

Democracy, States, and the Struggle for Global Justice

HEATHER GAUTNEY,
OMAR DAHBOUR,
ASHLEY DAWSON, AND
NEIL SMITH



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Democracy, States, and the Struggle for Global Justice engages questions regarding new modes and spaces of democracy in the twenty-first century. Drawing on the fields of geography, political theory, and cultural studies, *Democracy, States, and the Struggle for Global Justice* explores the theoretical implications of recent experiments with new forms of democracy and the changing nature of the state as they are buffeted by countervailing forces of corporate globalization and participatory politics. The collection, comprised of thirteen essays, approaches these issues from the following three optics: the meaning of radical democracy in light of recent developments in democratic theory; new spatial arrangements or scales of democracy—from local to global, street protests to transnational networks; and the character and role of states in the development of new forms of democracy. Drawing from a range of disciplines, the collection may be used in undergraduate and graduate courses on political sociology, social movements, and political philosophy and geography as well as interdisciplinary courses on civil society, democracy, and globalization.

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Introduction: Altered States

NEIL SMITH

The majority has not yet learnt to feel the power of the Government their power, or its opinions their opinions. When they do so, independent liberty will probably be as much exposed to invasion from the Government as it already is from public opinion.

John Stuart Mill, 1859

Chimes of freedom flashing.

Bob Dylan, 1964

The state today is not the state of a quarter-century ago. In the industrialized capitalist sphere a quarter-century ago the state *did* look a lot like its predecessor. The state in 1980 was entirely recognizable vis-à-vis the state of the late 1940s or 1950s. This raises the question of how states have been so fundamentally altered, and have altered themselves, why they have been altered, and the directions in which these alterations lead. By the same token, this transformation of the state raises the optimistic possibility of entirely different kinds of states in the near future: in fact, this book sprang partly from a conference entitled “Another State is Possible.” And yet it also puts the whole question of the state in play. What comprises the state? What is the history and geography of the state, its relevance, its social constitution? How might the state be altered? How might we conceive of the democratization of the state? What are the limits of mutability to the contemporary capitalist state? Is it too dramatic to think, as others have done, that the state might even be altered out of existence?

Even to talk of the state today will seem to some arcane. “The state” has a nineteenth-century aura to it, harking back to arguments among scholars and

philosophers concerning a certain world in the making. Today, by contrast, “the state” is more widely perceived as already accomplished; in comparison with the palpability of governments which we may support or despise, elect or endure, but which we experience as very real, “the state” has passed into abstraction, intangibility. Unlike the state, governments have specific individuals in power for four years or five or six, or they are run by dictators, and they have identifiable institutions of societal administration—ministries, departments, bureaucracies—which generally predate them and in all likelihood will outlast the personnel of the day. Indeed, where the state is still in discussion today, if we are honest, it is habitually conflated with “government.” “Government” and the linked conceptions of “governance” and “governmentality” have in different ways captured our understanding of the state. This too is a product of the post-1970s era. Altered ideas of the state, and the collapse of “the state” into “government,” are intimately bound up with alterations of states themselves.

Yet the state is also back on the agenda. To be sure, the anti-globalization movement of the late 1990s focused attention away from the state as a target of political activism and protest, circumventing national states for sake of global institutions, corporations, indigenous demands for justice, and a panoply of political concerns and struggles that focused on local mobilizations, with or without global entailments. But more recent incarnations of this social mobilization, especially the Global Justice Movement and the global anti-capitalist movement, not to mention pro-migrant movements such as “No-one Is Illegal,” have necessarily refocused on the state. They have pushed in that direction too with the advent of the anti-war movement since 2001, which melded with the Global Justice Movement. By the same token, the warring of states since 2001, with the United States leading the way in Iraq and Afghanistan, has also forcefully put the question of states back on the agenda.

The neoliberal conceit of the last two decades held that the state was at best a caretaker inconvenience. Whereas in the Keynesian era after the 1930s, the welfare state was considered an integral part of society, today the state is more usually perceived as not just beyond “society” but the enemy of society. Where neoliberal ideologies dissolved society in the name of the market they simultaneously displaced the state. Indeed, for the British Prime Minister in the 1980s, there was “no such thing as society,” leaving individuals and families as the only social reality and the state as the automatic democratic result of their political interests and wants. The state may thereby be posited as the pure expression of democracy yet simultaneously as the displaced enemy of the individuals in whose name it operates. Since the 1980s, many governments of whichever party stripe have been elected on the basis of anti-government ideologies. This is also the paradoxical message of the unleashing of capitalism after 1989 in Eastern Europe, where anti-statism gave way to a state-centered and state-organized capitalist reconstruction. But it is equally the result of neoliberal capitalism whereby private capitalist enterprises simultaneously gorge on state largesse—the Iraq war, state-rescued mortgage capitalism, the

corporatist state—while holding the state ideologically at arm’s length, the villainous anti-capital. Where the welfare state was ingrained in the social economy, and easily recognizable as such, today’s state—in reality more ingrained than ever in the technics of capital accumulation if to a lesser extent in social reproduction—is easily identified as the enemy of economy and society.

In this book the various writers take different approaches to the state but it is useful to start from an expansive, classical view of the state as a product of the social relations between different social classes, races, genders, and other social groups. Thus conceived, the state is an instrument of social power hued to the ruling interests of any society, albeit one in which different social interests are struggled over, worked out, contested. This vision differs from the liberal conception of a pluralist state insofar as it recognizes the structured, if always changing, social differences between established social groups. It also differs from the liberal state insofar as the distinction between civil society and the state is rendered problematic. For Hegel and Marx, for example, or for Locke, the state was not partitioned off in opposition to civil society but was at best an outgrowth of it. The state in this conception incorporates many means of social control, regulation, and ideological reproduction that fall outside the immediate control of governments. This may seem counter-intuitive insofar as the state is not commensurate with what liberal theory identifies as the public vis-à-vis the private. Yet that particular distinction emerged as a means of ideological defense on the part of private property versus governmental power, and in actuality the state spans this distinction. Thus the media, whether privately or publicly owned, is a vital part of the state, as are most systems of education, religion, medical care, privatized military mercenary firms, cultural institutions, the family, many global institutions and, increasingly, non-governmental organizations (NGOs).¹ A concatenation of variously fixed and fluid social relations, the state takes on specific forms, but it is actually a plurality of interlinked institutions rather than a specific object.

We recognize the trenchant power of the state and yet at the same time the vulnerability of that power, and there is no suggestion here that political power is invested only in the state. Indeed, the point about altered states is precisely that state power, however much it is grabbed, is also donated—willingly or grudgingly—from the power of people enduring state power and that this popular power always has the potential to alter power relations, including the direction, ideologies, institutions, even the existence of the state. States, in whatever places and at whatever scales, are always the product of social struggles. They are constantly being altered, neither wholly from above nor wholly from below, but in a crucible of social struggle and changing social relations and interests. How this has happened in the last quarter-century and the prospects for the future are the subject of this volume.

Globalization and the State

If the 1960s and 1970s marked the apex of social, political, and economic crises of Keynesian capitalism, the broad class response to crisis was comparatively swift and broad. The initial response to the uprisings of the 1960s was state repression followed in many places by a raft of palliative welfare state provisions, representing a significant if limited parliamentary victory by the anti-racist, anti-war, feminist, and class movements of the period. But beginning in the late 1970s, as these movements relaxed, imploded, or were repressed, a quick reversal of state policy brought a destructive “roll-back” of state provisions for social reproduction (Peck and Tickell, 2002). Many Keynesian or Fordist social services—healthcare, education, welfare, unemployment benefits—were cut back or eliminated in what took shape as the opening salvo of neoliberalism. The more creative roll-out phase was not far behind. Indeed, the IMF moved against Britain as early as the 1960s, consequent to a major financial crisis there, and in the 1970s a certain synergy operated between class assaults on working people in Britain and New York, on the one side, and IMF-sponsored structural adjustment projects from Jamaica to Nigeria leading to what were popularly termed “IMF riots.” By the 1980s the social, economic, and ideological obstacles to neoliberalism began to crumble. Not just in Europe and North America but throughout the world, variegated neoliberal logics became increasingly entrenched in corporate headquarters, in national capitals, and among national ruling classes. China’s aggressive turn to market capitalism in 1978 presaged the victories of Thatcher, Reagan, and Kohl in the West, and a decade later came the implosion of the Soviet Union and the explosion of Eastern European capitalism, and the roll-out phase of neoliberalism was well under way. The contemporary restructuring of the state vis-à-vis the social economy is rooted in this era.

The revolts of the 1960s, from Detroit to Paris, Prague to Tokyo, represented a global (if not globally coordinated) challenge to specific national states and their policies. The subsequent political and economic responses, opening the doors to neoliberalism, became equally global and as such produced their own quite different challenge to the power of individual national states and the global system of national states per se. By the late 1980s globalization aficionados, US and Japanese business schools, and cultural studies scholars broadly envisaged, predicted, or embraced the end of the nation-state and the advent of a post-national world (Ohmae, 1991, 1996; Appadurai, 1996). States in the rest of the world were forcibly or voluntarily integrated into this new neoliberal phase of capitalist expansion; ruling classes from Argentina to Indonesia, Mexico to Thailand enthusiastically joined in with their own hybrid neoliberalisms. From the perspective of the postcolonial world—at least in Africa and Asia—this was an ominous practical and ideological shift. Only recently unshackled from colonial tutelage, often failing to overcome a colonial inheritance and reconstruct democratic polities, and never having developed many (if any) of the Keynesian apparatuses of Europe and North America,

many states were also more or less violently absorbed into the global neoliberal apparatus, again often at the enthusiastic behest of elite state leaders.

In retrospect it is clear that the “end of the nation-state” frenzy of the 1990s was at best an exaggeration, at worst an ideological smokescreen. Two separate shifts were often confused here. First, there is the question of the changing extent and limits to state power subsequent to a globalizing social and political economy. Second, there is the explicitly geographical question concerning the scales at which different and changing state functions, activities, and powers operate. As regards the first question, the very real globalization of economic relations, such that the notion of a national economy largely ceased to make much sense by the 1990s, was often conflated with a reduction in the political power of states *per se*. Without question, national states found it increasingly difficult to retain control over national economies fueled increasingly by global migration, trade, and financial exchanges, not to mention a new recognition of environmental globality. But this was neither a one-way loss of power nor even necessarily a loss of power *per se* as regards the state. States have neoliberalized themselves by outsourcing and privatizing state functions from prisons to post offices, welfare services to warmaking, but the fact of private, non-governmental administration does not necessarily take activities which remain state-funded outside the state. Rather it represents a class redistribution and rerouting of tax money toward the private profit of corporate owners and a dramatic expansion of the extra-governmental state.

States have also responded in the opposite direction, namely by becoming themselves economic entrepreneurs, thereby increasing rather than decreasing their economic power. This may be most obviously true with the case of utilities, for example water—from Bolivia to South Africa—where service provision is effectively converted into a profit-making enterprise. Or there is the case of the US military. Under the guise of its Defense Security Cooperation Agency, the Pentagon has evolved into a global sales agent for US corporate arms manufacturers responsible for \$21 billion of sales for fiscal 2005–2006 (Cowen and Smith, 2008). Any apparent loss of economic power by states, therefore, does not go uncompensated, and nor is it necessarily translated into any decreased political or social power of the state. The cultural, police, legal, or military powers of the state are not mathematically correlated with the state’s economic power, and the case of the US state in the first decade of the twenty-first century again provides a good example. While continuing to promote a borderless world in economic terms, however chimerical, the US state dramatically if selectively hardened its political borders against ideas, commodities, and migrants (even as massive immigration continued), and raised its repressive posture within, with measures such as those embodied in the USA Patriot Act. The delicacy of such parsing between economic inclusion and political exclusion was dissolved in the wake of 9/11 and then the deep recession that began in the housing market in 2007—a recession with immediate global effects. And yet, if one compares the US military budget

(2008, projected) with the Gross Domestic Product (GDP) of countries around the world, the US military would weigh in as the sixteenth-largest economy in the world, only slightly behind Australia and ahead of the Netherlands, Turkey and Sweden.

As regards the second question, the restructuring of state power was geographical as much as political, but “end of the nation-state” ideologies confused the state with national governments insofar as they assumed any loss of state power at the national scale amounted to the loss of state power per se. But however powerful national states became as the building blocks of the global political and cultural economy in the nineteenth and twentieth centuries, the state has never been confined to the national scale. The state operates at all scales. This is obvious in the case of local government or local media, for example, and a major plank of neoliberal restructuring has been to download national state responsibilities to the local state. But it is just as evident as regards transnational institutions. Trade organizations like Mercosur, Asean, and NAFTA perform international state functions vis-à-vis the economy, even more so the European Union which, not coincidentally, evolved from a trade organization into a broader governmental body. The United Nations, IMF, World Bank, NATO, and myriad other such organizations also comprise arms of an incipient global state apparatus which have uploaded various state functions from the national scale. Too often, contemporary analyses collapse the state into a singular national scale, seeing only a loss of power, whereas the larger issue is the restructuring of state power across multiple geographical scales, from the family to the global—and very soon to the trans-planetary.

In this light, the question of “globalizing democracy” takes on an especially acute form. This quintessentially Kantian project of global citizenship runs up against the fact that national states are themselves lacking in democratic substance, to a greater or lesser extent, and global state institutions are hardly more democratic. What would transnational democracy look like? Where would the impetus for a globalized democracy come from? To what extent would contemporary state institutions have to be transformed or abolished to facilitate something resembling global citizenship or transnational democracy? Does the impetus for global democracy even need to go through the state or does it dissolve the state in the process?

The State Debates

Without question, there are ongoing debates on the state, but in recent years these have been of relatively low intensity. The most recent high-intensity debates on the state took place in the 1970s and early 1980s, not uncoincidentally at the highpoint of the Keynesian state, and just as that particular state configuration was pushed to crisis. The debate on the state was prompted in part by the gathering fiscal and ideological crisis of the postwar state

(O'Connor, 1973) but also by a sense amidst the resurgence of Marxist theory in this period that the state was barely or at least rarely theorized from within that critical tradition. Marx's most sustained analyses of the state came not in his more theoretical works but in his more situational political writings, such as *The Eighteenth Brumaire* and *The Civil War in France*; and Lenin's *State and Revolution*, rarely read today but written on the eve of the Russian Revolution, was likewise highly contextual. Reflecting on this state of affairs, Louis Althusser (1971) concluded that the theory of the state was at best a "descriptive theory" in need of proper theorization, and his resulting discussion of the repressive state alongside ideological state apparatuses was, for the post-1968 generation, highly influential, albeit rather mechanical. The subsequent debate on the state had high expectations. Its backdrop was the political, social, and economic crisis of the Fordist state in the 1970s, and its ambition was to know the capitalist state once and for all in order to propel its demise. While the debate had multiple inspirations, it began as a contest of opposites: capital logic versus a far more circumscribed conception of the state—between structural and instrumentalist visions of the state. Was the state the product of the structural requirements of capital or was it the creature of the individuals who made up the state—an instrumentalist state (Miliband, 1969; Poulantzas, 1973). A further impetus subsequently came from German debates on the derivation of the state which raised the question of whether and to what extent the economic logic of capital accumulation could account for the state (Holloway and Picciotto, 1978). In the end the debate on the state petered out, it was inconclusive and clarified very little. In retrospect this may have been in part because the capitalist state itself was undergoing a major transformation and the debate on the state was fundamentally unable to grasp such a mobile object whose trajectory was not yet in focus. The question of the state lay unresolved precisely at the moment when the capitalist state was changing so fundamentally.

At the same time as an emerging neoliberalism held the state at arm's length, new political and theoretical winds fostered a further distance of critical social theory from the state. For Foucault, the state per se was less the product of social relations than a conceptual abstraction. In a 1977 response in *Hérodote* he did argue that "[t]o map power, is first to map the power of the State in all its levels, to define its different types of domination of space" (Foucault, 2007a, 26–27). This needs to be taken contextually. On the one hand, Foucault is presumably acknowledging yet challenging the power of the French Communist Party with its mid-1970s aspirations for state power, but on the other he is responding in a geography journal and wants to focus on the spatial specificity of the (nation-) state. And yet contemporaneously, in his lectures at the Collège de France, talking about governmentality, he ventured that an "excessive value" is "attributed to the problem of the state." He concluded that "the state is no more than a composite reality and a mythicized abstraction, whose importance is a lot more limited than many of us think" (Foucault, 1991, 103; see also Foucault,

2007b, 109). Foucault's central concept of biopolitics certainly focuses on state strategies and technologies of population administration and control, but in the end he is less concerned with the origins and social constitution of the state—social class and class relations make no appearance in these discussions—than with “the ‘governmentalization’ of the state” (1991, 103). For Foucault, the state is taken as an ontological given: how states govern is an anterior question to where states came from, why, and what they mean. The real issue for Foucault was the social process of governing, and power lay not so much in something called “the state” but in the momentary interactions among individuals and between individuals and social institutions. There in the interstices of daily life, rather than in the state *per se*, lay the “sites of struggle,” making for a micro-politics quite distinct from any politics envisaging an assault on the state. This is certainly the message that has been distilled from his work into any post-structuralist politics. Against any fetish of the state, as well as against a Marxist focus on the state as any site of organized class power, much poststructuralist discussion has sought quite explicitly to decenter the state as the target of political organization. The state is shifted out of focus.

In a widely read essay, Timothy Mitchell (1999) registers the unsatisfactoriness of Foucault's formulation insofar as there is little sense how such a composite reality as the state is actually composed, and of what it consists. He tries to parse Foucault: the state should be seen as an historically developed “effect of mundane processes” which give rise to the institutions commonly associated with state power. Further, this mundaneness of state power also pupates the state's “appearance as an abstraction” and its apparent (but not real) separateness from the society and the economy from within which the state draws its power. Yet insofar as these “mundane processes” are themselves not well specified (especially in relation to the “state effects” on which Mitchell focuses) and seem to be linked to the rise of the specifically national state, with little attention to expressions of state power at other scales or in pre-capitalist times, Mitchell's attempt to get beyond Foucault may not actually take us much further. The insistence that we focus on “state effects,” while leaving the state and state power underspecified, fixes our attention on certain objective appearances, structural and otherwise, of the state—an interesting if jarring parallel with Althusser's ideological state apparatuses—while leaving the state *per se*, the social relations that comprise the state and state power, quite out of focus. The state is therefore hollowed out in a double sense: on the one hand, in neoliberal times its historical support for social reproduction is severely eroded; on the other, conceptually and politically, the state is significantly dissolved as a target of political action.

This displacement of the state as political target has become a staple of the poststructuralist sensibility of the present moment. For many, the state has indeed fallen out of focus since the late 1970s, and this sentiment has only broadened since. John Holloway (2005), for example, a participant in the Marxist debates of the 1970s, now makes a case for changing the world

“without taking power.” There are really two arguments here. The first is that the project of taking state power is both futile and misdirected. But a good case can be made that this argument is built on a caricature. Liberals may want to take state power but the Marxist argument never really was about taking state power. On the contrary, as the 1960s chant of “smash the state” suggested very well, the point always was to overthrow the state not to own it—and this by many who were and were not Marxists. Only an uncritical concession to post-1920s Stalinism could treat Marxism as in any way wanting to take control over the state and concretize it as a weapon of power. Lenin famously envisaged the withering away of the state (an idea more recently redolent of Wall Street neoliberals) and while the clear failure of that project requires an historical analysis it has not properly received (outside the straitjackets of Cold War ideologies), its existence can hardly be denied by a liberal assumption that the only approach to the state must be one of seizure.

The second argument Holloway makes concerns a more specific parsing of the distinction between “power to do” versus “power over.” To change the world, one obviously has to have power, and Holloway’s advocacy of not taking power gets around this titular contradiction via a distinction between good power (the power to do) and bad power (the power over others, especially embodied in the state). It is a neat sleight of hand but surely transparent. The state is consigned to the latter pigeonhole while the works and aspirations of the good people of the earth occupy the former. This is obviously problematic: the state is effectively dismissed as an irrelevant shell—Foucault’s “mythicized abstraction”—which never had real power anyway over a populace in which always resided the real “power to do.” The future, for Holloway, lies in a certain metaphysical taking of “power to do” which registers an almost total oblivion regarding who actually has the tanks and the planes, the subs, the bombs, and the police. This revolution will not be advertised; it will simply happen. The echoes here of the Hardt and Negri discussion of empire and multitude (2000, 2004), for all Holloway’s qualifications, are not accidental. For these authors, the multitude is already always in power. Holloway does not go this far, and he does want to talk about revolution, but it is a revolution that happens around and despite the state rather than in direct opposition to a political institution that remains out of focus. And it happens at the behest of a certain subjective idealism, by means quite mysterious (see Callinicos, 2005).

The anti-globalization movement of the 1990s was variously the inspiration and audience for this broad line of argument. It explicitly aimed not at nation-states but at the globalization of economic power, and its political targets included the World Bank, IMF, G-8, and so forth. The state in its national incarnation was sufficiently centered for the anti-globalization movement, yet simultaneously decentered ideologically so that these global targets were not themselves conceived as part of the state apparatus. The central focus of this movement was the nexus between global institutions and corporate power, amply summed up in Naomi Klein’s (2001) *No Logo*. It was a movement too

which took the Zapatista rebellion in Mexico, among others, as its emblem, together with myriad other social and environmental causes. The refusal of the Zapatista EZLN to identify the Mexican state in its political sights (for all that the EZLN is a military organization) was especially prized among the global readers of the encyclicals—the six planetary declarations—sent out from the Lacandon of Chiapas.

This reticence about targeting the state is also expressed in academia. Gavin Smith (forthcoming) observes astutely that anthropologists in recent years “can neither leave the state alone nor decide whether it . . . has any . . . substance.” In fact, this might count as a far broader diagnosis of the current predicament concerning the state, and it may not be too much of an exaggeration to identify a certain parallel with neoliberal political responses to the state. On the one hand, there is a neoliberal abhorrence of the state, while on the other this abhorrence is expressed, as often as not, from a position of power within or aspiring to state power. From Thatcher to Reagan to Bush Jr., politicians have been elected to the highest positions of government while running on anti-government platforms. While arguing against the state, they too cannot leave the state alone. This seems like a peculiarly poststructuralist dilemma, seeing “state effects,” pernicious or otherwise, everywhere, but refusing to grant the state as such any legitimacy. The paradox here is that far from displacing the supposed power of the state, the apparent ubiquity of state effects raises the state to an almost metaphysical omnipresence, while denying its tangibility or even visibility. The altered state, for some, is altered not just out of focus but out of political reach.

And yet there are clear signs that this paradox may be waning. The anti-globalization movement itself transmogrified, in part in response to US and other reactions to the events of September 11, 2001, and its promise of a world beyond (or at least oblique to) state power has largely dissolved in the acid of a techno-militarized surveillance state. Today, the state is no longer quite such an ideological pariah amidst the strands of the Global Justice Movement and anti-capitalist movements, and Naomi Klein’s (2007) powerful book on “disaster capitalism,” *The Shock Doctrine*, returns the state to full focus. The Zapatistas, in their 2006 communiqué, conceded the necessity of dealing with the Mexican state, which, after all, had been the focal conduit for neoliberalism in Mexico since the NAFTA negotiations. There is little doubt, then, that the post-9/11 military muscularity of the US state, pursuing wars in Iraq and Afghanistan and saber-rattling elsewhere, and the subsequent melding of the anti-war movement with a transforming anti-globalization movement, has helped to refocus attention on the state.

Altered States

The importance of the state and the reassertion of state power today go well beyond this—involving not just global but domestic issues (regardless of in

which “domestic” we find ourselves). Revisiting and revising Carl Schmitt’s arguments concerning the rise of the Nazi state, Giorgio Agamben’s recent work, focusing on theories of the “state of exception,” has resonated with many struggling to comprehend today’s “altered” states. In the age of Abu Ghraib and Guantánamo, the broad uptake of Agamben balances on a certain recognition of the exceptionality of state behavior when institutions periodically act in blunt defiance of the state’s own juridical legitimacy, and yet—parallel and equally powerful if seemingly contradictory—the recognition too that this exceptionality is actually the norm, written into the DNA of the state. Without social and political check, states can and do abrogate the very juridical power that state institutions defend, uphold, and create. There are deeper issues here about sovereignty and its dissonance with state power, but the fashionability of Agamben probably needs to be seen in light of a certain liberal remorse concerning the pugilist turn of today’s neoliberal state whose power was unsuccessfully or insufficiently checked or opposed from the left. How indeed are we to understand the broadly vicious reassertion of state power—military and class force, biopolitical and racial, geopolitical and economic power, ideological and environmental—in the first years of the twenty-first century?

War, security, and anti-terrorism are now thoroughly imbricated in contemporary state ideologies, and a more fruitful base point for discussing altered states may be the critical slant of Jean-Claude Paye. He is less scandalized by the relatively permanent, albeit variable, condition of the “state of exception” but more alarmed by an ominous shift in the state’s application of its self-assumed exceptionalism. He makes the argument that we are witnessing a new form of state vis-à-vis the nominally democratic states of North America, Europe, and elsewhere. Via all sorts of post-9/11 legislation, many national states have introduced “the concept of war into national law” and thereby “into criminal law” (Paye, 2007, 1), going qualitatively beyond previous definitions of state power. The point here is not that states suddenly have a new power to wage war. As Weber’s famous definition suggests—the state as the body which claims the monopoly over legitimate violence—states always arrogated that power for themselves. Today, by contrast, the injection of “war” into the legal statutes applying to domestic (national as opposed to foreign policy) law effectively universalizes that claim.

The focus on “homegrown terror” is precisely about this universalization. Quite apart from the suppression of habeas corpus in the US and elsewhere, Paye cites especially the 2006 US “Military Commissions Act” (MCA), according to which the designation “illegal enemy combatant” is determined by a presidential or Pentagon tribunal and defined without reference to one’s geographical origin. An enemy combatant, according to the MCA, is defined as anyone “engaged in or supporting hostilities against the United States” (2007, 6). That the determination of whether citizens are at war with states is reviewable in neither civilian courts nor legislative bodies, according to this legislation, only increases its import. Put bluntly, anyone engaging in any kind

of opposition to the government can be declared to be at war with the government. Political opposition is effectively retranslated as a threat to security and hence as terrorism which, in turn, justifies war by the state.

Nor is this in any way abstract or a distant future threat. It is worth recounting several instances where such claimed powers have been applied or threatened. In 2004, even before the MCA legislation was passed, a major US teachers' union was locked in contract negotiations when Secretary of Labor, Rod Page, likened the union to a "terrorist organization"; housing and anti-gentrification activists in post-Katrina New Orleans opposing displacement and the destruction of much-needed public housing became the subject of an anti-terrorist investigation in 2007 for advertising their opposition on publicly distributed flyers; war resisters and anti-war demonstrations are now routinely met with anti-terrorist and heavily armed anti-riot squads and military-scale surveillance. Nor is this simply a US phenomenon. In 2007 alone, several German academics critical of gentrification were arrested and imprisoned, one rendered by helicopter, and partly on the basis of their academic writings were charged under anti-terrorist legislation. Environmental opponents of London's Heathrow Airport expansion were threatened with anti-terrorist charges that could keep them locked up without charge for four weeks. Canadian longshore workers have been threatened with anti-terrorist penalties for opposing labor-control measures. And around the world, Critical Mass, the direct-action social and environmental group focusing on cycling, has been threatened with anti-terrorist laws.

Any erosion of state borders amidst this maelstrom of political geographical restructuring is exceptional only insofar as the state is conceived largely as the nation-state. But in historical and geographical context, the state was only "exceptionally" (if extremely powerfully) national, a post-eighteenth-century European invention, and the past, present, and future multi-scalar architecture of the state is still only dimly appreciated. By the same token, it is a central plank of the post-Enlightenment state that domestic policing and foreign warring are, in theory at least, quite separate, but the explicit universalization of state claims to legitimate violence today erodes (however unevenly) such a boundary. More broadly, the argument about a seamless economic globalization has been matched by a security discourse that now treats national borders as almost infinitely stretchable "seams" (Cowen, forthcoming). In reality, of course, for much of the world much of the time—including Europe—the notion of the global map as a jigsaw puzzle of discrete national state pieces which spatialized the difference between domestic police functions and foreign military action was little more than an ideological myth: armies have always operated within as well as outside national borders (Cowen and Smith, 2008).

All of this raises the question of power vis-à-vis the incipient global state. There is no question that the reactions to 9/11 have brought about a certain renationalization of the state, from military engagements to the militarization of national borders, but this is happening alongside and as part of a

simultaneous globalization of the state. Some years ago István Mészáros (2001) cogently argued that the advent of economic globalization opened the door to the global political ambition of the US state, and it has to be said that the exercise of US global power since then does more to confirm than deny that judgment. The replacement of Geneva by what we might call “Guantánamo Conventions” is only the most obvious sign of this ambition. But at the same time, there are abundant signs that insofar as this kind of imperial power is a genuine ambition of the US state, the actual outcome may be somewhat different. In the first place, after seven years its most ambitious gambit, namely a “global war on terror,” has clearly failed, and indeed has multiplied the chaos it was meant to prevent. Al-Qaeda is not only still operational but seems to have recruited and engendered many offshoots; there is no obvious solution to the Iraq war which was in any case an opportunistic add-on to the so-called “war on terror.” Although European governments have had greater success with post-9/11 arrests, only in 2008 did the US even level charges against anyone for the events of 2001 and such charges were aimed at long-term Guantánamo prisoners. At the same time, the lack of any evidence leaves the US state with hundreds of “enemy combatants” it can neither charge nor (apparently) release. Its military power notwithstanding, this list of failures has significantly weakened the US state politically, prompting a range of responses around the world, from widespread anti-Bush sentiment to outright anti-Americanism. This in turn has led to a certain desperation in Washington—a troop surge in Iraq and a surge in event-centered security at home—which, while it may have had some successes, is easily understood as betraying the fact that the state’s actual and moral power has in many ways eroded sufficiently that militarized power represents a last resort.

Nor does a globalizing US state go unopposed. That opposition already exists from various quarters. In the United Nations competing elites from around the world have continually frustrated and often blocked US attempts to make that institution an arm of US global policy, while efforts to impose US legal and accounting practices as global statutes have also met with very mixed success. On questions of global warming and climate change the US is not alone by far—China and India also rank highly—but as the world’s largest consumer and polluter the US is increasingly isolated in opposing measures to combat such issues. Beyond opposition from ruling elites, a US-led neoliberalism has been confronted with considerable success by a range of social movements, many of which come together in the World Social Forum: alter-globalization, indigenous, feminist, peasant, socialist, anti-racist, anarchist, environmental, union, and many other movements have increasingly morphed into a broad if loose global justice movement (see Gautney, 2007). Within all of these movements there are very fertile political alternatives, in practice or in concept, concerning how states might or could be organized, disarticulated, or even abolished. Although it would be naive to overestimate the power of all these various alternatives to the contemporary capitalist state,

whether from within or without, it may also not be too soon to observe that in the face of such opposition as well as economic crisis, neoliberalism as an ideologically anti-state state form may already have peaked. The financial crisis that began to unfold in 2007 began in the US housing market but was instantly international insofar as the “subprime” mortgages were held by financial institutions around the world, and the resulting widespread demands for state action to rescue banks and other lenders (rather than homeowners) met with a positive if desperate attempt by various national states. Jürgen Habermas once declared that modernism was “dominant but dead.” It may be time to pass the same judgment on a failing neoliberalism if not the states it colonized (Smith, 2008). Where the contemporary ideology of neoliberal governance preaches a shrinkage of the state, the reality is an extraordinary expansion of state practices, a consolidation of maximal state power, and a restructuring of that power—altered states.

