

Reconsidering Democracy in the Context of Globalization: A Comparative Examination of Held's Liberal-Democratic Cosmopolitanism & Linklater's Transnational Republicanism

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Abstract: *The cluster of phenomena designated by the term "globalization" brings about challenges to our previous conceptions of democracy. For, both practices and theories of democracy up to very recent decades have assumed to have a territorial and institutional basis anchored to the nation-states, while the current process of globalization seems undermining the nation-states. Hence, if democracy will be a viable idea in our age, it should be re-considered by taking account of the fact that our historical reality forces us to incorporate a transnational dimension to democracy to a degree non-witnessed in the previous human history. Likewise, we witness the emergence of "theories of transnational democracy" in the contemporary literature. Inspired by Anthony McGrew's categorization, I think that there are two basic versions of theories of transnational democracy. These are transnational republicanism and cosmopolitan liberal-democracy. The former is a "bottom-up" theory of democratization linked to the older tradition of civic republicanism, while the latter emphasizes the institutional conditions of democracy and highlights the vital importance of the rule of law and constitutionalism rather than direct political participation. In this paper, I will first try to sketch the essential dimensions of globalization that challenges the identity between the democratic polities as such and the boundaries of nation-states through making these boundaries much more porous than they were in the past. In doing this, I will avoid the controversial extremes of "hyper-globalization" and "skepticism" as accounts of our historical reality and adapt the in-between "transformationalist" approach proposed by Held and et al. Then, I will examine respectively Linklater's transnational republican approach and Held's cosmopolitan liberal-democracy as two different models of democracy. In the end, I will argue that, though each of these approaches has their own virtues and vices and may thus be considered as complementing each other, there seems to be found more reasons for opting Held's reformist approach rather than Linklater's more radical alternative.*

Keywords: *Globalization, democracy, cosmopolitanism, transnational republicanism*

Küresel Ortamda Demokrasiyi Yeniden Düşünmek: Held'in Liberal-Demokratik Kozmopolitanizm ve Linklater'in Ulusötesi Cumhuriyetçilik Yaklaşımlarının Karşılaştırmalı Bir İrdelemesi

Özet: "Küreselleşme" olarak tanımladığımız olgu, şimdiye kadar ki demokrasi anlayışlarımıza karşı ciddi bir meydan okuma ortaya koymaktadır. Çünkü, şimdiye kadar ki bütün demokrasi pratikleri ve kuramları ulus-devlette sabitlenen mekansal ve kurumsal bir temeli varsayagelmışlerdi. Oysaki, günümüzün vakası olan küreselleşme süreci ulus-devletlerin altını oyar gözükmetedir. Dolayısıyla, eğer demokrasi günümüz için geçerli bir fikir olacaksa, demokrasinin ulusaşırı bir boyut kazanmasının tarihsel gerçekliğimizin dayattığı bir zorunluluk olduğu hesaba katılarak tekrar gözden geçirilmelidir. Nitekim, çağdaş literatürde "ulus-aşırı demokrasi kuramları" olarak adlandırılan yeni demokrasi yaklaşımlarının ortaya çıktığına tanık oluyoruz. Anthony McGrew'in yaptığı sınıflandırmayı temel alarak, ulus-aşırı demokrasi kuramlarının, "ulus-aşırı cumhuriyetçilik" ve "kozmpolitan liberal-sosyal demokrasi" olarak tanımlanabilecek iki temel türü olduğunu düşünüyorum. Bu yaklaşımlardan ilki kadim sivil cumhuriyetçi gelenekten beslenen aşağıdan-yukarıya gerçekleşecek bir demokratikleşme projesini ortaya koyarken, ikinci yaklaşım demokrasinin kurumsal koşullarını vurgulamakta ve doğrudan siyasal katılımdan çok hukukun üstünlüğü ve anayasallık ilkelerinin hayati öneminin altını çizmektedir. Bu makalede, ilkin küreselleşme olgusunun demokratik siyasal birlik olarak ulus-devlet fikrine yönelik meydan okumaları çeşitli boyutlarıyla ortaya konmaya çalışılacaktır. Bunu yaparken, "hiper-küreselleşmeci" ve "şüphecii" olarak anılan aşırı keskin ve dolayısıyla tek taraflı yaklaşımlar önlenmeye çalışılarak, David Held ve arkadaşlarının ortaya koyduğu "dönüşümcü yaklaşım" temel alınacaktır. Ardından, Linklater'in ulus-aşırı cumhuriyetçi yaklaşımı ve Held'in kosmpolitan liberal-sosyal demokratik modeli incelenecektir. Sonuçta, farklı zayıf ve güçlü yönleri olan bu iki yaklaşımın birbirini tamamlayan yaklaşımlar olarak görülebileceği; ama yine de tek başlarına düşünüldüğüne Held'nin reformist yaklaşımının Linklater'in görece daha köktenci yaklaşımına nazaran daha güçlü olduğu yargısına varılacaktır.

Anahtar kelimeler: Küreselleşme, demokrasi, kozmopolitanizm, ulusaşırı cumhuriyetçilik

Introduction

As is the case with almost everything that fall under the scope of social sciences, the transformations of our time, so-called globalization, bring about challenges to our previous conceptions of democracy. It is frequently argued that both practices and theories of democracy up to very recent decades have assumed to have a territorial and institutional basis anchored to the nation-states. The nation-states constituted the scopes in each of which a political community of a "common fate" having a common cultural orientation in the basic terms of their members' co-existence had been held to coincide with a legal-political institutional structure. Moreover, such a coincidence had been held to be essential to democracy, since it made possible the collective determination of the way of life of a people by the people themselves. Yet, globalization, in its various aspects, dislocates this assumed "happy coincidence": with its border crossings, it is a process that undermines the traditional, institutional and cultural basis of democracy (Anderson, 2002: 6).

In regard of the transformations we are witnessing, it is a matter of dispute whether they stimulate mostly crucial exacerbations or new

possibilities for our democratic practices. However, it is beyond the dispute that, if democracy will be a viable idea in our age, it should be handled in a novel way or novel ways by taking account of the fact that our historical reality forces us to incorporate a transnational dimension to democracy to a degree the non-witnessed in the previous human history. Likewise, we can now come across with the "theories of transnational democracy" in the contemporary literature. Inspired by Anthony McGrew's categorization¹, I may argue that there are two basic versions of theories of transnational democracy. These are *transnational republicanism* and *cosmopolitan liberal-democracy*. According to McGrew, the former is a "bottom-up" theory of democratization linked to the older tradition of civic republicanism. Basically, it argues for a new kind of politics empowering both individuals and communities of different levels in the context of globalization while overshadowing the idea of the rule of law and the role of representative institutions. In line with this, *transnational republicanism* emphasizes the role of social movements, particularly of the critical social movements and has a somewhat subversive stance to the existing legal and political construction of the world order. In the view of McGrew, Patomaki is the major representative of this approach; yet, we will see in this paper that Andrew Linklater's theory also fits well to *transnational republicanism* which focuses on informal participatory politics rather than formal-representational politics. On the other hand, *cosmopolitan liberal-democracy* pays particular attention to the institutional conditions which are necessary to the conduct of effective democratic governance within, between and across states (McGrew, 2002: 160). It builds its vision of transnational democracy upon the normative principles of liberal-social democracy, which are only partially embedded in the existing national and international legal-political contexts, so as to construct a new global settlement in which democracy and human rights are much more firmly entrenched. While affirming the importance of grassroots politics, this approach nevertheless differentiates itself from the more radical outlook of *transnational republicanism* through its commitment to the idea of the rule of the law and constitutionalism. David Held, whose theory will be examined in this paper, is the most influential representative of *cosmopolitan liberal democracy*.

