

Book Review by Joseph Lacey, University of Oxford (University College)

Francis, Cheneval. 2011. *The Government of the Peoples: On the Idea and Principles of Multilateral Democracy*. New York: Palgrave Macmillan.

In the conclusion to his 2008 text, *Just Health*, Norman Daniels was not alone in ringing the death knell of both statism and cosmopolitanism in their efforts to provide adequate prescriptive frameworks for managing the relations of increasing international interdependence. The challenge, he proclaimed, is for a new theory of international politics that does not fall prey to the territorial particularism of statist views nor the individualistic universalism of cosmopolitan theory. Francis Cheneval's 2011 text, *The Government of the Peoples: On the Idea and Principles of Multilateral Democracy*, is to this reviewer's knowledge among the most promising attempts yet to feed this timely appetite for a new normative theory of international institutions.

In Chapter Five, Cheneval explains why it is rational for liberal democratic states to enter into multilateral democratic arrangements, drawing on the standard rational choice account well known in international relations theory (i.e. for reasons of trade, security, large-scale problem-solving, etc.), in conjunction with an innovative reinterpretation of Hobbes realist conception of international cooperation. This is an important chapter that provides a nuanced pragmatic weight to the main concerns of his book, that is, to explain why liberal democratic states *ought* to integrate into a multilateral democracy or (more likely) a set of multilateral democracies and what such a system of cooperation should ideally look like.

Composed of seven substantive chapters, and a very short eighth concluding chapter, one may wonder if the text is not organised back to front. We must wait until Chapters Six and Seven to get at the principles of multilateral democracy, with the previous chapters designed to clear the way for these principles by getting certain ideas straight. This is a long wait and, ultimately, the real import of the first several chapters only comes into clear view once we have arrived at the final chapters. Advice to the reader is to work one's way through the manuscript in the following order: Chapter 1, 6-7, 2-5.

In general terms, Cheneval defines multilateral democracy as 'the institutionalised cooperation of three or more states according to generalised and binding principles of conduct' (p. 15). Here he is not referring to purely regulatory international organisations that restrict themselves to one or two issue areas, but to the idea of more advanced forms of international coordination that integrate numerous policy areas, such that conflicts in value-judgments and redistributive consequences become more likely. Unlike the former kind of institutions, Cheneval believes that the latter demand democratic legitimation and are therefore his sole concern.

The concept of multilateral democracy, he notes, is synonymous with the idea of demoi-cracy originally introduced and continuously developed by Kalypso Nicolaidis (2004, 2013). Cheneval's key contribution is to more systematically formalise this notion while, at the same time, providing an in-depth exploration of its normative justification.

So, in addition to practical considerations of mutual gain, why ought liberal democratic states integrate as multilateral democracies? Chapters 2-4 are mainly concerned with making this argument by drawing on liberal, republican and deliberative theories of democracy

respectively. According to Cheneval, both liberal and republican theories recognise state sovereignty for its instrumental ability to secure the rule of law and a system of individual rights. Given that individuals have collectively organised into states, typically based around non-trivial values and interests held in common, the right to self-determination is considered to be an effective means of protecting individuals against domination from alternative communities of value. Moreover, he insists that both liberalism and republicanism support the right of exit as a safeguard against domination and as a potentially important means of expressing freedom of association. Exercising the right of exit is a *logical* possibility only if there is more than one state, but it is a *practical* possibility only if there is a corresponding willingness to grant right of entry by would-be receiving states. To guarantee freedom of movement between states, therefore, Cheneval maintains that both liberalism and republicanism support some form of international cooperation for securing this value.

Reflecting on the theory of deliberative democracy, Cheneval identifies two types of demos, a political demos that is formalised by political membership and a much more fluid deliberative demos that is variously drawn from the universe of reasonable discursive agents. While this conceptualisation may be an abuse of the term demos, which essentially implies limitation and membership (Lacey 2015), Cheneval's point is that deliberative democracy entitles all those beyond a given political demos to contribute *reasons* to its decision-making discourse. Establishing some form of international cooperation, Cheneval believes, is the only way to give some institutional weight to the normative requirement that different demoi become sensitive to one another's internal decision-making processes.

