

# GLOBALISATION ETHICS

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My thanks to the Fondation Éthique et Économie for asking me to contribute to this cycle on the ethics of economic liberalism. Like those who have launched this broad issue, I too believe that globalisation calls for such research. Yet, going beyond the ethics of liberalism, I think that it is more about seeking a new universal approach to the question of values, of the notion of "globalisation ethics", in order to base our individual and collective decisions. I will try to demonstrate why this comprehensive set of ethics is necessary. I will then discuss why this approach is arduous, before finishing by suggesting a few avenues open to exploration and a few principles to define in order to move forward, in line with an approach that is more pragmatic than conceptual. I hope that the illustrious figures of this august body will indulge me in this iterative and hands-on approach.

## 1. The two major schools of universal moral law

The questions of the common good and the future of the universal city are as old as Philosophy, Ethics, Law and Religion. Tracking the broad outlines of the history of thought which nurtured what can be likened to a universal moral law leads to two major schools: the Westphalian approach, followed by the cosmopolitan approach.

The Westphalian approach addressed the question of universal moral law as ethics of international relations between sovereign nation states. They make up homogenous ethical blocs that interact as molecules, free to accept or decline any obligations, according to the old principle of *cujus regio ejus religio*. This universal moral law is performed in juxtaposed yet separate moral areas, including, for example, the construction of warfare ethics. In the Westphalian world, warfare ethics were necessary and even gave rise to major philosophical and legal controversies, such as that regarding the concept of a "just war".

Later, the cosmopolitan approach, from Kant to Habermas, went back to the origins of principles discussed by Confucius whose teachings called for a natural law, a kind of collective ethics and a universal moral law that is not conveyed by the State. This inspired Kant's universal morality without Volkenstadt which does not necessarily involve the intervention of sovereignty. This idea is also found in the social doctrine of the Catholic Church, from Pope Leo XIII's *Rerum Novarum* to Pope Benedict XVI's *Caritas in Veritate*, a doctrine which emerged at the time of the Industrial Revolution and which continued consistently to modern times, and which is inspired by the Jesuit school of thought. Benedict XVI himself, although he did not stand out for expressing bold opinions, stated that the world needed a universal moral authority so that a certain ethical order could exist.

Two major catastrophic global conflicts created the favourable conditions for a convergence of these two schools via an intermediary approach, that of international law or that of the United Nations. The section of international law that legal experts call *jus cogens* sets out principles that stand above the expression of the desires of sovereign states. These principles are not, however, ethical standards. They establish, for example, the illegal nature of a genocide, or the fact that *pacta sunt servanda*. Important but related to procedures and methods rather than to values themselves. The more complete and varied statement of the expression of this convergence is found in the United Nations system following its creation in the aftermath of the Second World War and in its successive developments, starting with the Universal Declaration of Human Rights of 1948 which came to light thanks to the perseverance of Eleanor Roosevelt and sets out positive values to be promoted—freedom, equality, security, ownership, justice, hospitality and others – and anti-values to be put down – the arbitrary, discrimination, torture, etc.

Then came along what are known as the covenants to this Universal Declaration of Human Rights which embody these values in terms of economic and social rights: healthcare, housing, culture, employment.

Does this existing body of principles, to which reference is often made, constitute a universal moral law? I do not believe that it does, for at least two reasons.

First of all, I endorse the postulate put forward by Stanley Hoffmann according to whom it does not suffice to designate a concept by the same word to speak of the same thing. This theory applies to many fashionable expressions on which everyone appears to agree while in reality they can result in considerably different interpretations according to where they are spoken: the promotion of “decent work” or “sustainable development”: the qualifiers “*decent*” and “*sustainable*” actually give rise to a wide range of translations and applications. China can block Internet access in the name of its own interpretation of the Declaration of Human Rights while others can claim infringement of the respect for religion to enforce a ban on caricatures of the prophet.

