

CRITICAL COMMENTS

Agency, political economy, and the transnational democratic ideal

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James Bohman's *Democracy across borders: from demos to demoi* is a rich and deep text. It is also deceptively short in length in comparison to those authors he engages and compactly reconstructs. Bohman puts forward strong normative arguments for a 'reconstructed' ideal of transnational democracy and provides models for realizing these ideals that also aim to meet standards of practicability. Bohman articulates the minimum necessary conditions for any democratic ideal in terms of freedom from domination and freedom to initiate and engage in efficacious democratic deliberation *across* the borders of currently existing political communities. The argument charts a novel democratic ideal in terms of the global deliberative situation that is fundamentally different from the authors he discusses in light of existing facts about globalization, institutions, and the pluralism of *demoi*. In these comments I will focus on two main areas.

First, I will explore the conception of agency at the foundation of this normative ideal, specifically in Bohman's delimitation of the political community of humanity. This conception of agency is robust enough to serve as the foundation for the reconstructed ideal to the point of excluding a variety of institutional and political arrangements. My main question in the first part of these comments is 'How necessary is this particular model of human agency for the normative ideal that Bohman proposes?' and further, 'How does this model restrict the deliberative process and outcomes of agents exercising their normative powers of democratic deliberation and recognition?' Second, I take up the question of the empirical description of the existing facts of globalization, specifically in terms of the possibility of different accounts of the legal and political institutions that do cross borders, such as the European Union. Here I ask for clarification regarding two conclusions that Bohman draws. 'Are there situations in which the global character of a problem

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requires a global agent that acts on behalf of the community of humanity against a particular *demoi* among the *demoi*?' and 'What model of political economy best first the facts of globalization with regard to the possibilities of drawing on existing institutions such as the EU and for revising the democratic peace hypothesis?'

THE CONCEPT OF HUMANITY

Is there a role for a robust conception of human agency in articulating the normative ideal of a theory of global democracy? Does this conception restrict the deliberative process in ways that exclude certain procedural questions from deliberation and reflexivity? These two questions are answered, I believe, in the affirmative in Bohman's argument. I would like to explore this position with an eye to a larger question for what this means for a global political subject of plural *demoi* normatively circumscribed by a 'principle of humanity.'

In arguing for the concept of humanity as in the first instance a political community, Bohman is not 'appealing as Kant did, to the fiction of a "state of nature".'¹ Rather, starting with the political aspects of our humanity as equiprimordial with our status as bearers of rights of non-interference, and in developing a multiperspectival principle of humanity, Bohman to my mind is privileging a much more complex, contemporary, and robust version of the classical *zoon politikon*. This move to incorporate the dimensions of normativity that go along with the first, second, and third perspectives into the plural subject of global democracy are yet tied to an idea of individual human agency. This is an agent whose fundamental freedom is expressed through communication and specifically, the normative power of seeking recognition of equal membership in a community through the legitimate redress and acknowledgment of claims made by them and made of them by agents, at least, of identical nature.

In arguing that we ought to take humanity as the global political community, Bohman has put front and center one of the ways in which his position is such a radical departure from the varieties of cosmopolitan democratic theory he outlines. It seems to me that we are dispensing with an entire tradition in which the idea of social contract in its various guises is central to beginning theories of politics and adumbrating the rights of individuals accordingly, as well as articulating the general principles of justice within and among nations.

However, while not appealing to a conception of the state of nature or an original position in a constructivist sense, Bohman does lean on a conception of human nature that is substantive and perhaps even teleological in terms of providing the grounds of the democratic minimum and where this leads for his definition of democracy. That is to say, to put it in a Kantian vein, creatures that are of such a nature as humans necessitate one normative arrangement of a non-dominating democracy of *demoi* that privileges the democratic minimum as foundational. While it is the case that the reflexivity internal to the democratic minimum is what precisely blocks the normative framework of political life from taking on a monistic character, nonetheless the demands of the democratic minimum are strong in terms of what

practice can look like if they are to hold. That is, while invoking ‘membership status’ as the primary consideration in terms of constituting humanity, there are in addition normative powers that humans possess that are constitutive of human agency. I will come back to the consequences of this conception of humanity for the contemporary ‘circumstances of politics’ later.

