenaries publicly recognized thanks to media coverage of the Iraq war.

¹⁴ Iran, in which elections are regularly held, is classified as “not free” by Freedom House for obvious reasons.

¹⁵ Precisely for this reason Mearsheimer (2001), a structuralist in the traditional, non constructivist understanding of the term, rejects the idea that an international order made of sovereign democracies will be different from the present (mixed) one.

¹⁶ To be intended now in constructivist terms.

¹⁷ «Amity or enmity – as Wendt notes (1995, 73) – is a function of shared knowledge», which amounts to arguing that enmity is not the inevitable consequence of sovereignty via the security dilemma. If this is the case, the strategy states decide to enact towards their fellow

How a security community develops is too complex to explain fully here, but in the beginning we certainly have the workings of multilateralism (which reflects the very basic principles of procedural democracy) among democracies. The relevant aspect is that democracies practice multilateralism as an extension in the international arena of the values and norms that inform their domestic decision-making, a fact that fosters mutual trust. It should not be surprising that, as time goes by, democracies' multilateralism "thickens", influencing the definition of the selfish, competitive *identities* and the related, originally egoistic (i.e. narrow) *interests* of the countries involved, so that they may give birth to a proper community.

Can this enhanced, more demanding, form of multilateralism progressively extend to cover the whole planet? The mere increase in the number of democracies would not in itself lead to this outcome, not even if all states turned democratic¹⁸. As sovereign entities, democracies would perpetuate an anarchic system, unless this change in the domestic domain were paired with changes at the international level (i.e. in their relationships) which would transform a larger and larger traditional inter-state multilateral order into a real worldwide security community. A domain where mutual accountability becomes the norm and where sovereign identity is reinterpreted in such a way as to substitute the security dilemma with trust. Does the evolution of multilateralism allow us to envision such a welcome change?

3. *Multilateralism as an institutional form and its evolution.*- As any other social institution, multilateralism evolved through time and the most convincing account of this process and its origins is, I

states becomes extremely important. Acting on a presumption of enmity, as it usually happens when the relationship involves liberal and nonliberal countries, may be, to some extent, self-fulfilling (Doyle 1992, 314).

¹⁸ An international community made of democratic states would not necessarily and irreversibly escape the security dilemma trap. National interests narrowly defined could still make them war-prone in some circumstances. This is, of course, the argument behind the critique of economic nationalism or protectionism. As Doyle reminds us (1992, 311), «we cannot simply blame warfare on the authoritarians or totalitarians, as many of our more enthusiastic politicians would have us do. Although most wars arise out of calculations and miscalculations of interest, misunderstanding, and mutual suspicions [...], aggression by the liberal state has also characterized a large number of wars. [...] We need therefore to remind ourselves that a "freer world" does not automatically mean "a more peaceful world". Trying to make the world safe for democracy does not necessarily make democracies safe for the world».

believe, the one offered by Christian Reus-Smit (1997). In order to explain *why* multilateralism – not some other kind of institution – was introduced to manage coordination and cooperation problems in the international system especially after 1945, Reus-Smit (1997, 556) argues that fundamental institutions are «embedded in larger complexes of constitutive metavalues»¹⁹. The metavalues which structure international society are «made of shared beliefs about the moral purpose of states» – providing standards of legitimate statehood and rightful action. Two elements derive from this moral purpose: the organizing principle of sovereignty – a constant through time²⁰ – and a «norm of pure procedural justice» to set the basic rules of conduct for community members.

In the modern interstate system, Reus-Smit continues, the moral purpose of the state is “individualist”: states shall provide citizens with the friendliest environment to pursue their own interests, a freedom protected by the state through the rule of law. The organizing principle is sovereignty, as states claim supreme authority within a territory to perform this specific task, and the norm of procedural justice is the legislative codification of formal, equally reciprocally binding accords.

