

Regionalism and Globalization: Post-Nation or Extended Nation?*

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In "the Postnational Constellation and the Future of Democracy," Habermas argues that a democratic regionalism could provide the necessary infrastructure for the democratic coordination of globalization in the absence of a global government. This paper asks, what is "postnational" about democratic regionalism? And to what extent can Habermas's regional polity serve as a general model for the form of democratic practice beyond the nation-state? Part I of the paper argues that globalization poses a significant enough challenge to the nation-state to warrant a reexamination of the forms of democratic practice. Part II addresses the project of regionalism as one such political response, indicating the challenges presented by political integration on the regional scale. Examining the concept of the "postnational," the paper argues that European democratic integration as described by Habermas maintains elements of an extended civic-nationalism. Political solidarity in the postnational polity is premised upon a territorially based political identity situated in a shared history, and in this sense it does not transcend the national model. Part III explores how this affects the model's claim to represent a general form of democratic practice beyond the nation-state, examining the tensions thus revealed between the particular contexts of democratic legitimacy and the broader project of cosmopolitan global governance.

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Historically, the fate of modern democratic practice and the nation-state have been intimately related. In recent years, however, a large literature surrounding the topic of 'globalization' has called this relationship into question. Whether one understands 'globalization' exclusively through the lens of neo-liberal capitalism, or through a broader view of grand historical and cultural processes spanning centuries, it has become increasingly clear that recent technological, economic, politi-

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cal and cultural developments challenge the capacity of the nation-state to function in relative autonomy. The expansion and acceleration of cultural, political and economic activities cutting across national and regional borders is not inherently incompatible with democratic practice. And the nation-state shows no signs of disappearing completely.¹ Yet as the nation-state experiences a diminished capacity for independent action and the stable reproduction of collective identities, its status as the preeminent site of democratic government comes into question.

As a result, approaches to the concept of democratic governance beyond the nation-state have gained wide attention. Most prominently, the works of David Held and Daniele Archibugi come to mind.² And notably, Jürgen Habermas and John Rawls have each presented extended thoughts on the prospects of transnational governance and cosmopolitan law.³ For some, the proper political response to globalization is the consolidation of democracy at the national level—a strengthening of the nation-state in the face of pressures from abroad.⁴ But for many, the opposite is required: while strong democratic procedures at the domestic level remain important, democratic government, it is argued, can only be maintained in the current context by extending its borders outward, beyond the nation-state. For example, David Held envisions the consolidation of a system of cosmopolitan law that would one-day cover the globe, providing the legal structure for a truly transnational democratic politics.⁵ Still others see the future of global governance as taking form in a process of decentralization, or “disaggregation.” Processes of rule-making are increasingly dispersed along a multiplicity of networks on a variety of levels of political, economic, and cultural organization; thus, according to this view, political systems must come to transverse the boundaries of the local and the global, the public and the private.⁶

1. In fact, as many have argued, the post-cold war era has witnessed a reinvigoration of nationalism rather than its transcendence. See for example Rogers Brubaker, *Nationalism Reframed* (Cambridge: Cambridge University Press, 1996).

2. David Held, *Democracy and the Global Order* (Stanford: Stanford University Press, 1995). David Held, Anthony McGrew, David Goldblatt, and Jonathan Perraton, *Global Transformations* (Stanford: Stanford University Press, 1999). Daniele Archibugi and David Held, *Cosmopolitan Democracy: An Agenda for a New World Order* (Cambridge: Polity Press, 1995). Daniele Archibugi, “Cosmopolitan Democracy,” *New Left Review* 4 (2000): 137-51. Daniele Archibugi, David Held, and Martin Koehler, eds. *Re-imagining Political Community* (Stanford: Stanford University Press, 1998).

3. Jürgen Habermas, *The Postnational Constellation* (Cambridge, MA: MIT Press, 2001). John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

4. Paul Hirst and Graham Thompson, *Globalization in Question*, 2nd Edition (Cambridge: Polity Press, 1999). Will Kymlicka, “Citizenship in an Era of Globalization: Commentary on Held,” *Democracy's Edges*, ed. Ian Shapiro and Casiano Hacker-Cordón (Cambridge: Cambridge University Press, 1999). Pierre Bourdieu, *Acts of Resistance*, trans. Richard Nice (New York: the New Press, 1998).

5. Held, *Democracy and the Global Order*.

6. Manuel Castells, *The Information Age*, Vol. 1: *The Rise of the Network Society* (Oxford: Blackwell Publishers, 1996). Kanishka Jayasuriya, “Globalization, Sovereignty, and the Rule of Law,” *Constellations* 8 (December 2001): 442-60. James Rosenau, *Turbulence in World Politics* (Brighton: Harvester Wheatsheaf, 1990).

For Habermas, however, the challenges of globalization call for the *re-aggregation* of political authority at a level that goes beyond the national frame but pulls up short of the global. In "the Postnational Constellation and the Future of Democracy," Habermas argues that a democratic regionalism represented by the continuing project of the European Union could provide the necessary infrastructure for the democratic coordination of processes of globalization in the absence of a global government.⁷ This paper will interrogate both dimensions of Habermas's formulation. What is the status of the "postnational" in Habermas's model for a regional polity? And to what extent can it serve as a general model for the form of democratic practice beyond the nation-state? In the context of globalization can the postnational polity indeed represent "the future of democracy?"

Part I will examine the challenges posed by globalization to the modern nation-state, arguing that the challenges are substantial and do in fact merit a reexamination of the forms of democratic practice. Part II will address the project of regionalism as one such political response, indicating the challenges presented by political integration on the regional scale. Clearly, large regional political organizations must transcend ties between central state authority and ethno-national belonging. In this sense they must be "postnational." However, I will suggest that European democratic integration as described by Habermas maintains elements of an *extended civic-nationalism*; political solidarity in the postnational polity is premised upon a territorially based political identity situated in a shared history; and in this sense it does not transcend the national model completely. Part III will explore how this affects the model's claim to represent a general form of democratic practice beyond the nation-state, and it will examine the tensions thus revealed between the particular contexts of democratic legitimacy and the broader project of cosmopolitan global governance.

I. Globalization and the Nation-State

In contemporary parlance "globalization" often refers simply to the expansion of free trade and the growing integration of national economies the world over.⁸ However, this represents a limited understanding of a multi-layered phenomenon that encompasses political, cultural, military, and environmental factors as well as the specifically macro-economic. Globalization summarizes a variety of processes that together increase the scale, speed, and effectiveness of social interactions across political, economic, cultural, and geographic borders.⁹ The result is that activities

7. Jürgen Habermas, *The Postnational Constellation*, trans. Max Pensky (Cambridge, MA: MIT Press, 2001). [Hereafter cited parenthetically in text as PC.]