The following parts are introduced by editorial summaries and so we can refrain here from summarizing specific chapters. A brief overview of the collection is, however, in order. Contributors to the first of the collection’s three parts engage with recent theories of state power. In doing so, they offer an overview of the rapidly changing political terrain over the last quarter-century that has helped revive debates about the state, democracy, and sovereignty. Tackling classical theoreticians of state power such as Max Weber and Carl Schmitt as well as more recent critics like Giorgio Agamben, contributors underline the importance of reengaging with philosophical understandings of the state. Although the essays in this part approach questions of state power from a variety of different angles and political orientations, together they constitute a firm rejection of the poststructuralist aversion to theorizing the state discussed earlier in this introduction.

Part II of the collection explores the multiple spatial scales on which the state is articulated today. If, that is, state power can no longer be conceived purely as a prerequisite of the nation-state, how is the state configured as it is increasingly articulated on sub- and supra-national levels? How, in addition, might we theorize the nesting of state power within a series of hierarchically organized and interwoven spatial scales? These are essential questions to broach in order not simply to gain a better understanding of state power today, but to build a foundation for movements seeking to democratize the complex contemporary configurations of state power. Contributors to this part of the collection discuss such issues through a series of case studies that focus on diverse instances of the new spatial scales of state power, from the interaction of local environmental politics with the national security state following the Cold War to experiments in participatory urban governance to structural trends towards regional restructuring in the US and EU.

The final part of the book assesses the efforts of radical democratic movements that have sought to transform or, in some cases, dismantle various

incarnations of the contemporary state. Of course, these movements have developed their own practical understandings of the changed nature of state power. The articles gathered here illuminate such practical understandings, linking the emphasis in the previous parts on the protean changes in the character of state power with efforts to consolidate new forms of democracy. The emphasis in this part falls very much on groups that have adopted anti-hierarchical, networked organizational forms and that deploy different forms of non-violent direct action in their encounters with state powers. How effective, contributors ask, have these experiments in radical democracy been in engaging with the new configurations of state power in recent decades? The case studies presented in this part underline both the vibrancy of contemporary radical democratic initiatives and the imposing task they face in challenging increasingly draconian forms of the state.

These chapters do not pretend to any internal coherence among themselves but actually represent a wide spectrum of theoretical and political perspectives, and they should be read as such. The intent is to revive and stimulate debate on the state. What they do agree on is the broad historico-geographical and political alteration of the state today and the aspiration for very different modes of political power. Some seek a radicalization of democracy, others a total remake of the state, and yet others anticipate life after the capitalist state. There is no collective recipe for the alteration of the state, even less a strategy for getting there, but there is a shared belief that whatever else it represents, the transformation of the state today comprises an opportunity for political change, albeit by no means the only such opportunity or locus for change.

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PART **I**
**Radical Theories of
Democracy and Sovereignty**

Introduction

OMAR DAHBOUR

Today there is an increasing urgency about the many attempts currently under way to revisit fundamental problems of democratic and state theory. Advocacy of the democratization of the state appears increasingly anemic in the face of the cooptation of legal systems, the expansion of policing agencies, and the brutalization of whole populations by military and financial means that are the common coin of the present. If there is an adequate political response to these initiatives of the wealthy and the powerful, it cannot *only* consist of the democratization of existing state structures; rather, these very structures need to be reconsidered for their efficacy in realizing emancipatory and egalitarian goals. But neither can these state structures be simply swept away—even if this were possible. The options of a *truly* liberal democracy and a *thoroughly* libertarian anarchy seem equally foreclosed for the present. If democracy is then to be usefully radicalized in service to emancipation and equality, its meaning must be reexamined in relation to other more fundamental political norms that can provide the ineradicable context for such radicalization.

This is one lesson that is taught by all the selections from the first part of this volume. Each in its own way calls for such a reexamination. Furthermore, there are some commonalities in how this intellectual project of rethinking the state should proceed. Three such common themes will be briefly mentioned here, followed by an explication of how these themes are developed by the four individual contributors to this section.

One commonality of all the following four authors is the idea that democratic politics always takes place within a larger struggle for power, hegemony, or sovereignty. The latter term is preferred: power has its specifically political manifestations, and these are ignored—or subsumed within notions of “social”

power or cultural hegemony—at our peril. In fact, there is a new “sovereignty debate” taking place and at least three of the contributors (the exception is Carol C. Gould) aim to make a contribution to this debate in one way or another.

A second commonality is that the renovation, revitalization, or radicalization of democracy can take place only in a global context. This means different things to different theorists—and all but one of the contributions to this section (with Brennan and Ganguly being the exception) have specific ideas about what is required. But it always implies the importance of recognizing that democratic politics within putatively sovereign states can be affected—encouraged, strengthened, weakened, or destroyed—by political forces and events at a global scale. Rather than attempting to ignore this fact, political theory should take it fully into consideration in reformulating what is meant by democracy. Politics, in other words, is about much more than what is traditionally referred to as “internal sovereignty”—who has power (the people, the politicians, the elites) *within* a sovereign state. Equally significant is who possesses the “external sovereignty” necessary to maintain or protect democratic experiments.

Finally, one thing on which all the contributors agree is the necessity of aiming at a new conceptualization of political power or sovereignty that enables democracy to flourish again as a form of the state. There is, of course, substantial disagreement about what form this should be. While Brennan and Ganguly invoke a “principle of hope” and Buck-Morss advocates the development of a new *nomos*, Gould and Benhabib argue for more specific concepts, such as “transnational democracy” and “republican federalism.” But all concur that the possibility of a radical democratization of the state needs to be placed on the contemporary political agenda.

Brennan and Ganguly begin with the claim that contemporary US politics is based on the acceptance of or acquiescence in the theft of the 2004 presidential election by the Republican Party. The result was to accustom the political elites to further subordination to a politics of “techno-medievalism” without precedent: the employment of advanced technological means of incantation, intimidation, and incarceration, all to further the centralization of power by a group of political insiders cloaking their moves with the cynical deployment of fundamentalist discourse. What conclusions do the authors draw from this characterization of US politics, 2004–2006? First, that any evasion of the crudity of how power has been wielded will fail to draw the obvious conclusion that the key to power has been and continues to be the control of the state and its deployment for consolidating further power. Any radical response that has a chance of redemocratizing the US will first have to seize state power, just as its enemies have done. A new discourse capable of “unmasking” the false and cynical consciousness of those who have power must be followed by one that articulates the desirability and inevitability of a political leadership unafraid to take power itself, though a leadership also without elitist or “vanguardist” tendencies.

Second, this requires a long-term assembly of an oppositional civil society capable of taking power, based on a clearly articulated “utopian project” and eschewing any version of the “realism” that accedes to the demands of short-term accommodation. Here, Brennan and Ganguly make reference to the two thinkers most influential on the neoconservative movement in the US—Leo Strauss and Carl Schmitt. Brennan and Ganguly’s view, contrary to that of Susan Buck-Morss in her essay that follows, is that Schmitt is much less useful to oppositional movements than is Strauss. It was the latter who taught conservatives to forgo the everyday politics of realism for a long-range strategy of taking power based on a radically alternative vision of politics (that is, alternative to the prevailing politics of liberal welfarism in the 1960s and 1970s). This strategy was itself based on neoclassical ideals of political life taken from a tendentious reading of Plato, Machiavelli, and Hobbes, among other political philosophers. Schmitt, on the other hand, with his “friend–enemy” concept of the political, and his “state of exception” notion of sovereignty, affirmed a much “purer” power politics, devoid of principle or vision. It is an existential concept of politics, not susceptible to any rational or normative justification—and also one unable to articulate a vision of social life other than that of unending agonistic strife. Schmitt is unable to offer a view of sovereignty useful for emancipatory–egalitarian political movements, since he equates sovereignty with the capacity for the arbitrary assumption of command—with dictatorship. Democratic oppositions need a concept of sovereignty that provides them with hope for an *end* to arbitrary power, not one that assumes the irreducibility of political violence and struggle.

This concept of sovereignty must include two things. First is the notion that, as Brennan and Ganguly put it, “effective political action is always about controlling the state” (Chapter 1, this volume, p. 33). This still involves a movement based in civil society, not an appeal to political elites. But this movement must form around a “utopian goal” or “shared ideal” of a new society, *including a new form of the state*. If such an effort is to succeed, it can be neither an instrumental accommodation to power nor a pragmatic negotiation of divergent group interests. The Rousseauian–Hegelian project of reimagining the state must be taken up again. Above all, political “escapism” is precluded, for the reason that such escapism is itself possible only when permitted or enabled by a certain sort of state institution. In the age of the national security state, no such possibilities exist. So no “counterhegemonic imaginings,” “endorsements of quotidian subversion,” or “popular-cultural resistance” can substitute for state power and the seizure thereof.

Second, the notion of the *ethical* state must be revived. Not to do so is to acquiesce in the notion that all power is *arbitrary* power—that sovereignty is equivalent to dictatorship. This neo-Hobbesian notion has been most famously revived by Carl Schmitt in his concept of the “friend–enemy” distinction underlying all state institutions.¹ The state—and by extension, political life in general—is, in Schmitt’s account, always based on an existential encounter

between peoples who identify the other as friend or enemy. Politics, in this view, generates its own meaning—and this meaning cannot be translated into the ethical terms of good and bad, just and unjust.

Brennan and Ganguly reject such a notion of power; but, since they do not seek out the intellectual foundations of an alternative conceptualization of state power, they are left doing what Schmitt has so powerfully criticized as an imposition of moralistic and legalistic constraints that inevitably weakens sovereign authority.² While constraints on state power are not to be shunned—in fact, they are crucial for making such power nonarbitrary—they are also *not* a sufficient characterization of the *purposes* of the state. Power is not simply an instrument for the enforcement of moral or legal rules; it is an enabling capacity for the achievement of social goals (of equity, justice, redistribution, investment, and so on). The alternative to a Schmittian *Machtpolitik* is *not* the liberal state, minimally enforcing a “rule of law.” It is an Hegelian *Polizeistaat*, properly understood (and translated) as a “welfare state”—a state that utilizes its power for the public good.³ This was the real “enemy” of the Schmittian attack on the German constitution in the 1920s and 1930s, since that constitution had been formulated in part by democratic and socialist parties influenced by this neo-Hegelian idea of the *ethical* state.

Susan Buck-Morss differs from Brennan and Ganguly in arguing that a Schmittian approach to sovereignty can be useful for a critique of the neo-Marxian theory of the state. For Buck-Morss, it is important to recognize that sovereignty is distinct from a simple affirmation of state power. For her, Schmitt made this distinction central to his understanding of *nomos*, the concept of law-giving or -creating. The establishment of the state itself depended on having the power to build or constitute a regime, along with its own rule of law. This power was central to the idea of sovereignty, common to Schmitt, Weber, and others, as the monopolization of violence. The ability to monopolize violence led to the creation of legitimacy for a state and its laws. This understanding of sovereignty as a kind of originary power means that sovereignty and state power are not the same; the latter is derived from the former, in fact. Any attempt to theorize oppositional politics must recognize this form of power as antecedent to and determinative of state power as such.

Buck-Morss elaborates a neo-Hegelian narrative of sovereign power that suggests the possibility of an oppositional sovereignty for the future. Thus, sovereignty originates in the unitary rule of the Church, followed by a multiplicity of sovereign states, and culminating in an idea of national sovereignty, semi-independent, and normatively determinate, of state sovereignty as such. At the end of her essay, Buck-Morss turns to think about what might lie beyond this narrative. But first, she argues that understanding the importance of this nonstate sovereignty, this “*nomos* of the earth,” in Schmitt’s terminology (which Buck-Morss favors), lies in also leading us beyond the blindspot about the state that is found in neo-Marxian (and perhaps other radical) theories.

It is the idea that the state, once its authority is breached, could “wither away” that is inimical to serious radical theorizing about the state, according to Buck-Morss. Such an idea implies that the economy is a free-standing, and potentially self-regulating, system which can function independently of states. This idea, from a Schmittian perspective, is nothing less than a denial of the reality or importance of “the political” in social life. But, this denial is not a merely theoretical point; it is also politically disabling, since without a conception of a new form of sovereignty (*nomos*), no alternative form of power can be legitimated once the state is overthrown. Besides, the patent unreality (or “economism”) of viewing economies or markets as self-regulating or administering opens the door to the reconstruction of state power, legitimate or not.

So the revival of state power as a desideratum of radical emancipatory politics is necessitated by the flawed economistic assumptions of neo-Marxian state theory. The fact that Marx in *Capital* devastatingly criticized the idea of the market economy as a free-standing, self-regulating entity did not prevent him (and later Marxians) from reimporting this idea into their concept that, absent the market economy, the “administration” of society would be a simple matter entailing the “withering away” of the state. Even someone as politically astute as Lenin was not immune, in his theoretical work (that is, in *State and Revolution*), from making this assumption.⁴ As Buck-Morss concludes, “That is a blind spot in Marxist thought, which did not deal with the problems of sovereign legitimacy and violence that actual Marxist regimes later had to face” (Chapter 2, this volume, p. 58).

The sovereign state will therefore continue to be needed to regulate economic life. The fact that, as Marx maintained in the *German Ideology*,⁵ the economy is more able, through the rule of economic elites, to dominate the state than vice versa—in *capitalist* society—does not mean that in *postcapitalist* societies the state will not still be needed to prevent the reemergence of capital accumulation and its attendant inequities. And, for that matter, as Buck-Morss has emphasized, whichever postcapitalist societies arise will need states that can ensure and protect the gains made in the face of restorationist pressures by global capital and its imperial allies. What this role for the state will be and how it changes the theory of sovereignty for the postnationalist era is what we need to consider now.

As a basic concept, most clearly formulated by Max Weber, sovereignty is taken to be “monopoly over the means of violence” possessed by a legitimate authority.⁶ The critique of sovereignty from Locke to Weber was primarily concerned with *who* rightly possessed such authority. But, since Weber, the idea has arisen that perhaps political life can dispense with sovereignty in general. In other words, the idea has been put forward (for instance, by Hannah Arendt) that politics requires no such exclusive or final authority, and that violence itself is not essential—and may even be inimical—to political action.⁷

So it may be useful to recall the purpose and role of the basic idea of sovereignty. Here is how Buck-Morss puts it: “The state is not only a means

of wielding power . . . It is power . . . The state not only makes laws but embodies the Law that makes laws legal. It is not just a legislating or administering state, but a legitimating, *sovereign* state” (Chapter 2, this volume, p. 50). Sovereignty is therefore the entity that binds together into an indissoluble whole the state, laws, and legitimate violence: it is what gives purpose to the state, force to the laws, and authority to the use of violence. Power is of the essence of all these institutions, and it is power that is legitimately wielded by those who are sovereign.

To identify who today can claim such legitimacy requires the creation of nothing less than a new conception of *nomos* or sovereignty. Contrary to older concepts of sovereignty (such as Schmitt’s), it must now include commitments not only to “globalizing” democratic governance, as Carol C. Gould claims, but to a just reorganization of the goods and rights pertaining in (global) civil society, as Seyla Benhabib maintains. How this new global sovereignty can be made democratic is the subject of Carol C. Gould’s article. Gould, however, prefers the term “transnational democracy” to talk of sovereignty. The reason is that her concern is one of extending democratic rights beyond the limits of sovereign states, as traditionally conceived. Rather than attempting to renovate the concept of sovereignty, Gould prefers to focus on the creation of political communities (and the corresponding imputation of political rights) across competing claims for sovereignty. In this way, she hopes to ensure the revitalization of democratic initiatives—making them transnational (not to say, global) provides the opportunity for new alliances and solidarities.

Transnational democracy consists of four elements, in her account:

- cross-border associations of people(s) engaged in common activities (e.g., communication, trade, education);
- regional human rights (legal) frameworks that can provide a basis for making claims on undemocratic regimes;
- the development of means of democratic participation by all those importantly affected by long-distance (i.e., global) state or market actions; and
- forms of transnational solidarity with other democratic or emancipatory movements.

The most original and important of these elements are the first and third—the encouragement of cross-border communities and the claim to cross-border democratic participation. In the first case, it is the creation of transnational networks of people similarly identified or employed that provides the social basis for linkages of various kinds. Gould argues that the oft-cited phenomenon of globalization can provide the empirical basis for crucial normative claims to democracy: at its most general, “globalization” can be defined as linkages of various kinds between distantly situated peoples. To the extent that these linkages are real, they provide the basis for arguing that the common activities creating these linkages ought to be codetermined by all the participants

involved. So, in the first instance, such transnational linkages provide reasons for making human rights claims transnational or regional (not to say, global): all rights violations in regions of linked socioeconomic activity ought to be adjudicated according to similar criteria (of right). Second, these cross-border linkages provide the underlying “social empathy” upon which to base solidaristic actions. To the extent that these linkages are institutionalized in associative communities of some kind, such solidarities are accordingly strengthened.

Finally, and most importantly, transnational associations (whether formal or informal) provide the rationale for according distantly affected others rights of democratic participation. This is where transnational *associations* can become transnational *democracies*. Gould’s claim is that all those “importantly affected” by actions are entitled to participate in the determination of those actions. “Importantly affected” means affected in terms of their basic (human) rights. Thus, those affected by state or market decisions (e.g., actions involving military or financial coercion or control of other countries) have a right to participate in those decisions.

Gould entertains four objections to these claims. First, the idea of equal membership of all citizens seems to be lost in the expansion of the idea of democracy to the transnational scale. But if persons participate in only one democratic decision-making procedure at any one time, the possibility of domination by some is lessened. Second, there seems to be no necessary means of adjudicating claims for redistributive justice once sovereign states lose their sovereignty in relation to distant others. The community of (social) justice would go the way of the community of (equal) membership. Here again, this depends on *not* acknowledging that transnational and global connections can ground necessary claims to justice in and of themselves: globalization, in short, to the extent that it produces inequities, also generates the possibility of making normative claims to redress of these very inequities.

Two additional and less easily answered problems also arise for Gould’s perspective on transnational democracy. If human rights enforcement is to become transnational, then it might well escape ratification and regulation by democratic means: a new human rights bureaucracy, unanswerable to any popular constituency, might well be the result. Yet, this must await those very institutions of transnational democracy that are demanded by the increasing interconnections across borders; and these institutions will, or should, exercise just the same kind of democratically mediated oversight as is possible within existing sovereign states. Finally, it would seem that in any process of cross-border democratic participation, there will be inevitable inequities of culture, language, education, and skill. How is it that these will not undermine the democratic character that is the purpose of such participation? To the extent that these inequities are manifest as problems of communication, they seem at least partly susceptible to technical solution through improved means of communication, especially via sophisticated software that can highlight concepts that are interculturally contested, for instance.

But is this effort to globalize democracy where those seeking a new popular sovereignty should put their energies? In part, this depends on how “globalization” is understood. While Gould characterizes it “in value-neutral terms by the growing establishment of linkages among distantly situated people” (Chapter 3, this volume, p. 65), Susan George (Chapter 8, this volume), writes that it “respects only one rule: the rate of return . . . [and] favors the emergence of giant international and national capitalist groups in a position to impose their rules on the rest of the world” (p. 182). It is this latter view that underlies the concern for economic self-determination: assertions of the need to “delink”—and then protect—local economies from the deprivations of global capital becomes an essential aspect of the principle in general.⁸

Normatively, while it may be true, as Gould argues, that “where associations—voluntary or not—are transnational . . . rights of democratic participation pertain within them” (Chapter 3, this volume, p. 66), this claim is neutral with respect to whether such associations themselves are desirable.⁹ Certainly, powerful states and corporations have found such associations attractive and have acted accordingly in using their political and financial capital to make globalization seem an inevitability.¹⁰ But in the face of the diplomatic and economic coercion that was instrumental to making globalization possible, asserting universal rights-claims seems a weak antidote.¹¹ Espousing sovereignty rights (defined in part as economic self-determination) may be a more effective way to ensure a modicum of fair and equitable trade and investment, as well as the other rights of persons that would complement a more just world economic order.

But how is an espousal of sovereignty to overcome the obstacles to extending democracy transnationally? This is to some extent Seyla Benhabib’s question in her article. The difference lies in divergent assessments of the continuing importance of sovereignty claims: Benhabib recognizes that, without institutional protections, the new global linkages and movements of peoples are more likely to be associations of disenfranchisement and marginalization than those of inclusion and participation.

This is the result of her emphasis on the effects of the new migrations and the creation of gigantic refugee populations due to the differential effects of global military conflict and capital accumulation. The concern of Hannah Arendt that such peoples lacked a “right to have rights” due to their loss of citizenship is still, for Benhabib, a dire concern. One of the important aspects of sovereignty as commonly understood is that it provides just such a right to members of political communities: they have a right to consideration and concern on the part of other citizens. It is the potential loss of this entitlement that creates a dilemma for those arguing a cosmopolitan agenda of expanding human rights and global democracy: such an agenda risks undermining just those communities that (still) entitle their members to the protection of a rights-enforcing regime and a means of democratic participation (or at least representation).

The dilemma is usually understood as a contradiction between the liberal-cosmopolitan commitment to a universal scheme of human rights and the democratic-republican commitment to membership in a community with democratic participatory decision-making. Is it possible to reconcile these two seemingly divergent norms? Benhabib believes that recent historical developments in global migration and the political responses to them suggest new emancipatory possibilities—first and foremost, a conception of “republican federalism,” of which the European Union is one possible instantiation.

This possibility is suggested in part by, on the one hand, a proper understanding of sovereignty and, on the other hand, a shift in the meaning of citizenship. First, it is imperative to reject the Weberian–Schmittian conception of sovereignty as, at the very least, incomplete. Sovereignty, properly conceived, is not only the right to monopolize (political) violence in the maintenance of a state; it is also the right of the state to regulate markets and corporations for the common good, and to redistribute wealth in accordance with an accepted conception of social justice. When thought of in this way, sovereignty is not so much at odds with cosmopolitan goals as it is a particular means of realizing them.

Second, the nature of citizenship—the criteria for membership in sovereign states—has increasingly shifted from a standard of nationality to one of residency. While nationality was almost always an unrealizable ideal (at least without incredibly wrenching social upheavals—e.g., “ethnic cleansing”), it is in any case today even more patently obvious that it is undesirable as well. The increasing organization, activism, and self-identification of multicultural communities of residence in regions, cities, and localities around the globe has made nationality a category without much reference to contemporary realities. This change increasingly suggests a new vision of postnational citizenship that can yield a new republicanism in which the sovereign state is the means of reconciling differences *within* diverse communities. But sovereignty also becomes federative *between* communities; hence, republican federalism.

There are dangers, however, as Benhabib emphasizes. Above all, while traditional sovereignty can be problematized by the cosmopolitan claims of new residential communities seeking rights and redistributions, it can also be undermined by transnational corporations and financial markets seeking new opportunities for capital accumulation. How are sovereign states to adjudicate these divergent pressures—acceding to the demands of new populations while resisting the attacks of foreign capital?

In fact, this latter attack on sovereign states has proceeded on two fronts. On the one hand, the efforts of large corporations have increasingly produced a body of law that escapes the purview of sovereign states and provides a legal framework for capital accumulation to which these states are now expected to conform (on pain of financial reprisals). On the other hand, and partially in tandem with any resistance to this new accumulation regime, the US (and its few allies) has reasserted a unilateral form of sovereignty right that violates the

formal equality of states that is one important entailment of sovereignty as a political doctrine.

Not surprisingly, these new initiatives have produced different forms of resistance, at least conceptually. But Benhabib argues that these forms of resistance constitute negative images of the very problems they seek (but fail) to solve. On the one hand, the new assertiveness of the US has generated anti-imperialist theories (e.g., by Antonio Negri and Michael Hardt) that hypothesize massive uprisings against its global financial–military hegemony. But the fantastic nature of this conception of resistance mirrors the equally quixotic efforts of a political elite to shore up the fading fortunes of US capital. On the other hand, the creation of a new regime of global property law has met with suggestions for schemes of global political governance (e.g., by David Held and Anne-Marie Slaughter), possibly through a revamped UN or some other organization. But these proposals, in Benhabib’s view, are marred by the naive hope that global *political* elites will substitute for the democratic participation of real citizenries in regulating and limiting the scope of the global *economic* elites that are proceeding with their accumulation schemes. It is more likely, under the circumstances, that these elites will cut a deal with each other.

Benhabib instead holds out hope for a new “restructuring” of sovereignty in accordance with the claims of multicultural resident populations within states and with the claims of migratory dispossessed populations outside of states. The means of doing this is what she calls “democratic iterations”—processes of deliberation, negotiation, and compromise within sovereign states instigated in many cases from without or by the disenfranchised within. In this way, the sovereign claims of peoples can gradually be “iterated” in accordance with the claims of those (not yet) included within such sovereignties.

Yet, and this is to insist on a critical distance from the espousals of “transnational” citizenship by both Gould and Benhabib, this new conception of citizenship emphatically *cannot* mean giving up on the role of the state in embodying, ensuring, protecting, and enabling this new, postnational definition of a citizenry. Benhabib herself gives the reason for this need for the state, while being reluctant to draw the obvious conclusion: “What has become crystal clear is that the changing security situation after September 11, 2001 has destabilized the principle of formal sovereign equality of states” (Chapter 4, this volume, p. 81). As she elaborates, this could have meant one of two very different things: the “rise of cosmopolitan norms” or the “spread of empire.” Is there any doubt in 2008 which of these has occurred, or at least has been attempted? And if “empire” has not succeeded as a contemporary project, is it not only because of the stubborn reassertion of the idea of popular self-determination, both by insurgencies where the US has attempted to directly impose its rule (the Islamic world) and by resurgently sovereign states where it has attempted indirect control (e.g., Latin America)?

A further question is how the cosmopolitan principles that Benhabib elaborates could embody popular *sovereignty*. Her reference to “republican

federalism” earlier in her essay indicates that such a cosmopolitan agenda is radically incomplete, to put it charitably, in realizing a goal of popular sovereignty. The mechanism, and ultimately the authority, for embodying and enforcing such cosmopolitan norms remains unclear (as it does in Carol C. Gould’s essay as well). After all, international law has historically enshrined cosmopolitan norms—beginning with the equality of sovereign states (or peoples)—without being itself a form of sovereign authority. International law *assumes* such sovereignty on the part of territorial states, legitimates the equality of all sovereignties, and then goes further in affirming the rights of persons internationally as compatible with those sovereignties. What *has* changed is the normative substitution of popular for elite sovereignty *within* territorial states and the expansion of the rights of persons to enable individuals to “carry” such rights with them in cases of change or loss of citizenship.¹²

But this does not imply the dissolution of state sovereignty, *unless* the rights of peoples are accorded no legitimacy in relation to the rights of persons. Reference to democracy obscures and confuses this point; unfortunately, both Gould’s and Benhabib’s resort to “democracy talk” at crucial points is an instance of this. Democracy requires a people for there to be a “self” that can determine matters of collective interest. Peoples require states for there to be a decision-making process that can do this. Otherwise, democracy is nothing more than a regulative “moral” idea, not a political institution. While it *may* ultimately be nothing more than that, this means that it would also then lose any political efficacy.

But the theory of what is often referred to as “political cosmopolitanism”—as distinct from the “moral cosmopolitanism” enshrined in international law—rejects the necessity of sovereign states in favor of global institutions that are regulative, if not administrative. Both Gould and Benhabib are loath to move explicitly in this direction. But it is hard to see why this is the case if they are serious about “deterritorializing” sovereignty (Benhabib) or replacing it with “transnational democracy” (Gould). Sovereign territorial states are not only a means of realizing the promise of popular sovereignty—they are the *only* means that currently exist. They are also the primary enabling institution for creating a regime of cosmopolitan right, through the constitutional ratification and enforcement of human rights in specific countries. But this is to raise explicitly an issue that is discussed only obliquely by the authors of Part I—what is the proper scale for postnational sovereignty, if it is not the (illusory) framework of the nation-state?

The proper scale must be one in which sovereignty can be used to embody and protect the values of humanitarian concern, social justice, and environmental sustainability. These universal ethical norms require instantiation at some scale of political life and it is this which is in question. Some scales are precluded by their manifest undesirability or unrealizability. The global scale is one at which sovereignty—through the medium of a world government—is

either impossible or, if achieved, will be too repressive to allow for the expression of popular sovereignty.¹³ Advocates of a global-scaled political regime attempt to reconceive it as a sort of regulative institution or representative body—a form of “global governance,” in the current jargon. But if such institutions or bodies in fact come to possess sovereignty—the exclusive use of force and the ability to redistribute wealth—they will have broken free of any ability of peoples to render them accountable and democratically legitimate.

The local scale suffers from a different problem: its inability to assume the powers and prerogatives of true sovereignty. While localities may become the arena within which social justice is understood and achieved, such progress will remain at risk because of the manifest weakness of small, local states in the face of more powerful hegemonic or near-hegemonic states. It is the middle register in which the scale appropriate to postnational sovereignty is to be found. On the one hand, it is the *region*, as Carol C. Gould and, later in this volume (Chapter 7), Gar Alperovitz emphasize, that may be the best scale for protecting the gains of local democratic, egalitarian, and sustainable initiatives. On the other hand, it is the *federation*, as Seyla Benhabib and, to some extent, Susan George (Chapter 8) espouse, that could embody at least some aspects of citizenship in the new postnational state.

Much more could be written about the idea of a sovereignty that is postnational in just these ways (and see the Alperovitz and George contributions to this volume). But at the very least it involves reconstituting sovereignty within territorial states so they are devoid of national exclusivity. And it also entails that such sovereign territorial states be integrated into regional federations committed to humanitarian, egalitarian, and sustainable definitions of the common good. These federations, however, cannot be seen as usurping the authority of sovereign peoples acting democratically within their own territories. Pursuit of universal notions of the common good must, in the end, continue to be “iterated” in distinct peoples and countries. Attempting to dissolve, or agglomerate, the prerogatives of popular sovereignty will only exacerbate the current crisis in how to unify opposition politically to global capital and empire.

But whatever view of this crisis is taken, radical democracy and sovereignty have again become lively and contested terms with which to think new possibilities for opposition to power and for the revitalization of emancipatory politics. In the succeeding parts of this book, some geographical and historical dimensions of oppositional politics will be added to this suggestive engagement between new departures in the philosophical realm.

CHAPTER 1

Crude Wars

TIMOTHY BRENNAN AND KEYA GANGULY

Once there were scandals, but not any more.

Guy Debord, *Comments on the Society of the Spectacle*

Any German-English thesaurus will confirm that the term *Realpolitik*—a word connoting practicality, expediency, and even sufficiency—is a euphemism for the less commonly rendered *Machtpolitik*, or power politics. That the two terms are more or less interchangeable in the language from which they derive ought to tell us something about our ways of understanding power and, more specifically, about the preference for dissimulating the use of force as a matter of pragmatic contingency, especially when the object of force is removed from immediate view.

The entanglement of force and practicality compels us to reckon with two different but mutually reinforcing modes of political engagement. On the one hand, as exemplified by the regime of Bush *files*, a brutal power politics is programmatically fused with a cynical rhetoric of compassion. On the other hand, the Left (at present perhaps more a hyperreal designation than anything else), instead of matching the politics of force blow for blow, hypostatizes the terrain of practical possibility and “realism” as the only grounds on which we can operate and act. That ground has always been instrumentalized by forces of political reaction, so it will not do for us to stake our claims on the basis of “what is possible” alone because this inevitably leads to a state of affairs in which practicality serves to cloak the force that defines it and sets its limits.

After World War II, this was precisely the lesson that the outmaneuvered American Right derived from the ideas of the political philosopher Leo Strauss.

