

## **World Government, Social Contract and Legitimacy**

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## **Abstract**

The notion of world government is anathema to most political theorists. This is the case due to the arguments that a world government is infeasible, undesirable and unnecessary. This three-fold argument is partly predicated on the assumption that in world politics the larger a geographical and political entity is, the greater the chance of it becoming unstable, ungovernable and, ultimately, illegitimate. On the one hand, if this assumption is correct, then a world government is likely to be illegitimate. On the other hand, if the assumption is wrong, then it is not far-fetched to consider a world government to be legitimate. Considering a world government that emerges from a global social contract, this paper contends that: the legitimacy or illegitimacy of a world government and the extent to which it is legitimate or illegitimate depends on the kind of social contract that produces it and the extent to which it fulfils or fails to fulfil the conditions of the social contract.

**Keywords:** Legitimacy; Social Contract; State; World Government; World History; World Politics.

## 1. Introduction

My aim is to argue for the legitimacy of world government. The notion of world government is anathema to most political theorists. This is the case due to the arguments that a world government is infeasible, undesirable and unnecessary. This three-fold argument suggests that the larger a geographical and political entity is, the greater the chance of it becoming unstable, ungovernable and, ultimately, illegitimate. And the smaller a geographical and political entity is, the lesser the chance of it becoming unstable, ungovernable and, ultimately, illegitimate. This assumption negates the legitimacy of a world government. If the assumption is wrong, then it is not far-fetched to consider a world government to be legitimate. Therefore, I shall refute the assumption rather than the entire three-fold argument.

In the second section of the paper, I present the three-fold argument. In the third section, I contend that the three-fold argument is partly predicated on the assumption that the size of a geographical and political entity largely determines its stability, governability and, ultimately, legitimacy. Then I argue that this assumption is incorrect. In the fourth section, I discuss how a world government could be formed based on a global social contract. The legitimacy of the world government would depend on the global social contract that produced it and the extent to which it fulfilled the conditions of the global social contract. Finally, in the fourth section, I discuss the concept of legitimacy in order to determine whether a world government can meet the requirements of legitimacy thus understood. It is legitimate to the extent it meets the requirements.

## 2. The Three-Fold Argument; Feasibility, Desirability and Necessity

Proponents of the *feasibility argument* think that a world government is a project in futility – in other words, it might be possible in theory but not in practice. The *feasibility argument* is based on the following realist<sup>1</sup> and consequentialist grounds. Firstly, political realism views the Westphalian system as the status quo and the most consequential political phenomenon of our world. The system divides the world into sovereign territories whose borders simultaneously serve as barriers between citizens and non-citizens and as negation of external authorities. According to (neo)realists, this system is characterised by anarchy – that is to say, the absence

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<sup>1</sup> Throughout this paper, the terms 'realist', 'neorealist' and 'political realism' are used in the context of international relations theory.

of hierarchy. In the neo(realist) school of international relations theory, anarchy ‘is an ordering principle, which says that the system comprises independent states that have no central authority above them’ (Mearsheimer 2001, 30). Assuming that it is impossible to create a global hierarchy in this global anarchy, (neo)realists conclude that it is infeasible to have a world government (Lu 2016, introduction)<sup>2</sup>. Secondly, there is a conjecture that even if the anarchical nature of the Westphalian system permits the establishment of a world government, ‘the process of creating a world government may produce more harm than good; the necessary evils committed on the road to establishing a world government would outweigh whatever benefits might result from its achievement’ (ibid.).

The *desirability argument* says that a world government will be tyrannical, homogenising and inefficient, and therefore, it will be undesirable. Firstly, on tyranny, Immanuel Kant famously asserted that a world government ‘would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy’ (qtd. in Rawls 1999, 36). Secondly, on homogeneity, there is an assumption that pluralism is intrinsically valuable while homogeneity is intrinsically non-valuable. Furthermore, there is an assumption that a world government is likely to engender the erosion of pluralism and the promotion of homogeneity. Therefore, a world government is undesirable (Lu 2016, introduction). Thirdly, on inefficiency, a world government is undesirable because it will be inevitably remote from the governed, consequently laws will be diluted and this will make them meaningless and inefficient (ibid.). According to Kant (1991), ‘the laws progressively lose their impact as government increases its range, and a soulless despotism, after crushing the germs of goodness, will finally lapse into anarchy’ (113).

