

Democracy: From City-states to a Cosmopolitan Order?

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This article traces the development of the idea of democracy from city-states and the early republican tradition to liberalism and Marxism. The relevance of leading conceptions of democracy to contemporary circumstances are then explored. In light of the complex interconnections among states and societies, a set of arguments are developed which offer a new agenda for democratic theory which departs from an exclusive focus on particular political communities and the nation-state. After an examination of a number of key models of the international order – the states system, the UN Charter framework – the case is made for a cosmopolitan international democracy. While such a case is fraught with difficulties, strong grounds are presented for its indispensability to the maintenance and development of democracy both within pre-established borders and across them.

Democracy seems to have scored an historic victory over alternative forms of governance.¹ Nearly everyone today professes to be a democrat. Political regimes of all kinds throughout the world claim to be democracies. Yet what these regimes say and do is often substantially different from one to another. Democracy bestows an aura of legitimacy on modern political life: laws, rules and policies appear justified when they are 'democratic'. But it was not always so. The great majority of political thinkers from ancient Greece to the present day have been highly critical of the theory and practice of democracy. A uniform commitment to democracy is a very recent phenomenon. Moreover, democracy is a remarkably difficult form of government to create and sustain. The history of twentieth-century Europe alone makes this clear: fascism, Nazism and Stalinism came very close to obliterating democracy altogether.

Against this background, it is unsettling that some recent political commentators have proclaimed (by means of a phrase borrowed most notably from Hegel) the 'end of history' – the triumph of the west over all political and economic alternatives. The revolutions which swept across Central and Eastern Europe at the end of 1989 and the beginning of 1990 stimulated an atmosphere of celebration. Liberal democracy was championed as the agent of progress and capitalism as the only viable economic system: ideological conflict, it was said, is

¹ I should like to thank Richard Falk, Anthony Giddens, Jack Hayward, Quentin Skinner, David Scott-Macnab, Saul Mendlovitz and John Thompson for many constructive comments on this essay. The essay seeks to draw together and expand upon a number of themes discussed in my recent writings, particularly in *Models of Democracy* (Cambridge, Polity Press, 1987), Ch. 9; 'Democracy, the nation-state and the global system', in D. Held (ed.), *Political Theory Today* (Cambridge, Polity Press, 1991); and 'Democracy and globalization', *Alternatives*, 16: 2 (1991).

being steadily displaced by universal democratic reason and market-orientated thinking.² But such a view is quite inadequate in a number of respects.

In the first instance, the 'liberal' component of liberal democracy cannot be treated simply as a unity. There are distinctive liberal traditions which embody quite different conceptions from each other of the individual agent, of autonomy, of the rights and duties of subjects, and of the proper nature and form of community. In addition, the 'celebratory' view of liberal democracy neglects to explore whether there are any tensions, or even perhaps contradictions, between the 'liberal' and 'democratic' components of liberal democracy; for example, between the liberal preoccupation with individual rights or 'frontiers of freedom' which 'nobody should be permitted to cross', and the democratic concern for the regulation of individual and collective action, that is, for public accountability.³ Those who have written at length on this question have frequently resolved it in quite different directions. Furthermore, there is not simply one institutional form of liberal democracy. Contemporary democracies have crystallized into a number of different types, which makes any appeal to a liberal position vague at best.⁴ An uncritical affirmation of liberal democracy essentially leaves unanalysed the whole meaning of democracy and its possible variants.

This essay seeks to address this lacuna, first, by examining the development of different models of democracy; secondly, by considering the conditions of application of these models; thirdly, by exploring the meaning of democracy in the context of the progressive enmeshment today of states and societies in regional and global networks; and finally, by assessing the proper form and scope of democracy in relation to systems of international governance. The first two sets of issues will be examined in the next section, and the second two sets in the subsequent one. It will be argued, ultimately, that democracy can result from, and only from, a nucleus, or federation, of democratic states and societies. Or, to put the point differently, national democracies require international 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 twenty-first century.

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. 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 focusing on philosophical or empirical-analytic

² See F. Fukuyama, 'The end of History', *The National Interest*, 16 (1989) and 'A reply to my critics', *The National Interest*, 18 (1989/90). For a more detailed commentary on these texts, cf. D. Held, 'Liberalism, Marxism and democracy', *Theory and Society* (forthcoming).

³ I. Berlin, *Four Essays on Liberty* (Oxford, Oxford University Press, 1969), pp. 164ff.

⁴ See, for example, A. Lijphart, *Democracies* (New Haven, CT, Yale University Press, 1984) and R. Dahl, *Democracy and Its Critics* (New Haven, CT, Yale University Press, 1989).

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, is dependent on the outcome of these tasks.⁵ Before pursuing them, however, the concept of democracy itself requires some clarification.

Models of Democracy

Within the history of democratic theory lies a deeply rooted conflict about whether democracy should mean some kind of **popular power** (a form of politics in which citizens are engaged in **self-government** and self-regulation) or an aid to **decision-making** (a means of conferring authority on those periodically voted into office). This conflict has given rise to three basic variants or models of democracy, which it is as well to bear in mind. First, there is **direct** or participatory democracy, a system of decision-making about public affairs in which citizens are directly involved. This was the '**original**' type of democracy found in ancient Athens, among other places. Secondly, there is liberal or **representative** democracy, a system of rule embracing elected 'officers' who undertake to 'represent' the interests or views of citizens within the framework of the 'rule of law'. Thirdly, there is a variant of democracy based on a **one-party** model (although some may doubt whether this is a form of democracy at all). Until recently, the Soviet Union, East European societies and many third world countries have been dominated by this conception. The following discussion deals briefly with each of these models in turn, developing concepts and issues which will be drawn upon in later argument.

The Active Citizen and Republican Government

Athenian democracy has long been taken as a fundamental source of inspiration for modern western political thought. This is not to say that the west has been right to trace many elements of its democratic heritage exclusively to Athens; for, as recent historical and archaeological research has shown, some of the key political innovations, both conceptual and institutional, of the nominally western political tradition can be traced to older civilizations in the east. The city-state or *polis* society, for example, existed in Mesopotamia long before it emerged in the west.⁶ Nonetheless, the political **ideals** of Athens – **equality among citizens**, liberty, respect for the law and justice – have been taken as integral to western political thinking, and it is for this reason that Athens constitutes a useful starting point.

The Athenian city-state, ruled as it was by citizen-governors, did **not differentiate** between **state** and **society**. In ancient Athens, citizens were at one

⁵ A fuller account of the nature and scope of political theory as outlined here can be found in the 'Introduction' to Held, *Political Theory Today*, pp. 1–21.

⁶ See M. Bernal, *Black Athena* (London, Free Association Books, 1987), Vol. I and P. Springborg, *Western Republicanism and the Oriental Prince* (Cambridge, Polity Press, 1992).

and the same time **subjects** of political authority and the **creators** of public rules and regulations. The people (*demos*) engaged in legislative and judicial functions, for the Athenian concept of citizenship entailed their taking a share in these functions, participating directly in the affairs of 'the state'.⁷ Athenian democracy required a general commitment to the principle of civic virtue: dedication to the republican city-state and the subordination of private life to public affairs and the common good. 'The public' and 'the private' were intertwined. Citizens could properly fulfil themselves and live honourably only in and through the *polis*. Of course, who was to count as a citizen was a tightly restricted matter; among the excluded were women and a substantial slave population.

The Athenian city-state – eclipsed ultimately by the rise of empires, stronger states and military regimes – shared features with republican Rome. Both were predominantly face-to-face societies and oral cultures; both had elements of popular participation in governmental affairs, and both had little, if any, centralized bureaucratic control. Furthermore, both sought to foster a deep sense of public duty, a tradition of civic virtue or responsibility to 'the republic' – to the distinctive matters of the public realm. And in both polities, the claims of the state were given a unique priority over those of the individual citizen. But if Athens was a democratic republic, contemporary scholarship generally affirms that Rome was, by comparison, an essentially oligarchical system.⁸ Nevertheless, from antiquity, it was Rome which was to prove the most durable influence on the dissemination of republican ideas.

Classical republicanism received its most robust **restatement** in the early **Renaissance**, especially in the city-states of Italy. The meaning of the concept of 'active citizenship in a republic' became a leading concern. Political thinkers of this period were critical of the Athenian formulation of this notion; shaped as their views were by Aristotle, one of the most notable critics of Greek democracy, and by the centuries-long impact of republican Rome, they recast the republican tradition. While the concept of the *polis* remained central to the political theory of Italian cities, most notably in Florence, it was **no longer** regarded as a means to **self-fulfilment**.⁹ Emphasis continued to be placed on the importance of civic virtue but the latter was understood as highly **fragile**, subject particularly to **corruption** if dependent solely upon the political involvement of any one major grouping: the people, the aristocracy or the monarchy. A constitution which could reflect and balance the interests of all leading political factions became an aspiration. Niccolò Machiavelli thus argued that all singular constitutional forms (monarchy, aristocracy and democracy) were unstable, and only a governmental system combining elements of each could promote the kind of political culture on which civic virtue depends.¹⁰ The best example of such a government was, he proclaimed, Rome: Rome's mixed government (with its system of consuls, Senate and tribunes of the people) was directly linked to its sustained achievements.