When this norm eventually “filtered” in the international arena²¹, it informed the paired evolution of two fundamental institutions that shaped the architecture of contemporary international society: contractual international law and multilateralism. It is no accident that they reflect the two principles of rightful lawmaking: the law has to be

¹⁹ While discussing the nature and evolution of this particularly demanding institutional form, Ruggie (1992, 584) wrote about multilateralism that «while numerous descriptions of this “move to institutions” exist, I know of no good explanation in the literature of why states should have wanted to complicate their lives in this manner. And I would think it particularly difficult to formulate any straightforward explanation within the currently ascendant logic of instrumental rationality». Reus-Smit’s answer to this puzzle confirmed Ruggie’s intuition.

²⁰ «Sovereignty – in fact –, like individual liberty, is not a self-referential value capable of independently providing actors with substantive reasons for action» (Reus-Smit 1997, 565). From this statement it follows that a change in metavalues will influence the interpretation of sovereignty.

²¹ «The legislative norm of procedural justice filtered into international legal and political thought in the late eighteenth century, finding expression in the writings of early “positivist” legal theorists, and in calls by political theorists and revolutionary states for a new diplomatic order. It was not until the middle nineteenth century, however, that the new principle of rule determination began structuring the actual practices of states, establishing a new international institutional architecture» (Reus-Smit 1997, 578).

authored by those subject to it and it has to be equally binding for all²².

While contributing to the smooth solution of some relevant collective problems facing the international community that was then experiencing the pressure of fast-growing interdependence, multilateralism strengthened sovereignty and its corollaries: non interference and self-determination. At the international level, sovereign equality was necessary for contractual law to be binding, but because of this characteristic each state could be bound only by those rules to which it formally subscribed.

A shared belief sustains the sovereignty claim from an international point of view: the state, which has the moral duty to provide the best environment for individual citizens to pursue their own interests, is the only one which can legitimately give voice to its population's will, summarized under the label of "national interest". Consequently each state is the only judge, in the international arena, of its own conduct for which, in the domestic domain, it is accountable to its citizens²³. After all, multilateralism was meant to serve the modern interstate system, and it did perform this task quite successfully.

Reus-Smit so explains the origin of multilateralism and its early evolution, covering the period which goes from 1850, when the proper institutionalization of multilateralism started, basically to the year 2001, when the new challenges to global security were definitely brought to light by the Twin Towers terrorist attacks. An absolutely unexpected event which forced the international community to question itself about the nature of these challenges²⁴. While the openly unilateralist turn of the U.S. which soon followed induced decision-

²² In ancient Greek society of states – notes Reus-Smit (1997, 572) to back up his argument that different constitutional structures involve different norms of pure procedural justice even if the ordering principle, i.e. sovereignty, stays the same – «the practice of interstate arbitration embodied the same discursive norm of procedural justice that informed the city-states' domestic legal processes».

²³ Needless to say the «my country, right or wrong» attitude – by which any critique of foreign policy is anti-patriotic – turns citizens into very poor judges of their own states' conduct. This is a very good additional reason to seek mutual accountability among states in a tightly interdependent world.

²⁴ The concept of «asymmetry» (a very powerful image indeed) was then introduced in public discourse to justify the unpreparedness of the international community to deal with the new situation. Threats do not spur from traditional interstate tensions: states may be involved because of nuclear proliferation, but in this logic, the growing risk is that they may arm terrorist groups whose rationality is very different from states'. Asymmetry was recalled also because states appear really too small to deal with present security challenges like poverty, large scale human rights violations and transnational organized crime.

makers worldwide to rethink the institutional framework within which an effective response could, or should, be worked out and implemented on the global stage, as required by intrinsically global threats.

What happened between 9/11 and today cannot be adequately discussed, however, if we do not acknowledge that both issues – the nature of threats and the appropriate response – were dealt with within an international society deeply socialized to multilateralism²⁵. For this reason it is worth recalling briefly what multilateralism is, as the character of this institutional form explains much of its evolution.

