Chapter 24 Why a World State Is Unavoidable in Planetary Defense: On Loopholes in the Vision of a Cosmopolitan Governance



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24.1 Introduction

The idea of global planetary defense (henceforth PD) against threats from outer space as explored in previous chapters requires an effective global decision-making system that would both implement the necessary technology (or oversee its implementation) and deploy it in case of emergency. The proposal (Chap. 21) is based on the assumption that such a political body would be 'semi-cosmopolitan,' i.e. short of a full-fledged global political authority—a 'world-state'—represented by a world government, although it implies 'more centralized [global] power(s).'

The main claim of this chapter is that planetary defense against asteroids, as variously envisioned in the chapters in this book, cannot be implemented under such a model of democratic global governance. All relevant indices point to the necessary establishment of a *global political authority with legitimate coercive powers*, one that retains basic elements of statehood, which is a similar argument to the one I explored in some detail in an earlier paper on global justice (Dufek 2013). It remains to be seen whether such a political system can be in any recognizable sense democratic. Put bluntly, I finds it unconvincing that planetary-wide, physical-threat, all-comprehensive macrosecuritization (Buzan and Waever 2009) ('planet-wide securitizations,' as labelled in Chap. 11), coupled with deep transformations of international law, global centralization of core decision-making powers, de-stigmatization of nuclear weapons, and the like, can proceed, succeed, and be implemented in a non-hierarchical international system where PD constitutes only one regime among many and states basically remain the major actors—sovereign *principals*. This is the

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main sense in which proposals in support of a semi-cosmopolitan model of global governance driven by cosmopolitan ethics, as discussed in Chap. 21, are too idealistic.

My field of expertise is political theory/philosophy and political science, and I believe this background allows me to spot important conceptual, normative, and institutional hurdles that await any such extremely ambitious project with clear political ramifications. On a lower level of generality, the present chapter therefore provides an exposition of a number of important issues that also need to be seriously reflected upon by advocates of planetary defense if their case is to be robust, persuasive, and ultimately successful, as regards the implementation of such a politically sensitive planetary defense policy. Although rationally and scientifically robust, the PD project suffers from over-simplification, as well as naivety with respect to how both international and domestic politics works—especially if the resultant model of governance is to be democratic. It is impossible to insulate the scientific enterprise from the broader societal context within which it operates, and which it aims to transform.

It needs to be stressed that this chapter offers neither a critique nor a glorification of the idea of a world state/world government, understood as a model of political decision-making on the global level; in this regard I remain agnostic. Instead, this chapter argues that in the case of PD (and arguably other global-scale issues as well), an effective, stable, and legitimate solution cannot be based on the seemingly attractive, yet vague and ultimately unworkable idea of 'global governance without government'—that is, exercise of functions normally entrusted to state governments, such as dealing with political, economic, environmental etc. problems, without any such formal governmental body in place. 'Government' would be replaced by a multilevel network of cooperating actors, bodies, and agencies. Defenders of such a vision of PD make their own case even more difficult by insisting on a democratic character of the global decision-making framework, which creates further conceptual, normative, and institutional problems.³

For the purpose of clarity, this chapter divides the issues into five broad groups: law, politics, identity and society, economics, and meta-theory. As will become clear, the respective points are not strictly separated and often overlap, so that a problematic feature in the realm of law and legislation affects—one might say infects—the circumstances of political action, as do unresolved issues of national, global, or regional identities. Other combinations are of course possible as well. Some arguments that will be developed in detail below include claims from instability; efficiency; power politics; collective action problems; conflicts among political issues; democratic legitimacy; and common identity.

¹For a recent discussion of the desirability of a world-statist solution to global problems see (Nili 2015).

²The classic here is 2. (Rosenau and Czempiel 1992). See also (Rosenau 2006). For a widely cited conceptual clarification see (Rhodes 1996).

³For an internal critique of how loosely the concept of global governance has been used in the study of international relations see (Weiss and Wilkinson 2014).

The main message of this chapter could be summed up in the following way: If PD is a good idea and a desirable goal, which it very well may be, then we should be honest with ourselves and avoid trying to have our cake and eat it too, because not all good things go together in planetary defense endeavors.⁴

24.2 Law and Politics

We start with the realm of law, and international law in particular. It sometimes gets lost on us that modern democratic politics, and the modern state as such, are fundamentally intertwined with modern law: In a sense, the modern state is first and foremost a legal state, which means that political decisions have to be promulgated and implemented strictly in the form of a legal norm, be it constitutional laws, regular laws, or subordinate legislation. The rationale behind the primacy of law—we usually speak of the rule of law, the Rechtsstaat, or the prééminence du droit—is to prevent unchecked discretion of the rulers, as well as to stabilize legal expectations and ensure legal certainty (Tamanaha 2004; Zolo 2007). From this follows the paramount role of the judiciary, and less optimistically, the always present tension between what the law in force requires versus what the ever-changing democratic will of the people wants. Although it is an open question how to approach law and legislation on the supranational level where there is no single source of legitimate legislation, it is an eminently important one. The absence of a legal framework both enabling and constraining the exercise of democratic politics makes room for the game of power politics, and this eventuality should be taken seriously by the PD community.

24.2.1 Shared Framework or Fragmentation

The guiding idea behind this argument is that PD entails an overarching legal framework shared and respected by all actors, as is the case with other global issues (Held 2010; Kumm 2016). This will require reconstruction or transformation of both domestic and international law in whose language PD-related policies will be formulated. Given that PD aims to transform both policy priorities across existing countries and symbolic and cultural self-understanding of the respective actors (governments, peoples, social groups, interest groups, individuals etc.), while providing for efficient global decision-making machinery, we cannot expect the extant body of international law to be sufficient for such a momentous shift. Empirically speaking, such preconditions are not there.

⁴I am paraphrasing here the title of an important article on democracy promotion. See (Grimm and Leininger 2012).