8. See for example, Joseph E. Stiglitz, *Globalization and its Discontents* (New York: W.W. Norton and Co., 2003), ix.

9. Held et al., *Global Transformations*.

and events in one region of the globe may have transcontinental effects potentially reaching the far corners of the earth. This is a process with a long history that has accelerated in recent years due in part to the end of the Cold War and the revolution in information technologies, including the rise of satellite communications and the World Wide Web. Yet the concept of globalization should not be understood as inherently implying the inevitable integration of the planet into a single world society. Globalization is an uneven process, benefiting some more than others and creating divisions as surely as it makes connections. Globalization is fundamentally a contested concept, its ultimate character and direction a matter of dispute.

David Held and Anthony McGrew have depicted recent debates over globalization as divided among three general positions: the hyperglobalist, the skeptic, and the transformationalist. Briefly, the *hyperglobalist* understands contemporary globalization as heralding a new epoch of human history driven by the free movement of global capital and characterized by the inevitable rise of a world civilization that will result in the end of the nation-state. The *skeptic*, on the other hand, argues that this understanding of globalization is greatly exaggerated. Focussing on economic factors, the skeptic argues that there is nothing unprecedented about current levels of national interdependence, and that nation-states continue to be and will remain the primary political and economic actors in international affairs for the foreseeable future. In contrast, the *transformationalist* understands the current epoch as one of unprecedented change. But unlike the hyperglobalist, the transformationalist argues that the direction of this process remains uncertain and in contest. The transformationalist disputes the claim that the sovereign state is a thing of the past, but also challenges the claim that states remain as strong as ever. He argues rather that globalization transforms the *relationship* between states, markets, sovereignty, and the transnational sphere. It challenges the governing and legitimation capacities of old political arrangements, domestically and internationally. And it thus adds new incentives to the search for political innovation.¹⁰

In the context of this debate Habermas may be understood as a *transformationalist*. Globalization, Habermas asserts, "describe[s] a process, not an end-state" (PC 66). He agrees that something new is certainly happening; and while such developments are neither inevitable nor necessarily incompatible with democratic practice *per se*, they do, he argues, challenge the nation-state as democracy's dominant institutional form (PC 67).

Habermas defines the modern democratic nation-state by four basic characteristics: First, it is formed by an administrative system constituted by positive law (PC 63). The origins of the nation-state in Europe lie in the development of systems of administrative power that were well established long before they were brought

10. Held et al. *Global Transformations*, 2-10. David Held and Anthony McGrew, *Globalization/Anti-Globalization* (Oxford: Polity Press, 2002).

under democratic control. Second, this administrative system is defined territorially. An effective system of positive law must have a clear object of control; territorial boundaries serve to define the law's "sphere of validity," and identify the population from which the relevant political community will form. Territoriality serves as the focus of the principle of state sovereignty, understood as the state's external autonomy from foreign powers and its internal monopoly on the legitimate use of violence, or the capacity to maintain "law and order" (PC 64).

Third, the development of the administrative state into a modern democratic nation-state depends upon the constitution of national identity. "Only the symbolic construction of 'a people' makes the modern state into a nation-state" (PC 64). National consciousness provides the solidarity that transforms a disparate population into a body of citizens involved in the common practice of democratic self-determination. And fourth, the legitimacy of the modern democratic state is characterized by the progressive development of civil, political, and social rights. Basic to effective democratic practice, civil and political rights constitute the spheres of private and public autonomy. And in the context of social inequality in capitalist society, social rights become necessary to secure the very conditions for the equal exercise of civil and political rights.

Globalization challenges the nation-state in each of its four basic components: It is challenged 1) in its administrative effectiveness, 2) in its territorial sovereignty, 3) in its collective identity, and 4) in its democratic legitimacy. First, economic globalization puts fiscal pressure on nation-states. As new information technology and neo-liberal trade policy make far-flung markets more interconnected, national economies become increasingly interdependent. The acceleration of such connections, augmented by the decline of capital controls, and promoted by international institutions, has contributed to an international atmosphere that puts strong fiscal pressure on nation-states to practice extreme monetary austerity, avoiding capital flight, but diminishing state resources for the effective administration of services. In this manner globalization in the form of neo-liberal economic policy poses a serious threat to the capacity of the nation-state to provide for the welfare and protection of its people.¹¹

Second, as states and economies become increasingly interdependent, more political decisions are made with transnational effects, calling into question the assumption that relevant political constituencies are solely defined within national borders. Beyond the borders of the nation-state, other influential borders emerge, increasingly salient—e.g. borders of international collective security arrangements, or regional free trade zones and other economic networks (PC 70). The proliferation of international decision-making bodies tends to extend the sphere of authority beyond the nation-state. The consolidation of the WTO, for example, signifies the

11. See also David Held, *Democracy and the Global Order*, 127-36. Held et al. *Global Transformations*, chapters 3-5.

appearance of an international institution with the authority to overrule national governments. Whereas international law was once understood to lie between states, over the course of the twentieth century and into the twenty-first, it has aspired to rise above them.¹²

Third, globalization puts pressure on national identity in at least two opposed directions: it inspires reactionary movements, "hardening" nationalist or sectarian sentiments as people feel their identities challenged by confrontations with other peoples and cultures. And it can "soften" national identities as "McWorld," the infectious homogenizing material culture of neo-liberal capitalism, spreads over the globe (PC 72-73).¹³ That these processes occur simultaneously reflects the 'dialectical' character of globalization.¹⁴ While distant localities are interconnected in new ways, creating for the first time a truly global web of social relations, the effects of such connections remain unpredictable and often tension-filled. Indeed, the result of transnational interconnection is often the reassertion of local practices and identities asserting the right to stand apart. James Rosenau calls this "framgregation"—the simultaneous integration and fragmentation of social relations.¹⁵

Finally, as an effect of all of the above, Habermas argues, the democratic legitimacy of the nation-state is challenged. As the sphere of democratic politics remains restricted to the domain of the nation-state, the influence of transnational markets limits the capacity of governments to regulate their economies, thus inhibiting the collective capacity for self-determination. Transnational actors, unaccountable to domestic constituencies, make decisions producing profound effects on the national level. Mechanisms of decision-making shift out of the reach of democratic procedures, and the logic of the market supercedes politics.¹⁶ As the nation-state becomes increasingly beholden to transnational capital, the effective institution of social policy is diminished, undermining the state's capacity to secure the basic conditions for the equal opportunity of democratic practice, contributing to the sense that globalization undermines democracy at home while augmenting the influence of actors abroad.

As a result, Habermas argues, democratic politics must seek ways to respond. It is not possible to turn back the clock and reassert the dominance of the nation-state, yet a total transcendence of the nation-state is also unlikely. Political, economic, cultural, technological and military forces are establishing connections across national and

12. Held, *Democracy and the Global Order*, 101.

13. See also Manuel Castells, *The Information Age, Vol II: The Power of Identity* (Oxford: Blackwell Publishers, 1997), chapter 1. Benjamin Barber, *Jihad vs. McWorld* (New York: Ballantine Books, 1996).

