For T. G. and J. B. T.

DEMOCRACY AND THE GLOBAL ORDER

From the Modern State to Cosmopolitan Governance

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– political power – crystallized and became embedded in the state, and how and why democracy came to be associated with this site of power, above all others. How it was that democracy became established as, and became almost synonymous with, liberal democratic government needs clarification, as do the consequences of this for collective decision-making and the nature of accountability. At issue, it will be seen, is an attempt to understand the nature of the modern state, its reach over social and economic affairs in a given territory, and the implications of this for the form and efficacy of democracy. However, democracy has another side which also requires specification if its contemporary meaning is to be grasped fully. The problems of democracy extend beyond state borders.

1.2 Democracy, globalization and international governance

Throughout the nineteenth and twentieth centuries theorists of democracy have tended to assume a 'symmetrical' and 'congruent' relationship between political decision-makers and the recipients of political decisions. In fact, symmetry and congruence have often been taken for granted at two crucial points: first, between citizen-voters and the decision-makers whom they are, in principle, able to hold to account; and secondly, between the 'output' (decisions, policies and so on) of decision-makers and their constituents – ultimately, 'the people' in a delimited territory.

Even contemporary critics of modern democracies have tended to share this assumption; following the narrative of democracy as conventionally told, they have thought of the problem of political accountability as, above all, a national problem. Representative structures are, they hold, insufficiently responsive to their citizens; and, in discussing various forms of direct democracy, or in interpretations of the continuing relevance of republicanism, they place emphasis on making the political process more transparent and intelligible, more open to, and reflective of, the heterogeneous wants and needs of 'the people' (see Macpherson, 1977; Barber, 1984; Pateman, 1985).

But the problem, for defenders and critics alike of modern democratic systems, is that regional and global interconnectedness contests the traditional national resolutions of the key questions of democratic theory and practice. The very process of governance can escape the reach of the nation-state. National communities by

no means exclusively make and determine decisions and policies for themselves, and governments by no means determine what is appropriate exclusively for their own citizens (Offe, 1985, pp. 286ff). To take some topical examples: a decision to increase interest rates in an attempt to stem inflation or exchange-rate instability is most often taken as a 'national' decision, although it may well stimulate economic changes in other countries. A decision to permit the 'harvesting' of the rainforests may contribute to ecological damage far beyond the borders which formally limit the responsibility of a given set of political decision-makers. A decision to build a nuclear plant near the frontiers of a neighbouring country is a decision likely to be taken without consulting those in the nearby country (or countries), despite the many risks and ramifications for them. A decision by a government to save resources by suspending food aid to a nation may stimulate the sudden escalation of food prices in that nation and contribute directly to an outbreak of famine among the urban and rural poor. These decisions, along with policies on issues as diverse as investment, arms procurement and AIDS, are typically regarded as falling within the legitimate domain of authority of a sovereign nation-state. Yet, in a world of regional and global interconnectedness, there are major questions to be put about the coherence, viability and accountability of national decision-making entities themselves.

Further, decisions made by quasi-regional or quasi-supranational organizations such as the European Union (EU), the North Atlantic Treaty Organization (NATO) or the International Monetary Fund (IMF) diminish the range of decisions open to given national 'majorities'. The idea of a community which rightly governs itself and determines its own future – an idea at the very heart of the democratic polity itself – is, accordingly, today deeply problematic. Any simple assumption in democratic theory that political relations are, or could be, 'symmetrical' or 'congruent' appears unjustified (see chapters 4–6).

If the inadequacy of this assumption can be fully shown, issues are raised which go to the heart of democratic thought and practice. The idea that *consent* legitimates government and the state system more generally has been central to nineteenth- and twentieth-century liberal democrats (Hanson, 1989, pp. 68–9). The latter have focused on the ballot box as the mechanism whereby the individual citizen expresses political preferences and citizens as a whole periodically confer authority on government to enact laws and regulate economic and social life. The principle of 'majority

rule', or the principle that decisions which accrue the largest number of votes should prevail, is at the root of the claim of political decisions to be regarded as worthy or legitimate (cf. Dahl, 1989, chs 10 and 11). But the very idea of consent through elections, and the particular notion that the relevant constituencies of voluntary agreement are the communities of a bounded territory or a state, become problematic as soon as the issue of national, regional and global interconnectedness is considered and the nature of a so-called 'relevant community' is contested. Whose consent is necessary and whose participation is justified in decisions concerning, for instance, AIDS, or acid rain, or the use of non-renewable resources, or the management of transnational economic flows? What is the relevant constituency: national, regional or international? To whom do decision-makers have to justify their decisions? To whom should they be accountable? Further, what are the implications for the idea of legitimate rule of decisions taken in polities, with potentially life-and-death consequences for large numbers of people, many of whom might have no democratic stake in the decision-making process?

Territorial boundaries demarcate the basis on which individuals are included in and excluded from participation in decisions affecting their lives (however limited the participation might be), but the outcomes of these decisions often 'stretch' beyond national frontiers. The implications of this are considerable, not only for the categories of consent and legitimacy, but for all the key ideas of democracy: the nature of a constituency, the meaning of representation, the proper form and scope of political participation, and the relevance of the democratic nation-state, faced with unsettling patterns of relations and constraints in the international order, as the guarantor of the rights, duties and welfare of subjects.[4] Of course, these considerations would probably come as little surprise to those nations and countries whose independence and identity have been deeply affected by the hegemonic reach of empires, old and new, but they do come as a surprise to many in the West.

It could be objected that there is nothing new about global interconnections, and that the significance of global interconnections for democratic theory has in principle been plain for people to see for a long time. Such an objection could be developed by

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[4] It was decisions of the European Court of Justice, for instance, which led to changes in British law in the 1980s on issues as far ranging as sexual discrimination and equal pay.

stressing that a dense pattern of global interconnections began to emerge with the initial expansion of the world economy and the rise of the modern state (see Wallerstein, 1974a; Anderson, P., 1974a). Four centuries ago, as one commentator succinctly put it, 'trade and war were already shaping every conceivable aspect of both domestic politics and the international system' (Gourevitch, 1978, p. 908). Domestic and international politics are interwoven throughout the modern era: domestic politics has always to be understood against the background of international politics; and the former is often the source of the latter. Whether one is reflecting on the monarchical politics of the sixteenth or seventeenth centuries (the question of whether, for instance, the king of France should be a Catholic or a Protestant), or seeking to understand the changing pattern of trade routes from East to West in the fifteenth and sixteenth centuries (and the way these changed the structure of towns, urban environments and the social balance), the examination of patterns of local and international interdependence and interpenetration seems inescapable (Gourevitch, 1978, pp. 908–11).

These considerations are concisely reflected in a classic study of diplomacy in Europe, *On the Manner of Negotiating with Princes*, published by Callières in 1716. As he wrote:

> To understand the permanent use of diplomacy, and the necessity for continual negotiations, we must think of the states of which Europe is composed as being joined together by all kinds of necessary commerce, in such a way that they may be regarded as members of one Republic, and that no considerable change can take place in any one of them without affecting the condition, or disturbing the peace, of all the others. The blunder of the smallest of sovereigns may indeed cast an apple of discord among all the greatest powers, because there is no state so great which does not find it useful to have relations with the lesser states and to seek friends among the different parties of which even the smallest state is composed. (1963, p. 11)

The complex interplay between state and non-state forces and actors is hardly a new or recent development: it would be quite misleading to maintain that political thought today faces a wholly novel set of political circumstances (Bull, 1977, pp. 278–80).