Multilateralism as any «ism», Caporaso (1992, 601) writes, is a term which «suggests a belief rather than a straightforward state of affairs». The belief is that relations among three or more states *should be* coordinated «on the basis of generalized principles of conduct» (Ruggie 1992, 571), a trait which reflects the norm of pure procedural justice of our time. Needless to say, what is rooted in this normative core is the idea of the perfectibility of the institution and consequently its intrinsically progressive nature²⁶.

The first corollary of this substantive definition of multilateralism²⁷ is that it entails «an indivisibility among members of the collectivity with respect to the range of behavior in question» (Ruggie 1992, 571). Such indivisibility, obviously a social construction, reflects the *perceived* indivisibility of a good sought for or a bad the group wishes to avert. Collective security is based on the indivisibility of peace; the shared belief in the indivisibility of openness (or non-

²⁵ Many non-democratic countries opposed the post 9/11 “war on terror” strategies on the ground that they were not multilateral, i.e. democratic at least from a procedural point of view, while clearly recognizing democracy’s virtues only in the international decision-making process. This suggests that multilateralism is perceived by states as the only legitimate standard of action, even if they do not practice it consistently.

²⁶ Since generalized rules of conduct can be considered valuable in themselves, as they introduce an element of fairness in the relationship of those involved in a multilateral institution, any move towards a more consistent respect of those rules can be considered an advancement of the institution. A multilateral institution experiences a “higher quality” evolution when, with the passing of time, the respect of those generalized rules – which reflect the perceived indivisibility of the group and its interest – leads to a situation where traditional egoistic national interests are *definitely abandoned*, with respect to the issue to be governed jointly, in favour of a broader (more altruistic? communitarian?) and longer term conception of every partner’s interest. When this happens a security community is born because the inclusion of each partner’s interest in the interest of all the others makes them all highly trustworthy. Consequently the risk involved in the act of trusting becomes virtually non-existent, which amounts to saying that the countries involved have overcome the security dilemma (Hoffman 2002, 378).

²⁷ A nominal definition would imply the mere coordination of policies among three or more countries.

discrimination) inspired the introduction of the most-favoured-nation norm that links all the units of a liberal trade system.

What the practice of multilateralism has suggested to states is «the existence of a political system with specialized [...] structures and processes [...] which are capable of handling at least some collective tasks in an *ex ante* coordinated manner» (Rittberger 1983, 167). An order eventually developed «as a result of the twentieth century move to institutions», in which multilateralism «has come to embody a procedural norm in itself» (Ruggie 1992, 584). Following Reus-Smit, this amounts to saying that multilateralism now embodies the standard of rightful action and legitimate statehood. In sum, the point we can draw from Rittberger's argument – which definitely gained strength since he first made it more than twenty years ago – is that more and more often the expectation of a joint response, fostered by the practice of multilateralism²⁸, leads to the social construction of shared problems rather than the other way around²⁹.

The social construction of the indivisibility of present threats (in particular, global terrorism and the proliferation of WMD) is a case in point as it is now considered a key political issue: «The challenge facing the High-level Panel – writes Mats Berdal in his *The UN after Iraq* (2004, 96) – [...] is not only to demonstrate that the concerns or “threats” animating the “South” are one that the more prosperous West or “North” have a vested interested in addressing, but likewise, to show that meeting the “threats” dominating Western discourse in recent years is also of pressing concern to the “South”. How is this to be done without simply producing a litany of threats and challenges designed to leave nothing out?». The answer to this question could well be: by starting from the other end of the process, emphasizing multilateralism as the standard of rightful action and legitimate statehood to foster the social construction of this global bad. It is no wonder that unilateralism is widely perceived as disruptive in such a context, where dealing effectively with vital problems depends on a multilateral approach whose primary and perhaps most difficult task

²⁸ Which of course cannot be separated from the *belief in* multilateralism, which keeps it going.