The *necessity argument* says that although the current Westphalian system and global institutional order are defective and hence incapable of resolving intractable global problems, we do not need to jettison them for a world government. Rather, we need to make the system and order more just and less unjust in order to resolve intractable global problems. Therefore, contemporary liberal theorists assert that world government construed as:

a global leviathan with supreme legislative, executive, adjudicative and enforcement

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<sup>2</sup> In this section of the paper, I mainly follow Catherine Lu’s Stanford Encyclopedia of Philosophy entry on world government. See Bibliography.

powers, is largely unnecessary to solve problems such as war, global poverty, and environmental catastrophe. World government so conceived is neither necessary nor sufficient to achieve the aims of a liberal agenda (Lu 2016, introduction).

### **3. Size is What Geographical and Political Entities Make of It**

As already mentioned, the three-fold argument suggests that the larger a geographical and political entity is, the greater the chance of it becoming unstable, ungovernable and, ultimately, illegitimate. This assumption that the size of a geographical and political entity has consequences for its stability, governability and, ultimately, legitimacy, is deducible from the realist sub-argument of the feasibility argument and the tyranny and inefficiency sub-arguments of the desirability argument. Therefore, I am concerned with the refutation of these specific sub-arguments rather than the entire three-fold argument. Since there is more to the sub-arguments than the above assumption, showing that the assumption is incorrect does not refute the sub-arguments in the strict sense of refutation. Nevertheless, it nullifies them in the context of the relationship between geographical and political size, stability, governability and legitimacy.

The discussion in this section proceeds as follows. Firstly, in view of the inefficiency sub-argument, I use some examples in world politics to show that the size of a geographical and political entity may be a liability or an asset depending on how the size is managed. Secondly, in view of the tyranny sub-argument, I explain how a world government can effectively respect human rights. Thirdly, in view of the realist sub-argument, I argue that the (neo)realist assertion that world politics is anarchical is only *an* explanation and not *the* definitive explanation of world politics. Fourthly, I present an intermediary position between world government and sovereign state to show that a rejection of the former does not necessarily mean an acceptance of the latter.

Let us put into syllogism the assumption that geographically and politically size matters in terms of stability and governability. The major premise is; the bigger the geographical and political entity, the less stable and governable it is likely to be. The minor premise is; a world state is bigger than a sovereign state. The Conclusion is; a world state is likely to be less stable and governable. In other words, since we are not likely to find legitimacy in an unstable and

ungovernable geographical and political entity, therefore we are not likely to find legitimacy in a world state. However, if we look around the world, we will see that empirically that argument is false. China is more stable and governable than Somalia. The United States of America is more stable and governable than South Sudan. And so on. We may think that these are just exceptions to the rule. I shall give other kinds of example to show that these are not exceptions to the rule.

The argument (assumption) suggests that a world with more states will be more stable. Empirically, there is nothing in world history and world politics to justify the implicit claim that a world with more states will be a more stable world. On the one hand, was a two-state Germany – East Germany and West Germany – more stable than a one-state unified Germany? On the other hand, will a two-state Spain be more stable than a one-state Spain? Will a two-state United Kingdom be more stable than a one-state United Kingdom or will a two-state Canada be more stable than a one-state Canada? Furthermore, on the one hand, will the world be more stable if states such as China, India and the United States of America are divided into multiple sovereign states? On the other hand, will the world be more stable if states such as Benin Republic and Togo become one state or if Burundi and Rwanda become one state? Size does not determine the stability, the governability and, ultimately, the legitimacy of a geographical and political entity. Whether size is a liability or an asset depends on how it is managed. In other words, size is what geographical and political entities make of it.