The second reason is that you simply need to look at what the Declaration of Human Rights recommends in terms of economic and social rights and compare it to the reality on the planet in these areas to see the gaping rift between them. It could be tempting to move closer to the ideas of Stephen D. Krasner: the principle that bases moral and global rights on a principle of sovereignty is ultimately nothing but “organised hypocrisy”. This tends to prove to what extent the question of a system of moral values, of the “globalisation ethics” is now inexorable. Going beyond resistances and traditions, the scale of the common good which is now in force is that of the planet, as Paul Valéry had predicted at the turn of the 20th century and which has not been contested by subsequent events.

## 2. The need for global ethics

I will restrict myself to demonstrating this need through five contemporary arguments.

Firstly, globalisation builds bridges between economic systems, systems governing the production of goods and services and also between social and societal systems. It should therefore also foster convergence between political systems. We are well aware of the driver behind this development, technology, whose

effect diminishes distance and therefore the costs of distance. One of the most visible and probably more effective yet disruptive effects of globalisation is international trade. Over the last twenty or thirty years, I have witnessed the transition from the old world, in which obstacles to trade aimed to protect producers from foreign competition (customs duties, subsidies, etc.), to the new world, in which most obstacles to trade aim to protect consumers. From the old world of protection to the new world of precaution. To be more precise, obstacles to trade nowadays do not come from the measure itself, but from the difference in the level of precaution and the way it is administered. By means of example, the issues of genetically modified organisms or the protection of personal data are governed by very different rules on either side of the Atlantic and are hotly debated in the talks for the Transatlantic Trade Agreement. The issue of animals’ well-being and the conditions in which they are slaughtered, governed by different anthro-political, spiritual, religious and cultural criteria are prime examples of the clash between value systems that are no longer kept separate as they were at a time when globalisation remained only partial. The strength, size and speed of the current phase of globalisation, which by the way is not the last phase, forces us to combine differences in terms of precaution with cultural differences.

At an earlier date, we would not have seen Australian activists preventing live cattle exports to Indonesia under the pretext that this country uses Halal slaughter procedures. This is a clash between traditions and it reveals the scale of values between what is meant to be good or bad.

My second point concerns the excesses of globalisation which give rise to moral problems - inequality, forced migrations, environmental damage, crime and terrorism - that are all the more shocking because they are experienced worldwide. Let’s remind that Adam Smith was a moralist and an economist in equal measure. We seem to have come full circle.

The third reason why we cannot escape the need to find a pathway towards a set of ethics for globalisation is the ongoing expansion of the world outside the West. From the Age of Enlightenment and the Industrial Revolution to present times, the world has been dominated by the western way of thinking while there are many other schools of thought. These cultures that the colonial order subjugated and eclipsed, for example in Asia and Africa, are currently re-emerging and are

gaining momentum with the growing weight of their demographics and economies.

The fourth reason is the diversification of stakeholders in international affairs and in the global arena. The times of Grotius or Metternich when the Nation State enjoyed the monopoly of international relations is now over, because today companies and civil society bodies which are very well organised on a global level have burst onto the international scene. Organisations such as WWF, OXFAM and Médecins sans frontières have no cause to be envious of multinational groups such as General Electric, Danone or Ali baba whose conduct is in theory in line with their own statements of values. Danone, for example, which advocates corporate social responsibility, has exported its specific humanist values to Egypt, Mexico, Bangladesh and North Africa, through its human resources management, training, education, employees' rights, consultations with trade unions, and now environmental sustainability.

Lastly, the fifth reason is that in the near future, researchers, moralists and politicians will be faced with a world in which scientific advances will affect the essence of living things, of human beings. Genetic engineering, enhanced humans and the extension of life expectancies will raise new ethical problems on a global scale because science exists for us all, even though its advances are not accessed by all people. The importance of this moral question is set to increase in the future.

For all these reasons, I believe that we are currently witnessing the expected decline of the Westphalian school and the rise of the cosmopolitan school, which will probably prevail.

