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Amitai Etzioni

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ON THE NEED FOR MORE TRANSNATIONAL CAPACITY

*Amitai Etzioni**

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Professor Dinh raises the right issue highlighted by the 9/11 Commission: what should be the post-Cold War organizing principle for the global order?¹ Historians may well consider the period between 1989 and 2001 a confused interim, in which it was unclear what would replace the bipolar world. While I agree with Professor Dinh that we now face an altered international landscape rife with transnational problems, the most pressing of which is terrorism, I disagree with his proposition that the solution lies in bolstering patriotism and returning to the primacy of the nation-state. Rather, I contend that these problems beseech us to create additional layers of governance whose jurisdiction will equal the scope of the unmistakably *global* problems that challenge us. Therefore, I will first outline the basic contours of these new layers of global governance on a practical level. It is then crucial to move to a normative level, within which I will point to the seeds of an emerging global synthesis of values between the East and the West.

Global governance is possible only if there exists a sense of community based on shared values. Therefore, though I agree with Professor Dinh’s diagnosis of the problems, I believe his solution falls far short of what is required if we are truly to end the assault on the safety and moral culture of all the world’s peoples.

I. THE NEED FOR GLOBAL GOVERNANCE

Professor Dinh is correct in arguing that global terrorism poses a threat to what I call the Old System (national governments and intergovernmental organizations). Thus far, the Old System has had a difficult time coping with global terrorism.² In this sense, terrorism is but one of a whole slew of swelling transnational problems that require new systems to handle them effectively. These problems include environmental threats (e.g., the rain of radio-activity on neighboring states during a nuclear meltdown in Russia),

* Amitai Etzioni is a University Professor at The George Washington University and Director of the Communitarian Network.

1. See Viet D. Dinh, *Nationalism in the Age of Terror*, 56 FLA. L. REV. 867 (2004).

2. See generally AMITAI ETZIONI, *FROM EMPIRE TO COMMUNITY: A NEW APPROACH TO INTERNATIONAL RELATIONS* (2004).

transitional organized crime, epidemics (e.g., SARS), illegal trafficking in people (especially women), and many others. On its face the Old System has been unable to cope with these transnational problems. The main reason is that recent developments in communication, travel, and trade make national borders ever more porous. As we are now learning, even new police powers, of the kinds included in the Uniting and Strengthening America by Providing Appropriate Tools Required to Interpret and Obstruct Terrorism (USA PATRIOT Act) Act of 2001³ and other such measures, are unable to defend against transnational problems.

Intergovernmental organizations aim to deal with these transnational problems, but these organizations are cumbersome. Typically, the large number of national representatives involved are instructed in detail by their governments as to the positions they are supposed to take, and they must consult with their governments if they seek to introduce significant changes to those positions.⁴ Hence, the volume and import of what they can accomplish is often highly limited.

I cannot see how a return to nation-states would alleviate this situation, nor is this where historical trends are moving us. We are instead headed toward the creation of another level of governance, above and beyond the nation-state—not replacing it but augmenting it. Call that layer “supranational governance.” Supranational governance is most advanced and developed in the European Union, where more and more decisions and policies are formed and implemented by “Brussels,” a code word used to refer to the European Commission,⁵ an executive branch of the new form of European governance.⁶ The Commissioners are not accountable to national governments, although they are accountable to the European Parliament, which has the power to dismiss them by adopting a motion of censure.⁷ Other supranational elements can be found in the International Criminal Court, World Trade Organization, and Internet Corporation for Assigned Names and Numbers. Further, the World Health Organization, after the breakout of SARS, acquired some supranational features to the extent that it related directly to medical authorities in various countries

3. Pub. L. No. 107-56, 115 Stat. 272.

4. For example, most representatives to the World Trade Organization (WTO) are entirely accountable to their home governments. *See, e.g.*, OFFICE OF THE U.S. TRADE REPRESENTATIVE, MISSION OF THE USTR, at http://www.ustr.gov/Who_We_Are/Mission_of_the_USTR.html (last visited Oct. 14, 2004).