Of course, certain changes in both domestic and international law have been taking place, as many observers and cosmopolitan-minded thinkers argue. However, the developments point rather to a continuing polycentering, pluralization, and fragmentation of the emerging 'global law,' even though 'sectoral constitutionalization' (unification within individual policy or issue areas) might be emerging simultaneously (Peters 2009, 2015). This means that instead of a centrally promulgated, uniform, comprehensive system of law valid for each and every actor—as is the case with citizens of nation-states and their standing vis-à-vis domestic law⁵—we observe the emergence of overlapping, crisscrossing, and frequently conflicting bodies of legal regulations. This is (very briefly) the empirical picture of how things are in international affairs. Normatively speaking, many if not the majority of legal scholars as well as political philosophers reject the *monist* scenario of a world-state, i.e. replication of the pyramidal, hierarchical structure of the modern state on the global level. The reasons for such reservations can be traced back to Immanuel Kant's concerns about global despotism, and despite the wave of world-statism after the Second World War, which was fueled by fears of a global nuclear disaster, this is the dominant narrative in contemporary academia (Catherine 2012; Scheuerman 2011, Chap. 2).

In other words, most observers invest their hope in a pluralistic, polycentric vision of law that seems to align nicely with the governance approach to international politics. But all of that is arguably inconsistent with the necessity of a shared and enforceable legal framework for a task of PD-like dimensions, which by definition ought to take priority over other lesser issues (as explained in more detail in Sects. 24.2.5, 24.2.8 and 24.3.3). To repeat, I am not putting forward a normative case in favor of a world-state; what I am offering is an *if-then* conditional, based on a certain reading of the nature of international politics. To the extent that the case for PD is rationally overwhelming and will be construed as such by major political actors, it could be perhaps said that my position overlaps with the famous argument by the foremost international relations theorist, Alexander Wendt, who claimed that a world-state (accompanied by a corresponding shift in identities) is ultimately inevitable as a matter of self-interest of actors involved in international politics, including great powers.⁶

⁵Federal countries might be thought to undermine this claim; however, there is always a layer of federal law applicable to all actors within the jurisdiction. The European Union is a unique case that will be commented upon later in the chapter.

⁶It should be noted that Wendt's claim rested on a specific recognition-based teleology. (Wendt 2003, 2011) is an updated version of the argument.

24.2.2 Judicial Reasoning as the Panacea?

It was noted above that the judiciary has a central role and function in any political system based on the rule of law. How to establish the rule of law on the global level in a decentralized system of governance, though? Some supporters of a 'global constitutionalism' claim that judicial reasoning, as opposed to political action, can provide the bridge among numerous levels of decision-making (Walker 2008). The European Union, and especially the Court of Justice (CJEU), is often presented as a model case. However, notwithstanding the recent trend of recapturing of decision-making capacities by member-states' executives, in response to the need of a more flexible and efficient decision-making than the EU political system is currently capable of providing (Belling 2014), the CJEU itself quite unambiguously functions as the main engine of further unification of the Union.⁷ This again seems to question whether we can have authoritative judicial decisions linked to the principle of legal certainty (which coforms the core of the rule of law) and a non-hierarchical soup of particular legal systems. 8 Also, the sanitized world of judicial reasoning cannot really be isolated from the messy realities of mundane politics, including power competition. After all, the judicial branch of power is still only one among others. Numerous institutional and normative concerns thus apply, not least with regards to the efficiency and legitimacy of various governance options. Some of them, such as the problem of democratic political representation (Sect. 24.3.1) or collective action problems (Sect. 24.3.4) are discussed in the following sections, though the general point can be stated already here: Namely, that PD cannot do without a robust political theory of international politics.

24.2.3 Formal or Material Points of Intersection

The concept of societal diversity and pluralism is far from a new discovery. As Michel Rosenfeld points out, the deep and wide plurality within modern societies has been always held together either by a formal legal framework (i.e. constitutions) consisting of 'nodes' that encompass fundamental rules of cooperation in any political society, or by consensus over material/substantive values, principles etc., or most commonly by both (Rosenfeld 2008). The reason is straightforward: to ensure conditions of social cooperation and stability of the social order. Since a fragmented and non-hierarchical global/international law cannot provide the formal pillar (i.e. unified body of global constitutional law, containing the said nodes), global societal integration greatly depends on the construction of a common cosmopolitan framework of values and self-understandings. Even though it might

⁷Examples include the principles of *direct effect* as well as *supremacy* of EU law over domestic law, as settled by the CJEU itself. This means that provided certain procedural conditions are met, European laws (so-called regulations and directives) take precedence over member states' legislation (Craig and Búrca 2012).

⁸ For a related discussion of pluralism and monism in international law see (Somek 2012).

constitute a commendable moral ideal, a shared, though presumably thin global identity is a fragile utopian goal, as the recent wave of populism, nationalism, and cultural and economic protectionism amply attests to. Achieving such a shared feeling of global commonality is certainly a tall order (more on this in Sect. 24.4 below), rendered even more difficult by such explicit rejection on a unified legal system.

24.2.4 The Point and Purpose of Law

If 'achieving social order' is one of the basic purposes of law (Fuller 1969, Chap. 3), then it needs to be made public and well known, so that everyone affected can, at least in principle, verify which legal rules are in force. Only legal rules that are accessible by their recipients can be thus binding for them. (To complicate things a bit, it could be argued that only those legal rules that the majority of other actors can reasonably expect to uphold are binding; this point is discussed in Sect. 24.3.4.) If PD is to operate within the bounds of legality, and if the resulting legal rules are to be binding for all relevant actors (sometimes that might directly mean all individual human beings), then PD-related decisions need to be promulgated publicly, continually, globally, authoritatively, and consistently. How this could be done in a decentralized system of governance remains a matter of concern.

An objection might be pressed—and this is indeed a fairly common response in contemporary legal and political theory—that such a view of law and legal obligation remains locked in the old hierarchical understanding of law. My response is that I simply cannot see how long-term global cooperation with respect to PD can proceed effectively in a non-hierarchical system of international law. Insofar as the foundational rationale of judicial decision-making is to aim for 'authoritative resolution of a legal problem' (Ondřejek 2016, p. 125), and as long as conflicts among different norms or legal orders are inevitable in a decentralized system of global governance, then global cooperation in such a huge task of coordination as represented by PD is difficult to envision. Flexibility and open-texturedness of the emerging global system of law might be considered virtues in many areas of human activity (such as, say, commercial law), as they arguably involve engagement with different value systems and their cultural backgrounds. PD is, however, one of those areas where these qualities become vices. Development, deployment, and control of such sensitive technology as laser beams and nuclear weapons are simply not the right objects for legal and political experiments, not least because the common goal is fully known beforehand.