Though necessary, this pathway is arduous, as demonstrated by the current difficulties experienced by all initiatives conducted in the last twenty years to advance the idea of globalisation morality. What the theorist Hans Küng proposed in *"Global ethic for Global politics and economics"* indirectly inspired many of the proposals that was put forward in the *Oxford Martin School* report in 2013. Sean Cleary's Future World Foundation works on governance issues and more specifically on the notion of "values". Gordon Brown has just published with New York University the report of a global citizenship commission on the Universal Declaration of Human Rights in the 21<sup>st</sup> Century. The Earth Charter was drafted by the United Nations between 1980 and 2000. I will also cite the UNESCO Declaration of

Human Duties and Responsibilities. Let us not forget the text published in 2013 by the Central Committee of the Chinese Communist Party which lists the values that the Chinese media is urgently requested to promote for citizens' enlightenment. While this profusion of highly divergent research works, whether completed or ongoing, confirms the need for this quest, it also bears witness to a certain confusion. They all hit the same stumbling blocks such as the limits of belonging, the risks of uniformity, the dangers of relativism, the need for politics.

### 3. The pitfalls to overcome

I will not spend time discussing the limits of belonging, with the exception of commenting on the improper term of "international community" which is much used in United Nations circles. The justified desire for an international community does not suffice to make it a reality. An international community which would justify an aggregation and respect of values does not exist, for the simple reason that, regardless of what Habermas believes, we are not World Citizens. Some of us claim this status and have most likely attained it, and yet this aspiration is not the most commonly shared. For the most part, the legitimacy of a value system stems from the feeling that we belong to a human community which exercises this value system. Yet legitimacy (and we all have experience of this) is an exponential function of proximity. As long as World Citizens are only a far-away identity, our quest for global ethics will remain broadly utopian, which does not suffice to give up.

Many ancient and contemporary moralists have underscored the risks of uniformity. A world governed by a single and unique truth could only be achieved at the cost of forced conversions and would result in violent identity jolts and brutal fundamentalist uprisings.

Yet identity crises can be caused just as much by comprehensive relativism: if there is no absolute truth, or even relative truth, it is difficult to see what meaning could be given to an order, be it social, political or global.

Listing a few of the dangers along this path demonstrates the need for political intervention that sets out "values", but above all which arbitrates between these values, in the meaning given the term by painters, musicians and physicists: a different weighting. This is, after all, the ideological foundation of the body

which is hosting us today: the Académie des Sciences Morales ET Politiques (the academy of moral AND political science)!

An animal rights activist will protest on Monday, then will march on Tuesday in favour of development. On Wednesday, this champion of good causes will have to ask himself if the promotion of animal rights is compatible with development and if we can do without a political approach which places its preferences in order of priority by allocating coefficients. This is how we could define a democracy, the most legitimate system according to which individual preferences are aggregated for expression in collective decisions.

We must therefore seek a value scale that is less open-ended than the one expressed in all systems, but without shifting towards a global standardisation which would run the risk of harking back to tribal practices. A narrow line, you will agree, and one that promises much debate.

#### 4. Avenues for progress on the pathway to achieving globalisation ethics

Before looking to the steep shores of the foundations of globalisation ethics, I think we need to introduce an intermediary phase to seek an enlightened convergence of wisdom on the essential, if we are able to concur on what is essential in terms of values and counter-values. It is a challenge that I am willing to face, in reference to Article 1 of the Universal Declaration of Human Rights, which states that “all human beings are born free and equal in dignity and rights”. At this point, my audacity does not seem exaggerated. Free and equal: we are all in favour of freedom and equality. Yes, but to what extent, scope and in what proportions? How much do we rate freedom in terms of equality and how much do we esteem equality over freedom? We have all been faced with this crucial dilemma at one point in our lives, with the choice between equality and freedom. As we know, it is justice that marks the spot. When justice has to balance equality and freedom on its scales, its weight is never in the centre but rather sometimes on the left and sometimes on the right. This is the point at which this convergence must locate the essential: how much equality for how much freedom. Justice is a universal concept that is found in all religions, in all monotheistic traditions and even in animism and Confucianism. The seventeen sustainable development goals adopted by the United Nations in September 2015 include a scale, albeit implicit, of

values with a weighting which varies according to the goals, between equality and freedom.

