

WHAT GLOBALIZATION OVERSHADOWS

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What is the connection between modern democratic thought and globalization? This article examines the rationale behind the present crisis of democracy. It demonstrates that the problem facing modern democratic thought has less to do with the asymmetries associated with the forces of globalization and more to do with an asymmetry within popular sovereignty itself: the fact that the boundaries of democracy cannot themselves be democratically legitimated. By making this argument the article seeks to move beyond the contemporary opposition between nationalism and cosmopolitanism. It shows that the appeal to globalization among contemporary political theorists to a large extent is analogous to the appeal to the nation during the French Revolution.

Keywords: globalization; cosmopolitanism; foundations; popular sovereignty; nation

Democracy always falls back upon a community of citizens who are collectively self-governing. It requires a “people.” Without a clear notion of political community, of who the citizens are, democracy would be inconceivable. It would not be able to fulfil its promises. Considering this, it is something of a paradox that the boundaries of democracy cannot themselves be democratically legitimated. While “the people” constitutes the only legitimate source of political authority, it cannot lend itself the legitimacy it needs to qualify as such. It cannot provide for its own legitimacy. We have a gap at the heart of democracy in the sense that “the people”—in order to constitute the legitimate source of political authority—would have to be prior to itself.¹

This gap is probably most tellingly formulated in the work of Rousseau. In *The Social Contract* he captures the essence of the problem:

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For a young people to be able to relish sound principles of political theory and follow the fundamental rules of statecraft, the effect would have to become cause, the social spirit which should be created by these institutions, would have to preside over their very foundation, and men would have to be before law what they should become by means of law.²

The problem described by Rousseau was not a novel phenomenon. It has accompanied political theory at least since the rise of the modern doctrine of popular sovereignty in the seventeenth century. The question has been the same: how to bestow legitimacy upon the people without resorting to an “absolute” over and above the people itself. At the time of the French Revolution this problem found its solution in the concept of the nation.³ The appeal to the nation, a pre-political understanding of the people, provided the means needed to close this gap. It temporarily filled this void at the heart of democracy. Today, however, the marriage of democracy and the nation-state is under pressure. Under the auspices of globalization, many theorists stress the need to rethink the modern notion of political community. The central claim is that with increasing power asymmetries, and a stretching and deepening of social relations across time and space, democracy has to be detached from its reliance on the nation-state. It must be recast in cosmopolitan terms.⁴ This call for a de-nationalization of democracy raises a critical, yet often overlooked, question. For given that the boundaries of democracy cannot themselves be democratically legitimated, how should we conceive of the discussion on democracy and globalization? How should we look upon the widespread request for a “rethinking of political community”?

In this article I critically examine the cosmopolitan understanding of the connection between modern political thought and globalization. The cosmopolitan insight into this relationship notwithstanding, I believe that its present concern with the concept of globalization has a tendency to overshadow the gap in the concept of democracy. In so doing, it indirectly confuses the problem with its solution. The central thrust of the article therefore lies in my attempt to offer a rereading of this relationship. My argument is twofold. First, we should recognize that the primary problem facing modern political thought in the context of globalization springs from within the concept of democracy itself. The problem is not globalization, that contemporary forces of globalization have given rise to new forms of power asymmetries. The overriding problem is that democracy offers no *alternative* to this situation. Faced with its own boundaries, democracy is at a loss. Second, and with this in mind, I suggest that we reconsider the role of globalization. We should recognize that far from undermining modern political thought, globalization comes to its rescue. Like the nation, it bridges—and thereby also conceals—this gap in the concept of democracy.

The argument is structured as follows. In the first part I critically engage with the cosmopolitan account of the problem of globalization. I seek to demonstrate that from the perspective of democratic theory there is a prior problem at hand. Globalization is a catalyst—whereas it has called attention to a problem within modern political thought it is not itself the source of the problem. This is something to which the cosmopolitan argument itself bears witness. I then proceed by describing what I take to be the primary problem: the gap at the foundation of democracy. By recapitulating the idea of popular sovereignty I think we are in a better position to understand the persistent nature of this gap. For despite repeated efforts to circumvent the problem, either by appeal to the nation or by recourse to the arbitrary forces of history, it stubbornly remains. It falls *in between* the distinction between facts and norms. Finally, and with this gap as a starting point, I set out the grounds for an alternative reading of the relationship between modern political thought and globalization.

*GLOBALIZATION—A CHALLENGE
TO MODERN POLITICAL THOUGHT?*

Many political theorists today emphasize that modern democracy and the nation-state both spring from the French Revolution, an origin that has informed our contemporary understanding of democracy. Modern political thought has come to take the territorial nation-state for granted. One has assumed a “national community of fate,” that democracy can be understood by reference to forces and actors within a delimited territory. With the pressures of globalization, however, this tacit link between democratic theory and the nation-state is contested. It is argued that with intensified economic, political, and social relations across borders, political decisions and their consequences spill over the boundaries of political communities. National communities by no means exclusively shape and influence the decisions of their governments, and governments do not determine the fate for their own citizens alone.⁵ What we have is the ambivalent situation in which “the ideals of citizenship clash with the sovereign nation-state in which they were first developed.”⁶ In light of these considerations, cosmopolitan theorists find it necessary to rethink the meaning of political community. They argue that to meet with these pressures of globalization, democracy must be transformed. The idea of a national community of fate has to be replaced by a cosmopolitan democracy. But to what extent can globalization be regarded as a problem for modern political thought?

Globalization has played a crucial role in bringing the assumptions of modern political theory into light. It has not only opened up a discussion on the national bias of democracy but exposed premises that force us to enquire into its very grounds. Still, we need to proceed carefully here. It is one thing to argue that globalization has opened the door to a problem within modern political thought, quite another to argue that globalization is the origin of this problem. This is where I would question the cosmopolitan argument. The problem facing modern political thought is not an anomaly induced by contemporary forces of globalization. It springs from within democracy itself. To see this we should go over the cosmopolitan argument in a more leisurely pace, expanding somewhat on the relationship between democratic theory and the nation-state. For whereas it has today become commonplace to argue that democratic theory has taken the nation-state for granted, it often remains unclear just how we should interpret this statement. How, more exactly, should we understand the link between the two?

Margaret Canovan and Bernard Yack are among the political theorists who have sought to provide a conceptual clarification of this relationship.⁷ Common to both is the assumption that nationhood is internal to the concept of democracy. The nation is not a side issue, something political theory can opt for or simply leave out. Instead, and following Canovan, we should recognize that political theorists who claim that nationhood can be excluded from the theoretical discourse “often fail to realise that they themselves are relying on it to supply the power and solidarity taken for granted in their theories.”⁸ Yack provides a similar argument. In his view, popular sovereignty and nationalism are not two separate concepts but the former effectively contributes to the latter. The modern doctrine of popular sovereignty is ultimately what yields the nationalization of political community. It generates precisely the kind of solidarity that so many of its modern proponents preferably would want to keep at bay.

The analysis put forward by Canovan and Yack is instructive. It suggests, rightly I believe, that the silence on the concept of political community—the way it passes almost unnoticed in the theoretical discussions on democracy, justice, and freedom—is not a sign of absence but of presence. Modern democratic thought does not need to theorize on its understanding of political community for the simple reason that it already *holds* such an understanding. The nation is “the people” taken for granted within modern political thought. Still, there is a more fundamental issue at stake. It concerns the magnitude of this relationship. For given that modern political thought and the nation-state are intertwined, how strong or deep-seated is this connection? To gain a more precise understanding of the cosmopolitan argument we should briefly con-

sider two possible approaches to this issue, both of which have recently moved into the centre of the political discussion.