However, it is one thing to claim that there are elements of continuity in the formation and structure of modern states, economies and societies, quite another to claim that there is nothing new about aspects of their form and dynamics. For there is a fundamen-

tal difference between, on the one hand, the development of particular trade routes, or select military and naval operations or even the global reach of nineteenth-century empires, and, on the other hand, an international order involving the conjuncture of: dense networks of regional and global economic relations which stretch beyond the control of any single state (even of dominant states); extensive webs of transnational relations and instantaneous electronic communications over which particular states have limited influence; a vast array of international regimes and organizations which can limit the scope for action of the most powerful states; and the development of a global military order, and the build-up of the means of 'total' warfare as an enduring feature of the contemporary world, which can reduce the range of policies available to governments and their citizens. While trade routes and empires could link distant populations together in long loops of cause and effect, these links took a substantial period to establish and were only maintained with some difficulty (see Abu-Lughod, 1989). They were heavily dependent on face-to-face communication and, in its absence, on the direct movement of people, goods and messages using (what we would now consider) very slow systems of transportation and communication. Up to the 1830s, for example, a letter posted in England took between five and eight months to reach India, and an exchange of letters could take up to two years if affected by the monsoon seasons (see Thompson, 1995, ch. 5). By contrast, contemporary developments in the international order link people, communities and societies in highly complex ways and can, given the nature of modern communications, virtually annihilate distance and territorial boundaries as barriers to socio-economic activity.

Developments putting pressure on democratic polities are often referred to as part of the process of 'globalization'. Although the use of the term globalization will be subject to qualification later (see chapters 5 and 6), globalization can be taken to denote the stretching and deepening of social relations and institutions across space and time such that, on the one hand, day-to-day activities are increasingly influenced by events happening on the other side of the globe and, on the other, the practices and decisions of local groups or communities can have significant global reverberations. Accordingly, globalization can be conceived as 'action at distance' (see Giddens, 1990). The particular form of action at distance that is of concern here is engendered by the stretching and deepening

of relations across the borders of nation-states and at increasing intensity.

Globalization, thus interpreted, implies at least two distinct phenomena. First, it suggests that many chains of political, economic and social activity are becoming world-wide in scope. And, secondly, it suggests that there has been an intensification of levels of interaction and interconnectedness within and between states and societies (see McGrew, 1992a, pp. 1–28). What is new about the modern global system is the stretching of social relations in and through new dimensions of activity – technological, organizational, administrative and legal, among others – and the chronic intensification of patterns of interconnectedness mediated by such phenomena as modern communications networks and new information technology. Politics unfolds today, with all its customary uncertainty and indeterminateness, against the background of a world shaped and permeated by the movement of goods and capital, the flow of communication, the interchange of cultures and the passage of people (Kegley and Wittkopf, 1989, p. 511).

There is, accordingly, a striking paradox to note about the contemporary era: from Africa to Eastern Europe, Asia to Latin America, more and more nations and groups are championing the idea of 'the rule of the people'; but they are doing so at just that moment when the very efficacy of democracy as a national form of political organization appears open to question. As substantial areas of human activity are progressively organized on a global level, the fate of democracy, and of the independent democratic nation-state in particular, is fraught with difficulty. In this context, the meaning and place of democratic politics, and of the contending models of democracy, have to be rethought in relation to overlapping local, national, regional[5] and global structures and processes.

If the case for rethinking democracy in relation to the interconnectedness of states and societies is established successfully, a new agenda will have been created for democratic theory and practice.

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[5] By a region, I mean here a cluster of nation-states in a geographical area which enjoy a high degree of interaction (relative to extra-regional interactions), share a number of common concerns and may cooperate with each other through limited membership organizations. Thus within Europe it is possible to identify the EU with the political and economic boundaries of an emerging regional community of states and societies, whilst in Southeast Asia the Association of South East Asian Nations (ASEAN) defines the boundaries of a developing regional complex.

It is important to be clear about the meaning of 'new' in this context. The agenda will not be new in the sense of being without precedent; others before have sought to understand the impact of the international order on the form and operation of domestic politics within democratic states. Others before have also sought to set out the normative implications of changes in the international order for the role and nature of democratic government. Nor will the agenda be new in the sense that traditional questions of democratic theory will be wholly displaced. On the contrary, questions will remain about the proper form of citizenship, the nature of individual rights and duties and the extent of participation and representation, for instance. But the agenda will be new to the extent that the case is made that a theory of democracy (whether focused on empirical or philosophical concerns) requires a theory of the interlocking processes and structures of the global system. For a theory of democracy must offer, it will be maintained, an account both of the changing meaning of democracy within the global order and of the impact of the global order on the development of democratic associations. Democratic institutions and practices have to be articulated with the complex arena of national and international politics, and the mutual interpenetration of the national and international must be mapped. Political understanding, and the successful pursuit of democratic political theory, are dependent on the outcome of these tasks.

In an age in which there are many determinants of the distribution of power, many power centres and authority systems operating within and across borders, the bases of politics and of democratic theory have to be recast. The meaning and nature of power, authority and accountability have to be re-examined. In what follows, I seek to do this and to argue that the concept of legitimate political power or authority has to be separated from its exclusive traditional association with states and fixed national borders, and that the conditions of its successful entrenchment depend on an international framework of political life, given form and shape by what I call 'cosmopolitan democratic law' or simply 'cosmopolitan law' (see chapters 10 and 11). I hasten to add, to avoid misunderstanding, that this does not entail abandoning the modern state as such – it will be with us for the foreseeable future – but rather coming to appreciate it as an element in a wider framework of political conditions, relations and associations. It will be argued, ultimately, that democracy can result from, and only from, a nucleus, or cluster, of democratic states and societies.

Or, to put the point differently, national democracies require an international cosmopolitan democracy if they are to be sustained and developed in the contemporary era. Paradoxically, perhaps, democracy has to be extended and deepened within and between countries for it to retain its relevance in the future. The chapters which follow provide, if they are compelling, an account of the form and limits of this new democratic project.

1.3 The limits of democratic political theory and international relations theory

The starting point of part II of the volume – the formation of the modern state – requires clarification. Ideas such as sovereignty, liberty and representative democracy, and the embodiment of these notions in institutions, laws and procedures, still carry with them the marks of their earliest formulation during the epoch in which the modern nation-state was being forged. Accordingly, if the nature and limits of the modern polity – that is, its 'reach' within territorial boundaries and its 'stretch' across them – are to be understood, it is important to grasp this historical context. However, the context of the modern polity has altered in many important respects over time, raising questions about the validity and continuing relevance of some of the core concepts of modern political thought. Part II addresses these changing conditions while parts III and IV unfold their implications for contemporary political theory and practice.

