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Whither Global Governance?

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Introduction

When a papal encyclical is issued, it is combed for political statements by the media and commentators. Wild headlines are then often produced. The publication of *Fratelli tutti* (2020) and *Caritas in veritate* (2009), were no exception. In both cases, pronouncements on the seemingly mundane subject of international governance were the subject of press attention. As with some other papal documents, clumsy translation and editing, either of the document itself or of derivative publications, perhaps clouded rather than clarified issues.

In fact, Catholic teaching on global governance rather guarded and this article argues that nuance was especially apparent in *Fratelli tutti*. It could also be argued that the encyclical expressed views that were somewhat compatible with those often expressed by academic supporters of free markets and political liberalism who came in for some criticism elsewhere in the document. Within this school of economics, there is some welcome for the principle of international institutions combined with caution about some of their practical manifestations.

In the next section of this article, questions surrounding translation and presentation are explored. We then look at the justification and provenance of global governance in Catholic social teaching. Finally, some arguments from political economy are related to the analysis in *Fratelli tutti* before concluding.

The United Nations – more canines or more concrete?

The expression of different meanings in different translations of Church documents is a problem that goes back some way¹. Relevant to this article is Pope Benedict XVI's *Caritas in veritate*. This encyclical apparently called for a "United Nations with real teeth" in paragraph 67. BBC news and many other media outlets focused on this at the launch and used that phrase directly when the encyclical was released.² However, the other translations expressed a different sentiment. Most of them suggested that the concept of the family of nations should be made more concrete and the Latin translation used the word "effective".

This translation difference was carried into *Fratelli tutti* (173). The English version quoted directly from the English translation of *Caritas in veritate* so the idea of a United

¹ A particularly unfortunate example is the definition of the "common good" in the Vatican II document *Gaudium et spes*. In paragraph 26, the common good is defined in terms of ensuring that all reach fulfilment and, in 74, the word "perfection" is used. Other translations use "perfection" in both places which is closer to the traditional meaning of the common good. It is, perhaps, unfortunate that the former version is the one in common use in the English speaking world as the two meanings are quite different. If English becomes the lingua franca of the Latin Church, these translation differences will matter.

² See, for example: <http://news.bbc.co.uk/1/hi/world/europe/8137849.stm>

Nations with real teeth also found its way into the English version of Pope Francis's encyclical. Remarkably, on its release, it was widely reported as news that *Fratelli tutti* called for a UN with real teeth, including on the Catholic website, *Crux*, and that this reflected Pope Francis's view of the UN and global governance. This is problematic on two counts. Firstly, Pope Francis was simply quoting from his predecessor 11 years previously. Secondly, it was a mistranslation in the first place which was then repeated in the later document.

The official summary of *Fratelli tutti* was also somewhat confusing, stating: "What is needed above all – the document reads – is global governance, an international collaboration for migration which implements long-term planning, going beyond single emergencies..."³ Global governance could easily be read as one item in a list as something which we need "above all". It did not take some in the media long to translate that into a call by Pope Francis for world government.

The encyclical itself read: "As a result, 'our response can only be the fruit of a common effort' to develop a form of global governance with regard to movements of migration." (132) In other words, a form of global governance is proposed for the *particular function* of dealing with migration. The Italian and French versions of the encyclical only call for global legislation and the German translation for joint work and comprehensive legislation. Given this confusion, it is worth returning to first principles.

The indivisibility of the common good and human dignity

The role of government is to promote the common good and human dignity. Of course, this is not just the responsibility of government: all individuals, families and institutions in society contribute to the promotion of the common good and human dignity. And the principle of subsidiarity necessarily limits the government's particular role.

The common good does not stop at national borders. This question was considered formally by the late scholastics during Spanish expansionism into the Americas. As De Las Casas put it: "All the peoples of the world are humans and there is only one definition of all humans and of each one, that is that they are rational... Thus all the races of humankind are one"⁴. Also from the School of Salamanca, Vitoria argued that international law is not just a matter of temporary treaties and alliances but had to be grounded in a universal order based upon natural law in the service of the common good. As Vitoria wrote: "In the gravest matters it is not permissible for one country to refuse to be bound by international law, the latter having been established by the authority of the whole world."⁵

Nearly five centuries later, Pope Benedict expressed similar sentiments, in *Caritas in veritate* (7):

³ <https://www.vaticannews.va/en/pope/news/2020-10/fratelli-tutti-pope-fraternity-social-friendship-short-summary.html>

⁴ De Las Casas, B. (1992), *A Short Account of the Destruction of the Indies* (ed. GRIFFIN, Nigel), London: Penguin Books. p.14.

⁵ Brown Scott, J. (2007), *The Catholic Conception of International Law*, Clark, New Jersey: The LawBook Exchange, page 490 (from *De Potestate Civili*, §21).

In an increasingly globalized society, the common good and the effort to obtain it cannot fail to assume the dimensions of the whole human family, that is to say, the community of peoples and nations, in such a way as to shape the earthly city in unity and peace, rendering it to some degree an anticipation and a prefiguration of the undivided city of God.