On one reading—let us call it the historical-descriptive—the relationship between democratic theory and the nation-state is symbiotic. The historical fusion between the nation-state and democracy is the cornerstone of modern political thought. It continues to inform our understanding of democracy to such an extent that we cannot envision democracy beyond the nation-state. Democratic theory is both historically and conceptually dependent on the nation-state. A second reading, perhaps more familiar to political theorists, is normative and regards the relationship between democratic theory and the nation-state as contingent. It suggests that while this link has been historically necessary, democratic theory is not conceptually dependent on the nation-state. From this perspective it is vital to distinguish between democratic theory and its notion of political community, on the one hand, and the concrete boundary of modern democracies, the nation-state, on the other. Their close relationship notwithstanding, democracy is an ideal and as such it can be reformulated according to its contextual circumstances. Thus stated, the question is whether political community and nation-state form a necessary or a contingent relationship? Do they come to the same thing, or do they simply coincide?

The importance of this question can hardly be overestimated. It bears directly upon the connection between democracy and globalization, indeed upon the whole self-understanding of modern political thought. As I interpret cosmopolitan theorists, they hold that democratic theory implicitly relies on the nation-state, and so globalization—seen as undermining the nation-state—forces us to rethink our notion of political community. While this may seem like a straightforward argument, a number of thorny problems arise the moment we take the two propositions outlined above into account. The trouble is that if cosmopolitan theorists approve of the first reading, and look upon the connection between democratic theory and nation-state as symbiotic, globalization will be a problem not only for the territorial nation-state but for modern democratic thought itself. By undermining the nation-state, globalization undermines the very idea of democracy. It marks the end of the modern democratic project. It follows that on this understanding cosmopolitans cannot conceive of democracy beyond the nation-state. If the nation-state is to be seen as a necessary precondition for democracy, they have yet to explain how democracy can be accomplished at world level.⁹ But if the first proposition appears untenable, the second fares no better. It too begs a further question. In approving of the normative view, cosmopolitan theorists must distinguish between political community and nation-state in their account. They must explain in what way globalization can be regarded as a problem,

not only for the territorial nation-state but for modern democratic theory and its reliance on a circumscribed political community.

At first glance one would interpret cosmopolitans as appealing to the latter idea. In the cosmopolitan literature democracy is referred to as an “unfinished journey,”¹⁰ a “continuum,”¹¹ or “re-grounding”¹² that ultimately ends in world citizenship. In a more explicit manner, Andrew Linklater remarks that under the pressures of globalization “it has become essential to question the assumption that citizenship has no meaning apart from the sovereign nation-state.”¹³ It thus seems as if cosmopolitan theorists give prominence to the idea that democracy and the nation-state form a contingent, and not a necessary, constellation. Indeed, this standpoint is the very impetus behind the notion of a cosmopolitan democracy.

But the situation is more complicated than this. This is clear once we admit that whereas this interpretation makes modern democratic theory *independent* of the nation-state, and therefore opens up the possibility of a new understanding of political community, it simultaneously calls the whole argument into question. It is no longer clear why globalization should be regarded as a problem for democratic theory in the first place. For while it may be conceded that contemporary forces of globalization have made the system of separate and territorial nation-states obsolete and ineffective, they have not affected—let alone altered—the normative categories of consent and legitimacy. From a normative point of view, modern political thought is simply untouched by the forces of globalization.

The central point is that regardless of what position cosmopolitan theorists take on this issue, it will undercut their own argument. Neither the historical-descriptive nor the normative understanding of the connection between democratic theory and the nation-state is satisfactory from the cosmopolitan perspective. In both versions—although in different ways—cosmopolitans are caught in an overwhelming present, incapable of doing justice to the challenge of globalization. If the historical-descriptive account is able to show that globalization constitutes a problem for democratic theory, it cannot itself provide a satisfactory solution to this problem. Having ruled out the possibility of transcendence, one is indirectly forced to submit to the power asymmetries of the present. In the normative account, the problem is reversed. Here it is fully possible to conceive of democracy beyond the nation-state, but the reason for doing this is missing. The problem is that one cannot establish right by fact. So while there might be several good reasons to change the location of democracy in the context of globalization, the reasons are arbitrary from a normative perspective. They provide no justifiable argument for having to rethink political community.

To my knowledge cosmopolitans have never directly addressed this problem. Upon examining their argument, however, it is apparent that they attempt to make use of both approaches. There is an incessant movement back and forth between these two different levels of thought. The *modus operandi* is first to conflate political community with the nation-state, then to distinguish between them so that political community can be restored at a new and different level. Accordingly, David Held often begins his argument by stating that modern conceptions of democracy implicitly rely on the territorial nation-state. He then describes how contemporary forces of globalization have undermined this assumption, only to end up arguing that in order for democracy to be effective, “a community of all democratic communities—a cosmopolitan community” must be established.¹⁴

In a similar vein, Andrew Linklater opens his book *The Transformation of Political Community* with a brief exposition of the historical connection between the nation-state and democratic citizenship. He then states that “globalization and fragmentation erode traditional conceptions of community and reduce the moral significance of national boundaries,” paving the way for the argument that the present situation “requires normative and sociological accounts of more inclusive communication communities.”¹⁵ In other words, there is a sudden shift in the cosmopolitan argument from a historical-descriptive to a normative perspective on the connection between democratic theory and the nation-state. In the first instance, political community is deeply intertwined with the nation-state. One speaks of the historical fusion between democracy and the nation-state, and how globalization has made this understanding of democracy obsolete and ineffective. In the next instance, however, political community suddenly reappears as a concept in its own right.

This leap in the cosmopolitan argument is intriguing. The critical question is of course what brings cosmopolitan theorists into this position. Why do they have to invoke this double gesture? The answer must be traced back to modern political thought itself. Democratic theory contains not one but two layers of assumptions with regard to political community. On the one hand, we have the national bias. Democratic theory has tacitly assumed that political community is synonymous with the nation-state. On the other, and as pointed out by Rousseau, we have the more profound assumption of an *already defined* political community. Whereas cosmopolitans have successfully explored the former, they have ignored the latter: that democratic theory has to take the existence of a political community for granted. However, it is precisely this latter assumption that prevents cosmopolitans from coming to terms with the problem of globalization.

Taking this into consideration, the cosmopolitan understanding of the linkage between modern political thought and globalization should be reappraised. The problem facing modern political thought is not globalization. It lies rather in the difficulty of providing a viable response to globalization. The cosmopolitan argument testifies to this. It reveals that whereas the present situation is perceived as undemocratic, it cannot be rejected from the perspective of democratic theory. Cosmopolitans are bound to vacillate between a historical-descriptive and a normative view, neither of which is capable of coming to grips with the present situation. I therefore suggest that we reverse the direction of the cosmopolitan argument. We should ask what happens if we take this gap as a starting point in our discussion on democracy and globalization. This is what I propose to do below. Before embarking upon a discussion on democracy and globalization, however, we should take a closer look at the gap itself. It will facilitate the understanding, not only of how the appeal to nation hitherto has informed much of modern political thought but how globalization today—at least tentatively, and in some contexts—steps in to assume its role.