5. European Union, *Eurojargon*, at http://europa.eu.int/abc/eurojargon/index_en.htm (last visited Oct. 12, 2004).

6. European Union, *The European Union at a Glance*, at http://europa.eu.int/abc/index_en.htm (last visited Oct. 12, 2004).

7. European Union, *European Union Institutions and Other Bodies: The European Commission*, at http://europa.eu.int/institutions/comm/index_en.htm (last visited Oct. 12, 2004).

without going through their governments.⁸ None of these examples are without serious defects, but all of them show that we are increasingly experimenting not only with a new layer of governance, but also with the issues of accountability and oversight that such bodies require. Ergo, we are facing questions concerning how to establish the legitimacy of supranational organizations, an issue to which I will return below.

Global governance has been criticized for many reasons, some of which are more compelling than others. For instance, it is said that such governance violates old-fashioned notions of national sovereignty,⁹ which Professor Dinh defines well. However, the notion of national sovereignty is neither God-given nor part of human nature. Instead, as Professor Dinh correctly points out, global governance was something concocted in the seventeenth century to stop religious wars, which entailed the intervention of one ruler in the internal affairs of other communities.¹⁰ For decades now, champions of human rights have legitimated the idea that the international community has the power to deal with the abuse of citizens by their own nation. Humanitarian interventions in Haiti, East Timor, Kosovo, and elsewhere add to the legitimacy of this supranational approach.¹¹ Indeed, when the global community did not interfere in Rwanda and in Sudan, its inaction came under much criticism.¹² Further, many believe that nuclear proliferation ought to be stopped, even if the method used to stop proliferation does not fully respect old-fashioned notions of national sovereignty. Such flawed, old-fashioned notions as national sovereignty can never be sufficiently “reconstructed to fit the policy or political needs of the day,” as Professor Dinh hopes.¹³ Rather, we need a whole new, more global, approach. Stopping terrorism is but part of this trend.

More on the mark, however, is the criticism that any use of force across national borders should be subjected to some kind of oversight and

8. World Health Organization, *The Operational Response to SARS*, at http://www.who.int/csr/sars/goarn2003_4_16/en/ (last visited Oct. 12, 2004).

9. See generally Andrew T. Guzman, *Global Governance and the WTO*, 45 HARV. INT’L L.J. 303 (2004) (discussing the World Trade Organization’s role in global governance); Herbert V. Morais, *The Quest for International Standards: Global Governance vs. Sovereignty*, 50 U. KAN. L. REV. 779 (2002) (exploring the extent to which the development of new international standards challenges national sovereignty).

10. See Dinh, *supra* note 1, at 870-71.

11. See Kenneth Roth, *Setting the Standard*, 26 HARV. INT’L REV. 58 (2004).

12. See Comment, *Leading Article: The Belated Recognition of Reality in Sudan*, INDEPENDENT (London), Sept. 10, 2004, at 36; Anne Penketh, *At Last: Colin Powell Uses the Word the World’s Human Rights Bodies Have Been Demanding as US Toughens Its Stance on the Slaughter in Sudan: GENOCIDE*, INDEPENDENT (London), Sept. 10, 2004, at 1; Warren P. Strobel & Sudarsan Raghavan, *Violence in Sudan Is Genocide, Powell Says: Grave Term Could Boost World Response to Crisis*, CHARLOTTE OBSERVER, Sept. 10, 2004, at 15A; Editorial, *West Should Heed U.S. Call on Sudan*, GLOBE & MAIL (Toronto), Sept. 10, 2004, at A16.

13. Dinh, *supra* note 1, at 873.

accountability, rather than unilaterally undertaken by one power.¹⁴ The result is wide support for the United Nations, which is, despite its flaws, the only body that can give a voice to the people of the world. Consequently, the main charge against the United States was not that it interfered in the internal affairs of Saddam Hussein's Iraq, but that it did not wait for the United Nations to approve such an intervention.¹⁵ Whether the much-reformed United Nations (or, say, a Council of Democracies or some other body) should be the arbiter of transnational legitimacy is a matter for much deliberation. Nevertheless, it is evident that in order to deal with rising transnational problems, it is impractical for countries either to rely merely on the Old System or to act in the longer run as illegitimate imperial powers.