His demonstrably effective strategy had been not to think of the immediate and practical now but to fashion a long-range utopian project, attracting key figures from the intelligentsia, all of whom were invested in the vision of a future that was fully outside and beyond the liberalism of the founding norms of the nation. Emboldened by the afflatus of a classical tradition, Strauss and his followers (including key contemporaries such as Paul Wolfowitz, Clarence Thomas, Norman Podhoretz, William Bennett, and William Kristol) took the long road toward achieving their goal of establishing an antirepublican, antidemocratic state that could nonetheless be justified by recourse to a classical tradition and the ideas of Socrates or Plato. In time, this reordering of the very horizons of political thought and action has acquired an all but religious secular force.¹

A few critics have suggested that Strauss is the kind of strategic right-wing theorist from whom the Left also needs to learn. So, for instance, the ideas of both the ultra-Left critics associated with the *Krisis* group and the “New Times”-style authors of *Empire*, Antonio Negri and Michael Hardt, are animated by a common assumption about learning from the gurus of the conservative past—Machiavelli no less than David Ricardo; or, as in the current example, Strauss. Valuable as such provocations are, the ends proposed by these forms of theorizing are often indistinguishable from the positions they seek immanently to undermine. We believe, then, that it is time for us to resuscitate a different tradition of political strategizing, not only in the name of more progressive goals but in the name of the progressive tradition itself—which it has become fashionable to decry as *passé* and, of course, impractical.

In the face of John Kerry’s pusillanimous concession after the 2004 presidential election, any protest by the Left, even in its tattered and tottering state, is apt to be written off as the refuge of sore losers. But protest is something that we must learn to avow, and something that Kerry and the Democratic Party have bluntly rejected in their haste to remain within the embrace of Realpolitik. By contrast, we must refuse that embrace, rejecting the terms and terminology as well as the short-term strategizing that inevitably accompanies the agendas of Realpolitik. Sore losing would seem to be axiomatic in the wake of what appears to be yet another stolen election in which winners have again been turned into losers. But to wear the mantle of the sore loser defiantly, rather than edging away from it, may be the first step in a longer-term political *détournement*—complete with its old Situationist associations of deploying the fake, the counterfeit, and the swindle, with the aim of overturning society. Indeed, it may very well be that imperial arrogance and corporate thuggery can be resisted only in Newtonian fashion, with “equal and opposite” reaction (the Iraqis are teaching us a thing or two about this). *Pace* Marx, perhaps this time around farce will return as history! It is to the end of exposing the “lying liars” (as the comedian Al Franken puts it) that we should want to reconsider the benefits of fighting outrage with outrage and the sheer mendacity of Bush’s corporate allies with an unrelenting insistence on the fraudulence of corporate

welfare itself. With the same doggedness that the media employ when rehearsing their morality plays of freedom and democracy, the Left needs to devise ways to convince the public that these are merely codewords for a corpulent American empire seeking to destroy the integrity of nations abroad in order to facilitate new forms of unregulated capital penetration.

A great deal of evidence now suggests that the 2004 presidential election was stolen.² If so, this cannot be mitigated by pointing to the margins of error that are statistically inevitable in counting votes or to the calculation that a bit of fraud is a feature of all American elections, just business as usual. On the contrary: what seems to have taken place in November is of a different proportion altogether and has to be seen as an organic component of the Republican *revolution* (as Newt Gingrich and his minions liked to call it during the early 1990s). Despite the brilliant recent analyses by Thomas Frank, Anatol Lieven, Tom Mertes, and others in diagnosing what Mertes memorably calls a “Republican proletariat,” and without taking away from their cogent explanations of Bush’s disturbing appeal, we find that at least one major question remains unexplained.³ How is it that Bush—despite Republican strong-arm tactics on the Hill, the chilling of dissent through smear campaigns, selective prosecutions, the hovering threat of the Patriot Act, the daily theater of terrorist alerts, the burning passions of an ongoing war, and a monopoly press owned by a class enriched by Bush’s policies and bent on protecting him from scrutiny—seems to have *lost anyway*?

The strong likelihood that this was the actual outcome of the election is, we submit, mind-boggling, and it demands an analysis distinct from those that justifiably emphasize missed opportunities by Democratic candidates and the party’s disastrous rightward shift in recent decades. Yet we recognize that to cast Bush as having lost has something of a metaphysical ring to it, seeing as he was reinaugurated. But if, despite his stranglehold over key governmental institutions and the media, he received fewer votes than his opponent and, moreover, did so with no great show of support for his opponent (including, it would appear, from the opponent himself), then the landscape of American politics must look radically different from its portrayal by the Left and Right alike. For the debate would then no longer be over how progressive forces might wrest away Bush’s seemingly inexplicable popularity (that is, whether there should be concessions to the Christian Right, *à la* David Brooks, or an assertive return to the New Deal, *à la* Thomas Frank). Rather, the struggle should be over dislodging the minority regime that has come to power by way of a palace coup. We offer our discussion with this latter vision in mind.

Our premise is that the American Right has once again forcefully reminded us that effective political action is always about controlling the state and that, moreover, such control is achievable only through an insistent program-based organizing within the institutions of civil society. As the Christian Right’s recent victory also illustrates, becoming a force to be reckoned with is easier when a ready-to-hand utopian goal can be marshaled, however illusory and

even deceptive its promises. For the drudgery of the march to power is better tolerated by those who possess a shared ideal, even if it is only a vision of a possible life that supersedes and cancels out present reality. So if, when the dust settled, there was no way for Bush to lose the last election despite losing, the agenda for any Left theorizing of the future would seem to require its own version of the Republican revolution. Regardless of how unsubtle or out-of-date this may sound, what we need is not more counterhegemonic imaginings, or endorsements of quotidian subversion via consumerism, or popular-cultural resistance, and so forth (notwithstanding their *pro tem* appeal).

Though self-styled oppositional critics have long celebrated the melancholy and catastrophic beauty of the present moment, it seems to us that the moment itself calls for a new phase of dry-eyed and sober analysis that has transformation as at least its horizon of possibility. We cannot effect change simply by reimagining the given terrain. The post-9/11 reality of the world makes it abundantly clear that the last election was merely the latest turn of the screw. The basic and mostly unremarkable fact is that we have been less ambushed than swindled. An ambush implies surprise, whereas our predicament has been one of horrified helplessness; indeed, many commentators had predicted exactly where we were headed and how, so the course and consequences of the most recent political swindle could have surprised only the most credulous, even if everyone has been equally powerless in resisting the outcome.

Realism about alleged political necessities has provided the Bush administration with its alibi for the “war on terror” and other violations of the law. So it has become somewhat commonplace these days to link the actions of this administration to the logic of the “state of exception” first formulated in 1922 by Carl Schmitt, the right-wing legal theorist. We think the immense fascination with Schmitt in cultural theory circles indicates more than a passing trend in academic fashions. Rather, it is paradigmatic of the arresting of thought we find characteristic in some Left responses to the extremes of the present.⁴ In his own day, Schmitt had distinguished himself as an implacable opponent of the liberalization ushered in by the fertile reform-minded and experimental Left culture of Weimar Germany. Before embracing Nazism (which by 1932 had brought that earlier era’s initiatives to an abrupt end), he excoriated the Weimar Constitution on the grounds that its liberal sensibilities tended to substitute procedure for struggle, making politics alien to its own raw, existential dimension. Much of the necessary work of states, he argued—war, domestic repression in the name of security, and so on—could simply have no coherent *normative* justification. It could only have “an existential meaning” signified by the experience of combating, and at times killing, an enemy.⁵

There is an audacity to Schmitt’s project that no doubt resonates with critics for whom a bolder and more dangerous engagement with force is preferable to theories that are content to rest at the gates of cultural mediation. Curiously,

though, the mobilizations of Schmitt that receive most attention—Giorgio Agamben's *Homo Sacer* is the best recent example—reveal a double retreat from the confrontation that, in a very different sense, seems most pertinent to us in the age of Bush. For Agamben, Schmitt's "state of exception" is that moment when sovereign authority suspends the rule of law on the grounds that special "needs" have become the overriding principle of political action—a situation that, on the face of it, would seem to have much in common with the United States after 9/11. Hence, Agamben's extension of Schmitt's arguments into Hobbesian terrain has the initial attraction of appearing to be based on the immediacy of events. With allusions to Auschwitz at hand (as though Auschwitz provides the quintessential model for human suffering *in toto*), Agamben argues that an administrative state prompted by vital needs is based on the state of nature (the human as "bare life," or *zoe*), not only the political disputes and arguments of law (the human as political animal, or *bios*). Consequently, the exercise of power is conceived as that which captivates and controls nature itself, just as concentration camp guards had complete sacrificial power over their captives. Law in a virtual state of suspension is made equivalent to control of the physical body. This is essentially what Agamben means by "biopolitics," and for him, such control is at the crux of contemporary politics. But let us pay attention to the inversions at stake here. Schmitt's argument about the state of exception was that the Weimar Constitution should be revised to include clauses that legally permit its own suspension; that is to say, his point was not that the sovereign displays his sovereignty by transcending law, or that such suspension is *ipso facto* the endemic outcome of law (which would then appear naked and hypocritical). Moreover, Agamben willfully transforms "sovereignty"—which, in international law circles has always had the honorable meaning of the positive right of nations to determine their own affairs under threat from more powerful ones—into a negative. Here it is rendered as the arbitrary power of the state to manipulate personhood right down to the functions of nature. Sovereignty is conceptualized in exclusively biopolitical terms, thereby reducing it to the contemporary theoretical fixation on the body at the very moment that national sovereignties are so extravagantly threatened.

We do of course grant the relevance of arguments about biopolitics, given refinements in cloning, the patenting of genes, as well as the application of new technologies of surveillance (the optical scanning of the human iris to establish identity, for instance).⁶ But as Malcolm Bull points out in his recent assessment of Agamben's work in the *London Review of Books*, one cannot jump as quickly as Agamben from constituent power—the government's rule over citizen-subjects under the name of law—to biopolitical sovereignty on the grounds that, in modernity, the former has effectively become the latter.⁷ Setting aside the quixotic way that Agamben transforms an obsession with legality into a rejection of the law, or his repetition of reactionary arguments from the era of Nazism in order to demonstrate his view of the so-called new

world order, the fact of the matter is that he confounds an understanding of the nature of power by conflating sovereignty with dictatorship.

Our idea is to adduce a wholly different framework for understanding the Bush administration's use and abuse of the legal system, both internally and in foreign affairs. Bush, we argue, has sought not to suspend the law but vigorously to observe its letter, enlisting allies within the judicial system to deploy legal briefs on behalf of his favored interpretations. At the same time, he has been in open violation of the law, including the Constitution. He is not therefore sovereign and above the law but, in practical terms, a criminal; and these are not versions of the same thing.⁸ In this distinction lies his *Machtropolitik*.

The Exceptional State

If *Machtropolitik* is by definition the reassertion of right by might—and, consequently, release from the formal niceties of contracts, negotiations, and written standards of behavior—one would be led, from the outset, to posit a logical contradiction between the politics of naked power and the law. In Bush's case, however, the two have worked in complementary rather than contradictory fashion. One crucial example is the self-consciousness, even oversensitivity, toward the law that having fraudulently assumed the presidency instilled within him; a second is the eagerness with which he summons the rhetoric of “standards” and, ultimately, of Holy Writ, upon which he purports to stake his religious revolution. Although by no means invented by the religious Right, the American ideology of the chosen people (originally derived from a sectarian Christian reading of the Old Testament) is, of course, older than the republic itself. It extends back into New England colonial times and has been stoked to a high flame at a moment of imperial reassertion. So once again the recent theoretical elevation of the “state of exception” thesis as that which is inherent in modern sovereignty *tout court* is at best tangential to US power politics, which, to the contrary, adopts the biblical conviction of the *exceptional state*—“Israel” in the received biblical model.

It is entirely in this spirit that US policy in the postwar period since Ronald Reagan has sought not to suspend the law but to extend US law internationally—in effect, to give US courts jurisdiction over the world's citizenry. If the best-known illustration of this maneuver was the kidnapping of General Manuel Noriega (then the President of Panama) to be tried in US courts, the policy is more ubiquitous. A recent example involved the kidnapping at the Serbian/Macedonian border of Khaled el-Masri (a resident of Germany) while he was on vacation. His passport was confiscated; he was barraged with questions about al-Qaeda, al-Haramain, and the Islamic Brotherhood; and then he was flown by US officials to a prison in Afghanistan, where “he was shackled, beaten repeatedly, photographed nude, injected with drugs.”⁹ Five months later he was released without ever being charged with a crime.

The desire for factitious official legality has, however, led to a number of impasses for the Bush administration. As implied by the shift from the Noriega to the el-Masri case, the Bush administration now seeks a foreign—but, more accurately, neutral or legally indefinite—place to pursue its rights of jurisdiction. A shift has occurred away from attempting, as in the past, to superimpose America’s legal structure on the globe or to make US territory the world’s prison. We see here a second legal tack employed by the Bush administration, one that seeks advantages accruing to the legal indeterminacy of a globe checkered with territories of uncertain sovereignty. It is above all at Camp Delta in Guantánamo that one sees played out the desire for a zone in which legal prosecution of enemies can occur without interference from the habeas corpus statutes that are the cornerstone of American law. Why this is not a state of exception can be seen in Bush’s tortured attempts to justify the enterprise at Guantánamo by carefully deriving the term *enemy combatant* from the reference to *unlawful combatants* found in the protocols of the Geneva Convention: “non-uniformed combatants operating outside the context of the traditional battlefield.”¹⁰ What is more, the whole carapace surrounding Guantánamo relies on a strict reading of the Platt Amendment, a law that was forced on Cuba after it gained independence from Spain and grants the United States the right to intervene in Cuban affairs while giving Cuba ultimate sovereignty over the entire island, including Guantánamo itself. The advantage of such sovereignty is that Cuba can assert it only formally, not militarily, whereas the United States can invoke it to show the unreal absence of its own (actual) sovereignty. In this space of legal legerdemain—as distinct from Schmitt’s notion of extralegal emergency—the American government today implements its policy of torture.

In an important analysis, Martin Puchner reports that the Bush administration is busy searching for many other “no-law zones that are more permanently removed from the reach of the federal courts.”¹¹ The most extravagant example may be the CIA prisoner plane uncovered by Michael Sheuer, a former CIA counterterrorism officer.¹² The plane, revealingly made to look like a corporate jet owned by one Premier Executive Transport Services, Inc., transferred political prisoners kidnapped by the United States or its allies to countries where torture is routinely practiced. The CIA agents who operated the plane all lived under assumed identities and were presumably already involved in “interrogations” in the sky—literally outside the grounded legal norms of their own or, for that matter, any other nation. It might be tempting to regard this as a confirmation of the “state of exception” thesis if not for the fact that these bizarre attempts at subterfuge reveal the juridical obsessions of those busily breaking the law while pursuing a two-pronged policy: global jurisdiction based on US domestic law and, with apparent contradiction, relief from US law in the concoction of “nonplaces.” What may at first appear contradictory is in fact compatible; like terror itself, the rights of prosecution and torture are reserved for established states rather than stateless movements

(which is why a state that prohibits torture can inflict it in the sky or at Guantánamo—that is, in stateless geographies controlled by exceptional states).

Two different, but complementary, approaches to imperial law here play themselves out unpredictably, and they have at times merged. For its part, the global jurisdiction claimed by an American chosen people was evident in the US Supreme Court's recent ruling that federal jurisdiction applies to the inmates at Camp Delta, a decision it later partly rescinded in deference to still-outstanding lower court rulings. In the minority opinion, Justice Antonin Scalia revealed what was at stake when he complained that the opinion of the Court's majority logically amounted to an attempt to "extend the scope of the habeas statute to the four corners of the earth."¹³ But was this not, as the US government had explicitly asserted, its goal in Afghanistan and Iraq—to bring "American-style democracy" to the ravished outposts of dictatorship? Scalia, the godfather of the Bush presidency, thus underscored less the suspension of law than fear of the double edge of its reach.

The distinction we make here is no quibble: the "state of exception" thesis has the effect of further separating dissidence from the struggle for control over institutions. In Agamben's hands, indeed, it obliterates the very existence of man as political animal, which for him (and this too characterizes prevailing Left theories) is as much a desired outcome as a baleful assessment of modernity. A state of exception implies that power is *by nature* depressingly arbitrary and tends toward the absolute, where law is merely subordinated to the monarch's or president's pursuit of policy: it makes of *Machtspolitik*, in short, a generic principle of all power. By contrast, our thesis of the exceptional state points to the constraints on a fanatical minority regime wielding the powers of government for illegal purposes. As a concept and term, it is less abstract than Schmitt's, resonating more accurately with the specific manias and historical desires of the United States in its actual development. Our thesis does not echo, or by echoing preserve and exalt, an infamous historical moment when a conservative Catholic jurist set out to undermine the integrity of the Weimar Constitution; instead, it leaves the state appearing as that which must be sought in every bid for power, rather than abjured for the lies informing its current avatars.

The Techno-Medieval

There is nothing simple about politics, even about the brutal confrontations of *Machtspolitik*. Any inquiry into American state and society is confronted with divergent scenarios of explanation and multiple possibilities for determining a certain course of action. We grant the enormous complexity of the political terrain and do not seek to mitigate complexity by oversimplifying the case. But it is time to reject the notion that complexity goes hand in hand with irresolvability. Acquiring the courage to be crude in the face of the crudeness

of power would have as its initial justification congruence. *Das plumpe Denken*, as Bertolt Brecht once proposed, would still seem to be the way, or at least one way, of countering force in an age of atrocity—not because the sharp unwavering words of a radical retort could stop a police bullet, but because circumlocution has become exhausting and evasive. What is more, how can we understand power, much less contest it, without experiencing its starkness from within? While we recognize that this may at first sound similar to Schmitt's arguments, it is only because conventions of academic theorizing tend to observe formal differences in the name of "ethics" while neglecting substantive (or programmatic) ones. Schmitt, after all, sought to establish the grounds for a return to the authoritarian state, whereas our call is for a response that does not seek to embarrass power through a display of polite noncompliance—whose effect is merely to mark a formal non-equivalence (as though a detached tribunal were judging the morality of the actions separating "us" from "them").

If it can be admitted that the Left has not been able to provide even an adequate theorization of the Right's dominance, this is not only because we lag behind the organizational power of the Christian Right or that our funding networks, communications lines, and modes of address are primitive by comparison. We are also—and this is our contentious point—more naive *philosophically*. Can we deny the ways in which we seem to be arrested, paralytically transfixed, by the '68ist moment, unable to match *Machtpolitik* with a practical theory of power raw and sensible enough to be adversarial? Instead, so many Left analyses of power have taken their leads from forms of thinking that not only do not bear up (however subtle and sophisticated they might appear on the page) but that have also begun to resemble the "tortured stupidity" of the effete and outmaneuvered, as Walter Benjamin characterized some of his leftist colleagues in the Weimar period.¹⁴

We are all implicated in these charges—all of us, from time to time, the deserving recipients of Benjamin's condemnations—because the ideology of complexity has for too long been the aesthetic default position of cultural critics and theorists. Also, the unpacking of the semiotic density of discourse, including political discourse, performs an anthropological function in politically dangerous environments in the sense that pure value is accorded positions that let the theorist evade statements of clear opposition to the status quo and allow him or her to defer instead to the values of ambivalence and indeterminacy. To penetrate the meaning of contemporary politics, we think, demands a different and difficult intellectual leap in which one is required to work one's way through—and out of—this subjectively experienced complexity and grasp the bald objectivity staring us in the face. Bush's politics are, for want of a better term, *techno-medieval* rather than postmodern (with all the micropolitical dispersion the latter evokes). That is, Bush's prescriptions for "fighting terror" are nothing short of a technologically mediated medievalism: dungeons for dissidents, loud chanting for the media-stupefied minions, a

whip for the hired hands, and, ultimately, wheelbarrows of cash trundled from the treasury.

Notwithstanding the bluntness of either ideology or politics today, the unfortunate turn in contemporary media and cultural analysis is toward ever more refined explanations for the media's total lack of accountability and independence. Critics now tend to describe what goes on, whether with respect to advertising or war reportage, in terms that bear little resemblance either to actuality or to the underlying motivations. It has become fashionable for cultural critics to reject supposedly outmoded theories of political economy, to disdain the simple exposure of hidden agendas, to scoff at the likes of Noam Chomsky or Armand Mattelart on the grounds that their notions have been superseded by the ever-inventive strategies of the market. In middlebrow journalism and academic theory alike, the mendacity of the media may occasionally ignite a spirited account of the dismal state of truth within the realm of electronic information, but the explanation is usually tautological: self-censorship, apolitical careerism, the tyranny of the soundbite—anything but the logical conclusion that the US media are simply an old-fashioned machinery of propaganda, no more, no less.

Guy Debord, from whom we derived the epigraph for this essay, has taught us most about the unprecedented interdependence of the market and spectacle in modernity. The banal if baleful impact of the image requires little repetition, though increasingly the image taunts rather than informs us, daring everyone to accept nonsense. Though cultural theorists may take the image to be a vast ideological complex rather than a specific misrepresentation, an image may also be deployed more locally, enacting in microcosm the system's cynical relationship to fact. We take this to be an extension of Debord's thesis appropriate to the current *Machtpolitik*. And in this local variant, the media will us to take their fabrications as offered. The justifications we have all heard for the war in Iraq may or may not be believed (our impression is that a majority of Americans disbelieve them). But belief as such is only one of the goals of the image, and that is what separates it from a standard concept of ideology. This latter sort of image is instead a declaration of absolute authority where the ridiculous, the self-canceling, and the already-disproved all play their roles in emboldening power precisely because their falsity is evident and persuasion is no longer the issue.

Let us take one example of this aspect of the image: in mid-March 2003, at the outset of the invasion of Iraq, CNN aired a story in which a general and his interviewer announced that audiences would be seeing a tape of American troops entering a home to subdue its occupants with a "stun grenade." Stun grenades, we were told, produce a loud sound and a bright light to "disorient" the target in order to make him easier to capture. When the footage aired a moment later, what viewers actually saw was an incendiary grenade. Phosphorous flames exploded through the ceiling of the house, whose occupant, engulfed in fire, burst through the door. He was then thrown to the

ground by two US soldiers, who pointed their rifles at him as he rolled around in agony. This frightening disjunction between report and fact, presented visually for us on television, was a way of telling American viewers that if they love their country they must accept what they are told, not believe the evidence of their eyes.

The desperation of our times and, indeed, of people around the world who face the brutal consequences of our government's actions should not make us forget that contrariness in the face of power signifies more than mere opposition. It also signifies a chink in the armor and a crack in the concrete—reminding us of Lenin's dictum that a contradiction is the weakest link in the chain of power.

So if, by contrast, we consider not our putative distance from the Bush faithful in this country but our proximity to the majority of the world's citizens, we should be able to conjure up a very different image from the not-too-distant past on the eve of the second Iraq war. The worldwide and concerted protests against that war, far more than the vaunted antiglobalization movements of Seattle and Genoa, should jolt us back into realizing that not everyone has been bluffed into silence. What is remarkable is that so many Americans have managed to survive pep-rally reporting, innuendo, and threats against nonconformity to become, against all odds, dissenters alongside their global brethren. The numbers of people who now speak out against an intolerable and illegal war is staggering, given the obstacles to be surmounted. They have all joined a very different coalition of what the editor of *Harper's* magazine some years ago called the "unorganized, unrecognized, unorthodox, and unterrified." Corresponding fully to an older strategy of direct confrontation with the state, millions in Germany, Mexico, Spain, and Indonesia have held demonstrations against this war, bringing more people onto the streets than ever before in the history of those countries. This is as unprecedented as the fact that large-scale demonstrations in Europe, Asia, and Latin America had never occurred in unison or over the same issue. In this age of globalization, those disgusted by this war are in the majority.

The German philosopher Ernst Bloch offers us the distinction between *docta spes* or "educated hope" and the "rapturous, raving self-deception" of narrow-minded extremisms whose real interest, once again, lies in perpetrating the "enormous swindle" (Bloch's words) rather than in realizing hope.¹⁵ Commenting on the folly of fake religiosity in the United States after World War II, Bloch brilliantly sums up the "sheer nonsense" that passes for hope in the following image: "God arrives next Tuesday at 11.25 a.m. at the Illinois Central, hurry there to welcome him!" But if the rapturous outpourings of Jerry Falwell and his like or the secret handshakes of Opus Dei members (including our Supreme Court judges Scalia and Clarence Thomas as well as former FBI director Louis Freeh) are still the dominants in our politico-religious culture, the issue is not that so little has changed in fifty years but that we on the Left have not been up to taking the risk of fashioning

a horizon in which a different kind of hope could be held out—and, yes, even disappointed.

Bloch, we may remember, was himself quite invested in the possibilities of religious thinking, though his irony above was intended to convey that genuine social transformation cannot be grounded on the terrain of religiosity—not because faith is irrelevant in people’s lives but because, like every other aspect of existence under capitalism, it has become reified and is therefore unlikely to be the subject of a serious *askesis*. The project of educated hope, then, involves taking the risk of challenging people to question their current convictions in order to arrive at new ones—religious convictions as well as beliefs about the content of US democracy, the country’s self-appointed status as “world leader,” personal happiness in the face of structural deracination, and so forth. A different picture of reality and the future must be painted, and for that we need to reinvent the language of political leadership without feeling self-conscious about how vanguardist that sounds. In rejecting the idea of false consciousness now seen as the defunct language of an older Marxism, we have thrown too much away. If nothing else, Bush and company have proved to us that ideology may be “an imaginary relationship to real conditions of existence” (a formulation popularized by Louis Althusser with his emphasis on the unconscious), but it is also a real relationship to completely imaginary conditions of existence—which is why people actually vote against such fearful fantasies as the “death tax” and “gay marriage.”

In addition, the return to power of various Left and socialist parties in many countries of the world (Venezuela, Brazil, Bolivia, and—against all US doctrinal prophecies—in some Eastern Bloc nations revolted by the personal experience of neoliberalism) has something to reveal not just to our fellow citizens but to ourselves as cultural workers and intellectuals. A postmodernist flourish with which the “excesses” of the Soviet Union or Mao’s China can be conjured up—as eventualities that always lurk beneath any attempt to revitalize the project of socialism—is doubly suspect: for one, propaganda and repression are hardly the monopoly of those regimes (as we can see); for another, it is a curiously one-sided gesture, exemplifying a suspiciousness on the very part of those who declare their nonsectarian outlook and willingness to learn from the past as well as from outside the “West.” Like other compensatory gestures, it is a ruse. In the end, one cannot be a liberal and radical at the same time, though to say this is not to void the errors of the past but to remember that some of its lessons continue to be relevant.

Likewise, there is no easy formula we can offer on behalf of more agitational propaganda, bigger demonstrations, or even the violence implied by the refusal to work. At some point, these too will return to center stage, given the simple fact that there is nowhere else to go. Our proposals here are by definition more modest, for we are at the primitive point of conceptualizing a mere prolegomenon to action. Without a critique of the market as such, without an organizational imaginary, without accepting responsibility for power, without

actively *seeking* power on behalf of a different telos, there are no political solutions. Who are today's radical philosophes—those who prepare the terrain, in thought, of confrontation with the state (as their counterparts so famously did in the eighteenth century)? Here the fate of Bloch in contemporary theory may be illustrative: a partisan of twentieth- rather than eighteenth-century enlightenment, and for that reason still too radical perhaps, Bloch is not nearly as widely read as he should be. We adduce him for the richness and timeliness of his ideas about the building of hope. His ultimate point in the essay "Can Hope Be Disappointed?" is not that educated hope resides only in error-proof calculations about what is realizable. He asks: "And yet, does *well-founded* hope, mediated, guiding hope have any better prospects? It too can be, and will be, disappointed; indeed, it must be so, as a matter of honor, or *else it would not be hope*." We could not say it any more powerfully, so the building of well-founded hope must, for a start, be something to rally us all.

Sovereign Right and the Global Left

SUSAN BUCK-MORSS

What does sovereign right have to do with the global Left? Why should a conference devoted to “Rethinking Marxism” care? Sovereign right is the power to name the enemy, determining the imaginary landscape of legitimate violence. My task is to convince you that this is an important issue today, perhaps the most important—not only for Marxist theory, but for any critical understanding of global politics.

Sovereign Right

It is a rationalist prejudice to presume that self-preservation is the motive, and loss of life the issue, when war is declared. The violent action by nineteen young men on September 11, 2001, within the national borders of the United States, was a direct challenge to US sovereign power. Its damage was profound, physically and conceptually, striking at the collective imagination as a whole. The United States responded by sending to their death in Iraq a number of soldier-citizens that has surpassed the 2,986 persons who were killed on September 11.¹ They will die not defending the nation, which was in no way under military threat from the tyranny of Saddam Hussein, but as a sacrifice to the idea of American sovereignty and the rightness of its power.

Sovereignty is not synonymous with the nation or the state. It is misleading to collapse and confuse their meanings. The nation identifies those born (*natio*) into a self-defined collective, which may or may not exist as a territorial state. Sovereign power is the right to use military violence in the collective’s defense. When it is waged by nation-states, it is not carried out by majority vote. Even the most democratic constitutions delegate that power to an

executive figure who embodies the authority to name the enemy and deploy military force against it. Sovereignty is a political idea that still bears the traces of Europe's monarchical past. I am not suggesting that Bush's foreign policy was driven by an archaic, mental representation. Imperial interests, oil interests—power on all its cynical levels—were and remain in play. But I am saying that what has enabled him to get away with this policy—and what still enables any president who might follow him to garner patriotic support for waging an offensive war—is not imperial or oil interests, but interpellating the American collective as a nation whose sovereignty is under attack.

Mohammed Atta, a leader on September 11, was born in 1968, the same year as Timothy McVeigh, who was executed exactly three months before (June 11, 2001) for bombing the Oklahoma federal building. Both men had been radicalized as a consequence of the first US war against Iraq. McVeigh, a decorated soldier in Operation Desert Storm, accused the US government of hypocrisy for massacring surrendered and retreating Iraqi prisoners, referring with brutal irony to the babies and toddlers he killed in Oklahoma as “collateral damage.” He saw himself as an isolated hero, even though he did not act totally alone and his political critique, which applied to both Republican and Democratic administrations, was shared by members of Aryan and Christian Apocalyptic groups with whom he had connections. Similarly, Atta's last will clearly indicates that, while he was part of a collective mission involving international collaboration, he acted with individual will and apparent clarity of conscience. McVeigh identified with civilians killed by state violence at Waco, Texas; Atta with those in Palestine.² McVeigh was trained to kill at Fort Riley, Kansas; Atta at an al-Qaeda camp in Afghanistan.

I juxtapose these two individuals not for any moral comparison. Rather, it is to demonstrate that on the basis of facts alone, the differences that matter cannot be explicated. McVeigh left the private families of 168 victims with an irreparable loss but, by his execution, national sovereignty was fully vindicated. He “met the fate he chose for himself six years ago,” President George W. Bush declared at the time of McVeigh's execution. “Under the laws of our country, the matter is concluded” (<http://archives.cnn.com/2001/LAW/06/11/mcveigh.02/>). Atta, whose immolation prevented retribution, turned a self-understood democracy inside out, launching two wars of aggression abroad and a xenophobic witch hunt at home that initiated secret surveillance against citizen and foreigner alike and produced at Guantánamo Bay an extraconstitutional juridical space, a black hole in the legal order where none of the rights of defendants is protected.

Government officials immediately compared the September 11 attack with Pearl Harbor. The analogy to World War II evoked kamikaze bombers that echo in American memory as traumatic. But the box cutters brought aboard by Atta's group were not military weapons, the World Trade Center was not a military target, and soldiers in uniform were not the main victims of the attack.³ Atta represented no territorial nation-state, hence no conventionally

identifiable enemy. He and his co-conspirators committed an act of war that could not be treated as such because it denied the possibility of normal engagement. Their violence defied the *idea of national sovereignty as the locus of the exclusive right to employ terrorizing violence against a foreign foe*, and precisely this defiance could not be tolerated.

In the modern world order, sovereignty is the exclusive property of the nation-state, which, according to Max Weber's classic definition, claims a monopoly of the legitimate use of violence. In the landscape of the collective imagination, only nation-states have sovereignty and only national citizens have rights. Within this territorial system, all politics is geopolitics. The enemy is situated within a geographical landscape. The dividing line between friend and foe is the national frontier. Transgressing that frontier is the *casus belli*; overpowering military force determines the victor, and peace brings about a redistribution of territorial sovereignty (Buck-Morss, 2000, 23). The point is that only within this context is the extreme superiority of US military power effective, so that the real threat is an enemy who refuses to engage on its terrain.