²⁹ The institutionalization of joint response, granted by the collective security provisions enshrined in the UN Charter, makes it sure that «particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence» (Ruggie 1992, 571) do not produce a breakup in the working of that multilateral organization. The long-term nature of any multilateral enterprise has to be stressed, since a shorter time frame would not ensure the indivisibility of the group and diffuse reciprocity (*supra*, note 1).

consists in bridging huge gaps in material conditions and perceptions among members of the international community.

When jointness is crucial, arbitrariness is a huge flaw. Apparently, arbitrariness is exactly what makes unilateralism more efficient than multilateralism though: whoever decides for himself, irrespective of what the others think, believe or feel (especially about the value of norms), may act more readily, as he does not have to build up consensus around his choices. The problem is that, precisely for this reason, what is gained in efficiency is lost in legitimacy. Unfortunately, as recent events have shown quite clearly, the more intrusive international public policies become, the more legitimation from the international community – direct or via the UN – is necessary for them to be successful and even sustainable. This is a problem raised in quite dramatic terms when America's response to hyperterrorism first appeared to involve the more or less forced democratization of at least some non-democratic countries of the Middle East³⁰.

From what we just noted it's clear that today arbitrariness does not simply amount to breaking the rules, a conduct which would appear illegitimate from the lawyer's point of view. Now it seems to be considered arbitrary a conduct not respectful of the democratic principle by which whoever is supposed to bear the consequences of a decision should be involved in the decision-making process. The observance of this principle would in fact gain *democratic legitimacy* to a decision, and it is exactly what most democratic states and the public opinion, especially in democratic countries, at present expect³¹. For democratic legitimacy to be applicable, though, two prerequisites are needed: a clearly defined common good and a polity which shares it. The fact that both are apparently missing at the international level

³⁰ Even Robert Kagan (2004) ended up recognizing that legitimacy cannot be renounced for very practical reasons and that, at present, is very strictly linked to multilateralism.

³¹ It could be argued that this expectation suggests that democratic legitimacy derives from a "code of constitutionality" in Ian Clark's wording (2005, 220-21). Among the various sources of legitimacy, the norms of constitutionality belong to «the political realm of conventions, informal understandings, and mutual expectations. At its core are political sensibilities about what can properly be done, and how affairs should be conducted. [...] Now the practice of legitimacy is very much concerned with codes of constitutionality, and with claims about their violations» and «the constitutionality of the order [negotiated after World War II] was to be found in mutual expectations about multilateral forms of action» while «the contemporary debate about legitimacy is extremely sensitive to the maintenance of this constitutionality». It's no accident that Clark chose as a case-study to show the weight of constitutionality in legitimacy the 2003 Iraq war.

does not however prove that public opinion (decision-makers included) is wrong, or that its expectation is bound to be frustrated. Or still that the only standard by which to judge the legitimacy of an international act is its conformity to legal rules. Rather it shows that the evolution of the «democratically advanced multilateralism» *discourse* has gone much further than actual interstate relations. In other words, it shows that worldwide public opinion shares a fairly precise understanding of the global common good and it feels to be part of a global community especially with respect to some issues like security and the environment³².

Concluding on this point, the expectation of a constant widening of the multilateral framework to include more and more issues and countries is fostered, first of all, by the *nature of multilateralism* – which is progressive and universalistic in principle, like democracy – and the *practice* of it. Secondly, this expectation is fostered by the *steady increase in the number of democracies*, which supposedly tend to apply procedural democracy in interstate relations to face collective challenges and to encourage more states to develop democratic regimes³³. Third, the expectation is fostered by the *growing relevance, both in quantitative and qualitative terms, of transboundary and cross-layer phenomena*. This trend has brought about a thorough change in our conception of political space in a rather short time span. Distinguishing political space from territory³⁴ we could finally recognize systems of rule different from the state (Mansbach 2002). Global politics as the domain of governance (as well as of those problems which need to be governed) then posed problems of accountability for the many actors involved in the production of international public policies, states included. Since politics is not keeping up with the pace of globalization, to whom and how should the subjects involved be held accountable is still an open question³⁵.