Stability and governability are not sufficient to show the legitimacy of a world state. Even if a world state is stable and governable, it could still be considered to be a tyranny and despotism if it fails to respect human rights. In other words, a world state that fails to respect human rights may not be considered legitimate. Therefore, it is important to show that a world state is capable of respecting human rights. *Arguendo*, I will concede to opponents of world government that, geographically and politically, size matters in world politics. This concession entails that, comparatively, a world state is more likely to violate human rights than a sovereign state. However, a world state does not have to be *directly* responsible for the protection of human rights. The human rights question assumes that a world state will necessarily be a unitary world state in which the world government is the singular and supreme power whose decisions must always supersede the decisions of the other tiers of government. Nevertheless, a world state can be a confederal or federal state in which the world government serves as a coordinating

centre for the confederating or federating units.

In this case, to resolve the propensity of a world state to violate human rights or not to protect human rights, the world government should leave human rights matters to the confederating or federating units. In other words, considering the complexity of our world, the world government will be better served respecting pluralism. To respect pluralism, the world government will need to adopt the principle of subsidiarity. For instance, the principle is included as one of the key principles of the European Union's Maastricht Treaty and subsequently in Article 5.1 and 5.3 of the Lisbon Treaty. Moreover, subsidiarity can even show that sovereign states may not be better than a world state in terms of the protection of human rights. While it may be better to leave the protection of human rights to liberal democratic states that abide by the principles of liberal democracy, it may not be better to leave the protection of human rights to non-compliant states<sup>3</sup> in Africa, Latin America, Middle East and nationalist European countries such as Hungary, Poland, etc.

I have shown that in terms of stability, governability, legitimacy and the protection of human rights, the size of a geographical and political entity does not matter. Unless we understand the nature of world politics, we may not understand why size does not correlate with stability, governability, legitimacy and the protection of human rights. Therefore, I shall present an explanation of the nature of world politics. Much importance is attached to size because of the acquiescence to the (neo)realist claim that world politics is anarchical. No matter the popularity of the claim, it remains *an* explanation. It is not *the* definitive explanation of world politics. In the study of world politics, there is no definitive explanation of world politics. If (neo)realists are right that hierarchy cannot be established in the midst of anarchy, then arguing for the legitimacy of a world state is a project in futility. But if they were wrong, or even partially wrong, then it would not be far-fetched to consider a world government to be legitimate.

According to Alexander Wendt (1992), 'anarchy is what states make of it' (1). Although world politics is anarchical, states have the agency to create enmity, competition or friendship out of anarchy. This agency of states to create the kind of relationship they want out of anarchy is

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<sup>3</sup> By non-compliant states, I mean states that do not comply with international human rights law.

what Wendt (1999) refers to as the three cultures of anarchy. When states perceive, and relate to, one another as enemies, we have a Hobbesian culture. When states perceive, and relate to, one another as competitors, we have a Lockean culture. And when states perceive, and relate to, one another as friends, we have a Kantian culture. What Wendt (1999) refers to as cultures of anarchy, Martin Wight (1991) refers to as traditions of international theory, namely the Realist/Machiavellian tradition, the Rationalist/Grotian tradition and the Revolutionist/Kantian tradition. While there are many explanations of the nature of world politics, these are the three main competing explanations:

the Hobbesian or realist tradition, which views international politics as a state of war; the Kantian or universalist tradition, which sees at work in international politics a potential community of mankind; and the Grotian or internationalist tradition, which views international politics as taking place within an international society (Bull 1995, 23).

On a spectrum, both the Hobbesian and Kantian traditions fall at the two extreme ends while the Grotian tradition falls at the middle.

In view of the above explanation of the nature of world politics, the anarchical nature of world politics does not render a world state illegitimate or an arguing for the legitimacy of a world state a project in futility. Moreover, due to the consequences of anarchy, some political theorists see even sovereign Westphalian states as flawed geographical and political entities. Therefore, even if a world state is unlikely to be legitimate, sovereign Westphalian states are not the default. Some political theorists think an intermediary position between the two positions is the best alternative.

Daniel Deudney (2018) argues that:

A historical security materialism ... applied to the nuclear era points toward a world order that is neither a world state, nor an interstate anarchy. If completed, the nuclear arms control project produces an exit from interstate anarchy, but does not entail the erection of a world state (14).