In what goes on, I will first try to sketch the essential dimensions of globalization that challenges the identity between the democratic polities as such and the boundaries of nation-states through making these boundaries much more porous than they were in the past. In doing this, I will avoid the

¹ See, McGrew (2002: 157). Indeed, he argues that there are three, not two, versions of theories of transnational democracy. Beside the ones I will deal with in this paper, he mentions "democratic intergovernmentalism" represented by R.O. Keohane. As McGrew argues, this is a state-centric approach conceiving transnational democracy almost exclusively in terms of enhancing the accountability of international institutions to national governments. In my paper, I discard this approach because I am not sure that it is really a "transnational" theory of democracy in the sense the other two approaches are.

controversial extremes of "hyper-globalization" and "skepticism" as accounts of our historical reality and adapt the in-between "transformationalist" approach proposed by Held and et al.² Then, I will examine respectively Linklater's *transnational republican* approach and Held's *cosmopolitan liberal-democracy* as two different models of democracy. In the end, I will argue that, though each of these approaches has their own virtues and vices and may thus be considered as complementing each other, there seems to be found more reasons for opting Held's reformist approach rather than Linklater's more radical alternative.

Sketching the Contemporary International Context in Its Relevance to the Idea of Democratic State

From 16th and 17th centuries to 20th century, the history of modern Europe is marked with the gradual ascendancy of a specific kind of political organization, called modern-nation-state. Furthermore, in 19th and 20th centuries, this political organization was exported to the other parts of the world and acquired a global predominance. Though a nation-state *per se* is far from being identical to a democratic polity as such, it was this form of political organization that transferred itself to the modern-democratic state and thus provided, until very recently, only organizational framework for democratic polities wherever they existed in the modern era. This makes for us necessary to touch upon the basic characteristics of modern state.

As almost every political scientist agrees on, the most distinguishing feature of the modern state as a form of political organization had been its claim to be the sovereign authority over a predetermined territory. As Charles R. Beitz underlines, this claim should be not misunderstood as basically a claim to actual capacity to coerce anyone falling under a territorial scope. Instead, it is much more a normative claim to be *final political authority* in the sense of having the right to say the last word in matters of conflicts or potential conflicts (Beitz, 1991: 238). By defining the actual capacity of the state to coerce as the autonomy of the state, Held argues that neither modern state nor any other political organization in the human history could have such an uncompromised power implied by the term (Held, 1995:100). Though they were never fully autonomous in this sense, Held adds, the modern states have been sovereign from the very beginning, since they replaced the medieval system of overlapping authorities and divided loyalties with a system of a supreme authority having the right to the last word in determining rules, regulations and policies for a community which recognized its authority (Held, 1995: 100).

That the state authority is the final and absolute is only the internal aspect of the sovereignty³. Yet, there is a second aspect in the sovereignty of

² See, for a good introductory account of the literature on globalization, Kellner (2002).

³ One should note at this point that, in the evolution from the modern state to the modern-

the modern state: the external aspect which means that there is no a superior authority above and beyond the nation states in the international sphere. The principle of external sovereignty, which was appeared in the Westphalia Treaty of 1615 probably for the first time in the history, seems to be an analytical derivation from the principle of the internal sovereignty⁴. But, more importantly, this principle consists of the normative proposition that a state representing a territorial community should be the sole authority in determining the fate of its own people under the conditions of international power struggles.

Now, it is time to engage in a sketch of contemporary international context so as to show that the idea of the state as, at least in principle, capable of determining the future of its own people is precisely what is at stake in our times. Following Held, one may argue that the sovereign authority of the state is notably diminished in five major spheres in our era: economy, culture, decision-making, security structures, and international law⁵.

An Integrated World Economy

It is beyond dispute that economic globalization is the most far reaching aspect of the transformations we are now experiencing. Supported by the technological advances in the sectors of information, communication and transportation, today's industrial capital has acquired so a great amount of fluidity, flexibility and velocity that it trumps any regulative attempt to restrict its move across boundaries. The emergence of multi-national companies (MNCs) and their ascendancy to an undeniable dominance in the world economy evidence this. MNCs invest, produce and exchange on regional and/or global scales and have the capacity to change their bases of investment, production and exchange when they are faced with local, national and regional restrictions. Of course, financial capital, the share of which in the world economy has increased unbelievably compared to the previous human history, enjoys still more fluidity, flexibility and velocity than industrial capital. In this context, pursuing a national economic policy, particularly for the peripheral countries of world-capitalist-economic system, are very difficult if not impossible. First, any monetary or fiscal policy by an individual national government depends upon the international financial markets for its success. Second, the levels of employment, investment and

liberal-democratic state, the internal aspect of the sovereignty of the state has been bounded with both the idea of popular-democratic consent and the idea of the Rule of Law preserving and maintaining the basic Human Rights.

⁴ However, Beitz indicates that the analytical connection between internal sovereignty and external sovereignty is wrong (Beitz, 1991: 243). For, the latter presupposes an internal order such as the one created by the Westphalia Treaty and thus cannot be directly derived from the former.

⁵ See, Held (1995: 102-140). My following sketch will mostly draw upon Held's arguments.

revenue in a particular state owe much to the decisions of the MNCs about the location of their facilities. Thus, the governments can in the long run do nothing but obey the logic of the global capital: any successful economic policy can be only that which is compatible with the interests of global capital. All these mean that, in economic sphere, we are confronted with an undeniable diminution of the capacity of the state to determine the future of its own community.

A World of Intensified Cross-Cultural Interactions

The consolidation of the sovereignty of the states during 18th and 19th centuries was concomitant to the consolidation of the identity of individuals as citizens of a nation state. As is well known, communications media of the time, i.e. printing technologies, played a vital role in the construction of national identities. It is thus somewhat ironical that today's developments in communications media have a basic role in challenging the predominance of national identities. Particularly the electronic media now offers for individuals the access to social and physical settlements which they may never encounter. It is evident that the enhancing possibilities of interaction beyond state boundaries bring about also the possibilities for the "expansion of cultural horizons" on the part of individuals. Likewise, the authors such as Richard Falk argued that the foregoing developments have awakened "a sense of global belonging and vulnerability which transcends loyalties to the nation state" (Held, 1995: 124). More pretentiously, it is argued that contemporary world witnesses to the flourishing of "a global civil society". The basic warrants for such a thesis are found in the following developments: 1) the emergence of transnational grassroots movements with global objectives such as the protection of natural resources and the environment, and the alleviation of poverty and disease throughout the world; 2) the notable increase in the assemblages of actors, agencies and institutions in various forms so as to come into terms in international and transnational issues; and 3) the achievement of a universal consensus on the commitment to human rights, at least on a discursive level.