THE GAP

Globalization has shed new light on the topic of political community. It has called attention to the tendency of modern democratic theory to take the nation-state for granted. But insofar as globalization has drawn our attention back to the status of the nation-state, it has brought to light what some theorists refer to as “the permanent crisis” of modern democratic thought.¹⁶ It has opened the door to a gap or hiatus within the modern concept of democracy—that the boundaries of democracy cannot themselves be democratically legitimated. This paradoxical feature of political thought requires a more thorough elaboration. In what follows we will therefore look into some of the key aspects of the modern notion of popular sovereignty. To grasp what is at stake in the contemporary discourse on globalization I think one needs to understand not only the philosophical context in which the gap first occurs but the sense to which modern political thought sought to *bridge* this gap. As Istvan Hont argues, it is important to see that the nation-state “is not the source of the crisis, but its most plausible resolution.”¹⁷

The rise of the modern state is usually described as a process in which the idea of united and indivisible sovereignty replaces earlier medievalist notions of divided power structures. It marks the end of an era in which the concept of power had been divisible and personal and announces the beginning of a new era in which power is treated in more unitary and abstract terms.¹⁸ This new

concept of political power worked its way into political theory with Bodin and reached its classical formulation in the work of Thomas Hobbes. In Hobbes's writings the concept of the state takes on its famous "double abstraction."¹⁹ It becomes the highest form of authority, separated from *both* rulers and ruled. To be tenable, however, this notion of popular sovereignty required a reconstruction of the political imagination. One needed to clear the state of its previous associations with the monarch's own personal heritage. The state had to be set free from both the prince itself and his sacred and divine authority. As a result, Thomas Hobbes, and with him John Locke, constructed the image of a "state of nature" from which they could start anew. They reconstructed the concept of political authority from a sort of *tabula rasa*, a condition freed, as it were, from all political and societal influences.

What is important to note is that this reconstruction of political authority embodied two distinct problems. It became necessary not only to redefine the underlying community in terms of popular sovereignty but also specify the mechanism according to which the state could be said to express the unitary will of this community. To come to terms with these problems theorists within the social contract tradition often distinguished between two kinds of contracts (or agreements). First, we have the contract between individual persons, who for reasons of self-preservation or survival agree to leave the state of nature and form a common society. This consolidation gives birth to civil society, or the "people." The second agreement, which serves to give consistency to this union, establishes the relationship between the people and its ruler. It gives rise to legitimate government. What is distinctive about Hobbes's theory is that there is no contract between individuals *prior* to the inception of authority. Hobbes seeks to construct a legitimate political authority directly out of the contract in the state of nature. This contract, which is a "covenant of every man with every man,"²⁰ is what initiates the abstract notion of Leviathan—the artificial moral person whose authority is now separate not only from the individuals who originally established it but also from the different rulers who are authorized to exercise its power.²¹

During the French Revolution, and the break with absolute monarchy, many of the problems confronting theorists within the social contract tradition reemerged anew. The constitutional revolutionaries of the eighteenth century were in search for a new foundation, a ground upon which they could rebuild the state of France. They needed a constitution that could unite the people and preserve stability, and at the same time be held legitimate by the people itself. The outcome of this protracted process is today widely acknowledged. The French Revolution replaced the territorial state with the modern—and more democratic—idea of the nation-state. It became the turning point in the development of national and representative democracy. But

as Hont has shown, this turn is not as clear-cut as it would seem. Although the revolution paved the way for many new ideas, ideas that we are familiar with today, it did not mark a radical break with the past. The representative logic of the nation that emerged during the French Revolution was in fact a *continuation* of the Hobbesian theory of the state. It was in line with the “indirect popular sovereignty” of Leviathan.²²

This link between the nation and Hobbes’s concept of Leviathan may seem odd, if not provocative. As Hannah Arendt has shown in her work *On Revolution*, however, the need for an absolute did not vanish with the rise of the modern nation-state. The absolute may come in different guises—God, natural law, the Immortal Legislator, Leviathan, or nation—but its function is always the same: to transcend time. A democratic order that gives in to the momentary will of the people will not last for long. It will make its own governance impossible. The reason is that “the will of a multitude is ever-changing by definition,” and a political order that is founded on the people is therefore “built on quicksand.”²³ Against this background it should come as no surprise that the outcome of the French Revolution, the idea that ultimately came to be manifested in the constitutions of Europe, was nothing less than the representative and abstract concept of the nation. The latter was a powerful metaphor, vigorously promoted by Abbé Sieyès:

In every free nation, and every nation ought to be free, there is only one way of settling disputes about the constitution. One must not call upon Notables, but upon the nation itself. If we have no constitution, it must be made, and only the nation has the right to make it.²⁴

Sieyès was well aware of the underlying philosophical problems involved in the idea of popular sovereignty. He knew that in order to found the constitution he had to confront two fundamental problems.²⁵ To begin with, he needed to redefine the political community. The people of France had to be separated from its monarchical past and recast in democratic terms. The problem here, however, is that the people cannot provide for its own legitimacy. It cannot decide on its own composition. It would, as Sieyès writes, amount to a *petitio principii*—a vicious circle.²⁶ The subsequent stage, which occurs once the people is in place, involves the relationship between the people and its government. It provides a dilemma of its own. For in order to preserve social order, and avoid “a war of all against all,” the people need to bestow political authority upon the government. Still for this government to be democratic, the political authority must remain with the people. The problem is thus to explain how the people can be addresser and addressee of the law at the same time.

Taking these problems into consideration, democracy certainly looks like a futile enterprise. It seems, to quote Rousseau, as if “it would take gods to give men laws.”²⁷ The legislator can neither appeal to force (since it contradicts the idea of self-rule) nor reason (since it sends us around in a vicious circle).²⁸ As Hont and others have shown, Sieyès’s response to this problem was to recapture the logic underlying the case for representative and undivided popular sovereignty. He distinguished between the constituent power and the constituted power. The former is the power to establish the constitution. It resides in the people, the nation. The latter is the powers delegated to the rulers who are supposed to act on its behalf. Now by placing the nation in a state of nature, prior to all governments and laws, Sieyès seemingly resolved both problems all at once. Both the constituent power (the people of France) and the constituted power (the Constituent Assembly) are now anchored in the nation, which itself remains over and above both rulers and ruled. The nation is the representative that unites the people into a single body. It is the one and indivisible source of political authority, and as such it clearly echoes the artificial moral person—the mortal God—of Hobbes’s Leviathan: “A Multitude of men, are made *One* Person, when they are by one man, or one Person, Represented. . . . For it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*.”²⁹

This appeal to the nation provided Sieyès with the necessary means to circumvent the gap in the concept of democracy. Like Leviathan, the nation is abstract enough to bestow legitimacy upon the people without falling victim to the *petitio principii* inherent in the foundation of democracy. The reason is that the nation *is* the people prior to the foundation of democracy. It is the indirect source of political authority: “The nation is prior to everything. It is the source of everything. Its will is always legal; indeed it is the law itself.”³⁰ But as pointed out above, the idea of popular sovereignty embodies two different problems. On the one hand, we have the constitution of the people. On the other, we have the people’s constitution of the law. This point is worth emphasizing. For if, in Hobbes and Locke, we have a theoretical moment in which separate individuals unite into a common society, this moment is omitted by Sieyès. Sieyès’s simple but ingenuous move was to place the nation, and not the individual, in a state of nature. In that way, he not only naturalized the people, but the gap in the constitution of democracy was also effectively *concealed*. Since the nation was imagined as prior to the political order, it needed no justification. “Every attribute of the nation,” Sieyès explains, “springs from the simple fact that it exists.”³¹

Still, if the nation has the advantage of needing no justification beyond its sheer existence, this is precisely its problem from the perspective of democratic theory. To say that the nation embodies the people—or that the people

should rule directly, for that matter³²—says nothing about the legitimacy of this body of people itself. It is simply there, *de facto*. This means that despite its historical success in the development of modern democracy, the appeal to nation never provided a satisfactory solution to the *petitio principii* inherent in the concept of democracy.³³ Although the nation temporarily filled this gap at the core of democratic theory—and most political theorists of the twentieth century have held it to be a practical resolution to the problem—it could never explain how the people came together to enact common laws in the first place. Theoretically speaking, the gap remained open all along.

