

# The External Limitations to Democracy

*Sérgio Paulo Rouanet*

The subject we have been invited to address, that democracy needs to be reinvented, suggests that representative democracy in its classical form, which involves free elections, rotation of power, plurality of parties, freedom of expression and so on, might well now be something rather outdated and in urgent need of rejuvenation. Such an impression, however, would be false. What needs reinventing is not democracy itself in terms of an ideal model as much as the prevailing reality in terms of a set of obstacles hindering the realization of this model. Democracy can only be adapted to the new realities of the world if these realities are also transformed in such a way as to make it possible for democracy to function properly.

Today's reality sets both internal and external limitations in the way of the full exercise of the democratic process. The internal limitations relate to tendencies such as the emergence of new populisms, by which dictatorial powers may be assumed without any apparent breach with legality; the atrophy of the public space through the transmutation of matters political into administrative or technical matters; the erosion of juridical guarantees embedded in the constitution of a state based on law, as an extreme reaction against terrorism and urban violence; the corruption of the political order leading to public institutions falling into radical disrepute and laying the groundwork for the imposition of extra-political solutions; the rise of religious fundamentalisms, which constitute the most radical negation of democracy, because for such movements, law – be it the sharia law of Islam, the Jewish *halacha* or the Christian Bible – emanates directly from God and not from the sovereign will of the people.

But my intention here is rather to concentrate on the external limitations to democracy, which are in part responsible for the present structure by which international society is organized. It is true to say that this society does not exist within a state of nature such as bygone authors of treatises on natural law imagined, any more than within a state of anarchy, since there are in place supranational institutions which tend to limit the powers of national states. But it dwells within an environment of extra-legality from the moment that containing norms capable of

Copyright © UNESCO 2008

SAGE: Los Angeles, London, New Delhi and Singapore, <http://dio.sagepub.com>

DOI: 10.1177/0392192108096824

regulating international behaviours are absent, whether on the economic or political/military planes.

This absence of norms is manifested by a *de facto* hegemonic power accruing to certain states. Despite the principle of the equality of all states under law, the system is deficient in rules that can assure to all member states an equal access to the mechanisms by which decisions having global effect are articulated. Certain particular countries – those clustered at the hegemonic end of the spectrum – have the power to impose decisions whose effects are felt universally, without the rest of the world having been called upon to participate in the political process which led to the adoption of these decisions. Because of this, the international environment is radically anti-democratic. According to the classical model of democracy, there ought to exist a natural unity linking the two poles of the political process: the pole which is the source of command (where those holding subjective power cluster) is in principle none other than the obverse of the pole of compliance (about which are found those objectified by power). Such was the thesis of Rousseau, for whom to submit to the law that one has promulgated oneself amounts to nothing other than self-obedience. But such a unitary structure does not exist within the international sphere, where all are objectified but few have subjective power.

This situation whereby certain states enjoy a primacy over the others is by no means new. But what is new, in our era, is that a large proportion of the states involved in the international system – to be found as much in the group of hegemonic countries as in that of non-hegemonic ones – is made up of nations with democratic constitutions. International society is hence a non-democratic structure constituted to a growing degree by democratic states.

The trend towards the democratization of nation states is thus not reproduced on the international level. To the contrary, the hegemonic democracies, with their powerful internal mechanisms for the formation of consensus, tend to lend force and legitimacy to their governments' actions which validate the anti-democratic character of the international social order, either by reinforcing the world's economic status quo, thus accentuating the dependency of the peripheral democracies, or by violating international law, so depriving these democracies of the one instrument they had to defend their sovereignty.

In addition, from the standpoint of the peripheral democracies, this asymmetry of world power undermines one of the fundamental elements of the democratic process: this being the autonomy of the participants in the political process, taking autonomy in its etymological sense as *auto + nomos*, the norm that the individual applies to himself. This deficiency of democracy becomes more visible in the light of the new international law, which includes individuals, and not only states, among the generators of the global system. It is therefore not only states, but equally individuals, who are affected by the dynamics of power lodged within the hegemonic states and legitimized by their respective democratic procedures. On the periphery, therefore, the individual is doubly deprived of his autonomy: both as a citizen of a democratic state and as a bearer of universal subjective rights, which are not necessarily able to be mediated by the state.

Until recently, this loss of autonomy was only perceptible in certain limited aspects of the globalization process. There was general awareness that we were at

the mercy of certain macroeconomic factors which, at least in part, were beyond our control. We lived in a world where the major decisions were taken by foreign central banks, where the volatility of capital hindered any long-term planning, where technological innovation reached us from elsewhere, and where the mass electronics industry, whether foreign or national, imposed a whole range of functional limitations upon us.