⁷ When referring to the Greek *polis*, some scholars prefer to use the term 'city-republic' on the grounds that the concept of the state was an early modern formulation. For some of the issues underpinning this preference see Held, *Models of Democracy*, Ch. 2.

⁸ M. Finley, *Politics in the Ancient World* (Cambridge, Cambridge University Press, 1983), pp. 84ff.

⁹ See J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ, Princeton University Press, 1975), pp. 64–80.

¹⁰ See N. Machiavelli, *The Discourses* (Harmondsworth, Penguin, 1983), pp. 104–11.

The core of the Renaissance republican case was that the freedom of a political community rested upon its accountability to no authority other than that of the community itself. **Self-government** is the basis of liberty, together with the right of **citizens to participate** – within a constitutional framework which creates distinct roles for leading social forces – in the government of their own common business.¹¹ As one commentator put it, ‘the community as a whole must retain the ultimate sovereign authority’, assigning its various rulers or chief magistrates ‘a status no higher than that of elected officials’.¹² Such ‘rulers’ must ensure the effective enforcement of the laws created by the community for the promotion of its own good; for they are not rulers in a traditional sense, but ‘agents of *ministri* of justice’.

In Renaissance republicanism, as well as in Greek democratic thought, a citizen was someone who participated in ‘giving judgement and holding office’.¹³ **Citizenship meant participation in public affairs.** This definition is noteworthy because it suggests that theorists within these traditions would have found it hard to locate citizens in modern democracies, except perhaps as representatives or office holders. The limited scope in contemporary politics for the active involvement of citizens would have been regarded as most undemocratic.¹⁴ Yet the idea that human beings should be active citizens of a political order – citizens of their states – and not merely dutiful subjects of a ruler has had few advocates from the earliest human associations to the early Renaissance.¹⁵

The demise in the west of the idea of the active citizen, one whose very being is affirmed in and through political action, is hard to explain fully. But it is clear enough that the antithesis of *Homo politicus* is the *Homo credens* of the **Christian** faith: the citizen whose active judgement is essential is displaced by the true believer.¹⁶ Although it would be quite misleading to suggest that the rise of Christianity effectively banished secular considerations from the lives of rulers and ruled, it unquestionably shifted the source of authority and wisdom from this-worldly to other-worldly representatives. During the Middle Ages, the integration of Christian Europe came to depend above all on two theocratic authorities: the Roman Catholic Church and the Holy Roman Empire. There was no theoretical alternative to their account of the nature of power and rule.¹⁷ Not until the end of the sixteenth century, when it became apparent that religion had become a highly divisive force and that the powers of the state would have to be separated from the duty of rulers to uphold any particular faith, did the nature

¹¹ The republican view emphasizes, in short, that the freedom of citizens consists above all in their unhindered pursuit of their self-chosen ends. The highest political ideal is the civic freedom of an independent, self-governing republic.

¹² Q. Skinner, ‘The state’, in T. Ball, J. Farr and R. Hanson (eds), *Political Innovation and Conceptual Change* (Cambridge, Cambridge University Press, 1989), p. 105.

¹³ Aristotle, *The Politics* (Harmondsworth, Penguin, 1981), p. 169.

¹⁴ See M. Finley, *Democracy Ancient and Modern* (London, Chatto and Windus, 1973).

¹⁵ The concern with aspects of ‘self-government’ in Renaissance Italy had a significant influence in seventeenth- and eighteenth-century England, France and America. The problem of how civic life was to be constructed, and public life sustained, was faced by diverse thinkers. While the meaning of the ideal of active citizenship was progressively altered – and denuded of many of its most challenging implications – threads of this ideal remained and continued to have an impact. It is possible to trace ‘radical’ and ‘conservative’ strains of republicanism throughout the early modern period. Cf. Pocock, *The Machiavellian Moment* and G. S. Wood, *The Creation of the American Republic: 1776–1787* (Chapel Hill, University of North Carolina Press, 1969).

¹⁶ Pocock, *The Machiavellian Moment*, p. 550.

¹⁷ H. Bull, *The Anarchical Society* (London, Macmillan, 1977), p. 27.

and **limits of political authority**, law, rights and obedience become a preoccupation of European political thought from Italy to England.¹⁸

Liberal Representative Democracy

Modern liberal and liberal democratic theories have constantly sought to justify the sovereign power of the state while at the same time **justifying limits** on that power.¹⁹ The history of this attempt since Thomas Hobbes is the history of arguments to balance might and right, power and law, duties and rights. On the one hand, states must have a monopoly of coercive power in order to provide a secure basis on which trade, commerce, religion and family life can prosper. On the other hand, by granting the state a regulatory and coercive capability, political theorists were aware that they had accepted a force that could, and frequently did, deprive citizens of political and social freedoms.

Liberal democrats provided the key institutional innovation to try to overcome this dilemma: **representative democracy**. The liberal concern with reason, law and freedom of choice could only be upheld properly by recognizing the **political equality** of all **mature** individuals. Such equality would ensure not only a secure social environment in which people would be free to pursue their private activities and interests, but also a state which, under the watchful eye of the electorate, would do what was best in the general or public interest. Thus, liberal democrats argued, the **democratic constitutional** state, linked to other key institutional mechanisms, particularly the free market, would resolve the problems of ensuring both authority and liberty.

Two classic statements of the new position can be found in the philosophy of James **Madison** and in the work of one of the key figures of nineteenth-century English liberalism: Jeremy **Bentham**. In Madison's account, 'pure democracies' (by which he means societies 'consisting of a small number of citizens, who assemble and administer the government in person') have always been intolerant, unjust and unstable.²⁰ By contrast, representative government overcomes the excesses of 'pure democracy' because **regular elections** force a clarification of public issues, and the elected few, able to withstand the political process, are likely to be competent and capable of 'discerning the true interest of their country'.

The central concern of Madison's argument is not the rightful place of the active citizen in the life of the political community but, instead, the legitimate pursuit by individuals of their interests, and government as a means for the enhancement of these interests. Although Madison himself sought clear ways of reconciling particular interests with what he called modern 'extended republics', his position signals a **clear** shift from the classical ideals of civic virtue and the public realm to liberal preoccupations.²¹ He conceived the representative state as the chief mechanism to aggregate individuals' interests and **to protect their rights**. In such a state, he believed, security of person and property would be sustained

¹⁸ Q. Skinner, *The Foundations of Political Thought, Vol. 1* (Cambridge, Cambridge University Press, 1978), p. 352.

¹⁹ See D. Held, 'The development of the modern state', in S. Hall and B. Gieben (eds), *Formations of Modernity* (Cambridge, Polity Press, 1992).

²⁰ J. Madison, *The Federalist Papers*, edited by R. Fairfield (New York, Doubleday, 1966), No. 10, p. 20.

²¹ Madison, *The Federalist Papers*, No. 10, pp. 21–2.

and politics could be made compatible with the demands of large nation-states, with their complex patterns of trade, commerce and international relations.²²

In parallel with this view, Bentham held that representative democracy 'has for its characteristic object and effect . . . securing its members against oppression and depredation at the hands of those functionaries which it employs for its defence'.²³ Democratic government is required to protect citizens from the despotic use of political power, whether it be by a monarch, the aristocracy or other groups. The representative state thus becomes an umpire or referee while individuals pursue in civil society, according to the rules of economic competition and free exchange, their own interests. The free vote and the free market are both essential, for a key presupposition is that the collective good can be properly realized in most domains of life only if individuals interact in competitive exchanges, pursuing their utility with minimal state interference. Significantly, however, this argument has another side. Tied to the advocacy of a 'minimal state', whose scope and power need to be strictly limited, there is a strong commitment to certain types of state intervention: for instance, to regulate the behaviour of the disobedient, and to reshape social relations and institutions if, in the event of the failure of *laissez-faire*, the greatest happiness of the greatest number is not achieved – the only scientifically defensible criterion, Bentham held, of the public good.

From classical antiquity to the seventeenth century, democracy was largely associated with the gathering of citizens in assemblies and public meeting places. By the early nineteenth century it was beginning to be thought of as the right of citizens to participate in the determination of the collective will through the medium of elected representatives.²⁴ The theory of representative democracy fundamentally shifted the terms of reference of democratic thought: the practical limits that a sizeable citizenry imposes on democracy, and which had been the focus of so much critical (anti-democratic) attention, were practically eliminated. Representative democracy could now be celebrated as both accountable and feasible government, potentially stable over great territories and time spans.²⁵ It could even be heralded, as James Mill put it, as 'the grand discovery of modern times' in which 'the solution of all difficulties, both speculative and practical, will be found'.²⁶ Accordingly, the theory and practice of popular government shook off its traditional association with small states and cities, opening itself to become the legitimating creed of the emerging world of nation-states. But who exactly was to count as a legitimate participant, or a 'citizen' or 'individual', and what his or her exact role was to be in this new order, remained either unclear or unsettled. Even in the work of the enlightened John Stuart Mill ambiguities remained: the idea that all citizens should have equal political weight in the polity remained outside his actual doctrine, along with that of most of his contemporaries.²⁷

It was left by and large to the extensive and often violently suppressed struggles of working-class and feminist activists in the nineteenth and twentieth centuries

²² See R. W. Krouse, 'Classical images of democracy in America: Madison and Tocqueville', in D. Duncan (ed.), *Democratic Theory and Practice* (Cambridge, Cambridge University Press, 1983), pp. 58–78.