Benedict Anderson has asked just how new the September 11 attack really was. While the Bush administration maintains that never before have we faced such a threat as that from "the terrorists" in this "first war of the twenty-first century," Anderson is absolutely correct in pointing out that the methods of Islamic extremists can be placed within the time-honored tradition of anarchist militancy. There is, indeed, much to be gained from comparing al-Qaeda to the anarchists of anti-imperialist movements since the late nineteenth century. They were also, as Anderson writes, globally minded assassins playing for a world audience, "some of whom could well be described as early suicide-bombers" (Anderson, 2005, 4).⁴ Al-Qaeda differs from other Muslim politics (Khomeini's revolution in Iran, for example) in that its aim is not to establish a territorial nation-state. Its violence evokes an alternative world order, a resurgence of the "nation" of Islam that calls on God himself for justification, an understanding of sovereign force that is transcendent rather than territorial. While making common cause with fundamentalists wishing to establish nation-state governments based on right-wing interpretations of Islam, al-Qaeda's concept of sovereignty is postnational—sharing the strategies of global corporations when it comes to financing and outsourcing policies, and those of anti-globalization activists when it comes to Internet communication networks of organization.⁵

Communist Sovereignty

Now, a Marx-inspired Left might be quick to comment that the political problem today is not naming the enemy, but naming the *wrong* one. The right enemy is not a state entity at all but, rather, the capitalist class. In fact, before al-Qaeda, the most serious challenge to the nation-state model of sovereignty was communism, and it evoked a similar US government response. Despite

Marx's criticism of Bakunin and others, he shared the anarchist conviction that the state would wither away under socialism, and Lenin was a true disciple of Marx on this point. The Marxist challenge to the whole concept of the political, in both theory and practice, was his argument that the state is essentially an epiphenomenon. There can be no political solution to the class war short of destroying the class structure of society along with all its institutional apparatuses including, centrally, the bourgeois-democratic (i.e., capitalist) nation-state. But the history of Soviet power demonstrates that the very act of naming the enemy (the sovereign act *par excellence*) pulled the revolution in a direction directly opposed to this anarchist goal.

It has long been argued, as Trotsky did at the time, that a socialist "state" was made necessary only as a consequence of the invasion of the Allied powers in the early 1920s, on the side of the White Russians in the counterrevolutionary civil war. A Red Army and, with it, a state were founded to defend the infant revolution, understood as a temporary expedient on the road to transcending the bourgeois state form. But what of political sovereignty as distinct from the capitalist state: would that, under communism, also wither away? What replaces the nation-state as the repository of sovereign legitimacy for the use of violence? In *Dreamworld and Catastrophe*, I dealt explicitly with this question, which Western Marxists had largely ignored—as had Marx himself, so that Soviet legal theory needed to be quite inventive on the issue when world revolution was delayed and "socialism in one country" became a long-term historical fact (Buck-Morss, 2000, 23–32).

It was the Communist Party that gave legitimacy to the socialist state, not vice versa. The "dictatorship of the proletariat" affirmed the political sovereignty of "working people," of which the Communist Party was the only legitimate representative. The Soviet state had a monopoly of legislative and judicial power (making laws, prosecuting crimes, and administering justice), but it lacked sovereign power. This led to the dual command system peculiar to the Soviet Union: the shadowing of all state organizations by party members that was developed in the 1920s by Trotsky, who appointed party factions (*fraksii*) to work alongside the civilian experts and guarantee their loyalty (much as American troops and experts work alongside Iraq's less-than-sovereign state government today). And it explains why the remarkably democratic, Soviet state constitution of 1936 could exist alongside Stalin's brutal purges against the class enemy within the Party itself.

The Communist Party did not have constitutional status. It was a public and voluntary association (in fact, an NGO), described in the 1936 constitution as "one organization of [civil] society among others," but, as the repository of the sovereignty of the working class, it had the authority to intervene anywhere. The Party, transcending the state, was above the law. This set up the logic of the purges (*chistka*)—literally, sweeping clean with a broom. What made people fear the purges was not the Party, but falling out of the Party's sovereign immunity and into the jurisdiction of state law. In some instances (not all, as

Party expulsion was not itself a crime), expulsions were followed by arrest by the so-called secular authority of the NKVD (secret police, a state organization, whose task was to protect the revolutionary workers' state).

The distinction between sovereignty and state is clear in the Soviet case—whereas, in Max Weber's oft-cited definition, the terms are remarkably blurred. Weber's essay, written in 1921, speaks simply of "states," which have a monopoly of legitimate violence. The implicit assumption is that states also have a monopoly of sovereign legitimacy—when this was precisely what the Russian Revolution was at the very moment placing into question, as Weber was fully aware, although later Weberians seem to have forgotten that. His essay in fact cites Trotsky. "Every state is founded on force [*Gewalt*]," said Trotsky at Brest-Litovsk. That is indeed right," states Weber, turning Trotsky's critical statement into a descriptive one—while omitting any discussion of the Bolshevik alternative (Weber, 1921, 78). Instead, his essay presumes the nation-state (or "society" as its premodern, territorial equivalent), then goes on to describe categories of legitimacy *within* it (traditional, charismatic, and legal). But sovereign legitimacy is never a purely domestic affair. It necessitates external recognition. It is worth noting in this context that the Paris Peace Conference of 1919 refused to seat the Bolshevik delegation, recognizing instead the continued legitimacy of the White Russian government in London exile. In sum, the Bolsheviks then—like al-Qaeda now—threatened the Allies' monopoly of the definition of legitimate sovereignty as applying exclusively to territorial nation-states.

The Globalization Debate

The difference between sovereign power and state power, elided in Weber's definition, remains largely ignored in recent debates on the global economy. A new subfield has developed in the academy, International Political Economy (IPE), deemed necessary to handle political issues that have arisen because of global economic realities. Its discourse is symptomatic, muting the whole issue of sovereign power and revolving around one central question: given new developments in the global economy and the supranational institutions created to control them (International Monetary Fund, World Bank, G-7, General Agreement on Tariffs and Trade), what will be the fate of the nation-state? Is the global economy producing a postnational, global order? And, if so, is this tendency to be celebrated or resisted?

Marxists are not different from mainstream political scientists in framing the question in this way. When IPE theorist Susan Strange (1996) acknowledges the overwhelming power of the global economy to shape and limit the political agency of nation-states,⁶ her position echoes the insight of Trotsky earlier in the century that the state has become too narrow for the economy, which will not be administered for the interest of one ethnic group. Trotsky's conclusion is that anticolonial struggles cannot be content with national liberation, but

must insist on international solidarity to enact “permanent revolution” that does not stop short of global transformation; his vision remains true to the goal of eliminating the global order of nation-states. Strange, while sharing his skepticism regarding political agency on the national level, does not identify, much less champion, an alternative global movement of resistance. Rather, her analysis shares common conceptual ground with those who celebrate global market dominance and the “minimalist state” as the happy outcome of the end of history.

How does critical theory today respond to the gap between state boundaries and economic power? One solution is to appeal to “the ethical” as the standard of political life, moving, in a Kantian way, to disconnect empirical understanding from right action, theory from practice. In contrast, the traditional Marxist account in David Harvey’s *The New Imperialism* (2005) does keep social theory in play, making visible a space for progressive politics in the contradictions he delineates between the logic of global capital and the logic of US imperialism. But with the lack of an alternative source of sovereign legitimacy, just how global organizations of *civil* society (the World Social Forum; the feminist, ecology, human rights, and peace movements) are to be articulated into an effective political force remains problematic. These movements find it extremely difficult to navigate within the global public sphere where cultural differences are easily exploited by domestic politicians (Eisenstein, 2004).⁷ Political structures based on the principle of national sovereignty work to frustrate the global consciousness upon which the success of the new social movements depends.

Timothy Brennan’s *Wars of Position* (2006), aware of these weaknesses, marshals Gramsci in support of a strategy of national political action, arguing that, given the benefits to global capital of a weakened state, a domestic politics aimed at capturing the state is still the necessary, and perhaps the only viable, Left alternative. Brennan’s point is well taken, but his strategy abandons global ground too quickly. Our focus is on the nation-state as well, but in order to inform a global political perspective that shifts the debate away from economy versus state. Whereas IPE academics discuss the ways the global economy transcends the nation-state, classical Marxist critiques deny the effective power of the state, and other leftists reaffirm its necessity instrumentally (as an organizing tool for resisting global capital), our concern is with the nature of sovereign power that all these approaches fail to acknowledge.

The state is not only a means of wielding power in connection with socioeconomic forces. It *is* power—including, fundamentally, the power to constitute regimes of appropriation of labor value and extraction of nature’s value.⁸ The state not only makes laws but embodies the Law that makes laws legal. It is not just a legislating or administering state, but a legitimating, *sovereign* state. No modern theorist has emphasized the distinction more relentlessly or with more historical astuteness than Carl Schmitt.

Nomos of the Earth

The Law that makes state laws legal is established by a prior exercise of sovereign power. Schmitt describes it as “a constitutive historical event—an act of *legitimacy*, whereby the legality of a mere law first is made meaningful” (2003, 73). The Law is not the written constitution but the unwritten imperative that precedes it as an orientation, a sovereign positioning in space that is documented by the constitution as a *fait accompli*. Sovereign power exists before and beside the state, and can never be subsumed as immanent within it. Schmitt calls this transcendent power *nomos*, the ancient Greek word for Law. And whereas laws (*nomoi*) are multiple and changing, they appeal to the Law for their legitimation. Schmitt reserves the term *nomos* for Law in this second sense, as constituting power that bestows upon the laws their sovereign legitimacy.⁹

The term *nomos* is productive because, in distinguishing between sovereign power and mere state power, it allows us to see something that otherwise remains hidden. It is this aspect of Schmitt’s thought that I find useful, fully aware that my use is not what this conservative thinker intended. The point, after all, is not to put Schmitt on trial, but to put on trial those elements of his ideas that will allow us to judge with clarity the present political crisis. When, as is common, given the legal positivism that underlies liberal approaches to political science and democratic theory, “sovereignty” is equated with “autonomy,” the distinction disappears.¹⁰ Autonomy—auto—*nomos*—seems to deny the existence of any problem that needs to be addressed, reducing sovereign power to a tautology: states are said to be self-governing because they make their own laws (*nomoi*). Their sovereignty is the power to render their legal system legitimate by enforcing domestic obedience.¹¹ The nation-state system would then be simply an aggregate of independent units, each one autochthonous, immanent to itself.

What, however, is the aggregating force that holds them together as a system at all? By what sovereign power is the *international* space constituted—the global world order in which state actions are deployed? It is a sheer fiction to posit that preexisting, autonomous nations come together and decide freely to yield their separate sovereign powers and submit to a world order of their own making. On the contrary, nations are allowed into the world order if and only if they obey the ordering principle of that world, and this ordering principle is precisely what the word *nomos* allows us to capture.¹² A recent case: Hamas was elected in a highly participatory, democratic, and fair process as the new government of Palestine; *nonetheless*, the recognition of its sovereignty is presumed by the Western powers, as leaders of the “world community,” to be theirs to bestow or withhold—by diplomacy or by force, even if, rather than military occupation, the means of force is economic strangulation.¹³

Hegemony or *Nomos*?

Is the order established by the dominant powers simply the means whereby their particular interests are equated with the general or universal interest? Is *nomos* just a fancy Greek term for (that equally Greek term) hegemony? Not quite, and the difference is important. If, indeed, you will find in recent discussions the terms hegemony and *nomos* used interchangeably, it is because the former concept has become vague and the latter is misunderstood. The discourse of hegemony (the word means simply leadership, or dominance) has spun off into at least three satellite discussions. One, following Kindleberger, is economic; it refers to the dominant position of one national economy, the “hegemon” (usually the US economy is implied), in order to keep stable a global economic order (Kindleberger, 1978, 1986). A second refers to the spread of one cultural form globally (again, usually US culture) that threatens to consume local and other national cultures—specifically, through the commodity form. Or, if the analysis of cultural hegemony is applied historically, it refers to European colonial domination through cultural assimilation and epistemic monopoly—the whole discussion of the colonial “difference,” as Walter Dignolo (2000) has named it. A third use of hegemony, closest to Gramsci’s meaning of the term, is political. But whereas Gramsci’s discussion concerns hegemony *within* the nation-state (the process whereby a nation assimilates all of society to itself), political hegemony is described today as extending globally; it is the attempt to dominate politically without colonial occupation. Because the United States is guilty of all these practices, “hegemony” becomes a convenient synonym for the particular style of US imperialism that dominates without colonizing, monopolizes within market rules, and produces a consumer culture empty of cultural value—all in the hazy sense of “empire,” as Hardt and Negri (2000) have defined it.

Precision in definitions matters because the analysis determines the political response. In much leftist writing, the term “US hegemony” stands in for all the evils of the world: economic, cultural, and political. But it needs to be emphasized that none of the problems that concern us (labor exploitation, poverty, racism, sexual domination, ecological disaster, global injustice, commodification of culture, the oilgarchy, health-for-profit, weapons proliferation, violations of human rights) would disappear even if the United States ceased to exist altogether. Lacking specific nation-state embodiment, that vague enemy, “empire,” would still dominate the global scene, and critical theory would be left with the incomplete political agenda of exposing the constructedness of subjects and the limits of their self-understandings.

Social theoretical analysis remains important to thinkers in the Marxist tradition. Ernesto Laclau’s theory of the empty signifier accounts for the process whereby national leaders incorporate progressive political movements within a national united front (Laclau, 1990). As regional heroes, these leaders embody political aspirations beyond the nation, and they play important roles on the global stage. But if a global, counterhegemonic movement is equated

with an alliance of anti-US populist sovereigns (Hugo Chávez, Fidel Castro, Mahmoud Amadinejad), then, however much regional appeal they may have as personalities, this form of resistance begs the question. A counterstate still leaves the door open for sovereign violence—even if it is the ethical militant who is enacting this violence—leaving the question of sovereignty itself unexamined and unresolved.

Rather than conceptualizing politics in terms of the (Lacanian) empty signifier, as Laclau does, I am attracted to the explanatory power of the (Hegelian) full concept, by which I mean that concepts like sovereignty, legitimacy, and the nation-state are filled with what may be called sedimented history: residues of the past that leave traces in the collective unconscious. To unearth that history is not merely to relativize and particularize concepts through historical contextualization. Rather, it is to bring to consciousness past residues that fill the forms of present life, and that are all the more problematically determining when they remain unacknowledged and unexplored.

What Orders the West's Order?

The West may be the “dominant civilization,” but what orders the West's order? By what historical process, by what sovereign power, did it come to be constituted in the first place? There is a standard answer to this question. Ask any educated Westerner what the founding moment was and you will hear that the modern world order began with the Peace of Westphalia in 1648, which ended thirty years of war and established the European system of nation-states. The *nomos*, however, does not originate with Westphalia. Schmitt describes its emergence several centuries earlier, and this move backward in time, rather than making the concept more remote, gives to it a strikingly contemporary actuality.¹⁴

Schmitt defines the *nomos* as a “constitutive act of spatial ordering” whereby a people “becomes historically situated,” turning a part of the earth's surface into the “forcefield” of a particular political, social, and religious order that “becomes visible in the appropriation of land” (2003, 70–71).¹⁵ He locates the origins of the first global, hence modern, *nomos* in a one-time historical event: the “discovery” in the late fifteenth century of an entire hemisphere, the so-called New World. Struggles over land and sea appropriations of this world “began immediately,” as the European powers made claims to its surface (2003, 86).¹⁶ But what gave legitimacy to their claims was the sovereign authority of God. Sanctioned by the Roman Catholic Church as sovereign over the *universum Europaeum* and its legal order, the appropriation of the newly discovered territory was a process of legitimate (i.e., sovereign) violence. Schmitt considers decisive the line drawn by Pope Alexander VI, dated May 4, 1494, along a meridian from the North Pole to the South, granting Spain the right to “newly discovered lands” west of the line and Portugal the right to such

lands to the east (2003, 88).¹⁷ The Pope's enactment of the first planetary appropriation established the modern *nomos* as a Christian project, and a Christianizing one.

What strikes today's reader of Schmitt's historical account is that he sees the founding of the modern *nomos* not in terms of sovereign legitimacy *within* European countries, but in terms of imperial legitimacy without. In describing Europe's claim of sovereign authority to engage in a massive project of land grabbing on the level of global space, he is an early and uncompromising commentator on the founding of the Eurocentric world order. He writes, "From the 16th to the 20th century, European international law considered Christian nations to be the creators and representatives of an order applicable to the whole earth. The term 'European' meant the normal status that set the standard for the non-European part of the earth. Civilization was synonymous with 'European' civilization" (2003, 86).

Moreover, Schmitt is brutally honest regarding the fact that the protection and mutual recognition afforded within the new order—including, centrally, the legitimacy of land appropriation—applied only to Europeans, not to the New World's original inhabitants, whose property rights and, indeed, very existence were not recognized by the law. "Most essential and decisive for the following centuries," he observes, "was the fact that the emerging new world did not appear as a new enemy, but as *free space*, an area open to European occupation and expansion" that existed "beyond the line" up to which legal, moral, and political values were recognized (2003, 87, 94)—as if empty of the people who, he notes wryly, never ask to be "discovered."¹⁸

A Critical Theory of the *Nomos*

Schmitt, himself a believer in European civilizational superiority, does not elaborate this point but, in developing a *critical* theory of the *nomos*, we can. Global domination by the European powers—domination that was simultaneously political and economic—had its historical roots in their shared experience of Christian law, which provided a common geopolitical orientation, binding despite rivalries and war. Their sense of entitlement, their right to determine right, became a part of the European patrimony. The *patri-nomos*, the global order bequeathed by the fathers, took on an ontological aura. To future generations who moved in changing patterns within it, it was order itself, presumed as legitimate long after the papacy had lost sovereign power over its participants. *In this sense Westphalia can be understood as the first forgetting of nomic origins, and consequently the first ontologizing of the Eurocentric order.*

On the one hand, the principles of the Treaty of Westphalia did create a totally new order in that the European powers pulled free of Roman imperial and Roman papal control, establishing their sovereign independence in matters both secular and religious. Schmitt writes that the "detheologization" of

relations *within* Europe allowed for “real progress” in limiting warfare and humanizing its execution by bracketing “creedal disputes that had justified the worst atrocities” (2003, 140–141).¹⁹ On the other hand (and this is the aspect that concerns us most deeply), post-Westphalian Europe continued its *global* exercise of power without abrogating the self-understood, divinely ordained, still vaguely Christian right to determine right, and without applying the bracketed, humanizing practice of violence to its non-European dominions. As for the original inhabitants of the “free spaces” to be occupied, treatment of them became worse, not better, as a consequence of “dethologization.”

From the perspective of the *international* order, the French Revolution changed nothing in this regard, despite its replacement of monarchical sovereignty with popular sovereignty as the legitimating principle of domestic power. *National legitimacy, based on principles of democracy, remained distinct from nomic legitimacy, based on principles of sovereign territory.* Napoleon’s aggressive foreign policy, while promoting democratic “regime change” within the European countries he invaded, did not challenge their international status as sovereign nations.²⁰ In keeping with the established *nomos*, the same respect was not given to non-European countries in the Napoleonic Wars, where a double standard as to the treatment of non-European territories still prevailed. No case more blatantly demonstrates the European limits to “universal” principles of popular and nomic sovereignty than Napoleon’s armed intervention against the colonial and slave revolutions in the French colony of Saint-Domingue, his arrest and imprisonment of Toussaint L’Ouverture, and the French refusal, until 1848, to recognize the national sovereignty of the new Empire of Haiti that was born in that struggle.

From the perspective of the nomic order, it is not capitalists with their economic power but sovereigns with their political power who sanction the original alienation of property that is not the consequence of contract, so that subsequent law can guarantee the right of property, however unjustly it was originally acquired. Political sovereignty provides the prerequisite for economic legitimacy, just as revolutionary America did in its founding act, recorded in a constitution that affirmed the right of male citizens to appropriate the labor of their human property, African slaves. *This* colonial revolution did achieve European recognition as a sovereign nation, over not only already colonized territory but Indian lands to the west, despite British prerevolutionary attempts to assert their sovereign power over those lands to restrain the colonialists’ expansion (which was one motive for their revolt). The legitimating force of the *nomos*, guaranteeing present ownership of property, anticipates new appropriations of land, labor, and every future value produced by nature and by culture.

The neoliberal understanding of economy considers the contractual alienation of property, not its appropriation—exchange rather than original distribution. It thereby presumes the inequality of possession that precedes

exchange. The political violence of appropriation, invisible within purely market accounts of the global order (or purely political accounts of the sovereign order), remains visible in Schmitt's historical description of the continuity, through five centuries, of the Western sense of entitlement to enact global ordering projects.²¹ The content might change, and it has in fundamental ways, varying from the outright imperialist projects of nineteenth-century Europe (and the US variant, Manifest Destiny)²² to the United Nations and postcolonial visions of the twentieth. But the important thing is that even in the latter, arguably progressive case, it is the imperial powers themselves who gave up their colonies after World War II, while continuing to fight political challenges to capitalism within them—hence remaining the self-appointed order-makers of the world, which in no way excluded rivalry, conflict, or war. Just this Right to determine right is claimed by the United States when it launches a war of aggression to accomplish “regime change” in the oil-rich nation of Iraq.

Oiko-Nomos

In order to demonstrate the relevance of *nomos* to a critical theory of the present, we need to consider another meaning of law that emerged in the nineteenth century—one that was not Schmitt's primary interest but is surely ours: the economy, or *oiko-nomos*.²³ In response to those today who optimistically envision a postsovereign global order held in check by a world economy that is self-regulating through so-called market laws, our insistence on the sovereign force of *nomos* provides a corrective. Markets have no “constitution,” no capacity to orient space; their so-called laws fail to recognize the prior act of positing. They are assumed, like natural laws, to have no origin but only causal effects. *Nomos* can never mean law in this quasi-natural, quasi-scientific sense. Rather, it refers to the consequence of an historical process, establishing a transnational sovereign order that sets the terms for both economic and political legitimacy.²⁴

But why do we need the concept of the *nomos* to criticize market economics when that is precisely the job allotted to Marxist critique? Does not the first volume of *Capital* successfully destroy the alleged neutrality of the market in its trenchant critique of the so-called free market of labor? Does not the famous chapter 26 on “the secret of primitive accumulation” expose the originary act of land appropriation—the expropriation of peasants and enclosure of the commons—that was the necessary precondition for the formation of the English proletariat, a class defined by its lack of ownership of any means of production?

Our response is to consider the history that is sedimented in the word “economy” itself. For more than a millennium of Christianity, economy referred to the official governance in the household of God: the universal community of believers (*oikumene*) (Mondzain, 2005). “Political economy”

came into use in the seventeenth century (the era of the Peace of Westphalia) in order to distinguish the ecclesiastical economy from that of the secular polis; the latter was under the authority and sovereign power of the monarch (the national “household” of the king). As with ecclesiastical economy, political economy was understood as a pragmatic science, an art of governing, and it retained this meaning in the Scottish Enlightenment. Adam Smith’s famous analysis of the *Wealth of Nations* remains within this traditional understanding, as a science of the art of governance.

A turning point came in the early nineteenth century, as Ute Tellman’s (2006) recent work makes clear. She traces to Malthus the whole notion of the economy as a self-regulating sphere of material life that can be considered separate from political practice. A discrete “science” of economy was proclaimed by Malthus, when he supplemented Smith’s analysis of the veritable explosion of production made possible by the industrial division of labor with the principle of scarcity as the fundamental human condition—what came to be called the “law of scarcity” that provides natural restraints on population growth and keeps the economy in balance by its own internal biomechanism. Malthus made this argument at a specific historical juncture, the French Revolution, that gave rise to hopes for radical reform implemented by the state, and his intended political message was that such thinking was illegitimate because illusory, violating the basic scientific principles governing social life. His argument regarding “redundant” populations concluded that even well-intended poor relief was a self-defeating political intervention into the self-regulating economy of collective material existence.²⁵

The principle that a sovereign territory’s material life was governed best by allowing the “natural laws” of economy to resolve social problems enabled a new philosophy of the social body as a scientifically comprehensible object, the reproduction of which was ordered by natural laws.²⁶ *This splitting off of material life from the political realm, the encapsulation of political economy as a science, indeed, an ontological first principle, was the source of a second historical forgetting, this time of the nomic origins of the economy.*²⁷ The order of private property, the forcible taking of land, was presumed as given by the new “science” of economy, eliminating political power from the conceptual frame. The politics of statecraft now had an objective ground, providing “proof” that the best one could do for the masses was to encourage entrepreneurs, capitalists, and property holders to follow the dictates of their own self-interest, as this would result in the health of the social body as well as the wealth of the nation.

It is here, of course, that Marx mounted his devastating attack, but the point is that Marx did not doubt the existence of “economy” as an object of scientific understanding in the tradition of classical liberal theory (Tellman, 2006, 51–52 n. 36). He argued, rather, that the law of scarcity was itself a violation of that science, politically imposed from the outside in order to protect the interest of the propertied class. Marx envisioned an industrial economy that would

overcome scarcity once the unnatural relations of private property and distortions of class society were eliminated. The presumption of a self-enclosed, self-governing economic system was precisely what enabled him to argue that when the expropriators were expropriated, the political state would wither away. In Engels's words, "things will govern themselves" after class differences are eliminated. That is a blind spot in Marxist thought, which did not deal with the problems of sovereign legitimacy and violence that actual Marxist regimes later had to face.

In short, Marx had too much faith in the scientific objectivity of the economy that permeated bourgeois political thinking in the nineteenth century. Meanwhile, under cover of the perceived split between the science of economy and the partisanship of national politics, capitalism escaped political control. Schmitt notes that by the end of the nineteenth century, property rights were recognized within Europe as transcending those of state sovereignty. "Over, under and beside the state-political boundaries of what appeared to be a political and purely international law between states spread a free, i.e., non-state sphere of economy permeating everything: a world economy" (Schmitt, quoted in Buck-Morss, 2000, 18–19).

Periodization

We cannot not periodize.

Fredric Jameson, *A Singular Modernity*, 2002

What would happen to our understanding of the present if, rather than accepting Western stagism, including its Marxist variant, we constructed a genealogy of globalization, periodizing history in terms of changing forms within the West's nomic order of sovereign-legitimated, economic appropriation? Mercantile capitalism would then have its origin in the political form of thalassocracies (Spain and Portugal), under papal-led, religious legitimation; imperial capitalism would rest on post-Westphalian, European monarchies, under cultural and, later, racist theories of legitimation; and global capitalism, marked by the separation of the nation-state political system from the capitalist economic system, would inaugurate the rise to dominance of the United States, with its unique form of economic imperialism that leaves territorial, national-political boundaries intact. To these stages of nomic hegemony would correspond an expanding notion of sovereign legitimacy—from the principle that one is sovereign (the head of the Catholic Church); to recognition that *some* are sovereign (the rulers of European nation-states); to hypostasizing that *all* are sovereign (the Wilsonian, universal principle of national self-determination that forgets the origins of economic appropriation).²⁸

These transformations could be seen to have altered the hegemonic forms of Western dominance, but not its overarching *nomos*, lasting for five hundred

years from the discovery of the “New World” to the end of the twentieth century.²⁹ Rather than ontologizing the given international economic *and* political order, we could recognize that the nomic order legitimating this system not only prevails over history, monopolizing the meaning of historical time (in this case, the Western narrative of historical progress), but exists *in* history and is therefore subject to temporal disintegration.³⁰

The mode of production would no longer be determining of historical outcomes—a major revision of Marx, justified because he inherited the nineteenth-century blindness to the priority of the political over the economy, that does not exist as a self-encapsulated, self-regulating “science.” Marx was never naive in regard to capitalist exploitation, but he was convinced that political efforts to forestall its end would ultimately and necessarily fail. Marxist economics holds that the objective contradictions are overwhelmingly determining, and they may well be, but the time frame of ultimate failure is longer than was expected. Capitalism has proved more resilient than anticipated, and one reason is the power of the nomic order. Original accumulation by political violence is not a one-time occurrence in the history of capital but a constantly recurring necessity, as Marxists today are arguing with great relevance.³¹ The exploitation of cheap labor and the plunder of natural resources (from oil to native plants to gene pools) is the violent truth that underlies the current round of primitive accumulation, under the euphemistic name of “globalization.”

But we have also experienced that the political consequences of socialism can be disastrous. As a critic of the limits of the bourgeois order and the structural injustices of capitalism, Marx’s contribution remains unsurpassed. He was correct to criticize Malthus’s pseudoscience of scarcity, once the industrial revolution makes universal well-being without class exploitation a real possibility. But he was incorrect to see in industrialization’s proliferation of production a self-generating solution to social problems, as if political power could be neutralized as socially rational administration, and as if the disastrous ecological threats of industrialization could be limited to the capitalist West. Ecological realities now clear to us on a planetary scale provide the focus for a transformation of the economic and the political order. The goal, today, would be to turn eco-logy into eco-nomy, as the political governance of material life that draws its legitimacy from a socially just world order.

The present-day political crisis, our own state of emergency, can be understood in terms of the crumbling of the *nomos* from within, as the discrepancy between the nation-state political order and the global economic order has become acute, and the claim that national economies are run in the interest of the national citizenry is increasingly difficult to maintain. If this analysis is accurate, then the Bush regime’s debacle in Iraq is a symptom, not the cause, of the present crisis. And if *that* is true, then the remedy is not so simple as voting the Republicans out of office, or forcing Donald Rumsfeld to resign, or even electing a radical leftist president, because there is no *national* political remedy to a *global* political crisis.

With US global dominance at the end of the Cold War, the scene was set for the perfect storm, a doubling of the state of emergency, as nomic and national sovereignties converged in the same geographical space, forcing its globalized sovereign principle into an antinomy, an *anti-nomos*, undercutting the very principle of national legitimacy that it purported to defend. When it becomes a matter of US *national* interest to exercise *nomis* hegemony as the only superpower, then both the globe and the nation are caught in a double bind. The legitimating, nomic principle of national sovereignty is violated by invading two nations abroad in order to meet the threat to this country's particular, national sovereignty while, at the same time, the law and constitutional guarantees specific to US popular sovereignty are suspended domestically, in order to "spread democracy" abroad, against nonstate political actors whose violence is by definition "terrorist" (whereas in fact *all* violence is terrorizing). Meanwhile, the idea of the "Iraqi people," as citizens of a sovereign nation-state, becomes a metaphysical fantasy vital to the continuation of the *nomos* itself—one that the Bush administration is compelled to maintain *even if every one of the actually existing inhabitants of Iraq must be sacrificed to that fantasy in the process*. We must reject this obscene scenario at all cost.

It is no accident that the present international crisis is being articulated centrally around issues of international law: not only Guantánamo Bay, Abu Ghraib, Saddam Hussein's show trial, and constitutional issues of emergency powers (specific to the United States), but, more generally, human rights, nuclear proliferation, ecology agreements, Internet legislation, and freedom of the global media. The crisis of the *nomos* cannot be resolved so long as the economic constitution of global politics is divorced from the political constitution of the global economy. The war of positions today must envision nothing less than a new *nomos* that articulates principles of democracy on a global level—fully mediated *through a new economic constitution, one that turns eco-logy into eco-nomy*, subjecting the original, European-global system of appropriation of land, wealth, and resources to principles of social justice, and drawing on the work of global social movements already taking place.

The strategic war in which we are engaged is centrally concerned with sovereignty, law, legitimacy, and the Right to establish right. For those of us within the United States, the first principle of a leftist political opposition must be to reject unequivocally any claim to offensive war as justified by "our" national interest. It must reject unequivocally the principle of national sovereignty as exonerating the United States—or any other nation-state—from being bound by the legitimating institutions of a new world order. And it must abrogate for free and open debate, in a global public sphere, the sovereign right to determine what the new principles of legitimation will be.