It is important to note that much has been made in recent years not only about the need for oversight, but also about the need for global legitimacy when acting across national borders.¹⁶ In this context, the powers that be often use "soft power,"¹⁷ which in turn needs the backing of hard power, although this need is sometimes ignored.

In addition to acting as an oversight body, the United Nations often acts as a key legitimator for the use of soft power. Currently, it does not command the hard power required to back up its resolutions and declarations.¹⁸ Thus, until the formation of a global security authority, supranational layers of governance depend on nation-states to enforce decisions. Had the United States (in Haiti, Somalia, and Liberia), France (in the Ivory Coast), Russia and the North Atlantic Treaty Organization (NATO) (in Kosovo), or Australia (in East Timor) not provided the muscle, United Nations resolutions would have been of little consequence. For example, in August 2003, when the United States did not provide adequate security for the United Nations headquarters in Baghdad (perhaps because the United Nations staff did not feel that they needed such protection), the damage and loss of life resulting from a terrorist attack forced the United Nations to greatly scale back its operations in Iraq.¹⁹

14. See, e.g., Charlotte Ku, *When Can Nations Go to War? Politics and Change in the UN Security System*, 24 MICH. J. INT'L L. 1077 (2003) (exploring the evolving international security framework and evaluating the United Nations as a forum for change).

15. See Anne-Marie Slaughter, *The Clear, Cruel Lessons of Iraq*, FIN. TIMES (London), Apr. 8, 2004, at 19.

16. See, e.g., *id.* (arguing that the United States' invasion of Iraq "was both illegal and illegitimate").

17. To use "soft power" is to act in a legitimate manner, in line with international law and norms and international institutions, particularly the United Nations. ETZIONI, *supra* note 2, at 45-49.

18. Phillip Coorey, *UN Threatens Retreat from Iraq—but Bush Demands More, Not Less*, DAILY TELEGRAPH (Sydney), Sept. 24, 2003, World section, at 31.

19. *UN-Tribute*, PRESS TRUST OF INDIA, Aug. 27, 2003, Nationwide International News

Often in the past the United Nations did not act until a national power was willing to commit, or had already committed, its forces to a cause. Those who confuse the ought-to-be United Nations with the as-is United Nations tend to ignore this unpleasant truth. Thus, despite United Nations resolutions dating back to 1975, East Timor was ravaged by Indonesia until 1999, when Australia decided to support the right of the East Timorese to self-determination by beginning to exert the necessary pressure and force to change the situation.²⁰ With Australia providing leadership, infrastructure, and troops, the United Nations finally was able to address East Timor's humanitarian crisis.²¹

In 2000, the Revolutionary United Front of Sierra Leone captured United Nations peacekeepers who had been stationed there to stop the civil war.²² To free the peacekeepers, who are its citizens, the United Kingdom sent troops, who stayed in the country in order to secure the capital and restore some semblance of order.²³ The British then sponsored a United Nations resolution to ban the sales of diamonds from Sierra Leone, as the revenues from those sales were believed to be fueling the war.²⁴ Just as British involvement was crucial to restoring order and to augmenting the United Nations peacekeeping mission, United Nations resolutions were of little consequence when Iraq overran Kuwait until the United States and Russia acted in unison to combat the aggression.²⁵ Conversely, when no power came forward in Rwanda, the United Nations was useless.²⁶ Thus, it is not enough to assert the need for supranational governing institutions; there must also be hard power available to enforce rules and decisions. For now, such power is provided by nation-states. But in the future, enforcement will be far more effective if pursued on a more global, and hence more cooperative, level.

The formation of global governance does not just hinge on international institutions like the United Nations. The global war against terrorism has prompted the creation of an American-led antiterrorism coalition.²⁷ Fifty

section.

20. See Nicholas J. Wheeler & Tim Dunne, *East Timor and the New Humanitarian Interventionism*, 77 INT'L AFF. 805-06 (2001).

21. *Id.* at 806.

22. Douglas Farah, *Sierra Leone Gets Pledge of British Aid: Official Says Ships Will Stay After Most Troops Leave*, WASH. POST, June 9, 2000, at A28.