Now, to many contemporary political theorists this lack of a normative justification is not coincidental. There *is* no theoretical answer to this question. It is simply a mistake to assume that this question can be answered in normative terms, with reference either to a right to national self-determination or to something else. Instead, we should acknowledge that this gap is a moment that cannot be accounted for from within democratic theory. The boundaries of democracy are determined by historical circumstances. They are the arbitrary outcomes of events that democratic theory can do nothing about. Jürgen Habermas writes:

One cannot explain in purely normative terms how the universe of those who came together to regulate their common life by means of positive law should be composed. From a normative point of view, the social boundaries of an association of free and equal consociates under law are perfectly contingent. Since the voluntariness of the decision to engage in a law-giving praxis is a fiction of the contractualist tradition, in the real world who gains the power to define the boundaries of a political community is settled by historical chance and the actual course of events—normally, by the arbitrary outcomes of wars or civil wars.³⁴

Following this line of thought we should admit that what determine the boundaries of democracy are not democratic considerations but historically arbitrary forces, such as violence, revolutions, or pure coincidence. Political theorists are the inheritors of history. They “take up where history leaves off.”³⁵ But as Paul Ricoeur has shown, this professed opposition between the normative and the factual is misleading.³⁶ We cannot rely upon the forces of history to resolve the gap in the concept of democracy. The justification of the people is an impossible but nonetheless necessary feature of democracy. For although the foundation of democracy is a virtual pact—a fiction of the contractualist tradition—this fiction founds a *real* community. The truth is that without this fiction we would not be able to distinguish legitimate force from unjustified violence. The justification of the people is an “ideality of law which legitimizes the reality of force.”³⁷ It is required in order to distinguish between legitimate and illegitimate power. How else are we, as Derrida

writes, to tell the difference “between the force of law of a legitimate power and the supposedly originary violence that must have established this authority and that could not itself have been authorized by any anterior legitimacy”?³⁸

However, and this is the key point, this necessary moment of ideality only comes about in retrospective. The legitimacy of the people, its claim to political authority through the force of law, can only be recovered “in an act which has not taken place, in a contract which has not been contracted, in an implicit and tacit pact which appears only in political awareness, in retrospection, and in reflection.”³⁹ Herein lies the peculiar labyrinth of politics. We have a *temporal delay* between the people and the agreement that authorizes it. The people, no matter if we understand it in historical-descriptive or in normative terms, does not fully coincide with itself. It is not all at once. The situation recalls, as William Connolly writes, Alice’s realization in Wonderland that there is always “jam yesterday and jam tomorrow, but *never* jam today.”⁴⁰

This gap between the people and its legitimacy is not historical in nature. It does not imply that political theorists can resolve the problem of constitution-making by referring back to “a distant past.”⁴¹ The gap is a continuous feature of modern political thought. To see this, we should take a brief look at history itself. This time we should turn our attention to the American Declaration of Independence. In her discussion of the Declaration, Hannah Arendt enquires into the famous words by the founding fathers: “We hold these truths to be self-evident.”⁴² As she points out, we are faced both with an agreement (we hold) and an appeal to an absolute (self-evident). We have both a performative and an attempt to turn this performative into a constative. Why? According to Arendt, the underlying philosophical problem is that the founding fathers do not themselves possess the legitimacy they need to found a new democracy. They are not yet the people. They become the people only *after* having laid down the constitution. In an attempt to overturn the present, and fill this gap in the concept of democracy, the founding fathers thus appeal to an absolute. They seek to erect their own monument by appealing to “self-evident truths.”

Leaving Arendt’s own interpretation of the Declaration aside,⁴³ I think the example is a good illustration of the fact that history cannot solve the problem for us. To think back to a real historical moment is illusory since history is *itself* a retrospective, a thinking back to a prior condition. The founding fathers, or the constitutional revolutionaries of the French Revolution—those who “made history”—were not themselves saved from the problem of legitimacy. They became the people only retroactively. Accordingly, to argue that the constitution of the people historically precedes democracy is, as far as the gap is concerned, an empty formula. It is to project onto history a prob-

lem that is internal to the concept of democracy. Democracy is a regime that, in Derrida's words, "will always have been problematic."⁴⁴

This brings us to a more immediate concern. Suppose that we accept that political theorists "take up where history leaves off." Where does that leave us today? If the boundaries of democracy cannot be democratically legitimated but instead are determined by the arbitrary forces of history, how should we look upon the present situation? For today history has apparently caught up with political theory. As cosmopolitan theorists often remark, we stand at a historical crossroads. The concept of democracy developed during the French Revolution is giving way to a cosmopolitan political community. The point is that the appeal to history only has us turn full circle back to the present. We are back with the original question of how to understand the connection between modern political thought and globalization.

IN BETWEEN HERE AND THERE

Social contract theory is a heritage that often gives rise to mixed feelings among political theorists. On the one hand it is essential in our understanding of legitimacy. It poses the most central question of all: why a political order? On the other its preference for storytelling raises suspicions. Why do we have to think back to a fictitious state of nature when history itself may provide us with all the information we need? History, of course, tells an altogether different story. Somewhat like Walter Benjamin's angel who moves backwards into the future, and sees nothing but violence on its way, the historical perspective reveals a battlefield of arbitrary victories.⁴⁵ The political order is not the outcome of a social contract, a rational and peaceful insight into the condition of human nature. It is rather perceived as the outcome of human nature itself. The political order results from the arbitrary forces of history: from revolutions, conquest, and power.

What is worthy of note, however, is that when it comes to the question of political community this firmly rooted opposition is deficient. The distinction between the normative and the factual, a distinction underpinning much of modern political thought, suddenly loses its value as primary stratification. It is deprived of its justificatory force. The reason is that the gap between the people and its legitimacy falls *in between* the distinction between facts and norms. The legitimacy of the people cannot be resolved by appeal to either "force or reason."⁴⁶ It displaces this oppositional logic. I believe it is against this background we should interpret the contemporary discussion on democracy and globalization. By setting out from this gap, or hiatus, in the concept of democracy, the present situation is given a new signification. It is modified

on two crucial points. First, one should recognize that while the gap itself remains—it is a “permanent condition” of modern democratic thought—the proposed solutions to it may change over time. Accordingly, just like the nation before it, globalization today steps in to bridge this gap at the core of democracy. Second, one should recognize that in doing so, globalization simultaneously conceals the gap. It directs attention away from the fact that the problem we are witnessing is internal to democracy.

Let us begin this rereading by recalling the cosmopolitan problem as it was outlined above. In the attempt to catch up with the forces of globalization cosmopolitans are caught in an overwhelming present. They vacillate between a historical-descriptive and a normative approach, neither of which is sufficient in coming to grips with the present situation. But given that cosmopolitans cannot appeal to either force or reason, how should we conceive of their request for a “transformation” of democracy? To understand how cosmopolitans are able to *overturn* the present, and bridge the gap in the concept of democracy, we should examine the arguments advanced in support of a cosmopolitan democracy. It will make it easier to grasp the role of globalization, how it figures in the cosmopolitan argument. Two principles employed by cosmopolitans to determine the boundaries of political community should thus be addressed: the all-inclusive principle and the all-affected principle.⁴⁷ These principles are often combined. For the sake of clarity, however, we should isolate them in order to see to what extent they may provide us with a justification of the cosmopolitan democracy.

The all-inclusive principle I take to be the idea that the political community should include *all* living human beings. The central argument behind this idea is that contemporary forces of globalization have given rise to power asymmetries that can only be accounted for by the establishment of a cosmopolitan democracy. To restore the symmetry between decision-makers and their constituents, all citizens in the world must enjoy the right to have their preferences taken into account:

The term cosmopolitan is used to indicate a model of political organization in which citizens, wherever they are located in the world, have a voice, input and political representation in international affairs, in parallel with and independently of their own government.⁴⁸

Basically, this is contemporary democracy writ large. The difference is that in this version the democratic idea of self-determination is guaranteed—not through the democratic nation-state but through a cosmopolitan democratic law. The model is a global system of diverse and overlapping power centres, a system shaped and delimited by this cosmopolitan law.