While Deudney's argument is *descriptive*, David Held, Thomas Pogge and Debra Satz offer



*prescriptive* arguments. Held (2002) proposes three models of sovereignty or political power and international legal regulation, namely the regime of classic sovereignty (the law of states), liberal international sovereignty and cosmopolitan sovereignty (the law of peoples) (1). The first model ‘gives the state free reign in the constitution of political and economic relations’ (ibid.). The second model ‘seeks to delimit political power and extend the liberal concern with limited government to the international sphere’ (Ibid.). While the third model ‘conceives international law as a system of public law which properly circumscribes not just political power but all forms of social power.... it places at its centre the primacy of individual human beings as political agents, and the accountability of power’ (ibid.). Even more radical than Held, Pogge (1988) argues for an ‘intermediate solution that provides for some central organs of world government without however, investing them with ultimate sovereign power and authority’ (285). In the same vein, Satz (1999) argues that ‘the contrast between a system of sovereign states and a centralised world-state is too crude. There are many other possibilities’ (77-78).

Whether Deudney, Held, Pogge and Satz are right or wrong, and whether a world state is legitimate, depend on the vicissitudes of world history and world politics. The dynamism of world history and the complexity of world politics are not amenable to predictions with certainty. A world state may be illegitimate at one point in world history and legitimate at another point. In the past, it *might* have been legitimate if it existed. In the present, it *may* be legitimate if it exists. In the future, it *may* be legitimate if it exists.

#### **4. Global Social Contract: From *Polis* to *Cosmopolis***

There are theorists who are certain that the emergence of a world state is an inevitability. Wendt (2003) is representative of those theorists; he argues that inevitably there will be an emergence of a world state. Relying on Aristotelian teleology and Hegelian philosophy of recognition, he says ‘the struggle for recognition between states will have the same outcome as that between individuals, collective identity formation and eventually a state’ (2003, 493). Employing methodological teleology, he argues that at the micro-level, the emergence of a world state:

is driven by the struggle of individuals and groups for recognition of their subjectivity. At the macro-level this struggle is channeled towards a world state by the logic of anarchy, which generates a tendency for military technology and war to become

increasingly destructive. The process moves through five stages, each responding to the instabilities of the one before – a system of states, a society of states, world society, collective security, and the world state (491).

Wendt has no specific timeline of the emergence of the world state he predicts. The only thing we know is that his focus is on the long run. Therefore, even if his prediction comes true in the long run, such prediction has no relevance for us in the short-run. If Keynes (1924) is right that ‘in the long run we are all dead’ (80), then sometimes the ‘long run is a misleading guide to current affairs’ (ibid.).

Whether the emergence of a world state is inevitable, likely, unlikely or will never happen, minimalists and maximalists are divided on the kind of world state they think the world needs. On the one hand, minimalists argue for a world state that has ‘three features: deep disarmament by nation-states, a minimal world code of law related to aggression and proper use of force, and a world military force with a monopoly of heavy weapons for “peacekeeping” or “police” functions’ (Deudney 2018, 6). On the other hand, maximalists argue for a world government that is completely akin to a liberal democratic state in terms of the possession of executive, legislative and judicial institutions and powers and in terms of responsibility ‘for all of the functions of economic regulation, welfare, and justice’ (ibid.).

Regardless of the kind of world state minimalists and maximalists think the world needs, both Kant and Jean-Jacques Rousseau see the social contract as means of arriving at perpetual peace. Echoing Hobbes, Kant (1999) concurs that states live with and in opposition to one another ‘in a condition of natural freedom, which itself is a condition of continual war’ (151). To avoid this condition of perpetual war, Kant (1991) proposes three defining articles for a perpetual peace (*foedus pacificum*). First, ‘the civil constitution of every state should be republican’ (Kant 1991, sec. 2.1). Second, ‘the law of nations shall be founded on a federation of free states’ (sec. 2.2). Third, ‘the law of world citizenship shall be limited to conditions of universal hospitality’ (sec. 3.3). In essence, Kant (1991) thinks the recipe for perpetual peace is the formation of a federation of republican states which ‘does not aim to acquire any power like that of a state, but merely to preserve and secure the freedom of each state in itself, along with that of the other confederated states’ (104). However, commenting on Kant’s idea that a federation of republican states leads to perpetual peace, Jürgen Habermas (2010) says ‘this weak conception of a

voluntary association of states that are willing to coexist peacefully while nevertheless retaining their sovereignty seemed to recommend itself as a transitional stage *en route* to a world republic' (268).