23. *Id.*

24. *Id.*

25. LAWRENCE FREEDMAN & EFRAIM KARSH, *THE GULF CONFLICT 1990-1991*, at xxix (1993).

26. See Christiane Amanpour, *Amanpour: Looking Back at Rwanda Genocide* (Apr. 6, 2004), at <http://www.cnn.com/2004/WORLD/africa/04/06/rwanda.amanpour/>.

27. Alan Sipress, *55 Nations Endorse Measures to Fight Terrorism*, WASH. POST, Dec. 5, 2001, at A14; Bob Woodward, *50 Countries Detain 360 Suspects at CIA's Behest: Roundup Reflects Aggressive Efforts of an Intelligence Coalition Viewed as Key to War on Terrorism*, WASH.

nations, including Egypt, Saudi Arabia, and Jordan, often working closely with the American Central Intelligence Agency, have arrested suspected terrorists at the behest of the United States.²⁸ Turkey has supplied troops for the fight against the Taliban, and Indonesia also has offered to contribute troops.²⁹ Pakistan, once a major source of support for the Taliban, has provided significant assistance to the coalition, including handing over Yassir al-Jaziri, an aide to Osama bin Laden, to the United States for questioning.³⁰ Further, NATO agreed to act outside of Europe for the first time in its fifty years of existence,³¹ and the United Nations legitimated the war against terrorism through two resolutions it passed in support of the need to combat terrorist threats.³²

Members of the global antiterrorism coalition also have made several significant and especially rapid and synchronized changes to domestic laws and policies in their own countries. These measures concern the balance between social order (specifically public safety and health, such as protection from bioterrorism) and autonomy (individual rights). For example, the European Union introduced a community-wide arrest warrant,³³ Germany tightened its security and immigration laws,³⁴ Britain expanded its antiterrorism act,³⁵ Japan passed new legislation that allows its Self-Defense Forces to assist the United States,³⁶ France adopted a law that provides the police with greater search powers,³⁷ and the Indian government passed an ordinance that granted the police sweeping new

POST, Nov. 22, 2001, at A1.

28. Woodward, *supra* note 27, at A1.

29. Harry Sterling, *Turkey Takes Risk in Joining Allies*, GAZETTE (Montreal), Nov. 17, 2001, at B7; Patrick E. Tyler, *A Nation Challenged: The Big Picture: Rebels in Control in Kabul as Taliban Troops Retreat: Bin Laden Hunt Intensifies*, N.Y. TIMES, Nov. 14, 2001, at A1.

30. Steve LeVine, *Al Qaeda Communications Operative Is Arrested in Eastern Pakistan*, WALL ST. J., Mar. 17, 2003, at A13.

31. North Atlantic Treaty Organization, *NATO's Contribution to the Fight Against Terrorism*, at <http://www.nato.int/terrorism/> (last visited Oct. 12, 2004).

32. Jonathan Steele, *Attack on Afghanistan: The Law: Right to Self-Defence Basis of Attacks: Raids Justified by UN Resolutions, US Says*, GUARDIAN (London), Oct. 9, 2001, at 12.

33. *Justice and Home Affairs Council: Member States Agree Thirty Crimes for EU Arrest Warrant*, EUR. REP., Nov. 17, 2001, available at LEXIS, Europe Information Service; Alison O'Connor, *Leaders Expected to Agree on European Arrest Warrant*, IRISH TIMES, Dec. 14, 2001, at 8.

34. Bertrand Benoit & Margaret Heckel, *Berlin Deal on Security Measures Counter-Terror*, FIN. TIMES (London), Oct. 29, 2001, at 7; Steven Erlanger, *German Cabinet Supports New Immigration Laws*, N.Y. TIMES, Nov. 8, 2001, at A12.

35. Paul Waugh, *Campaign Against Terrorism: Terror Suspects to be Rounded up Under New Law*, INDEPENDENT (London), Dec. 15, 2001, at 14.

36. Editorial, *Japan Need Not Be in a Hurry to Show Its Will to Send SDF*, ASAHI SHIMBUN, Oct. 31, 2001, available at LEXIS, Asahi News Service.