In practice, although it may be possible to promote the global common good through co-operation between nation states, some aspects of this endeavour may require global institutions, even if only to bind nation states into a more permanent compact or to ensure that universal human rights are protected within jurisdictions which do not act in accordance with natural law.

Global institutions and Catholic social teaching

The end of the First World War marked the beginning of a century in which, in a national context, democracy gradually became the main form of government. The Church has contributed to debates about the global political order throughout that era.

In 1917, Pope Benedict XV proposed international arbitration to promote disarmament with legal enforcement by an international body against countries that did not comply. Following the Second World War, Pope Pius XII was a strong supporter of the development of what became the European Union. However, the first mention of global institutions in a papal encyclical was in Pope John XXIII's *Pacem in terris* in 1963.

The encyclical walks the reader through the importance of human rights and the duties of government to protect human rights whilst not using its powers to subvert the natural law. It then argues that the complexity and gravity of world problems, especially as they pertain to promoting peace, are such that co-operation between governments is no longer sufficient (134, 135). There is then a call for: “a public authority with power, organization and means co-extensive with these problems, and with a world-wide sphere of activity. Consequently the moral order itself demands the establishment of some such general form of public authority.” (137) Emphasis is placed on the authority protecting human rights and the principle of subsidiarity is stressed – the global authority must only act where international co-operation or national governments cannot deal with a problem. Indeed, if possible, the international authority should help ensure that national governments and civil society are able to claim their rights and fulfil their duties more effectively.⁶

The creation of the United Nations was praised in *Pacem in terris*. In particular, its role in keeping the peace and in promulgating the Universal Declaration of Human Rights was mentioned. Whilst it is difficult to be specific about how an individual or school of thought would have regarded actions or writings of 400 years later, there is certainly

⁶ The connection between all these issues is extremely well expressed by Buttiglione R. (2013), *Governance in a Changing World: Meeting the Challenges of Liberty, Legitimacy, Solidarity, and Subsidiarity*, Pontifical Academy of Social Sciences page 36

(<http://www.pass.va/content/scienze-sociali/en/publications/extraseries/governance.html>). He writes: “What we need is a world governance that respects the rights of the individual states and also those of the market and of civil society and helps all these communities act in such a way that each one of them does not encumber but rather supports the other in the attainment of its legitimate ends.”

a consistency between *Pacem in terris* and the late scholastics when it comes to the philosophy underlying international institutions.

In 1981, John Paul II's social encyclical *Laborem exercens* praised the work of international organisations in promoting the rights of workers. *Centesimus annus*, ten years later, went further. John Paul II argued that effective international organisations were needed to “oversee” and “direct” the economy towards the common good (58). This was in addition to international institutions being needed to promote peace and for arbitration (27).

Notwithstanding the comments made above about its translation, *Caritas in veritate* did call for a “true world political authority” and suggested assigning to it a number of functions of both an economic and peace-keeping nature. It would need, it was stated, full legal authority to enforce its will. The role of international institutions in the financial and monetary systems was also stressed in two letters published by the Church in 2011 and 2018⁷.

Throughout all these documents, though, there was criticism of international institutions in practice, and this continued in *Fratelli tutti*.

Fratelli tutti repeated the call of *Laudato si* for stronger and more efficiently organised international institutions. However, the document then immediately suggested that this need not be through institutions with a personal authority (172): international action could be through co-operation between states. The document then called for clear legal limits on international institutions to prevent their being co-opted by major powers and being used to impose particular cultures or restrict the freedom of weaker nations (173). The proposed role of international institutions was quite limited. It included the promotion of the common good (a function of all political institutions); the elimination of hunger and poverty; the regulation of migration; and the defence of fundamental human rights. Pope Francis also praised civil society organisations that, he wrote, had providentially compensated for the shortcomings in existing international organisations (175). He also called for international co-operation to ensure access to world markets for poorer countries. *Fratelli tutti* praised the United Nation's role in keeping the peace.

There is a remarkable consistency in Catholic social teaching in this area. It is made clear that international political institutions should exist. There is some clarity about their functions in principle. However, few specific details of the functions and structure of international institutions are clear.⁸ And there is frequent constructive criticism of

⁷ Towards Reforming the International Financial and Monetary Systems in the Context of Global Public Authority:

http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20111024_nota_en.html and ‘*Oeconomicae et pecuniariae quaestiones*’ - Considerations for an ethical discernment regarding some aspects of the present economic-financial system”

<https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2018/05/17/180517a.html> respectively.

On the latter document, see Booth P. M., (2020), Ethics in Economics: Lessons and Themes for Further Development from *Oeconomicae et pecuniariae quaestiones*, *Journal of Catholic Social Thought* 17(2), 325-345.