Kant (1991) generally sees world government as a means of arriving at global perpetual peace. But Rousseau (2005) particularly sees it as a means of arriving at an international perpetual peace in Europe. For instance, using the social contract as a security strategy for the avoidance of war and referring particularly to European powers, Rousseau (2005) argues that in the absence of stable conventional rules for resolving disputes among states, states need to form a confederation (42). In this confederation, states will need to forfeit their inclination to conquer one another which will in turn ensure the safety of all states since no state that has contracted not to attack others will be attacked by others who have also contracted not to attack such state (ibid.).

Kant and Rousseau's *prescriptive* arguments can be complimented by the following *descriptive* argument. Just as the world has moved from the state of nature (A) to modern states (B), it may – although, contrary to Wendt, not inevitably, and not necessarily, and may be unlikely – also move to a global state (C). This unlikely *divergence* from A through B to C can be predicated on the grounds that: in the *past*, states were, to a large extent, members of an international system; in the *present*, they are, to a large extent, members of an international society, and; in the *future*, they are likely to be members of a cosmopolitan world. An international system is a mere system of states where 'two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave - at least, in some measure - as parts of a whole' (Bull 2002, 9). The transition from international system to international society occurs 'when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions' (13).

Globalisation supports the argument that the world is moving towards a global state – in the future, states are likely to be members of a cosmopolitan world. However, the presidency of

Donald Trump in the United States of America and the resurgence of nationalism in Europe, particularly in Austria, France, Germany, Hungary, Italy, the Netherlands, Poland, and the United Kingdom (BREXIT) contradict such argument. Nevertheless, Emily Rosenberg (2004) argues that ‘the nation-state fades as the necessary organising principle of all global relationships and their histories’ (191). If she is right, then it can be argued that globalisation necessitates a new kind of explanation that is different from a state-centric explanation (Finney 2005). In other words, Westphalian statism and internationalism will fade away due to the ‘circumstances of cosmopolitanism’ (Waldron 2000, 236-39) – ‘the background conditions and presuppositions that inform and motivate the case for a cosmopolitan framework of law and sovereignty.... [i.e.] the processes and forces of globalisation that increasingly enmesh us in overlapping communities of fate’ (Held 2002, 23).

On the road from *polis* to *cosmopolis*, there are three possible kinds of social contract. The first kind of social contract is among individuals worldwide. In the negotiation of this kind of social contract, individuals are represented. The second kind of social contract is among states. In the negotiation of this kind of social contract, states are represented. The third kind of social contract contains elements of both the first and the second kinds. In the negotiation of this kind of social contract, both individuals and states are represented at different levels. Regardless of whether individuals, states or a combination of individuals and states are parties to the social contract, the fundamental factor is the globalisation of the social contract. As shown above, since the time of Kant and Rousseau, the possibility of globalising the social contract (in the case of Kant), or at least internationalising the social contract (in the case of Rousseau), has been explored.

Just as the social contract device helps justify the transition from the state of nature to the modern state, it also helps explain a possible transition from the modern state to a world state. Since Kant’s and Rousseau’s social contracts are ahistorical (they are only hypothetical), asking whether they are true or false is a wrong question. The right question to ask is whether they are helpful or unhelpful. Therefore, I contend that in view of the social contract methodological device, it is possible to explain how we can move from the current Westphalian system to a world government as I have shown above. Employing the social contract methodological device to explain a possible transition from *polis* to *cosmopolis* is doubly advantageous because it does

not only dwell on the practicable possibility of a world state, it satisfactorily defends the theoretical plausibility of a world state.

More importantly, inherent in a globalised social contract are theoretical stipulations and practical conditions a world state must satisfy for it to be legitimate. I contend that, comparatively, a world state will not necessarily be less or more legitimate than a sovereign state. I think a world state may be legitimate, illegitimate or partially legitimate and partially illegitimate. Whether a world state is legitimate, illegitimate or partially legitimate and partially illegitimate depends on the form of social contract from which it emerges and to the extent it fulfils or fails to fulfil the conditions of the social contract.