Yet, it would be a mistake to assume a close correlation between the alleged flourishing of "global civil society" and the flourishing of a truly "cosmopolitan culture". In our world, the intensified cross-cultural interactions are also bringing to the fore an awareness of cultural differences on the part of the common man; and there is no guarantee that this awareness will lead to a cross-cultural agreement for peaceful co-existence rather than radicalization of the perceptions of the difference between "the we" and "the others". Thus, the "global civil society" of our age is a duplicitous phenomenon marked by the fragmentation of cultural life as well. The resurgences of ethnic and religious fundamentalisms evidence this janus-faced characteristic of our global cultural milieu.

Anyway, in regard of the issue we are dealing with, the developments within cultural sphere mean that, in the face of challenges coming from above and below, the nation-state has lost most of its capability to be the focal point of the identities of its subjects. Today, the cultural spaces of nation states are being rearticulated by forces over which even the strongest states have only a limited control and regulation.

A World of Interdependency in Security Relevant Issues

The idea of the state as an autonomous strategic and military actor in the international space has already been in a process of eroding throughout the 20th century. Particularly, the establishment of the bi-polar global system after the Second World War designated that most of the states were constrained by one of two great powers in their defense and foreign policies. In this era where the world witnessed the development of nuclear and non-nuclear weapons of mass destruction, it became evident that security within a particular state cannot be achieved without maintaining a transnational zone of security. In the post-cold war era which marked the collapse of the bi-polar global system, security-interdependency of the state has not diminished but still increased. The latter period differed from the former basically in that today's threats to peace and security come mostly from non-state terrorist organizations which benefit much from the porosity of the borders in "our globalized world". In this respect too, the developments of new communications systems that surpass mechanisms for a fully fledged control by states have been very important. As the September 11th evidenced with an uncontested clarity, globalization also means that there can be no security island in an insecure globe as ours, even for the strongest nation of the world.

Internalization and Transnationalization of Political Decision Making

The nature of political decision making in the contemporary world stands for another reflection of the fact that the authority of the states has been notably diminished. Yet, in comparison to the transformations we have considered up to now, this transformation seems to be more a willed or self-initiated surrender by the states. For, it is the states themselves which have created a vast array of international regimes and organizations so as to deal with collective policy problems that may extend from regulations on the use of sub-marine terrain or space surrounding the earth to the trade unions and EU as a supranational organization. Among all these, the organizations or agencies that have remarkable impacts over the authority and power of the states are four kinds:

- *Informal global networks of political coordination exemplified by the "Group of Eight" (G8):* As a network of the most powerful states of the world, G8 operates as a kind of "global directorate" over the rest of the world, the power of which is expected to further exacerbate in our near future
- *Organizations which manage and allocate rules and resources:* This group include the World Bank, the IMF, the UNESCO and, of course, the UN itself. Over the years following the Second World War, all these organizations have acquired and gradually entrenched their authorities and decisive powers in intervening into national polities in various ways.
- *Trade Unions such as NAFTA and ASEAN:* These organizations bring about regional regulations for trade among their member states and have the long term objective of creating much more integrated markets in their regions.
- *EU as a Supranational Organization:* In comparison to other regional organizations, the distinctive character of EU does not lie only in that it is a political and social as well as an economic organization. More importantly, the EU deserves the label of supranational, because it has the right to make laws which can be imposed on member states. Moreover, the Council of Ministers, which acts as the executive power of the EU, issues "regulations" which have the status of law without any need to further negotiation or action on the part of the member states. When disputes concerning national interpretations and applications of these "regulations" arise, the European Court of Justice is the only authorized tribunal which also has a major role in the harmonization of law among the EU countries. The basic implication of all these institutional arrangements was already drawn by the Court itself: "by creating a Community of unlimited duration, having its own institutions, its own personality...and, more particularly, real powers stemming from a limitation of sovereignty or a transfer of powers from the States to the Community, the member States have limited their sovereign rights" (Held, 1995: 112).

Towards a World Law Based on the Respect to Human Rights

Traditionally, international law was founded on the idea of a society of sovereign states as the basic form of political organization of humankind. In line with this, international law was understood exclusively as a law between states, i.e. a law the subjects of which were only the states. Such a conception of international law inevitably called for certain basic principles. First, the sole criterion for acquiring the status of a legitimate subject of international law was to prove the most basic characteristic of the state: the ability to control over a specified territory and to perform limited international

obligations (Armstrong, 1999: 560). Second, a state as an equal-legitimate subject of international law could not be sued by another state for acts performed in its sovereign capacity. This principle was called "immunity from jurisdiction". Third, there was also the principle of "immunity of state agencies", which meant that individual actors could not be found guilty because of their actions performed in their status as representatives of their states.

The first revisions in this traditional construction of international law go back to the aftermath of the First World War when the limitations on the right of states to conduct war and the recognition of some rights for minorities were inscribed into the international law, and the League of Nations was established. Yet, these developments were deficient in comparison to those that were brought about after the Second World War. An event with far reaching consequences was the establishment of *ad hoc* international tribunals at Nuremberg and Tokyo so as to sue some individuals for "crimes committed against Humanity". This meant an explicit rejection of the principle of "immunity of state agencies" which presupposed that state agencies are always morally innocent since the international society of states is a state of nature at the last instance (see Habermas, 2002: 83). The newly born category of "crime against Humanity" reflected the awareness that there can be conflict between individuals' commitment to state laws and their moral obligations to Humanity at large and decreed that individuals should transgress their state laws in the cases of such conflicts. Furthermore, the Universal Declaration of Human Rights in 1948 explicitly established that individuals have rights and obligations prior to and over those set down in their own juridical and authority systems. Even though the exact status of the Declaration within the international law system had been a matter of dispute for a while, the widespread recognition of the Declaration and of two subsequent Covenants of 1966 marked a shift from the principle of state sovereignty towards the principle of Human Rights as the basis of legitimacy in the international law. Then, by the Declaration of the Helsinki Conference on Security and Cooperation signed in 1992, the fifty states of the western world decreed as follows:

"The commitments undertaken in the field of human rights are matters of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of the state concerned. The protection and promotion of human rights and fundamental freedoms and strengthening of democratic institutions continue to be a vital basis for our comprehensive security" (quoted from Held, 1995: 105).