14. See Anthony Giddens, *The Consequences of Modernity* (Cambridge: Polity Press, 1990).

15. James N. Rosenau, "Governance and Democracy in a Globalizing World," in *Reimagining Political Community*, ed. Daniele Archibugi, David Held, and Martin Köhler (Stanford: Stanford University Press, 1998) and James N. Rosenau, *Distant Proximities* (Princeton: Princeton University Press, 2003).

16. See also Ulrich Beck, *What is Globalization?* trans. Patrick Camiller (Cambridge: Polity Press, 2000), 1-15.

regional borders with increasing facility. As a result, if democratic practice is to remain viable it must not limit itself to the frame of the nation-state. The container has been breached, and democratic practice must seek new forms or risk being overcome.

The history of modernization reflects the extension of new networks of functional integration challenging the coordination capacities of societies, confronting them with new horizons, and precipitating social and political crises. Historically, such crises are generally followed by a renewed closure characterized by new modes of social integration. Thus, Habermas argues, the project at hand becomes the constitution of a new political-institutional enclosure by which the democratic capacity for making collectively binding decisions could be extended to the transnational sphere. Habermas offers a theory of a democratized European Union as a model for such a new political framework. He argues that as a *postnational* polity, the EU would transcend the national frame in the interest of regaining the regulatory and steering capacities currently being lost by the nation-state. And he offers the postnational model as a starting point for a new democratic international order.

II. The Postnational Polity

Regionalism

If under conditions of globalization the state has begun to lose its capacity to protect its people from the exigencies of the world economy, and if processes of globalization have left influential forces beyond the steering capacities of the democratic nation-state, then political change is clearly on the agenda. The integration of separate nation-states into new political and economic units is seen as one way to respond to this new conjuncture. Habermas's version of the postnational constellation presents a form of *regionalism* as an attempt to demonstrate how democratic politics might be reconfigured to regain some of its regulatory and steering capacity *vis-à-vis* transnational economic and political actors. *Regionalism* is thus understood as a political project that goes beyond the evolutionary integration of a geographical unit. It is a response to a political and economic context that can be generalized to represent a normative project for the articulation of a new global order.

For the discussion that follows it will be helpful to make some distinctions regarding the concept of regionalism and the regional polity. First of all, in speaking about a region in the context of globalization I will primarily be concerned with "macroregions," regions that today comprise more than one nation-state, as opposed to micro- or sub-state regions—e.g., South East Asia as opposed to the American Southwest, the Andes rather than Catalonia. Second, it is important to distinguish between Cold War strategic regionalism constructed by exogenous hegemonic powers—such as the case of SEATO (South East Asia Treaty Organization)—and what Björn Hettne calls the "new regionalism," endogenous projects of regional political and economic

integration—most notably the recent stages in the consolidation of the EU.¹⁷ Clearly the Habermasian project falls under the latter, “new regionalism.”

My primary focus concerns the following question: Habermas seeks to retrieve the collective capacity to make legitimately binding decisions to democratically steer the course of society; doing so on the regional level presupposes social integration beyond the nation-state; thus, according to Habermas, what provides the basis of solidarity in the regional polity? In what follows, I will argue that while Habermas does provide a model for a post-ethno-national polity, he remains tied to a civic-national frame on the regional level, or rather he provides us with a model of an “extended nationalism.”¹⁸ Understanding the model in this way has consequences for its applicability beyond the European case, and helps to illuminate some of the substantial obstacles to the founding of a cosmopolitan democratic world order in the context of globalization.

Discourse Theory and Regional Democracy

The idea of a functioning democratic polity uniting all of Europe is indeed daunting. However, understood in the model of deliberative democracy, Habermas argues, there is no reason that the constitution of democratic legitimacy beyond the plane of the nation-state should be inconceivable. In Habermas’s discourse model of democracy, democratic will-formation is understood not primarily in the exercise of political freedom through direct participation, but more importantly in the use of *public reason* (PC 110). Most important is not the expressed will of the people *per se*, but the extent, quality, and accessibility of networks of communication where political opinions are debated and political wills are formed.¹⁹ Given modern communication technology and mass media, Habermas argues there are no insurmountable structural barriers to conceiving the functioning of such networks in an expanded territory such as the European Union.

Habermas’s theory of deliberative democracy stems from his previous work on communicative action, discourse ethics, and the formal pragmatics of language-use, in combination with his philosophical reflections on the medium of law as such.²⁰ According to Habermas, inherent to the “conditions of communicative asso-

17. Björn Hettne, András Inotai, and Osvaldo Sunkel, eds, *Globalism and the New Regionalism* (New York: St. Martin’s Press, 1999). Björn Hettne, “Global Market versus Regionalism,” *The Global Transformations Reader*, ed. D. Held and A. McGrew, (Cambridge: Polity Press, 2000), 156-66.

18. Dudley Seers, *The Political Economy of Nationalism* (Oxford: Oxford University Press, 1983), 165.

19. Jürgen Habermas, *Between Facts and Norms*, trans. William Rehg (Cambridge, MA: MIT Press, 1996), 463-90.

20. Most notably, of course, see Habermas’s landmark two-volume *The Theory of Communicative Action*, trans. Thomas McCarthy (Boston: Beacon Press, Vol. I, 1984, Vol. II, 1987). Also, on the theory of discourse ethics see Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. C. Lenhardt and S.W. Nicholsen (Cambridge, MA: The MIT Press, 1990).

ciation in general"²¹ is the discourse principle (D) that states "just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses."²² Democracy for Habermas is the combination of the discourse principle and the legal form, where (D) logically implies a general claim to political autonomy, and the legal medium alone presupposes a general claim to the right to personal liberty.²³

Habermas's discourse theory of democracy thus draws upon both republican and liberal understandings of democratic legitimacy. It seeks to reconcile the historical tension between popular sovereignty and human rights, between the republican freedom of collective self-government, and the liberal freedom of individual privacy and limited government. For Habermas, human rights do not limit the exercise of popular sovereignty but rather provide its condition of possibility. Human rights do not restrain the political power of popular sovereignty but rather enable it. Public participation in the collective self-organization of society is a central feature of democratic legitimation, but effective participation is possible only in the context of a system that secures the basic rights of public and private autonomy necessary for the legitimate regulation of a common social life by means of positive law.²⁴ Similarly, rights are not effectively prior to or independent of the exercise of popular sovereignty: In order for rights to gain the specificity necessary for their effective implementation, they must be articulated and justified publicly. Thus for Habermas, popular sovereignty and human rights mutually pre-suppose one another.²⁵ They are in effect "co-original."²⁶

Habermas argues popular sovereignty need not refer to a specific collective will or to a concrete sovereign body ruling itself directly. Rather, it may refer to the "general accessibility of a deliberative process whose structure grounds expectation for rationally acceptable results."²⁷ This does not abandon the participatory impulse of popular sovereignty, but re-interprets it *intersubjectively*. It relocates it to the free debates and deliberations of public opinion and public assembly, of informal gathering and official parliament. For Habermas, popular sovereignty no longer signifies the body of the people standing in for the deposed monarch, but defines the normative basis and "formal conditions for the legal institutionalization of those discursive processes . . . in which the sovereignty of the people assumes a binding character."²⁸ It identifies the

21. Habermas, *Between Facts and Norms*, 128.

22. Habermas, *Between Facts and Norms*, 107.

23. Habermas, *Between Facts and Norms*, 121.

24. Habermas, *Between Facts and Norms*, 84-104, and 463-90; Jürgen Habermas, *The Inclusion of the Other*, ed. C. Cronin and P. De Greiff (Cambridge, MA: The MIT Press, 1998) 239-64, and Habermas, *Postnational Constellation*, 115-16.