## **5. The Problem of Legitimacy**

In the penultimate section, I showed that the size of a geographical and political entity has no correlation with its legitimacy. Then in the preceding section, I argued that a world state that fulfils the conditions of the global social contract from which it emerges is legitimate. In this section, relying on the concept of state legitimacy, I shall explain what I mean by a legitimate world state. The concept of legitimacy might not be an essentially contested concept, but it has different denotations and connotations. I do not intend to discuss the concept exhaustively. Relying on the concept of state legitimacy, I only intend to delineate exactly what I mean by legitimacy and how a world state is legitimate in view of my understanding of legitimacy. Echoing a view held by many people, Thomas Nagel (2005) asserted that ‘the nation-state is the primary locus of legitimacy’ (114-15). Therefore, exploring what legitimacy means in a sovereign state is helpful to understanding what it means in a world state.

Legitimacy can be *de facto* or normative. *De facto* legitimacy is conferred on a state internally and/or externally. Internally, a state is legitimate when the governed believe so (Weber 1964, 382). Regarding internal legitimacy, Max Weber (1964) argues that ‘the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige’ (382). Externally, a state is legitimate when the international community recognises it as legitimate even though how it came to be or how its government came to power and how it governs are morally illegitimate. I am not concerned with *de facto* legitimacy. Rather, I am concerned with normative legitimacy. In the normative sense, a state is only legitimate if it has the moral authority to govern (Copp 1999, 4).

Traditionally, normative legitimacy means a state has a 'right to the obedience of its subjects' and the subjects have a moral obligation to obey the laws of the state (Copp 1999, 10). However, following David Copp (1999), I subscribe to the view that state legitimacy consists in a state having certain Hohfeldian 'advantages', namely:

(1) a sphere within which it has a privilege to enact and enforce laws applying to the residents of its territory; (2) a power to put people residing in its territory under a *pro tanto* duty to do something simply by enacting a law that requires them to do that thing, provided that the law falls within its spheres of privilege and is otherwise morally innocent; (3) a privilege to control access to its territory by people who are not residents and have no moral claim to live or travel there; (4) a claim against other states that they do not interfere with its governing its territory; (5) an immunity to having any of these extinguished by any action of any other state or person (27-28).

While all the five advantages apply to sovereign states, only advantages 1, 2 and 5 apply to a world state. Advantage 3 does not apply to a world state because if there is a world state, then everybody will be its citizen. Advantage 4 does not apply to a world state because if there is a world state, then there will be no equivalent states that will pose the danger of interference to it.

In the legitimacy discourse, arguably the most intractable problem is the question of the grounds on which legitimacy is based. There have been different answers proffered to the above problem such as: traditional legitimacy, charismatic legitimacy and rational-legal legitimacy (Weber); beneficial consequences (Bentham and Mills); public reason and democratic approval (Rawls); democratic approval (Kant); public reason (Rousseau); and consent (Hobbes, Locke, Rousseau, Grotius and Pufendorf). However, the most popular and original defences for state legitimacy are, arguably, Hobbes', John Locke's and Rousseau's.

Many prominent thinkers such as Hobbes, Locke, Hugo Grotius or Samuel Pufendorf have argued for consent as the genuine source of legitimacy. In Hobbes' (1651) version of social contract in the *Leviathan*, legitimacy based on consent was asserted (ch. 13). But it was even more well-articulated in the 'Second Treatise' of the *Two Treatises of Government* where Locke (1999) argues that a 'government is only legitimate when it has the consent of the governed' (524). In terms of legitimacy based on the grounds of consent (Hobbesian and Lockean), it can be argued that:

(i) consent of those governed is a necessary condition for the legitimacy of political authority; (ii) consent is not directly a condition for legitimacy, but the conditions for the legitimacy of authority are such that only political authority that enjoys the consent of those governed can meet them; (iii) the conditions of legitimate political authority are such that those governed by that authority are under an obligation to consent (Raz 1995, 356; Peter 2016, 3.1).

In support of consent as the source of legitimacy, Grotius (1738) argues that just as there are many different ways of life, some better than others, and everyone can choose any way of life he or she likes, also:

a People may chuse what Form of Government they please: Neither is the Right which the Sovereign has over his Subjects to be measured by this or that Form, of which divers Men have different Opinions, but by the Extent of the Will of those who conferred it upon him' (qtd. in Tuck 1993, 193).