The all-affected principle I take to be the idea that all those people who are *affected* by a particular law or decision should count as the political community. On this view, one should not approximate the present democracy on a global scale but rather let each question be determined by those immediately concerned. People should not have their preferences taken into account irrespective of the issue at stake. Instead we should acknowledge that

democratic procedures and norms need to be tailored according to the issues concerned: for example, what are the appropriate constituencies to settle problems involving two local communities of separate states but located on opposite sides of the same river, for problems involving regional settlements, or for problems of global concern? Quite clearly, the forum will be different in each of these cases.⁴⁹

The all-affected principle also comes in a more sophisticated version. In *Between Facts and Norms* Jürgen Habermas seeks to reconcile morality and law on the basis of a discursively achieved agreement. He argues that democracy is not a closed political order. It transforms or transcends itself “from within.” The reason is that political community is a communication community. It falls back upon the discourse principle: “Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses.” By those affected Habermas includes “anyone whose interests are touched by the foreseeable consequences of a general practice regulated by the norms at issue.”⁵⁰ To sum up, this means that whereas the all-inclusive principle from the very beginning assumes that the political community is synonymous with the world as a whole, the all-affected principle has the composition of community change depending on the issue at stake. The scope of the political community follows the scope of the political question, rather than the other way around. Still, in its results this principle is similar to the former. The reason is that in the light of globalization the all-affected principle would require political boundaries to be radically reshaped in favour of a cosmopolitan democracy.⁵¹

The overall problem, however, is that neither principle is able to provide a justification of cosmopolitan democracy. To begin with the all-inclusive principle, it suggests that all citizens in the world should be included in the political community. Democracy should be synonymous with the world as a whole. But how do we replace our contemporary notion of political community—understood as the territorial nation-state—with this cosmopolitan understanding? How do we move from “here” to “there”? Clearly, to be legitimate this move towards a new understanding of political community must be subjected to the democratic process. We cannot *force* this interpretation of political community upon the citizens. To be legitimate it must be regarded as

such by the citizens themselves. The citizens must consent to this new cosmopolitan community. But who are the citizens in this respect?

The problem is that before we can decide on a cosmopolitan understanding of political community, we have to face the prior question of who should count as the relevant citizens to decide this question. Yet this decision—being necessarily prior to the former—cannot be resolved by democratic process. It is itself presupposed by the democratic process. Upon reflection it thus becomes clear that while the justification of political community lies beyond the reach of democratic theory, the all-inclusive principle seeks to include all living persons in a unit that is already in place. First one assumes a unit (the world as a whole), and then one makes the people synonymous with this unit. This disposition, call it a first-then type of argument, is worth emphasizing. It implies that the all-inclusive principle is built upon a prior boundary that is not further discussed. The determination of political community paradoxically precedes the decision about who should be included in it.

In light of these considerations the all-affected principle appears more attractive. Here the matter is left open. The composition of political community is not given in advance but varies with the scope and impact of political decision-making. No matter where power is located or what issues are at stake, the all-affected principle will always guarantee that those who are concerned will be consulted. But how do we separate those who are concerned from those who are not? How do we determine who is affected by a certain practice? Indeed, this is not an easy task. For who is affected by the decision to set up a nuclear plant in Sweden? Swedes? The peoples of Europe? Future generations? Who is affected by the decision of the American Federal Bank to increase interest rates? The proposal that each decision should be determined by those affected faces many practical difficulties. Each decision would require a new understanding of political community.⁵²

But the problem goes still deeper. It stands to reason that the all-affected principle would also be confronted with different interpretations as to who *is* affected in each case. Perhaps this would be the most pressing issue, since the outcome of this decision would have large impacts on other decisions taken. The question whether the American Federal Bank should increase interest rates would probably be answered differently depending on whether the boundary of political community is drawn around the Federal Bank itself, the American people, or the world as a whole. So in the case of disagreement, how do we decide who is affected? Arguably, this decision should also be made democratically—by those affected. The problem is that we now face a vicious circle: those affected should be determined by those affected, and so forth. This suggests that contrary to first appearances, the all-affected principle is highly problematic. Any attempt to justify the boundaries of democ-

racy by way of this principle is bound to fail, as it will only end up sidestepping the question. The all-affected principle is either empty or counterproductive: it silently *presupposes* the existence of a political community.⁵³

The all-inclusive principle and the all-affected principle are both presented against the backdrop of contemporary power asymmetries. As such they are normatively appealing. Few would deny that there should be symmetry between decision-makers and their constituents. But as the foregoing reflections show, neither principle is able to provide a justification of the cosmopolitan democracy. In one way or other cosmopolitans take the political community as given. They take for granted precisely what should be determined by these principles. This insight prompts a further question. If the transformation of democracy cannot be justified by way of these principles, *what*, properly speaking, brings democracy from the nation-state to the cosmopolitan world-state? How do cosmopolitans support the idea of a cosmopolitan political community?

Globalization is a heavily contested concept. It often dominates the discussion on the direction of social change, and as such it has attracted theorists from many different disciplines. It is no wonder that using the term globalization often adds more to its confusion than to its clarification. But while people may disagree on the precise meaning of globalization, few doubt its existence. As Jens Bartelson has shown, the concept of globalization has in the last decade obtained a self-referential and autonomous status within the social sciences.⁵⁴ It has gradually turned from being associated with the unintended consequences of the actions of particular states, or with the characteristics of the global system as a whole, to being an altogether transcendent concept that destabilizes both the actors themselves and the system in which they operate. Today globalization is often perceived as an irreversible process that follows its own inexorable logic. It proceeds, whether we like it or not. But what does it mean to think of globalization as a transcendent concept?

According to Bartelson, the prevalence of this concept of globalization has two important implications.⁵⁵ First, it means that globalization not only signifies a process of change. It also adds to its realization. Globalization is a “mediating concept” in the sense that it contributes to its own fulfilment: “rather than simply referring to an already manifest process of change, the concept of globalization functions as a *vehicle* for the change it portrays as manifest.”⁵⁶ Second, and accordingly, it implies that globalization is not only a domain of experience but a horizon of expectation. The perceived necessity and irreversibility of globalization, the way it proceeds without us consenting to it, paradoxically open up our political imagination. It paves the way for thinking the “otherwise”:

The emancipative power of the concept of globalization lies not in what it renders visible but rather in the posited necessity of globalization and the invisibility of its ultimate outcome, a necessity which in turn spills over into freedom; the freedom of imagining a new world that is radically different from the old one.⁵⁷

When we envisage globalization from this perspective, we begin to realize that the move from the democratic nation-state to the cosmopolitan democracy is not direct. It is mediated by a third concept: globalization. The double gesture employed by cosmopolitan theorists—their sudden shift from a historical-descriptive to a normative approach—implies that globalization has taken on a double significance vis-à-vis the boundaries of democracy. It has become transcendent, problem and solution all at once. On the one hand, globalization dissolves the modern political community. It undermines the relationship between democratic theory and the nation-state. On the other, it contains in itself the solution to the problem at hand. It takes us beyond the incongruence we are witnessing in its wake. The point is that in the course of events globalization is given justificatory force. It turns from being a problem into being a promise—an argument in favour of a cosmopolitan political community.

With this in mind, I suggest that we reconsider the role of globalization. Globalization should no longer be thought of as a problem for modern democratic theory. Rather, the opposite is true. Globalization *resolves* the problem. In the absence of a democratic resolution to the question of political community, globalization steps in and brings democracy from here to there, from the nation-state to the cosmopolitan democracy. It engenders the transformation that democracy cannot bring forth on its own. In this respect, globalization is not only the functional equivalent to the nation, but the appeal to globalization in fact picks up where the appeal to nation leaves off. It takes on a role hitherto assigned to the nation. What happens in between here and there, in the process of de-nationalization, is nothing but a change in the burden of justification. In the formative moment of cosmopolitan democracy globalization offers what the nation can no longer provide: the means needed to close the gap at the foundation of democracy.