But we were to some extent consoled by the thought that such international domination now came about through the interplay of anonymous forces, removed from any imperialist motive, which at least represented some form of progress over the era when Queen Victoria's gunboats held sway. Even for Marxists, globalization was associated with a post-national stage of capitalism in which the role of the national state was practically nil, meaning that there was no longer any place for classical imperialism which presupposed disputes between nation states for territories, markets and sources of raw materials.

This, for example, was the thinking of Hardt and Negri, for whom world domination was something exercised by an empire and not by a single power, however powerful it might be. In this empire the United States occupied a privileged place, but no national state of itself held sole imperial power. Hardt and Negri envisaged a pyramid, at whose apex was situated the superpower of America, but where the power was shared with the other members of the Group of Eight (G8) as well as with organizations such as the IMF, the World Bank, the WTO, some other national states, etc. An imperial power certainly existed, but it was not imperialist.

In particular, we continued under the impression that international order and security was more or less guaranteed by the UN, through a system set up for the solution of conflicts which excluded the unilateral use of force. There was not yet in place what old-time jurists called a *pactum subjectionis*, which involved the submission of member states to a common authority endowed with powers of enforcement, but there was already in place at least a *pactum societatis*, which established a mutual compromise around non-aggression. It was this pact which was violated by the United States government and its British ally on the basis of a doctrine establishing a new principle, one not figuring in the Charter of the United Nations, that of the preventive war.

This constituted our second loss of autonomy, our second Fall, to put it in theological terms. Suddenly we were back to the world of Hobbes, that of universal warfare, a world in which the life of the individual is '*nasty, brutish and short*'. Now we no longer are governed by the invisible hand of the market alone, but also by the eminently visible hand which launches Tomahawk cruise missiles. Previously the punishment for lack of obedience was the drying up of the flows of capital on which we depended to round out our balance of payments. Today, we may rather be punished by being turned into a testing ground for the Pentagon's latest generation of smart weapons. The form of our subordination has become double-layered. If earlier we were dominated by the globalization dynamic, now we have become reduced to a state of vassalage of a more direct kind, both economic and military in nature. Essentially what is occurring is a refeudalization of the world, a regression back to physical forms of subordination, but without the more abstract subordination to capitalist domination disappearing in the meantime.

To put it in a nutshell, never has humanity been confronted in such humiliating fashion with its heteronomy. Never before have we been so subordinated to an outside will.

So what can be done in the face of the apparently irreversible victory of a process by which all peoples of the world seem condemned to submit either to the forces of unbridled globalization, or to the dictates of an unfettered power? One option, of course, is to do nothing, or to be happy simply to effect marginal adjustments which allow a certain participation in the globalization process under conditions where we may have some advantage, or in such a way as to retain a maximum of autonomy within the overarching imperial system.

Another option involves reacting against it. To respond to the globalization of dependency, we can identify three possible paths: those of communitarism, neo-nationalism and universalism.

To go down the communitarist path implies quitting the field of modernity and turning back to some sort of pre-modern Arcadia. This is the strategy of the proponents of deglobalization. Economies would become reoriented from within, such that production would be directed essentially towards an internal market. The financial resources to drive this would come from within as well. Producers would become organized around co-operatives. The economy would give precedence to local production. Such a solution was debated at the recent Social Forum in Porto Alegre. But it seems so idealistic that it leads us to wonder whether we should not seek a more realistic solution within the domain of modernity.

Such would be the direction taken by the second, or neo-nationalist, option. Nationalism itself, in fact, has been an ideological artefact of modernity. The partisans of neo-nationalism put it about that by reinforcing the national state, with its classical instruments of commercial and cultural protectionism and a regulated economy, an effective strategy could be derived for resisting neo-liberalism and globalization. This strategy was also aired in Porto Alegre. But it is open to doubt that a political ideology whose central focus is the individual nation state would be able to cope with the issue of deficiencies which transcend all national frontiers.

I believe that the answer to our problem can be neither particularist nor pre-modern. It must be sought within the very domain from which globalism sprang: the domain of internationalized modernity.

To get a clear understanding of what this answer might be, we would do well to revisit the classical analyses of Max Weber on modernity. For Weber, modernity is the product of cumulative processes of rationalization which occur within the economic, political and cultural fields. As a result one can speak of economic, political and cultural modernity. Economic modernity implies the free flow of the elements of productivity: salaried labour, adoption of rational accounting and management techniques, constant incorporation of science and technology into the productive process. Political modernity implies the replacement of de-centralized rule, typical of feudalism, by a centralized state, provided with an efficient system of taxation, a standing army, a monopoly on the use of force and a rationally driven civil service. Cultural modernity implies the secularization of traditional world-views (*Entzauberung*) and its differentiation within spheres of value (*Wertsphären*), which, up until then, had been subsumed by religion: those of science, morality, law and art.