24.2.5 Securitization, Pluralism, and Self-Government

There are, of course, other rationales behind the decentralized approach. One basic point of global governance models concerns the importance of preserving autonomy and self-government on lower levels of political organization, from regional

formations all the way down to municipalities, in order to avoid the danger of global authoritarianism and retain both the idea and practice of democracy. The principle of subsidiarity has a foremost place in such visions and has been commonly invoked with respect to the European Union (MacCormick 1999). One weighty reason behind this principle is moral, cultural, religious diversity. Liberal conscience counsels toleration or even celebration of diversity (within certain limits specified by liberalism itself). If, however, PD presupposes securitization—more precisely, existential-threat macrosecuritization on a planetary level (see Sect. 24.3.3)—which I argue it necessarily does, then fairly limited room remains for pluralism and selfgovernment, simply because of the unconditional and depoliticizing nature of securitization. The threat is labelled as objective, and the discretionary (i.e. insulated from normal democratic control and accountability) decision on how to cope with it is thus rendered immune to protest and disagreement. Of course, asteroid threats are claimed to be genuinely objective, as they can be explained and calculated in precise scientific language, including the possibilities of collision aversion and/or asteroid trajectory alteration. Such securitization might very well be a just one, as Nikola Schmidt argues in Chap. 14;10 nevertheless, it would still imply unconditional compliance with the selected course of action by all involved actors, from states to international organizations to individual human beings. Unless PD is properly securitized (i.e. if it is 'merely' politicized, introduced as a relevant political topic in public debates), it is unclear why it is to take immediate priority over other policy goals, such as eradication of world poverty (see Sect. 15.2.7 for a discussion of competing securitization initiatives).

In effect, this creates a dilemma between two scenarios: Securitization at the expense of self-government, and no securitization at the expense of survival of humanity (or so the argument goes). The point is not that the former course of action is not preferable, but that we cannot have both subsidiarity/self-government and PD-level securitization at once. Incidentally, all this also seriously weakens the case for a 'judicial dialogue' across the many levels and sectors, which is precisely the way defenders of global legal pluralism/polycentrism envision the possibility of binding common decisions. Plainly, a dialogue is of little use if we know that enforceable decisions are made elsewhere and on highly different grounds.

24.2.6 Global Rule of Law and Constituent Power

The preceding sections employ the notion of a rule of law. This is an inconspicuous concept; however, the fact is that without a rule of law, there can be no democracy, no protection of human rights, and arguably, no reciprocal social cooperation, at least not a democratic one. It is not by chance that the rule of law constitutes a

⁹The principle originated within Christian (mostly Catholic) social teaching/ethics; see (Anzenbacher 1998, p. 210).

¹⁰ See also (Floyd 2011).

conceptual, normative, and institutional pillar of liberal constitutional democracies, and a precondition of consistent enforcement of citizens' fundamental rights. ¹¹ It could even be argued that establishing a functional rule of law is the most basic challenge for any stable transnational or cosmopolitan legal and political system (Palombella 2009). As with previous issues, weighty reasons have been put forward by scholars of legal and political theory against a monistic conception of a global legal system, one imposed from above by the highest-level institutions, such as the current UN Security Council. ¹² They claim that such a rule of law would be unilateral, rooted in the allegedly obsolete conception of modern sovereign statehood, and would thus undermine autonomy and self-government based the principle of subsidiarity.

Herein lies the paradox. In order to fulfil its rule of law-specified and law-constrained functions, law needs to be the same for all affected subjects and its force needs to be inescapable, at least in principle. This is highly dubious in a fragmented system of global governance that lacks constitutionalized and legalized enforcement power. The PD regime would be only one among many, without having any clear priority that it implicitly requires. If, alternatively, the recognition of valid norms were to proceed via an emergent consensus on substantive normative commitments (e.g. the content of the *ius cogens* and *erga omnes* obligations (Palombella 2009)); then we would quickly enter the domain of (international) political theory, which has been centrally concerned with ways of accommodating normative conflicts among actors as well as among orders on which various actors operate. By entering this field, questions and problems for PD supporters multiply in both number and nature, as will be clear from Sect. 24.3 below.

To take stock before advancing further, I am of the view that robust global democratic governance cannot do without elements of (post-national) statehood, even if this does not amount to a blind replication of a sovereign state on the global level. Coupled with the securitization-fueled urgency of PD, it seems obvious that a solid global rule of law cannot be squared with a decentralized model of lawmaking: the two rationales simply collide. Consequently, PD calls for a significant transformation of how international and/or global politics is done and understood by both its protagonists and the global audience. Such a shift cannot be rationally designed and swiftly executed, because the evolution of such complex systems as international law and politics is simply beyond the capacities of any existing actor. Some hope has been invested into reconstruction of the United Nations (Held 2010, p. 230), and much hope into the European Union as a laboratory of global governance. Yet the outlook is ambiguous, as Brexit has most recently shown.

The inescapability of political-theoretical considerations of this kind is further confirmed by looking into the process of norm generation in the global realm

¹¹ See e.g. (Loghlin 2010, Chap. 11).

¹²The infamous *Kadi case* which concerned the hierarchy between international law—specifically UN Security Council resolutions—and EU law (and by implication, of domestic law as well) is probably the clearest recent example. See (Avbelj et al. 2014; De Búrca 2010).

¹³For some further reflections on the rule of law in global context see (Scheuerman 2002).

(Patberg 2016). On the liberal, inter-governmentalist model of global governance, which seems to inform the vision defended in this book, the bulk of public legal and administrative regulations are produced by countries' executives or executiveauthorized agencies (where the latter can be national, transnational, or global). One problem here is the tendency of international bodies toward becoming independent on their supposed principals (see further Sect. 24.3.2 below); another problem concerns the legitimacy of legal norms thusly generated. Put schematically, the chain of legitimization is too long, too abstract, and too incomplete for such norms to gain or perhaps just retain democratic legitimacy. Technically speaking, a country's executive as one branch of constituted power directly or indirectly co-creates on the supranational level new bodies, norms, and corresponding duties, the latter of which are meant to bind the citizens ('the people') who are in fact the *constituent* power i.e. logically and normatively prior. 14 The problem lies in the fact that the constituent power has little real influence over such global-level decisions, or little opportunity to effectively contest them; national parliaments that normally represent the people are notoriously weak actors in international politics. This may result in various pathologies of power exercised by trans- or supranational bodies, as discussed further in Sect. 24.3.2. After all, even in constitutional democratic states themselves, there is preciously little public deliberation and thus democratic control over the goals and purposes of political action in the international/global realm. Widespread indifference to EU-related issues among citizens of EU member states is an illustration of this problem.