³² I am indebted to Gianluigi Palombella for drawing my attention on the point of the two distinct sources of legitimacy, and the (apparent or formal) lack of the prerequisites for democratic legitimacy in the international domain.

³³ This expectation explains the strategy of “inclusion” of non-democratic countries in international organizations – China in the WTO, for example. The idea of promoting democratizations through the practice of multilateralism, soft pressures stemming from the organizational environment itself and eventually some forms of conditionality.

³⁴ Meant as a portion of physical space over which the state exerts exclusive control.

³⁵ «In a world where powerful states make decisions not just for their own people but for others as well, and where transnational actors and forces cut across boundaries of national communities in diverse ways, the questions of who should be accountable to whom, and on what basis, do not easily resolve themselves» (Held, McGrew, Goldblatt, Perraton 1999, 81).

As the border dividing domestic and international realms became thinner and thinner and a vast array of problems emerged that can be dealt with only in a global fashion because they are part of globalization itself, multilateralism globalized too. The set of “relevant states” to manage most of the truly critical items on the agenda is now thought to include the whole international community with its over one hundred and ninety members, albeit in different capacities (as producers or recipients of international public policies such as institution-building, for example)³⁶.

Arguing that states did not have «duties beyond borders» (Hoffman 1981) was not only acceptable but somehow to be expected just a few years ago because of International Relations’ statocentrism. But some scholars argued the opposite (Bonanate 1995a), and their position bore fruit. Today political discourse includes wordings such as the “responsibility to protect” human beings irrespective of where they live. This is a development where the perception of the declining importance of borders played a large role.

States have not taken this responsibility on themselves fully, while «prepared to take collective action [...] in accordance with the [UN] Charter, including Chapter VII, [...] should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity» (2005 World Summit Outcome Document, 139). In any case, this tiny advancement, which proves that humankind is now – at least in principle – part of the moral universe of each single state, explains the growing embarrassment which accompanies the use of the “national interest” formula, which happily allowed states in the past to seek their own advantage at the expense of others that were not considered either morally or practically relevant for states’ calculations (a heavenly condition for states to “externalize costs” – i.e. to be egoistic without feeling guilty). Today an argument brought against the Kyoto protocol based on the interest of national firms is widely considered politically myopic and morally blameworthy. Nye makes the same point from a political, rather than moral, point of view when he writes that a national interest not broad enough to include the general interest of humankind will be perceived as illegitimate and the

This is a very good argument *per se* which sustains the need to rethink democracy on a global scale. The new security threats only made it stronger.

³⁶ As Caporaso (1992, 603) writes: «Multilateralism is a belief that activities ought to be organized on a universal (or at least many-sided) basis for a “relevant” group».

country deemed to be inspired by such a narrow (selfish) vision – the U.S. in his argument – will lose soft power³⁷.

Just like the redefinition of political space, the redefinition of states' self-interest in broader and longer-terms³⁸ has certainly influenced the scope of multilateralism both in geographical terms and in terms of its agenda. Most interestingly though, when these processes and their prerequisites are considered together, they appear to have created quite a favourable social environment for the “enhancement” of multilateralism democracy-wise.