²³ J. Bentham, *Constitutional Code, Book 1*, in *The Works of Jeremy Bentham, Vol. IX* (Edinburgh, W. Tait, 1843), p. 47.

²⁴ N. Bobbio, *Democracy and Dictatorship* (Cambridge, Polity Press, 1989), p. 144.

²⁵ See Dahl, *Democracy and Its Critics*, pp. 28–30.

²⁶ Quoted in G. H. Sabine, *A History of Political Theory* (London, George G. Harrap, 3rd edn, 1963), p. 695.

²⁷ See Held, *Models of Democracy*, Ch. 3.

to accomplish a genuinely universal suffrage in some countries. Their achievement was to remain fragile in places such as Germany, Italy and Spain, and was in practice denied to some groups; for instance, many African-Americans in the US before the civil rights movement in the 1950s and 1960s. However, through these struggles the idea that the rights of citizenship should apply equally to all adults became slowly established; many of the arguments of the liberal democrats could be turned against existing institutions to reveal the extent to which the principles and aspirations of equal political participation and equal human development remained unfulfilled. It was only with the actual achievement of citizenship for all adult men and women that liberal democracy took on its distinctively contemporary form: a cluster of rules and institutions permitting the broadest participation of the majority of citizens in the selection of representatives who alone can make political decisions (that is, decisions affecting the whole community).

This cluster includes elected government; free and fair elections in which every citizen's vote has an equal weight; a suffrage which embraces all citizens irrespective of distinctions of race, religion, class, sex and so on; freedom of conscience, information and expression on all public matters broadly defined; the right of all adults to oppose their government and stand for office; and associational autonomy – the right to form independent associations including social movements, interest groups and political parties.²⁸ The consolidation of representative democracy, thus understood, has been a twentieth-century phenomenon; perhaps one should even say a late twentieth-century phenomenon. For it is only in the closing decades of this century that democracy has been securely established in the west and widely adopted in principle as a suitable model of government beyond the west.

Marxism and One-party Democracy

The struggle of liberalism against tyranny, and the struggle by liberal democrats for political equality, represented a major step forward in the history of human emancipation, as Karl Marx and Friedrich Engels readily acknowledged. But for them, and for the Marxist tradition more broadly, the great universal ideals of 'liberty, equality and justice' cannot be realized simply by the 'free' struggle for votes in the political system together with the 'free' struggle for profit in the market-place. Advocates of the democratic state and the market economy present these institutions as the only ones under which liberty can be sustained and inequalities minimized. However, according to the Marxist critique, the capitalist economy, by virtue of its internal dynamics, inevitably produces systematic inequality and massive restrictions on real freedom. The formal existence of certain liberties is of little value if they cannot be exercised in practice. Therefore, although each step towards formal political equality is an advance, its liberating potential is severely curtailed by inequalities of class.

In class societies the state cannot become the vehicle for the pursuit of the common good or public interest. Far from playing the role of emancipator, protective knight, umpire, or judge in the face of disorder, the agencies of the liberal representative state are enmeshed in the struggles of civil society. Marxists

²⁸ See N. Bobbio, *Which Socialism?* (Cambridge, Polity Press, 1987), p. 66 and Dahl, *Democracy and Its Critics*, pp. 221 and 233.

conceive the state as an extension of civil society, **reinforcing the social order** for the enhancement of particular interests. Their argument is that political emancipation is only a step towards human emancipation: that is, the complete democratization of both society and the state. In their view, liberal democratic society **fails** when judged by its own promises.

Among these promises are, first, political **participation**, or general involvement mediated by **representatives** in decisions affecting the whole community; secondly, **accountable** government; and thirdly, **freedom** to protest and reform.²⁹ But 'really existing liberal democracy', as one Marxist recently put it, fails to deliver on any of these promises. For it is distinguished by the existence of a largely **passive citizenry** (significant numbers of eligible citizens do not vote in elections, for example); the erosion and displacement of parliamentary institutions by **unelected centres of power** (typified by the expansion of bureaucratic authority and of the role of functional representatives); and substantial **structural constraints** on state action and, in particular, on the possibility of the piecemeal reform of capitalism (the flight of capital, for example, is a constant threat to elected governments with strong programmes of social reform).³⁰

Marx himself envisaged the replacement of the liberal democratic state by a 'commune structure': the smallest communities, which were to administer their own affairs, would elect delegates to larger administrative units (districts, towns); these in turn would elect candidates to still larger areas of administration (the national delegation).³¹ This arrangement is known as the 'pyramid' structure of **'delegative democracy'**: all delegates are revocable, bound by the instructions of their constituency, and organized into a 'pyramid' of directly elected committees. The post-capitalist state would not, therefore, bear any resemblance to a liberal, parliamentary regime. All state agencies would be brought within the sphere of a single set of directly accountable institutions. Only when this happens will 'that self-reliance, that freedom, which disappeared from earth with the Greeks, and vanished into the blue haze of heaven with Christianity', as the young Marx put it, gradually be restored.³²

In the Marxist-Leninist account, the system of delegative democracy is to be **complemented**, in principle, by a separate but somewhat similar system at the level of the **Communist Party**. The **transition** to socialism and communism necessitates the 'professional' leadership of a **disciplined cadre** of revolutionaries.³³ Only such a leadership has the capacity to organize the defence of the revolution against counter-revolutionary forces, to plan the expansion of the forces of production, and to supervise the reconstruction of society. Since all fundamental differences of interest are class interests, since the working-class interest (or standpoint) is the **progressive** interest in society, and since during and after the revolution it has to be articulated clearly and decisively, **a revolutionary party is essential**. The party is the instrument which can create the **framework for socialism and communism**. In practice, **the party has to rule**; and it was only in the 'Gorbachev era' in the Soviet Union (from 1984 to August 1991) that a pyramid of councils, or 'Soviets', from the central authority to those at local

²⁹ Bobbio, *Which Socialism?*, pp. 42–4.

³⁰ A. Callinicos, *The Revengue of History: Marxism and the East European Revolutions* (Cambridge, Polity Press, 1991), pp. 108–9.

³¹ K. Marx, *The Civil War in France* (Peking, Foreign Languages Press, 1970), pp. 67–70.

³² Marx, Letter 2, from the *Deutsch-Französische Jahrbücher* (Paris, 1844).

³³ See, for example, V. I. Lenin, *What Is To Be Done?* (Moscow, Progress Publishers, 1947).

village and neighbourhood level, was given anything more than a symbolic or ritualistic role in the post-revolutionary period.

Democracy, the State, and Civil Society

What should be made of these various models of democracy in contemporary circumstances? The classical participatory model cannot easily be adapted to stretch across space and time. Its emergence in the context of city-states, and under conditions of 'social exclusivity', was an integral part of its successful development. In complex industrial societies, marked by a high degree of social, economic and political differentiation, it is very hard to envisage how a democracy of this kind could succeed on a large scale.

The significance of these reflections is reinforced by examining the fate of the conception of democracy advocated by Marx and Engels, and their followers. In the first instance, the 'deep structure' of Marxist categories – with its emphasis on the centrality of class, the universal standpoint of the proletariat, and a conception of politics which is rooted squarely in production – ignores or severely underestimates the contributions to politics of other forms of social structure, collectivity, agency, identity, interest and knowledge. Secondly, as an institutional arrangement that allows for mediation, negotiation and compromise among struggling factions, groups or movements, the Marxist model does not stand up well under scrutiny, especially in its Marxist-Leninist form. A system of institutions to promote discussion, debate and competition among divergent views – a system encompassing the formation of movements, pressure groups and/or political parties with independent leaderships to help press their cases – appears both necessary and desirable. Further, the changes in Central and Eastern Europe after 1989 seem to provide remarkable confirmatory evidence of this, with their emphasis on the importance of political and civil rights, a competitive party system, and the 'rolling back' of the state', that is, the freeing of civil society from state domination.

One cannot escape the necessity, therefore, of recognizing the importance of a number of fundamental liberal tenets, concerning the centrality, in principle, of an 'impersonal' structure of public power, of a constitution to help guarantee and protect rights, of a diversity of power centres within and outside the state, and of mechanisms to promote competition and debate among alternative political platforms. What this amounts to, among other things, is confirmation of the fundamental liberal notion that the 'separation' of state from civil society must be an essential element of any democratic political order. Conceptions of democracy that depend on the assumption that the state could ever replace civil society, or vice versa, must be treated with caution.

To make these points is not, however, to affirm any one liberal democratic model as it stands, although many advocates of democracy appear to take this view. It is one thing to accept the arguments concerning the necessary protective, conflict-mediating and redistributive functions of the democratic state, quite another to accept these as prescribed in existing accounts of liberal democracy. Advocates of liberal democracy have tended to be concerned, above all else, with the proper principles and procedures of democratic government. But by focusing on 'government', they have drawn attention away from a thorough examination of the relation between formal rights and actual rights; between commitments to treat citizens as free and equal and practices which do neither sufficiently; between

concepts of the state as, in principle, an independent authority, and state involvement in the reproduction of the inequalities of everyday life; between notions of political parties as appropriate structures for bridging the gap between state and society, and the array of power centres which such parties and their leaders cannot reach. To ignore these questions is to risk the establishment of 'democracy' in the context of a sea of political, economic and social inequality. And it is to risk the creation of, at best, a very partial form of democratic politics – a form of politics in which the involvement of some bears a direct relation to the limited or non-participation of others.