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Envisioning Transnational Democracy: Cross-border Communities and Regional Human Rights Frameworks¹

CAROL C. GOULD

Introduction

Two sources converge on an image of transnational democracy—one arising from the practice of contemporary activists and solidarity movements, and the second from a theoretical reflection on the requirements of global justice. Thus protest movements and grassroots solidarity networks have recently made claims for the relevance of new forms of autonomy and association that aim to democratize transnational power while also diminishing the role of traditional nation-states. At the same time, social and political philosophers are developing theories of human rights and cosmopolitan democracy that aim at more equal distributions of resources worldwide and more responsiveness of the institutions of global governance to those affected by their decisions. In this essay, I focus on this second, primarily theoretical, source of thinking about transnational democracy and will sketch some of its implications for institutional design. I will then lay out some of the difficult problems it engenders in regard to both the scope and processes of democracy in the upcoming period. Yet, this theory is in fact partly stimulated by the global justice movement itself and it aims to help articulate its theoretical bases. The conceptual discussion here is thus not divorced from activist innovation and current solidarity practices but is instead inspired by them.

Following on suggestions that I presented in *Globalizing Democracy and Human Rights*, in the first part of this essay I will briefly review the arguments for democratizing the various associations of economic and social life in addition to the new cross-border political communities that contemporary globalization engenders. I argue further that the correlate of such democratization will have to be new human rights frameworks at the regional level,

where universal human rights norms are given new efficacy. The claim is that if more scope is to be given to cross-border associations, then human rights protections for agents participating in collective decisions within them are also necessary. Yet human rights cannot function only negatively to protect individuals against actions of governments or transnational entities; that is, they are not to be understood merely in terms of violations, indeed not even mainly in that way. In my view, human rights also provide important goals to be realized, both in terms of economic human rights, especially to means of subsistence, and in the form of social rights to health and education, among others. While this aspect of human rights is often dismissed as empty or only hortatory, providing goals for structuring social institutions in terms of the requirements of global justice seem, to me, one of their most important functions.

Beyond this, I have previously suggested that a new layer of democratic responsiveness is required because of the increasingly global impacts of decisions, in order to provide input by those distantly affected; that is, where they are impacted in their possibilities of human rights fulfillment. In this use, human rights, at least basic ones, serve as an interpretation of the notion of fundamental human interests. Finally, I argue that crucial to the possibilities of realizing these dimensions of cross-border democracy is the cultivation of more widespread forms of transnational solidarity. Needless to say, all of these normative recommendations challenge the centrality still accorded to nation-states as the site for democracy, though clearly such states have to remain part of an adequate democratic theory for the contemporary world.

It is evident that this theoretical model raises several difficulties and I will go on to analyze those briefly in this essay. Four central problems suggest themselves for consideration:

- 1 Does the proposal for democratizing a multiplicity of cross-border communities and associations necessarily conflict with the equality that has traditionally characterized citizenship as membership in a polity?
- 2 Does this multiplicity, along with the concomitant delimitation of the power of nation-states, render it impossible to achieve the sorts of economic redistribution required by justice?
- 3 Would new regional human rights frameworks necessitate regional government or constitutions, which might in turn entail a consolidation or centralization of power that would work against the multiplicity of newly democratized associations? And
- 4 How can democratic deliberation and participation be understood to occur across groups that are not only culturally diverse but have very unequal access to power and control over resources?

In the final sections of this chapter, I will sketch these problems and make a few suggestions for dealing with them. The elaboration of solutions to these

important issues will necessarily await further research, partly based on the development of new forms of transnational practice.

Democratic Participation across Borders

The understanding of transnational democracy presented in this essay has four elements, which I suggest are each normatively required, and which also cohere reasonably well with each other. These four, as noted, are a multiplicity of democratized overlapping cross-border social and economic associations as well as political communities; regional if not fully global human rights frameworks, comprehending also economic and social rights; input into the democratic decisions of the institutions of global governance by people at a distance who are importantly affected by these decisions; and new forms of overlapping transnational solidarity. We can briefly sketch the arguments for these and characterize them a little more fully in what follows, before proceeding to address some of the philosophical difficulties posed by this vision.

It is thus a central thesis here that successful democratization of the global order is not possible by attending only to formal democratic proceduralism within nation-states and proposing the worldwide extension of these procedures. Rather, a broad and deep movement toward democratic participation is required in the various institutions and associations of economic and social life, as well as in politics. Indeed, we can suggest that this is the only plausible form of the popular “democratic peace” hypothesis. While the original hypothesis claimed that democratic nation-states will not go to war with each other, the view here suggests that any effective democratization would have to go beyond nation-states and beneath them to a requirement of a “democratic ethos” in social life and also to a detailed remodeling of the management of firms and other associations in the public sphere. Related to this is the significance of new modes of transnational solidarity and of mutual aid oriented to global justice. Moreover, we can suggest that the correlate in private life of such radical democracy in the public sphere would be the intensification of forms of mutuality within families and among friends. This is indeed a demanding picture on the whole, but it is in fact not overly difficult to implement in partial ways in more local contexts. And although a local and incremental approach may be inadequate for achieving some of the broader structural changes proposed here—particularly new regional human rights agreements and implementation mechanisms, as well as new institutions of transnational representation—my argument is that these structural changes themselves will be inadequate without the spread of more local forms of democratic organization and participation. The elements and arguments for this model of democracy are laid out in the remainder of this section.

Globalization in its various dimensions—economic, technological, social, cultural, legal, and political—can be characterized in value-neutral terms by the growing establishment of linkages among distantly situated people,

whether through economic systems, the Internet, or intercultural communication of various sorts. Although international trade, migrations, and communications were clearly in evidence in previous forms of society, the contemporary emergence of their virtually unbounded nature along with the increasing density of transnational cultural and communicative interconnections presents a distinctive formation that requires new theories and perhaps new norms. My argument is that where associations—voluntary or not—are transnational, or where new cross-border communities spring up for economic, environmental, or political reasons, rights of democratic participation pertain within them as they do within the more bounded range of such institutions found within nation-states. Further, in this approach (in contradistinction to that of most democratic theorists), such democratic participation is called for in economic and social institutions or associations as much as in political ones. If so, there would be new requirements for democratic management of firms, such that all people who work in them have a presumptive right to participate (though they can, of course, choose to delegate responsibilities to others). An outstanding example of such a democratically owned and managed firm is the well-known case of the Mondragon Corporation Cooperativa, one of the largest corporations in Spain. Interestingly, Mondragon is now attempting to export its democratic governance model as its own presence becomes more global (with various degrees of success).

The basic normative argument for this general democratic requirement is that where people are engaged in common activities defined by shared goals, whether in associations, firms, or government, they have rights to codetermine this activity; that is, to participate with others in determining its course. Such rights follow from recognizing the equal agency or positive freedom of individuals, where such agency is understood in social as well as individual terms and where freedom is taken to involve self-transformation or self-development. These latter processes involve the growth and development of capacities over time and the realization of long-term individual or collective projects. The principle of justice implied here can in turn be understood as one of equal positive freedom or *prima facie* equal rights of access to the conditions—both the absence of constraining conditions and the availability of enabling ones—that are required for such self-transformative processes. These conditions in turn can be specified in terms of a range of human rights, including basic ones needed for any human activity whatever, and nonbasic (though important) ones required for flourishing or the development of capacities beyond this minimum.

In this view, the fulfillment of basic human rights, whether interpreted in terms of equal entitlements of people worldwide or by way of a notion of equally valid claims, constitute a minimal but also realizable interpretation of the requirements of global justice. The full achievement of equal positive freedom beyond this minimum would necessitate the establishment of rough equality in the nonbasic human rights, or may even call for greater equalization

beyond this. Such a rich set of requirements admittedly presents a highly demanding picture of what is entailed by global justice and can thus serve as a set of goals for social and political organization. But to my mind, the fulfillment of *basic* human rights worldwide constitutes a sufficiently demanding norm for us to work with at present and to guide the restructuring of institutions that global justice calls for in the present.

It is my thesis, then, that genuinely transformative social change requires a broad democratization of the institutions of social and economic life and not only of the formal procedures of government, which has been the emphasis to date. The argument for this breadth is, as noted, that democratic rights of participation are required wherever people engage in common activities, at least within institutionalized contexts of activity. (I have suggested that the analogy to democratic participation in the informal sphere of interpersonal and family relationships is reciprocity rather than democracy *per se*.) In addition to this normative argument, another rationale for calling for such breadth in democratization is a practical one: namely, that democracy will be a hollow shell if it is limited to the formal structures of government; and relatedly—as Mill, Pateman, and others have argued—because the process of participation is itself educative.² Through practicing participation and deliberation in contexts where it is meaningfully personal, people will become more engaged, including in politics on the larger scale. This is clearly in part an empirical hypothesis, and although it is hard to prove through social science research,³ it is beginning to receive some confirmation in recent studies.⁴ Moreover, a more democratic organization of work itself directly addresses one of the main problems of economic globalization; namely, the unaccountable functioning of transnational corporations, at least in regard to the people who work within them (and through these workers to their local communities).

It follows too that some measure of democratic accountability needs to be introduced within these new transnational or multilateral governance institutions—whether the WTO and other multilateral institutions or the UN and its various organizations. And I have suggested that new forms of transnational representation need to be developed for this purpose. In the shorter term, we could propose greater participation by (more representative) INGOs in the policy development and decision-making processes of these transnational organizations. Politically, there have also been important proposals—e.g., by David Held, Richard Falk, and others—for transforming the functioning of the UN and other international organizations to make them more democratic. Some suggestions are a Global People’s Assembly in the UN and a redefined Security Council.⁵

Yet the argument for democratization in these transnational organizations is somewhat different from the one for smaller-scale economic or social associations or cross-border local political communities. For these latter contexts, I appealed to a notion of what I called common activities. And although we can say that in some sense the institutions of global governance

or new transnational representative bodies normatively could come to reflect the shared ends of the people who make them up (although in practice they are currently determined by powerful and wealthy interests), yet an appeal to a notion of common activities seems too abstract to help determine the scope for who ought to have rights to participate in such broadly transnational institutions. So instead I have introduced a different criterion for participation or input in such cases, by means of an argument that also leads to a requirement for democratization of these institutions but on different grounds.

This second argument appeals to the often used “all affected” principle, but without succumbing to its vague scope. Thus, it is certainly the case that with the increased range and significance of the policies of transnational organizations, we need to consider the impact of their decisions on those affected, even if they reside far away from the centers of power. Yet, if we simply remain content with the notion that “all affected” are to participate, we get the impossible conclusion that everyone has a right to participate, even future generations. To avoid this consequence, I have proposed delimiting the idea of affectedness to those importantly affected, which I further define in terms of the notion of being affected in the possibility of fulfilling basic human rights. This delimitation thus leads us to focus on the impacts of decisions and policies especially on the economic and social human rights of people in the global South who are rendered less able to fulfill these rights because of the actions of these institutions (as Pogge and others have also argued⁶).

In my view, then, people are to be regarded as importantly affected when they are affected in their capacities to fulfill their basic human rights. This understanding would apply to decisions and policies of both transnational corporations and the new institutions of global governance, such as the WTO and the IMF. One minor, but realizable, proposal for the near term is for the incorporation of human rights assessments in policy processes comparable to those often required for environmental impacts. Yet, something more substantial is required in the longer term: in particular, I suggest that when people are affected in their basic human rights by decisions at a distance, they ought to be able to provide input into deliberations and take part in some ways in these decisions. Thus, as against the view that it is sufficient for the managers or policy-makers simply to take the views of these “stakeholders” into account by imagining what their views might be, the argument here requires that one actually hear from these distant people or from their representatives. That is, this is an argument for democratic input into the decisions of these transnational institutions.

Human Rights and Regional Frameworks

In this exposition, I have characterized the basic and nonbasic human rights as specifying the necessary conditions of human activity and its self-transformative processes, characterized by the development of capacities and

the realization of long-term projects. It can easily be seen that the conditions include material ones, such as means of subsistence and work, which are encompassed within the economic human rights, and access to education and health, as social rights. These add to the civil and political emphases that have traditionally been the focus of human rights approaches, and they also point to the crucial role of the elimination of oppression and the equal recognition of people and their cultures. Yet it is necessary for us here to show why these rights should come to be recognized transnationally and not only within nation-states, and why they should come to be protected by regional, if not fully global, juridification and given other sorts of institutional protection. Needless to say, by now the broad range of human rights are nominally recognized internationally and not only regionally, but they have not come to have full status except within (some) nation-states, and even then only partially in fact (although they are recognized in the EU in a new and reasonably strong way).

Before turning to the arguments in favor of regionalization, we can note that regional arrangements are firmly in place in three main contexts: the European Convention on Human Rights (1950) with its five protocols,⁷ along with the European Court of Human Rights; the American Convention on Human Rights (Pact of San Jose, adopted by the OAS in 1969),⁸ supervised by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; and the African Charter of Human and Peoples' Rights of the African Union (1981).⁹ In terms of the notion of region used here, the American Convention might be thought to span two or more current ecological and economic regions (North and South America), but that is not especially relevant to the conceptual points to be made here.

There are several arguments that can be given for a general emphasis on institutionalizing rights in regional agreements, and the considerations include practical as well as normative ones. The first argument arises from the fact of increasing integration across borders that involves the emergence of communities spanning these borders, along with the development of regional economic and environmental interrelations with globalization. (Admittedly, claims to the development of transnational relations can be exaggerated or indeed put in the service of an ideology of neo-liberal globalization. Nonetheless, in my view, some intensification of cross-border and transnational interaction is indeed to be found.) In cases of greater regional integration, where some emerging communities themselves cross or escape nation-state jurisdictions, it would seem appropriate to protect people's human rights across borders more fully. (This does not yet speak to fulfilling their human rights positively through transnational mechanisms, of course.) Relatedly, it can be observed that economic trade and environmental impacts generate "policy externalities" across borders that also may have human rights implications, and it would seem necessary to find new ways to deal with those.

Yet, the current regional human rights regime in the EU in fact has a somewhat different emphasis, which suggests a second normative basis for

such a transnational institutionalization of human rights. This is their role in empowering individuals to bring suits against their own governments, as Andrew Moravcsik has emphasized. This second basis speaks to the weakening of nation-state borders as providing adequate human rights protections for citizens, generating in addition a new transnational layer of courts and implementation.¹⁰

A third argument for regionalization differs from these two and brings in considerations of cultural diversity. We can say that although globalization does not stop at the borders of the world's various regions, at present there are some broad differences among these regions in terms of both geographical factors and sociocultural ones, although there are also wide differences within these regions themselves. Especially if regions can be organized from the ground up, with sufficient attention to subsidiarity in decision-making (taking decisions at the lowest or most local degree possible), it would seem that placing weight on regional agreements on human rights might give more scope to cultural diversity in the interpretation and implementation of human rights than a more global approach. This is not to say that such agreements would be culturally relative, since they would nonetheless be interpretations of the human rights enunciated in the Universal Declaration and in the Covenants. (Although the current regional conventions differ in some ways from the Declaration, they are nonetheless rather similar. We should add, however, that the African Charter significantly adds rights of "peoples" to the list and that the American Convention does not explicitly cover economic and social rights.) Indeed, some scope for diversity in interpretations is not only inevitable, one could argue, but desirable, if the interpretations can reflect ordinary people's understandings rather than the judgments of political or judicial elites. But it must be acknowledged that significant problems arise when the diversity extends as far as a denial of women's human rights, an issue I have discussed elsewhere.¹¹

We can add that an important advantage of a vision of plural and differentiated communities and associations operating within a diverse set of regional human rights frameworks is that it would seem to avoid some of the deficiencies of the distribution of power and coercion that mark the contemporary world. It could avoid the agglomeration of centralized nation-states into a system that lacks any transnational human rights implementation. And it would also minimize the further centralization that could result from a move to a unitary global government, with a monopoly of power and coercion. We can say that given the possibility of human error, even a democratic government on the global stage could too easily enable some sort of comprehensive dictatorship or other repressive regime.

Transnational Solidarities—Networking and Global Justice

The final component of the positive democratic perspective advanced here can be sketched very briefly: that is, the development of transnational solidarities.¹²

In a sense, overlapping solidarity networks provide the glue holding together and indeed constituting a broader movement for global justice. In my view, the construction of such solidaristic relationships is closely related to the fulfillment of human rights themselves, by way of providing motivation for realizing rights as well as enabling the types of understanding necessary for enacting them. Thus, a vision of transnational democratic communities within frameworks of human rights, which also involves the attempt to eliminate oppression and exploitation, presupposes the development of new cross-border networks in which people stand in solidarity with others, including people at a distance, and are ready to act in ways to support these others. In this reading, solidarity can be seen to require new forms of social empathy with the situation of these distant others, in which efforts are made to understand their concrete situation and to work with them in overcoming oppression or eliminating suffering. Solidarity as used here remains a relation among particulars, whether individuals or associations, and does not require a universal bond of community or fraternity, which would certainly be unrealistic. Nonetheless, the universal cultivation of a disposition to solidarity is desirable. But which individuals or groups people try to help remains a voluntary matter and varies with the circumstances and the specific possibilities in which people find themselves. These solidaristic relationships can also emerge out of preexisting forms of interdependence, and thus need not be created *de novo*, and they should foster the reciprocities involved.

What prevents this notion of solidarity from endorsing negative forms of bonding among distantly situated individuals is that it is understood to aim at the achievement of justice. In this admittedly revisionist conception, transnational solidarity is reframed to involve a shared commitment to justice among a set of dispersed individuals or groups. The commitment to justice needs to be taken in the first place as the overcoming of oppressive relations or conditions of life. Thus bare empathy with the situation of others is insufficient on this account. It needs to be supplemented with a commitment to act in support of the achievement of justice.

As noted, solidarity here is understood as the complement to human rights. First, the social empathy entailed in solidarity provides motivation for taking the human rights of others seriously. Of course, as involving particular relationships, it does not in itself entail the universalism of rights. Nonetheless, to the degree that solidarity groups come to be increasingly networked with each other, there can emerge a more universalistic awareness of human rights norms. But these latter norms also importantly serve as a corrective to these particularistic relations, by counseling a more general approach in which the equal dignity of all requires recognition, where this recognition involves also a cognitive understanding of the equality of persons and of their basic needs.

Besides such solidarity networks, such as those involved in the global justice movement and in solidaristic economies emerging in various locales (and especially in Latin America), we can observe that more traditional relations of

solidarity are important in the framework presented here. These consist of the relations among the members of a single group or community, and would apply as a desideratum to the various democratic communities at the local, national, and cross-border levels. Such groups and associations may well continue to experience the sorts of deep connections among members that have marked older sorts of solidarity groups. But it can be hoped that the universalistic recognition of human rights and the new forms of empathy and transnational solidarity with people at a distance will lead the members of these communities—whether traditional or transnational—to a greater degree of openness and inclusiveness than they have at present.

Overlapping Democratic Associations, Citizenship, and Redistributive Justice

One of main advantages of the approach delineated here is that it squarely addresses the emergence of new transnational communities and situates them within the framework of regional, if not fully global, agreements on human rights. This rights framework opens the possibility of cross-border implementation of human rights, and also provides an option for citizens to appeal human rights violations by their own government. Moreover, the recognition of the need for democratic participation in new transnational entities—whether in emerging cross-border communities, corporations, or the organizations of global governance—has the virtue of enabling the expression of individual and collective self-determination within these institutions that are such important components of contemporary social, economic, and political life.

However, this approach is also open to numerous objections, some of the most significant of which I will address briefly here. The first of these is that it loses what is the greatest strength of traditional citizenship-based approaches that center on nation-states: namely, equality of membership. That is, all citizens in a polity are to be regarded as equally members of these states, with automatic equality of voting and representation (if only in principle!). Thus, even if people are differentially impacted by economic or social policies, or by political decisions, they retain their basic equal rights of participation. It is often suggested that transnational democratization proposals would dispense with this equality, whether by introducing a confusing multiplicity of associations into the scheme or by institutionalizing the differential impacts of decisions on various people by way of creating new forums which would inevitably involve differential rather than equal rights of participation.

I believe that my own proposal largely escapes this criticism. For one thing, the expansion of the arenas for democratic participation that it emphasizes does not in itself weaken the equality of citizenship but merely adds to it other domains in which equal rights of participation by members would obtain. To the degree that these other domains are firms or corporations, we can say that

most people are involved as employees in only one of these at a time, so recognizing people's rights of democratic management within them retains equality across the board. In the case of voluntary associations, including cross-border ones, there would also seem to be no problem specifically because of their voluntariness, through which people can largely enter them at will (if they are sufficiently inclusive) and exit them freely. Granting widespread democratic participation rights within them would only threaten equality if there were public funding for them, applied differentially, in which case we would indeed need to address new issues of equality in that context.

However, it must be granted that a problem with equal citizenship could arise in instituting democratic participation beyond the nation-state if the new transnational political communities were to emerge in a wholly *ad hoc* way. This would be the case if such communities were organized in ways that violate the requirement of subsidiarity, interpreted as a requirement to make decisions at the lowest level possible, with its attendant role for nation-states. Note that this issue would apply only to emergent transnational communities that go beyond civil society or voluntary associations. Yet, it must be acknowledged that there may well be a role for new political communities of such a cross-border type, especially if ecological or economic concerns lead to pulls to grant new standing to cross-border communities organized around such concerns. But even with such new political communities, there is no reason a priori to think that such cross-border communities would have to be organized in inegalitarian ways or that they would necessarily have inegalitarian effects. Indeed, the reason for introducing such cross-border entities would likely be to deal adequately with the problems of injustice that escape the purview of nation-states, as well as in order to permit greater autonomy for more ecologically based localities themselves. Larger regional organizations (taking the EU as one model) that arise by way of agreements among nation-states or through referenda endorsed by the people involved (or both) might thus eventually help to address these sorts of cross-border injustices and matters of shared concern. But such regional groupings should be organized on the basis of subsidiarity (again, as is evident in the EU, at least in its design if not its execution) and thus would retain a role for equal citizenship at the national level, while adding layers above or below it.

The other aspect of the democratization proposal, which concerns input into the institutions of global governance by those impacted by their policies, does indeed recognize the possibility of differential rather than equal impacts. The motivating idea here is that those impacted in their possibilities of fulfilling human rights should have input into the decisions of these organizations. But in this case, the people at a distance—e.g., the global poor—are already being differentially (and negatively) impacted by trade and financial policies, so that their fundamental access to basic (and equal) human rights is rendered difficult or impossible. In this case, then, while only some people are negatively affected and hence given opportunities for special input by this

guideline, many others by contrast are already receiving benefits and enhancements to their situation by virtue of the functioning of these institutions. Thus, in such cases, a notion of democratic accountability for these institutions of global governance makes reference to an egalitarian principle—in this case, the fulfillment of basic human rights for all—in order to propose specific institutional changes that would enable that principle to be effective. It is therefore a proposal motivated by egalitarian considerations and would not be expected to weaken equality but rather to strengthen it.

We can add that the need for considering these new forms of democracy is partly driven by the growing salience of interrelations among people and institutions across borders. This feature also provides a way of addressing the second objection cited at the outset, which concerns the key role of nation-states in delivering welfare and the achievement of the redistributions required by social justice. The objection in question supposes that only powerful nation-states oriented around traditional feelings of solidarity among citizens can succeed in achieving the necessary redistributions from the wealthy to those less well off, most often accomplished through a progressive tax system, as well as through regulation and other means. Yet, it is observed that with economic globalization and a certain weakening of sovereignty, states are less able to perform these traditional social welfare functions.

Without addressing this important question in any depth, we can note that economic globalization—including the profound role of transnational corporations and of inequalities in trade and development between the global South and North—demand redistributions that surpass the bounds of nation-states. Thus, even if one recognizes the priority of nation-states within their own boundaries and the importance of solidarities built up in those contexts, the new global interrelations and the power of transnational corporations and other institutions require redistributions and regulation on a transnational, if not global, level, in order to achieve some measure of equality and human rights fulfillment. Thus, along with the requirement for democratizing firms and corporate management comes the need for developing new, and more just, means of effecting needed redistributions across the borders of nation-states through new forms of aid, transfer, and possibly also global taxation.¹³ Of course, in the longer term, more fundamental institutional changes are needed if everyone is to have access to basic economic and social human rights. In addition to institutional design, moreover, we can propose that the forms of transnational solidarity described above will play a crucial role in bringing about those more profound changes.

Human Rights and Governance Issues at Regional and Global Levels

The reference to transnational regulation and redistribution raises a further difficult question for this analysis, which is also posed by the central requirement of developing regional, if not global, frameworks of human rights. If

these rights are to be more than simply declared and enunciated, but are to be fulfilled, and if they are to include economic and environmental rules and protections, then it would seem that new forms of juridification are required. Previously, I proposed that there should be new regional human rights agreements to supplement those that are already in place in certain regions of the world, and that the existing regional ones need to become more effective. I also pointed to the function of human rights as useful goals in the design of social, economic, and political institutions. Beyond that, these new regional human rights frameworks will need to become more fully established within international law, so that transnational human rights can be better protected and enforced against violations. The traditional understanding is that human rights are to be given effectiveness primarily at the level of nation-states. But with their institutionalization at the regional supranational level, several additional questions arise for this account.

One problem is that of democratic legitimacy in the establishment of these human rights agreements and regimes. Even if this is not understood in terms of the establishment of a constitution, as was attempted in the EU, questions nonetheless arise concerning the democratic acceptance of them as binding legal norms. It is not sufficient to argue that their democratic nature is assured by the participation of existing governments in drafting them, where these governments are supposed to be representative of the people within them. Of course, human rights norms are in part held to reflect *jus cogens*. Nonetheless, in their elaborated regional or international form, they likely need to be more explicitly democratically accepted and interpreted, as well as given real effect. Thus, a related question comes to the fore: namely, how to enforce regional human rights without simply adding new layers of government over and above those already in place within nation-states. Even with regard to the transnational democratic associations advocated in this essay, given that they are supposed to enhance freedom and self-determination for individuals and groups, we can wonder whether they would not instead end up simply multiplying the sources of coercive power if regional political associations come to prominence in terms of both law and governance.

Without attempting to address these complex issues adequately, we can clarify that the approach here advocates not a full layer of global government or governance, nor even necessarily a regional development of government. In view of the connection of government to the exercise of coercive power, and the fact that even just forms of coercion restrict freedom in some ways (though they may enable it in others), it seems desirable to try to enhance human rights fulfillment with the least amount of coercion possible. This suggests a limited proposal—at least initially—of regional, or sometimes global, human rights law and courts, rather than full-scale government, while retaining lower-level—local and national—forms of governance where possible. However, it must also be recognized that existing institutional forms will not necessarily address the need for regulation of the “externalities” arising

from transnational economic and technological activity, and particularly global ecological impacts. To deal with these externalities, we would need not only regulation but perhaps new forms of democratic regional and global governance, and certainly the elaboration of international law. These proposals in turn raise additional problems, particularly concerning the need to avoid a “democratic deficit” in any new forms of governance along with the need to limit the amount of coercion that can be exercised at regional and global levels while nonetheless strengthening human rights in those contexts.

Deliberating across Borders—New Issues of Democratic Procedure

The final problem raised by this model of transnational democracy, which can be noted only briefly here, focuses not on questions of scope but rather on the procedures of participation and deliberation themselves. The emergence of transnational democratic associations and the forms of input into the institutions of global governance recommended here pose difficult issues concerning deliberation across national, cultural, and linguistic boundaries. Moreover, the interlocutors in these discourses often stand in relatively unequal economic and social positions, particularly in discussions between elites in multilateral institutions and spokespeople from the global South. There are analogous problems, especially concerning cultural diversity, in traditional deliberations within nation-states, but such problems are clearly magnified and exacerbated in the transnational situation. I have suggested elsewhere that similar problems also arise with regard to interpreting human rights across cultures.¹⁴

These issues of diversity and unequal power in deliberations are perhaps particularly troubling in the context of introducing democratic input into the working of the institutions of global governance, inasmuch as participation by diverse constituencies in the global South often present conflicting interests that challenge the hegemony of these institutions themselves. At the very least, we can propose to develop new modalities of input into the epistemic communities that develop policies within these institutions. Whereas at present most of the deliberations proceed among members speaking in English and deciding among themselves on policies, with a dominant role for the most powerful interests among them, it is possible to conceive of contributions and interventions from a more dispersed group, representing the publics within the affected distant communities. Where these deliberations occur online, innovative forms of deliberative software are currently being developed,¹⁵ sometimes with facilitated discussions,¹⁶ and these could be reformulated to enable discussions to acknowledge and take into account the disparities in power among participants and to focus attention on the human rights issues at stake in the deliberations. Indeed, I have suggested requiring human rights impact assessments for the policies considered by transnational institutions.¹⁷

Beyond this, there is a need for developing software that can highlight contested concepts across cultures, particularly normative concepts (or tacitly

normative ones), which could call attention to the hidden and sometimes ideological meanings of terms and thereby help to facilitate common understandings. (The application to face-to-face discussions is more problematic, however.) Beyond this, there is also a need for constructing institutions to enable transnational representation in regional and global governance, beyond existing proposals of input from INGOs, reciprocal representation, cross-border referenda and deliberative forums,¹⁸ however worthy these proposals might be in the short run.

I have suggested in this essay that the challenge will be to construct such new institutions with a view to facilitating democratic input and human rights fulfillment (and not only the protection of human rights against violations). To develop these institutions, we can look to existing models, whether in the EU, solidarity movements in Latin America and new forms of devolution of power to localities there (e.g., in participatory budgeting in Porto Alegre), or to the global justice movement, with its emphasis on consensual decisions and the use of wikis and other open methods of discussion and coordination. But the further work of theoretical development will in part have to await future social movements, rather than looking only for bureaucratic or administrative solutions or even the normative clarifications and model-building of political philosophers. Nonetheless, I suggest that it is surely of some use to be thinking now of the norms and the possible models that can aid this emerging democratizing practice.

Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times

SEYLA BENHABIB

In several works in the last decade I have documented the disaggregation of citizenship rights, the emergence of an international human rights regime and the spread of cosmopolitan norms (Benhabib, 2001, 2002, 2004b). National citizenship is a legal and social status which combines some form of collectively shared identity with the entitlement to social and economic benefits and the privileges of political membership through the exercise of democratic rights. I have argued that in today's world the civil and social rights of migrants, aliens and denizens are increasingly protected by international human rights documents.¹ The establishment of the European Union has been accompanied by a Charter of Fundamental Rights and by the formation of a European Court of Justice. The European Convention for the Protection of Human Rights and Fundamental Freedoms, which encompasses states which are not members of the EU as well, permits the claims of citizens of adhering states to be heard by a European Court of Human Rights. Parallel developments can be seen on the American continent through the establishment of the Inter-American System for the Protection of Human Rights and the Inter-American Court of Human Rights. African states accepted the African Charter on Human and Peoples' Rights in 1981 through the Organization of African Unity and to date it has been ratified by forty-nine states (Henkin et al., 2003, 147ff).

Despite these developments, the link between national citizenship and the privileges of democratic participation, such as voting rights, that restrict these privileges to nationals alone is retained, but in this domain as well, changes are visible throughout the European Union in particular: in Denmark, Sweden, Finland, and the Netherlands, third-country nationals can participate in local and regional elections; in Ireland, these rights are granted at the local level. In the UK Commonwealth citizens can vote in national elections.

These trends are not limited to Europe. Increasingly, Mexico and Central American governments such as El Salvador and Guatemala are permitting those who are born to citizen parents in foreign countries to retain voting rights at home and even to run for office; the practice of recognizing dual citizenship is becoming widespread. In South Asia, particularly among economic elites who carry three or more passports and navigate three or more national economies, the institution of “flexible citizenship” is taking hold (Ong, 1999).