4. *Trust in the age of fear.*- Following Reus-Smit (1997), the main transformations we have just recalled influenced the metavalues that the standards of rightful action and legitimate statehood derive from. If states cannot easily “sell” their policies³⁹ just by saying that they are in their national interest, we may conclude that a state is now entitled to pursue its national interest only as part of a more general interest. This is precisely the argument used to oppose Iran's “right to nuclear power” claim: it may be in the country's interest to develop nuclear capabilities that might be applied to military programs, but it is not in the general interest of humankind⁴⁰. This amounts to saying

³⁷ Can unilateralism be an antidote to inaction? This point is nicely linked to the «scope of national interest» issue. Is unilateralism more efficient from a systemic point of view? That is, shall any decision widely perceived as necessary or worthwhile be taken more easily and implemented in the presence of a willing unilateralist? It depends on the scope of the national interests of those in the position to act unilaterally. Generally speaking, an organization that reflects the interests and sensitivities of a higher number of subjects may have a better awareness of a wider range of problems. Multilateralism can be a pretext not to take action, but unilateralism can lead to a very narrow definition of the international agenda. During his first electoral campaign Bush himself said that if he were elected the U.S. would not intervene even to stop genocide if it was not in its national interest and so we are back at the beginning of the argument, see *Bush's World, The Economist*, January 6th 2001, 14.

³⁸ Needless to say, the discourse on sustainable development – which logically follows the social construction of a “global environment”, a process which started with the 1972 Stockholm UN Conference whose motto-manifesto was “Only one earth” – strongly encourages the international community to develop a longer time frame to include future generations' rights in the political decision being made. Sustainable-development logic is, in fact, based on a sort of extended universalism (extended to include the unborn).

³⁹ Whether the label “foreign policy” might be used while referring to a global political space is questionable. An answer could come from a thorough discussion of the “domestic politics of the world” image.

⁴⁰ The problem of who is entitled to define the “general interest” is no uncontroversial issue. It is only too clear that powerful states can impose their views, but some general principles are intuitive: a more armed world is a less safe world. There is no doubt though that the strength of any specific definition of the general interest depends greatly on the consistency of the actor which advances it. Needless to say, the U.S., with its huge military

that the moral scope of the state has widened: its individualist moral purpose is safely in place, but no discrimination among individuals is, in principle, acceptable. The interest of non-citizens has the same value as the interest of citizens. This, in turn, implies that a global community is now in place as a moral and, more important for us now, *political* referent⁴¹.

Multilateralism has embodied the standard of rightful action and legitimate statehood for some time and is now meant to have a primary task that goes beyond helping individual states to both practically and symbolically reproduce sovereignty as it were, or the pretence of it⁴². The redefinition of political space, the creation of a “world polity” (Ruggie 1998), and the growing relevance of international public policies encourage the international community to go beyond specific multilateral arrangements (regimes), towards a comprehensive multilateral *political* order, a sort of framework for governance⁴³. In fact, a large group of countries that share democratic values appear to be trying to bring this about by socially constructing the *indivisibility of democracy*⁴⁴. Needless to say, such order would resemble a global security community very closely.

This indivisibility, however, amounts to something different with respect to past multilateral institutions at any place and time. It reflects the unity of political space and, for this very reason, appears to be functional to meeting the security challenges that emerged in the aftermath of 9/11. In the past the indivisibility of the good that was

budget and leading military industries, is not the best promoter of disarmament. In the case against Iran’s nuclear program, the issue of double standards is relevant too, especially since the U.S. decided to start a partnership with India in the nuclear sector. Of course, this case shows that democracy has become «the» *x* factor in international relations.

⁴¹ This is precisely the argument that makes it reasonable to think in terms of democratic legitimacy, as we noted earlier (*supra* note 31).

⁴² «The formal mutual recognition required under sovereign equality [functional to and sanctioned by multilateralism] serves to institutionalize the external status of sovereignty», which in turn «can even keep in existence states whose internal sovereignty is extremely weak» (Buzan 1993, 347).

⁴³ It is worth mentioning that Ruggie (1992, 572) discusses the different «institutional domains of interstate relations: international orders, international regimes and international organizations». While doing so, he does not mention a specifically *political* order, equating the political order with the security one. It was the discourse on governance that gave impulse to a reflection on the nature and quality of international-global political processes.