The upshot is that we need global constituent power—a *global demos* no less, whatever kind of actors and procedures this entails—if the global rule of law is to function properly and global law is to be perceived as legitimate.

24.2.7 Conflicts of Regimes, Goals, and Purposes

All this is because, as already hinted, conflicts among regimes, actors, levels of decision-making, as well as goals and purposes are to be expected, if only for reasons of sheer complexity of global governance in an expected multilevel pluralist setting. Scholars have recently begun to speak about nonhierarchical *regime complexes* or *regime complexity*, which depicts the 'presence of nested, partially

¹⁴This is a common distinction in constitutional law literature. In a constitutional democracy at least, *constituent* power is embodied in the sovereign people who is the foundational source of all power in a state. The people as the *sovereign* "gives" itself the constitution which in turn gives birth and form to the political system, including the highest constitutional institutions (branches of power, constitutional court, central banks etc.) and the division of power among them. All these are created in the act of constitutional self-giving, and as such are *constituted* powers. This is a very interesting if highly abstract and philosophically challenging issue concerning the deepest sources of legitimacy in a democratic society (recall occasional tensions between parliaments and constitutional courts), and here things are somewhat simplified. Cf. (Arato 2016, pp. 1–74; Loghlin 2010).

overlapping, and parallel international regimes that are not hierarchically ordered' (Alter and Meunier 2009). Under such fragmented conditions, clarity of legal obligations erodes. Some authors add that such a labyrinthine system of governance is open to exploitation by great powers (Drezner 2009). More sympathetically minded alternatives such as *global experimentalist governance* aimed at 'participatory and multilevel collective problem solving' (De Búrca et al. 2014, p. 477), assume a highly decentralized system of rule-making and rule-enforcement, which again goes directly against what PD appears to require.

More specifically, once we look into contemporary realities of power and politics in the international realm, as well as into the issues that motivate global political activism, it becomes clear that PD will be merely one among many competing macrosecuritizations. Paradoxically, given the nuclear-destigmatizing ethos of PD carried by the hope in a rationally justifiable mitigation method, the anti-nuclear movement, coupled with fears that destigmatization might undermine the non-proliferation regime, may actually rival PD as regards (macro-)level, degree, and perhaps acceptance as well (Buzan and Waever 2009, p. 259). Moreover, it is conceivable and actually quite likely that competing versions of a desirable PD regime itself will be put forward and steadfastly stuck to by their supporters—including, as it were, various IR research communities with their idiosyncratic assumptions and/ or normative preferences. But of course, PD is precisely the kind of issue that requires consensus, cooperation, and orchestrated political and financial effort. Will there be an actor capable of and legitimized to decide which course of action is to be taken with respect to a macrosecuritized topic such as PD?

If the answer is affirmative, then we are faced with something or someone akin to a global sovereign. Recall that PD-related macrosecuritization is to take absolute priority over competing macrosecuritizations, not to mention regular political goals. Such a state of affairs can hardly be achieved by simply coming up with just another international regime, especially if the new global political authority were to carry democratic legitimacy, not least in order to keep other powerful actors in check.

24.2.8 State of Exception as the Norm

Let us assume that PD-based macrosecuritization has been successful and the global audience consents to granting unquestionable priority to PD-related policies and/or actions. This means, among other things, that the regime has been isolated from regular politics and made impervious to change by normal (constitutional) means. What will be the legal status of the newly securitized regime? Chapter 21 mentions a 'special legal regime,' but also hints at the possibility—forcefully campaigned for by the PD community—that PD measures (especially in its nuclear-friendly version) could rather operate 'beyond the pale of legal regulation, that is, in a *state-of-*

¹⁵ See Chap. 11 for the nuts and bolts of securitization theory.

exception mode. This is presumably for reasons of efficiency for decision-making procedures. Here, there seem to be two areas of concern or at least uncertainty.

First, a successfully securitized extralegal global PD regime would be difficult to desecuritize, and perhaps desecuritization would be undesirable, given the seriousness and omnipresence of the threat. In such a case, we would have a state of exception that became the norm. Intuitively, however, there is something deeply unsettling about the possibility of a perpetual state of exception. Indeed, a standard objection against normative use of securitization theory per se points out that securitization proceeds at the expense of regular democratic politics. The omnipresence of a securitized asteroid threat would seem to preclude any moves towards strengthening democratic legitimacy of decision-making structures and procedures on the global level. Quite the contrary, argue critics of securitization: It would represent a step towards global hegemony by whoever is able to exploit and perhaps control the language of securitization.¹⁶ Nurturing collective fears of immigration as an imminent danger to citizens of European countries is a useful analogy: Different beliefs and policies follow from framing immigrants as (variably) 'people in need,' 'terrorists,' 'victims of Western colonial imperialism,' 'parents of four,' 'a cheap labor force,' 'a threat to employment rates,' 'a threat to social security systems,' or 'an enrichment of diversity.'17

Second, paraphrasing the famous proposition by constitutional and legal theorist Carl Schmitt (Schmitt 2011, p. 5), whoever decides on the introduction of a (global) state of exception becomes the sovereign power in the given realm; it is also to be expected that whoever he or she is, this actor will control the means of defense against extraterrestrial threats and will decide on their deployment. Insofar as the comprehensive global nature of the threat means PD ought to assume priority over other concerns and policy goals, those endowed with the power to decide on PD will in effect structure limits and possibilities of political action in other areas as well.

Thus arises a global sovereign power as a result of PD-based macrosecuritization. Although we cannot simply assume it will become authoritarian or despotic, abuse of power is always a distinct possibility, and this is why thinking about the institutional context of PD needs to be more acutely aware of the legal-political context. The role and secure status of political opposition, without which a healthy democracy can hardly be imagined (Shapiro 1999, pp. 39–45), is one such issue for further reflection.

24.3 Politics and Democracy

Democratic cosmopolitan governance has recently become almost a magic formula for political theorists. Although some of the doubts expressed in the previous Sect. 24.2 apply here as well, there are a host of discipline-specific questions to be asked.

¹⁶ For a more discussion of such claims see (Roe 2012).