25. Habermas, *The Inclusion of the Other*, 260-64.

26. Habermas, *Between Facts and Norms*, 104.

27. Habermas, *Postnational Constellation*, 110. Also see Habermas, *The Inclusion of the Other*, 239-52.

28. Habermas, *Between Facts and Norms*, 104.

general principles that structure the procedures by which the people can freely formulate opinions and express their will—such as rights to equal participation and due process—and it guides the institutionalization of the conditions in which democratic will-formation is made possible. In this way the discourse theory of democracy seeks to provide a critical standard by which to evaluate institutional orders claiming to partake in the normativity of the democratic tradition.

Applying the standard of Habermasian deliberative democracy to the regional polity presents extraordinary institutional and social challenges. First, it clearly necessitates the constitution of transnational political institutions that could be responsive to the communicative power of an extremely diverse European civil society.²⁹ And second, in its focus on the intersubjectivity of popular sovereignty and the role of the public sphere, it further reveals the structural dependence of democratic practice upon forms of social solidarity. The pursuit of common citizenship and the cultivation of a sense of collectivity thus remain vital to the success of the democratic polity even at the transnational level.

Clearly the treaty basis of the E.U. must be re-articulated into a type of Constitution that establishes the foundations of democratic citizenship and representation, cultivating a more democratic transnational decision-making procedure, complete with direct elections of representatives to the European Parliament, as indeed recommended by the European Convention in the *Draft Treaty establishing a Constitution for Europe*, June 2003.³⁰ In addition, according to Habermas, regional democratization will require the development of transnational political parties, along with increased avenues for the proliferation of informal political debate on a transnational scale. While political debates will continue to be largely located within national publics, the development of a continental public sphere will be essential to the development of democratic practice at the supra-national level (PC 100-103).³¹

29. The relationship between the informal or 'weak' publics of civil society, and the formal or 'strong' publics of the administrative system has been identified as a major source of tension in Habermas's discourse theory of democracy. Habermas remains ambiguous on how communication may translate between the two. How the problems identified on the national level may become exacerbated at the regional level is an important question to pursue. See William E. Scheuerman, "Between Radicalism and Resignation: Democratic Theory in Habermas's *Between Facts and Norms*" in *Habermas: A Critical Reader*, ed. Peter Dews (Oxford: Blackwell Publishers, 1999).

30. "Draft Treaty establishing a Constitution for Europe" submitted by the President of the Convention to the European Council meeting in Thessaloniki on 20 June 2003. Doc. CONV 820/03. There remains much to be worked out in the final negotiations beginning in October, 2003, and ratification will require the consent of all member states—no easy feat. The extent to which the final draft of the European Constitution, if approved, will be able to address the so-called democratic deficit in practice thus at the moment remains to be seen. As a public intellectual, Habermas has long advocated a Constitution for Europe; and recently he has been a vocal supporter of a common European foreign policy. See Jürgen Habermas, "Why Europe Needs a Constitution," *New Left Review* 11 (Sep/Oct 2001). Habermas, *The Inclusion of the Other*, 155-61. Jürgen Habermas and Jacques Derrida, "February 15th, or, What Binds Europeans Together: A Plea for a Common Foreign Policy, Beginning in the Heart of Europe," *Constellations* 10:3 (September 2003): 291-97.

31. It remains to be seen whether the absence of a common language among Europeans may present an obstacle to the formation of a truly transnational public sphere. Habermas suggests that national

To be successful in the long run, Europeans will have to understand themselves as participants in a collective project that transcends national borders; former competitors will need to become fellow citizens. As the Preamble to the draft Constitution states, Europeans must be "determined to transcend their ancient divisions and, united ever more closely, to forge a common destiny. . . ."³² Yet this assumes the presence of a common source of integration uniting an extremely diverse population. According to the discourse theory of democracy, this should not necessarily present a problem, for solidarity may develop in the course of "a practice of self-legislation that includes all citizens equally" (PC 73). To the extent that people from a variety of backgrounds may understand themselves to be both the authors and the subjects of the law within the same polity, a common ethno-cultural identity is unnecessary for democratic practice. A homogenous collective identity becomes unnecessary "to the extent that public, discursively structured processes of opinion- and will-formation make a reasonable political understanding possible, even among strangers" (PC 73). And thus, with political reform, solidarity on the regional level of Europe is, Habermas argues, certainly within the realm of possibility.

Habermas invites us to understand this form of regional solidarity as *post-national*; it clearly seeks to transcend the long-standing ethnic or linguistic divisions of Europe: the French and Germans, the Spanish and British all to share a common citizenship. However, it must be asked whether democratic institutional reform is the only prerequisite for cultivating a post-national or transnational common citizenship? As Habermas has noted, the relationship between nationalism and modern democratic practice has long been intertwined. Thus history would suggest it could not be as simple as substituting democratic identity for national identity.

Nationalism and Political Integration

As a member of the first generation of post-war German intellectuals seeking to overcome the catastrophe of Nazism, Habermas is keenly suspicious of any links between ethnicity and citizenship.³³ However, he recognizes the historic function this link has played in providing the requisite principle of integration necessary to the rise of popular sovereignty. The history of the liberal democratic nation-state is

education systems would in fact have to provide the basis for such a common language, most likely English (PC 103). However, the reliance on a second or third language raises the concern that postnational democratic politics would be dominated by an elite agenda. As Will Kymlicka has said, democracy is "politics in the vernacular." Will Kymlicka, *Politics in the Vernacular* (Oxford: Oxford University Press, 2001). Yet others have argued that multi-lingual debate can actually enhance the quality of deliberation. See William Scheuerman, "Globalization and Democratic Theory," *Polity* 33 (Winter 2001): 339.

32. "Draft treaty establishing a Constitution for Europe: Preamble," doc. CONV 820/03, 4.