However, 'it is unlikely that any but a few citizens in special circumstances have consented to be bound by the laws enacted by their state' (Copp 1999, 29). Moreover, that a state does not meet the standard of consent does not mean that it is illegitimate. After all, 'most states were founded in a way that involved wrongful exercises of force or fraud.... this does not mean that most states are *illegitimate*. It means that most states are *unjust*, or at least that they began by being unjust' (45) (emphasis is original). Therefore, the consent argument is weak, and a world state does not need to meet the standard of consent in order to be legitimate.

In terms of legitimacy based on the grounds of beneficial consequences (Benthamite and Millian), political authority is legitimate if it provides beneficial consequences and it is illegitimate if it fails to provide beneficial consequences. This view is largely utilitarian and as such argues that 'political authority should be grounded on the principle of utility' (Peter 2016, 3.2). However, a state may be adept at satisfying the utility demands of its residents and yet be illegitimate because 'to have the right to rule is to have a moral property importantly different from that of being efficient in ruling.... Many things that we are good at doing we have no right to do' (Copp 1999, 32).

Particularly, the above kind of argument judges the legitimacy of a state based on its ability to provide public goods for its residents. There are several reasons to reject the notion that legitimacy should be based on a state's ability to provide public goods (see Copp 1999, 34-36). I shall briefly discuss two of the reasons. Some residents may enjoy some public goods without acquiescing to the provision of those public goods by the state. In this case, the state is even 'forcibly' providing them public goods which they are not interested in. In another case, some residents may benefit from certain public goods while other residents may not benefit from those same public goods. If the provision of public goods is what determines the legitimacy of a state, then those who do not benefit from the public goods in this case will not consider the state legitimate. Therefore, the legitimacy of a world state does not depend on its ability to provide public goods.

The legitimacy that is based on the grounds of public reason and democratic approval deems political authority and institutions to be legitimate only when they reflect the general will and have the general approval of the governed. On this view, legitimacy may be based on public reason alone, democratic approval alone or a combination of both public reason and democratic approval (Peter 2016, 3.3). However, that a state does not meet this standard does not mean that it is illegitimate. Copp (1999) points out that in Great Britain, it is reasonable to reject the monarchy and the House of Lords; yet if any state qualifies to be legitimate, Great Britain qualifies to be legitimate (31). Therefore, a world state can qualify to be legitimate without meeting the standard of public reason and democratic approval.

The above discussion on the concept of state legitimacy is not exhaustive, but at least it offers us an insight into the crux of the concept. In view of the discussion, I subscribe to the view that a:

state is legitimate, other things being equal, unless the needs of the society it governs are so poorly served by it that the society would be better if people viewed themselves as under no moral duty at all to obey the law, not even in cases where the law is morally innocent, or the society would be better if other states viewed themselves as under no moral duty at all not to interfere with the state's governing its territory (and so on) (43).



There are two clauses in the above standard a state must meet for it to be legitimate. The first clause applies to a world state while the second clause does not apply to it because if there is a world state then there will be no equivalent states to interfere in its affairs. If a world state satisfies *the applicable clause*, then it is legitimate. In the preceding section, I argued that a world state is legitimate if it fulfils the conditions of the global social contract from which it emerges. My conception of legitimacy applies to a world state through the global social contract. Now, assume that *the applicable clause* is the condition stipulated in the global social contract from which a world state emerges. If the world state fulfils the condition, that is, if it respects *the applicable clause*, then it is legitimate.

To argue otherwise is tantamount to doing the following: (i) negating the global social contract from which the world state emerged, and/or; (ii) discounting *the applicable clause* as a standard for state legitimacy. Therefore, unless one is committed to defending the positions in (i) and/or (ii), the question whether world government is legitimate must be answered in the affirmative. Conversely, anyone who answers in the negative must defend the position(s) in (i) and/or (ii). Defending the positions in (i) and (ii) have unintended consequences for the legitimacy of sovereign states.