¹⁷I use these examples in a slightly different context in (Dufek 2018, p. 62).

Most generally, insofar as policy (including budgetary) priorities need to be set among competing goals and purposes, we are speaking about political decisions, which necessarily precede efforts of bureaucratic-rational policy administration and implementation.

24.3.1 Political Representation and Legitimacy

In Sect. 24.2.6, the notion of a *chain of legitimization* was mentioned, concerning the implicit transfer of legitimacy from the domestic level, where elections ensure reasonable proximity between citizens and institutions of state power, to international organizations and other supranational bodies whose democratic legitimacy is at best indirect, mediated via selected domestic actors (especially the executive in its foreign policy role). Similarly to the domestic case, values such as long-term stability or political loyalty invite a search for ways of linking the decisions made on transnational/global level to interests, preferences, or identities of those in whose name they are made. After all, even if we cannot reproduce on the global level the type of democracy we are intimately familiar with on the nation-state level, presumably greater rather than lesser responsiveness, accountability, and responsibility is called for, so that the lack of democratic proximity is partly offset by other means. This is the domain of (a theory of) political representation that obviously applies to PD as well, if democracy is a political regime (model of political decision-making) worth retaining.

There are essentially four ways of approaching the challenge. One possibility is to reject these desiderata and argue that some kind of paternalism is required—that is, thinking and acting *for* (meaning *instead of*) ordinary people who are incapable of recognizing their true interests. Some hints in this direction can be traced in Schmidt's contributions to the planetary defense issue; cf. the ideas of 'technology interdependence' or the disdain for 'delusional people' (Schmidt 2018). But this will be hard to square with the democratic ethos that otherwise permeates the international community, a great majority of international political theory (including EU studies), and also the general ethical background of the present PD project.

Another possibility is to argue that since the PD regime will be securitized in case of its successful implementation (thus acquiring priority over other regimes and policy goals), regular democratic politics consisting of bargaining, deliberation, bartering, compromises, fulfilled and broken promises, clever subterfuges, and so on loses relevance (as it should be with securitized issues anyway). Yet this implies that a state-of-exception becomes the norm (see Sect. 24.2.8), otherwise PD would have to return to the normal (politicized) stage after some time. Not only would issues of representation immediately reappear, but also the capacity to efficiently deal with PD-related tasks and challenges would be lost. Obversely, however, we have seen that a permanent state of exception is hardly desirable from a democratic point of view, and this is why the problem of democratic representation cannot be simply blocked off in that way.

A third option would be to follow recent attempts to separate representation from the electoralist channel it has become identified with, and argue that various actors, such as scientists or (groups of) activists, can claim to represent the interests of the humanity, without having been provided any authority at all to do so via the electoral mechanism (Saward 2010). This approach to representation has been labelled *constructivist*. The problem with constructivism concerns the absence on the global level of a robust *electoral* mode of representation, which arguably forms the precondition for the alternatives to flourish. While constructivists present their dynamic version of representation as complementary to the standard electoralist model, they stop short of claiming that we can actually do without elections; these are taken as necessary, even though they are not by themselves sufficient for democratic representation. But if this is the case, then supranational constructivist political representation is radically incomplete, inasmuch as electoral representation is basically nonexistent there, save for the notoriously problematic case of the European Union (Mulieri 2013).

The fourth possibility has already been hinted at: the emergence of a global constituent power that would serve as the source of political legitimacy, analogously to the constitutionalist fiction of a people upon which existing constitutional (liberal) democracies rest. Let us assume for the sake of argument that such a scenario is conceivable in principle. The question then naturally arises: who or what will be the *constituted* power? If a global parliament, then a global government comes as a natural corollary; after all, what use is a legislative body without an efficient executive to implement the legislation? If it is to be 'merely' a global government of sorts, then not only does the role of the UN General Assembly become unclear, but the very notion of a legislative body also loses meaning. And, has been discussed above (Sect. 15.2.2), the indispensability of the judiciary. In short, it seems difficult to imagine under this fourth scenario a system of political representation that would be significantly different from the domestic model.

24.3.2 Agent-Principal Relationship and Independence of International Bodies

Some contributors to this volume seem to assume in a broadly inter-governmentalist manner that global bodies authorized to make or carry out PD-related decisions would be at least accountable to the governments of involved countries under the classic principal—agent model of delegation: Principals set goals, while agents are authorized to seek them and are in turn held accountable by their principals. Yet research into institutions, such as the IMF or the UN Secretariat, reveals that they tend to become at least partially autonomous actors independent of the will or interest of their founders (i.e. principals) (Barnett and Finnemore 2004). International

¹⁸ For an interesting discussion see (List and Koenig-Archibugi 2010).

organizations, as agents possessing more or less legitimate authority and capable of defining 'problems' and mobilizing resources for their solution, wield power, or the ability to force other actors to behave in a way they otherwise would not. Creating and enforcing obligatory rules regarding human rights and humanitarian intervention are two prominent examples of this power.

There is no reason to assume that duties or obligations related to PD would be different, and as long as PD can be categorized as a 'huge, aspirational task,' then even more power is probably required (Dufek 2013, p. 197). Yet the problem of accountability looms large. As long as there is no meaningful political layer over the global bureaucratic/administrative/scientific networks (understood as embodiments of rationality and impartiality), then it becomes difficult to assign responsibility if things go wrong in some way, as they very well might. Recall that responsibility is one of the desiderata applicable to democratic representation on the global level, especially in situations that call for deployment of sensitive technology. Barnett and Finnemore elaborate on the inevitable pathological tendencies within the bureaucratic juggernauts that are international organizations (in their case, IMF and two UN agencies), singling out (1) routinization and ritualization of internal practices and (2) compartmentalization resulting in tunnel vision by the agencies as well as their subunits (Barnett and Finnemore 2004, pp. 38-41).¹⁹ Several more particular dysfunctions are the consequence, which should cause some concern for those who view trans- and supranational actors as the transmission belts for lower-level goals and preferences.