Yet these changes in modalities of political belonging have been accompanied by other, more ominous, forms of exclusion: first, the condition of refugees and asylum seekers has not benefited equally from the spread of cosmopolitan norms. While their numbers the world over have increased as a result of the global state of violence (Zolberg & Benda, 2001), most liberal democracies since September 11, 2001, and even before then, had already shifted toward criminalizing the refugee and asylum seeker either as lying to gain access to economic advantages or as a potential security threat. The politics of refuge and asylum have become sites of some of the world’s most intense global distributive, as well as racialized, confrontations. Even within the European Union, the establishment of refugee processing transit camps (RPTCs) outside the borders of the EU, in order to catch refugees and illegal migrants before they land on European soil, have been advocated by the UK and Denmark and are in operation in Spanish-held territories in North Africa and in transit camps in Libya.

Furthermore, as Hannah Arendt observed more than half a century ago, “the right to have rights” remains an aporetic longing.² For who is to grant “the right to be a member,” the right to belong to a community in which one’s right to have rights is to be protected by all? Within a permanently divided mankind it is only through membership in a polity in which one’s right to have rights is defended through the solidarity of all that the aporias of statelessness can be resolved. The right to have rights must combine the liberal vision of citizenship as entitlement to rights with the republican-democratic vision of membership through full democratic participation.

The disaggregation of citizenship rights through the extension of cosmopolitan norms, the continuing liminality of the condition of refugees and asylum seekers, and the increasing criminalization of migrants as a consequence of the global state of confrontation between the forces of political Islam and the USA have led a number of scholars to interpret these developments in quite a different light than I have. For some, the spread of an international human rights regime and of cosmopolitan norms presents a Pollyannaish narrative which does not account for the growing condition of a global civil war (Hardt & Negri, 2001; Agamben, 2005). For others, while these trends are real, the defense of republican federalism seems inadequate in that it does not acknowledge the more radical political potentials of the present moment (Balibar, 2004; Held, 2004).

The very great disparity among these diagnoses of our contemporary condition, which extend from predictions of global civil war and a permanent state of exception to the utopia of citizenship beyond the state and to transnational democracy, may itself be an indication of the volatile and obscure moment we are traversing. What has become crystal clear is that the changing security situation after September 11, 2001 has destabilized the principle of formal sovereign equality of states. The spread of cosmopolitan norms and transformations of sovereignty inevitably accompany one another. The rise of an international human rights regime, which is one of the hallmarks of post-Westphalian changes in sovereignty, also heralds alterations in the jurisdictional prerogative of nation-states. As Jean L. Cohen (2004, 2) rightly observes:

Talk of legal and constitutional pluralism, societal constitutionalism, transnational governmental networks, cosmopolitan human rights law enforced by “humanitarian intervention,” and so on are all attempts to conceptualize the new global legal order that is allegedly emerging before our eyes. The general claim is that the world is witnessing a move to cosmopolitan law . . . But . . . if one shifts the political perspective, the sovereignty-based model of international law appears to be ceding not to cosmopolitan justice but to a different bid to restructure the world order: the project of empire.

The rise of cosmopolitan norms or the spread of empire? Indeed, it is crucial to unravel this ambivalent potential: while the emergence of cosmopolitan norms are intended to protect the individual in a global civil society, there are dangers as well as opportunities created by the weakening of state sovereignty. The fact that the internationalization of human rights norms and the weakening of state sovereignty are developing in tandem with each other decidedly does not mean that the one can be reduced to the other; the genesis of these developments as well as their normative logics are distinct.³ Nor should concerns about the weakening of state sovereignty, some of which I share, lead one to reject the spread of human rights norms for fear that they can be used to justify humanitarian interventions.

Since these transformations are altering norms of state sovereignty as well as impacting the actual capacity of states to exercise sovereignty, it is important at the outset to distinguish between *state sovereignty* and *popular sovereignty*. The concept of “sovereignty” ambiguously refers to two moments in the foundation of the modern state, and the history of modern political thought in the West since Thomas Hobbes can plausibly be told as a negotiation of these poles: first, sovereignty means the capacity of a public body, in this case the modern nation-state, to act as the final and indivisible seat of authority with the jurisdiction to wield not only “monopoly over the means of violence,” to recall Max Weber’s famous phrase, but to distribute justice and manage the economy. Sovereignty also means, particularly since the French Revolution,

popular sovereignty: that is, the idea of the people as subjects and objects of the law, or as makers as well as obeyers of the law. Popular sovereignty involves representative institutions, the separation of powers, and the guarantee not only of liberty and equality, but of the “equal value of the liberty of each.” Etienne Balibar (2004, 152) has expressed the interdependence between state sovereignty and popular sovereignty thus: “state sovereignty has simultaneously ‘protected’ itself from and ‘founded’ itself upon popular sovereignty to the extent that the political state has been transformed into a ‘social-state’ . . . passing through the progressive institution of a ‘representation of social forces’ by the mechanism of universal suffrage and the institutions of social citizenship.”

My question is: how does the new configuration of state sovereignty influence popular sovereignty? Which political options are becoming possible? Which are blocked? Today we are caught not only in the reconfiguration of sovereignty but also in the *reconstitutions of citizenship*. We are moving away from citizenship as national membership increasingly towards a *citizenship of residency*, which strengthens the multiple ties to locality, to the region, and to transnational institutions.

I will argue that cosmopolitan norms enhance the project of popular sovereignty while prying open the black box of state sovereignty. They challenge the prerogative of the state to be the highest authority dispensing justice over all that is living and dead within certain territorial boundaries. In becoming party to many human rights treaties, states themselves “bind” their own decisions. Very often this can lead to collusions between the will of majorities and international norms, as we can observe with regard to issues of women’s rights and the rights of cultural, ethnic, and linguistic minorities, for example. But such collusions have become all too frequent only because the world is moving toward a new form of post-Westphalian politics of global interdependence.

To be distinguished from the influence of cosmopolitan human rights norms is the undermining of state sovereignty through the demands of global capitalism. Global capitalism is indeed creating its own form of “global law without a state” (Teubner, 1997), as well as sabotaging the efforts of legislators to conduct open and public deliberations on legislation impacting the movements of capital and other resources. Furthermore, many states are privatizing their own activities by disbursing authority over prisons and schools to private enterprises (Apter, 2001). My thesis is that whereas cosmopolitan norms lead to the emergence of *generalizable human interests and the articulation of public standards of norm justification*, *global capitalism leads to the privatization and segmentation of interest communities and the weakening of standards of public justification through the rise of private logics of norm generation*. This results in the deterioration of the capacity of states to protect and provide for their citizens.

The following sections of this essay document in broad strokes three types of change in the relationship of territoriality and jurisdiction in the evolution

of the modern state: transnational migrations, the emergence of global law, and the rise of fast-track legislation. The latter two socioeconomic and legal transformations are leading to the undermining of popular sovereignty and the privatization of state sovereignty, while transnational migrations are both enabled by and contribute to the spread of cosmopolitan norms. I conclude with normative considerations on democratic iterations, which I define as processes whereby cosmopolitan norms and the will of democratic majorities can be reconciled, though never perfectly, through public argumentation and deliberation in acts of normative iterations.

Territorialization and Law: Colonialism versus Transnational Migrations

The modern state formation in the West begins with the “territorialization” of space. The enclosure of a particular portion of the earth and its demarcation from others through the creation of protected boundaries, and the presumption that all that lies within these boundaries, whether animate or inanimate, belongs under the dominion of the sovereign, is central to the territorially bounded system of states in Western modernity. In this “Westphalian” model, territorial integrity and a unified jurisdictional authority are two sides of the same coin: protecting territorial integrity is the obverse side of the power of the state to assert its jurisdictional authority (*dominium*).

The modern absolutist states of Western Europe were governed, in Carl Schmitt’s (1997, 99) terms, by the “*jus publicum Europaeum*” as their international law. However, this model was unstable from its inception, or in Stephen Krasner’s (1999) famous phrase, “sovereignty is hypocrisy.” The discovery of the Americas, the imperialist ventures into India and China, the struggle for domination over the Indian Ocean and the nineteenth-century colonization of Africa destroyed this form of state sovereignty and international law by chipping at the peripheries.⁴ Not only the West’s confrontation with other continents but the question of whether the non-Christian Ottoman Empire belonged to the “*jus publicum Europaeum*” showed the limitations of this order. Though Schmitt himself is not far from idealizing this moment in the evolution of “the law of the earth,” his own account documents its inherent limits and eventual dissolution.⁵ The “deterritorialization” of the modern state goes hand in hand with its transformation from early bourgeois republics into European empires, whether they be those of England, France, Spain, Portugal, Belgium, the Netherlands, or Italy.

The evolution of bourgeois republics into empires destroys the overlap of territorial control with jurisdictional authority, which governs, at least in principle, the motherland. Europe’s colonies become the sites of usurpation and conquest in which *extra-juridical spaces*, removed from the purview of liberal principles of consent, are created. As Edmund Burke was to express it pithily with respect to “administrative massacres” in India, and the impeachment of

Warren Hastings by the British House, who was responsible for them, this needed to be done so that “breakers of the law in India might [not] become ‘the makers of law for England.’”⁶

With the rise of bourgeois and democratic republics the “subject” of the absolutist state is transformed into the “citizen.” As the Westphalian paradigm of sovereignty meets its limits outside Europe, it is constitutionalized at home by social struggles for increased accountability, universal suffrage, expanded representation, democratic freedoms, and social rights. These struggles are the site of popular sovereignty, of demands to make the state apparatus responsive and transparent to its citizens. In ways that much scholarship has not even begun to fathom, popular sovereignty struggles at home, the spread of modern citizenship, and imperialist ventures abroad go hand in hand (Brodie, 2004; Ikeda, 2004).

This legacy of empire has come back today to haunt the resource-rich countries of the northern hemisphere through the rise of transnational migrations. Transnational migrations also produce an uncoupling between territoriality, sovereignty, and citizenship but in ways quite different than colonialism. Whereas in the nineteenth and twentieth centuries, European imperialism spread forms of jurisdiction into colonial territories which were shielded from democratic consent and control, contemporary migratory movements give rise to *overlapping jurisdictions* which are often protected by international norms.

In 1910, roughly 33 million migrants lived in countries other than their own; by the year 2000 their number had reached 175 million (Zlotnik, 2001, 227). During this same period (1910–2000), the population of the world grew from 1.6 to 5.3 billion, roughly threefold. Migrations, by contrast, increased almost sixfold over the course of the same ninety years. Strikingly, more than half of this occurred in the last three decades of the twentieth century, between 1965 and 2000. In this period 75 million people undertook cross-border movements to settle in countries other than those of their origin (United Nations, 2002).

Transformations in patterns of migration are leading ever more individuals to retain ties with their home countries and not to undertake total immersion in their countries of immigration. The ease provided by globalized networks of transportation, communication, electronic media, banking, and financial services are producing guest workers, seasonal workers, dual nationals, and diasporic commuters. Migrations no longer bring with them total immersion and socialization in the culture of the host country—a process poignantly symbolized by the assignment to immigrants to the US of new family names on Ellis Island.

Today nation-states encourage diasporic politics among their migrants and ex-citizens, seeing in the diaspora not only a source of political support for projects at home but a resource of networks, skills, and competencies that can be used to enhance a state’s own standing in an increasingly global world.

Notable examples of such diasporas are the large Indian, Chinese, and Jewish communities across the globe. Their continuing allegiance to the so-called “home country” is carefully cultivated.

Migrations thus lead to a pluralization of allegiances and commitments, and to the growing complexity of nationals who, more often than not, in today’s world, are also ex-, post-, and neo-colonials. We are witnessing the increasing migration from periphery to center, encouraged by wide differentials in standards of living between regions of the world, and facilitated by the large presence of family and kin already at the center of what was once the empire. Indians, Pakistanis, Kashmiris, and Sri Lankans in the UK; Algerians and Moroccans in France; Surinamese and Moluccans in the Netherlands; Latin Americans in Spain; Libyans in Italy. All are population groups whose history is deeply bound up with European empires. The Westphalian state which extended toward the rest of the world now finds that its borders are porous in both directions and that it is not only the center which flows to the periphery but the periphery which flows toward the center.

State sovereignty, which is imminently tied to the ability to protect borders, now more than ever is revealed to depend upon skillful negotiations, transactions, agreements, and flows with other states. Of course, states and regions differ widely in their ability to assert their sovereignty and to throw their weight around. The poorer economies of Central America, South Asia, and Africa are less able to police their borders; the world’s largest refugee populations are also settled in some of the world’s poorest regions, such as Chad, Pakistan, and Ingushtia (Benhabib, 2004b).

Migrations are the site of intense conflicts over resources as well as identities. In the contemporary world, strong states militarize and increasingly criminalize migratory movements. The poor migrant becomes the symbol of the continuing assertion of sovereignty. Migrants’ bodies, both dead and alive, strew the path of states’ power.

Transnational migrations reveal the pluralization of sites of sovereignty in that, with the changing patters of acculturation and socialization, migrants begin to live in multiple jurisdictions. Although they are increasingly protected by cosmopolitan norms in the form of the various human rights treaties, they are still vulnerable to a system of state sovereignty which privileges national citizenship while restricting dual and multiple citizenship regimes.

Militarization and criminalization are defensive responses which states use to reassert their sovereignty in the face of transnational migrations. But is it possible to think about sovereignty in terms other than those suggested by the model of autochthonous impermeability? Is it conceivable to think of sovereignty in relational terms? Is it possible functionally to disaggregate sovereignty’s functions and yet create modalities of cooperation? Can we still maintain the ideal of popular sovereignty and democratic rule if the state-centered model of sovereignty is itself becoming dysfunctional?

Deterritorialization of Law: Global Capitalism

Transnational migrations reveal the dependence of states upon the worldwide movement of peoples' as well as each other's policies. Since every inch of the face of the world, with the exception of North and South Poles, are now statized and governed by a state, which has territorial jurisdiction, cross-border movements initiated by migrants as well as refuge and asylum seekers, bring to light the fragility as well as the frequent irrationality of the state system. *Vis-à-vis* peoples' cross-border movements, the state remains sovereign, albeit in much reduced fashion. *Vis-à-vis* the movement of capital and commodities, information and technology across borders, the state today is more hostage than sovereign.

A great deal has been written in recent years about globalization as a worldwide phenomenon and the diminished capacity of states. I am persuaded by the argument that to understand this phenomenon it is analytically more useful to use the term "stateness": that is, the dynamic capacity of states to react to and control their environments in multiple ways (Nettl, 1968, 559; Evans, 1997). There is tremendous variation across the globe in the capacity of "stateness." The affluent democracies of North America, Europe, Australia, and New Zealand can manipulate, tame, and channel the forces of global capitalism as well as the worldwide flow of information, communication, and transportation technologies. This is obviously much less true for many states in North Africa, the Middle East, Latin America, and Asia. The rise to global prominence of China, India, Brazil, as well as the Asian "tiger" economies is in large measure due to the capacity of these states to channel economic globalization to their own advantage.

In her analysis of Southeast Asian economies, Aihwa Ong gives a compelling example of the ways in which global capitalism is creating jurisdictional spaces over and beyond democratic controls. New forms of "multinational zones of sovereignty" in the form of growth triangles (GTs) are spreading throughout South Asia and Central America. These "straddle borders between neighboring states such as to maximize the locational advantage and attract global capital" (Ong, 1999, 221). The three GTs formed by linking neighboring countries are Indonesia–Malaysia–Singapore (Sijori), Indonesia–Malaysia–Thailand, and Brunei–Indonesia–Malaysia–Philippines. Transnational corporations such as Nike, Reebok, and the Gap now employ millions of women who work twelve hours a day and make less than two dollars a day. Ong (1999, 222) observes that these

growth triangles are zones of special sovereignty that are arranged through a multinational network of smart partnerships and that exploits the cheap labor that exists within the orbit of a global hub such as Singapore. It appears that GT workers are less subject to the rules of their home country and more to the rules of companies and to the competitive conditions set by other growth triangles in the region.

A parallel account is provided by Carolin Emcke of the workings of the *maquilladoras* in Central America. These are established by foreign capital in El Salvador, Guatemala, and Costa Rica under the protection of respective governments often as tax-free zones to attract foreign investment. They protect the zones they occupy through the use of private security guards and forces, crush any attempt to organize the labor force, and fiercely defend themselves against international and even national control and supervision. They resemble medieval warlords who have taken the native populations hostage.

Whether it is the growth triangles of Southeast Asia or the *maquilladoras* of Central America, this form of economic globalization results in the disaggregation of states' sovereignty with their own complicity. As in the case of colonization and imperialism, there is an uncoupling once more of *jurisdiction and territory* in that the state transfers its own powers of jurisdiction, whether in full knowledge or by unintended consequence, to non-statal private and corporate bodies. The losers in this process are the citizens from whom state protection is withdrawn or, more likely, who never had strong state protection in the first place, and who become dependent upon the power and mercy of transnational corporations and other forms of venture capitalists.

Despite the great variation across countries with respect to the interactions of the global economy and states, one generalization can be safely made: economic globalization is leading to a fundamental transformation of legal institutions and of the paradigm of the rule of law. Increasingly globalization is engendering a body of law which is self-generating and self-regulating and which does not originate through the legislative or deliberative activity of national legislators.

Law without a State?

In his influential essay "Global Bukowina: Legal Pluralism in the World Society," Gunther Teubner (1997, 5) makes this case: "Today's globalization is not a gradual emergence of a world society under the leadership of interstate politics, but is a highly contradictory and highly fragmented process in which politics has lost its leading role." As examples of global law without a state, Teubner cites "*lex mercatoria*," the transnational law of economic transactions; labor law, where enterprises and labor unions, acting as private actors, become law-makers; and the technical standardization and professional self-regulation engaged in worldwide by the relevant parties without the intervention of official politics.

This emergent body of law is "a legal order," even if it has no specific point of origination in the form of law-producing institutions, and even less, a single and visible law-enforcing agency. The boundaries of global law are not set by national borders but by "invisible colleges,' 'invisible markets and branches,' 'invisible professional communities,' 'invisible social networks'" (1997, 8). Territorial boundaries and jurisdictional powers are once more uncoupled.

As Teubner acknowledges, this form of law has serious democratic deficits: “It is a law that grows and changes according to the exigencies of global economic transactions and organizations. This makes it extremely vulnerable to interest and power pressures from economic processes, because it is ‘indeterminate’ and can change in its application from case to case” (1997, 21). Soft law is law without the characteristics traditionally associated with the rule of law: transparency, predictability, and uniformity of application. These features of the rule of law, however, are not mere procedural characteristics; they act as guarantees of the equality of persons and citizens before the law. Global law, by contrast, is not equality-guaranteeing and equality-protecting; rather, it is law which enables global corporations and other bodies to carry out their transactions in an increasingly complex environment by generating self-binding and self-regulating norms.

There are important clashes and tensions between these features of “*lex mercatoria*” and human rights law and cosmopolitan norms: both the growth triangles and the *maquilladoras* are characterized by a *suspension* of human rights norms in zones of special economic and business privilege. Furthermore, individuals working in these zones are not only, or even primarily, the citizens of the countries in which these zones of privileged economic sovereignty operate; very often they are themselves transnational migrants from neighboring countries, whose human rights are regularly trampled upon. Thus Malaysians, Thais, Burmese, and others work in Indonesia; illegal Chinese laborers abound in the *maquilladoras* of Central America. While, without a doubt, the flow of global capital is itself responsible for encouraging the flow of transnational migrations, we see that the norms which ought to protect migrants and the laws which enable global capitalism are not compatible. *Lex mercatoria*, the law of international commercial transactions, and human rights law collide and conflict (Fischer-Lescano & Teubner, 2004).⁷

That economic globalization threatens core features of the rule of law and thereby challenges the prospects for liberal democracy as well is emphatically argued by William E. Scheuerman (2004, 145):

Contemporary capitalism is different in many ways from its historical predecessors: economies driven by huge transnational corporations that make effective use of high-speed communication, information, and transportation technologies represent a relatively novel development. The relationship of capitalism to the rule of law is thereby transformed as well . . . As high-speed social action “compresses” distance, the separation between domestic and foreign affairs erodes, and the traditional vision of the executive as best suited to the dictates of rapid-fire foreign policy making undermines basic standards of legality in the domestic sphere as well.

The transformation of the rule of law gives rise to fast-track legislation, pushed by national legislators without adequate debate and deliberation; the power of deliberative bodies is eclipsed and that of the executive increases.

The main problem posed by globalization is less that transnational business can only preserve its autonomy by limiting state power by means of the rule of law than that the democratic nation-state can only hope to maintain its independence in relation to global business by counteracting the virtually universal competitive rush to provide transnational firms with special rights and privileges.

(Scheurman, 2004, 169)

States are pushed into the “race to the bottom”: that is, to embrace neo-liberal reforms, cutting back on the welfare state, and relaxing labor and environmental legislation.

Law without a state? Or race to the bottom? In the first part of this essay I had asked: the spread of cosmopolitan norms or imperialism? Again we seem faced by alternatives and disjunction. Surely, these are not the only alternatives which globalization processes confront us with, but in either case, the model of liberal sovereignty, based upon the unity of jurisdiction administered over a defined territory, assuring citizens’ equality through the administration of the rule of law and guaranteeing social welfare through economic redistribution, increasingly appears as if it were the memory of a quaint past. It is important to emphasize that sovereign states are players with considerable power in this process: they themselves often nurture and guide the very transformations that curtail their own powers (Sassen, 2006).

Whether it be through the changing patterns of transnational migrations or through the emergence of growth triangles and new global forms of law without a state in the accelerated and fluid global market place, or through the pressure to adopt state bureaucracies to the new capitalism, an epochal change is under way in which aspects of state sovereignty are being dismantled chip by chip. State jurisdiction and territoriality are uncoupled, as new agents of jurisdiction in the form of multinational corporations emerge. In some cases, the state disburses its own jurisdiction to private agencies in order to escape the territorial control of popular legislators. The social contract is increasingly frayed.

If the analysis presented above is partially accurate, does the “twilight of sovereignty” mean the end of citizenship and of democratic politics, the displacement of the political or maybe even its eventual disappearance in the evolution of world societies? What are the normative consequences of these transformations? What light does this social-theoretic analysis shed on the political philosophies of the present period?

Twilight of Sovereignty and Global Civil Society

Just as the capacity of nation-states to exercise their “stateness” varies considerably, so do their reactions to the shrinking sphere of state autonomy and activity. *Vis-à-vis* the economic, ecological, and legal challenges and the growing fluidity of worldwide migrations, the states of Europe have chosen *the cooperative restructuring of sovereignty*. To be juxtaposed to this cooperative restructuring of sovereignty is the *unilateral reassertion of sovereignty*. At the present time not only the United States, but China, Iran, and India are going down this route, not to mention Russia, North Korea, and Israel. The strategy here is to strengthen the state via attempts to gather all the markers of sovereignty in the public authority with the consequence of increased militarization, disregard for international law and human rights, regressive and hostile relations with neighbors, and criminalization of migration. The third alternative is the *weakening* of the already fragile institutions of *state sovereignty* in vast regions of Africa, Central and Latin America, and South Asia. In these cases, global market forces further destabilize fragile economies; they break up the bonds between the vast army of the poor and the downtrodden and their local elites, who now network with their global counterparts, thus leaving the masses to the mercy of *maquilladoras*, paramilitaries, drug lords, and criminal gangs. The state withdraws into a shell, as has happened in the Ivory Coast, in the Congo, in the Sudan, in El Salvador, in some parts of Brazil, in Burma, etc. Under such conditions popular sovereignty takes the form, at best, of guerrilla warfare and, at worst, of equally criminal groups fighting to gain a piece of the pie. Neither the contraction of stateness nor its militarized reassertion enhances popular sovereignty.

The volatile and often ambivalent configurations of institutions such as citizenship and sovereignty which have defined our understanding of modern politics for the last 360 years since the Treaty of Westphalia (1648) have understandably given rise to conflicting commentaries and interpretations in contemporary political thought. These can be characterized as: theories of empire, theories of transnational governance, and theories of postnational citizenship.

Empire, according to Michael Hardt and Antonio Negri (2001), is the ever-expanding power of global capital to bring farther and farther reaches of the world into its grip. Unlike the extractive and exploitative empires of the past, however, the new empire encourages the spread of human rights norms; it pushes the new technologies of networking, thus destroying the walls of separation and generating a new global connectivity consonant with this new age.⁸

Since the webs of empire are so ubiquitous, sites of resistance to it are diffuse, decentered, and multiple. The “multitude” resists the total penetration of life structures by the empire in organizing demonstrations against the G-7, the World Bank, the Gulf War, the Iraq War, and the violation of international

law. The multitude focuses on power as a global phenomenon and attempts to generate a counterforce to empire.⁹

The metaphors of networking, entanglement, binding, spread of communicative forms, and the like which underlie this social-theoretical analysis are one-sided precisely because they present a world without institutional actors and without structured centers of resistance.¹⁰ Relatedly, the multitude, Hardt and Negri's revolutionary subject, is not the citizen. The multitude is not even the carrier of popular sovereignty since it lacks the drive toward the constitutionalization of power that has been the desiderata of all popular movements since the American and French revolutions. The multitude gives expression to the rage of those who have lost their republics: the multitude smashes institutions and resists power. It does not engage in what Hannah Arendt has called the "constitutio libertatis" (Arendt, 1963; Benhabib, 2003). By contrast, popular sovereignty aims at widening the circle of representation among all members of the demos in an enduring form; popular sovereignty aims at the control of state power via the separation of powers between the judiciary, the legislature, and the executive; popular sovereignty means creating structures of accountability and transparency in the public exercise of power. This is a far cry from the politics of the multitude.

This aspect of the legitimate exercise of power is well emphasized in contemporary debates by theorists of transnational governance such as Anne-Marie Slaughter and David Held. At the roots of empire's extension, argue advocates of transnational democracy, lies a problem of legitimation. We are in the grips of forces and processes which resemble the galloping horseman without a head. Decisions made in exclusive board meetings of the IMF, WTO, and the World Bank affect the lives of millions, while nation-states refuse to sign multilateral treaties such as the Kyoto Convention or the Rome Treaty leading to the establishment of the International Criminal Court. Theorists of the multitude seem to confuse politics with carnival. Only transnational institutions can build permanent structures to counteract the forces of empire.

We need transparent and accountable structures of world governance and coordination. Some of these structures are already in sight through the networking of economic, judicial, military, immigration, health, and communication experts. They form horizontally networked sites of information, coordination, and regulation. The future of global citizenship lies in becoming actively involved in such transnational organizations and working toward global governance. Whether or not this implies world government is at this stage beside the point: what matters is to increase structures of global accountability and governance.¹¹

In the version of the global governance thesis advocated by Anne-Marie Slaughter, who focuses less on the normative possibilities for democratic governance beyond borders and more on the horizontal networks linking government officials in judicial, regulatory, and administrative organizations across state boundaries, a realm of law "beyond the state" has already been

created and the reach of global law is extended without the agency of the state and its institutions.

Whereas followers of the late Niklas Luhmann, such as Gunther Teubner, see structures of global governance resulting *per impossible* through the self-regulating interlocking of anonymous systems of norm generation which act as each other's environment, Slaughter places her faith in the networking of actual elites in the judiciaries across the world, administrative bureaucracies, etc. The hope is that new norms and standards for public behavior will result through such interlockings.

Defenders of transnational governance have a point: the current state of global interdependence requires new modalities of cooperation and regulation. Arms control, ecology, combating disease and epidemics, and fighting the spread of poverty must be global joint ventures, which will require the work of all people of goodwill and good faith in all nations of the world. As David Held in particular has argued powerfully, the goal is not only to form new institutions of transnational governance but to render existing ones—such as the WTO, IMF, and AID—more transparent, accountable, and responsive to their constituencies' needs. This in turn can only happen if popular movements within donor and member countries force the elites who govern these institutions toward democratic accountability. It is naive to assume, as Teubner and Slaughter at times seem to, that the good faith of elites or the miraculous sociological signals of anonymous systems alone will move such structures toward democratization and accountability. They won't. Transnational structures need to be propelled toward a dynamic where they can be controlled by public law.

Here, however, we reach a dilemma: precisely because state-centered politics have become so reduced in effectiveness today, new theoretizations of the political have emerged. Yet my critique of the models of empire and transnational governance seems to presuppose a form of popular sovereignty, a *global demos*, which is nowhere in existence. Where is the popular sovereign who can counter empire or who can be the bearer of new institutions of transnational governance?

Today we are caught not only in the reconfiguration of sovereignty but in the *reconstitutions of citizenship*. We are moving away from citizenship understood as national membership increasingly toward a *citizenship of residency* which strengthens the multiple ties to locality, to the region, and to transnational institutions. In this respect, defenders of postnational citizenship are correct. The universalistic extension of civil and social rights, and in some cases of political participation rights as well, to immigrants and denizens within the context of the European Union in particular is heralding a new institution of citizenship. This new modality decouples citizenship from national belonging and being rooted in a particular cultural community. Not only in Europe but all around the globe we see the rise of political activism on the part of non-nationals, postnationals, and ex-colonials. They live in

multicultural neighborhoods, they come together around women's rights, secondary-language education for their children, environmental concerns, jobs for migrants, representation on school boards and in city councils. This new urban activism, which includes citizens as well as non-citizens, shows that political agency is possible beyond the member/non-member divide. The paradoxes of the "right to have rights" (Arendt) are ameliorated by those who exercise their democratic-republican participation rights with or without the correct papers.

Neither is the local alone the site of postnational citizenship. New modalities of citizenship and a nascent public sphere are also emerging at the global level through the meetings of the World Social Forum in which activists from all nations, representing women's, ecology, ethnic rights, cultural self-determination, and economic democracy groups, NGOs and INGOs, gather together, and plan strategy and policy. They are, in many cases, the ones who articulate and bring to global awareness problems to which transnational structures of governance have to respond. These citizens' groups and social activists are the transmitters of local and global knowledge and know-how; they generate new needs and demands that democracies have to respond to. They are members of the new global civil society. This new global civil society is not only inhabited by multinationals and transnationals, both public and private, but by citizens, movement activists, and constituents of various kinds. This emergent global civil society is quite complementary to republican federalism, which in my opinion constitutes the only viable response to the contemporary crisis of sovereignty.¹²

Republican Federalism and Democratic Sovereignty

I will define "republican federalism" as the constitutionally structured reaggregation of the markers of sovereignty, in a set of interlocking institutions each responsible and accountable to the other. There is, as there must be in any structuring of sovereignty, a moment of finality, in the sense of decisional closure, but not a moment of ultimacy, in the sense of being beyond questioning, challenge, and accountability. As the legal scholar Judith Resnik (2006, 1564) notes, the development of international law and of cosmopolitan human rights treaties is creating new modalities for the exercise of federalism:

federalism is also a path for the movement of international rights across borders, as it can be seen from the adoption by mayors, local city councils, state legislatures, and state judges of transnational rights including the United Nations Charter and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and the Kyoto Protocol on global warming. Such actions are often trans-local—with municipalities and states joining together to shape rules that cross borders.

I call such processes of “law’s migration” (Resnik, 2006, 1564–1670) across state boundaries and institutional jurisdictions, whether institutionalized or popular, “democratic iterations.” By this I mean complex processes of public argument, deliberation, and exchange through which universalist rights claims and principles are contested and contextualized, invoked and revoked, posited and positioned throughout legal and political institutions, as well as in the associations of civil society. Democratic iterations can take place in the “strong” public bodies of legislatures, the judiciary, and the executive, as well as in the informal and “weak” publics of civil society associations and the media.

In the process of repeating a term or a concept, we never simply produce a replica of the first original usage and its intended meaning: rather, every repetition is a form of variation. Every iteration transforms meaning and enriches it in ever so subtle ways. In fact, there really is no “originary” source of meaning, or an “original” to which all subsequent forms must conform. Even if the concept of “original meaning” makes no sense when applied to language as such—for to identify the original we would already need to use language itself—it may be thought that it would not be so ill-placed in conjunction with documents such as the law and institutional norms. Thus, every act of iteration might refer to an antecedent, which is taken to be authoritative. The iteration and interpretation of norms, and of every aspect of the universe of value, however, is never just an act of repetition. The antecedent thereby is repositied and resignified via subsequent usages and references. Meaning is enhanced and transformed; conversely, when the creative appropriation of that authoritative original ceases or stops making sense, then the original loses its authority upon us as well.