The implications of these points are, I believe, of considerable significance. For democracy to flourish it has to be reconceived as a double-sided phenomenon: concerned, on the one hand, with the reform of state power and, on the other hand, with the restructuring of civil society. This entails recognizing the indispensability of a process of what I have elsewhere called 'double democratization': the interdependent transformation of both state and civil society.³⁴ Such a process must be premised on the principles that the division between state and civil society must be a central aspect of democratic life, and that the power to make decisions must be free of the inequalities and constraints which can be imposed by an unregulated system of private capital, as Marx foresaw. But, of course, to recognize the importance of both these points is to recognize the necessity of recasting substantially their traditional connotations.³⁵

In short, if democratic life involves no more than a periodic vote, citizens' activities will be largely confined to the 'private' realm of civil society and the scope of their actions will depend largely on the resources they can command. Few opportunities will exist for citizens to act as citizens; that is, as participants in public life. But if democracy is understood as a double-sided process, this state of affairs might be redressed by creating opportunities for people to establish themselves 'in their capacity of being citizens'.³⁶ The 'active citizen' could once again return to the centre of public life, involving him- or herself in the realms of both state and civil society. Of course, the nature of this involvement would differ in each of these realms, according to their organizational and institutional features. But opportunities will at least have been created for all those affected by the decision-making structures of their communities to participate in the latter's regulation – or so the story of democracy has so far suggested. However, democracy has another side.

Democracy, Globalization and International Governance

Throughout the nineteenth and twentieth centuries democratic theory has tended to assume a 'symmetrical' and 'congruent' relationship between political decision-makers and the recipients of political decisions.³⁷ In fact, symmetry and congruence have often been taken for granted at two crucial points: first, between

³⁴ Held, *Models of Democracy*, Ch. 9.

³⁵ For texts which seek to do this, see Held, *Models of Democracy*, Chs 8 and 9; Held, 'Democracy, the nation-state and the global system', pp. 227–35; and J. Keane, *Democracy and Civil Society* (London, Verso, 1988). See also Keane's essay in this volume, pp. 116–29.

³⁶ H. Arendt, *On Revolution* (New York, Viking Press, 1963), p. 256.

³⁷ Held, 'Democracy, the nation-state and the global system', p. 198. Some of the material in the following paragraphs is adapted from pp. 201–5 of that essay.

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 the **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. Contemporary representative structures are, they hold, insufficiently responsive to their citizens; and, in discussing various forms of participatory democracy, or contemporary interpretations of the 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'.³⁸

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 right or appropriate exclusively for their own citizens.³⁹ 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. Similarly, 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. 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 Community, the North Atlantic Treaty Organization, or the International Monetary Fund 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.

If the **inadequacy** of this assumption can be fully shown, issues are raised which go to the heart of democratic thought. The idea that **consent** legitimates government and the state system more generally has been central to nineteenth- and twentieth-century liberal democrats.⁴⁰ 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

³⁸ Cf., for example, C. B. Macpherson, *The Life and Times of Liberal Democracy* (Oxford, Oxford University Press, 1977); C. Pateman, *The Problem of Political Obligation* (Cambridge, Polity Press, 2nd edn, 1985); and B. Barber, *Strong Democracy* (Berkeley, University of California Press, 1984).

³⁹ C. Offe, *Disorganized Capitalism* (Cambridge, Polity Press, 1985), pp. 286ff.

⁴⁰ R. Hanson, 'Democracy', in T. Ball, J. Farr and R. Hanson (eds), *Political Innovation and Conceptual Change* (Cambridge, Cambridge University Press, 1989), pp. 68–9.

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.⁴¹ 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, becomes 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 nonrenewable resources? 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 politics, 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 and excluded from participation in decisions affecting their lives (however limited the participation might be), but the outcomes of these decisions most 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. 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.

In order to explore the significance of these matters further, it is necessary to examine why for most of the nineteenth and twentieth centuries democracy in nation-states has not been accompanied by democratic relations among states; why the inter-state system is now coming under pressure in a way which makes the relation between democracy within borders and democracy across borders a more urgent concern; why contemporary circumstances are creating the possibility of rethinking democracy at regional and global levels; and why democracy at such levels is an important condition for the development of democracy within local and national communities. I shall endeavour to show that democracy within a nation-state or region requires democracy within a network of interwoven international forces and relations; and that such a requirement is thwarted by the 'deep structure' of the sovereign state order and the grafting on to this structure of the United Nations system in the immediate aftermath of the second world war. Nonetheless, one can glimpse the possibility, I shall also seek to show, of an alternative to this state of affairs.

domestic democracy requires international democracy

Sovereignty and the Westphalian Order

The history of the modern inter-state system, and of international relations more generally, has borne little relation to any democratic principle of organization. In

⁴¹ Cf. Dahl, *Democracy and Its Critics*, Chs 10 and 11.

the arena of world politics, Hobbes's way of thinking about power and power relations has often been regarded as the most insightful account of the meaning of the state at the global level.⁴² Hobbes drew a comparison between international relations and the state of nature, describing the international system of states as being in a continuous 'posture of war'.⁴³ A war of 'all against all' is a constant threat, since each state is at liberty to act to secure its own interests unimpeded by any higher religious or moral strictures.

In the study of international affairs, Hobbes's account has become associated with the 'realist' theory of international politics.⁴⁴ Realism posits, in the spirit of Hobbes's work, that the system of sovereign states is inescapably anarchic in character; and that this anarchy forces all states, in the inevitable absence of any supreme arbiter to enforce moral behaviour and agreed international codes, to pursue power politics in order to attain their vital interests. This *realpolitik* view of states has had a significant influence on both the analysis and practice of international relations in recent times as it offers a convincing *prima facie* explanation of the chaos and disorder of world affairs. In this account, the modern system of nation-states is a 'limiting factor' which will always thwart any attempt to conduct international relations in a manner which transcends the politics of the sovereign state.

A concomitant of each and every modern state's claim to supreme authority is a recognition that such a claim gives other states an equal entitlement to autonomy and respect within their own borders. In the context of the rapid erosion of 'Christian society' from the late sixteenth century, the development of sovereignty can be interpreted as part of a process of mutual recognition whereby states granted each other rights of jurisdiction in their respective territories and communities. Accordingly, sovereignty involved the assertion by the modern state of independence; that is, of its possession of sole rights to jurisdiction over a particular people and territory. And in the world of relations among states, the principle of the sovereign equality of all states gradually became adopted as the paramount principle governing the formal conduct of states towards one another, however representative or unrepresentative were their particular regimes.

The conception of international order which emerged to clarify and formalize the inter-state system has been referred to as the 'Westphalian' model (after the Peace of Westphalia of 1648 which brought to an end the German phase of the thirty years war).⁴⁵ The model covers a period from 1648 to 1945 (although some

⁴² See, for example, R. Aron, *Peace and War: a Theory of International Relations* (New York, Doubleday, 1966).

⁴³ T. Hobbes, *Leviathan* (Harmondsworth, Penguin, 1968), pp. 187–8.

⁴⁴ Cf. H. J. Morgenthau, *Politics Among Nations* (New York, Knopf, 1948); M. Wight, *Power Politics* (Harmondsworth, Penguin, 1986); and S. Smith, 'Reasons of state', in D. Held and C. Pollitt (eds), *New Forms of Democracy* (London, Sage, 1987).

⁴⁵ See R. Falk, 'The interplay of Westphalia and Charter conceptions of the international legal order', in R. Falk and C. Black (eds), *The Future of the International Legal Order, Vol. 1* (Princeton, NJ, Princeton University Press, 1969); R. Falk, *A Study of Future Worlds* (New York, The Free Press, 1975), Ch. 2; and A. Cassese, *International Law in a Divided World* (Oxford, Clarendon Press, 1986), especially pp. 393ff. While the emergence of this model can be linked directly to the Peace of Westphalia, important qualifications ought also to be noted. First, the basic conception of territorial sovereignty was outlined well before this settlement (although not generally assented to). Secondly, there were few, if any, references in the classic texts of early modern political theory to an intrinsically territorial state; as T. Baldwin put it, 'political theory had still to catch up with practice'. On both these points see T. Baldwin, 'The territorial state', in H. Gross and T. R. Harrison, (eds), *Cambridge Essays in Jurisprudence* (Oxford, Clarendon Press, forthcoming, 1993).

would argue it still holds today).⁴⁶ It depicts the emergence of a world community consisting of sovereign states which settle their differences privately and often by force; which engage in diplomatic relations but otherwise minimal cooperation; which seek to place their own national interest above all others; and which accept the logic of the principle of effectiveness, that is, the principle that might eventually makes right in the international world – appropriation becomes legitimation.⁴⁷ The model of Westphalia is summarized in Table 1.⁴⁸