If we grant that liberal democracies have both prudential and normative reasons to cooperate, then what form should this cooperation take? Cheneval's central and most innovative move in the book, elaborated in Chapter 6, is to combine the original positions of Rawls' *Theory of Justice* (designed to arrive at fair terms of cooperation between individuals within a state) and *The Law of Peoples* (designed to arrive at fair terms of cooperation between states themselves) with a view to answering this question. In a theory of international institutions, he does not believe that we can justify dispensing with either the state or the individual. Both, in his view, are valid normative subjects in the international realm, in the sense that the rational interests of each must be taken into account in designing a multilateral democracy.

Given the values that states secure for citizens, as mentioned above, states should most obviously be represented in the multilateral original position. When it comes to citizens, Cheneval notes that they have an interest in ensuring that the area of free movement is managed to their benefit. However, in their potential as migrating citizens between states, citizens may have different interests than states do. Citizens' interests *qua* migrating individuals therefore cannot be adequately taken into account by an original position modelled on states alone and so citizens are entitled to be incorporated into this model.

Otherwise constructed in the typical Rawlsian fashion, the multilateral original position yields seven principles, discussed with various degrees of brevity in Chapter Seven. Rather than detailing them here, I identify some of the main points that Cheneval wishes to drive home.

Importantly, primary or Treaty law should be distinguished from secondary law (designed to implement the Treaties). The states, by way of unanimity, have sole right to make and change the treaties. They also have the right to freely enter and exit the multilateral arrangement. Exit, entry and treaty change must be democratically ratified by the states' respective peoples.

Cheneval favours direct democratic procedures for making these decisions, and sketches a plausible model, but conflicting statements leave the reader unsure if all member states should be required to adopt these procedures. When it comes to secondary law, state representatives as well as citizens representatives directly elected at the multilateral level must share decision-making power.

Other principles are designed to secure non-discrimination of states and of citizens as members of the multilateral system; the supremacy of multilateral law over national law; a scheme of linguistic justice and a difference principle of member states which states that “economic inequalities among member statespeoples are to be to the greater benefit of the least advantaged statespeople of the multilateral order” (p. 154). This last principle is of particular interest since it asks so much more than the standard normative measure of policy output from international or multilateral decisions that they be Pareto-optimal (i.e. advantaging at least one state while disadvantaging no other). While a comparison of such principles would not necessarily be an original exploration, it would have greatly enhanced the normative plausibility of Cheneval’s all too brief account if he were to explain why the multilateral original position would not be satisfied merely with a Pareto-optimal standard.

One of the weaker (although by no means weak) part of Cheneval’s argument, on my view, is his justification for modelling the multilateral original position on citizens as well as states. It is citizens’ claim to transnational rights (even though the parties representing citizens in this original position do not know if they are movers or stayers) that serves as the core of his justification. Yet it seems that the mere fact of citizens being subject to law made in multilateral institutions is a more fundamental democratic reason for including citizens in the original position. In other words, it is a basic requirement of democracy that citizens are able to track and influence the power (i.e. the institutional compound) to whose laws they are subject. Hence, citizens have a fundamental interest in being able to co-constitute (with states) the institutional architecture to which they will be directly subject. This, I believe, is a more powerful justification than that which Cheneval provides us.

Furthermore, if the theory of neo-functionalism has some validity, predicting as it does a pragmatic logic of deeper integration once integration begins, then it is very unlikely that policy fields related to the freedom of movement will be the only competences under multilateral institutions over time. As deeper integration proceeds, giving multilateral institutions even greater influence over citizens lives, the importance of setting up multilateral institutions on the basis of both states and citizens interests for the reason that I have just identified becomes all the more apparent.

In the end, my main frustration with this text is its brevity. It sets out one of the most promising normative approaches to international politics yet articulated, but stops short, providing us primarily with a skeleton framework rather than a more fully fleshed out account that could, for instance, give us a better understanding of multilateral democracies at different stages of hypothetical development. Perhaps Cheneval’s recent focus on the EU (as the most advanced existing demoi-cracy) in a series of highly influential articles is an attempt to remedy this particular deficit (e.g. Cheneval and Schimmelfennig 2013).

References

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