Unfortunately, the conceptual resources for such an exercise are not readily found in the traditions of either democratic political theory or international relations theory. It is evident, as already indicated, that nineteenth- and twentieth-century democratic political theory generally regarded the world beyond the state as a given – subject to a *ceteris paribus* clause.[6] The 'sovereignty' of the state was rarely questioned. It was generally assumed that the representative democratic state had control over its own fate, subject only to compromises it must make and limits imposed upon it by groups and forces operating within its territorial boundaries, and by agencies and representatives of other nation-states. Most of the leading perspectives on political and social change assumed,

[6] Among the honourable exceptions are the works of Laski, 1932, pp. 237ff; and Figgis, 1913, pp. 54–93. See also Hirst, 1989.

moreover, that the origins of societal transformation were to be found in processes internal to society (see Giddens, 1985; Mann, 1986; Dunn, 1990, pp. 123–41; cf. Weber, 1923, 1972a; Hintze, 1975). Change was presumed to occur via mechanisms 'built in', as it were, to the very structure of a given society, and governing its development. The world beyond the nation-state – the dynamics of the world economy, the intensification of transnational links, international law and institutions, for example – was barely theorized.

It is intriguing to note that conceptions of the state were not always like this. Early modern theorists of 'international society' – such as Grotius and Kant – sought to develop an understanding of the state in the context of the 'society of states' (see Bull, 1977, ch. 1; and chapter 10 of this volume). They explored the conditions and requirements of coexistence and cooperation among states, focusing in particular on the nature and extent of law-governed relations. These thinkers provided a crucial stimulus to the development of international law and to international political theory. While elements of their work survived in international law and international relations theory, they were all too often lost to political theory as a whole.[7] Given the deficiencies in the latter, it is hardly surprising if a political theorist or social scientist seeking to understand the position of the modern democratic polity in the global order turned to the well-established frameworks of international relations theory.

For much of this century the study of international relations has been dominated by the realist tradition (see Smith, S., 1987; Holsti, 1988). This tradition has often been referred to as 'statist', because it is almost exclusively concerned with how the global states system conditions the behaviour of individual states (Morgenthau, 1948; Waltz, 1979). Within realist thinking, the complex interplay of internal and external forces remains largely unexplored. For in the context of a global states system, the state is conceived principally as a sovereign, monolithic entity whose primary purpose is to promote and defend the national interest. At its simplest, the realist tradition views the state as a vehicle for securing national and international order through the exercise of national power. In some respects, the state is almost taken for granted, with its goals assumed and little or no internal differentiation among its

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[7] For a fuller discussion of this thesis, see Held and McGrew, 1993, pp. 277–82, from which the following five paragraphs are adapted.

elements. Moreover, the categories 'state', 'nation-state' and 'nation' are often used interchangeably even though these terms should be reserved for distinct phenomena (see chapters 2 and 3 below).

However, realism has not completely failed to acknowledge the significance of processes of globalization (see, for example, Gilpin, 1981, 1987). Some elaborate explanations of the emergence of international regimes and intergovernmental cooperation have been developed (see Keohane, 1984a; cf. Mastanduno, Lake and Ikenberry, 1989, pp. 457–74). Behind this work is a strong sense of the continued primacy of the liberal democratic state in world politics combined with an explicit rejection of those accounts which interpret the intensification of global interconnectedness as portending a 'crisis of the modern nation-state'. But whilst 'neo-realism' has revived intellectual interest in 'the state' amongst international relations scholars, this has so far not been expressed in any systematic theoretical inquiry. Only in more sophisticated neo-realist analyses has the notion of 'the state' come to be explored with any rigour. Yet, even here, the state is conceived as little more than a sovereign, rational, egoistic actor on the global stage (Waltz, 1979; Keohane, 1986; Buzan, Jones and Little, 1993). Accordingly, there is not much evidence to suggest that realism and neo-realism possess a convincing account of the enmeshment of states with the wider global order, of the effects of the global order on states, and of the political implications of all this for the modern democratic state.

Some attempts to consider seriously the modern state within its web of global interconnectedness can be found in the rather diffuse literature which has its philosophical roots in the 'liberal-idealist' tradition in international relations (see Howard, 1981). The common thread uniting this particular school of thought is the assumption that increasing global interconnectedness is transforming the nature and role of the state in the global system (see Morse, 1976; Rosenau, 1988, 1990; Brown, 1988). In essence, this 'transformationalist' literature portrays the modern state as trapped within an extensive web of global interdependence, heavily permeated by transnational networks and forces, and increasingly unable to fulfil its core functions without recourse to international cooperation. A world of 'complex interdependence', it is argued, has dramatic implications for the sovereignty, autonomy and accountability of the state. Interdependence involves a sensitivity and vulnerability to external developments, compromising the

independence of states, and crucially eroding the boundaries between the internal and external domains (see Keohane and Nye, 1989). Moreover, the growth of regional and global institutions is interpreted as further evidence of the limited capacity of the state to resolve independently the key policy problems which confront it.

But while such observations may be valid to a degree, the transformationalist literature has so far failed to provide a convincing or coherent account of the modern state itself. In particular, it tends to exaggerate the erosion of state power in the face of globalizing pressures and fails to recognize the enduring relevance of the modern state, both as an idea and as an institutional complex, in determining the direction of domestic and international politics. The degree to which the state enjoys 'autonomy' under various conditions is underestimated and, therefore, a key basis for a systematic and rigorous account of the modern state is too hastily put aside.

Many of the same developments which gave rise to the 'transformationalist' critique of realism have also provided fresh stimulus to radical approaches to international relations. World systems theory, and associated neo-Marxist projects, have engaged with the globalization of capitalism (see Wallerstein, 1974a, 1979, 1983, 1990, 1991; Sunkel and Fuenzelida, 1979; Cox, 1987). At the intellectual core of these approaches is an account of the modern state which stresses its limited autonomy from the dictates of transnational capital or from the structural requirements of the global capitalist order. States are thus conceived as partially autonomous political entities (Cox, 1987; Gill and Law, 1989). But while neo-Marxist attempts to confront the ramifications of economic globalization have led to a more sophisticated conceptualization of the state's relation to economic forces, significant issues remain largely unaddressed. In particular, the emphasis given to the relative autonomy of the state from transnational and national economic interests arises out of a recognition that the global states system has its own internal logic and imperatives. Yet, the formation and development of states tend to be explained primarily in terms of the global expansion of capitalism or Western-led modernization, that is, the state is conceived as an epiphenomenon (see Skocpol, 1977; Zolberg, 1981; Tilly, 1990). This failure to explore systematically the independent dynamics of the states system and to assess its relation to the operations of the world capitalist economy is a profound difficulty in many neo-Marxist analyses.

The traditional literature of democratic political theory and the existing frameworks of international relations theory have complementary limitations – limitations which must be overcome if a satisfactory understanding of the nature and prospects of democratic political power is to be achieved. Simply stated, there cannot be an account of the modern democratic state any longer without an examination of the global system and there cannot be an examination of the global system without an account of the democratic state. The way forward is to transcend the endogenous and exogenous frameworks of the theoretical traditions which have informed hitherto the analysis of the modern polity and international relations.