Modernity, for Weber, is closely associated with the concept of efficiency. It has a functional dimension to it: in a modern society things *function* better than in an archaic society. But modernity is not entirely absorbed by this functional component. There is a second one, which has less to do with efficiency than with autonomy. This is modernity in its emancipatory sense. Its goal is not the functionality of structures but the emancipation of individuals. According to this model, a society will not entirely attain modernity simply through its infrastructural systems becoming more efficient, but it will do so when it provides a maximum amount of autonomy to individuals. From this point of view, *economic modernity* means the ability to access through work the goods and services that are necessary for one's own wellbeing, within a social system which excludes institutionalized exploitation and injustice. *Political modernity* means the full capacity to exercise one's citizenship, within a state grounded in law which guarantees the total application of democracy and human rights. *Cultural modernity* means the unfettered rule of reason, without constraints of any kind – the realm of Kant's *sapere aude* – within an institutional context which guarantees to all the rights to cultural expression and cultural access.

The inherent direction of both functional modernity and emancipatory modernity is towards internationalization. The internationalization of modernity in its functional dimension is what we technically call 'globalization'. Initially, the drive towards functionality perceived local and national barriers as obstacles to the full implementation of the logic of efficiency and productivity. These barriers were therefore to be progressively eliminated. First to be overcome were specific hindrances at a local level which imposed limitations on the functional application of capital; this development gave access to the broader economic space created by the national state, providing thereby an integrated market. But national states in their turn soon proved to be too narrow. Modernity outgrew these limits and went global. Economic globalization came about through the flows of goods, capital and technology taking on a worldwide dimension. Political globalization emerged through the progressive reduction of national sovereignties and by imposing the general application of a single model of state engagement, based on the opening up of markets, privatization and deregulation. Finally, modernity became globalized on the cultural level through the universal diffusion of a mass electronic culture.

To the internationalization of emancipatory modernity I have given the term 'universalization'. This movement derives its impetus directly from the ambitions of the Enlightenment. These ambitions brought to their ultimate logical expression the cosmopolitanism of the Stoics and the Christian concept of the brotherhood of man. For the movement towards universalization, the idea that all people were equal, independently of national borders and cultures, was far from being a rhetorical abstraction. It viewed the world as being truly a *civitas maxima*. This was the Kantian ideal of the *Weltbürgertum*, a cosmopolitanism shared by Montesquieu, Gibbon, Voltaire, Wieland, Diderot, Condorcet and others, who proudly declared themselves to be citizens of the world, a view shared even by the most 'particularistic' of philosophers, Rousseau.

As heir to the Enlightenment, emancipatory modernity tends to internationalize along the axis of universalization rather than via that of globalization. This universalization happens in the economic sphere by transforming development into

internationally codified law, by the creation of multilateral institutions for bringing prosperity to the Third World, and by co-ordinating efforts round the world to bring about social progress in fields such as food supply, public health and education. Emancipatory universalization is pursued through political action by bringing pressure to bear towards implanting democracy worldwide, by limiting the sovereignty of states so as to 'civilise' the pre-political state in which global society currently finds itself, by converting the defence of peace into a supreme value, by strengthening the United Nations, by promoting a politics of human rights capable of transcending national boundaries and by debating the ecological risks facing the world equally on a world scale. Finally, universalization on the cultural level is sought by facilitating contacts between scientists, writers and artists of all nationalities, by multiplying translations and by improving the teaching of foreign languages.

The differences between globalization and universalization are therefore not purely terminological. Globalization tends to reduce all individual difference, its driving force being the optimization of profit through market rationality which supposes the creation of homogeneous spaces. Universalization, on the other hand, is pluralist, because its purposes can only be attained through communication rationality, in the sense Jürgen Habermas intended, which supposes the desire and power of subjective individuals to defend the specificity of their ways of life. Globalization implies the fusion of conglomerates. Universalization involves the union of peoples. From the point of view of globalization we are mere objects, but we are autonomous subjects within the realm of universalization.

The actors of globalization and universalization are different. Those of globalization operate within a systemic zone which is governed by instrumental rationality and strategic action. They comprise trans-national corporations in the economic field, techno-bureaucratic elites in the political field and intellectual elites recruited to the service of the media and the advertising industry in the cultural field – the so-called 'organic intellectuals' of a global 'prince'. Is it therefore possible to speak of the emergence of a new class, of a new form of bourgeoisie tasked with managing the different sub-systems of modernity, whether this be on a global scale or on a local level? Yes, says Richard Rorty, for whom 'we have now a global overclass which takes all important economic decisions and does so in total independence of parliaments, and *a fortiori* of electors, in all countries'. Leslie Sklair speaks also of a 'trans-national capitalist class', consisting of trans-national executives and bureaucrats, politicians and decision-makers with worldwide reach. An old-time Marxist would say that, if every class is the bearer of an ideology, the one this global 'bourgeoisie' espouses would be neo-liberalism. On the other hand, the actors of universalization are the non-governmental organizations, trade unions, political parties, social movements, churches, democratic governments, parliaments, intellectuals and artists. The same incorrigible Marxist would define a new proletariat, made up of groups excluded and marginalized by the new economy, and would perhaps go so far as to commit the anachronism of proposing something like a neo-socialism as a response from below to the neo-liberalism being imposed from above.