In fact, to a significant extent the argument runs on the rails of a conception of human agency that combines normative statuses and capacities in a particular way that emphasizes membership, recognition, reflexivity, deliberation, inquiry and finally, and perhaps most importantly, creativity with regard to this universal political community.² While these are dimensions of the human being, their combination and emphasis in the transnational ideal of democracy Bohman puts forward does serious work in securing, or fastening the human agent to our contingent historical political development in the compelling cosmopolitan republican vision on offer. I imagine with respect to the core of the argument there might be a confusion here, on my part, between the normative powers in the political sphere, and factual or descriptive features of a concept of the ‘human’, and perhaps I am reading a much thicker notion of human agency into the theory. It is just this split between normativity and facticity that Bohman seems to overcome, however, in his conception of exercising normative powers as a condition of non-domination. It is the reflexive capacity of human agents to creatively criticize and respond to the factual situations that qualify as domination that secures both the normative minimum and the practical model Bohman puts forward. Rather than relying on what Nietzsche referred to as the peculiar fact about us as ‘the promise keeping animal’, or articulating a problem of coordination amongst individuals seeking to maximize their felicity in a ‘a continual progress of the desire from one object to another, the attaining of the former being still but the way to the latter,’ Bohman has lifted out of certain human capacities and statuses a normative framework to establish a novel subject of democracy, the entire human community.³

What I am referring to as a conception of human nature, or a philosophical anthropology, at work in the book propels the argument toward the ‘institutional, political, democratic, and transnational’ conclusion.⁴ The thesis that democracy and justice are necessarily entailed and support one another provides further evidence of the robustness and importance of the model of the agent’s normative powers, the democratic minimum, and the pluralist principle that determines the subject of democracy.

In Bohman’s articulation of the principle of humanity, there is at work a foundational conception of human capacities and statuses that are selected, privileged, and prioritized. They operate in the normative sphere, perhaps, in manner similar to ‘the fact of reason’ in the theoretical sphere. The principle of humanity becomes an essential perspective for justification in any democracy that does justice to others. Here Mead is enlisted to develop this multiperspectivalism, and while psychological and developmental issues with regard to individualization and identity are not discussed explicitly, there is a robust tacit thesis about the expectations an adult individual must be able to internalize if they are to achieve the normative potential nascent to the

human form. Individuals' perspectives are inherently limited, inquiry must be communal and democratic, and there must be a cognitive division of labor in providing solutions to problems. It may be that we are just those kind of creatures to whom the requirements of justice demand that we leave normative questions open and available for reconstruction through the give and take of political cooperation and democratic deliberation. But then this norm does not seem itself available for creative address at its core on pains of self-contradiction. But this would seem to split the norms available for true deliberative and creative consideration off from a core set that is not available for deliberation.

The relief of legal order, borders, territories, juridical statuses, etc. from older conceptions of constituting the basic subject of democracy leads to a question: does this position, in an attempt to recognize the plural *demoi* that are inter, trans, and non-national simply remove to a higher level the problem of plurality of national *demoi* with another *demos*, the political community of humanity.

It seems that the position is pushed toward this question, putting into tension the normative ideal with the factual constraints of contingent political structures and the goal of a practicable ideal. That is to say, to prevent this reduplication of the *demos* problem at the higher level of the principle of humanity, there could be consequences for any attempt to establish any particular membership community that is not global in scope for political purposes. What would justify such exclusions as are necessary in delimiting any particular *demoi*?

POLITICAL ECONOMY AND THE TRANSNATIONAL IDEAL OF DEMOCRACY

As articulated above, the foundation of this transnational ideal is rooted in a robust conception of agency and the conditions for non-domination. I now turn to the fact that while the view claims to be practical and institutional, the political economic landscape would need to be quite dramatically altered, perhaps more radically than the institutionalist moments of this vision suggest. In addition, meeting the democratic minimum in a variety of contexts necessarily point, I believe, to larger overarching political institutions that match the global character and reach of processes that either provide the biological conditions for human agency in the first place, a sustainable ecosystem, or that react to those global facts that systematically infiltrate and instrumentalize our political world for market imperatives rendering abstract the ideal of democratic justice spoken in the political institutions and spaces Bohman describes.

Bohman argues that he is not interested in a global state, but I am curious if this is a principled normative objection due to the fact of pluralism, a factual objection due to its unlikelihood, or both. An alternative description of the facts of globalization could be fruitfully explored that might change the picture of practicability that Bohman outlines in terms of multiple global public spheres and the institutional transformational path he presents. In what follows I would like to ask a series of

questions regarding the relationship of *demos* to problems that are global in scope and to bring up the possibility of an alternative political economy perhaps leading the strong normative argument and picture of human agency in the book in a different direction.