Accordingly, the chapters which follow in part II have four overall purposes: first, to introduce the fragmented and conflict-ridden context which forms the background conditions for the development of the modern state; secondly, to explore the question of why the liberal democratic nation-state became the supreme form of the modern state; thirdly, to examine the development of the inter-state system; and, fourthly, to assess the extent to which both the modern state and the inter-state system face erosion and decay in the face of globalizing structures and forces. These objectives are clearly wide-ranging; but by devoting attention to all four some light can be shed on the key formative processes of the modern state and on the contemporary controversies about its future. However, several steps need to be taken back in time before addressing contemporary political matters.

immediately affected by them, and by the insistence that this process is compatible with respect for the rights and obligations of others. Political intervention, accordingly, finds its rationale in the pursuit and maintenance of the rule of democratic law; or, to recast the point, political issues and problems ought only to be pursued within and beyond particular associations if they deepen the entrenchment of this law. Thus, the framework for utopia is cosmopolitan democratic law – enhanced through its enactment in the agencies and organizations of economic life; through democratic deliberation and coordination of public investment priorities; through the pursuit of non-market policies to aid fair outcomes in market exchange, and through experimentation with different forms of the ownership and control of capital.

12

COSMOPOLITAN DEMOCRACY AND THE NEW INTERNATIONAL ORDER

In the contemporary world, democracy can only be fully sustained by ensuring the accountability of all related and interconnected power systems, from economics to politics. These systems involve agencies and organizations which form an element of and yet often cut across the territorial boundaries of nation-states. The possibility of democracy today must, accordingly, be linked to an expanding framework of democratic institutions and procedures – to what I have called the cosmopolitan model of democracy.

Parts I and II of this volume established that the meaning and place of democratic politics have to be rethought in relation to a series of overlapping local, regional and global processes. Three features of the latter have been emphasized: first, the way processes of economic, political, legal, military and cultural interconnectedness are changing the nature, scope and capacity of the sovereign state from above, as its 'regulatory' ability is challenged and reduced in some spheres; secondly, the way regional and global interconnectedness creates chains of interlocking political decisions and outcomes among states and their citizens, altering the nature and dynamics of national political systems themselves; and, thirdly, the way local groups, movements and nationalisms are questioning the nation-state from below as a representative and accountable power system. Democracy has to come to terms with all three of these developments and their implications for national and international power centres.

At least three distinct requirements arise: first, that the territorial boundaries of systems of accountability be recast so that those

issues which escape the control of the nation-state – global financial flows, the debt burden of developing countries, environmental crises, elements of security and defence, new forms of communication and so on – can be brought under better democratic control; secondly, that the role and place of regional and global regulatory and functional agencies be rethought so that they might provide a more coherent and sharp focal point in public affairs; and thirdly, that the articulation of political institutions with the key groups, agencies, associations and organizations of the economy and civil society, national and international, be re-formed so that the latter become part of the democratic process – adopting a structure of rules and principles compatible with those of democracy.

How might this approach to democratic politics be further developed? Existing systems of geo-governance have failed to provide effective democratic mechanisms of political coordination and change. The Westphalian model, with its core commitment to the principle of effective power – that is, the principle that might eventually makes right in the international world – is at loggerheads with any requirement of sustained democratic negotiation among members of the international community. Moreover, the hierarchical structure of the states system itself has been disrupted by the emergence of the global economy, the rapid expansion of transnational relations and communications, the enormous growth of international organizations and regimes, and the development of transnational movements and actors – all of which challenge its efficacy. By contrast, the UN is a potential forum for deliberation about pressing international questions, but it has all too often been undermined as an autonomous agency (see § 4.2). Furthermore, although the post-Cold War era enhanced the possibility of a 'new international order' based on the extension of democracy across the globe and a new spirit of cooperation and peace, the enthusiasm with which this opportunity was greeted now seems far removed. The crises in Iraq, Bosnia, Somalia, Rwanda and elsewhere have brought many to the conclusion that the new world order is a new world disorder. Many UN initiatives in conflict management and resolution – initiatives which have all too often been contested, reactive and underfunded – face stagnation or defeat. The prospect is raised of an international community torn apart by the plurality of identities, of international public affairs as a quagmire of infighting among nations and groups wholly unable to settle pressing collective issues (see Archibugi and Held, 1995). Alternatively, steps could be taken towards the creation of

an international democratic polity and culture. The international community is at a crossroads.

A first step in the direction of an international democratic polity, albeit a transitional step, lies within the grasp of the UN system, but would involve the latter actually living up to its Charter. Among other things, this would entail pursuing measures to implement key elements of the UN Rights Conventions, enforcing the prohibition of the discretionary right to use force, and activating the collective security system envisaged in the Charter itself (see § 4.2). In addition, if the Charter model were extended – for example, by adding the requirement of compulsory jurisdiction in the case of disputes falling under the UN rubric, or by providing means of redress in the case of human rights violations through a new international human rights court, or by making a (near) consensus vote in the General Assembly a legitimate source of international law (and recognized as such by the World Court), or by modifying the veto arrangement in the Security Council and rethinking representation on it to allow for adequate regional accountability – a basis might be established for the UN Charter system to generate political resources of its own, and to act as a politically independent decision-making centre. Thus, the UN could take a vital step towards shaking off the burden of the much-heard accusation that it operates 'double standards', functioning typically on behalf of the North and West – for instance, when it insists on military intervention to protect the sovereignty and legal autonomy of Kuwait in 1990–1 because oil and energy policy are at stake, but leaves Bosnia to disintegrate in 1993–5; or when it fails to enforce UN resolutions against Israel while downplaying the case of the Palestinians (1967–93). If the UN gained the means whereby it could begin to shake off this heritage, an important step could also be taken towards establishing and maintaining the 'rule of law' and its impartial administration in international affairs.[1]

While each move in this direction would be significant, particularly in enhancing the prospects of a global peace, it would still

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[1] There is little chance of this happening while the suspicion is encouraged that the US and UN are often interchangeable. Recent remarks by President Clinton in this regard are unfortunate. Reflecting on 'the lessons of Desert Storm', he affirmed that the US would continue to play 'its unique role of leadership in the world ... through multilateral means, such as the UN, which spread the costs and express the unified will of the international community' (*Guardian*, 1993, p. 18).

represent, at best, a movement towards a very partial or incomplete form of democracy in international life. Certainly, each state would enjoy formal equality in the UN system, and regional interests would be better represented. But it would still be possible for a plethora of different kinds of political regime to participate on an equal footing in the Charter framework; the dynamics and logic of the inter-state system would still represent an immensely powerful force in global affairs, especially with its military machinery largely intact; the massive disparities of power and asymmetries of resource in the global political economy would be left virtually unaddressed; *ad hoc* responses to pressing international and transnational issues would remain typical; there would be no forum for the pursuit of global questions directly accountable to the subjects and agencies of civil societies; transnational actors, civil associations, non-governmental organizations and social movements might still have a marginal political role; and the whole question of the wider accountability of international organizations and global bodies would remain unresolved. This governance system would remain, then, a state-centred or sovereignty-centred model of international politics, and would lie at some considerable distance from what might be called a 'thicker' democratic ordering of global affairs. Furthermore, it would lie at some distance from an adequate recognition of the transformations being wrought in the wake of globalization – transformations which are placing increasing strain on both the Westphalian and Charter conceptions of international governance.