⁸⁸ For a superb and detailed article referencing much of the most important work in this area see: Micka R. (2016), The Issue of ‘World Political Authority’ in the Broader Context of Catholic Social Thought, *Caritas et Veritas*, 2016(2), 47-64.

international institutions in practice. If we examine some political economy aspects of this subject, this combination of perspectives should not be surprising.

Some political economy considerations

Considerations from political economy suggest that the design of international institutions is a huge challenge for good anthropological reasons.

We can think of international governance as being useful to deal with human imperfection at two levels. The first is to restrain national governments from violating human dignity and to promote basic human freedoms. This might require an international body either to over-ride or to absorb the powers of national governments. The European Union (EU) and World Trade Organization (WTO) both, in their different ways and with very different constitutional structures, try to facilitate the right of individuals to trade and, in the case of the former, to migrate⁹. The EU tries to enforce human rights in a variety of other ways. We can view these organisations as preventing national governments from restricting the rights of their citizens. The peoples of member countries might well support their governments joining such organisations because of this. In that sense, they should not be seen as a constraint on democracy but as a democratic method of preventing the abuse of national government power. In a somewhat different way, and normally acting *ex post*, war crimes tribunals also enforce human rights and justice in the absence of individual states doing so.

A second function of international organisations that would be considered valuable by political economists is that of ensuring that states can act at an international level to provide international “common goods” in a way which prevents “free-riders”. This is a concern raised in *Laudato si* (173-174). For example, when it comes to action to address climate change, some countries may be unwilling to bear the costs of action unless all other countries agree to do so too. A legally binding international agreement is one way to help re-assure countries that all other parties will act in a way that promotes their joint interest.

Fratelli tutti (168) harshly criticised what it described as “liberal” and “neo-liberal” views. But it is often liberal political economists who have been supporters of international governance. Hayek, for example, sketched an outline of international governance.¹⁰ He proposed an international political power that would restrain nations from taking actions that would damage others and that would protect the rights of citizens, just as is suggested in *Pacem in terris* (141). His guiding principle was one of federation with the international power having genuine authority to enforce international law. The proposal is certainly for something concrete – indeed it is for an entity with real teeth. But, in line with the principle of subsidiarity, it would help national

⁹ Some would contest this statement, arguing that, in organisations such as the WTO, richer countries effectively impose their will on poorer countries by requiring them to open up to trade (see, for example, Garcia F. J., (2019), *Consent & Trade: Trading Freely in a Global Market*, Cambridge University Press, Cambridge, UK). My own perspective is that restraints on trade should indeed be removed and that doing so removes many channels of corruption and restraints on development and that the WTO is an effective and consensual mechanism for doing so. Nevertheless, the fact that these things are disputed reinforces the need for dialogue in developing, and subtlety in presenting, the Church’s teaching.

¹⁰ Hayek F. A. (1944), *The Road to Serfdom*, Routledge & Kegan Paul, London, UK, Chapter XV.

governments undertake their proper tasks. Hayek argued that this international entity should be alongside the United Nations and membership should be by consent. As such, it could have more explicit powers and credible methods of enforcement than the United Nations of which all countries are expected to be members.

James Buchanan, a Nobel Prize winner like Hayek, would also generally be given the epithet “neo-liberal” by his opponents. He was a supporter of European federalism. It is Buchanan’s public choice school which also warns that human nature can lead to any institution of government becoming “captured” by special interests. Again, this is a concern expressed in *Fratelli tutti*. Even in democracies, private interests can reign over the common good in the formation of policy. This is a thread running through much of Buchanan’s work and was a problem identified in *Laudato si* (197). At the international level, directly elected institutions are not generally practical and so they can even more easily be captured either by their bureaucracies or by powerful nations. Especially if the former happens, they may then suffer from mission creep and budget and staff expansion¹¹.

Both the United Nations Human Rights Committee and the World Health Organization, for example, promote a human right to abortion despite this not being part of the UN Declaration of Human Rights¹². Vaubel is pessimistic about whether this problem can be resolved because it is inherent in the nature of the distance between international organisations and the people they serve.¹³

Conclusion

Catholic social teaching argues that the promotion of the common good has a global dimension which requires international governance. Such governance must be subject to the principle of subsidiarity. *Fratelli tutti* contained a nuanced and cautious discussion of global institutions. It reinforced Catholic social teaching in proclaiming that they are necessary, but it also made clear their shortcomings in practice. It is reassuring that at least one school of political economy has a similar positive but cautious approach in this area. In many ways, the encyclical left an open question for Catholic scholars and the Church’s social teaching to ponder and develop: given human nature and practical realities, how do we develop international institutions so that they promote the common good, are not taken over by vested interests and do not, therefore, become subverted from their proper functions?

¹¹ See Vaubel R. (1986), A Public Choice Approach to International Organization, *Public Choice*, 51(1), 39-57.

¹² See, for example: https://www.who.int/health-topics/abortion#tab=tab_1

¹³ Vaubel R. (2006), Principal-Agent Problems in International Organizations, *Review of International Organizations*, 1, 125-138.