Nevertheless, the enforcement of human rights was devoid of a genuinely legal mechanism in the international law. The enforcement envisioned in the framework of the UN proved to be susceptible to political

manipulation by the interests of the great powers of the world-state-system. A response to this deficit was the establishment of regional authorities for the collective enforcement of human rights in some parts of the world. Beside the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the American Convention on Human Rights (1978) and the African Charter of Human and People's Rights (1981) may be counted among this kind of attempts. However, the European system is particularly notable in that over the years it established for individuals the "right of direct petition" to a commission which can then take the case to a transnational tribunal, the European Court of Human Rights, the degrees of which are binding for the member states of the system.

It may be argued that, however optimal these regional systems of enforcements for the current historical conditions may be, they make concessions on the universal character of human rights. In this regard, a more promising development may be found in the International Conference in Rome in 1998. In this conference, the states approved the need for the establishment of "an enduring World Court" authorized with "universal jurisdiction" over criminal violations of human rights. Though we should wait for a while to see how this idea will realize, it is undeniable that it promises a new international legal order in which all members of humankind have, in principle, the right to equal-legal standing with the states in the cases of conflicts between them and the states.

Also, the concept of the "common heritage of humankind" which has been inscribed in some documents of international law after 1980s may be taken as another reflection of the retreat of the principle of state sovereignty as the absolute founding principle of international law. This concept brings about restrictions in the use of hitherto untapped resources by the states. The guiding idea is that there is a duty to use such resources in the interest of humankind in general and particularly for the benefit of the poor and developing peoples.

In sum, the developments in the sphere of international law points out an evolution from an international order of minimally regulated state of nature to a much more civilized international society guided by the idea of Human Right. Yet, it would be a mistake to infer that we are now at the edge of replacing an international order of states with a world society of peoples in the legal spheres⁶. Even though almost all contemporary states have bounded themselves with human rights as universal normative principles and thus renounced, at least, a notable part of their sovereignty, they are still central agents of international order. First, their consents seem still very important for further articulation and entrenchment of universal human rights as bounding principles of the international law. Second, implementations of these principles have to occur, to a very great extent, by means of individual

⁶ For a critique of the arguments that suggest such a replacement is the case in our historical era, see Armstrong (1999).

state action to incorporate these principles into domestic laws (Sharon Anderson-Gold, 2001: 48). Likewise, Jack Donnelly, the much influential figure of contemporary human rights theory, underscores that the state is the entity obliged under international law to provide the substance or object of human rights. He goes even so far to argue that "contemporary human rights regimes are supervisory mechanisms that monitor relations between states and citizens. They are not alternatives to a fundamentally statist conception of human rights" (Donnelly, 1999: 85).

Nevertheless, it is worth to reemphasize that, though states remain central agents, contemporary international law refers now to the interest of humanity, not to the interests of sovereign states, as its basic end and recognizes the legitimacy of non-state agencies and actors before the international tribunals. And, all these mark an evolution from an international society of sovereign states to a more humanitarian society of peoples and states, even not to a world society of individuals.

In this way I have completed a sketch of contemporary international context in its relevance to the idea of democratic state. This sketch shows that, at least, in five spheres of our historical reality (i.e. economy, culture, security, decision-making and law), there exist now new sets of forces and tendencies that have crucial impacts over the form of contemporary states. For, these sets of forces and tendencies combine to restrict the freedom of action on the part of the states "by blurring the boundaries of domestic politics, transforming the conditions of political decision-making, changing the institutional and organizational content of national politics, altering the legal framework and administrative practices of governments and obscuring the lines of responsibility and accountability of states themselves" (Held, 1995: 135).

All these phenomena call for a reconsideration of democracy in a way revising the classical modern accounts of it. This is so, at least, for the reason that contemporary global reality disclaims one of the most basic assumptions of the previous modern theories of democracy: the idea of self-determination of the fate or future of a political community by itself, thanks to the existence of a representative bond between national political decision-makers and national citizens as the recipients of these decisions. If you like or not, ours is such a world where the daily life of the ordinary members of any national community increasingly influenced by the consequences of activities performed beyond national boundaries, and where decisions and practices of even the most local communities may have global consequences. Having such an insight in mind, I will now engage in examining two versions of theories of transnational democracy.

Linklater's Transnational Republicanism

As it was presented in his *The Transformation of Political Community*, Andrew Linklater's theory of transnational democracy is built upon a particular reading of the history of modern Europe in terms of the interplay of two antagonistic projects: the totalizing project of nation-states versus the emancipatory project of citizenship. The former stands for the "efforts made by central governments to mould homogenous national communities and accentuate the differences between citizens and aliens in order to meet the challenge of inter-state war" (Linklater, 1998: 6); while the latter designates the construction of ideally unbounded dialogic-ethical communities in which individual members are co-legislators of their own communities.

In elaborating this historical interplay, Linklater starts with the earlier stages of European state-formation. He recalls, at first, that medieval political organizations were those which could exercise low levels of intensive power within ill-defined boundaries. They all were "systems of overlapping authorities and multiple identities" depending upon intermediary powers beside the central powers (Linklater, 1998: 142). Moreover, these internal checks over the power of the centre was complemented with, more exactly supported by, the notion of an ethical community of Christians. This notion indicated that the European man of the medieval era had rights and responsibilities prior and transcendental to those that were relevant to his being a member of a particular European state. Referring to C. Tilly, Linklater claims that both the foregoing intermediary powers within the political organization and the notion of a moral community transcending political boundaries were the primary targets for destruction in the formation process of European modern states (Linklater, 1998: 151). These new political organizations aspired for high levels of intensive power within clearly demarcated boundaries. For this end, the builders of nation-states closed off the gates opening up to a wider moral and cultural community and tried to establish a monopolistic control over the instruments of violence within their boundaries. In the author's own terms, what began is "a totalizing project in which governing elites endeavored to subsume subjects within an 'illusory community', to which Marx referred, and manufactured crude distinctions between insiders and aliens to encourage popular identification with national societies" (Linklater, 1998: 152). Hence, if it is understood correctly, the process of nation-state formation did not, at least initially, work out to extend existing rights of the medieval European man, but to stamp out and absorb them through assaulting against both the intra-state and extra-state authorities. While the then newly ascending capitalist economic relations had been a notable brake for a fully-fledged closure of the national boundaries, the developments in technology, communication and literacy had been essential to state-formations. For, they made possible to create linguistic unity and communication network on a national level far extending local life-worlds of the medieval era.

Yet, the subsequent evolution of modern states in Europe revealed a great ambiguity. To the extent that modern state amassed considerable power, it has been highly susceptible to various forms civil unrest and political disturbance. Linklater calls this the "strange paradox of the modern state": "on the one hand, it is the site on which radical intensifications of social control have been established but, on the other hand, it has been the settling for unprecedented efforts to eradicate the tyranny of unjust exclusion" (Linklater, 1998: 147). Referring to Habermas, the author claims that this may be explained by the persistence in the modern Europe of a universalistic ethics based on the idea of a "dialogic-ethical community of humankind" (Linklater, 1998: 121). As elaborated by Habermas, such a universalistic ethics presupposes the status of every individual as an equal interlocutor of the unbounded dialogic community and thus implies that any form of power which will bring about inequality should be deemed as legitimate even from the standpoint of the most disadvantaged persons.