12.1 Rethinking democracy and the international order: the cosmopolitan model

The essential characteristics of an alternative to the dominant models of geo-governance have been laid down in previous chapters, especially in chapters 7–11, and they can now be presented in summary form: see table 12.1. Table 12.1 sets out the key features of the cosmopolitan model, in a form which allows clear comparison with the Westphalian and UN models (see, respectively, pp. 77–9 and 85–7). However, its institutional components require further specification if its nature and scope are to be clarified fully.

How can cosmopolitan democratic law be maintained and

TABLE 12.1   The cosmopolitan model of democracy

1   The global order consists of multiple and overlapping networks of power involving the body, welfare, culture, civic associations, the economy, coercive relations and organized violence, and regulatory and legal relations. The case for cosmopolitan democracy arises from these diverse networks – the different power systems which constitute the interconnections of different peoples and nations.

2   All groups and associations are assumed to have a capacity for self-determination which can be specified by a commitment to the principle of autonomy and specific clusters of rights and obligations. These clusters cut across each network of power and are subsumed under the following categories: health, social, cultural, civic, economic, pacific and political. Together, they form the basis of an empowering legal order – a cosmopolitan democratic law.

3   Legal principles are adopted which delimit the form and scope of individual and collective action within the organizations and associations of state, economy and civil society. Certain standards are specified for the treatment of all, which no political regime or association can legitimately violate.

4   Law-making and law enforcement can be developed within this framework at a variety of locations and levels, along with an expansion of the influence of regional and international courts to monitor and check political and social authority.

5   The defence of self-determination, the creation of a common structure of political action and the preservation of the democratic good are the overall collective priorities; the commitment to democratic autonomy creates both an agenda of long-term change and a programme of urgent priorities, focused on transforming the conditions of those whose circumstances fall radically short of equal membership in the public realm.

6   Determinate principles of social justice follow: the *modus operandi* of the production, distribution and the exploitation of resources must be conducive to, and compatible with, the democratic process and a common structure of political action.

7   The principle of non-coercive relations governs the settlement of disputes, though the use of force must remain a collective option of last resort in the face of clear attacks to eradicate cosmopolitan democratic law. Cosmopolitan democracy might justify the deployment of force, after all other forms of negotiation and sanction have been exhausted, in the context of a threat to international democracy and a denial of democratic rights and obligations by

TABLE 12.1—*continued*

tyrannical regimes, or by circumstances which spiral beyond the control of particular peoples and agents (such as the disintegration of a state).

8   People can enjoy membership in the diverse communities which significantly affect them and, accordingly, access to a variety of forms of political participation. Citizenship would be extended, in principle, to membership in all cross-cutting political communities, from the local to the global.

upheld? Who can guard this law? On the face of it, only the participants in a democratic political system can be its 'guardians', for only they can judge whether the terms of democratic public law have been systematically flouted and assess what the institutional consequences and risks of this might be. But participants act in institutional milieux and the nature of these is, of course, of the utmost significance in the determination of political processes and outcomes. Several institutional clusters are of particular importance to help nurture and protect cosmopolitan law. These can be thought of as the necessary minimum components of an institutional solution to the problems of democracy in the global order.

In the first instance, the cosmopolitan model of democracy would seek the entrenchment of cosmopolitan democratic law in order to provide shape and limits to political decision-making. This requires that it be enshrined within the constitutions of parliaments and assemblies at the national and international level; and that the influence of international courts is extended so that groups and individuals have an effective means of suing political authorities for the enactment and enforcement of key rights and obligations, both within and beyond political associations. Democratic law, thus, creates the constitutive basis of modes of interaction and dispute settlement; its entrenchment could not be envisaged without the requirement of compulsory jurisdiction in the case of disputes falling under its rubric, and without providing means of redress in the case of rights violations (cf. Kelsen, 1944; Ferrajoli and Senese, 1992).

Hand in hand with these developments the cosmopolitan model would seek the creation of an effective transnational legislative and executive, at regional and global levels, bound by and operating within the terms of the basic democratic law. This would

involve the creation of regional parliaments (for example, in Latin America and Africa) and the enhancement of the role of such bodies where they already exist (the European Parliament) in order that their decisions become recognized, in principle, as legitimate independent sources of regional and international regulation. Alongside the establishment of these bodies, the model anticipates the possibility of general referenda cutting across nations and nation-states in the case of contested priorities concerning the implementation of democratic law and the balance of public expenditure, with constituencies defined according to the nature and scope of disputed problems. In addition, the opening of international governmental organizations to public scrutiny and the democratization of international 'functional' bodies (on the basis perhaps of the creation of elected supervisory boards which are in part statistically representative of their constituencies) would be significant. Extensive use of referenda, and the establishment of the democratic accountability of international organizations, would involve citizens in issues which profoundly affect them but which – in the context of the current lacunae and fragmentation of international organizations – seem remote. These mechanisms would help contribute, thereby, to the preservation of the ideal of a rightful share in the process of governance, even in contexts where dispute settlement and problem resolution would inevitably be at some considerable distance from local groups and assemblies.

But the full implementation of cosmopolitan democracy would also require the formation of an authoritative assembly of all democratic states and agencies – a reformed General Assembly of the United Nations, or a complement to it. The UN, as previously noted, is an inter-state organization with all the strengths and limits that this implies. While to a degree effective as an agency to organize and further the aims and interests of governments and states, particularly those of the most powerful countries, it cannot, almost by definition, be an effective institutional framework to represent the peoples and movements of the world, many of whom require protection from their states and governments. The establishment of an independent assembly of democratic peoples, directly elected by them and accountable to them, is an unavoidable institutional requirement. To begin with at least, such an assembly is unlikely to be an assembly of all nations; for it would be an assembly of democratic nations, which would, in principle, draw in others over time. Accordingly, the new assembly in its early stages can best be thought of as a complement to the UN,

which it would either replace in the long term or accept in a modified form as a 'second chamber' – a necessary meeting place for all states irrespective of the nature of their regimes.

Agreement on the terms of reference of an international democratic assembly would be difficult, to say the least. Among the difficulties to be faced would be the rules determining the assembly's representative base (cf. McLean, 1991, pp. 190–6; Burnheim, 1985, pp. 82–124). One nation, one vote? Representatives allocated according to population size? Would major international functional organizations be represented?[2] But if its operating rules could be agreed – preferably, in an international constitutional convention involving states, IGOs, INGOs, citizen groups and social movements – the new assembly could become an authoritative international centre for the examination of those pressing global problems which are at the heart of the very possibility of the implementation of cosmopolitan democratic law – for instance, health and disease, food supply and distribution, the debt burden of the 'Third World', the instability of the hundreds of billions of dollars that circulate the globe daily, global warming, and the reduction of the risks of nuclear and chemical warfare.