33. For a recent account of Habermas's career as a public intellectual from the 1950s to the turn of the millennium see Martin Beck Matušík, *Jürgen Habermas: A Philosophical-Political Profile* (Lanham, MD: Rowman and Littlefield, 2001).

characterized by a tension between civic-republicanism and nationalism, and according to Habermas, the fate of democracy depends upon which tendency predominates.³⁴ Civic-republicanism demarcates political membership according to a legal definition of citizenship that emphasizes universal legal equality. On the other hand, nationalism understands the political community to be constituted by a particular cultural identity that is pre-political or given "independent of and prior to the political opinion or the will-formation of the citizens themselves."³⁵ At the close of the eighteenth century, republicanism allied with nationalism in order to advance democratic citizenship as the integrating principle of the state. However, democratization becomes threatened whenever ethnic nationalism encroaches upon the political sphere claiming to be the primary integrative force independent of republican political practice.³⁶ According to Habermas, this tension can be resolved only "as long as a cosmopolitan understanding of the nation of citizens is accorded priority over an ethnocentric interpretation of the nation."³⁷

Democratic citizenship thus articulates more than a legal status for Habermas; it provides the foundation of a shared political culture that can serve the purpose of integration often provided for by ethnocentric nationalism. In order for the democratic integration of a regional polity to be successful it must be able to cultivate a common political culture among an extremely diverse array of peoples. Habermas argues that in a liberal democratic nation-state political culture may arise from a rational consensus over the general principles of legitimate democratic practice. Basic constitutional rights and principles can serve as a "fixed point of reference" around which a "'constitutional patriotism' may develop, politically integrating people from a variety of world-views."³⁸ These basic rights and principles stand apart from the *level of subcultures and prepolitical identities* to the extent that the legal definition of citizenship is based upon the notion of universal equality before the law. There is no conceptual reason why this could not ultimately take place on a continental level.

However, while the principles of *universal* legal equality may transcend national divisions in a regional polity, to become operational they must be situated within a *particular* historical context. According to Habermas, in a complex, multicultural, value-pluralist world, basic political rights and principles pertain to those that "... citizens must confer on one another if they want to legitimately regulate their interactions and life contexts by means of positive law."³⁹ However, the basic

34. Habermas, *The Inclusion of the Other*, chapter 4.

35. Habermas, *The Inclusion of the Other*, 115.

36. Habermas, *The Inclusion of the Other*, 114-17.

37. Habermas, *The Inclusion of the Other*, 115.

38. Habermas, *The Inclusion of the Other*, 225. See also Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historians' Debate*, trans. S.W. Nicholsen (Cambridge, MA: MIT Press, 1989).

39. Habermas, *Between Facts and Norms*, 122.

categories of positive and negative rights (free speech, assembly, etc.) are in Habermas's terms, "unsaturated"; they are not infused with the concerns of particular historical, political or social contexts. And, as a result, they can not become the "driving force" behind the project of democratic political integration "until they are situated in the historical context of the history of a nation of citizens. . . ."40 This applies equally to the project of regional democratic integration.

Writing on the need for a European constitution, Habermas argues what is needed is not simply abstract allegiance to broad principles but "interest in and affective attachment to a particular ethos: in other words, the attraction of a specific way of life."⁴¹ Regional political integration thus depends not only on a shared commitment to the values of liberal democratic practice but on a shared historical experience which may provide a common backdrop for the interpretation of basic constitutional principles and to a specific shared way of life. Sharing the values of liberal democratic practice is not the same as sharing a "specific way of life." American society is clearly committed to liberal democracy, but there are sharp distinctions between the broadly speaking American and the broadly speaking European ethos. And I would argue such distinctions, not least the European concern for social rights, are foremost in many Europeans' minds, including that of Habermas. A central concern for Habermas is to reframe social policy in the wake of neo-liberalism's attack on the European Welfare State, the goal being to articulate a viable alternative to the so-called "Washington Consensus."⁴²

Habermas argues that the nations of Europe already share a certain historical horizon based in the shared experiences of modernization and violent upheaval. After centuries of conflict—between religions and between nations—culminating in two disastrous international wars in "the age of extremes,"⁴³ Europe has come to share a common tendency toward toleration, "the overcoming of particularisms . . . and the institutionalization of disputes" (PC 103). It is not only that the European nations share a geographic and thus historical contiguity, but that, according to Habermas, they have lived a shared history that particularly prepares them for regional political integration.⁴⁴

The experiences of European history "have shaped the normative self-understanding of European modernity into an egalitarian universalism that can ease the

40. Habermas, *Between Facts and Norms*, 499.

41. Jürgen Habermas, "Why Europe Needs a Constitution," 8.

42. See for example, Jürgen Habermas, "The European Nation-State and the Pressures of Globalization," in *Global Justice and Transnational Politics*, ed. Pablo De Grief and Ciaran Cronin (Cambridge, MA: The MIT Press, 2002). Also, it bears mentioning that the "Washington Consensus" is less and less an actual consensus. See the scathing insider critique by Joseph E. Stiglitz in *Globalization and its Discontents* (New York: Norton, 2002).

43. Eric Hobsbawm, *The Age of Extremes: A History of the World, 1914-1991* (New York: Vintage, 1994).

44. See for example, Habermas and Derrida, "February 15th, or, What Binds Europeans Together."

transition to postnational democracy's demanding contexts of mutual recognition. . . ." (PC 103). According to Habermas, the course of European history reflects a process of modernization that forms a common value horizon, providing the shared context for the interpretation and application of basic constitutional rights and principles, making possible the development of a common political culture across the diverse peoples of Europe.

Regional political integration requires an expansion of civil solidarity beyond the nation-state; and the basis of this solidarity is a shared political culture that can only succeed within the common horizon of a shared course of history and a sense of common fate. While regional political integration does not require homogenization—Europe will never be a "melting pot"—it does require the cultivation of a regional political identity that "goes beyond mere legal classification."⁴⁵ According to Habermas's own terms, European political integration depends upon a territorially based political identity situated in a shared history. In the sense that the shared history occurs on the regional level and entails solidarity among a variety of ethnic groups, it is understood as *post*-national. Yet one could equally discuss this in terms of an "extended nationalism," or a regional civic-nationalism.⁴⁶

Habermas tends to equate nationalism with ethnonationalism.⁴⁷ Yet "constitutional patriotism" in another manner of speaking is the civic-nationalism inspired by the principles of liberal-democracy at work in a multi-cultural polity. While ethnonationalism places the basis for political membership in a collective identity existentially prior to state institutions, civic-nationalism understands the origins of political membership intertwined with political institutions. In the midst of the French Revolution, Abbe Sieyès defined the nation as a "body of associates living under *common* laws and *represented* by the same legislative assembly."⁴⁸ The nation is composed of citizens, equal before the law without reference to pre-political ethnic identity.

This portrait of the nation is quite compatible with the political culture of Habermas's regional polity.⁴⁹ A democratized European Union would be animated by a

45. Craig Calhoun, "The Class Consciousness of Frequent Travelers: Towards a Critique of Actually Existing Cosmopolitanism," *South Atlantic Quarterly* 101 (Fall 2002): 869-97.