Linklater argues that, in this ethics of dialogic community of humankind, we find the origins of the modern conception of citizenship. This conception has been the locus of radical challenges to the exclusionary power structures of the state over time. From 18th century to 20th century, one witness the recognition respectively of legal and civil rights, political rights and social or welfare rights by the states. That is, one witnesses the evolution from absolute states to modern representative democracies. And, this indicates that, though the states acquired unusual territorial concentrations of power, their totalizing capabilities have diminished remarkably, thanks to the emancipatory challenge brought about by the notion of citizenship.

Yet, the author maintains, this was only a partial victory for the notion of citizenship. Throughout 18th and 20th centuries, the movements struggling for the extension and deepening of citizenship rights have taken as their target exclusively the "horizontal axis of exclusions", but not the "vertical axis of exclusions". That is, they have well challenged the exclusions within state boundaries, but failed to interrogate the legitimacy of the strict forms of exclusion operating on the basis of state boundaries. That citizenship always meant national citizenship throughout the foregoing historical period evidences that the distinction between "national compatriot" and "non-national alien" was somehow reified. Indeed, such reification was understandable, though not justified, since states have provided the only realistic mechanisms for the enforcement of rights, particularly of social rights. Thus, the extension and deepening of citizenship had the paradoxical effect of, at least, implicitly weakening the commitment to the universalistic ethics from which the modern conception of citizenship stemmed at first. The basic beneficiary of this weakening was, of course, the states aspiring to make national-identity the highest, if not only, political identity. And, the misfortune had fallen primary on the part of local cultures that were suppressed most under the attempts to national homogenization. In line with

these, Linklater claims that the totalizing project reaches its peak as late as 20th century (Linklater, 1998: 157). For him, the high level of the fusion of territoriality, sovereignty, citizenship and nationality in the states of 20th century proves how hollow the progressivist interpretations of the modern state are.

However, the author makes the point that this *fin de siècle* was replaced with a more promising milieu in the latter part of 20th century. Two developments have been important in this replacement. First, the pacification of the core states of world system has come into scene in the aftermath of the Second World War. This led to the construction of a more solidaristic international society at least in some regions of the world. The second development, which has been much more important, is so-called globalization. Its basic significance lies in that it "erodes the traditional conceptions of community and reduces the presupposed moral relevance of national boundaries" (Linklater, 1998: 5). Hence, while the previous stage of modernity was marked with the statist project of the contraction of moral community by closing off the door on aliens, pursuing nationalist cultural and economic policies and tightening the forms of exclusion practiced against minorities within the boundaries, the new era is marked with the impossibility of such statist projects. Then, Linklater underscores that, though globalization may have also the pernicious effects of deepening material inequalities and producing extreme particularisms, it creates unprecedented opportunities to overcome the statist deficits of democracy. More exactly, globalization constitutes the material basis for a transnational democracy by putting on the map a new configuration of power systems in which the state power should come into terms with the non-state sites of power occupied by social movements, NGO's and national minorities, etc.

According to the author, the way to actualize democratic potentialities of the current era is to expose the existing form of national citizenship to an "immanent criticism" so as to create new post-nationalist social and political arrangements. First of all, such an "immanent criticism" should underscore the most basic principles underlying the modern conception of citizenship: the right of one's determination of one's own life and future; and the injustice of arbitrary exclusion of individuals or groups from the spheres of decisions that have impacts over their lives. In our historical context, the commitment to these democratic principles requires the commitment to a project of "the triple transformation of political community by advocating dialogic communities which are cosmopolitan in orientation, respectful of cultural differences and committed to reducing social and economic inequalities, nationally and internationally" (Linklater, 1998: 109). Thus, there will be three major themes for democratic movements:

"First, that social differences do not have the moral relevance which hegemonic groups have traditionally attached to them; second, that the public sphere fails to recognize important racial, cultural or gender

differences; and third, that vulnerable groups cannot exercise their nominally equal rights without significant transfers of power and wealth from the privileged social strata" (Linklater, 1998: 117)

In pursuing such a project, new transnational-democratic standpoint will be partially a continuation of the former democratic standpoint and partially a rupture from it. For, it will be built upon the modern conception of citizenship but in a way acknowledging and trying to overcome the fact that the achievements of citizenship have been up to now "too puffed up and too compressed": "too puffed up, or universalistic, because the needs of those who do not exhibit the dominant cultural characteristics have been disregarded; too compressed, or particularistic, because the interests of outsiders have typically been ignored" (Linklater, 1998: 193). The upshot will be then that today's search for citizenship should go both to higher and to lower and wider: "Higher to the world, lower to the locality" (Linklater, 1998: 193). In organizational terms, this will mean the replacement of the classical statist systems in which sovereignty, territoriality, nationality and citizenship are fused with a "neo-medievalist system of overlapping authorities and multiple loyalties" (Linklater, 1998: 194). In this new system, international society, intra-national local sites of power and the progressivist social movements appealing to an ethical community of humankind will become essential actors operating within what were exclusively the territorial spaces of the sovereign states.

Linklater emphasizes more than once that, despite some appearance of extreme particularisms, a cosmopolitan civil society is undeniably within the horizons of our age. And, he argues that, though a sudden establishment of a cosmopolitan community does not seem possible, it may be attained in the long term via *regionalism*. In this regard, he points out the EU as the most promising project. By the Maastricht Treaty, the EU commits itself explicitly to a transnational notion of citizenship and thus puts under critical scrutiny the modern state as a questionable basis of exclusions (Linklater, 1998: 199). Yet, even the EU case is insufficient in fully exploiting the democratic potentialities of our age. For, it has established thus far only a *thin conception of citizenship* –which brings an international civil society into existence– rather than a *thick conception of citizenship* –which comprises the idea of active membership of individuals within the political community– (Linklater, 1998: 206). In the view of Linklater, thin conceptions of transnational or cosmopolitan citizenship may have crucial deficits: they "revolve around compassion for the vulnerable but leave asymmetries of power and wealth intact" (Linklater, 1998: 206). On the other hand,

"thick conceptions of cosmopolitan citizenship attempt to influence the structural conditions faced by vulnerable groups"; and thus "the collective political action to dismantle unjust systems of exclusion and to

create communicative frameworks which will ensure higher levels of autonomy for the disadvantaged is central to these conceptions" (Linklater, 1998: 206).

For the author, thin conceptions have their significance in being intermediary steps between the practice of confining ethical constituency to co-nationals and a radical cosmopolitan condition⁷ where thicker versions of transnational citizenship aim at guaranteeing not only civil and legal rights but also political, social and cultural rights for all.

In this way, I completed a review of the major tenets of Linklater's theory of transnational democracy. It is clear that Linklater follows the strand of thought that McGrew calls transnational republicanism by his adherence to a radical understanding of citizenship and to a "bottom up" theory of democratization, his emphasis on the role of critical social movements and his distanced, if not subversive, attitude towards the formal institutions of democratic order. Now, I want to argue that this last tenet constitutes the weak point in Linklater's approach as in any other transnational republicanism.