Of course, the idea of a new democratic international assembly is open to a battery of objections commonly put to similar schemes (see Archibugi, 1993, 1995). Would it have any teeth to implement decisions? How would cosmopolitan democratic law be enforced? Would there be a centralized police and military force? While these concerns are significant, many of them can be met and countered. For example, it needs to be stressed that any global legislative institution should be conceived above all as a 'framework-setting' institution. Although a distinction ought to be made between legal instruments concerned with the core issues of cosmopolitan democratic law which would have the status of law independently of any further negotiation on the part of a region or state or local government and instruments which would require further discussion with them, the implementation of a broad range of

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[2] For an elaborate proposal for a 'Second Assembly' – an Assembly of Peoples – with significant support among many international non-governmental organizations, see Segall 1990, 1991. Segall's proposal includes an electoral system which is similar to that of the European Parliament, with representatives allocated in proportion to population size and safeguards for the populations of the smallest countries.

recommendations would be a matter for non-global levels of governance.[3]

International agreements about rules or resources often have significant normative implications, establishing a political 'marker' for a future change in institutions or customary practice; but without the means of implementation, they are, as one recent survey of such agreements put it, of 'little value, since they either are not legally binding or lack timetables and cash commitments' (Wallace, W. et al., 1992, p. 22).[4] Clearly, different types of legal arrangement require different forms of enactment and enforcement. This is true even in the case of cosmopolitan democratic law itself. The clusters of rights and obligations it embraces are not all realizable by the same means and by the same timetable. While the seven clusters are constitutive of the possibility of a common structure of political action, the distinction between ideal, attainable and urgent levels of autonomy is the interpretative grid that has to be borne in mind if the agenda for democracy is to be clearly framed and practical (see § 9.3). Thus, while the cosmopolitan democratic legal framework sets down an axial principle of public policy, some of its components will not be enforceable at attainable (let alone ideal) levels in the short term, even in some of the wealthiest countries. Health, social and welfare rights, for instance, require substantial financial resources to implement them, and these may not always be available if the targets for attainment are what is considered 'best practice' in comparative perspective.

However, if democratic rights and obligations are recognized as integral to the protection of people's equal interest in the principle of autonomy and treated as something other than open-ended commitments, then the international community will have to move to make them legally binding. Accordingly, they will have to be divided into those rights which can be made binding and which define cases of urgent need, entailing immediate responsibilities for action by particular national groups as well as by the inter-

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[3] European Union law embodies a range of relevant distinctions among legal instruments and types of implementation which are helpful to reflect on in this context (see Hartley, 1988; Pinder, 1992, chs 1–2).

[4] The recent agreements at the Earth Summit – the treaties on biodiversity and on climate change, the set of principles for sustainable forestry, the agreement on the need for a future international convention on desertification, and 'Agenda 21', the guide for environmentally sustainable development – are troubling cases in point.

national community; those rights which can be made binding in principle because they represent attainable targets but from which certain zones, including 'zones of development', will be exempted for a negotiated period; and those rights which represent ideal orientations – statements of guiding intent which create an order of priorities but which are unenforceable in the short term (see §§ 9.3 and 11.4; cf. Wallace, W. et al., 1992). The democratic good is the frame of reference for the making of public policy, but the dialectic between the ideal and real, ideal and attainable and ideal and pressing autonomy will continue to determine degrees of contingent outcome, which will always be the stuff of everyday, practical democratic politics at diverse levels.

Considerations of law enforcement in an international context inevitably raise questions about the role of coercive power at regional and global levels. Although these are highly complex practical matters, they are not beyond resolution in principle; a proportion of a nation-state's military (perhaps a growing proportion over time) could be 'seconded' to the new international authorities and, once moulded into coherent units, placed at their disposal on a routine basis (cf. Grove, 1993). Or, preferably, these authorities could increase enforcement capabilities by creating a permanent independent force recruited directly from among individuals who volunteer from all countries (see Johansen, 1993b, p. 477). To this end, avenues could be established to meet the concern that 'covenants, without the sword, are but words' (Hobbes).

It is tempting to conceive of new international democratic organizations as potentially self-regulating and not requiring the backing of any form of coercive power (see Archibugi, 1995). But this is mistaken and dangerously over optimistic (see Shaw, 1991). It is mistaken because unless there is a general check on the right of states to go to war, the cosmopolitan model of democracy cannot be adequately secured: it would continue to be thwarted by the logic of state conflict and violence, as the UN is today. The durability of the existing war system is related to the reluctance of states to submit their disputes with other states to arbitration by a 'supreme authority'. Unless this reluctance is challenged, the cosmopolitan model is likely to be stillborn. In addition, it is dangerously over optimistic to conceive the cosmopolitan model without coercive powers, because tyrannical attacks against democratic law cannot be ruled out. One of the abiding lessons of the twentieth century must surely be that history is not closed and that human progress remains an extraordinarily fragile achieve-

ment. After all, fascism, Nazism and Stalinism came close to obliterating democracy in the West only fifty years ago. Without the means of law enforcement, the institutional framework for a new democratic international order cannot be properly conceived.

On the other hand, only to the extent that the new forms of military arrangement are locked into an international democratic framework would there be good grounds for thinking that a new settlement could be created between coercive power and accountability. If such a settlement sounds like a 'pipe dream', it should be emphasized that it is a 'pipe dream' to imagine that one can advocate democracy today without engaging with the range of issues elaborated here. If the new, emerging global order is to be democratic, these issues have to be confronted even if their details are open to further discussion.

The achievement of autonomy cannot be conceived as simply based, as it is in the doctrines of liberal thinkers such as Nozick and Hayek, on a set of checks and balances upon coercive power, which has its anchor in the right to private property and the resources citizens can accumulate to pursue their projects independently of the polity. Nor can it be conceived as based on the highly tenuous hope, maintained by many Marxists, that such checks and balances are unnecessary – on the assumption, in other words, of an ultimate 'harmony of interests' achieved at 'the end of politics', which apparently makes all forms of coercive political power redundant. Rather, the achievement of autonomy, as argued in chapters 10 and 11, must be conceived as based on the *multiple lodging* of the rights and obligations of democratic law in the organizational charters of the agencies and associations which make up the spheres of politics, economics and civil society. The liberal principle that a system of countervailing power is an essential component of any open and accountable political order must be affirmed while being recast and rearticulated.

Thus, an expanding democratic network of states and societies is incompatible with the existence of powerful social relations and economic organizations which can, by virtue of the very bases of their operations, systematically distort democratic conditions and processes. At issue are, among other things, the curtailment of the power of corporations to constrain and influence the *political* agenda (through the diverse measures suggested in chapter 11), and the restriction of the activities of powerful interest groups to pursue their goals unchecked (through, for example, the regulation of

bargaining procedures to minimize the use of 'coercive tactics' within and between public and private associations). If individuals and peoples are to be free and equal in the determination of the conditions of their own existence, there must be an array of spheres, from privately and cooperatively owned firms to independent communications media and autonomously run cultural centres, which allow their members control of the resources at their disposal without direct interference from political agencies or other third parties. A cosmopolitan democracy must always be an ensemble of organizations, associations and agencies pursuing their own projects, whether these be economic, social or cultural; but these projects must always also be subject to the constraints of democratic processes and a common structure of political action.