This allows us gradually to perceive the direction in which we should orient our reaction: down the axis of a modern universalism, having as its long-term goal the establishment of a worldwide democracy. But it is not a matter of establishing a

single worldwide state, such as those created at the point of the sword by Alexander or the Roman Empire. It would not have much in common, either, with the imaginings of those who have put forward the idea of a world political union, because, in their projects for a union between states, they envisaged in general that initiatives would come from the governing bodies, *ex parte principis* – from the prince's part – whereas, according to the logic of modern universalism, such initiatives should come predominantly from below, *ex parte populi*.

Our model does not project the establishment of a world democracy organized as a federal structure, for that would take away all sovereignty from national states, which is neither practicable nor desirable. But neither does it recommend a confederal model which would leave this sovereignty undiminished, something which would be essentially innocuous and at base not very different from the current system of the United Nations, which is limited precisely by the principle of the individual sovereignty of member states. I incline rather towards the model that certain political thinkers, such as David Held and Daniel Archibugi, call 'cosmopolitan democracy' – a path midway between confederation and federation, which does not seek the abolition of national states but which envisages cosmopolitan institutions capable of co-existing with states, by not superseding their authority except in certain well-defined areas. There would be different levels of governance, organized according to the principle of subsidiarity. Matters would be dealt with on national level only where they could not be dealt with locally, on a supranational regional level where they could not be handled nationally, and on a world level where regional decision-making was not an option.

The highest or world level of governance would represent an evolution of the United Nations. It would be based around a civil society within which institutions such as churches, trade unions, associations of artists and intellectuals and non-governmental organizations would function. It would also incorporate a political dimension of society, constructed out of the principles embedded in the Universal Declaration of Human Rights and equivalent charters. Its organs would include a bicameral Parliament which, along with the present General Assembly whose members are appointed by governments, would also incorporate a Peoples Assembly, whose members would be directly elected by universal suffrage. Law emanating from this Parliament would not have the character of inter-state law, contrary to current international law, but would approximate to what Immanuel Kant called *jus cosmopolitanicum*. The International Criminal Court and a redefined International Court of Justice would constitute the heart of an effective judiciary power, endowed with real authority, which would allow judgments to be passed not only against states but also against individuals guilty of violations of human rights and crimes against humanity. Finally, to implement the laws of this world democracy, there would be an executive body provided with appropriate economic and political powers.

On the economic plane, this executive would have competence to oversee the process of globalization and to correct its anomalies, along the lines suggested by, among others, Nobel Prize for Economics winner, Joseph Stiglitz. On the political plane, the world executive body would inherit the functions of the UN Security Council. It would be responsible for the maintenance of international peace and security. It would retain the monopoly over the legitimate use of force. In the

medium term the intention would be the demilitarization of national states and the transformation of United Nations peace-keeping contingents into a standing army subject to the control of the other authorities.

A structure of this kind would assist in regaining control over the despotic world of the globalized economy and would grant the monopoly over the use of force to a properly authorized international body. In so doing it would free the world from the tyrannical decisions of the new war-lords and would remove all legitimacy from the unilateral interventions of self-designated sheriffs. It would provide a permanent and practicable underpinning for democracy in less developed states whose citizens, since they would concurrently be members of a broader national and universal *demos*, would become co-responsible for the decisions affecting them. This would also correct the insufficiencies of the democratic processes of the most highly developed states, from the consideration that any decisions they adopted would gain in legitimacy if they took into consideration the interests and points of view of other peoples. The two levels of democratization could thus converge: national democracies would be admirably complemented by world democracy while the latter would be made possible through the broad extension of the drive towards universalism which is implicit in the modern democratic ideal.

But if the tendencies towards a loss of autonomy which I discussed earlier are in fact real, isn't it in fact already too late to react against them? The response may perhaps be found in Hölderlin, who said in one of his odes that it is in the depths of peril that salvation may be found. A similar response is found in Ernst Bloch, who drew attention to the practical power of utopian hope, provided that this is in the form of a *docta spes*, a concrete hope, built upon tendencies already at work within the real. In the light of progress already realized towards universalism, and in view of the disastrous consequences arising out of the Iraqi adventure, which have proved just how impracticable is any initiative which deviates from the universalist's path, it may be affirmed that the hope aroused by the idea of worldwide democracy is real, and that the utopia that it provides a glimpse of is a utopia of sound foundations.

Sérgio Paulo Rouanet  
*University of Brasilia*

Translated from the French by Colin Anderson