Convergence is also decided by means of the principle of subsidiarity dear to Saint Thomas Aquinas and Althusius, the old principle of federalism which involves distinguishing between collective preferences that must be aggregated and the remainder which must remain, on ground of legitimacy, in the realm of proximity. Once this principle of subsidiarity is agreed to be crucial for institutional hygiene, we once again get tangled up in the thorny issue of weighting. Let me take two examples: all economists agree and decry the economic absurdity of drugs bans. Until now, the values behind the economists’ reasoning have been overridden by other values. In this case, subsidiarity acts in favour of proximity and to the detriment of a more overall economic reasoning. Another example is the death penalty which seems to be an irrevocable split with our values, and yet we accept to live together in a world in which some countries kill their citizens according to their criminal law and in which others refuse to.

Convergence must also be governed by the principle of diversity, with which we Europeans are familiar. “Unity in diversity” is our motto, and we should not be discouraged by its oxymoron. A diversity of stakeholders, practices, approaches, of the path we must take to reach the ultimate goal of this quest.

Lastly, my last point is the most immediate and practical, and probably the least controversial point requiring agreement, that is the principle of knowledge, a corollary of curiosity. Based on my experience of the European system and the international system, knowledge means understanding why my values are not shared by another person, which leads us to cover two thirds of the path to convergence without too many theoretical difficulties. Let’s put aside the last third for a moment, which looks at whether convergence is necessary, at which point, how much and to what extent. This exercise of knowledge which requires a taste for investigation, learning and understanding, with which mankind is poorly accustomed today, is actually highly useful, despite its inherent difficulties. If you are a Westerner interested in the Chinese school of thought, the number of accessible and available publications on the market is more than limited. I have always been struck by the unbelievable level of knowledge that Asians (Japanese, Chinese and others) have of our civilisation in comparison to the unfathomable ignorance

that I have of theirs, despite the good level of education I have received. I believe that the asymmetry in knowledge of other cultures must be remedied urgently. In the approach I suggest, that of the *enlightened convergence of wisdom*, the term I stress is not convergence or wisdom, but enlightened.

Seeking to understand and obtain knowledge is key for the path that I suggest to lead us somewhere.

## Conclusion

I will make three closing remarks.

Firstly, suppose we agreed on a number of convergences that could, one day, result in globalisation ethics, we would have to set up an institutional system. While a value is all well and good, it remains isolated if it is not embodied in the law. For a value to become law, you need a requirement, a code and a judge to ensure compliance with a code of common values.

The international community I referred to earlier as not really existing, did however take a significant step forward in the mid-1990s with the creation of the International Criminal Court which places judges above sovereignty. The reality of its functioning does admittedly remove a great proportion of its legitimacy

as many major countries worldwide have not ratified the founding treaty of this international court and for the time being it has limited its work mostly to sentencing Africans. This does not mean we can abandon, in the name of our quest for values, a quest for institutions that will uphold them.

My second remark concerns regional integration, as a process of aggregating values through proximity. In terms of sub-groups in Africa, Central America or even the ten countries of ASEAN, there is an intermediary step towards a promising global situation, as we Europeans well know. Yet as Europeans, we also know now that the lead in the economy is not so easily turned into the gold of politics as the founding fathers had hoped.

The third remark is a reminder of the *raison d'être* behind these ethics we are seeking: the aim is to reduce tensions, frustrations, conflicts. Let us then start at the beginning, by acknowledging that the main sources of most conflicts and tensions that threaten us are economic, social and now environmental. These are the essential realities that we must consider before launching into philosophical discussions.

As Stanley Hoffman wrote, "If death defines the human condition, justice defines the social one."

1. Video and script of this conference are available on the website of the [Fondation Éthique et Économie](#).

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Pascal Lamy, *Policy Paper No. 117*, Jacques Delors Institute/ En temps réel, September 2014

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