

Moral Language in the Charters, Statutes and Declarations of the Global Institutional Order and the Criticism of Conceptual Fetishism

By Nathaniel Wade

03/29/2007

The aspirations of the growing structures of global governance are articulated in a variety of documents, some of the most important of which are the Charter of the United Nations, the Universal Declaration of Human Rights, the Statutes of the International Court of Justice and International Criminal Court and, more recently, the United Nations Millennium Declaration. The institutions which these documents describe are, collectively, the global institutional order. A great part of these documents consists of moral language which is used to describe the purpose or mandate of a particular institution. Some phrases, like "common good", are explicitly or value-laden, others, like the phrase "conscience of mankind", have an implicit moral background.

One would expect to find inspirational rhetoric in such documents, but this is problematic if it comes at the expense of conceptual coherence and meaningfulness. Fetishism of concepts is the confusion of insubstantial conceptual content for substantial, concrete content. The criticism of fetishism of concepts, as levelled at the language of these documents, amounts to the claim that the moral words used are at best meaningless and at worst, (deliberately) misleading.

There are several angles to the criticism of the moral language in these documents: the criticism that moral language is meaningless, that the use of moral language in the political arena is mere sophistry and therefore inappropriate, and that the instances of moral language often fall foul of George Orwell's dictum that language used in the political arena be clear and preserve some standard of truth. Taken together, these three criticisms amount to the broader attack on the conceptual fetishism of moral language, that is, treating words as concepts, which themselves are treated as representing actual states of affairs. There is not necessarily any such relation between words, concepts and reality.

But perhaps value-laden language is not as hollow, or useless, as it may seem. Little is gained from simply asserting moral authority or moral cognitivism (that we can discover moral facts), because this is circular justification. Nor can an international body simply point to past writing on political philosophy and value: demonstrating the consistency, coherence, genealogy and heritage of an ethical position will not reconcile it with reality and will only look pretentious.

Learning from Ludwig Wittgenstein that meaning corresponds to use and demonstrable practice, could stem criticism of these documents. Thus, moral language must be associable with enactment in a "form of life".

Therefore, we should look not to the semantics of moral language but the *pragmatics*.

There is a strong case that the language of these documents is a perfect example of Foucault's Power/Knowledge complex: a weaker nation could reasonably complain that these compacts served only to illustrate, and even promote, the interests of the major nations in international power politics. This criticism shows that attacks on the structure, power, rhetoric or legitimacy of international governance can amount to the same thing: the post-modern criticism that rule is an arbitrary upshot of Machiavellian power politics. Powerful states manipulate others to their ends by cynically determining favourable rules of engagement. Thus, might is right (even if it's wrong); what counts when it comes to legitimacy and morality is only who sets the rules - usually the pre-eminent political power and the media (increasingly indistinct from each other). Therefore, tackling the problem of the language of international governance should lead to an encounter with problems analogous to many of those levelled at the structure, accountability and procedure of the same institutions.

Any defence of moral language in international documents must find a way of being at ease with this post-modern criticism because to refute it would be self-referentially incoherent. Any denial of the truth or validity of the criticism could be seen to be an extension of the ruling mode of thought under criticism. The best that one can do in the face of scepticism about meaning and the discourse of power is to provide the burden of proof that the language used is a fair and representative one. As William Blake said: "I must create a system or be enslaved by another man's" - even though both systems might be equally arbitrary.

In addition to accepting the post-modern circumstance of reasonable doubt and also finding behavioural correlatives for moral demands, the ethical demands of the documents under discussion can only make sense, if the systems of governance have the capacity to enforce adherence to these rules.

This resembles the compliance argument that Nagel articulates in *The Problem of Global Justice*: so far as justice is conceived of as a political virtue, the chief condition for its existence is the jurisdiction of a political authority which has the (legitimate) power to enforce its will. Similarly, if ethical foundation and leadership are the political virtues of global governance, then such virtues only make sense when attached to systems with sufficient implementing power.