⁴⁴ From the perception of a common problem a group may socially construct its indivisibility (the indivisibility of peace led to the creation the League of Nations first and then the UN); but the process can work the other way around too: like-minded states, which feel they are a group, may give birth to a shared good (liberal market-oriented states socially constructed the indivisibility of openness).

sought for was limited to the international arena. For example, peace meant no interstate war, and *not* the absence of civil wars. At present, however, the social construction of the indivisibility of democracy involves both a horizontal axis (interstate) and a vertical one (cutting across the domestic-international divide).

There are various reasons why this *overall* indivisibility of democracy is necessary for bringing about a democratic multilateral global order. Firstly, in relation to the horizontal axis, democracies are peace loving. All states have then to be democratic to give a *global* security community the chance to develop, offering a virtually irreversible escape from the security dilemma trap.

However, as noted, especially after 9/11 interstate conflict has come to be considered just one of many threats, and not even the most serious⁴⁵. The High-level Panel (2004, 2) pointed out «six clusters of threats with which the world must be concerned now and in the decades ahead: war between states; violence within states, including civil wars, large-scale human rights abuses and genocide; poverty, infectious disease and environmental degradation; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime». What this list tells us at first glance is that democracy *in the domestic domain* is something that is more than just a tool for enhancing global security. It is something crucial. Consequently the vertical axis must be taken into consideration too.

The indivisibility of democracy across the two realms depends on the fact that rule of law is associated with the respect for human rights and with good governance. These both reduce the risk of civil war and increase the potential for implementing those international public policies successfully that are meant to tackle most of the problems mentioned by the High-level Panel in its report. In fact, the increasing unity of domestic and international domains and the related problem of fostering democratic transitions to enhance the prospects of peace were clearly perceived before 9/11, even though this event raised these questions in radically new terms for the urgency that was attached to them.

After 1989 the issue of democracy was already quite obviously on the agenda and many regime changes did take place. This is very relevant to us now while we are discussing the prospect of a global

⁴⁵ Data support this opinion: from 1989 and 2003 we had 109 civil and internationalized civil war, as previously reported, and only 7 interstate wars (Eriksson – Wallensteen 2004).

multilateral democratic order. Once democracy became a sort of “global entitlement”, one «increasingly promoted and protected by collective international process», the international community had to evolve «legitimate rules and institutions capable of validating national governance» (Franck 1992, 52). Thus there are two interwoven processes of democratization. There is democratization in the domestic domain, to be internationally validated by «rules and procedures perceived as legitimate by those to whom they are addressed». Secondly, there is democratization in the international domain, where these rules and procedures which must be perceived as legitimate by the governments under scrutiny had to be worked out. These two processes induced Franck, back in 1992 (51, 52), to raise the question of «whether an international democratic order is emerging», when he wrote that «the almost complete triumph of the democratic notions [...] may well prove to be [...] the fulcrum on which the future development of global society will turn».

Recent developments may well prove that Franck was right. There are two distinct reasons for this. First of all, there is the social construction of the indivisibility of democracy. In this vein, democracies are calling for a union of democratic states⁴⁶. In addition, they are trying to enlarge the size of their group by encouraging democratic transitions through the promotion of *democratic values*. This is an extremely important aspect because purely electoral democracy neither contributes significantly to meet present security challenges nor necessarily increases the wellbeing of citizenries, as it has repeatedly been argued quite effectively in the last few years⁴⁷. Second of all, there is the fact that the procedures and rules to validate new democratic systems derive their legitimacy from something that goes beyond the mere conformity to the principle commanding to equally involve all the members of the international community. Such

⁴⁶ The universality of the UN is generally considered a value in itself, and this argument is usually opposed to those who, every now and then, put forward the proposal to substitute it with a much more smoothly working – at least in principle – organization made of democracies only.