As we have seen above, Linklater posits the democratic project as the counterpart of the state-building project which is reduced to the attempts at an unusual intensification of social control and a closure or contraction of ethical community. In line with this, as we have also seen, he considers the ascendancy of a neo-medievalist system of diffused political authorities and powers as the great promise of our age for the deepening of democracy. More exactly, he finds it promising that the monopoly of states over the means of social control including the means of violence breaks off. Here the basic question is this: is not the very medieval which had lacked of such a state control a condition of ubiquitous violence? And, did not the "Leviathan" come over the medieval system because it ended the condition of ubiquitous violence stemming from the diffusion of powers?

To elaborate my point, I want to draw upon Sharon Anderson-Gold's arguments that she developed in her *Cosmopolitanism and Human Rights*. In a part of her book, she deals with the kinds of transnational theories of democracy we called here transnational republicanism. She states that, in these theories, the justifiable enthusiasm for the reinvention and the gradual development of civil society in an international scale leads to the dangerous supposition that this civil society can be a substitute for the institutional legal structures represented by states in our age (Anderson-Gold, 2001: 86). This supposition is dangerous because there is a mutual dependence between the cosmopolitan civil society and the states in that civil values underlying the

⁷ As Linklater himself notes, this radical cosmopolitan condition where a thick conception of transnational citizenship is enjoyed by individuals far exceeds the cosmopolitan condition envisioned by Kant. For, the latter was restricted to the duty to treat non-nationals in a civilized manner, i.e. in a "hospitable" manner, as Kant used the term.

former cannot survive without the Rule of Law which is still provided notably by the latter in the current stage of human history. Recalling the pernicious cases of "failed state", exhibited in genocides in Rwanda and Bosnia, Anderson-Gold claims that "the only thing potentially more horrible than a tyrannical state is no state at all" (Anderson-Gold, 2001: 45). As the foregoing cases prove, the worst forms of human wrongs occur as a result of the unrestrained conflicts that occur between groups in the absence of the Rule of Law. In line with these, the author makes the point that

"while the nation state as such may no longer be the appropriate locus of the further evolution of transnational society and cosmopolitan values, international institutions which support human rights and civil values are necessary correlate to cosmopolitan society which can not be sustained against the new attacks on these values without this structure" (Anderson-Gold, 2001: 87).

Strikingly, Etienne Balibar, an author with a Marxist origin, gives voice to similar worries in a different context. In regard of the recrudescence of racism in Europe, he states that such phenomena are relevant to the decomposition or disappearance of the state as a power-centralizing institution which is endowed with the responsibility for public policy and exercised public mediation between social interests and forces (Balibar, 1991: 16). He adds that any conception of social and political citizenship presupposes a *Rechtsstaat* in the Hegelian sense and concludes his article with a much provocative statement: "Every state is not necessarily democratic, but a non-state by definition cannot be democratized" (Balibar, 1991: 19).

To turn back to Linklater's transnational democracy, I think that, despite all its virtues, this theory suffers from the fact that it fails to grasp what is still much valuable for democracy in the idea of modern state: the institutionalization of a public-legal authority guaranteeing the respect for human rights of all members⁸. It may be the case that such a public-legal authority can be institutionalized in forms other than the classical form of modern state or the form of modern state at all. However, by exclusively focusing on the question of the nature of participatory (i.e. grassroots) democratic practices in the transnational era, Linklater's transnational republicanism simply presupposes these alternative forms of public-legal authority and thus provides us with no insight about their nature. Having this in mind, I will now turn to the alternative approach presented by David Held.

⁸ See, on this subject, Höffe (2000).

Held's Liberal-Democratic Cosmopolitanism

Indeed, one may argue that the basic question that motivates David Held's overall theoretical activity in his *Democracy and Global Order* is the one I raised against Linklater. Very similar to Linklater, Held observes that current global trends indicate the emergence of the kind of political organizations that existed in the Christian Europe of the middle ages, the essential characteristics of which were overlapping authorities and divided loyalties (Held, 1995:137). Yet, in contrast to Linklater's optimism, he thinks that the emergence of such a system by itself constitutes more a challenge than a promise for democracy. He recalls that

"it was a system of overlapping authority structures and conflicting loyalties which was one of the critical background of the rise of the modern state: the latter emerged in part as a conceptual and institutional resolution to the strife and turmoil created by the former" (Held, 1995:138).

He then asks "how –conceptually and institutionally– would a system of divided authority sustain order and provide a framework of rules and procedures to sustain tolerance [which is essential for democracy]?" More exactly, as far as providing such a framework for tolerance was one of the founding principles of modern states, "what will be the counterpart of the modern state in a political system in which the territorial state has to share its 'exclusive authority' with other organizations and agencies?" (Held, 1995: 138) In order to examine Held's answer to these questions, we should first review his arguments about the idea of modern state and his reconsideration of democracy in the light of this idea. For, his theory of cosmopolitan democracy aiming at answering the foregoing question is built upon these.

In regard of modern states, Held states that these are the kind of institutions which brought about four innovations as their distinguishing marks from the former political apparatuses. These are territoriality, control of violence, impersonal structure of power and legitimacy. In fact, Held himself explains all these characteristics well in a very compact form:

- *Territoriality*: While all states have made claims to territories, it is only with the modern states system that exact borders have been fixed.
- *Control of the means of violence*: The claim to hold a monopoly on force and the means of coercion (sustained by a standing army and the police) became possible only with the "pacification" of peoples –the breaking down of rival centers of power and authority– in the nation-state. This element of

the modern state was not fully attained until the nineteenth century, and remained a fragile achievement in many countries.

- *Impersonal Structure of Power*: The idea of an impersonal and sovereign political order –that is, a legally circumscribed structure of power with supreme jurisdiction over a territory– could not prevail while political rights, obligations and duties were conceived as closely tied to religion and the claims of traditionally privileged groups. This matter remained in contention in Europe in the 18th and 19th centuries, and still remains so in those countries today where the "rule of law" is in question.
- *Legitimacy*: It was only when claims to "divine right" or "state right" were challenged and eroded that it became possible for human beings as "individuals" and as "peoples" to win a place as "active citizens" in the political order. The loyalty of citizens became something that had to be *won* by modern states: invariably this involved a claim by the state to be legitimate because it reflected and/or represented the views and interests of its citizens (Held, 1995: 48-49).

For Held, particularly important were the latter two characteristics which lie at the center of the self-image of the dominant form of the modern state in the western world, i.e. the liberal-democratic state. Although it has been a claim the truth and significance of which have been contested from the outset of the modern state to the present day, the modern state has asserted itself as an "independent authority" or "circumscribed impartial power accountable only to its citizen body" (Held, 1995: 95). And, in the modern world, "to the extent that this claim has been redeemed, the modern state has been able to enjoy an advantage over rival political forces in the battle for legitimacy" (Held, 1995: 97).