TABLE 1. The Model of Westphalia

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- 1 The world consists of, and is divided by, sovereign states which recognize no superior authority.
 - 2 The processes of law-making, the settlement of disputes and law-enforcement are largely in the hands of individual states subject to the logic of 'the competitive struggle for power'.
 - 3 Differences among states are often settled by force: the principle of effective power holds sway. Virtually no legal fetters exist to curb the resort to force; international legal standards afford minimal protection.
 - 4 Responsibility for cross-border wrongful acts are a 'private matter' concerning only those affected; no collective interest in compliance with international law is recognized.
 - 5 All states are regarded as equal before the law: legal rules do not take account of asymmetries of power.
 - 6 International law is orientated to the establishment of minimal rules of coexistence; the creation of enduring relationships among states and peoples is an aim, but only to the extent that it allows national political objectives to be met.
 - 7 The minimization of impediments on state freedom is the 'collective' priority.
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This framework of international affairs had a lasting and paradoxical quality rich in implications: an increasingly developed and interlinked states system simultaneously endorsed the right of each state to autonomous and independent action. As one commentator has aptly noted, the upshot of this was that states were 'not subject to international moral requirements because they represent separate and discrete political orders with no common authority among them'.⁴⁹ In this situation, the world consists of separate political powers, pursuing their own interests, backed ultimately by their organization of coercive power.⁵⁰

The consolidation of the modern states system resulted from the expansion of Europe across the globe. If the Iberian monarchies led the early wave of

⁴⁶ By a 'model' I mean a theoretical construction designed to reveal and explain the main elements of a political form or order and its underlying structure of relations. Models in this context are 'networks' of concepts and generalizations about aspects of the political, economic and social spheres.

⁴⁷ A. Cassese, 'Violence, war and the rule of law in the International Community', in D. Held (ed.), *Political Theory Today* (Cambridge, Polity Press, 1991), p. 256.

⁴⁸ These points are adapted from Falk, 'The interplay of Westphalia and Charter conceptions of the international legal order', and Cassese, *International Law in a Divided World*, pp. 396–9.

⁴⁹ C. Beitz, *Political Theory and International Relations* (Princeton, NJ, Princeton University Press, 1979), p. 25.

⁵⁰ The resort to coercion or armed force by non-state actors is also, arguably, an almost inevitable outcome in such a world. For communities contesting established territorial boundaries have, as Baldwin succinctly wrote, 'little alternative but to resort to arms in order to establish "effective control" over the area they seek as their territory, and in that way make their case for international recognition (cf. Eritrea, East Timor, Kurdistan . . .)'. See Baldwin 'The territorial state'.

'European globalization', their position was eroded in the seventeenth century by the Dutch, and subsequently by the English. Key features of the modern states system – the centralization of political power, the expansion of administrative rule, the legitimation of power through claims to representation, the emergence of massed armies – which existed in Europe in embryo in the sixteenth century, were to become prevalent features of the entire global system.⁵¹

While the diffusion of European power mainly occurred through the medium of sea-going military and commercial endeavours, Europe became connected to a global system of trade and production relationships. At the centre of the latter were new and expanding capitalistic economic mechanisms which had their origins in the sixteenth century, or in what is sometimes called the 'long sixteenth century', running from about 1450 to 1640.⁵² Capitalism was from the beginning an international affair:⁵³ capital never allowed its aspirations to be determined by national boundaries alone. Consequently, the emergence of capitalism ushered in a fundamental change in the world order: it made possible, for the first time, genuinely global interconnections among states and societies; it penetrated the distant corners of the world and brought far-reaching changes to the dynamics and nature of political rule.

The development of the world capitalist economy initially took the form of the expansion of market relations, driven by a growing need for raw materials and other factors of production. Capitalism stimulated this drive and was, in turn, stimulated by it. It is useful to make a distinction between the expansion of capitalist market relations based on the desire to buy, sell and accumulate mobile resources (capital), and the formation of industrial capitalism involving highly distinctive class relations – based initially on those who own and control the means of production and those who have only their labouring capacity to sell. It is only with the development of capitalism in Europe after 1500, and in particular with the formation of the capitalist organization of production from the middle of the eighteenth century, that the activities of capitalists and the capitalist system began to converge.⁵⁴ From this period, the objectives of war became linked to economic objectives: military endeavour and conquest became more directly connected with the pursuit of economic advantage than they had been in earlier periods.⁵⁵

The globalization of economic life – broadly, the growth of complex economic interconnections among states and societies – has not by any means been, of course, a uniform process, affecting each region and country in a similar way. From the outset, this process has involved great costs for the autonomy and independence of many: for example, the progressive collapse of non-European civilizations, among them the Moslem, Indian and Chinese; the disorganizing effects of western rule on a large number of small societies; and the interlinked degradation of the non-European and European worlds caused by the slave trade. In fact, globalization has been characterized both by 'hierarchy' and 'unevenness'.⁵⁶ Hierarchy denotes the structure of economic globalization: its

⁵¹ See G. Modelski, *Principles of World Politics* (New York, Free Press, 1972).

⁵² See F. Braudel, *Capitalism and Material Life* (London, Weidenfeld and Nicolson, 1973).

⁵³ I. Wallerstein, *The Capitalist Economy* (Cambridge, Cambridge University Press, 1979), p. 19.

⁵⁴ C. Tilly, *Coercion, Capital and European States, AD 990–1990* (Oxford, Blackwell, 1990), pp. 17 and 189.

⁵⁵ See M. Mann, *The Sources of Social Power, Vol. 1* (Cambridge, Cambridge University Press, 1986), pp. 510–16.

⁵⁶ The following analysis is indebted to R. Falk, 'Economic dimensions of global civilization: a

domination by those constellations of economic power concentrated in the west and north. With the decline of Europe's empires in the twentieth century, and the end of the cold war, economic globalization has arguably become more significant than ever as the determinant of hierarchy, and the front line of geopolitics. It is likely that the economic summits of the leading industrial countries will supplant superpower summits as the primary arena within which to discern new contours of hierarchy and power. While there may be uncertainty about the precise distribution of influence at the centre of the advanced industrial countries, the hierarchical structure of the economic processes of globalization firmly places the leading economic powers of the west or north in central positions.

The other side of hierarchy is unevenness. This refers to the asymmetrical effects of economic globalization upon the life-chances and well-being of peoples, classes, ethnic groupings, movements and the sexes. The contours of these processes of 'unevenness' are not difficult to discern, although they will not be documented here. They are broadly correlated with geography, race and gender and, accordingly, with the clusters of poverty and deprivation found among the countries of the south, among non-Whites and among women. However, the existence of significant poverty in the north (in Europe and the US), the persistence of unemployment in the most advanced industrial countries (even during periods of marked growth), and the fate of many indigenous peoples, indicates the approximate nature of conceiving unevenness in these terms alone. Unevenness is a phenomenon of both international and national development. The categories of social and political stratification must, therefore, be thought of as denoting systematic divisions within and across territories.⁵⁷

The effective power which sovereignty bestows is, to a significant degree, connected to the economic resources at the disposal of a state or people. Clearly, the resources a polity can mobilize will vary according to its position in the global structure of economic relations, its place in the international division of labour, and the support it can muster from regional economic networks.⁵⁸ The growing awareness in many western countries that their sovereignty is under pressure from a variety of sources and forces places before them (often for the first time) issues that have been apparent to many countries for a long time. The struggle for sovereignty and autonomy in many third world countries was closely related to the struggle for freedom from colonial domination. *De jure* sovereignty has been of the utmost importance to those countries that had previously been denied it; but *de jure* sovereignty is not, of course, the same thing as *de facto* or practical sovereignty. The often weak and debt-ridden economies of many third world countries leave them vulnerable and dependent on economic forces and relations over which they have little, if any, control. Although the internationalization of production and finance places many instruments of economic control beyond even the most powerful countries, the position of those at the lower end of the globalization hierarchy, experiencing the worst effects of unevenness, is substantially worse.

preliminary perspective' (working paper prepared for the Cairo meeting of the Global Civilization Project, Oct. 1990), pp. 2-12.

⁵⁷ See R. W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York, Columbia University Press, 1987), Ch. 9.

⁵⁸ I do not mean this to be an 'economistic' point. There are obviously other important factors involved in determining a state's effective power. See D. Held, *Political Theory and the Modern State* (Cambridge, Polity Press, 1989), Ch. 8.

Political independence often provides at best only a brief respite from the processes of **marginalization** in the world economy. In countries such as those of the Sub-Sahara, where the boundaries of the state (with two small exceptions) do not correspond to the boundaries of any that existed before colonization, where there has been **no 'established habit' of exercising central authority** and accepting its role, and where some of the most elementary human securities have often been absent, independence has been fraught with many types of difficulty.⁵⁹ Against this background, the achievement of any form of democracy is significant. Nevertheless, the achievement is handicapped by vulnerability to the international economy, by a fragile resource base which is threatening to the autonomy of political organizations, and by social groups often deeply divided by extreme poverty, hardship and ill-health as well as by ethnic, cultural and other considerations. In addition, it is handicapped by the very *structure* of the international political system which leaves individual states, locked into the competitive pursuit of their own security and interests, without systematic means to pursue the accountability and regulation of some of the most powerful forces ordering national and international affairs. It is **political and economic might** which ultimately determines the effective deployment of rules and resources within and beyond borders in the Westphalian world.