24.3.3 Macrosecuritization = Macrodepoliticization = Dedemocratization

It is worth repeating that PD presupposes a planetary-wide, physical-threat, all-comprehensive macrosecuritization in order to have a reasonable chance for success. It was argued above (Sect. 24.2.5) that such a move is incompatible with normative and political pluralism, including local or regional self-government based on the principle of subsidiarity, if the result is to be stable (uncontested) in the long term. Here we reemphasize the worry over *macrodepoliticization*, since depoliticization in the given realm is what this securitization entails. ²⁰ Schematically, depoliticization stands simply for 'taking an issue off the political agenda,' or alternatively, 'making it a public non-issue,' thus avoiding democratic political conflict of interests, opinions, preferences, identities etc. Appeals to scientific facts or rational inevitability (they usually go hand-in-hand) are quintessential depoliticizing moves, perhaps most resolutely employed by environmentalist groups. The scientific, rationalistic discourse attached to PD-type macrosecuritization obviously follows this

¹⁹ See also (Barnett and Finnemore 1999).

²⁰I leave aside the debate on the "politics of securitization" e.g. (Wæver 2011) as it addresses different types of issues.

depoliticizing logic, not least because it is meant to achieve precisely that.²¹ As might be clear from the preceding sections, detachment of decision-making from public involvement comes at a hefty price, even though it might be deemed necessary by involved actors. Ultimately, behind all this lurks *rule by experts*, a kind of scientific-administrative epistocracy which by definition needs no democratic legitimacy. While the case for such epistocracy might very well be rationally convincing, the resulting political regime would be *anything but democratic*—in contrast to the original vision of PD embedded in multilevel global democratic governance.

The PD community could collectively reply that the relevant agenda will be limited, both sectorally and with regards to its scope, not least because the envisioned type of global political authority is semi- and not fully cosmopolitan. This response is highly implausible, first because it is question-begging: Whether the suitable political counterpart is semi-cosmopolitan, multilevel global governance, or fullfledged global political authority, is precisely the point of contention, and cannot be thus used as an argument (as it would be supporting itself). Most of what is said in this chapter is meant to show that the latter option—the 'world-state model'—is much better equipped to make PD policy legitimate, efficient, stable, and ultimately successful. Second, and similar to nuclear weapons macrosecuritization, it makes sense to construe PD as a widely inclusive (i.e. comprehensive) macrosecuritizing move across multiple sectors, as its very rationale is to minimize 'the number of separate concerns, issues and conflicts that achieve strong securitization separately from the macrosecuritization' (Buzan and Waever 2009, p. 258). This means that due to its all-encompassing nature and scientific interdisciplinarity,²² PD has to be accorded complete or near-complete priority vis-à-vis other candidates for securitization or even macrosecuritization. I truly do not find it convincing that such an ambitious plan as PD can be successfully implemented in a weakly centralized system of governance, and certainly not in a genuinely democratic one.

24.3.4 Public Goods Production and Collective Action Problems. Expectations of Respect for Rules

One central reason for such skepticism has to do with public goods provision. 'Public good' in the sense used here is a technical term in economic science, defined by two basic attributes. PD seems to constitute a (rare) *pure* public good, as it is both *non-excludable* (no one can be intentionally excluded from its enjoyment once supply has started) and characterized by *non-rival consumption* (its enjoyment does not

²¹ See also Chap. 15 on weapons of mass protection and the risk of rational science argumentation.

²²Seen from this angle, the present chapter might perhaps also be read as an appeal to the importance of social sciences and humanities in this interdisciplinary undertaking.

reduce the amount left for others) (Gaus 2008, p. 88).²³ Yet this obviously gives rise to a textbook incentive to freeride, especially in 'Prisoner's Dilemma' types of situations, which are supplied generously by international politics (Gaus 2008, p. 109). The plurality of independent actors in international politics—in the first place sovereign states, but not exclusively—is not kept in check by an efficient superior authority. If the standard response from within normative political theory is correct, then the very existence of government, in our case global government, endowed with sufficient power to deter potential freeriders is not only (morally) permitted but also rationally required. Arguably, the more essential the public good is, – technically speaking, the more we can expect that having the good (either paid or unpaid for) is strictly preferred by relevant actors to not having the good —, the stronger the case for global government (and by implication, global taxation and administration and all the related stuff) becomes. Of course, PD claims that the good it is primarily meant to secure (the very physical existence of mankind) is conceptually and normatively prior to any other conceivable human good.

Two points seem to weaken this line of argument. First, there are seemingly excludable technological and commercial benefits of PD, the enjoyment of which the parties to the larger deal would not want to be excluded (as argued in Chaps. 21 and 26). This by itself should produce incentives not to defect (freeride), even under the current interstate system. At least with respect to technology, this fix would work for only a limited timeframe, for reasons of technology diffusion and theft. As regards extraterrestrial extraction of resources (Moon base etc., see Part III of this book), no one should be surprised if those actors who contribute the most—presumably current great powers—would want to benefit the most, to the effect that access to the benefit would be highly unequal, further weakening the case for wide voluntary cooperation (not to mention competition among great powers).

Second, it might be argued that there are cases where public goods can be provided without contribution from each and every actor (e.g. funds and capacities by 150 out of 200 actors, such as states, are suffice to provide the good). But this is a slippery slope: For a social rule (norm) to be considered authoritative and binding by the actors, they need to expect observation of the rule by a sufficiently large set of other actors (Bicchieri 2006, p. 11; Gaus 2011, p. 165; Hart 1994, p. 56). If nondefecting actors see that one can get away with defecting, then the stability and perhaps very existence of the rule is put in jeopardy. All this seems to point to the indispensability of a legitimate political authority on the global level (in the case of PD). Although the arch-globalist David Held agrees that public goods provision as a positive externality of great powers' national interests can no longer be assumed in an increasingly multipolar and heterogeneous world (Held 2016, pp. 843–845), he nevertheless thinks that especially 'in the face of incontrovertible security threats,' relevant powerful actors can 'gain much more from cooperation than from conflict' (Held 2016, p. 844) (see also Chap. 21 of this volume on the motivation not to be excluded from benefits of cooperation). In other words, it is in the interest of

²³ By implication, there are also *impure* public goods that are either non-rivalrous but excludable (such as copyrighted works), or non-excludable but subject to congestion (such as fish stocks).

great powers to keep producing public goods, which means that we can have our cake (comprehensive global governance) and eat it too (i.e. avoid world statism).