This analogy between nation and globalization is not unproblematic. It needs to be nuanced in at least two respects. To begin with, it should be noted that while globalization and nation both close the gap in the concept of democracy, this closure serves different purposes. At the time of the French Revolution the discussion between advocates of direct and representative democracy was centred around the political status of the people. The debate concerned the proper interpretation of popular sovereignty, whether the

“people” or the “nation” should rule.⁵⁸ Evidently, the nation was a more powerful image. This was perhaps not by chance. For as Yack argues, the modern idea of popular sovereignty itself contributes to the nationalization of political community:

By raising the prospect of a prepolitical community on which the legitimacy of state authority depends, the new popular sovereignty doctrine raises questions about the prepolitical sources of community, questions that visions of national community are much better equipped to answer than are visions of the sovereign people.⁵⁹

Unlike the nation, however, globalization is not a vision of the people. It is not imagined as a pre-political community, a constituent power that is supposed to bestow legitimacy upon the state. Globalization is rather imagined as that which *questions* community. This shift in theoretical focus points to an important difference between nation and globalization. It implies that nation and globalization are ascribed different roles depending on the particular circumstances in which they arise. The difference, I think, is that while the nation fills the gap in the concept of democracy, globalization is more of “a prophecy in quest for self-fulfilment.”⁶⁰ Globalization is not a substantial concept—a concept that is supposed to give practical and stable solutions to the underlying problems of popular sovereignty—but a means in search for a new solution. It is a tentative device used by cosmopolitans to bring political community from one place to another. As such, it does not necessarily provide any significant guidance on the future status of political community.⁶¹

Furthermore, we should note that the appeal to nation and globalization emerges under different historical conditions. The concept of the nation was launched in the historical transformation from monarchy to democracy. It initiated the era of modern and national democracy. By appealing to the nation it was possible to further greater inclusion in the life of the political community. With this specific situation in mind the theoretical problems inherent in the concept of democracy may seem, if not trivial, at least of secondary importance. Democracy is, in all respects, a better alternative than absolute monarchy. But the appeal to globalization appears in a somewhat different context. Today the situation entails a possible move, not from monarchy to democracy but from one democratic system to another. The concern is not how to make all persons within a given political community part of the democratic process. The concern is rather what should count as the relevant political community: whether the modern system of separate and national democracies should be replaced by a global and cosmopolitan one. David Held summarizes the underlying problem:

Territorial boundaries specify 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, and of decisions of those in other political communities and agencies, often stretch beyond national frontiers. The implications of this are troubling, not only for the categories of consent and legitimacy, but for all the key ideas of democracy.⁶²

This means that in comparison to the transformation to national democracy, where exclusion was due to the fact that people were not qualified as citizens, the cosmopolitan concern is of a different nature. Swedes are not excluded from the American democracy for reasons having to do with a lack of qualification, but they are excluded because they *belong to another democracy*. The focal point in the discussion on democracy and globalization is the incongruence, not between citizens and non-citizens but between citizens and citizens. This circumstance gives a certain weight to the justificatory problem facing contemporary political theorists. Globalization apparently steps in to bridge a gap, not between non-democracy and democracy but between two different democratic systems. All of which suggests that the gap is indeed internal to democratic thinking.

CONCLUSION

Anyone familiar with the contemporary discussion on democracy and globalization knows that it has come to centre around an opposition between nationalism and cosmopolitanism. The debate concerns the proper place of democracy in the face of globalization: should we stick to the national democratic project or rethink democracy in cosmopolitan terms? As I have tried to demonstrate in this article, this opposition is misconstrued. The task is not to decide which unit is the most desirable under present conditions but to face the prior and more fundamental question of who is to count as a legitimate decision-maker in this regard. At stake is not the appropriate site of democracy—the national or the global—but the very capacity of democracy to justify the one or the other. Taking this into consideration, one should recognize that the difficulty facing modern political thought is more pressing than cosmopolitan theorists and their national counterparts want to admit. The primary problem is not globalization. The problem is rather that while the question of political community now cries out for a democratic resolution, it cannot be resolved from within modern political thought. It is an inherent limitation of democracy that it cannot provide for its own boundaries.

But why bother with a problem that cannot be resolved? At this juncture some readers may feel that I have wrenched the discussion on democracy and

globalization out of context. Precisely those who share my conclusion may be the ones who think that my criticism is besides the point. It might be held that at a time when the global economy exceeds any single state, and environmental problems cut across all established boundaries, globalization demands an urgent and deliberate response. But my intention is not to deny the forces of globalization, nor to renounce the importance of finding a democratic resolution to the challenge of globalization. I simply think that political theory should respond to this challenge in a different way. Rather than allowing globalization to overshadow the gap at the heart of democracy, we should perhaps bring the gap to the centre of our attention and ask what it would mean to keep it open. In my view, such an affirmative approach would not only displace the current opposition between nationalism and cosmopolitanism for the benefit of a more thorough discussion on the concept of democracy. It would also provide us with two crucial insights.

First, to keep the gap open is to recognize that a moment of power and force insinuates itself at the very core of democracy. There is no perfect symmetry between the people and its legitimacy. Democracy only comes about as a temporary stabilization of power, what some theorists call hegemony. It results from a particular group of people assuming “the impossible task of a universal representation.”⁶³ The closing of the gap in the concept of democracy—be it with reference to nation or globalization—ultimately serves to conceal this fact. It is itself an act of power. But power cannot be all there is to it. It cannot by itself explain the difference between the kind of power that fosters legitimate, as opposed to illegitimate, rule. This is why, secondly, we need to recognize that the political bond also has “the reality of ideality.”⁶⁴ It cannot do without a fiction. As Paul Ricoeur argues, those who get together to found a democratic order would never experience the need to retroactively project its interests into a fiction if this fiction were not first the *condition* of the democratic order.⁶⁵

What would happen if we brought these two insights into a productive dialogue with one another? Could it be that the response to globalization lies not in a cosmopolitan political community, nor in an affirmation of the already existing nation-state, but in a de-territorialized understanding of legitimacy?

NOTES

1. Theorists who have addressed this problem include, among others, J. J. Rousseau, *The Social Contract* (New York: Prometheus, 1988); P. Ricoeur, “The Political Paradox,” in *Legitimacy and the State*, edited by W. Connolly (Oxford: Basil Blackwell, 1984); C. Lefort, *Democracy and Political Theory*, translated by D. Macey, (Cambridge, UK: Polity, 1988), chap. 1; H.

Arendt, *On Revolution* (New York: Penguin, 1965), chap. 4 and 5; J. Derrida, "Force of Law: The Mystical Foundation of Authority," in *Deconstruction and the Possibility of Justice*, edited by D. Cornell, M. Rosenfeld, and D. G. Carlson (London: Routledge, 1992); W. Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), especially chap. 5; F. G. Whelan, "Prologue: Democratic Theory and the Boundary Problem," in *Liberal Democracy*, edited by R. J. Pennock and J. W. Chapman (New York: New York University Press, 1983). See also Seyla Benhabib's critical article, "Democracy and Difference: Reflections on the Metapolitics of Lyotard and Derrida," *Journal of Political Philosophy* 2, no. 1 (1994): 1-23.

2. Rousseau, *The Social Contract*, 46-47.

3. E. Sieyès, *What Is the Third Estate?* (London: Pall Mall, 1963). For a discussion on Sieyès's concept of the nation, see I. Hont, "The Permanent Crisis of a Divided Mankind: The Contemporary Crisis of the Nation-State in Historical Perspective," *Political Studies* (1994): 166-231; Arendt, *On Revolution*, chap. 4; K. M. Baker, *Inventing the French Revolution* (Cambridge, UK: Cambridge University Press, 1990), chap. 10; R. Wokler, "The Enlightenment and the French Revolutionary Birth Pangs of Modernity," in *The Rise of the Social Sciences and the Formation of Modernity*, edited by J. Heilbron, L. Magnusson, and B. Wittrock (Dordrecht, the Netherlands: Kluwer Academic, 1998).