I will begin teasing out the unintended consequence of (i) with a reminder that on the road from *polis* to *cosmopolis* there are three possible kinds of social contract. The first kind of social contract is among individuals worldwide. If a world state is illegitimate in spite of this global social contract, then any sovereign state built upon social contract must be equally illegitimate. The second kind of social contract is among states. If a world state is illegitimate in spite of this global social contract, then any multilateral institution such as the United Nations that is built on multilateral agreements by states is illegitimate. The implications discussed in relation to the first and second kinds of social contract are applicable to the third kind of social contract because it contains elements of both the first and the second kinds. Regarding the unintended consequence in (ii), anyone who thinks that *the applicable clause* is neither necessary nor sufficient for legitimacy must prove theoretically and practically why any other grounds of state legitimacy is either necessary or sufficient.

## 6. Conclusion

Before ending this discussion, I shall refer to the African condition in the twenty-first century as a microcosm of the world. Consisting of fifty-five states<sup>4</sup>, Africa is the continent with the highest number of states in the world. Therefore, an ‘African order’ that resolves the tragedy of the African condition may be a good omen for the current global order. By the African condition in the twenty-first century, I mean the major *divisions* based on which Africans are *differentiated* and the major *differences* based on which Africans are *divided*. The divisions and differences are the fragmentation of the continent into fifty-five Westphalian states, or what Ali Mazrui (1980) refers to as little Lilliputs. This fragmentation has engendered unhealthy rivalry and has actually enabled tragic crises and conflicts on the continent.

The fragmentation socialises African states and Africans into forming various identities and adopting various values. I hold the view that universal identities, such as common humanity, shared by Africans should supersede the relevance of particular identities. In view of the metaphysical notions of universals and particulars, I hold the view that the divisions and differences on the continent are neither necessary nor sufficient for African states and Africans to discriminate against one another unjustly.

Taking my cue from Wendt’s (1992) social constructivist argument that ‘anarchy is what states make of it’ (1), I contend that the divisions and differences on the African continent are *what African states make of them*. African states and Africans can use the divisions and differences as grounds for negative identities and values that militate against continental relations or as grounds for positive identities and values that enhance continental relations. In other words, it is possible to transcend the divisions and differences if African states and Africans are willing to form positive identities and adopt positive values that enhance continental relations.

In view of the above assertion, one can use the Hobbesian, Lockean, Rousseauian and Kantian social contracts as methodological devices to imagine different hypothetical scenarios in which African states can find themselves depending on which identities they form and which values they adopt. Whether Africa turns out to be a Hobbesian continent of enemies that are merely

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<sup>4</sup> This is inclusive of Western Sahara and Somaliland.

settling for a *modus vivendi*, a Lockean continent of rivals that are competing against one another, a Rousseauian or Kantian continent of friends that are cooperating with one another, there will be political and economic consequences for the continent. Apparently, the lesson a legitimate world government has for Africa is that a stronger African identity and a more effective regional and economic political union such as the African Union (AU) will make many of the intractable problems on the continent tractable.

The question of whether a world government will be legitimate or illegitimate will remain relevant until the trajectories of world history and world politics reach a point when the answer to the question becomes clearer than it is now. Unfortunately, the lessons of world history and world politics seldom allow us to predict, or forecast, the future with certainty - world history and world politics are neither mathematics nor physical science. Studying the trajectories and dynamics of world history and world politics, we can only decipher 'the pattern of the past which explained the present' (Bullen 1988, 135). By deciphering the pattern of the past and explaining the present, the best we can aim at is to be able to make an educated guess about what the future is likely to be. My educated guess about the future is that if there is a world government it will be legitimate.

I think that depending on the vicissitudes of world history and world politics, the answer to the fundamental question in this paper may become clearer than it is now. I am conscious of the *caveat* that some critical questions about world government are empirical questions that can only be satisfactorily answered empirically. Nevertheless, inasmuch as there are claims against world government and the claims are conjectures rather than any justified true beliefs that are certain, it is apt to test the validity of the claims. It is for this reason that in spite of the three-fold feasibility, desirability and necessity argument against world government, I embarked on the task of resolving the fundamental question whether a world government will be legitimate or illegitimate. My verdict is that: geographical and political size will have no consequence for the legitimacy of a world government; based on the global social contract and *the applicable clause* discussed in the penultimate section and the preceding section respectively, a world government will be legitimate.

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