Democratic iterations are processes of linguistic, legal, cultural, and political repetitions in transformation, invocations which are also revocations.¹³ Through such iterative acts a democratic people which considers itself bound by certain guiding norms and principles reappropriates and reinterprets these, thus showing itself to be not only the subject but the author of the laws. Whereas natural right doctrines assume that the principles which underline democratic politics are impervious to transformative acts of will, and whereas legal positivism identifies democratic legitimacy with the correctly posited norms of a sovereign legislature, jurigenerative politics signals a space of interpretation and intervention situated between transcendent norms and the will of democratic majorities.¹⁴ On the one hand, the rights claims which frame democratic politics must be viewed as transcending the specific enactments of democratic majorities under specific circumstances; on the other hand, such democratic majorities reiterate these principles and incorporate them into the democratic will-formation of the people through argument, contestation, revision, and rejection. *Popular sovereignty no longer refers to the physical presence of a people gathered in a delimited territory, but rather to the interlocking in a global public sphere of the many processes of democratic iteration in which peoples learn from one another.*¹⁵

There will be an inevitable tension between the border- and boundary-transcending discourses of democratic iterations and state sovereignty. In fact, democracy is the process through which the popular sovereign tries to tame state sovereignty by making it responsive, transparent, and accountable to the people. The spread of cosmopolitan norms which aim to protect the human being as such, regardless of national membership, but rather as a citizen of a global civil society, and popular sovereignty mutually reinforce one another. Whereas in the case of the decline of state sovereignty it is the receding of the public exercise of state power that is at stake, in the case of the augmentation of popular sovereignty, international and cosmopolitan norms subject agencies of the public exercise of power. First and foremost, the state itself is submitted to heightened public and juridical scrutiny, thus aiding the assertion of popular sovereignty. The supposed conflict between the spread of cosmopolitan norms and popular sovereignty is based upon a mistaken equation of state with popular sovereignty.

Whereas cosmopolitan norms lead to border-crossing interlockings and coordinations of democratic iterations among those who are organized in human rights, women's rights, ecology, and indigenous rights movements, "*lex mercatoria*" and other forms of law without the state generated by global capitalism, by contrast, strengthen private corporations vis-à-vis public bodies. Thus, in the case of North American Free Trade Agreement firms are granted rights hitherto generally limited to nation-states. Chapter II (B) of the treaty allows private businesses to submit complaints against member-states to a three-member tribunal. One of the members is chosen by the affected state, another by the firm, and the third jointly by the parties. As Scheuerman observes, "NAFTA thereby effectively grants states and corporations equal authority in some crucial decision-making matters." And he adds, "In a revealing contrast the procedures making up NAFTA's labor 'side agreement' deny similar rights to organized labor" (Scheuerman, 2004, 268–269, n. 52).

There is an interesting parallel here to the growing power of individuals to bring charges for human rights violations against states that are signatories to the European Convention for the Protection of Human Rights and Fundamental Freedoms in front of the European Court of Human Rights. In this case as well, states are defendants and no longer immune from legal prosecution. In both cases, the "black box" of state sovereignty has been pried open but with very different normative presuppositions: in the case of NAFTA and other forms of *lex mercatoria* states becomes liable to prosecution by corporate bodies which do not represent *generalizable interests* but only their particular interests and those of their constituents. Interestingly, they also disempower organized labor and environmental groups from enjoying similar jurisdictional privileges in bringing charges against the state. In the case of charges brought against states for human rights violations, by contrast, there is a potential *generalizable interest* shared by all citizens and residents of a state alike: namely, to prevent the use of torture and other forms of the widespread

violation of human rights. Human rights trials against sovereign states even go beyond the generalizable interest of the national citizens involved, to establish universalizable norms of human rights which would protect individuals in any part of the world. There is a context-transcending power to these human rights iterations which feed into the normative power of cosmopolitan norms.

The boundaries of the political have shifted today beyond the republic housed in the nation-state. The deterritorialization of law brings in its wake a displacement of the political. It is clear that only multiple strategies and forms of struggle can reassert the ruptured link between consent and the public exercise of power which is the essence of democratic sovereignty. Transnational structures of governance are fundamental in order to tame the forces of global capitalism; but the accountability of transnational elites can only be demanded by their own constituencies who mobilize for post- and transnational citizenship projects. The interlocking networks of local and global activists in turn form an emergent global civil society, in which new needs are articulated for a worldwide public, new forms of knowledge are communicated to a world-public opinion, and new forms of solidarity across borders are crafted.

Popular sovereignty cannot be regained today by returning to the era of the “black box” of state sovereignty: the formal equality of sovereign states must mean the universalization of human rights across state boundaries; respect for the rule of law and democratic forms of government all over the globe. It is an insult to the dignity and freedom of individuals everywhere to assume, as so many today are tempted to do, that human rights and cosmopolitan norms, such as the prohibition of “crimes against humanity,” are products of Western cultures alone whose validity cannot be extended to other peoples and other cultures throughout the world. Not only is this a very inadequate view of the spread of modernity as a global project, but it is a philosophical conflation of genesis and validity; that is to say, of the conditions of origin of a norm with the conditions of its validity. Global human rights and cosmopolitan norms establish new thresholds of public justification for a humanity that is increasingly united and interdependent.¹⁶ New modalities of citizenship, not only in the sense of the privileges of membership but in the sense of the power of democratic agency, can flourish only in the transnational, local as well as global spaces, created by this new institutional framework. The multiplying sites of the political herald transformations of citizenship and new configurations of popular sovereignty.

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PART **II**

New Spatial Scales of Democracy

Introduction

ASHLEY DAWSON

In January 1972, in advance of the first United Nations environmental summit, the British magazine the *Ecologist* devoted an entire issue to what the editors called a *Blueprint for Survival*.¹ This was one of the first sweeping efforts following the onset of the environmental crisis to imagine a radically alternative geography to the long-dominant nation-state.² The writers' program called for a "stable-state society" characterized by minimum disruption of ecological processes and maximum conservation of materials and energy. Such a society was to be achieved through sweeping efforts to relocalize economies whose unbridled global consumption of natural resources had grown unsustainable. Key to the *Blueprint's* radicalism, then, was a revision of the hierarchically nested spatial scales that had come to characterize the social construction of geographical space during the modern era. The authors of the *Blueprint* warned that failure to relocalize would provoke increasing climatic instability as complex ecosystems began breaking down under the pressure of human exploitation.

When recently elected President Ronald Reagan dismantled the solar panels installed by Jimmy Carter on the roof of the White House during the 1979 energy crisis, he marked the beginning of a global energy binge that has accelerated relentlessly to the present. According to the US Energy Information Administration (EIA), world energy consumption more than doubled between 1970 and 2005.³ In 1981, the Reagan-era US Treasury insisted that the World Bank play a leading role in "the expansion and diversification of global energy supplies to enhance security of supplies and reduce OPEC market power over oil prices."⁴ Instead of supporting diminished fossil fuel consumption and a switch to locally generated renewable energy, in other words, the World Bank

led the drive to expand resource extraction to new geographical locales. More than 82 percent of financing for oil extraction has gone to projects that export oil back to the rich countries of the global North. Contrary to the hopes of the authors of the *Blueprint for Survival*, globally integrated energy consumption—at the behest of nations such as the US—has grown inexorably.

Along with the exponential increase of greenhouse gas concentrations that it occasioned, this increase in the energy throughput of human civilization is one of the less remarked upon but most significant aspects of the era of globalization. As the directive from the Reagan Treasury Department quoted above suggests, the increase in energy consumption was a product of conscious planning by the World Bank, which operated under directions from the US to check the power of the OPEC cartel following the energy crises of the 1970s. If the interaction between the US Treasury and the World Bank demonstrates the importance of transnational financial institutions during the era of deregulation, it also underlines the imbrication of such institutions with traditionally hegemonic nations such as the US. The state, after all, is present at and involved in the production of a nested hierarchy of spatial scales, ranging from the intimate micro-politics of the body, through urban and regional embodiments, to the national scale that we typically associate with the state, to the international financial institutions (IFIs) that have taken on such a prominent role during the neoliberal era.⁵ Indeed, while the power of the nation-states enrolled in OPEC was rolled back during the Reagan era, the history of natural resource extraction demonstrates that the state in general has not so much retreated as it has been restructured to meet the requirements of a new round of what David Harvey calls accumulation by dispossession.⁶

The story of energy is, of course, just one of the many examples of global integration over the last quarter-century. The most important change in this regard was the collapse of the Soviet Union and its satellite states, followed by the savage capitalist integration of the remnants of the communist system. The period following the serried political and economic crises of the 1970s also saw the restructuring and financialization of capitalism in the West, the deregulation of global monetary and financial systems, and, ultimately, the dismantling of the welfare-state compromise in the overdeveloped countries and the national development project in the periphery. New transnational institutions such as the World Trade Organization arose, joining Bretton Woods-era organizations like the World Bank and the International Monetary Fund to wield forms of power unresponsive to the initiatives of elected national governments. Parallel with this restructuring, the debt crisis in the global South saw the evisceration of postcolonial nations' hopes of achieving political and economic independence from former colonial powers like Britain and France, as well as new hegemonies such as the US. Taken together, these transformations seemed to many observers to have hollowed out the principal site of democracy: the nation-state. In its place, we were told, a multinational congeries of networked flows had arisen in which political power seemed to be

both everywhere, in the pores of the body politic, and nowhere, since the institutions of representative democracy were deemed obsolete.⁷

The movement of governance toward the global scale is, however, only one of the significant changes in the spaces of power over the last quarter-century. Regional trade alliances such as the North American Free Trade Association (NAFTA) and ASEAN are increasingly common elements that break up the smooth space of the globe into discrete and increasingly competitive blocs. The forerunner of such regional alliances is the European Union (EU), which has evolved in the last several decades from a simple trading alliance to a far more complicated and unwieldy political and cultural state-in-formation. The seemingly limitless expansion of the EU not only shatters the traditional European model of ethnic nationalism but also introduces novel issues of transnational federation into discussions of the morphing spatial scale of the state. As commentators in this part note, issues of governance and democracy are still very much an open question in relation to the EU.

In addition to the devolution of power to such regional spatial scales, cities became sites of increasing subnational political centrality during the period after the 1970s. On the one hand, global cities such as New York, London, and Tokyo were catapulted to increasing significance as command posts of the new global economy.⁸ As economic activity became decentralized following the introduction of advanced information technology, that is, command and control functions were ironically centralized in a small number of urban centers. As commentators noted, these cities shared more with one another than they did with their respective nation-states, in economic and, often, cultural terms. Many traditional manufacturing cities in nations such as the US and UK were thrown into economic crisis and seemingly terminal decline by the geographical dispersal of production. In addition to representing novel concentrations of power that throw their respective nations into crisis, these global cities also raised important internal questions of spatial scale and political power inasmuch as they tend to sprawl outwards. Creating giant urban agglomerations, these global cities throw up new problems of governance as, for example, affluent suburbs seek autonomy from downwardly mobile ghettos in a spatial reflection of the increasing economic polarization of the urban economy.

Running parallel to the centralization of economic and political power in these global cities, a further scalar transformation during the period following the 1970s has been the evolution of mega-cities in the global South. Urban conglomerations with populations over twenty million such as Lagos, Cairo, and Mumbai concentrate historically unparalleled numbers of people into gigantic slums, whose denizens eke out a living in zones that largely lack an industrial base to provide secure employment. To a large extent a product of the global debt crisis, which forced peasants off traditional landholdings in the hundreds of millions, such mega-cities represent a novel and unpredictable political phenomenon.⁹ In tandem with the growth of mega-cities,

cross-border refugee flows numbering in the millions on continents such as Africa have resulted in the establishment of internationally administered humanitarian emergency zones. Taken together, these mega-cities and emergency zones are part of an evolving geography of segmented space in the global South.¹⁰ In places such as Angola and the Nigerian delta, for example, extraction of resources such as oil and diamonds takes place under the protection of heavily armed, privatized mercenary forces while much of the rest of the territory is left in the hands of local powerbrokers or international non-governmental organizations (NGOs). The state is not absent in such segmented spaces; instead, it has become involved in informal and shadowy networks of warlords, arms traders, and multinational corporations and humanitarian organizations. As James Ferguson has pointed out, the metaphors of flow that have dominated attempts to rethink space during the era of so-called globalization do little to illuminate the honeycombed and uneven spatial scales being produced in the global South today. As the state in the global North undergoes its own process of informalization as a result of what Naomi Klein calls “disaster capitalism,” the segmented spaces of the global South foreshadow the disjunctive states of our collective future.¹¹

Faced with this welter of new spatial scales and with the protean transformation of the state that has accompanied their production, what are the prospects for popular political empowerment? And what are the most effective spatial scales for the achievement of radical democracy? Several of the essays contained in this part of the book offer analyses of the openings and obstacles confronting social movements seeking to promote democratizing and egalitarian forms of relocalization. Jeffrey Bussolini, for instance, traces the spatial legacy of the state of exception initiated by the atomic age.¹² Beginning with the Manhattan Project and the wartime construction of the laboratories at Los Alamos, the US government used the race to build the atomic bomb to legitimate usurpation by federal authorities of local and state-level environmental protection programs in New Mexico. Through a detailed ethnography of nuclear scientists, Bussolini provides a consideration of the paradigmatic ways in which universalizing discourses of scientific and technological mastery combined with the political exigencies of the Cold War to allow federal authorities to invoke a perpetual state of exception.

Government efforts to maintain control of Los Alamos, Bussolini argues, extended from the use of eminent domain to seize the land on which the labs were built to the repeated invocation of secrecy in order to resist local efforts to assert environmental sovereignty. Although his essay provides us with a discussion of the strategies used by local and state-level activists to regain a modicum of control over the land, Bussolini’s overview of this struggle also details the complex stakes in this effort, for many local communities—including some among the Native American groups from whom the land on which Los Alamos was built was taken—felt that they had much to lose were the federal government to withdraw support (and jobs) from the labs. In

addition, Bussolini argues that the success activists have had in asserting more local scales of control is to a certain extent a product of the post-Cold War political conjuncture. While his article does not trace this qualification through to the present moment, Bussolini does suggest that the reassertion of the state of exception following the war on terror's inauguration offers significant obstacles to local activists. Such considerations underline the extent to which questions concerning the efficacy of relocalization strategies—and, by extension, efforts to assert a radical politics of alternative spatial scale in general—are imbricated in particular temporal conjunctures.

If Jeffrey Bussolini underlines the centrality of the world-historical conjuncture in facilitating efforts to assert local sovereignty, Gianpaolo Baiocchi and Sofia Checa highlight the enduring salience of political parties operating on both a regional and a national scale in their analysis of cities as new spaces for the assertion of citizenship claims. Looking at three important nations from the global South—Brazil, Mexico, and South Africa—each of which experienced a transition to democracy during the last decade, Baiocchi and Checa profile the experiments in participatory politics that took place at a metropolitan scale in each nation. As neoliberal forms of global governance curtailed the range of action possible on a national scale during the 1990s, vibrant social movements asserted their prerogative to democratic inclusion through a politics of spatial rescaling that translated into such innovations as participatory municipal budgeting.

Yet, as Baiocchi and Checa argue, these experiments in participatory democracy managed to survive and prosper only when they were articulated to a national political party open to such experiments. Thus, in the case of South Africa, the forms of grassroots township democracy elaborated during the death throes of apartheid were effectively quashed by the ANC once it gained state power following the elections of 1994. While the ANC established participatory local democracy as a feature of post-apartheid governance on a formal level, it tended to practice a top-down politics that reduced such progressive promises to a dead letter. Correspondingly, in Mexico, participatory democratic currents unleashed by the economic crisis of the 1980s remained fragmented and isolated by the clientistic traditions of dominant political parties in the country. It was only in Brazil, Baiocchi and Checa argue, where a new party that arose in opposition to the military junta combined with popular traditions such as liberation theology and the radical pedagogical methods of Paulo Freire, that radical democratic traditions such as participatory budgeting took hold on a local level and spread throughout the nation.

Picking up on the theme of subsidiarity—the shrinking of governance to the most local scale feasible—Gar Alperovitz reminds us of the important philosophical traditions emphasizing subnational scales. As Alperovitz explains, a variety of trends favor the decentralization movements of the future in the United States; these include emerging Supreme Court and Congressional decision-making patterns, the explosion of state-based legislative initiatives,

the impact of global political–economic forces on the current federal system, projected changes in the economy and demographic distribution of the US, and the expanding political power of so-called ethnic minority populations in key regions of the nation. California is a particularly prominent example in this regard, not simply for its size but also because of its increasingly autonomous path of development, an example likely to be emulated by other economically and demographically important states such as New York, Texas, and Florida. For Alperovitz, the US is witnessing a gradual evolution in the opposite direction from that of the European Union, away from a relatively tightly integrated federal system and towards a more loose confederation of regional-scale units.

Throughout his essay, Alperovitz emphasizes the importance of the decentralization movement for new trends toward democratization. A nation that stretches across a huge continent such as the US, Alperovitz argues, will always sacrifice some amount of democracy as a result of its sheer size. Key thinkers throughout the history of the US have advocated various forms of regionalization—Alperovitz draws our attention, for example, to the importance of intermediary bodies in the work of such critics as Amitai Etzioni, who argues that such organs bridge the gap between local institutions and larger government organs in creating transparent governance. Subsidiarity thus becomes a central element in Alperovitz’s scheme for a pluralist commonwealth that fosters greater equality and shared governance in the political and economic realms. This view is particularly important given the triple crisis of neoliberal economics, energy, and the environment in the US today. If the cascading environmental and financial crises underline the myriad hazards of globalization, our increasingly urgent energy crisis is likely to constrain Americans to adopt some form of bioregionalism over the long term. It makes far more sense to begin this process of decentralization in an organized fashion before we are forced through circumstance to adopt it.

As the authors of the first three chapters in this part demonstrate, the specificities of particular nation-states have a large impact on efforts to establish radical democracy on lower spatial scales. We have already seen that transnational scales of political organization have largely been the province of the dominant, corporate-funded organs of neoliberal accumulation by dispossession. Indeed, the principal targets of the global justice movement over the last decade have been international financial institutions such as the World Trade Organization, which have taken the lead in imposing austerity programs around the globe, rather than particular nation-states, which have often needed to be defended from such programs. It is the harsh dictates of these organizations, after all, that have galvanized popular discontent across much of the global South and helped to generate the counter-energies that animate nascent radical gatherings such as the World Social Forum.¹³ While the WSF is considered elsewhere in this collection, one essay in this part examines what is perhaps the only other organ of inclusive transnational political participation on the contemporary world stage: the European Union. What are the prospects

for advancing substantive forms of democratization held out by such a formal transnational body?

Susan George's essay on the "no" vote in France suggests that the transnational scale represented by an unwieldy institution such as the EU is highly susceptible to neoliberal prescriptions and policy initiatives. According to George, the common denominator of the EU as it is currently composed is the centrality of the "highly competitive internal market." Neoliberal economic models have, in other words, assumed priority over the legacy of social-democratic governance as the new European superstate has been rolled out. Given the neoliberal character of the constitution offered for the consideration of French and Dutch voters, George argues, the popular vote of rejection was not, as the elite press represented it, a product of a xenophobic attachment to nationalistic, ethnic definitions of belonging, but rather a call for an alternative Europe grounded in progressive social values. While this may be true, George's account of the new, purposely indecipherable treaty being offered to national parliaments rather than approval by plebiscite is an index of the entrenchment of elite interests in the consolidation of the EU. It is against such interests, however, that George calls for a popular campaign for a social Europe grounded in a set of basic constitutional principles anchored in the common good. If this campaign faces steep odds, it is nonetheless a necessary one given the fact that disunity within Europe engenders precisely the conditions that advocates of neoliberalism count on in their drive to destroy the European social model once and for all. The "Treaty of our Desires" Susan George advocates offers an important horizon of possibility toward which local movements within the diverse nations of the European Union may aspire.

Today, we have far too few such utopian imaginings to offer us alternatives to the bleak realities of the present. The reign of Maggie Thatcher's "There Is No Alternative" (TINA) has been virtually absolute for the last several decades, despite the ideological bankruptcy of neoliberalism. In the face of a gathering systemic environmental crisis, the most prominent reactions of those in positions of power have been denial, equivocation, and brazen profiteering. Even when steps to address the climate crisis have been proposed, they remain half-measures. It is perhaps inevitable that those who benefit most from the status quo should cling to various forms of greenwashing and technological messianism in the face of these daunting facts. Capitalist economies and the cultural worlds they generate are geared to short-term profits, and therefore tend to push questions of intergenerational environmental equity beyond their temporal and ethical horizon.¹⁴ Despite the best efforts of the climate change denial industry, however, myopic hopes that the present system of excessive consumption by a tiny global minority can be sustained indefinitely are getting harder to sustain with each new report of an ecological holocaust in the making.¹⁵ Emphasizing both the magnitude and the urgency of the present crisis, the social movements discussed in this volume offer radical alternatives to the unsustainable status quo.

CHAPTER 5

Activism and Radical Democracy in New Mexico's Nuclear Ecology: Scale and Participation in Citizen Action

JEFFREY BUSSOLINI

The problem of the nuclear state and various sites of research, testing, and stationing immediately presents several quandaries of scale which have long acted to endanger local populations. Simply put, federal jurisdiction, secrecy, and technocracy have acted to shut out local people from knowledge or oversight of processes that directly impact their living spaces and well-being. However, on a fortunate note, at least in some places this shows signs of change as different local actors (governments of US states, Native American Pueblos, activist groups) have begun to open up the processes that formerly left local citizens out in the cold. This paper focuses on the nuclear legacy of New Mexico, a US state distinguished not only by its extreme poverty (regularly rivaling Mississippi for economic vibrancy and school rankings), but by being a major site, perhaps *the* major site, for US nuclear weapons development. The fifth-largest state by area, New Mexico has a population only now approaching two million. Nonetheless, it is home to two of the major national laboratories dedicated to weapons research (Sandia National Laboratories and Los Alamos National Laboratory), a major army testing ground (White Sands Missile Range), and three air force bases (Kirtland, including Manzano Mountain, a major repository for US nuclear weapons; Holloman, base of the F-117 stealth fighter squadrons; and Cannon, home of the 27th Special Operations Wing, which conducts “infiltration, exfiltration, direct action, unconventional warfare, special reconnaissance, counter-terrorism, personnel recovery, psychological operations and information operations”).¹ This heavy military and weapons-related presence is a major component of the state's economy, but it has also shrouded a great deal of sensitive and dangerous work in secrecy that has prevented local populations from knowing just what is going on around

them and what they may have reason to fear (in terms of hazardous substances, potential accidents, etc.).

This essay focuses especially on northern New Mexico and on Los Alamos and the area that surrounds it. Drawing on a long-term ethnographic study of Los Alamos and surrounding communities (such as Santa Clara and San Ildefonso Pueblos, Española, and Santa Fe), here I seek to highlight especially the significant issues of scale that have played into the governance and activism around Los Alamos and the work that goes on there. In general this saga pits federal institutions and Washington decision-making or authority against local populations that have struggled over time to claim more of a voice in the process by which the direction and effects of weapons work are managed. Analysis of several different periods (starting around 1942) shows that there is a trend toward more participation, power, and authority at more local scales of involvement. However, the federal influence remains strong and, given the current context of national security hysteria and the “War on Terror,” is undergoing something of a retrenchment or reassertion of privilege.

As federal actions and institutions are at the historical crux of this matter, the first, somewhat long, section will consider the federal scale of decision-making and policy. Especially important in this regard are the *state of war*, in terms of both the World War II mobilization which saw the establishment of Los Alamos and the continued mobilization since, and *secrecy*, which functions to remove many decisions and programs from the public eye and from normal oversight. The second section addresses the changing role of the State of New Mexico in nuclear oversight over the last decades. The third section concerns the ongoing efforts by Native American Pueblos to gain public recognition and recompense for environmental contamination and land disputes. The fourth section looks at activist groups (broadly speaking, environmental and anti-nuclear groups), who have worked to bring increased public scrutiny to nuclear work and to ameliorate conditions surrounding such work. Thus, in some sense, this chapter traces the descending levels of scale from federal to state to local as they pertain to nuclear work in northern New Mexico. Again, the general trend here is toward more local-scale involvement and action.

The Federal Level—Grand Scale and Distant Authority

The history of Los Alamos is well known: Szilard, Einstein, and others realized the potential for an atomic bomb and feared that German physicists like Heisenberg would develop one for the Nazi state. They convinced President F.D. Roosevelt of the exigency and he in turn set the wheels in motion to establish the Manhattan Project, the wartime enterprise of designing and building an atomic weapon. The Manhattan Project would draw in a number of the country’s and the world’s foremost scientists (Neils Bohr, Enrico Fermi, Richard Feynman, James Chadwick, etc.), and would be headed by the

precocious Berkeley and Cal Tech theoretical physicist J. Robert Oppenheimer (who, unfortunately for him and his colleagues like David Bohm, would later be shaken down for ties to communist groups). Oppenheimer had studied at Göttingen, so he was not only an expert in the new quantum mechanics but knew the German scientific context first hand. The Manhattan Project was distributed in many sites throughout the country, and drew in some of the nation's largest companies, such as Monsanto and DuPont; as such, it could only have been undertaken at the federal scale.

As the Manhattan Project would require a central site for the design and assembly of the bomb, the Army Corps of Engineers (bureaucratic locus of the Manhattan Project) undertook a search for a location that would be geographically isolated and removed from the coasts—both to protect the site from bombardment and espionage (supposedly) and to protect the populations of large cities should the work there go awry and result in a significant accident. Due to his youthful sojourns in New Mexico aimed to correct his poor health, Oppenheimer knew the location of the Pajarito Plateau in the Jemez Mountains near the Rio Grande in northern New Mexico. Soon this was chosen over other sites and the federal government condemned the land of the Los Alamos Ranch School, several Spanish homesteaders on the plateau, and parts of Santa Clara and San Ildefonso Pueblos.² This quick usurpation of land was part of sweeping powers of eminent domain used by the executive branch under the wartime government of the United States. In brief the *state of siege* (to draw on the old term) put the country into a *state of war* in which the usual constitutional protections of individual property, and against government intervention, were suspended of necessity. This use of special executive power in wartime is important for two reasons that concern us here. First, the use of land seizure and decree to set up Manhattan Project institutions at Los Alamos as well as at Oak Ridge, Tennessee, and Hanford, Washington, for instance, was a significant geographical intervention in each of those local contexts and has permanently altered the communities and ways of life around them. Second, in important respects the wartime *state of siege* has never been relaxed, and national security institutions since World War II have frequently drawn on special powers and immunities that have shielded them from public scrutiny. After describing in some detail the wartime government of the United States as a constitutional dictatorship, Clinton Rossiter notes

No democracy ever went through a period of thoroughgoing constitutional dictatorship without some permanent and often unfavorable alteration in its governmental scheme, and in more than one instance an institution of constitutional dictatorship has been turned against the order it was established to defend.³

After the laboratory at Los Alamos had been established in 1943, the work was not only shrouded in extreme secrecy and compartmentalization,

measures that kept the general public and even many project scientists from knowing what was being developed, but was conducted under the sentiment of a race against time—a state of peril in which a Nazi victory in the race for the bomb would spell certain death. Due to this feeling of extreme necessity and danger, environmental and social concerns were de-emphasized in relation to the success of military projects. Also, in part, this was the advantage of the choice of such a remote and seemingly “empty” and “uninhabited” site.⁴ Project workers, almost exclusively from other parts of the nation or the world, often felt that there was no consequence to disposing of radioactive or hazardous chemical substances in the seemingly barren cañons and mesas around Los Alamos.

One scientist, Roger, there at the time of the Manhattan Project, described how this process might take place:

To begin with, aside from the main laboratory complex in “down-town” Los Alamos, there were a number of further-flung sites which seemed a long way off. They were several miles away, and since the roads were often poor, it made them seem even more remote. In those sites you would have a lot of the work on hazardous materials, explosives, and radioactive metals. In many cases those sites were little more than a cabin or a lean-to in the woods, which meant that it was pretty much impossible that some of this stuff was not going to end up in the soil, in the forest out there. I wouldn’t say that we were cavalier about it, just dumping stuff anywhere, but it was hardly a controlled setting either.

He went on to describe how time pressure, the feeling of the race against time, also contributed to the environmental consequences of the project:

We had to conduct a great many experiments, and often under extreme time pressure. We all felt like the monster was breathing down our necks. Usually we were sleeping very little, working long days and nights. It’s a miracle we didn’t lose more guys out there through accidents or mistakes. Well, in that kind of an environment, results expected from up above, from Washington, the preservation and care of the environment were not priorities or orders that we were acting on. They would rather have us dump stuff out there and get set up for the next experiment. We didn’t have any time to lose. And, to tell you the truth, I don’t think the issues about dumping, about contamination, even came up. I suppose that wasn’t even in our minds at the time.

Roger describes a situation which is echoed by a number of other Manhattan Project workers: a feeling of urgency and a military priority which all but ruled

out more than passing attention to the environmental consequences of the work. The notion of the decisive confrontation with the Nazis coupled with the unfamiliar desert terrain removed almost all sustained concern about contamination, runoff, and the like.

Although this attitude may in many respects seem shocking, especially from our current vantage, Roger was also intent to explain that this was not a situation of general license or disregard. He also wanted to correct a salient and often-repeated misconception about nuclear science:

Now I would be the first to agree that much of what was done was undesirable, and now and for some time to come we are likely to be dealing with the aftereffects of ground and water contamination, but I also want to point out that it was a funny time, a different time. We felt as if the survival of the nation and our way of life was at stake, so that changed priorities around. It put things in a different light. If I were doing the same work nowadays, would I do it the same way? No, I don't think so. But, at the time, we felt that there was no other choice. If I found myself in the same situation again, I would do it again.

One sizable misconception is that, somehow, people didn't know about radiation back then, so much of what was done was done in ignorance. That's hogwash. Now, I'd be lying if I said that health physics didn't advance and more wasn't learned over time and about radiation effects, but all of us working there had a pretty good notion of what we were dealing with, at least most of the technical folks. You couldn't have an education in physics or chemistry at that time and be ignorant of it; I mean, we knew about the Curies, radiation wasn't a brand-new thing.

Roger refers to a common line about the development of nuclear science. While some have striven to write off nearly all the excesses of the Manhattan Project as stemming from ignorance about radiation and its effects, Roger specified that it was not the ignorance about radiation but the pressure of the war and the remoteness of the locale that led in particular to the type of contamination that took place.

Roger is not alone in describing this feeling of exigency in nuclear work, and it was not by any means confined only to the era of the Manhattan Project. A number of different workers I interviewed from across several decades at Los Alamos have described similar sentiments placing a crucial emphasis on the speedy conduct of weapons work, often de-emphasizing what might be considered ordinary environmental or safety concerns. The sense of an imminent threat of war and the fear generated by the particularly ghastly effects of nuclear weapons catalyzed a number of workers to the sense that this was an urgent, earnest duty of the national defense. Simply put: if the alternative seemed to be nuclear war, it was easy, even necessary, to cut corners that

otherwise would occupy attention. For the most part these measures of expediency seem to have been taken reluctantly, but there are also indications that the sense of urgency, combined with the secrecy (and associated feeling of importance) of the work, gave rise to a culture in which more stringent safety concerns were casually or cavalierly disregarded or even derided as aspects of personal weakness or ignorance. This is a complicated response, and I will attempt to tease out several dimensions of it based on excerpts below. In brief, we might be able to say that this response involves a few major dimensions: an ideology of expertise in nuclear science (according to which Los Alamos workers represented the forefront of knowledge, and any others were unqualified to comment), the fear of nuclear war or Soviet invasion, the secrecy and national security imprimatur of the work (which gave it an aura of importance), and the general political orientation of those in this line of work toward conservative thinking of some stripe.