37. Peter Ford, *European Nations Broaden Police Powers*, CHRISTIAN SCI. MONITOR (Boston), Nov. 15, 2001, at 8.

powers.³⁸ These changes, which have occurred in a fairly coordinated fashion in many nations more or less simultaneously, seem to be prompted by a hierarchical and strongly transnational anti-terrorism police department, governed by the United States in coalition with its allies. This governing mechanism is unlike a typical United Nations body or even NATO, and it differs from other empires in that it has a narrow scope, seeks not so much to control territory as to control action, and truly is global in reach. The transnational anti-terrorism movement is another sign of the trend towards global governance.

II. THE EMERGING GLOBAL SYNTHESIS

Out of discordant, often strident, voices that emanate from the East and the West, a new composition is slowly arising. The blended tune has a limited register. Divergent voices will continue to be heard on many issues and this new view is sure to be accorded divergent interpretations in various parts of the world and over time. Yet the new tune suffices to provide stronger support for global institution building than was available in recent decades. The metaphorical “voices” I refer to are expressions of basic normative positions, worldviews, and ideologies. They concern values that define what is considered legitimate,³⁹ a major foundation of social order and good government on both the local and global levels.

The position I articulate here greatly diverges from two major themes that underlie much of the recent foreign policy thinking in the West. Both themes claim to predict the direction in which the world is moving, as well as to prescribe the ways it ought to progress. One theme holds that the world is proceeding (and needs to be encouraged) to embrace several core values, as well as the institutions that embody them, all of which the West possesses: individual rights, democratic government, and free markets. This position has been advanced by Francis Fukuyama, Michael Mandelbaum, and Fareed Zakaria, among others.⁴⁰ It has also been embraced by the Bush Administration, whose 2002 strategic document

38. Somini Sengupta, *Indian Leader Feels Pressure from All Sides over Violence*, N.Y. TIMES, Mar. 19, 2002, at A5.

39. Legitimacy, as it is commonly treated in standard sources, is defined as “the foundation of such governmental power as is exercised both with a consciousness on the government’s part that it has a right to govern and with some recognition by the governed of that right.” 9 INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES 244 (David L. Sills ed., reprint ed. 1972). Robert Jackson shows that there are recognized international norms that have implications for determining legitimate conduct by states. See ROBERT JACKSON, *THE GLOBAL COVENANT: HUMAN CONDUCT IN A WORLD OF STATES* 1-25 (2000).

40. See, e.g., FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* (1992); MICHAEL MANDELBAUM, *THE IDEAS THAT CONQUERED THE WORLD: PEACE, DEMOCRACY, AND FREE MARKETS IN THE TWENTY-FIRST CENTURY* (2002); FAREED ZAKARIA, *THE FUTURE OF FREEDOM: ILLIBERAL DEMOCRACY AT HOME AND ABROAD* (2003).

states:

The great struggles of the twentieth century between liberty and totalitarianism ended with a decisive victory for the forces of freedom—and a single sustainable model for national success: freedom, democracy, and free enterprise. . . . People everywhere want to be able to speak freely; choose who will govern them; worship as they please; educate their children—male and female; own property; and enjoy the benefits of their labor. These values of freedom are right and true for every person, in every society⁴¹

Tony Blair, who based his New Labour Party on the themes of community and responsibility,⁴² endorsed these same individualist values when he addressed the global society. He stated: ““Ours are not Western values, they are the universal values of the human spirit. And anywhere, anytime ordinary people are given the chance to choose, the choice is the same: freedom, not tyranny; democracy, not dictatorship; the rule of law, not the rule of the secret police.””⁴³

The other theme holds that the world outside the West is largely governed by religious fundamentalism or other alien sets of values, which are incompatible with Western ones; hence, these antithetical civilizations are bound to clash. Samuel Huntington and Bernard Lewis are proponents of this view.⁴⁴

Both viewpoints imply that non-Western nations have little to contribute to the global development of political and economic institutions or to the values that they embody.⁴⁵ Rights, liberty, and capitalism are, after all, Western contributions to the world. (In Thomas Friedman’s succinct journalistic lingo, the West has the slick, modern Lexus; the East, old and dusty olive trees.)⁴⁶

I beg to differ. The world can and should learn from non-Western cultures significant lessons concerning international relations, the development of domestic politics and economies, and the design of new

41. George W. Bush, *Introduction to NAT’L SECURITY COUNCIL, WHITE HOUSE, THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA* (Sept. 2002), available at <http://www.whitehouse.gov/nsc/nss.pdf>.