46. Dudley Seers in discussing the political economy of the European Union discusses the future of Europe in these terms. Seers. *The Political Economy of Nationalism*. See also Hettne, "Global Market versus Regionalism."

47. Calhoun, *South Atlantic Quarterly*, note 16. See also, Craig Calhoun, "Constitutional Patriotism and the Public Sphere: Interests, Identity, and Solidarity in the Integration of Europe," in De Grief and Cronin, *Global Justice and Transnational Politics*, 279.

48. Emmanuel Joseph Sieyès, *What is the Third Estate?* trans. M. Blondel, ed. S. E. Finer (New York: Frederick A. Praeger, 1964 [1789]), 58. Also see Ulrich Preuss, "Constitutional Powermaking for the New Polity: Some Deliberations on the Relations between Constituent Power and the Constitution," *Cardozo Law Review* 14 (January 1993): 645.

49. In this sense it is important to note that I do not equate the ethnic/civic nationalism divide to be one between culture and reason, or between inheritance and choice, such as in Michael Ignatieff's *Blood and Belonging* (New York: Farrar, Straus and Giroux, 1993). Rather as stated I understand the distinction as one between prepolitical identity and identity inseparable from political and legal institutions. Habermas is

spirit of "extended nationalism" in that its integration would depend upon a territorially based political identity, situated in a shared history, and cultivated by the constitution of a political process that enabled a continental collective capacity to make legitimately binding decisions.

Understanding democratic regionalism as a form of *extended nationalism* has implications for its potential to embody "the future of democracy" as promised. It raises questions concerning both the potential application of the model beyond Europe and its compatibility with the project of constituting a broader democratic world order. The specific form of democratic regional integration arises from the particular constellation of historical processes experienced in any given region. While the basic principles of liberal democratic governance may be the same across regions, their interpretation and institutional application remains situated in the particular historical horizons of a specific context. Thus one may expect the form of prospective regional polities to differ across regions. In what follows I will argue that while Habermas makes a strong case for the possibility of a post-nation-state European democracy, the model's generality as the "initial form" of a democratic response to globalization is ultimately less convincing.

III. The Future of Democracy?

The European Union remains easily the most developed form of regional integration in the world, and it will continue to be so far into the foreseeable future. Thus it is logical that scholars turn to it to analyze regionalism's general feasibility as a form of economic and political organization. Habermas presents his model of the postnational polity not simply as an argument for the democratization of the European Union, but as an attempt to understand how democratic practice might in general remain effective beyond the frame of the nation-state in the context of globalization (PC 88-89).

This approach leads to the following questions: First, is regionalism as a political project an adequate response to the challenges presented by globalization? More specifically, could a democratized EU indeed compensate for the lost competency of the nation-state? Second, does Habermas provide a general model as suggested—"the initial form" of the "future of democracy"—or is the form of his regional polity specific to Europe and not generally applicable to other regions in the world? And third, what is the relation between Habermas's regional model and the larger project of advancing a more democratic world order in the context of globalization? How does understanding the regional polity as an 'extended-nation' complicate the relation between the particular contexts of democratic legitimacy and the universalism of a cosmopolitan world order?

clear that "constitutional patriotism" includes a dimension of culture or shared way of life. See also Kymlicka, *Politics in the Vernacular*, 41, note 3.

The Capacity of a Regional Polity

In economic terms, a successfully integrated European Union would certainly be strong enough to insulate itself from the risks of capital flight and fluctuations in the global market, so devastating to smaller nation-state economies. For example, Habermas argues that vibrant intra-regional trade and direct investment in Europe would make the pursuit of strong social policies by the EU possible if the political will indeed existed. But if the potential effectiveness of a regional polity is greatly to be measured by the strength of its balance sheet, could such a model serve to redress the general inequities of the neo-liberal global economy? Or would it simply be yet another tool—cost prohibitive to most—to improve a developed region's competitive position in the transnational order, leaving the general architecture of the global political economy untouched? A world order dominated by self-sufficient regional blocs would risk devolving into a "neo-mercantilism"⁵⁰ in which protectionist rich region-states compete over access to the cheap materials and labor of the developing world.

However, Habermas recognizes that "the creation of larger political unities in itself changes nothing about the mode of locational competition as such. . ." (PC 104). A regionalism of self-sufficient inward looking "extended nationalisms" could easily slip into a system of defensive alliances, dividing the world into competitive blocs. But such a scenario would not take into account the important ways in which economic regionalization serves not simply as a bulwark *against* globalization but as a mediating, *complementary* process.⁵¹ The speed, complexity, and flexibility of economic activity in the context of globalization means that simply expanding the territorial unit from nation-state to region-state is not sufficient to encompass the economic and political phenomena of the twenty-first century. As Manuel Castells has observed, many of the most significant social and economic practices of our time take place via networks that transcend the necessity of territorial contiguity. Multi-national corporations spread their production processes across the globe, and brokers in New York trade in London and Tokyo.⁵²

The idea of a democratic regionalism is not to establish a viable "fortress" closed off from the rest of the world, but rather to constitute a democratically governed polity with the capacity to act effectively in the transnational sphere. The constitution of such regional polities could represent a necessary step in reinvigorating the political capacity to regulate markets, and to protect labor from the exigencies of the global economy. And at the very least an economically vigorous, politically coherent and democratic European Union could serve as a check on American hege-

50. Hettne, "Global Market versus Regionalism," 164.

51. Held et al., *Global Transformations*, 168. See also Manuel Castells, *The Information Age, Vol. I: The Rise of the Network Society*, Second Edition (Oxford: Blackwell Publishers, 2000), 110-16.

52. Castells, *The Rise of the Network Society*.

mony. But in order to be effective, regional polities must be theorized in relation to a broader transnational order.

The constitution of the regional polity seeks to regain democratic regulatory and steering capacities at the transnational level. Regional polities, according to Habermas, could effectively take part in an "international negotiations system" which would seek to politically influence the global economic order. In cooperation with international organizations and global civil society actors, cosmopolitan regional polities could represent "at least a prospect for a world domestic policy without a world government" (PC 109-10). That is to say, supranational regimes could with time become vital contributors to a transnational commitment to social justice within a decentralized cosmopolitan order. However, to be effective, the system would have to be characterized by a network of like-minded regional polities animated by a cosmopolitan commitment to transnational law—needless to say, not an easy achievement. Thus, at the very least, it remains important to consider whether Habermas's model of the post-nation-state democracy is applicable beyond the European case and into the cosmopolitan sphere.