The traditional political state is the most obvious home for extensive justice, but this does not foreclose the possibility that these documents require a certain degree of compliance, or redistribution of goods, that it is in the power of the global institutional order to enforce. For example, insofar as the UN is able to demand, enforce or request actions and changes of its member nations and their citizens, to that extent the UN

must be sure that it is acting justly – this extent is not a complete picture of justice but it is a beginning. A contractarian might argue that signatories to these documents are politically obligated to fulfil the practical commitments that they set out, thus legitimising use of forceful coercion against defaulting states. As Hardin put it in *The Tragedy of the Commons*: “mutual coercion, mutually agreed upon.”

This criticism of moral language in the Charters and Statutes is unlike the criticism of conceptual fetishism in the respect that it is not a claim that the language describes commitments that are *necessarily unsatisfiable* by the signatory states. Instead, the contention is that any moral assertion is *contingently unpragmatic*, given the juxtaposition of the vast scope of moral obligation and the limited capacity of the political coercion of global governance.

Taken together, the criticisms of meaninglessness (conceptual fetishism) and impracticability require similar responses. Both require a demonstration of practicability, the former with an emphasis on behavioural-hypothetical correlatives to moral words, the latter with an emphasis on the capacity for enforcement of any such behavioural demand. But they also differ: where moral language is a fetishism of concepts, it must be excised from the document, whereas if it makes recognisable but unenforceable demands this could act as a blueprint for expansion and empowerment of the structures of international governance.

Thus, the criticism of moral language in these documents advocates institutional reform guided by a moral stance – neither yet realised. This puts the requirement for UN reform into an interesting moral context: only by acknowledging the contingency of its own institutional structure by institutionalising reform can it be defended from the accusation of arbitrariness, or worse, bigotry.

In the founding documents of the institutions listed above, there are varying degrees of susceptibility to the criticism of conceptual fetishization. Sometimes there are specific demands made of signatories which are set against a background of political authority. In the *UN Millennium Declaration*, for example, the bulleted list of “fundamental values” is followed by the assertion in point I-7 that, “In order to translate these shared values into actions, we have identified key objectives to which we assign special significance.”

But still, all the documents use phrases of dubious conceptual- let alone pragmatic content. For example the use of the term “common humanity” or some such similar phrase is frequent, and yet the conclusions that the authors sought to derive from this apparent commonality (which may seem uncontroversial to them) were quite varied. This leaves the documents open to the criticism of deliberate equivocation between “human” and “humane”, and the (potentially deliberate) introduction of an unexpanded normative content. This content could be a single premise,

an entire argument or a linguistic and logically complete philosophical paradigm.

Encouragingly, the spirit of pragmatism is increasingly prevalent in these documents, most common in the more recent papers such as the *Alliance of Nations*. A new urgency and need for action is evident in them. However, it is not possible to abrogate the need for explicit ethical discussion by appeal to pragmatism; ultimately people must and will make value-judgements because, as with all executive bodies, decisions must be made in an environment of scarce resources. Scarcity, in this case, is an articulation of the shortness of resources in the international governance set up, and so an economic theory of some kind is required to help compare and explain the different courses of action that could be pursued by a global executive. The moral stance of the international institutional order constitutes at least part of this comparative mechanism and, for this function, we should seek to preserve moral language.

The global institutional order works on a scale that is hard to compare to the traditional provenance of domestic politics. Quantifications like GNP and monetary valuations cannot embrace the particular goods that are the object of distribution of global governance. Economists have recognised that a significant reason for the failure of economics to prioritise environmentally sustainable development is their (in some cases contingently and in others, necessarily) unquantifiable nature. It seems that some more appropriate and extensive repertoire of political and economic terms is required to capture these problems.

In the case of economic theory this conceptual shortfall is being filled by the provision of statistics about the relevant environmental goods, and arbitrary but not unconsidered environmental standards to aspire to. Markets are being established so that this information and these goods can be functionally incorporated into economies and be given practical form. The *Stern Report* and carbon trading markets are examples of efforts to achieve this end. Many modern economists are not only optimistic about the project to incorporate a wider language of ethics and well-being into economic theory, but are beginning to see it as essential to the proper description of markets in the future.