12.2 Cosmopolitan objectives: short- and long-term

The cosmopolitan model of democracy presents a programme of possible transformations with short- and long-term political implications. It does not present an all-or-nothing choice, but rather lays down a direction of possible change with clear points of orientation. See table 12.2.

If the history and practice of democracy have been centred until now on the idea of locality and place – the city-state, the community, the nation – is it likely that in the future it will be centred exclusively on the international or global domain, if it is to be centred anywhere at all? To draw this conclusion is to misunderstand the nature of contemporary globalization and the arguments being presented here. Globalization is, to borrow a phrase, 'a dialectical process'; local transformation is as much an element of globalization as the lateral extension of social relations across space and time (Giddens, 1990, p. 64). New demands are unleashed for regional and local autonomy as groups find themselves buffeted by global forces and by inappropriate or ineffective political regimes (see §§ 4.3 and 6.1). While these circumstances are clearly fraught with danger, and the risk of an intensification of a sectarian politics, they also present a new possibility: the recovery of an intensive and participatory democracy at local levels as a complement to the deliberative and representative assemblies of the wider global order (see § 10.3). That is, they contain the possibility of a

TABLE 12.2 Objectives of the cosmopolitan model of democracy: illustrative issues

Short-term	Long-term
Polity/governance	
1 Reform of UN Security Council (to give developing countries a significant voice and effective decision-making capacity)	1 Entrenchment of cosmopolitan democratic law: new Charter of Rights and Obligations locked into different domains of political, social and economic power
2 Creation of a UN second chamber (following an international constitutional convention)	2 Global parliament (with limited revenue-raising capacity) connected to regions, nations and localities. Creation of a public issue Boundary Court
3 Enhanced political regionalization (EU and beyond) and the use of transnational referenda	3 Separation of political and economic interests; public funding of deliberative assemblies and electoral processes
4 Compulsory jurisdiction before the International Court. Creation of a new, international Human Rights Court	4 Interconnected global legal system, embracing elements of criminal and civil law. Establishment of an international Criminal Court
5 Foundation of a new coordinating economic agency at regional and global levels	5 Establishment of the accountability of international and transnational economic agencies to parliaments and assemblies at regional and global levels
6 Establishment of an effective, accountable, international, military force	6 Permanent shift of a growing proportion of a nation-state's coercive capability to regional and global institutions, with the ultimate aim of demilitarization and the transcendence of the war system

TABLE 12.2—*continued*

Economy/civil society

1 Enhancement of non-state, non-market solutions in the organization of civil society	1 Creation of a diversity of self-regulating associations and groups in civil society
2 Systematic experimentation with different democratic organizational forms in the economy	2 Multisectoral economy and pluralization of patterns of ownership and possession
3 Introduction of strict limits to private ownership of key 'public-shaping' institutions: media, information, and so on	3 Social framework investment priorities set through public deliberation and government decision, but extensive market regulation of goods and labour remain
4 Provision of resources to those in the most vulnerable social positions to defend and articulate their interests	4 Guaranteed basic income for all adults, irrespective of whether they are engaged in market or household activities

political order of democratic associations, workplaces and cities as well as of nations, regions and global networks.[5]

[5] It is possible to conceive of different types of democracy as forming a continuum from the local to the global, with the local marked by direct and participatory processes while larger areas with significant populations are progressively mediated by representative mechanisms. The possibilities for direct participatory democracy in communities and workplaces are clearly extensive compared to those which exist in highly differentiated social, economic and political circumstances (see Held, 1987, chs 8 and 9; see also Beetham, 1993b; Phillips, 1993). However, the simple juxtaposition of participatory with representative democracy is now in flux given developments in information technology, which put simultaneous two-way communication within reach of larger populations. The merits of direct participatory democracy have to be re-examined now its technical feasibility is closer at hand. As Budge has recently argued, it is unacceptable to dismiss all types of direct democracy as if they could be realized only through 'unmediated popular voting on a take it or leave it basis'; for direct democracy can take several different institutional forms, just as liberal representative democracy does (1993, pp. 136–49). While

To lay out the objectives of a cosmopolitan model of democracy is not to claim that they can all be immediately realized – of course not! But who imagined the peaceful unification of Germany just a few years ago? Who anticipated the fall of the Berlin Wall and the retreat of communism across Central and Eastern Europe? The political space for a cosmopolitan model of democracy has to be made – and is being made by the numerous transnational movements, agencies and institutional initiatives pursuing greater co-ordination and accountability of those forces which determine the use of the globe's resources, and which set the rules governing transnational public life (see Commission on Global Governance, 1995). Those seeking to advance greater equity throughout the world's regions, peaceful dispute settlement and demilitarization, the protection of human rights and fundamental freedoms, sustainability across generations, the mutual acknowledgement of cultures, the reciprocal recognition of political and religious identities, and political stability across political institutions are all laying down elements essential to a cosmopolitan democratic community (cf. Reich, 1993, pp. 309–15). Further, it is not inconceivable that further space for cosmopolitan democracy will be made in the wake of, for instance, a severe crisis of the global financial system, or of the environment, or of war. Political change can take place at an extraordinary speed, itself no doubt partially a result of the process of globalization.

Of course, it could be objected that the meaning of some of the core concepts of the international system are subject to deep conflicts of interpretation; and that globalization in the domains of communication and information, far from creating a sense of common purpose, has arguably served to reinforce the significance

some of these forms are open to serious reservations, it is possible to conceive, for instance, a type of party-based direct democracy in which the electorate would be able, in the first instance, to choose among competing parties for office and, in the second, to act like a parliamentary assembly – voting directly and regularly on proposed legislation set out and advocated by the party in office. The stability of such a political system would require a complex set of rules and procedures to be in place, but these are not in principle difficult to specify (see Budge, 1993, pp. 136–55). In practice, of course, a great many issues remain unresolved and, at the time of writing, they are clearly open to extensive debate. (For a range of views on this matter, see Held, 1993c, pt 2; Fishkin, 1991.)

of identity and difference in some regions, stimulating further, as noted earlier, the 'ethnicization' and 'nationalization' of politics (see §§ 4.3 and 6.1). Hence, the political and cultural obstacles to the realization of a cosmopolitan community remain formidable. But while few could seriously doubt the nature of these obstacles, their meaning should not be overstated either.

In the first instance, scepticism and dissent about the value of ideas such as rights is often related to the experience of Western hegemony. Political and civil rights discourse is frequently rejected along with the rejection of Western dominance, especially in those countries which have been deeply affected by the reach of Western empires. There are many understandable reasons for this. Understandable as they are, however, these reasons are insufficient to provide a well-justified critique: it is a mistake to throw out the language of self-determination and autonomy because of its contingent association with historical configurations of Western power. A distinction must be made between those discourses of rights and autonomy which obscure or underpin particular interests and power systems and those which seek explicitly to test the generalizability of interests and to render power, whether it be political, economic or cultural, accountable.