My first question concerns the reach and force of the co-optation of representative government by actors outside of the political arena, and thus the obstacles to the necessary freedom to initiate deliberation. Bohman focuses on the problems of principal-agent relationships and the nature of the intrusions of markets into spheres of society previously ruled by imperatives besides profit. However, doesn't it seem at least plausible, given such an introverted dependence that institutions, political governments, etc. have on markets and that markets have on them, that some type of global superstructural arbiter might be not only required in a normative sense, but also demanded by such states of affairs as the pending environmental catastrophe? Couldn't there arise, due to the globalization of capital administration, the factual situation in which the ideal of a democracy of *demos* fails the problematic situation and requires a rearticulation that in principle violates the democratic process of some *demos* in order to redress a situation of global catastrophe? Bohman writes:

If they seek not to be dominators, democracies have obligations to create a republic of humanity for two main reasons. First, they cannot ignore these claims to common liberty without becoming dominators and thereby undermining the conditions for democracy. Second, democratic communities that honor the democratic minimum must at least be open to claims of other communities and thus be willing to extend that minimum to all bearers of human rights. In this way, democracies would not merely act on behalf of humanity but would constitute the human community. This does not require a world state, since the more institutionally differentiated such a community is at different levels, the better the dispersal of power condition is met. It is clear, however, that some of these obligations can be met only if some of those institutions are global in scope, particularly global juridical institutions such as the International Criminal Court. In terms of a republican conception of non-domination, human rights and the democratic minimum are two sides of the same coin: the political obligation to realize the civil condition necessary for the common liberty of humanity, a republic of humanity. (Bohman 2007, 130)

However, hypothetically speaking, are there factual situations that trump the dispersal of power conditions? What if, increasingly, the problems of globalization require more and more institutions to arbitrate the different communities? Does a global state still remain off the table as a coordinating mechanism of these variegated institutions as well as overarching arbitrator?

My next question continues in this empirical vein, specifically, 'What impact does our empirical understanding of the processes of global capitalism have upon a theory of deliberative democratic justice?' There enters into the motivation to articulate and justify a new democratic ideal, and thus a call for a new kind of democracy, a certain position with regard to the 'facts of the matter.' In passing, Bohman refers to the relationship between facts and ideals in Dewey's theory of inquiry. This points to the importance of getting the global deliberative situation as right as possible. This to some degree is an epistemic matter, and also a social matter of praxis from the

perspective of the pragmatic theory of inquiry Bohman cites, and to which he has elsewhere offered a unique contribution. It is the articulation of the relationship of globalization to democracy that I may have a question, if I properly grasp the consequences of the argument.

As an example of what a revision of our understanding of the facts of globalization might look like, let's look at the hope that Bohman holds out for reconstituting the global order in the image of his transnational ideal. While critical of the encroachment of security imperatives upon democratic freedoms, Bohman still believes current institutions can be enlisted to increase peace between and among democracies:

[A]t this juncture in global dynamics, the democratic peace is no longer expanding. Indeed it has become potentially self-defeating for democracies: much as the rivalries among states did in the past, new forms of international conflict have begun to undermine the democratic quality of liberal states and with it the prospects for democracy as the key to a new pacific international order. The current situation shows that the democratic peace is not genuine, but a peace whose dynamic requires the discovery of the means by which both democratic states and the international system may become more democratic in a mutually reinforcing way. (Bohman 2007, 175)

Specifically, Bohman invokes the democratic peace hypothesis as worthy of reconsideration, serving as a pivot upon which to critique the increasing emphasis of states on security as opposed to democracy and peace.

The democratic peace hypothesis is similar to Sen's generalization about famines in that fairly minimal democratic conditions figure in the explanation of the absence of certain types of wars. The generalization is, however, more restricted in the case of war than famine. Democracies do go to war against non-democracies, although almost never against other democracies. Many explanations have been offered for why this is the case, and many of these do not depend on any transformative effects of democratic institutions other than that they provide channels for influence and the expression of citizens' rational interests and resume amity among democracies across borders as the basis of trust. (Bohman 2007, 182–83)

Enlisting this ideal alongside the detailed argument for increased reflexivity in a constitutional regime and institutionalizing transborder communication in the form of public spheres makes clear that Bohman believes there is something to the 'democratic peace hypothesis.' It is also true for Bohman that this critical reformulation of the current situation as a 'problematic situation' affords new possibility for the realization of peace. However, the characterization of the post World War II organization of the global financial architecture as 'culminating in the emergence of international law and a zone of peaceful relations among democracies since 1945' perhaps does not throw into relief the concord among elites of different nations in establishing a regime of domination.⁵

The claim that the democratic peace is *no longer* expanding tends to suggest that this period was one of relative peace between democracies. Perhaps the relationship between democracies of the North and the South problematizes this thesis in a way

that would point to a different characterization of the facts of globalization and roundly falsify a situation in which the democratic peace hypothesis would be tenable in this period.