Equipped with this assumption, Held et al. furnish their cosmopolitan visions with a wide array of norms and principles to be observed by all actors. Although to my knowledge, no leading author has directly engaged the issue of PD, the general normative outlook of cosmopolitan democratic work is very much in line with the one elaborated in other chapters of this book. I hope to have shown why a mere existence of a norm (written or customary) cannot by itself assure compliance by a sufficient number of relevant actors. In a case such as PD, where what is at stake is control and deployment of extremely powerful (thermo-) nuclear weapons, it seems to me that the ideal existence of an impartial, external, and supreme authority capable of enforcement constitutes a precondition for willing cooperation.

24.4 Democracy, Identity, and Society

24.4.1 Global 'We' as a Prescriptive Project

Section 24.2.3 discussed the possibility of material points of intersection as a path towards global cooperation, adding that this consideration works towards a 'common global identity.' No such 'global we' is currently available, apart from philosophical conceptions of what has been termed *moral cosmopolitanism*, whose links to political practice are loose at best.²⁴ Talk of a 'multinational global cosmopolitan village' (see Chap. 26) sounds too journalistic for my liking; mostly members of affluent countries' middle and higher strata see the world this particular way, and the ongoing 'immigration crisis' in Europe (as of 2018) attests that a widespread 'cosmopolitan we-feeling' is mostly a philosopher's pipedream (see also Sect. 24.4.3 below). Put another way, the 'perspective of humanity' is an essentially *prescriptive* notion, packed with not insignificant controversial normative baggage. We can look to difficulties in procuring even the most basic human rights worldwide, or the failure of most developed (well-off) countries to achieve the target of development aid (0.7% of gross national income), to see how different the world is.

Opponents might reply that a threat of 'planet-killer asteroid' magnitude would bring humanity together. Perhaps it would; the catch is that the designing and building of the PD infrastructure, including the overarching political architecture, cannot wait until the threat materializes, and as such all reservations noted in this chapter apply. Forging common identities is not a task that can be accomplished overnight, as will be further pointed out in Sect. 24.4.5. Historic experience of modern state-

²⁴ Moral cosmopolitanism stands for the belief that all human beings are members of a moral community of mankind, which means that they share certain morally relevant characteristics which should bear upon further moral and political considerations (as regards, say, duties to immigrants, human rights policies, poverty reduction and so on). See (Caney 2005; List and Koenig-Archibugi 2010; Pogge 2008).

hood suggests that the existence of a common political-institutional framework serves as a useful, and perhaps indispensable, instrument for constructing common identities. All the hype about 'common European identity' built around what the political philosopher Jürgen Habermas and others have called *constitutional patriotism* assumes that there is a set of universally valid constitutional values and principles that is embedded in and promulgated by shared political and judicial institutions (Habermas 2011; Müller 2009). For a task of PD proportions, 'mere' constitutionalization of world politics is insufficient and would need to be accompanied by establishing a robust system of global political institutions.²⁵

24.4.2 Public Identity and Internalization of Public Rules

The birth of common cosmopolitan identity thus needs to be assisted somehow. In fact, one often overlooked yet fundamental element of liberalism as political theory²⁶ is complementarity of private and public individual identity, where the latter corresponds with the individual's internalization of shared public rules and norms that set up the basic normative framework of a given polity. This is in fact a precondition of the realization of individual liberty, and it has a lot to do with the importance of the rule of law (see Sect. 24.2.6). To drive the point home, there has to be a legitimate political authority which ensures that these rules and norms are publicly promulgated, respected, protected, and enforced, not least because they may entail both rights and obligations. As pointed out above (Sect. 24.3.4), the mere existence of a norm cannot by itself ensure compliance. If there is no such authority on the global level, and if cosmopolitan liberalism is deemed a desirable normative vehicle for dealing with global challenges and issues, then it follows that some sort of global political body needs to be created (Bláhová and Dufek 2018). Not surprisingly, this perspective overlaps with reflections on the rule of law above (Sect. 24.2.6), as well as with the 'guiding idea' that an overarching legal framework is required (0).

24.4.3 In-Groups and Out-Groups; Global Political Identity

Another set of reasons for the previous conclusion is provided by social psychological research, which plentifully reveals that people are generally preprogrammed to define their social identity (self-understanding) in terms of social groups defined by

²⁵ For a defense of constitutionalization of world politics, see (Habermas 2008).

²⁶Liberal political ideas inform the bulk of cosmopolitan political thought, so that cosmopolitanism is usually a shorthand for *cosmopolitan liberalism*. The part of liberalism most relevant here is its emphasis on basic rights and liberties of the individual, as well as insistence of fundamental moral equality of all human beings. These ideas normatively co-ground constitutional democracies.

objective or quasi-objective traits (ethnic, geographical, gender etc.), and in opposition to individuals/groups who do not fit into this self-definition. This is the basis for the *in-group* vs. *out-group* distinction explored by social psychologists and neuroscientists (Gaus 2017; Greene 2013; Haidt 2012; Tajfel et al. 1971). Such a self-identification with in-group traits inevitably carries moral distinctions: 'We' are *better* than 'the others,' because we do things *right* while they do things *wrong*, where 'better' ultimately means following 'our way.' The upshot is that the prescriptive project of a 'global political identity' is highly ambitious, in the sense that it challenges certain deep human inclinations without actually providing the tools for overcoming them (apart from idealistic hopes). This finding should further dampen the global governance-based optimism about PD.

24.4.4 Reasons vs. Motivation for Respecting Norms

Many contributions to this volume assert that participating in PD (i.e. not freeriding) is the rational option, and that any rational actor will be inevitably compelled to conclude that doing his/her part is advantageous. The problem is that reasons for action cannot be equated with motivations to act. Akrasia (weakness of the will) is one trivial example why this is so; (fear of) relative power gains in international politics—i.e. my gain is another's loss, and vice versa—is another. Only fully idealized actors (see Sect. 15.6.1 below) can be expected not only to calculate flawlessly what is in their interest, but also to consistently act upon it (while we need to assume that their individual interest overlaps with common good, i.e., with the realization of PD, which is an unalterable, necessary goal). Recall that conflict among goals, purposes, regimes, or even macrosecuritizations is to be expected. How are we to ensure that those issues that urgently need our attention, capacities, and resources will be preferentially engaged? One type of answer would point to cosmopolitan civic education in existing societies (Price 2008, p. 206; Scheuerman 2011, pp. 106– 113; Ypi 2008, p. 55); however, convergence of school curricula is a touchy issue even in contemporary EU, whose member states are comparably close in cultural beliefs and historical experiences of their respective societies.