⁴⁷ Gause (2005, 63), for example, argues this point, holding that only fully-fledged democratic political systems would make a difference. Much weaker is, of course, the argument that promoting democracy is no good for the U.S. because «no one can predict the course of a new democracy will take, but based on public opinion surveys and recent elections in the Arab world, the advent of democracy seems like to produce new Islamist governments that would be much less willing to cooperate with the U.S. than are current authoritarian rulers», unless one equates the interest of the U.S. with the general interest (including that of those countries' citizens).

procedure and rules have to be characterized by other features of democratic governance, such as accountability and transparency, because they significantly interfere with sovereignty⁴⁸. A virtuous cycle appears to be connecting domestic and international political processes and we may expect that some substantive traits of democratic rule may end up informing international processes, leading to an enhancement of their democratic quality.

Needless to say, accountability is a key feature in a multilateral political order intended to face present and future challenges to our security⁴⁹. There is no other known way to foster trust in social relations. Following the rules is not enough in this age of fear. Very interesting, in this respect, is the answer Nobel Prize and IAEA Director General Mohamed El Baradei, gave to a reporter who recently interviewed him (*Newsweek* - January 23 2006). When the reporter pointed out, «there's nothing in the Non-Proliferation Treaty itself to prevent [Iran] from enriching uranium – which they say is their right», El Baradei answered: «The [IAEA] board is saying, “You have a right under the treaty to enrich uranium, but *because of the lack of confidence* in your program and because the IAEA has not yet given you a clean bill of health, *you should not exercise that right*. In a way, *you have to go through a probation period, to build confidence again, before you can exercise your full rights*” (italics added).

This is the case for Iran. Democracies may enjoy a presumption of amity and take advantage of it in their mutual relationships, but accountability is very important in their relationships with those

⁴⁸ It is not surprising that «prior to the events of 1989-1991, “democracy” was a word rarely found in the writings of international lawyers [...] Any assertion of a determinate “right to democratic governance” would have suggested criteria of governmental legitimacy at odds with the “effective control” doctrine that had long prevailed in the recognition practices of most states and intergovernmental organizations», while «it is now clear that international law and international organizations are no longer indifferent to the internal character of regimes exercising effective control within “sovereign” states» (Fox, Roth 2000, 1-2).

⁴⁹ The rise of China is a case in point. Members of the Chinese establishment affirm that the rise of their country on the global stage has to be accompanied by an assumption of responsibility, which means that, in their view, a “harmonious” integration of China in the international system depends on its perceived accountability (such awareness was expressed, for example, at the first meeting of the Trilateral Commission in Peking, in the fall of 2005; for a report of the meeting cfr. *Biblioteca della libertà*, n. 183, aprile-giugno 2006). The fact that «in recent years, China’s leaders seem to have accepted that multilateral institutions might work to check U.S. power and to promote China’s interest, and they seem more comfortable with them» (Saich 2004, 308) is just another proof of the worldwide recognition of the continuing “constitutional” role of multilateralism. Of course, this remark points out that multilateralism may be, and often is, embraced for opportunistic reasons.

countries that they are divided from by that huge gap in material conditions and perceptions we mentioned⁵⁰. This is a gap that *has to* be filled in order for us to move from the social construction of the indivisibility of democracy to the social construction of a global security community. This gap can be filled only by implementing structural rather than occasional⁵¹ international public policies at the domestic level that are deemed to be intrusive and, precisely for this reason, have to be perceived as legitimate by recipients – i.e. accountable in their means and transparent in their motivations. For practical and political reasons, inconsistency therefore appears to be less and less viable in our world, as does unilateralism, another consequence of pragmatism. Unilateralism goes in the direction opposite to the one multilateralism has been evolving. More importantly, unilateralism goes in the direction opposite to the route we should take in order to make the world «safe for democracy» and friendly for human beings.

⁵⁰ On a recent count, out of 70 low income countries 50 are supposed to pose a threat to international security because of the weakness of their domestic institutions (Eizenstat, Porter, Weinstein 2005).

⁵¹ Humanitarian intervention was occasional, for example.

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