4. David Held was probably one of the first to question democratic theory in this respect. Today many share his concern. Anthony McGrew, Daniele Archibugi, Martin Köhler, Andrew Linklater, and Jürgen Habermas are among the many theorists who under the auspices of globalization argue in favour of a new, and more inclusive, understanding of political community. The differences between these theorists notwithstanding, they converge on two crucial points. First, they all enquire into the relationship between democratic theory and the nation-state. They call attention to the fact that democratic theory has taken the nation-state for granted. Second, they all make a normative case for new forms of political community. See D. Held, "The Transformation of Political Community: Rethinking Democracy in the Context of Globalization," in *Democracy's Edges*, edited by I. Shapiro and C. Hacker-Cordón (Cambridge, UK: Cambridge University Press, 1998); A. McGrew, ed., *The Transformation of Democracy? Democratic Politics in the New World Order* (Cambridge, UK: Polity, 1997); D. Archibugi, D. Held, and M. Köhler, eds., *Re-imagining Political Community: Studies in Cosmopolitan Democracy* (London: Polity, 1998); D. Archibugi and D. Held, *Cosmopolitan Democracy: An Agenda for a New World Order* (Cambridge, UK: Polity, 1995); A. Linklater, *The Transformation of Political Community* (Oxford, UK: Polity, 1998); J. Habermas, "The European Nation-State and the Pressures of Globalization," *New Left Review*, no. 235 (1999), 46-59; J. Habermas, "The European Nation-State: On the Past and Future of Sovereignty and Citizenship," in *Inclusion of the Other: Studies in Political Theory*, edited by C. Cronon and P. De Greiff (Cambridge, MA: MIT Press, 1998).

5. Held, "The Transformation of Political Community," 103. Held refers to C. Offe, *Disorganized Capitalism* (Cambridge, UK: Polity, 1985), 286ff.

6. Linklater, *The Transformation of Political Community*, 182.

7. M. Canovan, *Nationhood and Political Theory* (Cheltenham, UK: Edward Elgar, 1996); B. Yack, "Popular Sovereignty and Nationalism," *Political Theory* 29, no. 4(2001), 517-36. See also Hont, "The Permanent Crisis." Hont's analysis is most illuminating, and we will have reason to come back to it below.

8. Canovan, *Nationhood and Political Theory*, 2.

9. As one should note, the difficulty concerned is conceptual, not empirical. The question is not whether democracy can succeed in achieving binding force beyond the scope of the nation-state but whether it can at all be *conceived of* in terms other than those set out during the French Revolution.

10. D. Archibugi, "Principles of Cosmopolitan Democracy," in Archibugi, Held, and Köhler, *Re-imagining Political Community*, 200.

11. J. Habermas, *Between Facts and Norms: Contributions to a Discourse Theory on Law and Politics*, translated by W. Rehg (Cambridge, MA: Polity, 1996), 515.

12. McGrew, *The Transformation of Democracy*, 231.

13. A. Linklater, "Citizenship and Sovereignty in the Post-Westphalian European State," in Archibugi, Held, and Köhler, *Re-imagining Political Community*, 114.

14. Held, "The Transformation of Political Community," 106.

15. Linklater, *The Transformation of Political Community*, 5. See also J. Habermas, *The Postnational Constellation* (Cambridge, UK: Polity, 2001), chap. 4.

16. Hont, "The Permanent Crisis."

17. *Ibid.*, 177.

18. See Q. Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge, UK: Cambridge University Press, 1978).

19. Q. Skinner, "The State," in *Contemporary Political Philosophy*, edited by R. Goodin and P. Pettit (Oxford, UK: Blackwell, 1989), 13ff.

20. T. Hobbes, *Leviathan—Parts One and Two* (New Jersey: Prentice Hall, 1958), 142.

21. The social contract tradition is extremely multifaceted, and I cannot do justice to this variation here. However, two points where theorists often disagree are worth mentioning. To begin with, there is disagreement as to whether there is one contract or two. Hobbes and Locke both argue that there is a single contract, the one between individuals in the state of nature. This assumption has been questioned, by Samuel Pufendorf and Hannah Arendt among others. Arendt argues that the horizontal contract between individuals in the state of nature precedes the vertical contract between the people and its government. H. Arendt, "Civil Disobedience," in *Crisis of the Republic* (New York: Harcourt Brace Jovanovich, 1972); *On Revolution*, 169-72. S. Pufendorf, *On the Duty of Man and Citizens*, edited by J. Tully, (Cambridge: Cambridge University Press, 1991), Book II, ch. 6. Furthermore, theorists do not agree as to *who* the parties of the contract(s) are. Broadly speaking, two different versions exist within the social contract tradition. In one version, the parties of the contract are "the people" and their ruler. In another version, the parties of the social contract are the building blocks of civil society. The individuals here agree among themselves, everyone with everyone, to erect a common political authority. Hobbes and Locke both belong to this latter category. Still, there are important differences between them. If Hobbes grounds the principles of the social contract in the notion of passion and self-interest, Locke grounds them in a theory of natural rights. This difference has a great impact on the status and function of the social contract. For an overview of the social contract tradition, see J. W. Gough, *The Social Contract: A Critical Study of Its Development*, 2d ed. (Oxford, UK: Clarendon, 1957); M. Lessnoff, *Social Contract* (London: Macmillan, 1986).

22. Hont, "The Permanent Crisis," 183-205. As Hont remarks,

Twinning . . . the words "state" and "nation" in the composite term of "nation-state" introduces not so much an oxymoron, but a plain tautology. As a political definition of the location of sovereignty, Hobbes's "state" and Sieyès' "nation" are identical. Sieyès' "nation" is Hobbes's "Leviathan." (P. 203)

This strict analogy between Hobbes's state and the nation has been questioned by, among others, Baker, *Inventing the French Revolution*, 244-51, and Wokler, "The Enlightenment," 48-54. Wokler argues that the modern nation-state differs from Hobbes's state in one important respect. It demands that the multitude or "the people" forms a unity of its own: "In addition to superimposing undivided rule upon its subjects, the genuinely modern state further requires that those

who fall under its authority be united themselves—that they form one people, one nation, morally bound together by a common identity” (p. 48).

23. Arendt, *On Revolution*, 163.

24. Sieyès, *What Is the Third Estate?* 119.

25. *Ibid.*, 119-39.

26. *Ibid.*, 130.

27. Rousseau, *The Social Contract*, 44.

28. This is why, in Rousseau’s view, the legislator “must have recourse to an authority of a different order, capable of constraining without violence and persuading without convincing.” Rousseau, *The Social Contract*, 46-47. For a discussion on Rousseau’s own attempt to come to terms with this problem, see C. Kelly, “To Persuade without Convincing: The Language of Rousseau’s Legislator,” *American Journal of Political Science* 31, no. 2 (1987): 321-35; T. Ball, “Rousseau’s Civil Religion Reconsidered,” in *Reappraising Political Theory: Revisionist Studies in the History of Political Thought*, by T. Ball (Oxford, UK: Clarendon, 1995), chap. 5.

29. Hobbes, *Leviathan*, 135. Although Sieyès recaptured the logic of unitary sovereignty, a question still remains: where do we “locate” this unity of the representer? In his discussion on representation, Keith Michael Baker distinguishes between three versions: (1) the traditional logic of representation in which unity is located in the person of an absolute monarch, (2) the version put forward by Rousseau in which unity is located in the body of the citizens taken as a whole (general will), and (3) the version by Sieyès in which unity is located in the collective person of the representatives (the National Assembly). According to Baker, Sieyès’s proposal was achieved by way of a unique combination of Rousseau’s idea of the general will and the social theory of representation. See Baker, *Inventing the French Revolution*, chap. 10.