In the case of politics, the new information required to articulate moral goods concerns the particulars of peoples' lives as compared across the world as well as an arbitrary (but not unconsidered) moral standard to which to aspire to. The new moral "markets" (systems of exchange i.e. languages) and practical realisations of these values are the international forums at institutions such as the UN, where moral concepts can be realised in practical, multi-lateral resolutions.

Therefore, one does not need to be a moral realist to rebuke the criticism of conceptual fetishism in the documents of international institutions. One need only accept that there are ways of organising and describing one's life

and decisions according to ethics or behavioural habits and that these ethics require some kind of language to describe them and their aspiration. Perhaps eudaimonia, the “flourishing” good life described in Aristotle’s virtue ethics. As far as institutions have behavioural habits and power, they need a language to describe it, and that lexicon is, to an extent, moral.

The ethical stance of these multinational institutions can be interpreted as an effort to convince people of the ethical salience of, for example, “humanity”, as both an agent and an object. This may seem a weakened description of the agenda of agreements such as the Universal Declaration of Human Rights, but there is a simple juxtaposition that illustrates the potential importance of such a rhetorical function.

The phrase “victimless crime” has been in common use for some time and has contributed to the creation of a correlating moral attitude of nihilism regarding actions with no immediate human object, for example jumping a ticket barrier. But such crimes actually raise prices for an entire community and so, though it is certainly a trite comparison given the scale of the crimes, “victimless crime” stands in rhetorical and conceptual opposition to phrases such as “crime against humanity”. There may indeed be victimless crimes (such as eating a trans fat burger), however people are usually not too careful to keep to such crimes in their use of the word.

If this is so, then we can set the boundaries of moral concern by what moral language and reasoning we choose to habituate – precedent, reiteration, practice and articulation just are the constituents of ethics. For this reason we might choose to reason in terms of “humanity” rather than “nations”, even if the former has little political representation at the moment with which to articulate, practice or enforce its interests. In time concepts and institutions might evolve to resemble this rhetorically precocious ethic.

As Asimov shows regarding his 0th law of Robotics, the good for an individual may be at odds with the good for abstract humanity. This freakish outcome should not result in the abandonment of moral concern for humanity but, again, should be a warning about letting the logical function of words do our moral reasoning for us. There is no compulsion to choose between an international politics founded on explicit moral agendas and sophistry in our leadership.

It is possible to have measured, appropriate use of value-laden language which could grow to be a significant tool in the articulation of the unique kind of decisions that encompass and affect the world’s populace. Though it will never be easy to convince others of moral rectitude, international institutions could do more to convince people that they are earnest, rigorous and practical in their moral deliberations.

Realist criticism of ethical global governance is mistaken in that it applies a criticism which is relevant to national politics to a system which does not resemble that at all. Global governance includes many different types of

organisations: governmental, non-governmental, public and private; it should not be expected to compare to national governments and is not susceptible to similar analysis and criticism. This diversity means that it can (or should) enforce (or encourage) different kinds of policies to national government - policies formed according to different principles. The difficulty that arises from this is that the potential compatibility of a national government, as a largely autonomous organ of global governance, with the diffuse nexus of governance, is not certain. Still, we should be loath to give up our commitment to moral governance too quickly when it clashes with political expediency and "national interest".

If the accusation of conceptual fetishism is correct, then these morally loaded contracts are likely to confuse political decision-making, prevent serious thought and debate about ethical leadership, make it hard to draw national legislation along human rights lines, and obscure a potentially unrepresentative, inefficient or unethical structure of global governance. It is in the interest of the UN, to show how its ethical commitments correspond to its activities. Even without the opportunity to form legislation from these documents, ethical commitments alone could prove an increasingly effective and relevant articulation of the values that a government for humanity might embody.