24.4.5 The Constructivist Hope and Timeframe of Change of Self-Understanding

The constructivist appeal to malleability of identities and self-definitions seems plausible and even convincing as a normative-theoretical position. After all, I have myself found refuge in the constructivist camp in my texts (Dufek 2013; Dufek and Mochtak 2017). The problem with constructivism in PD is the urgency of the practical task, which does not correspond with the much larger timeframe needed for

evolutionary transformation of identities. Even Alexander Wendt's famous constructivist argument that a world state is ultimately inevitable (see Sect. 15.2.1) assumes a fairly long run; Wendt's initial guess was 100–200 years. Therefore, PD-related visions cannot rely on a parallel cultivation of cosmopolitan sensibilities, and for the abovementioned reasons, this should either weaken the ambitions accordingly, or push towards a different, more realistic world-statist perspective.

24.5 Economics and Finance

24.5.1 Funding Before Commercial Use of Extraterrestrial Resources Commences; Global Taxation

Funds required for setting up and maintaining an effective system of PD would probably be astronomical (pun intended). Committed chapters in this volume unfortunately say few specific things on that matter, although they include interesting discussions of commercial exploitation of space outposts (see Chaps. 18 and 25), or fees from launching rockets (see Chap. 21). Although commercial use of new technologies or the Moon hub certainly provide a plausible idea of how to reduce or offset costs, return on investments will not start accumulating until after the whole technology is deployed and tested, assuming that everything goes without a hitch a bold assumption in matters of extra-terrestrial exploration. Until then, either voluntary contributions by involved actors (countries, firms, individuals) or specifically targeted tax money is needed to keep the whole enterprise afloat. If the argumentation on public goods provision in Sect. 24.3.4 is correct, then relying on voluntary contributions is risky: Imagine a successful populist like Donald Trump arguing space exploration, not to say PD, is a complete waste of resources that should be used elsewhere (like a boost to the military budget). Commercial enterprises, on the other hand, can go under for numerous reasons (such as wrong investment decisions as regards research, development, and production). At any rate, it remains to be seen why large businesses should care about producing public goods at the expense of increasing profit. Funding of PD needs to be continuous and secure, and the firmest source of funding would thus seem to be some system of targeted global taxation, each actor paying their share of money each year.²⁷

The question arises: can global tax collection do without global tax collecting corps authorized to issue sanctions? It seems not, and for sanctions to have any purchase there needs to be real possibility of their enforcement, which is doubtful in a weakly centralized system—recent experience with human rights protection/enforcement worldwide again provides a sobering reminder. Similarly, if the tax money is to remain targeted and not dissolve into completely unrelated projects, as

²⁷Global taxation belongs among David Held's proposals for democratic transformation of the global order. See Held (2010).

is normal with national budgets, some global body would need to make sure it is consistently channeled to the desired destination. We have to keep in mind that the issue in question is one of a macrosecuritized, planetary-wide, existential-threat, and the means of dealing with that threat once it materializes are highly destructive weapons whose potential abuse, and the ensuing reaction by nuclear powers, invokes our worst nightmares. Under such conditions, it seems unreasonable to leave decisions on the allocation of funds to a plurality of self-interested actors. The European Union might again serve as an analogy: The lesson from the debt crisis, and particularly the Geek bailout quagmire, seems to be that the EU/Eurozone needs a much tighter common fiscal policy, which is just a different term for pressures towards further centralization of crucial fiscal decisions.

24.6 Metatheory

24.6.1 Ideal Theory, Full Compliance, and Limits of Moral Possibility

PD visions proceed on the level of ideal theory, which means in the present context that first, relevant actors are fully rational and voluntarily comply with the demands and obligations placed upon them (see Sect. 24.3.4 on collective action problems); and second, that theoretical visions of PD as such are utopian, in the sense that they first construct a desirable world that is in relevant respects remarkably different from our own, and only then questions whether it is possible to achieve it in reality. In order to answer the latter question affirmatively, some link between idealized actors and their real-world counterparts needs to be provided.

The approach canvassed in this volume underplays the indispensability of *political agency*, that is, the fact that there needs to be a real-world actor or a group of actors capable of not only making the ideal plan a reality but also of overseeing its long-term stability (which includes widespread acceptance/legitimacy). This is a precondition for both effectiveness and a 'motivationally sustainable development' of a particular conception of PD (this in fact applies to any comparable global political project).²⁸ It is not enough to claim that the desirable course of action is simply 'rational' and 'inevitable' for major actors, if by that we do not imply some metaphysical notion of historical necessity or causality (which would be questionable for separate reasons). Much more needs to be said as to how procurement of an ambitious goal such as PD can proceed in a world where power competition, rather than cooperation, arguably still intensifies.

²⁸ Although Ypi's subject matter is global justice, I see no reason why the argument cannot be generalised. See Ypi (2012).

24.7 Conclusion

By way of conclusion, I shall briefly sum up the argument and add one generalizing remark. This chapter has provided various legal, political, and sociocultural reasons why planetary defense against asteroids requires a centralized global political authority, as opposed to a multilevel decentralized system of global governance that informs the political-institutional dimension of the PD project. It has also explained that the democratic legitimacy of any system of supranational decision-making represents a tough nut to crack, one that cannot be solved by invoking (controversial) normative visions supplied by cosmopolitan-minded political theorists. Both these claims are further reinforced by the fact that PD relies on existential-threat macrosecuritization.

If the political-institutional background of PD is anything but self-evident, then PD is anything but a done deal, its rational-scientific merits notwithstanding. The message here is that the PD community should be more aware of the social and political context of their own enterprise, a context that implies that not all good things go together in planetary defense. Moreover, to the extent that so-called *large technical systems* (LTS) provide the technological muscle for global governance—and PD infrastructure is a LTS of the highest order—they are enmeshed in the 'politics of science and technology' that inevitably accompanies any such complex projects (Mayer and Acuto 2015).

The generalization is this: In the diachronic perspective, large technical-political formations rarely stick to the initial design, due to both technological advances and sociopolitical changes. While the PD project as outlined in the present volume is strong in incorporating the former dimension, it needs to work out its sociopolitical interface. In the long run, evolution beats rational design, and my Wendtian wager is that unless the asteroid strikes first, which would obviously change the game a bit, PD will end up in a world-state—a possibility the PD community should take more seriously.

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