The International Order and the United Nations Charter

The titanic struggles of the first and second world wars led to a growing acknowledgement that the nature and process of **international governance** would have to **change** if the most extreme forms of **violence** against humanity were to be **outlawed**, and the growing interconnectedness and interdependence of nations recognized. Slowly, the subject, scope and very sources of the Westphalian conception of international regulation, particularly its conception of international law, were all called into question.⁶⁰

First and foremost, opinion **moved against** the doctrine that international law, as Oppenheim put it, is a **'law between states only and exclusively'**.⁶¹ Single persons and groups became recognized as subjects of international law. It is generally accepted, for example, that persons as individuals are subjects of international law on the basis of such documents as the Charters of the Nuremberg and Tokyo War Crimes Tribunals, the Universal Declaration of Human Rights of 1948, the Covenants on Civil and Political Rights of 1966, and the European Convention on Human Rights of 1950.

Opinion has also moved against the doctrine that international law is primarily about political and strategic (state) affairs. According to this position, international law is concerned progressively with orchestrating and regulating **economic, social and environmental** matters. Linked to substantial increases in the numbers of **'actors'** in world politics – for example, the UN, the UN Economic and Social Council, UNCTAD, the World Bank, the International Monetary Fund, the Food and Agricultural Organization and the World Health

⁵⁹ See G. Hawthorn, 'Sub-Saharan Africa', in D. Held (ed.), *Prospects for Democracy: North, South, East, West* (Cambridge, Polity Press, forthcoming, 1993). Cf. R. H. Jackson and C. G. Rosberg, 'Why Africa's weak states persist: the empirical and the juridical in statehood', *World Politics*, 17 (1982), 1–24.

⁶⁰ For an overview see Bull, *The Anarchical Society*, Ch. 6.

⁶¹ See L. Oppenheim, *International Law, Vol. 1* (London, Longman, 1905), Ch. 1.

Organization – there have been many pressures to increase the scope of international law. Faced with this development, there are those who characterize the changing reach of international law as being ever less concerned with the freedom or liberty of states, and ever more with the **general welfare** of all those in the global system who are able to make their voices count.⁶²

Finally, the influential legal doctrine that the only **true source** of international law is the **consent of** states – either their expressed consent, or their implied consent – has been fundamentally challenged. Today, **a number of sources** of international law jostle for recognition. These include the traditional sources such as international conventions or **treaties** (general or particular) which are recognized by states; international **custom** or practice which provides evidence of an accepted rule or set of rules; and the underlying **principles of law** recognized by ‘civilized nations’. They also include the ‘**will** of the international community’, which can assume the ‘status of law’ or the ‘basis of international legal obligation’ under certain circumstances.⁶³ The latter represents a break in principle with the requirement of individual state consent in the making of international rules and responsibilities.⁶⁴

Although the Westphalian model of international law had its critics throughout the modern era, particularly during the ill-fated efforts of the League of Nations, it was not until after the **second world** war that a **new model** of international law and accountability was widely advocated and accepted, culminating in the adoption of the **UN Charter**. The image of international regulation projected by the Charter (and related documents) was one of ‘states still jealously “sovereign”’, but **linked together** in a ‘myriad of relations’; under pressure to resolve disagreements by peaceful means and according to legal criteria; subject in principle to tight restrictions on the resort to force; and constrained to observe ‘certain standards with regard to the treatment of all persons on their territory, including their own citizens.’⁶⁵ Of course, how restrictive the provisions of the Charter have been to states, and to what extent they have been actually operationalized, are important questions. Before addressing them, however, leading elements of the Charter model should be sketched (see Table 2).⁶⁶

The shift in the structure of international regulation from the Westphalian to the **UN Charter model** raised fundamental questions about the nature and form of international law – questions which point to the possibility of a significant disjuncture between the law of nation-states, of the states system, and of the wider international community. At the heart of this shift lies a conflict between claims made on behalf of individual states and those made on behalf of an alternative organizing principle of world affairs: ultimately, a **democratic community of states**, with equal voting rights in the General Assembly of nation-

⁶² Cf., for example, B. Röling, *International Law in an Expanded World* (Amsterdam, Djambatan, 1960); W. Friedmann, *The Changing Structure of International Law* (London, Stevens and Son, 1964); and Cassese, *International Law in a Divided World*, especially Chs 7–9.

⁶³ Cf. Bull, *The Anarchical Society*, pp. 147–58; C. Jenks, *Law, Freedom and Welfare* (London, Stevens and Son, 1963), Ch. 5; and R. Falk, *The Status of Law in International Society* (Princeton, NJ, Princeton University Press, 1970), Ch. 5.

⁶⁴ It is interesting to note that the tradition of natural law thinking, which informed early modern international law in particular, recognized a certain tension between the requirement of governmental consent and the existence of international rights and duties.

⁶⁵ Cassese, ‘Violence, war and the rule of law’, p. 256.

⁶⁶ I have drawn these points from Cassese, *International Law in a Divided World*, pp. 398–400.

TABLE 2. The UN Charter Model

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- 1 The world community consists of sovereign states, connected through a dense network of relations, both *ad hoc* and institutionalized. Single persons and groups are regarded as legitimate actors in international relations (albeit with limited roles).
 - 2 Certain peoples oppressed by colonial powers, racist regimes or foreign occupants are assigned rights of recognition and a determinate role in articulating their future and interests.
 - 3 Gradual acceptance of standards and values which call into question the principle of effective power; accordingly, major violations of given international rules are not in theory to be regarded as legitimate. Restrictions are placed on the resort to force, including the unwarranted use of economic force.
 - 4 The creation of new rules, procedures and institutions designed to aid law-making and law-enforcement in international affairs.
 - 5 The adoption of legal principles delimiting the form and scope of the conduct of all members of the international community, and providing a set of guidelines for the structuring of international rules.
 - 6 Fundamental concern expressed for the rights of individuals, and the creation of a corpus of international rules seeking to constrain states to observe certain standards in the treatment of all, including their own citizens.
 - 7 The preservation of peace, the advancement of human rights and the establishment of greater social justice are the stated collective priorities; 'public affairs' include the whole of the international community. With respect to certain values – peace, the prohibition of genocide – international rules now provide in principle for the personal responsibility of state officials and the attribution of criminal acts to states.
 - 8 The recognition of systematic inequalities among peoples and states and the establishment of new rules – including the concept of 'the common heritage of mankind'⁶⁷ – to create ways of governing the distribution, appropriation and exploitation of territory, property and natural resources.
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states, openly and collectively regulating international life while constrained to observe the UN Charter and a battery of human rights conventions. However, this conflict has not been settled, and it would be quite misleading to conclude that the era of the UN Charter model simply displaced the Westphalian logic of international governance. The essential reason for this is that the Charter framework represents, in many respects, an extension of the interstate system.

The organizations and procedures of the UN were designed partly to overcome weaknesses in the League of Nations. Its 'architecture', therefore, was drawn up to accommodate the international power structure as it was understood in 1945. The division of the globe into powerful nation-states, with distinctive sets of geopolitical interests, was built into the Charter conception. As a result, the UN was virtually immobilized as an autonomous actor on many pressing issues.⁶⁸

⁶⁷ First propounded in the late 1960s, the concept of 'the common heritage of mankind' has been enshrined in two notable treaties: the Convention on the Moon and Other Celestial Bodies (1979) and the Convention on the Law of the Sea (1982). The concept has been proposed as a device to exclude a state or private right of appropriation over certain resources and to permit the development of these resources, where appropriate, for the benefit of all, with due regard paid to environmental protection.

⁶⁸ See Falk, *A Study of Future Worlds*, pp. 69–72; R. Falk, *A Global Approach to National Policy* (Cambridge, MA, Harvard University Press, 1975), pp. 169–96; Cassese, *International Law in a Divided World*, pp. 142–3, 200–1, 213–14 and 246–50.

One of the most obvious manifestations of this was the special veto power accorded to the five Permanent Members of the UN Security Council. This privileged political status added authority and legitimacy to the position of each of the major powers; for although they were barred in principle from the use of force on terms contrary to the Charter, they were protected against censure and sanctions in the event of unilateral action in the form of their veto. Moreover, the Charter gave renewed credence (through Article 51) to unilateral strategic state initiatives if they were necessary in 'self-defence', since there was no clear delimitation of the meaning of this phrase. In addition, while the Charter placed new obligations on states to settle disputes peacefully, and laid down certain procedures for passing judgement on alleged acts of self-defence, these procedures have rarely been used and there has been no insistence on compliance with them. The possibility of mobilizing the collective coercive measures envisaged in the Charter itself against illegitimate state action has, furthermore, never materialized, and even the UN's peacekeeping missions have been restricted generally to areas in which the consent of the territorial state in question has first been given.

The UN's susceptibility to the agendas of the most powerful states has been reinforced by its dependence on finance provided by its members. This position of vulnerability to state politics is underscored by the absence of any mechanism to confer some kind of direct UN status on regional and transnational functional or cultural forces (agencies, groups or movements) who often might have a significant perspective on international questions. In sum, the UN Charter model, despite its good intentions, failed effectively to generate a new principle of organization in the international order – a principle which might break fundamentally with the logic of Westphalia and generate new democratic mechanisms of political coordination and change.