One virtue consistently present in the argument regarding issues of market-generated domination is that Bohman regularly mentions the ‘asymmetries’ and abuses that the financial system unfairly dumps on unaware parties as externalities of democratic activity. But perhaps this point could be put much stronger in articulating the ‘facts’ that our ideals ought come to terms with if our ideals are to be practicable. I am specifically referring to the fact of global capitalism, the instrumentalization of the state by capital interests, and the emergence of the neoliberal regime of international domination.⁶

That is to ask, from what perspective on political economy do we discuss the relationship of democracies with one another? The virtues of republicanism as a foundation for non-domination are striking and Kant and Diderot are Bohman’s great sources. He writes:

The form of republicanism I defend here has its roots not in the English Commonwealthman traditions, but in the republican anti-colonialism and anti-imperialism of Diderot, Kant, and others. Their fundamental insight is that domination abroad undermines democracy and non-domination within the republic, and that secure non-domination is based on the common liberty of all rather than the escalation of rather than the escalation of military and executive power. (Bohman 2007, 10–11)

Given this basis, is there a stronger way of asking the question of political economy? Is there a way of following this line of inquiry that might redraw our understanding of democracies such that a deeper more robust critique of markets themselves and the system of contract labor, existing private property rights, and the flexibility of capital is not only a consequence but ought be constitutive of the transnational ideal of democracy based upon the political community of humanity and the democratic minimum.

To put it more bluntly, is there a way to redraw the global problematic situation such that the case of capitalist market relations on the previous unified state sovereignty model can be labeled directly as domination *across demoi*? In this case, we might return to a critique of political economy, one that might begin with the kind of connection of corporate principal–agent relationships into political spheres of representation, international agreements and trade treaties, and international institutions that serve the interests of capital with the current facts of global immiseration. This would recast the analysis of the function of our political institutions in a more critical light. There is much research that I believe informs and/or is compatible with Bohman’s position with regard to the direct impacts and quality of life costs and degradation due to the expansion of neoliberal market policies. The institutionalist approach in the book is explicit about this to a certain degree and directly targets this problem.

But given the democratic minimum and the discussion of agency and agents in the book and above, perhaps the transnational ideal could be more fully informed about

the processes of material production and consumption that pit the standing reserve army of developing countries against those who enjoy rights and hard-fought democratic entitlements to the detriment of both. This would put the democratic peace hypothesis into serious question as a candidate for framing the transformation necessary to meet the minimum requirement of non-domination and the power to initiate efficacious deliberation. In addition, in looking to the EU as a model for some of the institutional innovation and practical location for putting the democratic minimum into practice, it makes sense to ask the following clarifying question: Is there a sense in which the formation of EU institutions is causally downstream from and linked to market processes that change their nature and potential for transformation? Is what David Harvey has called the ‘regime of flexible accumulation’ a prime mover in bringing about the new political institutional possibilities and if so would this be a relevant concern to a theory that includes the democratic minimum and non-domination as its central normative pillars?⁷

It seems to me plausible that a global market of wage earners competing for contract labor with each other in the current political economic regime fails to meet the democratic minimum and this is a fault of its very structure: producing domination by its very working. Bohman explicitly chooses domination as opposed to exploitation as the key fact in need of transformation. However, it seems that there is a factual relationship, if not an additional conceptual one, between exploitation and domination. In that case, institutionalism might not be quite strong enough an approach to meet the ideal transnational aims of the democratic minimum through deliberation, public spheres, and democratic procedures. As one specific instance, does the theory reach down into market relations to the point of necessitating workplace democracy within firms and restricting property arrangements that give rise to the pathologies Bohman details? These questions are for purposes of clarifying the reach of the ideal and its practical consequences. From this reader’s perspective, one of the many strengths of this comprehensive, compelling, and powerful theory of transnational democracy consists in making these questions necessarily relevant and central to any global theory of democratic justice.

NOTES

1. See James Bohman, *Democracy Across Borders: From Demos to Demoi* (Boston, MA: MIT Press, 2007), 110.
2. *Ibid.*, 103ff. For the conception of humanity that Bohman constructs using both the qualitative and quantitative dimensions of this concept in discussing its role in normative political theory. Bohman again displays his deep debt to pragmatism, and to Dewey, in including creativity as part of the architecture of the plural democratic subject, and the individual human agent.
3. Friedrich Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufman (New York: Vintage Books, 1966), 57. The second quote comes from the opening of Chapter 11, Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge, UK: Cambridge Press, 1996).
4. See Bohman, *Democracy Across Borders*, 37ff for this articulation.
5. *Ibid.*, 174–5.

6. See as one among several examples of the relationship between Northern and Southern democracies in the post World War II period Stephen Schlesinger and Howard Kinzer's *Bitter Fruit: The Story of the American Coup in Guatemala* (Cambridge, MA: Harvard University David Rockefeller Center for Latin American Studies; Expanded edition, 1999). Indeed, Bohman's theory targets the kind of perverted principal-agent relationships that lead to such situations of domination, but the point I am making here regards the characterization of the post World War II period and more generally, where the facts of this problematic situation lead with regard to the practical and institutional starting point of redressing it.
7. David Harvey, *The Condition of Postmodernity* (London: Blackwell Publishing, 1990).