Hence, the idea of modern state was a guiding political orientation with far reaching consequences. The notion of a circumscribed system of power calls for a regulatory mechanism and checks over rulers as well as ruled. That is, rulers are entitled to the right of governance only to the extent that they respect and maintain the rule of law. And, the concept of the rule of law necessarily presupposes basic legal rights such as the equal treatment of all before the law and the preservation of all against the arbitrary use of political authority and coercive power. In line with these, Held argues that "while the state is the burden individuals have to bear to secure their own ends; it is also the basis upon which it is possible to safeguard their claims to equal rights and liberties" (Held, 1995: 145). Thus, the appeal of the idea of modern state lies in that it promises " a community which is governed by a

fair framework which is, in principle, equally constraining and enabling for all its members" (Held, 1995: 145).

On the other hand, the idea of state has a repulsive aspect in that it is usually assumed to be in tension with the idea of democracy. The idea of democracy derives its appeal from the ideal of self-determination, which means that "the members of a political community should be able to choose freely the conditions of their own associations, and that their choices should constitute the ultimate legitimation of the form and direction of their polity" (Held, 1995: 145). Thus, democracy seems to underscore the "rule by the people", not "the rule of the law", as the ultimate basis of legitimation by suggesting that any fair framework for any political regulation is the one the community chooses in any case. For Held, here comes the difficult question of the relation between the idea of state and the idea of democracy. He argues that many have understood this relation as a contradiction and felt themselves obliged to select one out of foregoing ideas. As a result, they have risked liberal-democracy either by a state-authoritarianism or by a tyranny of majority.

In Held's view, a much more reasonable way to conceive the relationship between the idea of modern state as the rule of law and the idea of democracy as the right of popular self-determination is provided by the principle of autonomy, which he defines as follows:

"Persons should enjoy equal rights and, accordingly, equal obligations in the specification of the political framework which generates and limits the opportunities available to them; that is, they should be free and equal in the determination of the conditions of their own lives, so long as they do not deploy this framework to negate the rights of others" (Held, 1995: 147).

And then, he makes the point that, in the light of this principle, the rule of law and democracy is conciliated as complementary ideas.

"[For,] the principle autonomy expresses essentially two basic ideas: the idea that people should be self-determining and the idea that democratic government must be limited government –government that upholds a legally circumscribed structure of power. *Contra* state sovereignty it insists on "the people" determining the conditions of their own association, and *contra* popular sovereignty it signals the importance of recognizing limits on the power of the people through a regulatory structure that is both constraining and enabling" (Held, 1995: 145).

It is evident that the ideal of equal autonomy of all persons in the sense of their determination of the conditions of their own associations requires "a common structure of political action which specifies the rights and

obligations that are necessary to empower them as autonomous agents" (Held, 1995:156). This is a structure constructed so as not only to preserve and maintain the capacity to autonomous action for all members of the political community, but also to delimit options of actions that will be inimical to autonomy of some other persons in the community. Such a self-commitment is mandatory for democracy: without the delimitation of the powers of decision-makers, no matter they be all citizens or representatives, democracy would be impossible. Held then captures all these insights under the notion of *democratic public law* as the basis of a system empowering rights and obligations for all (Held, 1995: 157). This system whereby the public power is circumscribed by, and accounted for in relation to democratic law is called, in turn, the *democratic Rechtsstaat*, i.e. the democratic legal-constitutional state (Held, 1995:1 57). In such a state, all authorities are entrusted with the public power only to the extent that they protect and enhance autonomy for all, and can thus enjoy legitimacy only if these ends are embedded as the regulative ideals within the public life. In the modern contexts, according to Held, embedding the ideal of autonomy for all within the public life requires the regulation of seven basic sites of power by seven basic clusters of rights. These sites are human body, welfare, cultural life, civil associations, economy, the organization of violence and coercive relations, and regulatory and legal institutions (Held, 1995: 176-185). Then seven corresponding clusters of rights which are necessary to enable the people to participate on free and equal terms in the regulation of their associations are counted as follows: health, social, cultural, civic, economic, pacific and political rights (Held, 1995: 191). Indeed, Held himself well sums up all we have reviewed up to now in a single paragraph:

"The entrenchment of democratic public law is the foundation of autonomy, promising protection and security to each and all. It requires the pursuit and enforcement of the seven clusters of rights and obligations in a democratic legal state. A democratic legal state provides the political framework for the development of a common structure of political action. Paradoxically, the enactment of such a framework requires delimitation of the scope of popular rule: the reach of popular rule must be limited. The *demos* must govern, but within the framework of a set of fair social, political and economic conditions which make possible the very nature of democratic life itself. The *demos* must rule, but within the framework of a legal order which is both empowering and limiting. This is the sense in which democratic autonomy lies between state and popular sovereignty" (Held, 1995: 222).

In line with all these, Held thinks that it should be not too hard to see why the idea of democratic legal state, which is endowed with the authority and power of extensive redistribution of resources within political community and which acts, in principle, in an impartial or non-sectional manner in the

use of its powers, has been essential for the flourishing of democracy in the modern world (Held, 1995: 158). Then he adds decisively that, though it is the case that democratic public law and the system of rights it brought to the fore have embodied and gradually entrenched in the framework of the classical form of modern state known as nation state, it is also the case that this form is today by no means able to guarantee many of these rights. The classical liberal-democratic theory assumed the existence of a national concurrence between decision-making and recipients of decisions at two crucial points: 1) a concurrence "between citizen-voters and the decision-makers whom they are, in principle, able to hold to account"; and 2) a concurrence "between the 'output' (decisions, policies, etc) of decision-makers and their constituents –ultimately 'the people' in a delimited territory" (Held, 1995: 224). On the basis of this assumption, it could be considered that the fate of the political association as a national community is largely in its own hands, and that a satisfactory democratic theory may be developed within the framework of the nation state which enjoyed the sovereign right over a predetermined territory thanks to its "impermeable borders". Yet, today's regional and global interconnectedness evidently disclaims such an assumption. Much more than any previous stage of history, our age proves the truth of Kant's cosmopolitan proposition: "the problem of establishing a perfect civil constitution is dependent upon the problem of a lawful external relation among states and cannot be solved without a solution of the latter problem" (Kant, 1963: 21).