Moreover, a cosmopolitan democratic community does not require political and cultural integration in the form of a consensus on a wide range of beliefs, values and norms. For part of the attraction of democracy lies in its emphasis on the primacy of those political preferences generated by people themselves and on the public settlement of differences. Democracy has an appeal as the 'grand' or 'meta-political' narrative in the contemporary world because it offers a legitimate way of framing and delimiting the competing 'narratives' of the good. It is particularly important because it holds out the prospect of the constitution of the political good as the democratic good – the pursuit of the 'good life' defined under free and equal conditions of participation. Thus, the resolution of value conflicts becomes a matter of participating in public deliberation and negotiation, subject, of course, to provisions protecting the shape and form of these processes themselves. However, what is clearly also required is a 'commitment' to democracy, for without this there can be no sustained public deliberation, democracy cannot function as a decision-making mechanism, and divergent political aspirations and identities are unlikely to reach an accommodation.

Distinctive national, ethnic, cultural and social identities are part

of the very basis of people's sense of being-in-the-world; they provide deeply rooted comfort and distinctive social locations for communities seeking a place 'at home' on this earth. But these identities are always only one possible identity, among others. They are historically and geographically contingent; for each individual, a different birthplace or social location could have produced a different national or cultural identity. Accordingly, for a plurality of identities to persist and to be sustained over time, each has to recognize the other as a legitimate presence with which some accommodation must be made; and each must be willing to give up exclusive claims upon the right, the good, the universal and the spatial. Without a politics of coercion or hegemony, the only basis for nurturing and protecting cultural pluralism and a diversity of identities is through the implementation of cosmopolitan democratic law: the constructive basis for a plurality of identities to flourish within a structure of mutual toleration, development and accountability. A commitment to this structure is a commitment to a form of life which each person could find equally good grounds to honour.

12.3 Concluding reflections

Would a cosmopolitan model of democracy have the organizational resources – procedural, legal, institutional and military – to alter the dynamics of resource production and distribution, and of rule creation and enforcement, in the contemporary era? It would be deeply misleading to suggest that it would initially have these capabilities. Nevertheless, the commitment to the extension and deepening of mechanisms of democratic accountability across major regions and international structures would help to regulate the forces which are already beyond the reach of national democratic mechanisms and movements. And the commitment to the protection and strengthening of democratic rights, and to the further development of a regional and international court system, would aid the process whereby individuals and groups could sue their governments for the enactment of key rights and political opportunities.

In addition, the establishment of regional authorities as major independent voices in world politics might contribute further to the erosion of the geopolitical divisions which dominated the world from 1945 to 1989. Likewise, the new institutional focus at the

global level on major transnational issues would go some way towards eradicating sectarian approaches to these questions, and to countering some of the major asymmetries in life-chances and participative opportunities. Finally, new sets of regional and global rules and procedures might help lift public affairs out of the quagmire of infighting among nation-states unable to settle pressing collective issues. Of course, there would be new possible dangers – no political initiative is free from such risks. But what would be at issue would be the beginning of the creation of a new transnational democratic order – set off from the partisan claims of nations and nation-states.

To avoid some possible misunderstandings, it might be useful to emphasize the terrain occupied by the arguments offered here and the ground they reject. This can be done by assessing critically a number of conceptual polarities frequently found in political discourse: globalization versus cultural diversity; constitutionalism versus politics; the hierarchical ordering of states versus the durability of reform; political ambition versus political feasibility; participatory or direct democracy versus liberal representative democracy; and global governance from above versus the extension of grass-roots associations from below. Although these polarities provide much of the tension which charges the debate about the possibility of democracy beyond borders, there are good reasons for doubting their coherence.

To begin with, globalization and cultural diversity are not simply opposites. For global interconnectedness is already forming a dense web of relations linking cultures one to another. The issue is how and in what way cultures are linked and interrelated, through mutual accommodation, opposition or resistance, for example, not how a sealed cultural diversity can persist in the face of globalization.

Secondly, the juxtaposition of constitutionalism – or the elaboration of theoretical models of principles of political organization – with politics as a practical activity sets up another false polarity. Politics typically operates within a framework – albeit a shifting framework – of rules. Politics is rarely without some pattern, and is most often about the nature of the rules which will shape and delimit political activity. For politics is at root about the ways in which rules and resources are distributed, produced and legitimated. The question is whether politics will be shaped by an explicit, formal constitution or model which might, in principle, be open and contestable, or whether politics will be subject to an

unwritten constitution, which is altogether more difficult to invoke as a defence in the face of unaccountable systems of power.

Thirdly, it is frequently argued that if the hierarchy of states is insufficiently acknowledged, then any reform of the global system of governance will, at best, be temporary (as happened in the case of the League of Nations). That is to say, if the hierarchy of state power is not built into political reforms, all such reforms will fail to survive beyond a short period. The problem with this point, thus put, is that the system of nation-states, while it, of course, persists, is already articulated with complex economic, organizational, military, legal and cultural processes and structures which limit and erode its power. And if these processes and structures are not acknowledged and brought into the political process themselves, they will tend to bypass or circumvent the states system. If the efficacy of democratic reform is at stake, the issue is how, not whether, these power systems can be brought into the democratic sphere.

Fourthly, the question of political feasibility cannot simply be set up in opposition to the question of political ambition. For what is ambitious today might be feasible tomorrow. Few, if any, political commentators foresaw the collapse of the Soviet Union and the many remarkable changes which followed in the main peacefully in 1989 and 1990. The growing interconnectedness between states and societies is generating consequences, intended and unintended, for the stability of regimes, governments and states. While the question of political feasibility is of the utmost significance, it would be naive to juxtapose it simply with programmes of political ambition.

Fifthly, versions of participatory democracy cannot simply be opposed to liberal representative democracy. Programmes of participatory or direct democracy are fraught with complexities and questions. Likewise, liberal representative democracy does not simply mean one set of possible institutions or forms. The nature of liberal democracy is itself an intensely contested issue. So while there seem to be good grounds for accepting the liberal distinction between state and civil society, there are not equally good grounds for uncritically accepting either of these in their traditional liberal cast. The juxtaposition of participation with liberal representative democracy leaves most of political analysis to one side.

Sixthly, the problems of global governance from above cannot be solved through the extension of grass-roots democracy alone. For the questions have to be posed: which grass-roots, and which

democracy? There are many social movements – for instance, right-wing nationalist movements or the eugenics movement – which highlight how the very nature of a grass-roots movement can be contested and fought over. Grass-roots movements are by no means merely noble or wise (cf. §§ 2.2 and 7.2). Like most social, economic or political forms, they can appear in a variety of shapes, with a variety of patterns of internal organization. An appeal to the nature or inherent goodness of grass-roots associations and movements bypasses the necessary work of theoretical analysis.

Today, any attempt to set out a position of what could be called 'embedded utopianism' must begin both from where we are – the existing pattern of political relations and processes – and from an analysis of what might be: desirable political forms and principles (cf. Falk, 1991a, pp. 8–10). If utopia is to be embedded, it must be linked into patterns and movements as they are. But if this context of embeddedness is not simply to be affirmed in the shapes and patterns generated by past groups and movements, it has to be assessed according to standards, criteria and principles. These, it has been argued, follow from a theory of cosmopolitan democracy which places at its centre the principle of autonomy. To argue for this theory is to locate the political theorist as advocate, seeking to advance an interpretation of politics against countervailing positions. While advocacy is without guarantees, the very indeterminacy of this state of affairs creates the possibility of a new political understanding.

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