30. Sieyès, *What Is the Third Estate?* 124.

31. *Ibid.*, 126.

32. It is difficult to see how advocates of direct democracy could circumvent this problem. The “people” of the Jacobins, which is taken to be the authority of the actually existing people, is not better equipped in answering this question than the nation. Like the nation, it implicitly takes the boundaries of the people as given.

33. As Hont points out, the democratic process in France moved in the *opposite* direction from the one described by Sieyès. It did not begin with the nation constituting the state. It began with an already constituted state, a state that only retroactively, and after a process of nation-building, received the legitimacy that should have been there in the first place. Hont, “The Permanent Crisis,” 190.

34. Habermas, “The European Nation-State: On the Past and Future of Sovereignty and Citizenship,” 115-16.

35. R. Dahl, *After the Revolution? Authority in a Good Society* (New Haven, CT: Yale University Press, 1991), 62. See also R. Dahl, *Democracy and its Critics* (New Haven, CT: Yale University Press, 1989), 3; M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford, UK: Basic Blackwell, 1983), 31ff.; S. Benhabib, “Democracy and Difference.”

36. Ricoeur, “The Political Paradox.”

37. *Ibid.*, 255.

38. Derrida, “Force of Law,” 6.

39. Ricoeur, “The Political Paradox,” 254. Derrida speaks of a “fabulous retrospective” in J. Derrida, “Declarations of Independence,” *New Political Science* 15 (1986): 7-15, esp. 10.

40. Connolly, *The Ethos of Pluralization*, 139.

41. Arendt, *On Revolution*, 198. For a historical interpretation of the problem, see J. Habermas, “Constitutional Democracy. A Paradoxical Union of Contradictory Principles?” *Political Theory*, 29, no. 6 (2001): 766-81.

42. *Ibid.*, 192ff. See also Derrida, "Declarations of Independence"; B. Honig, "Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic," *American Political Science Review* 85, no. 1 (1991), 97-113.

43. According to Arendt, the appeal to an absolute was misguided. The revolution carried its legitimacy within itself. The performative of the "we hold" was the true beginning of society. She writes, "It is futile to search for an absolute to break the vicious circle in which all beginning is inevitably caught, because this 'absolute' lies in the very act of beginning itself." H. Arendt, *On Revolution*, 204. For a discussion on Arendt's reading see, among others, Honig, "Declarations of Independence"; G. Kateb, *Hannah Arendt. Politics, Conscience, Evil* (Oxford, UK: Rowman & Allanheld, 1983), chap. 1; J. Waldron, "Arendt's Constitutional Politics," in *The Cambridge Companion to Hannah Arendt*, edited by D. Villa (Cambridge, UK: Cambridge University Press, 2000); A. Wellmer, "Arendt on Revolution," in Villa, *The Cambridge Companion to Hannah Arendt*.

44. J. Derrida, *Politics of Friendship* (London: Verso, 1997), viii.

45. W. Benjamin, *Illuminations* (London: Fontana, 1973), 259.

46. Rousseau, *The Social Contract*, 46.

47. In my thinking on the all-affected principle, as well as on the overall problem of boundaries within democratic theory, I am indebted to Whelan, "Prologue: Democratic Theory and the Boundary Problem."

48. Archibugi and Held, *Cosmopolitan Democracy*, 13. See also Linklater, *The Transformation of Political Community*, 193-212.

49. Archibugi, "Principles of Cosmopolitan Democracy," 209.

50. Habermas, *Between Facts and Norms*, 107. For a deliberate version of political community, see also Linklater, *The Transformation of Political Community*.

51. As Whelan points out, the all-affected principle resembles the problem of scope in formal utilitarian theory. It takes the consequences of political decisions and actions into account. See Whelan, "Prologue: Democratic Theory and the Boundary Problem," 17-18.

52. For a discussion and critique of the all-affected principle, see M. Saward, "A Critique of Held," in *Global Democracy. Key Debates*, edited by B. Holden (London: Routledge, 2000).

53. This point can be illustrated by Robert Dahl's justification of political community in *Democracy and Its Critics*. In the chapter titled "The Problem of Inclusion" Dahl distinguishes between two kinds of propositions: (1) system X is democratic in relation to its own demos, and (2) system Y is democratic in relation to everyone subject to its rules. He argues that whereas the former principle is consistent with both oligarchy and one-party dictatorship (it leads to the conclusion that the former Soviet Republic "would be a democracy if only the ruling party itself were internally democratic") (p. 121, emphasis added), the latter principle makes demos synonymous with all those subjected to the decisions taken within the political unit. It takes care to make all persons subjected to political decision-making part in its making. In view of this principle, Dahl formulates his general criterion of inclusiveness: "The demos should include all adult members of the association except transients and persons proved to be mentally defective" (p. 129). What I would like to highlight is the term "association." As it turns out, this association is tantamount to an undefined yet presupposed territorial state. Dahl first assumes the existence of this territorial state, and then he has demos fill it up according to "system Y." That is to say, everybody subject to the rules within these territorial boundaries should have a democratic voice at their disposal.

54. J. Bartelson, "Three Concepts of Globalization," *International Sociology* 15, no. 2 (2000), 180-96.

55. It should be noted that Bartelson is concerned with conceptual history. He seeks to attend "both to what a concept means within a given context, and to what a concept does to a given context" (*Ibid.*, 182).

56. Ibid., 183.

57. Ibid., 192.

58. Apart from this debate on the political status of the people, there was a discussion on the boundaries of the people. On the one hand, there was the issue whether one should keep the integrity and unity of France or follow the path of a regional disintegration. On the other hand, there was the issue whether one could reconcile nationhood with universal brotherhood, the rights of citizens with the Declaration of the Rights of Man. See Hont, "The Permanent Crisis," 192-231.

59. Yack, "Popular Sovereignty and Nationalism," 523.

60. Bartelson, "Three Concepts of Globalization," 193.

61. The difference between nation and globalization should not be overstated. It could be argued that both nation and globalization are concepts oriented towards the future. At the time of the French Revolution the nation was itself a "prophesy in quest for self-fulfilment." It was used as a vehicle for change. Bartelson, on his part, associates globalization more with the concept of revolution and civilization. Like revolution, globalization signifies change in a necessary and irreversible form. For an account of globalization in revolutionary terms, see M. Shaw, *The Theory of the Global State: Globality as an Unfinished Revolution* (Cambridge, UK: Cambridge University Press, 2000).

62. D. Held, *Models of Democracy*, 2d ed. (Cambridge, UK: Polity, 1996), 338.

63. E. Laclau, "Deconstruction, Pragmatism, Hegemony," in *Deconstruction and Pragmatism*, edited by C. Mouffe (London: Routledge, 1996), 59. For an agonistic understanding of politics, see E. Laclau and C. Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London: Verso, 1985); B. Honig, *Political Theory and the Displacement of Politics* (Ithaca, NY: Cornell University Press, 1993); Connolly, *The Ethos of Pluralization*.

64. Ricoeur, "The Political Paradox," 254.

65. Ibid., 254-55. This is not an attempt to readmit the image of the nation or any other given identity, community, or life-world through the backdoor. I associate Ricoeur's position in this question with the logic of deconstruction. See, among others, Derrida's remarks in J. Derrida, "Remarks on Deconstruction and Pragmatism," in Mouffe, *Deconstruction and Pragmatism*; Derrida, *Politics of Friendship*; S. Critchley, *Ethics, Politics, Subjectivity. Essays on Derrida, Levinas and Contemporary French Thought* (London: Verso, 1999).

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