Nonetheless, it would be wrong simply to leave the argument here. The UN Charter system has been distinctively innovative and influential in a number of respects. It has provided an international forum in which all states are in certain respects equal, a forum of particular value to third world countries and to those seeking a basis for 'consensus' solutions to international problems. It has provided a framework for decolonization, and for the pursuit of the reform of international economic institutions. Moreover, it has provided a vision, valuable in spite of all its limitations, of a new world order based upon a meeting of governments and, under appropriate circumstances, of a supranational presence in world affairs championing human rights.⁶⁹ Further, some of the deficiencies attributed to the UN can be better placed at the door of the states system itself, with its deep structural embeddedness in the global capitalist economy.

It might, accordingly, be a considerable step forward in the cross-border regulation of world affairs if the UN system were to live up to its Charter. Among other things, this would involve pursuing measures to implement key elements of the rights Conventions, enforcing the prohibition on the discretionary right to use force, activating the collective security system envisaged in the Charter itself and, more generally, ensuring compliance with the Charter's main articles.⁷⁰ In

⁶⁹ Cf. R. Falk, 'Reflections on democracy and the Gulf War', *Alternatives*, 16:2 (1991), p. 272.

⁷⁰ In making these proposals I do not wish to imply that the UN Charter itself is a fully coherent document. It includes some contradictory stipulations and procedures; some of its clauses are vague at best; and some of its recommendations can generate conflicting priorities. It is, in short, open to conflicts of interpretation which would have to be addressed thoroughly if it were to take on a more robust role.

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, or by modifying the veto arrangement in the Security Council and rethinking representation on it to allow for an adequate regional presence – a basis might be established for the Charter model to generate political resources of its own, and to act as an autonomous decision-making centre.

While each move in this direction would be significant, particularly in enhancing the prospects of world peace, it would still represent, at best, a movement towards a very partial or 'thin' form of democracy in international affairs. 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 regimes 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 principle of organization in global affairs, especially with its military machinery largely intact; the massive disparities of power and asymmetries of resources in the hierarchical and uneven global political economy would be left virtually unaddressed; the changing structure of the global order reflected in discussion about the proper subject, scope and sources of international law would remain marginal to the model; and transnational actors, civil associations, non-governmental organizations and social movements might still have a minimal role in this governance system. It 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 international 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.

Cosmopolitan Democracy and the New International Order

There is 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.

It could be objected that there is nothing particularly new about global interconnections, and that the significance of global interconnections for politics has, in principle, been plain for people to see for a long time. Such an objection could be elaborated by emphasizing, as I have done, 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 from the late sixteenth century. Further, it could be suggested that domestic and international politics have been 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.⁷¹ 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 **fundamental difference** between, on the one hand, the development of particular **trade routes**, or select military and naval operations which have an impact on certain towns, rural centres and territories, and, on the other hand, an **international order** involving the emergence of a global economic system which stretches beyond the control of any single state (even of dominant states); the expansion of networks of transnational relations and communications over which particular states have limited influence; the enormous growth in international organizations and regimes which can limit the scope for action of the most powerful states; 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 military expeditions can link distant populations together in long loops of cause and effect, contemporary developments in the international order link peoples through multiple **networks of transaction** and **coordination**, reordering the very notion of distance itself.⁷²

It needs to be emphasized that processes of globalization do not necessarily lead to growing global integration; that is, to a world order marked by the progressive development of a homogenous or unified society and politics. For globalization can generate forces of both fragmentation and unification. Fragmentation or disintegrative trends are possible for several reasons. The growth of dense patterns of interconnectedness among states and societies can increase the range of developments affecting people in particular locations. By creating new patterns of transformation and change, globalization can weaken old political and economic structures without necessarily leading to the establishment of new systems of regulation. Further, the impact of global and regional processes is likely to vary under different international and national conditions – for instance, a nation's location in the international economy, its place in particular power blocs, its position with respect to the international legal system. In addition, globalization can engender an awareness of political difference as much as an awareness of common identity; enhanced international communications can highlight conflicts of interest and ideology, and not merely remove obstacles to mutual understanding.

1. In positive terms, **globalization** implies at least **two** distinct phenomena. First, it suggests that political, economic and social **activity** is becoming **worldwide** in scope. And, secondly, it suggests that there has been an **intensification** of levels of interaction and interconnectedness within and among **states** and **societies**.⁷³
2. What is new about the modern global system is the spread of globalization through new dimensions of activity – technological, organizational, administrative and legal, among others – each with their own logic and dynamics of

⁷¹ P. Gourevitch, 'The second image reversed: the international sources of domestic politics', *International Organization*, 32 (1978).

⁷² Or, as Anthony Giddens usefully put it, globalization can be defined as 'the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa', in *Consequences of Modernity* (Cambridge, Polity Press, 1990), p. 64.

⁷³ See A. McGrew, 'Conceptualizing global politics', in A. McGrew, P. Lewis et al., *Global Politics* (Cambridge, Polity Press, 1992), pp. 1–28.

change; and the chronic intensification of patterns of interconnectedness mediated by such phenomena as the modern communications industry 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.⁷⁴

layers In this context, the meaning and place of democratic politics, and of the contending models of democracy, have to be rethought in relation to a series of overlapping local, regional and global processes and structures.⁷⁵ It is essential to recognize at least three elements of globalization: first, the way processes of economic, political, legal and military 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 in which local groups, movements and nationalisms are questioning the nation-state from below as a representative and accountable power system; and, thirdly, the way 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. Democracy has to come to terms with all three of these developments and their implications for national and international power centres. If it fails to do so, it is likely to become ever less effective in determining the shape and limits of political activity. The international form and structure of politics and civil society has, accordingly, to be built into the foundations of democratic thought and practice.

Three distinct requirements arise: first, that the territorial boundaries of systems of accountability be recast so that those issues which escape the control of a nation-state – aspects of monetary management, environmental questions, elements of security, new forms of communication – 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 useful focal point in public affairs. Thirdly, that the articulation of political institutions with the key groups, agencies, associations and organizations of international civil society be reconsidered to allow the latter to become part of a democratic process – adopting, within their very *modus operandi*, a structure of rules and principles compatible with those of democracy.

How might this approach to democracy be developed? What are its essential characteristics? Addressing these questions requires recalling earlier arguments about the need to conceive democracy as a double-sided process, while reappraising the proper domain for the application of this process.⁷⁶ For if the above arguments are correct, democracy has to become a transnational affair if it is to be possible both within a restricted geographic domain and within the wider international community. The possibility of democracy today must, in short, be linked to an expanding framework of democratic institutions and agencies. I refer to such a framework as 'the cosmopolitan model of democracy'.⁷⁷ The

⁷⁴ C. W. Kegley and E. R. Wittkopf, *World Politics* (Basingstoke, Macmillan, 1989), p. 511.

⁷⁵ I have discussed these processes and structures in 'Democracy, the nation-state and the global system', pp. 207–27 and at greater length in *Foundations of Democracy: the Principle of Autonomy and the Global Order* (Cambridge, Polity Press, forthcoming, 1993).

⁷⁶ See above pp. 19–20.

⁷⁷ In previous publications I have referred to this as 'the federal model', but given the current controversy about 'federalism' in Europe the term has become unhelpful in conveying my intentions. I would like to thank Daniele Archibugi for pressing this point. A central theme of my forthcoming

framework can be elaborated by focusing initially on some of its institutional requirements.

In the first instance, the 'cosmopolitan model of democracy' presupposes 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 law. Alongside such developments, the model anticipates the possibility of general **referendums**, cutting across nations and nation-states, with constituencies defined according to the nature and scope of controversial transnational issues. 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.

Hand in hand with these changes the cosmopolitan model of democracy assumes the **entrenchment** of a cluster of **rights**, including civil, political, economic and social rights, in order to provide shape and limits to democratic decision-making.⁷⁸ This requires that they 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, both within and beyond political associations.

In the final analysis, the formation of an authoritative assembly of all democratic states and societies – a **re-formed UN**, or a complement to it – would be an objective. The UN, as previously noted, combines two contradictory principles of representation: the equality of all countries (one country, one vote in the General Assembly) and deference to geopolitical strength (special veto power in the Security Council to those with current or former superpower status). An authoritative assembly of all democratic states and societies would seek unreservedly to place principles of democratic representation above those of superpower politics. Moreover, unlike the UN General Assembly, it would not, to begin with at least, be an assembly of all nations; for it would be an **assembly of democratic nations** which would draw in others over time, perhaps by the sheer necessity of being a member if their systems of governance are to enjoy legitimacy in the eyes of their own populations. As such, the new Assembly in its early stages can best be thought of as a complement to the UN, which it would either replace over time or accept in a modified form as a 'second chamber' – a necessary meeting place for all states irrespective of the nature of their regimes.

Of course, the idea of a **new democratic international Assembly is open to a battery of objections commonly put to similar schemes. Would it have any teeth to implement decisions? How would democratic international law be enforced? Would there be a centralized police and military force?**⁷⁹ And so forth. These

work, *Foundations of Democracy*, is what I now prefer to call 'the cosmopolitan model of democracy' or, better still, of 'democratic autonomy'. Of course, anyone who seeks to use the term 'cosmopolitan' needs to clarify its meaning, especially in relation to Kant's thought. I seek to do this in *Foundations*.