42. See Raymond J. Friel, *Blair’s Third Way—Thatcher’s Enduring Legacy*, 48 U. KAN. L. REV. 861, 882-94 (2000).

43. George F. Will, . . . *Or Maybe Not at All*, WASH. POST, Aug. 17, 2003, at B7 (quoting Tony Blair’s July 2003 address to Congress).

44. SAMUEL P. HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996); Bernard Lewis, *The Roots of Muslim Rage*, ATLANTIC MONTHLY, Sept. 1990, at 47.

45. For a good comparison of Huntington and Fukuyama, see generally Stanley Kurtz, *The Future of “History,”* POL’Y REV., June & July 2002, at 43.

46. THOMAS L. FRIEDMAN, *THE LEXUS AND THE OLIVE TREE* (1999).

global architectures. This is especially true in matters concerning respect for authority, obligations to the common good, and the nurturing of communal bonds, but only if these values and the relevant institutions are greatly moderated.

Moreover, the world actually is moving toward a new synthesis between the West's great respect for individual rights and choices and the East's respect for social obligations (in rather different ways, of course); between the West's preoccupation with autonomy and the East's preoccupation with social order; between Western legal and political egalitarianism and Eastern authoritarianism; between the West's rejection of grand ideologies, of utopianism, and the East's extensive normative characterization of "dos" and "don'ts"; and between Western secularism and moral relativism and the visions of the afterlife and transcendental sets of meanings found in several Eastern belief systems, including Hinduism, Confucianism, and select African traditions.⁴⁷ The synthesizing process entails modifying the elements that go into it. This synthesis is not a mechanical combination of Eastern and Western elements, but rather it is akin to a chemical fusion.

One can, of course, compare various belief systems on many other scales and come out with different results and groupings. To give but one example, if we grouped belief systems according to their level of parsimony or belief in monotheism, several Eastern religions would line up with the Western ones against some other Eastern ones. However, it is not my purpose to provide rich typologies or add more intercultural comparisons. I merely argue that, for several key issues at hand, the grouping of cultures into East and West suffices as a first approximation. I shall show that on some points, there are two camps.

Francis Fukuyama advances the thesis that the whole world is in the process of embracing liberal democratic regimes and capitalism, a process he famously calls the "end of history."⁴⁸ He recognizes that many nations are still "in history," but since the collapse of the communist bloc, he sees a trend toward an increasing and worldwide dominance of individualism.⁴⁹ Fukuyama's thesis is that the whole world is in the process of embracing Western values.⁵⁰ Non-Western societies were slow to recognize these individualistic values, but now they are universally discovering them as compelling.⁵¹ President George W. Bush endorsed this idea, saying, "The

47. For a comparison of American-style capitalism with that of Asia, see generally JOHN GRAY, *FALSE DAWN* 100-32, 166-93 (1998).

48. FUKUYAMA, *supra* note 40, at 3, 39-51.

49. *Id.* at 274.

50. *Id.* at 3.

51. There are some who argue that one can find values within Asian cultural traditions that are comparable to Western human rights. See, e.g., DANIEL A. BELL, *EAST MEETS WEST: HUMAN*

liberty we prize . . . is not America's gift to the world, it is God's gift to humanity."⁵² This reference is to a global trend of intranational developments, not to the development of some global society and government. Thus, China and India are said to be gradually liberalizing and opening their markets;⁵³ the United Nations, the World Health Organization, and international non-governmental agencies are not held to undergo such changes.

As I see it, the argument that individualism is gaining a growing worldwide following is valid, yet only half right. It is valid because, despite some setbacks (such as in Latin America), there is considerable and accumulating evidence that numerous nations gradually are inching—some even rushing—in the direction of individualism. It is only half true, however, because the East, despite the fact that it is even more heterogeneous than the West, brings several key values of its own to the global dialogue, and it lays moral claims on the West with even greater assurance of their universal validity than the West does with its claims on the rest of the world.