Then, Held makes the point that what we need today is a somewhat revised version of what Kant formerly called the *cosmopolitan public law*. As Held recalls, Kant's cosmopolitan public law was based on our universal duty to treat every member of humanity in a civilized manner which he designated by the term "hospitality". In the view of Kant, the universal acknowledgement of this duty should lead to the creation of a "pacific confederation or union" in the international realm whereby a condition of perpetual peace will arise. For Held, Kant's foregoing ideas should be deepened in two major aspects. First, the Kantian idea of cosmopolitan public law should be deepened as the idea of *cosmopolitan democratic law* which comprise the entrenchment and enforcement across peoples of the world of what Held previously called the democratic public law. That is, the duty to treat any member of humanity in a civilized manner should be extended to a duty to promote a universal condition whereby the aforementioned seven clusters of human rights are preserved and maintained. For, "a universal hospitality is not achieved if, for economic, cultural or other reasons, the quality of the life of others is shaped and determined in near or far-off lands without their participation, agreement or consent" (Held, 1995: 228). It deserves to be re-emphasized that such an extension across peoples is also a must in our age for any plausible idea of democratic public law itself, because, "in the context of global interconnectedness, people's equal interest in autonomy can only be adequately protected by a commitment from all

those communities whose actions, policies and laws are interrelated and intertwined" (Held, 1995: 231-232).

Second, the Kantian idea of a pacific confederation of states should be radicalized to something more akin to a federation of states. In arguing for this point, Held maintains that he empathies Kant's anxieties concerning a single over-centralized world state, and that his proposal for a federation of states is very different from such a world state. He argues that a federation of states should be still an association of the states and peoples as independent actors that give active consent for the federation. However, unlike the confederation Kant held in his mind, it will have representative institutions which are authorized to act by majority decisions in a manner binding for all actors, so long as these decisions uphold cosmopolitan democratic law and the prior covenant creating the federation. To put more exactly, Held's idea of a federation of world peoples and states calls for a universal-impartial binding authority which will occupy a top position in an *overarching system of cosmopolitan democratic law entrenching and enforcing the conditions of autonomy for all members of humanity*. This federation may at first come into being only as an association of democratic states of the world. Yet, Held thinks, it might then draw other states into its system "perhaps by the sheer necessity of becoming a member if the system of government in particular countries were to enjoy legitimacy in the eyes of its own population" (Held, 1995: 232).

Held particularly emphasizes that, in such an overarching system of cosmopolitan democratic law, the states will not become redundant or disappear though they will change their form. They will "be no longer the sole centers of legitimate power within their boundaries" (Held, 1995: 233). They will be "*relocated* within, and articulated within, the overarching system" (Held, 1995: 233). But, among a plurality of power centers and authority systems which will enjoy legitimacy only to the extent they uphold and enact the democratic law, the states will remain "one basic locus for legal development, political reflection and mobilization" (Held, 1995: 233). This means that the organizational form of modern-nation-state as the sovereign power will be discarded, while the idea once represented by the modern state, i.e. the idea of an impartial public power entrenching and enforcing the democratic public law, will be preserved. Within the same territorial space, there will be a range of diverse decision-making centers including states themselves, networks of states, subnational entities, transnational communities and organizations, and any other kind of agencies. All these will be self-governing agencies at different levels and within their own specific spheres of competence. However, they all will be subject to the requirements of cosmopolitan democratic law. In a sense, in such a cosmopolitan condition of democracy, the sovereignty will be only an attribute of the basic cosmopolitan democratic law but it will be able to "be entrenched and drawn

upon in diverse self-regulating associations, from cities and corporations" (Held, 1995: 234).

Held states that this cosmopolitan condition will thus encourage the recovery of intensive and participatory democracy on local levels. People will come to enjoy multiple memberships in multiple spheres of affection. They will be citizens of their immediate communities, and of wider national, regional and global networks which have impacts over their lives. Yet, he maintains, what will be most essential for the new cosmopolitan democratic polity is the deliberative and representative assemblies of the wider global order (Held, 1995: 234). For, it is precisely these assemblies that will turn a system of diverse and overlapping power centers into an overarching global system of the democratic law, and thus that will constitute a guarantee against the threat of recrudescence of a neo-medieval order, while the foregoing grassroots forms of democracy will *complement* these assemblies by providing further motives and enthusiasm for deepening global democracy (Held, 1995: 234-235).

At the end, Held suggests a two-stage agenda for cosmopolitan democracy. The first stage lies within the grasp of the current UN system, but will force it to reach actually the standards declared in its Charter. Among other things, this step should entail the

"measures to implement key elements of the UN Rights Conventions, to enforce the prohibition of discretionary right to use force and to activate the collective security system envisaged in the Charter itself [in a way that is not biased to the interests of the great powers of the world states system]" (Held, 1995: 269).

Also, in this stage, it may be possible to revise the UN system to generate various kinds of independent resources for the UN itself and thus to enhance the UN as a more autonomous decision-making center in the face of the powerful states. Yet, all these will be still inadequate; and we need much more radical and extensive reforms in the second stage of cosmopolitan-democratic agenda. This stage will entail the various kinds of reforms to create "an effective transnational legislative and executive, at regional and global levels, bound by and operate within the terms of basic democratic law" (Held, 1995: 272). This may include the creation of regional parliaments and the enforcement of already existing ones, the extensive use of general referenda cross-cutting nations in the matters of common interests, and the establishment of the democratic accountability of all kinds of international organizations. What will be at the end an essential institutional requirement for cosmopolitan democracy is however the creation of "an authoritative assembly of all democratic peoples, directly elected by them and accountable to them" (Held, 1995: 273).

In this way, we have completed the review of Held's theory of transnational democracy too. It should be now clear that Held's approach is typical for what McGrew calls liberal-democratic cosmopolitanism, given its emphasis on the Rule of Law, its particular attention to the necessary institutional dimensions of democracy, its reformist (not divisively radical) stance to the existing international and national institutions of the world order. We are now in a position to suggest a short comparison between Held's and Linklater's approaches.

Concluding Remarks

Compared to Linklater's transnational republicanism, Held's liberal-democratic cosmopolitanism seems as a less enthusiastic and less radical approach with a thinner conception of citizenship. As James Anderson did, it may even be argued that, in his proposal for a "global-governance basically from above" which would only then be *complemented* by grassroots associations from below, some might find elitist bias in Held's approach. Yet, the very same characteristics of Held's liberal-democratic cosmopolitanism may be also interpreted as reflecting his commitment to a universalistic egalitarianism which requires him not to disregard the possibility that the spheres of political activity unregulated by an impartial and all binding public-legal authority may be inimical to the rights of some individuals or groups of individuals living within these spheres or exposed to the impacts of these spheres. As is also elaborated in this paper, Linklater's transnational republicanism remains mostly blind to the risks which will be engendered as a result of the non-existence of all binding public-authorities which are responsible for the protection and maintenance of the human rights (including socio-economic rights as well as basic liberties) of each member.

In my view, given the shortfalls of the kind of approaches represented by Linklater in superficially addressing the threats of neo-medievalism and not providing a realistic response to these threats, Held's reformism has its virtues particularly in recalling that the idea of the Rule of Law and the notion of formal representation are no less relevant for a cosmopolitan democracy than the idea of popular self-determination and the notion of informal grassroots participation. However, I should underline that my argument comes not to say that we should renounce the thicker conceptions of citizenship in the new era. Contrary, we should always aspire for deepening the participatory forms of democracy. But we should not lose the insight that the extension and deepening of the possibilities of democratic participation for all cannot be achieved without the guidance of the idea of democratic public law.

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