⁷⁸ It is beyond the scope of this essay to set out my particular conception of rights which I link to the notion of a 'common structure of action': the necessary conditions for people in principle to enjoy free and equal political participation. See Held, 'Democracy, the nation-state and global system', pp. 227–35, and, particularly, Held, *Foundations of Democracy*.

⁷⁹ Among other difficulties to be faced would be the rules determining the Assembly's representative base. One country, one vote? Representatives allocated according to population size? Would major international functional organizations be represented? Cf. I. McLean, 'Forms of

concerns are significant, but many of them can be met and countered. For instance, it needs to be stressed that any global legislative institution should be conceived above all as a 'standard-setting' institution. Although a distinction ought to be made between legal instruments which would have the status of law independently of any further negotiation or action on the part of a region or state or local government, and instruments which would require further discussion with them, implementation of the detail of a broad range of recommendations would be a matter for non-global levels of governance.⁸⁰ In addition, the question of law enforcement at a regional and global level is not beyond resolution in principle: a proportion of a nation-state's police and military (perhaps a growing proportion over time) could be 'seconded' to the new international authorities and placed at their disposal on a routine basis. To this end, avenues could be established to meet the concern that 'covenants, without the sword, are but words'.⁸¹

Equally, only to the extent that the new forms of 'policing' 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 seems like a fantasy, it should be emphasized that it is a fantasy to imagine that one can advocate democracy today without confronting the range of issues elaborated here. If the emerging international order is to be democratic, these issues have to be considered, even though their details are, of course, open to further specification.

The implications for international civil society of all this are in part clear. A democratic network of states and civil societies is incompatible with the existence of powerful sets of social relations and organizations which can, by virtue of the very bases of their operations, systematically distort democratic conditions and processes. At stake are, among other things, the curtailment of the power of corporations to constrain and influence the *political* agenda (through such diverse measures as the public funding of elections, the use of 'golden shares' and citizen directors), and the restriction of the activities of powerful transnational interest groups to pursue their interests unchecked (through, for example, the regulation of bargaining procedures to minimize the use of 'coercive tactics' within and between public and private associations, and the enactment of rules limiting the sponsorship of political representatives by sectional interests, whether these be particular industries or trade unions).

If individuals and peoples are to be free and equal in determining the conditions of their own existence there must be an array of social spheres – for instance, privately and cooperatively owned enterprises, 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.⁸² At issue here is a civil society that is neither simply planned nor merely market orientated but, rather,

representation and systems of voting', in D. Held (ed.), *Political Theory Today* (Cambridge, Polity Press, 1991), pp. 190–96 and J. Burnheim, *Is Democracy Possible?* (Cambridge, Polity Press, 1985), pp. 82–124.

⁸⁰ European Community law embodies a range of relevant distinctions among legal instruments and types of implementation which are helpful to reflect on in this context. However, I leave open these complex issues in this essay.

⁸¹ Hobbes, *Leviathan*, p. 223.

⁸² The models for the organization of such spheres are, it must be readily acknowledged, far from settled. See D. Held and C. Pollitt (eds), *New Forms of Democracy* (London, Sage, 1986).

open to organizations, associations and agencies pursuing their own projects, subject to the constraints of democratic processes and a common structure of action.⁸³

The key features of this model are set out in Table 3. 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 Appendix 1).

TABLE 3. The Cosmopolitan Model of Democracy

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- 1 The global order consists of multiple and overlapping networks of power including the political, social and economic.
 - 2 All groups and associations are attributed rights of self-determination specified by a commitment to individual autonomy and a specific cluster of rights. The cluster is composed of rights within and across each network of power. Together, these rights constitute the basis of an empowering legal order – a ‘democratic international law’.
 - 3 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.
 - 4 Legal principles are adopted which delimit the form and scope of individual and collective action within the organizations and associations of state and civil society. Certain standards are specified for the treatment of all, which no political regime or civil association can legitimately violate.
 - 5 As a consequence, the principle of non-coercive relations governs the settlement of disputes, though the use of force remains a collective option in the last resort in the face of tyrannical attacks to eradicate democratic international law.
 - 6 The defence of self-determination, the creation of a common structure of action and the preservation of the democratic good are the overall collective priorities.
 - 7 Determinate principles of social justice follow: the *modus operandi* of the production, distribution and the exploitation of resources must be compatible with the democratic process and a common framework of action.
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Would a cosmopolitan framework of democracy, assuming its details could be adequately fleshed out, 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, its commitment to the extension and deepening of mechanisms of democratic accountability across major regions and international structures would help to regulate resources and forces which are already beyond the reach of national democratic mechanisms and movements. Moreover, its commitment to the protection and strengthening of human rights, and to the

⁸³ The proposed European Social Charter embodies principles and rules which are compatible with the idea of generating elements of a common structure of action. If operationalized it would, in principle, alter the structure and functioning of market processes in a number of ways. While the Charter falls considerably short of what I have in mind by a common structure of action, and its details require extensive consideration which I shall not offer here, it is a useful illustration of the possibility of legislation to alter the background conditions and operations of the economic organizations of civil society.

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 human rights.

In addition, the establishment of regional authorities as major independent voices in world politics might contribute further to the erosion of the old division of the world by the US and the former USSR. 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 'hierarchy' and some of the major asymmetries in life chances. Finally, new sets of regional and global rules and procedures might help prevent public affairs from becoming a quagmire of infighting among nations wholly unable to settle pressing collective issues.

Of course, there would be new possible dangers – no political scheme is free from such risks. But what would be at issue would be the beginning of the creation of a new international democratic culture and spirit – one set off from the partisan claims of the nation-state. Such developments might take years, if not decades, to become entrenched. But 1989–91 has shown that political change can take place at an extraordinary speed, itself no doubt partially a result of the process of globalization.

Conclusion

In order to avoid possible misunderstandings about the arguments offered above, it might be useful, by way of a conclusion, to emphasize the terrain they occupy and the ground they reject. This can be done by assessing critically a number of conceptual polarities frequently found in political discourse: globalism versus cultural diversity; constitutionalism versus politics; political ambition versus political feasibility; participatory or direct democracy versus liberal representative democracy and global governance from above versus the extension of grassroots 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, globalism 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, 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, the question of feasibility cannot simply be set up in opposition to the question of political ambition. For what is ambitious today might be feasible

tomorrow. Who anticipated the remarkable changes of 1989–90 in Eastern Europe? Who foresaw the fall of communism in the Soviet Union? 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.

Fourthly, 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 liberal form. The juxtaposition of participation with liberal representative democracy leaves most of political analysis to one side.

Fifthly, the problems of global governance from above cannot be solved through the extension of grassroots democracy alone. For the questions have to be posed: which grassroots, 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 grassroots movement can be contested and fought over. Grassroots movements are by no means merely noble or wise. Like most social, economic or political forms, they can appear in a variety of shapes, with a variety of patterns of internal organization. Appeal to the nature of inherent goodness of grassroots 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.⁸⁴ 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 shape and patterns generated by past groups and movements, it has to be assessed according to standards, criteria and principles. These, in my view, follow from a theory of democracy.

Finally, if the history and practice of democracy has until now been centred on the idea of locality (the city-state, the community, the nation), it is likely that in the future it will be centred on the international or global domain. It would be immensely naive to claim that there are any straightforward solutions to the problems posed by global interconnectedness, with its complex and often profoundly uneven effects; but there is, without doubt, an inescapably important set of questions to be addressed. Certainly, one can find many good reasons for being optimistic about finding a path forward, and many good reasons for thinking that at this juncture democracy will face another critical test.

⁸⁴ Cf. R. Falk, *Positive Prescriptions for the Near Future* (Princeton, NJ, Princeton University, Center for International Studies, World Order Studies Program Occasional Paper, No. 20, 1991), pp. 8–10.

Appendix I
Objectives of the Cosmopolitan Model of Democracy:
Illustrative Issues

<i>Short-term</i>	<i>Polity/governance</i>	<i>Long-term</i>
1	Reform of UN Security Council (to give the third world a significant voice)	1 Global Parliament (with limited revenue-raising capacity) connected to regions, nations and localities
2	Creation of a UN second chamber (on the model of the EC?)	2 New Charter of Rights and Duties locked into different domains of power
3	Enhanced political regionalization (EC and beyond)	3 Separation of political and economic interests; public funding of electoral processes
4	Compulsory jurisdiction before the International Court. New International Criminal Court and New Human Rights Court for the pursuit of rights	4 Interconnected global legal system
5	Establishment of a small but effective, accountable, international, military force	5 Permanent 'secondment' of a growing proportion of a nation-state's coercive capability to regional and global institutions. Aim: demilitarization and transcendence of war system.
<i>Civil Society</i>		
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	Introduction of limits to private ownership of key 'public-shaping' institutions: media, information, etc.	2 Systematic experimentation with different democratic organizational forms in civil society
3	Provision of resources to those in the most vulnerable social positions to defend and articulate their interests	3 Multi-sectoral economy and pluralization of patterns of ownership and possession