Alternative Paths to Regionalism

Habermas's model of the regional polity clearly aspires to relevance beyond the European context, but he justifies it in particularly European terms. European history has developed along a path that particularly prepares it for the postnational moment: "The learning process that can lead toward European civil solidarity encompasses a series of *specifically* European experiences" (PC 103, emphasis added). If, according to Habermas, the postnational polity develops out of a specific European experience, how are we to understand the project of democratic regionalism in other parts of the world? Have the histories of other parts of the world, such as Pacific Asia or the Andes, developed along broadly similar lines? Clearly Europe is the furthest along on the path to regional integration, but are other regions simply at earlier stages or are they on different paths altogether? While Habermas's normative discourse theory of democracy has applications beyond the European sphere, clearly there are substantial differences among the regions of the world that would seem to prevent any simple correspondence between the European experience and other regional projects.

If, for Habermas, the signature event of democratic regionalism in Europe has been the gradual "overcoming of particularisms"—or the triumph over religious and ethnonational chauvinism—faced with obstacles of a different sort, what form might regionalism take elsewhere? How might different political constellations effect the development of alternative forms of democratic regionalism? For example, the nation-states of the Andean Pact have always shared a common religion; and they have never defined nationality by ethnicity; and yet, the exclusion and exploitation of indigenous populations has been an integral part of the region's complex history.

Recognizing and redressing the special tragic history of indigenous groups in the region could result in the establishment of a regime of group rights in any future Andean democratic regionalism. For example, Colombia incorporated special representation rights for indigenous groups into its new constitution of 1991. And indigenous movements in Ecuador and Bolivia have recently made special claims on the state regarding agrarian reform and local autonomy.⁵³ In fact, the most recent wave of democratization in Latin America has experienced a concomitant rise in ethnic-based movements in all of the countries with large indigenous populations with the exception of Peru.⁵⁴ Thus, *pace* Habermas, in some regions, achieving the post-national polity may require accepting that, at times, democratic progress means the recognition of ethnic specificity, not necessarily its transcendence.

Further afield, Peter Katzenstein has recently noted the differences between the processes of regionalism in Asia and in Europe. Whereas European regionalism is based on a Weberian framework of "legal state integration," regionalization in the Asian Pacific tends to be organized around "ethnic market capitalism."⁵⁵ The European Union, as is well known, has developed through a series of multi-lateral inter-state treaties. Yet while economists legitimately speak of a Pacific Asian economy, there are no treaty-based Pacific Asia-wide trade barriers or investment policies.⁵⁶ Economic regionalization in Asia depends less on inter-state agreements and more on business networks that seek out comparative advantage and the benefits of ethnic solidarity. Japanese companies export production processes throughout the region. And the large body of "Overseas Chinese" living throughout South East Asia and Indonesia maintain a vast web of economic relations based on kinship and ethnicity, establishing finance, trade and production networks that transcend state borders.⁵⁷ Thus in comparison to Europe, Asian nations are not simply at an earlier stage on the path to an EU style of regional integration; rather, they are on a different path altogether.

The framework of an inter-state treaty-based process of legal-state integration in Europe arises out of a strong Weberian state tradition. Weber famously defined the state as a political order whose "administrative staff successfully upholds a claim to the *monopoly* of the *legitimate* use of physical force in enforcement of its order."⁵⁸ And further: a modern state "possesses an administrative and legal order subject to change by

53. Deborah J. Yashar, "Contesting Citizenship: Indigenous Movements and Democracy in Latin America," *Comparative Politics* 31 (October 1998): 25.

54. Yashar, "Contesting Citizenship." See also Deborah J. Yashar, "Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America," *World Politics* 52 (October 1999): 76-104.

55. Peter J. Katzenstein, "World of Regions," Lecture to the Political Science Colloquium, The Graduate Faculty, New School University, March 2002.

56. Robert Gilpin, *The Challenge of Global Capitalism* (Princeton, NJ: Princeton University Press, 2000), 266.

57. Katzenstein, "World of Regions." Also for more on the network economy of Asia see P. Katzenstein and T. Shiraishi, eds., *Network Power: Japan and Asia* (Ithaca: Cornell University Press, 1997).

58. Max Weber, *The Theory of Social and Economic Organization*, trans. A.M. Henderson and Talcott Parsons, ed. Talcott Parsons (New York: Oxford University Press, 1947), 154.

legislation . . . [which] claims binding authority . . . over all action taking place in the area of its jurisdiction. It is thus a compulsory association with a territorial basis."⁵⁹ Habermas's definition of the state lies securely in this tradition, and it is particularly this vision of the state that is most under threat from processes of globalization.

However, the image of the state as a unified administrative order successfully integrating a particular territory under a single system of authority, finds scant relation to reality in many parts of the world. Often national territory is only partially controlled by central governments, as for example the case of the long-standing autonomy of tribal groups on the Pakistani border with Afghanistan. Furthermore, the state often has to compete with other systems of authority in society—religious institutions, tribal councils, kinship structures, etc. Recent work in comparative politics has indicated that many states' traditions do not even approximate the Weberian ideal and are better understood under a different model.⁶⁰ Joel Migdal's "state-in-society" approach understands the state as a *field* of multi-dimensional contestation that contends with multiple spheres of rule-governed behavior. In society the state is necessarily one actor among many. Furthermore, while the state may project an *image* of unity and control, its component parts tend to compete, engaging in *practices* that divide and undermine administrative coherence.⁶¹

Migdal is insistent that such contradictory states be understood not as failed Weberian states but as embodiments of a different *idea* of the state altogether. The "state-in-society" approach identifies a distinct tradition of state development often found in the developing world. Consequently, this would have to be taken into account when theorizing projects of democratic regionalism in many regions of the world. At the very least, it suggests a very different starting point from which to negotiate the transition to regional integration. And as a result, one might expect resulting forms of democratic regionalism to take alternative forms to the one theorized by Habermas.

Regionalism as Democratic World Order

Understood here, regionalism is concerned with reinvigorating the democratic capacity to govern in the context of globalization. Integral to the project of democratic regionalism is the potential for transnational coordination between regional polities, civil society actors, and international organizations. The consolidation of regional polities, for Habermas, represents the possibility of providing an effective, democratically legitimate infrastructure to the international system for the first time. Like many before him, Habermas is skeptical about the normative justifiability and

59. Weber, *Social and Economic Organization*, 156.

60. Joel S. Migdal, *Strong Societies and Weak States* (Princeton, NJ: Princeton University Press, 1988), and Joel S. Migdal, *State in Society* (Cambridge: Cambridge University Press, 2001).