The normative positions championed by the East might be called "authoritarian communitarianism." While the Western position is centered around the individual, the focus of the Eastern cultures tends to be a strongly ordered community.⁵⁴ In its strongest form, the East's core tenets are not individual rights, but social obligations (toward a very extensive set of shared common goods and various members of the community); not liberty, but submission to a higher purpose and authority, whether religious or secular; not maximization of consumer goods, but service to one or more gods or to common goods articulated by a secular state.⁵⁵

In short, both the West and the East contribute to a new normative synthesis that moves their respective societies, their polities, and, as we shall see, their economies toward a better design than either individualism or authoritarian communitarianism provides alone. By bringing their "surpluses" to the table, elements of each will grow softer as they are blended with those of the other camp. To use the term "better" immediately raises the question: What is considered good? The evolving vision of a good society ultimately has a role to play in narrowing the moral gap, a major step on the way to the establishment of human primacy. Progress on this front is best made with values that are shared rather than with those

RIGHTS AND DEMOCRACY IN EAST ASIA 50 (2000).

52. President George W. Bush's Address Before a Joint Session of the Congress on the State of the Union, 39 WEEKLY COMP. PRES. DOC. 109 (Jan. 28, 2003).

53. See Jesse Parker, *The Lotus Files: The Emergence of Technology Entrepreneurship in China and India*, FLETCHER F. WORLD AFF., Summer/Fall 2002, at 119.

54. See GRAY, *supra* note 47, at 166-93.

55. See *id.*

that clash or with one side claiming to have a monopoly on what is good. There cannot be a true community unless all those involved feel that they are contributing to the shared values. The importance of establishing a participatory global community, in which all feel that they are represented and that they have a stake, will become more clear below.

Professor Dinh and others may rightfully point out that the most challenging aspect of achieving global forms of governance, which in effect constitute a new layer of sovereignty, is that in the long run such global governance must compete with national governments for the loyalty of citizens. For example, today millions of Americans have a split loyalty between their commitment to the American nation and their commitment to their country of origin, their ethnic group, or their local community or state.

Aside from being impractical, one profound issue is almost always ignored when the role of global governance is discussed or its future is contemplated: democracy makes sense only when there is a community to be governed. Just as we cannot expect a commuter bus to yield to majority rule—the passengers voting to decide where the bus should travel—so participating nation-states cannot be expected to submit to majority rulings until and unless a much stronger global community exists. Being subject to majority rule entails a willingness to make considerable sacrifices when one loses out, not merely because one believes in the process but also because it expresses the will of a community of which one is a member. And it entails a significant measure of caring for the other members, a sense of commitment not extended to nonmembers.

Charles Taylor, the communitarian philosopher, writes that “a modern democratic state demands a ‘people’ with a strong collective identity. Democracy obliges us to show much more solidarity and much more commitment to one another in our joint political project than was demanded by the hierarchical and authoritarian societies of yesteryear.”⁵⁶ Democracy, as the voice of a majority, tends to alienate subgroups, and it fails to truly embody the will of all its citizens. If a state has no community, if it is not enough of a nation, it is hard to introduce or sustain democracy.

The same holds true many times over for groups of nations whose shared bonds, cultures, and identities typically are insignificant compared to those of the individual countries. It follows that representative global governance—in which the majority can impose policies on minorities—can come about only once a global sense of community

56. Charles Taylor, *Democratic Exclusion (and Its Remedies?)*, in *CITIZENSHIP, DIVERSITY, AND PLURALISM: CANADIAN AND COMPARATIVE PERSPECTIVES* 271 (Alan C. Cairns et al. eds., 1999); see also Sunil Khilnani, *Democracy and Modern Political Community: Limits and Possibilities*, *ECON. & SOC'Y*, May 1991, at 196.

develops a great deal more. Communities are not merely places in which people care about one another; they are also social bodies that share a moral culture.⁵⁷ Although the global community has a long way to go, the reality is that its emergence presents the most promising way for preserving security and the best prospect for a shared global culture.

57. AMITAI ETZIONI, *THE NEW GOLDEN RULE: COMMUNITY AND MORALITY IN A DEMOCRATIC SOCIETY* 85-118 (1996).