61. Migdal, *State in Society*, 15-16, 22.

practical feasibility of a comprehensive World State.⁶² He argues that an international system composed of regional polities, global civil society actors, and international organizations such as the UN would be preferable and more likely to succeed than a more comprehensive and integrated cosmopolitan democracy like the one proposed by David Held.⁶³ Habermas proposes a system of cosmopolitan *harmonization* rather than administrative institutional *consolidation*.⁶⁴

According to Habermas, unlike the nation-state or the regional polity, a global political structure could not provide a strong enough basis in civic solidarity necessary to support the legitimacy conditions of an adequate social policy. In order to inspire the sense of collective identity necessary for the constitution of solidarity, a political community needs to distinguish between members and non-members, defining the group, and identifying the relevant shared history. A cosmopolitan community of world citizens, by definition, has no outside; all people are members. It cannot inspire the "ethical-political self-understanding of citizens" necessary for the cultivation of civic solidarity (PC 108). It cannot constitute the ethos of a shared way of life. Thus, Habermas argues, if there were to be an extension of policies of redistribution beyond the nation-state, it would have to occur at the level of regional polities like the EU in conjunction with civil society actors and international institutions, rather than in a comprehensive World State.

However, Habermas clearly seeks an international system regulated by more than the inconsistencies of transnational power politics and generalized commitments to human rights. In reflecting on Kant's *Perpetual Peace* with "the benefit of two hundred years' hindsight," Habermas argues that to be effective cosmopolitan law must have *force*:

Cosmopolitan law must be institutionalized in such a way that it is binding on the individual governments. The community of peoples must be able to ensure that its members act at least in conformity with the law through the threat of sanctions. . . .⁶⁵ The point of cosmopolitan law is . . . that it bypasses the collective subjects of international law and directly establishes the legal status of the individual subjects by granting them unmediated membership in the association of free and equal world citizens.⁶⁶

At its best, for Habermas, the present is a transition between the Westphalian system of nation-states and a future decentered cosmopolitan legal order characterized by the broad acceptance of human rights and a transnational commitment

62. Most notably Immanuel Kant, "Toward Perpetual Peace: A Philosophical Sketch" (1796).

63. Held, *Democracy and the Global Order*.

64. Jürgen Habermas, "The European Nation-State and the Pressures of Globalization," in *Global Justice and Transnational Politics*, 232.

65. Habermas, *The Inclusion of the Other*, 179.

66. Habermas, *The Inclusion of the Other*, 181.

to social justice.⁶⁷ Democratic regional polities offer the best practical stepping-stones to this cosmopolitan future. Yet Habermas's model presents a certain difficulty: achieving cosmopolitan legal harmony necessitates convergence upon a political identity he suggests lacks the ethical-political foundations necessary to produce democratic legitimacy. For, "[e]ven a world-wide consensus on human rights could not serve as the basis for a strong equivalent to the *civic* solidarity that emerged in the framework of the nation-state" (PC 108).

Habermas envisions a system where processes of democratic political identity-formation remain tied to national and regional historical experience. Yet it is unclear in Habermas's own terms, how cosmopolitan law would be able to gain democratic legitimacy, given that world citizenship cannot constitute the requisite sense of solidarity, something he recognizes is necessary even in the discourse model of the regional polity, the *extended nation*. Thus the transition from an emerging "international negotiation system"—where regional polities may serve to provide an effective infrastructure for a decentered global governance—to a future cosmopolitan legal order—where a universal law holds individuals and institutions accountable for the protection of human rights—entails a more radical leap than Habermas is willing to concede.

Democratic legitimacy depends upon the cultivation of a common political culture and the solidarity that arises from it. Given a fortuitous history and a determined political will there is no definitive reason why a transnational deliberative process of self-legislation could not function to reproduce the political solidarity necessary for the constitution of democratic legitimacy on the regional scale. However, the conditions for the constitution of such a process are incompatible with the global domain of cosmopolitan governance. The historic tension between the ideal of universal democratic citizenship and the necessarily particular contexts in which it becomes situated is surely exacerbated when extended to the global domain. Thus either the normative legitimacy of a coercive cosmopolitan legal order may not be understood in democratic terms, as Habermas intends it, or its legitimacy must remain rooted in local, national, and regional processes of democratic legitimation. In this case, understanding how a variety of political arrangements and processes of legitimation may maintain their social and historical particularity while remaining compatible with a broader system of transnational law must become an integral component of cosmopolitan theorizing.⁶⁸

67. Habermas, *The Inclusion of the Other*, 183.

68. According to Habermas, the universality of cosmopolitan right and the particularity of democratic legitimacy may be reconciled in the concept of "constitutional patriotism." However, as Robert Fine and Will Smith have recently argued, "constitutional patriotism" may prove to be either too strong or too weak to be successful. Either it strongly binds a political community together around their own vigorous particular interpretations of abstract constitutional rights at the cost of cosmopolitan identification, or its content remains at such a level of generality that it allows for cosmopolitan identification but fails to produce the "ethic of solidarity" on the domestic level necessary for the production of democratic legitimacy. See Robert Fine and Will Smith, "Jürgen Habermas's Theory of Cosmopolitanism," *Constellations* 10 (December 2003): 469-87.

Conclusion

Recent economic, political, technological and cultural developments have put pressure on the traditional institutions of modern representative democracy. Referred to collectively as "globalization," these processes are said to give impetus to the restructuring of modern democratic practice. Habermas presents a democratized European Union as a model for the re-institutionalization of democracy beyond the nation-state form. I have argued that while Habermas makes a good case for the potential democratization of the European Union, the application of the model beyond the European case requires substantial additional theorization.

Regional democratic political integration depends upon the development of a common political culture that can transcend ethno-national solidarity; in this sense it must be "post-national." However, as Habermas argues, in order to be successful, regional civil solidarity must remain situated in a shared history, and it must be animated by an "affective attachment to a particular ethos . . . a specific way of life."⁶⁹ Regional political solidarity thus remains dependent upon a territorially based political identity situated in a common historical horizon. It must constitute what is in effect an "extended nation;" and as a result, the specific form of democratic regional integration must arise out of the particular historical processes experienced in any given region. It would follow that if a process of democratic regionalization were to take hold beyond the European continent it would have to develop in relation to the specific political, economic and social traditions of the region. While different regional democratic projects may maintain common liberal-democratic principles at their core, their manifestation within alternative state and economic traditions would necessitate alternative political structures.

Regionalism is a political project that seeks to regain democratic governing capacities in the face of global processes that transcend the borders of current democratic institutions. In order to be effective, regional polities must be understood in relation to a broader global order of multiple regions, civil society actors and international institutions. Thus it is important to understand how a variety of transnational and regional political structures might develop, and how such structures may remain compatible with the project of advancing a more broadly democratic world order in the context of globalization. Habermas's "Postnational Constellation" provides an important step in understanding the potential for regional democratization in Europe, but "the future of democracy" beyond the European continent, by Habermas's own reasoning, must entail a further diversification of forms. Realizing the potential for a democratic coordination of globalization in the absence of world government requires theorizing further the interrelation between such diverse political forms; and it requires investigating how each particular context of democratic legitimation may be brought to bear on the coordination of global governance. This of course presents an extraordinary challenge for theory and practice at all levels: local, national, regional and transnational.

69. Habermas, "Why Europe Needs a Constitution."