As was mentioned above, the feeling of exigency from the Manhattan Project was not lost in the following decades, when some of the biggest expansion (and environmental contamination) took place at the lab. Although the Soviet nuclear test and Chinese Communist Revolution in 1949 certainly kicked the Cold War into high gear, government commentators, such as Robert Bacher, who had been a Manhattan Project physicist, were reporting alarm at the underdevelopment of the US atomic arsenal as early as 1946. The urgency of the Second World War therefore never really abated as new nuclear testing and development programs were immediately put into place. Those who remember this period in Los Alamos recall the relatively brief reprieve following the war. One such person is Carl, who says:

The town certainly changed after the war. And there was a certain euphoria that we had ended the war. Many scientists and their families packed up and went back to other lives that they had been waiting to resume. But some of us stayed on. There were several months during which we were the toast of the town, so to speak, heroes to Washington and, from what it seemed, to all Americans. But it didn't take very long before we had to move into the next stage, and that's why we stayed on, I think. It didn't take long at all before we were being pushed hard to get ready for the Bikini tests and other experiments. The war was over but we were all too aware that there were other threats out there, and that we couldn't afford to rest on our accomplishments. Already we were working down to the wire to get ready for the first Pacific tests, and there were lots of all-nighters and cut corners to get ready for that. It almost felt like the war was still on.

As we hear from Carl, the end of World War II did not substantially change the sense of urgency in Los Alamos, and the eagerness of Washington politicians and generals didn't allow for much slack in the process of experiments and

development at Los Alamos. Respondents like Carl help us to see how this sense of urgency, too, was parlayed into a quick pace of development that often left environmental concerns last on the list. He continues:

I wouldn't say that we were reckless personally or against nature. After all, pretty much down to a man we loved the setting there and that's why many of us had stayed. But I can see now in retrospect that the pressure of the work and the clock that we always felt was ticking drove us to do some things that, in the more routine conduct of science, we would not likely have done. We simply didn't have the time, or the priorities from up above, to worry at that stage about things like run-off of plutonium or the proper disposal of some kinds of hazardous chemicals that we were working with. And, come to think of it, the tests at Bikini were somewhat reckless. I understand that the admirals wanted to see what these weapons would do in sea warfare, but we more or less destroyed that area, and blew the things up out there in the open water! That was damn sure a sight to behold, but you have to wonder what kind of impact that has. I guess we've got more time to stop and think about that now.

Workers from later decades report a similar story of a sense of urgency and pressure from above that focused attention on results and developments, often to the detriment of safety or security concerns. Several scientists at Los Alamos in the 1960s reported that, in the era of the missile crisis and other standoffs with the Soviet Union, emphasis on pushing the envelope and developing new weapons was strong. John, a physicist from that time, recalls that "we had a feeling that there was a very real and direct threat; we felt like we were on the front line." Jim, a colleague of John's, expresses similar impressions about the situation:

There was a clear order of priorities based on a sense of imminent threat. We were always racing against time, and if there was a force choice between getting ready for a rapidly approaching test or working through the results of the last one, and overhauling our work and laboratories to stop all contamination, you can see where the choice was. We were sometimes presented as reckless mad scientists. That's not the case; I mean, we were the ones at risk in there. But, at the same time, we were simply too pressed to pay careful attention to the environmental dimensions of what we were doing. And the simple fact of the matter is that this type of science is going to have such consequences. You can minimize them and control them, try to put them within acceptable levels, but they are always there.

Similar accounts were given by others from the 1950s, 1970s, and 1980s, and this type of discourse is again becoming more prevalent as the work there

seems to be intimately tied to a constant threat that could manifest at any time. The 1990s and some of the early 2000s, by and large, saw the prevalence of an attitude that was also strong in earlier periods, but coupled with the other attitudes just expressed. This attitude was that of technical expertise according to which the workers at Los Alamos were the world's elite in their fields, leaving no one else qualified to evaluate or oversee the work being done there.

Sam expresses this notion very succinctly: "As scientists, of course, we are concerned about the environment. But this is the place of the greatest body of accumulated knowledge about these materials and these processes. It only makes sense that we'd be the best stewards as well."

Steve was another scientist who described this line of thought, according to which technical qualifications and expertancy limit the purview of who would be able usefully to contribute to discussions and policy about environmental aspects of nuclear work. According to him:

ES and H [environmental, safety, and health] concerns are no doubt central to our work. We work with some extremely hazardous substances on a regular, daily basis. I mean, to think about it, would you want to work alongside someone who was reckless or ignorant about this? No. We keep an eye on each other, and we watch out for each other. With very few exceptions we have been working with these materials for a long time, and have had extensive education and training in the properties of these materials. Literally here you have got the people who best understand these things, who know about rate of decay, permeability, and these types of things. The people here are uniquely well qualified to deal with these concerns for three reasons: they have got the best and most specialized training and experience, they work with these materials day in and day out; and they live here, so they have a vested interest in protecting themselves and their families.

Steve makes a convincing case that no doubt motivated many others in his position, as he describes. But there is also an unmistakable appeal to the purity of technical qualifications and self-interest that clearly did not universally hold sway for nuclear workers. This is a motif which also recurs in the conflicts of scale around the New Mexico State Environmental Department and activists claiming more technical oversight of the environmental aspects of nuclear work, as will be seen in sections below.

Some of the interviewees above have described the forms of pressure and authority coming from Washington, or from the federal bureaucracy, that have guided nuclear work. Several of them also touched on the secret, controlled nature of the work, but this is an aspect which bears a little more attention, especially since it serves directly to block public access and oversight of nuclear and national security work even as it reinforces the power and discretion at the

federal scale. On top of the sense of urgency and the notion of technical expertise, most work pertaining to nuclear weapons is protected by a curtain of secrecy and classification. One of the hallmarks of the classification regime is *compartmentalization*, by which projects and areas of work are separated from one another and exchange of information and personnel is strictly controlled. While the general layer of secrecy makes it very difficult for the public at large to have an accurate picture of the goings-on within national security institutions, compartmentalization means that even those within the institution and with high-level clearance (for our purposes here, mostly the DOE Q Clearance, a DOD Top Secret Clearance, or a CIA Sensitive Compartmentalized Information Top Secret Clearance) have only partial knowledge of the scope of work being conducted.

Roy is another Los Alamos scientist who muses upon the problems of environmental control and oversight in weapons work. In part he echoes sentiments expressed above by noting that “you have the biggest concentration of qualified folks here, with the appropriate graduate training and experience to work with these types of things.” But, in addition, he describes how the classification regime would impact the conduct of such work:

Obviously the implications of this work are dangerous and potentially disastrous, which is part of the reason for such careful control over who does it and where it is carried out. Certainly the public has a stake in making sure that this work is conducted safely, but at the same time, for that very reason, it is not the type of thing that can just be thrown open to anyone’s input. The facts, the information in this research, are themselves dangerous and valuable. You simply can’t have general rigorous public oversight of this work because much of it is secret, and to open it up would be to let out some of those secrets.

In addition to the general effect of secrecy removing this work from consideration in the public realm, Roy also describes how compartmentalization served to segment knowledge about overall institutional activities and projects. Even for one cleared and trusted by the government, knowledge about work and experiments is rigidly controlled:

This is something that reinforces the responsibility that we have in working in these areas. We are responsible for the integrity and the safety of our own work. But that goes further. If the average Joe off the street isn’t cleared to know what is going on here, even I, with a Q Clearance and experience here, am not allowed to know everything, not by a long shot. I can and should have an intimate knowledge of the experiments I am working on, including the hazardous materials involved and the possible dangers. But as for the next division [a larger organizational unit at the lab], at the next TA

over [technical area—distinct work and laboratory spaces distributed in different areas of the more than forty square miles of the lab], I don't necessarily have any business knowing about what they are doing, unless they invite me for some specific help. Hell, in certain circumstances, I wouldn't even know much about what guys in my same group [the smallest major level of organizational structure at the lab] are doing. Clearly, this is a situation that reinforces the responsibility of each team to have responsibility and discretion in their own area.

It can readily be seen from these slices of experience that several different factors have served to enshrine and protect the federal-scale authority in nuclear weapons work, and that these have combined in potent ways all but to ignore local input in terms of this very dangerous enterprise. Before continuing on to other sections in which the state and local scales are examined more closely, it is important to point out that action at the federal scale is not monolithic, and that some important changes at that scale served to create openings that have been utilized effectively by those working at other scales.

The 1990s, especially the period following Bill Clinton's coming to office in Washington, witnessed some important changes in how national-level bureaucracies were involved in nuclear work. The pre-eminent organization in Washington concerning such work is, of course, the Department of Energy (formerly the Atomic Energy Commission), which has been responsible for all design and production of nuclear weapons since the 1947 Atomic Energy Act (and the prior McMahon Act). These bureaucracies were created as explicitly civilian bodies with the goal of preventing military services from having total control of all aspects of nuclear weapon production, development, storage, and use. An unintended consequence was that this part of the DOE concerned with weapons (recently designated the NNSA—National Nuclear Security Administration) became in many respects a branch of the military or a fixture of the national security establishment.

In any event, before the inauguration of the NNSA (2000), the 1990s were a time of turbulence and some change within the DOE and federal weapons efforts. Under Clinton's first Energy Secretary, Hazel O'Leary, a major emphasis was placed upon new openness within the DOE complex, especially in terms of environmental consequences and classification. While she certainly did not throw open the floodgates altogether, O'Leary did promote a greater degree of transparency and public accountability about these matters. One step was a thorough classification review and the declassification of thousands of pages of documents judged to have been too tightly controlled—many contained information that had long since been part of the public record in open scientific publications. A combined emphasis was on declassifying material that covered up mistakes, contamination, or accidents that had been controlled for that reason alone. In addition, during this time the DOE promoted more open oversight and knowledge about environmental effects and consequences over

the preceding fifty years. Of course, these innovations met with great controversy within the DOE complex (in the interests of space I pass over a number of valuable field notes here describing opinions on Hazel O’Leary, DOE bureaucrats, and environmental activists), but they did produce real changes.

During this era, declassifications revealed accidents or confirmed instances of contamination that activists and tribal leaders had suspected previously. Perhaps it was inevitable that, with the end of the Cold War, the same sense of urgency and the same level of strict protection could not be maintained. In a related change, US nuclear testing was halted in 1992. If the respondents we heard from above described situations where the pressure of the moment had pushed environmental concerns to one side, this was the period when time caught up with the weapons establishment, and nuclear workers would be pressed into a new emphasis on taking stock and cleaning up. Among the major moves taken in this regard was the formation of several “Tiger Teams” which would sternly evaluate DOE facilities on their safety, accountability, security, and management.

The State Scale—New Mexico Gains Limited Oversight of Nuclear Work

One of the great paradoxes of the particular sleight-of-hand of scale that surrounds much national security work is the way that local communities, or in this case even state governments, can be totally shut out from any knowledge of hazardous work that is going on around them. The example of nuclear work in New Mexico shows this clearly. While this problem has confronted the state of New Mexico as regards each of the national security facilities there mentioned previously, these considerations will focus primarily on Los Alamos once again, and the particular conjunction of factors that it involves. During the Manhattan Project, few members of the state government had any knowledge whatsoever of what was going on in Los Alamos. While this clearly changed after the war, much of this wall of secrecy vis-à-vis state government remained. As the property of Los Alamos was a federal reservation, it was technically off limits from the jurisdiction of New Mexico. This peculiarity of the community there presented some lasting questions about the citizenship, voting status, and taxation of residents of the town, as has been described excellently by political historian Marjorie Bell Chambers.⁵

The uncertain jurisdiction of Los Alamos was somewhat more certain when it came to any inspection or enforcement powers of state authorities over work at the laboratory. For many years, members of the New Mexico Environment Department were told, in effect, that their mandate and authority did not extend to the federal territory of Los Alamos. This presented a pure problem of scale and power, where the state body was severely hampered in looking into legitimate environmental risks within the state’s domain (even if this was, in turn, confined to a smaller federal domain within the state’s borders).

Gary, an environmental scientist who worked for several decades with the state, describes some of the peculiarities and difficulties faced as regards Los Alamos:

It flew in the face of reason. I mean, here you have work and materials that clearly have the possibility of posing a threat to health and safety, and to the health and safety of New Mexicans, yet we were told to all but stay totally out of any observation or oversight there. There were several hurdles, blockades, and walls that were presented to us. They said that we didn't have the right clearances to access the work. They pointed out that, as federal land, it was quite simply off limits from us and our inquiries. Furthermore, they would routinely claim that no contamination was taking place, so there was no cause for concern. The general message was "Stay Out."

Clearly, the conduct of an authentic and vibrant oversight of environmental matters within the state was blocked by such measures. Gary recalls a number of instances where he thought that these barriers prevented the type of oversight and protection that by all rights should have taken place:

When plutonium was found in the Rio Grande, for instance, there was pretty much an elaborate stonewall, the folks from the lab and the DOE bending over backwards to say that either the tests were wrong and there wasn't any plutonium, or that it must have come from another source, maybe from Colorado or elsewhere. Now, of course, any scientist wants to be careful and sure about their conclusions and the causes and sources that they are identifying, but this was often skepticism taken to the level of absurdity!

One can see clearly here the scale clash which blocked citizen knowledge of and engagement in the work conducted at Los Alamos. This was a strange situation in that the risks were borne by those in surrounding communities, but all of the responsibility and authority lay with workers in Los Alamos. Gary found this situation especially vexing:

And, since we had no jurisdiction on lab property, they were pretty much saying "just trust us!" And we had very little choice but to do so. Ironically, even the EPA [the federal environmental bureaucracy] had very limited jurisdiction and authority over Los Alamos, so in essence they were dealing with some of the most dangerous substances known to man, but left entirely up to their own devices in regulation and oversight. You can see why this made many New Mexicans so anxious.

As described previously, this situation has been changing little by little over the past decades. Following on some changes in federal-level bureaucracy,

continued pressure by the State of New Mexico, and organized activism within the state, the NMED (New Mexico Environment Department) has succeeded in gaining a greater degree of oversight and enforcement over Los Alamos. This process, however, has been one of ongoing struggle in which the NMED has had to keep continued pressure on the lab. Evan, another scientist who worked in NMED, describes how this was

a real drawn-out, cat-and-mouse type of game. We were aware for a long time that there was all kinds of work at Los Alamos that we should be regulating, that could affect the air and water quality and the health of New Mexicans, but it was simply off-limits for a long time, or like yelling into the wind. I would say that the 1990s started to signal a change. The Cold War was over and people were asking, “Why do we need these weapons?” There wasn’t the same panic or emergency as before. A natural part of this was that the lab should be more open and accountable to the citizens around it. Secretary O’Leary was a part of this, making it explicit that the lab would have to open up about things that it had instinctively kept secret for years. That provided a first “in” and it became increasingly clear to a lot of people that the state should have more access and say about the work there. It just seems like common sense: how can you have an environmental agency worth the name if one of the potentially biggest polluters is simply allowed to draw its own rules and enforce them for itself? Even an elementary-school kid could see that that won’t work out so well.

Since that time New Mexico has gradually established more jurisdiction over Los Alamos and similar facilities in the state. It bears noting that this also has to do with the state’s assertion of its very pressing need and authority to oversee the Waste Isolation Pilot Project (WIPP) in southern New Mexico, where radioactive waste is now being stored. In any event, the NMED has successfully gained authority over many aspects of the work at Los Alamos that were formerly protected behind walls of secrecy and federal bureaucracy. Groundwater, runoff, and storage of nuclear materials have been areas in which the NMED has been particularly successful in establishing some authority. As Evan points out,

what we previously had to take on faith from the lab we now can actively monitor and issue enforcement and safety orders and fines about. They can’t simply use the excuse of jurisdiction or secrecy. Courts and policy-makers have recognized that the State of New Mexico has a well-founded and compelling interest in watching and regulating the work and the legacy waste of Los Alamos. We’re by no means all the way there, but compared to ten or twenty years ago, the

people of New Mexico have a lot better idea and a lot more say about what is going on there.

While the lab will still try to contest jurisdictional claims (for instance, arguing that only the DOE or the EPA has jurisdiction to monitor some kinds of waste, especially radioactive) and the ideas about the lack of proper technical qualifications outside the lab still crop up (several Los Alamos scientists expressed reservations about the scientific competence and ability of NMED staff), it is unquestionable that the state has gained more authority and that much of the lab management has accepted this new turn of events and works with it—after all, the lab now routinely describes “environmental stewardship and remediation” as one of its important missions. Now it is clear that the lab is legally obligated to be compliant with New Mexico laws and agencies as well as federal ones, and this alone is a significant shift in scale and citizen engagement.

The Pueblos and Nuclear Work—Legacies of Support and Contest

New Mexico’s unique history made the place the site of multiple crossing scales and agents of authority long before the nuclear industry was set up there. The state has the second highest proportion of Native Americans of any state, and the Treaty of Guadalupe-Hidalgo and other measures gave it a number of federally administered and semi-autonomous zones. The Pueblos of Santa Clara and San Ildefonso border Los Alamos and both have been heavily tied to the history of the place. Both Pueblos lost land when the laboratory was initially set up. Both also have contributed workers of various kinds to Los Alamos and generally welcomed the newcomers who came for nuclear work.⁶ As with much of northern New Mexico, the Pueblos have a complicated, mixed relationship to the lab. While many workers from the Pueblos have indeed been employed at the lab, as the closest contiguous communities they have also been most subject to contamination, especially since they are below Los Alamos in elevation and thus susceptible to the runoff of hazardous materials.

Peter, a Santa Clara Indian, describes some aspects of the complicated relations between the Pueblo and the lab:

Now, people around here are by no means totally anti-lab, since many of us have worked there and that can be a great opportunity. But we also know that what goes on there is dangerous, and that we are the closest neighbors, so that we have been at risk, like it or not. If there was a major accident, our homes would be doomed. But there have been other accidents over the years that have affected us and that they were pretty tight-lipped about. People resent that and feel the injustice of it.

Peter refers to a persistent source of tension between the Pueblo and the lab: a history of “minor” accidents and contamination at the lab that are thought

to have affected the residents of Santa Clara. Although such instances seem to be common knowledge among Santa Clarans, official recognition of them has not been forthcoming. Peter describes contamination from radioactive air pollution, water runoff, and waste storage nearby. He says that this resulted in increased thyroid and other cancers, describing an aunt who had died from thyroid cancer:

The spike in cancers, especially cancers of a certain kind, is too much to be a coincidence so close to such a source of radiation. It would seem that scientifically that's the clearest answer. People know that there have been accidents, burning of waste, storage of radioactive waste outdoors. We are downwind and downwater of Los Alamos. That's what we thought about with my aunt.

The proximity to the lab, the increase in cancers, and the fact that many Santa Clarans worked at Los Alamos led to widespread knowledge that there could be a good deal of risk to their home. If the federal scale of laws and regulations in Washington was a distant authority that enabled the peculiar remove of Los Alamos in a juridical sense, this was the local scale of the direct neighbors of the lab. Peter says:

My uncle worked at the lab, and [saw] things that made him doubtful about safety and the environment. I think that made it twice as hard when his wife was sick. Since he had worked up there a long time I think that he felt guilty about it. He couldn't have done anything, and he didn't say anything about it, but I think it made him feel responsible for her illness. But then again, what could he have done? It was just because we were living right there, next door to the lab and the waste dump.

Mary describes a similar account to that of Peter concerning knowledge about contamination from the nearby lab. She also says that she is concerned about related illnesses and friends who have cancer. She too worked at the lab so she shares a certain economic tie, she notes, even when she felt "a lot of fear and worry about the place." She says that such sentiments were more or less common: everyone was scared but also many had worked at the lab themselves. That that could lead to "some split loyalties, feelings of obligation to the employer." But, she says, nonetheless people understood what was going on and were angry about it.

Mary explains that a critical attitude about Los Alamos wasn't new, either, since some Santa Clara land had been seized for the nuclear site. According to her, "people of that [her grandparents'] generation were glad to make that sacrifice to the war effort during that time of war. But they were shocked over time to see what was made of that land and what came out of Los Alamos." To

boot, there was always discontent and “anger about the way the land had been taken, in a very abrupt, official way by the government, with very little regard for their [her grandparents’ generation] uses for that land and no compensation or recognition.” She says:

The memory survived a long time, and even in my generation most of the kids knew about how they had taken that land from Santa Clara and how there were some sacred sites there where they used to go. Ancient sites of those who had lived on this land long before. Anyway, people knew that land was taken from the Pueblo and some were angry still. So much so that, through courts and negotiation with the lab, some of the lands were returned, but that took such a long time, and not all of it was given back.

In any event, she says, the critical distrust with the land seizure was intertwined with the anger and fear about contamination. So activist organizations and the Pueblo government, in addition to pushing on the issue of the usurped land, sought successfully to get more information and documents released concerning earlier accidents and contamination as well as ongoing storage and runoff. These came as no surprise as they confirmed the conventional wisdom among Pueblo members who had worked at the lab that there was cause for concern. Mary describes how these ex-lab workers organized and met to “discuss what they had seen and what they thought about the level of risk. What they had seen over the years up there [in Los Alamos] that could help to understand the situation that we might be in.” And, she adds,

to start to discuss some specifics about what operations or projects were going on that endangered the Pueblo. They started to realize that as neighbors and as workers, part of the lab, they could speak out about their stake in the process. This led also to where they were suing the lab and the government, targeting specific actions that were going on or planned that could harm Santa Clara. Not only that, they started to be successful at it and stop or change some things.

Jose, from San Ildefonso Pueblo, a little south of Santa Clara, describes some of the same situations as those related by Mary and Peter in Santa Clara. He says that San Ildefonso land was taken to found the lab, that many San Ildefonsos worked at the lab, and that there was concern and wide knowledge that contamination had affected their home, resulting in an increase of thyroid and other cancers:

My grandparents would always talk about how some of the Pueblos’ land was taken to make the lab, and about how they had always wanted to go back there and that there were some fantastic old houses and kivas there that were beautiful, more than Bandelier [a national

monument on the other side of Los Alamos, the west side, while San Ildefonso and Santa Clara are on the east and northeast sides; Bandelier has several sets of Anasazi ruins and kivas as well as sacred sites like the Stone Lions]. They said some of the things up there in Los Alamos, the old houses, were magnificent.

Jose also says that the sensibility like that described by his grandparents is alive through much of the Pueblo and that people have never forgotten over the years what land was taken. They have successfully campaigned to get some of it back through organized activism, lawsuits, and negotiations with the government. He claims that the “land issue was always there, on everyone’s mind, even if they worked at the lab. Hell, they probably thought that they had a right to go back there since it was on our land!” He explains that that was why the issue survived, and remained an issue fought for by the Pueblo.

Jose details how San Ildefonso, too, was all too aware of contamination and runoff from the lab. Members of the Pueblo knew that some high-level waste sites were located very near to San Ildefonso land, and that they were sited near extensive Anasazi ruins on the lab’s land. As cancer rates became a concern, too, he says:

The Pueblo thought that it had the right and the responsibility to speak out. That, since what would go on at the lab would directly affect us, we had the right to comment on it and have a stake in the process. We learned also how to use the courts and parts of the federal government to delay or stop some actions at Los Alamos. There were activists, too, who were glad to join us to achieve some of those actions, and it was an important step in bringing some accountability to the lab for us.

San Ildefonso and Santa Clara, adjacent to the lab and “donors” of land to it, have similar situations of economic and environmental interdependence with Los Alamos. And both have been asserting their claims over lab work and the land through organizing, information gathering, public awareness, lawsuits, and other avenues. Pojaque Pueblo, a little east of Santa Clara and San Ildefonso, is not contiguous with Los Alamos, but it does straddle the main road that leads to Los Alamos. They have used a different form of place-based activism in closing the road which is tribal land and thus autonomous from other state and federal jurisdictions. Applied as a tough pressure tactic in negotiations and standoffs with the lab and the federal government, this very effective tactic usually produced rapid concessions.

Citizen Action on the Environment and Nuclearism

Another major aspect of the shift in the last decades toward decidedly more citizen engagement with the nuclear state in New Mexico is the presence of

many dedicated activist groups and nongovernmental organizations. These groups, especially environmental and anti-nuclear groups, have mounted a continuous campaign over the last decades to garner more information about Los Alamos and weapons work, and to try to intervene in the policy process around this work. Like the Pueblos of the last section, these activists realized that ordinary New Mexicans were at risk from the work going on but covered in secrecy. Some groups have focused on air or water quality, while others have attempted to redesign or shut down the lab. In truth, most of the groups seem to have a stake in all of these issues in one way or another (although some advocate the lab's outright closure, while others do not).

Some of the areas where these groups have been successful are gathering information and documents, often through FOIA, to catalog the nature of the nuclear work in the state and the materials used at various sites, supporting whistle-blowers who report unsafe conditions, increasing public knowledge about nuclear activities in the state, and taking part in litigation to block or expose dangerous practices, often partnering with the Pueblos or with former employees who felt that they had been wronged or made ill. Extensive collection of information has started to give a better picture of the nuclear work by pushing back, to some extent, the curtain of secrecy and compartmentalization.

Josh, one organizer who worked with a few different activist organizations in northern New Mexico, lists some of what he believes are the biggest advances of organized activism:

Well, first of all, I would say making these things issues over many years in New Mexico, beating back the secrecy and the deep sense of an economic commitment to these institutions here. Part and parcel with that too is forging coalitions among different towns and different groups who all share similar risks and visions. So, people in Carlsbad by WIPP working with people from the Pueblos near Los Alamos working with Navajos and Lagunas affected deeply by uranium mining, rather than everyone facing uncertainty and the government alone. Then, some targeted strategies which have succeeded in stopping or slowing down dangerous practices.

But, he continues, "there is so much more to be done, and really we are just barely starting to crack the surface of finding out what has been done, what substances are around, and establishing real public control of the processes." While clearly he is right that much more needs to be done, the advances he cites are important signs in themselves: the fact that secrecy has been pushed back enough to yield good general knowledge about secret work and to allow individual groups to intervene over specific projects and dangers, in addition to drastically increased state oversight, and the forging of partnerships among many people similarly affected by nuclear work to gain strength against a

monolithic federal bureaucracy, were all on the horizon but dogged with doubt a few decades ago.

Murphy, an activist who has devoted nearly two decades to organization, raising awareness, and action around nuclear issues, agrees that the battle is just beginning, but also describes what he sees as major contributions of activism with respect to nuclear issues:

Pushing on environmental issues is a big one. By banding together, giving people the strength and the voice to assert their claims over this nuclear work and clean environment, that makes a big step. In that way we have often worked with the NMED to open up the secrecy and get some knowledge and authority over what is going on. But we have also pushed and criticized NMED in the instances when they don't go far enough, when they strike too conservative a compromise. That's important because they have been fighting a battle too for more openness, but we want to make sure that they have the impetus to keep moving toward more openness, and higher levels of responsibility.

Chronicling information has also been a huge and important contribution. When you have to fight one little piece of information at a time out of the government you realize that it is very valuable, even if it seems insignificant or like it is out in the open domain now, they can always take it back in, reclassify it, or try to find some pretense to remove it from the record. So just adding up and preserving all of these pieces of information is an important contribution. You can see why if you think about the last few decades. In the eighties it was still high Cold War and there was extreme secrecy. In the nineties as things loosened up and Clinton was in office many things started coming out. There was a kind of soul searching or pendulum swing when there was a big opening and at least the beginning on a making good for many excesses. A lot of documents and information came out at that time. Declassification was an initiative.

But then think of what happened after September 11 (and you already had some rumblings of it before then), a big new emphasis on security, and many of the same documents were classified again, even if they had been in the public sphere. You could no longer access the information from lab sources like the library or the reading room. If activist groups and organized citizens had not maintained much of this information through painstakingly combined reports and accounts, much of the Cold War legacy of contamination and dangerous work could have been lost. Efforts today are still building off of those documents and bits of information that now can't be swept under the rug.

Through building bridges, collecting and storing information, and increasing public pressure, these activist groups have introduced some changes in New

Mexico's nuclear landscape. Sara, another activist in New Mexico was drawn there by the nuclear issue, notes another strength of the organized advocacy in the state:

That was introducing independent expert scientists to analyze data on contamination and environmental concerns. NMED has been fighting LANL to get more jurisdiction and ability to collect and analyze data. But sometimes they don't go far enough, or they have to be focused on certain issues or don't have the funds or workpower to follow up other studies. Activist organizations have been able to sponsor and focus on some other studies that were conducted by independent scientists, not working for either government [federal or state] but who have good scientific credentials and techniques. That's an important spin on the process, I think.

Emily feels activists have served a crucial role in

linking the issues in nuclear work to fundamental causes like clear air, contamination, and clean water. The straight-up anti-nuclear message is urgent, and finds a lot of appeal and support here in New Mexico, but given that there are so many people who work in the industry, that can antagonize them right away. But, hey, even if you work at Los Alamos or Sandia [national labs] or at White Sands [missile range], you are still as affected by what is in the air, the water, the soil, as someone who *lives* here. That has been a way to emphasize something that impacts everyone, and bring them around to the anti-nuclear issue by their own self-interests.

She notes that this “didn't work with everyone, but it was an important part of state activism, and had gotten many people involved who probably would not have been otherwise. And that has helped to make these consistent issues in the state.”

While much more can and should be done, it can also be seen that through organizing and action local citizens have succeeded in partially redefining nuclear issues and in winning some victories in the process of exposing and modifying these practices. It should be pointed out, too, that some of the environmental activism has sprung from and partnered with other activism about the ecological consequences of ranching (grazing) and mining, two other environmentally dangerous industries that have thrived in New Mexico. Activists of various types and backgrounds have succeeded in taking back some local authority from distant federal bureaucracies.

Ed Grothus at Activist Ground Zero in Los Alamos

No discussion of scale, citizen participation, and activism in Los Alamos would be complete without some mention of Ed Grothus, Los Alamos's original dissident (although he may now be given a run for his money by the "Caveman," an eccentric physicist and computer scientist who was found living down the cliffside from the Los Alamos DOE office in a cave which he had fitted with a solar-electrical system and in front of which he was growing a plot of marijuana). Ed worked at the lab for several decades before he got disillusioned during the Vietnam War and quit. He then operated a jewelry and curio shop in town, the Shalako Shop, where my own grandparents would never shop, "since it was run by communists." Ed also bought large quantities of laboratory salvage and sold much of it on to promote scientific development in other countries.

He has made a kind of ongoing monument to what he calls the outright evil of Los Alamos. Ed himself is a kind of living monument, living into his eighties and providing the town's lone but sustained activist voice for decades. You can count on him to protest against the lab on nefarious anniversaries and to insist continually that nuclear weapons and war are wrong. Whenever there is a major conference or event, whenever a politician comes to town, Ed will be there, usually with his purple camouflage pants and a placard. He writes letters to the editor and, like Socrates, he influences the youth of the town who are questioning their surroundings.

In addition to his physical presence and one-man activist machine (he is the first to admit that he works with others, but I mean here that he has been a one-man institution of activism in the length and commitment of his project), Ed has created two of the most memorable and meaningful places in Los Alamos. Atop "Conoco Hill," where it crests after passing by Quemazon and past the old Pueblo junior high (closed in the mid-eighties), and before Diamond Drive dips back down to the golf course, on the left a little way back is Ed's "Black Hole," a disused Piggly Wiggly grocery store that has been converted into an activist and education center, a salvage yard, and a junk heap. One can marvel at what Ed has collected there over the years: computers and sensors of every variety, resembling science fiction of several different eras; vehicles; common tools and pipes; and casings for munitions and missiles. Ed sells junk out of here and is glad to give any visitors some information and perspective on Los Alamos. Adjacent to the Black Hole, in an old church, he has his own (or rather the public's) spiritual center, which he calls the "First Church of High Technology," where he conducts "bomb unworship services" and "turns wine into water."

Recently, Ed has also purchased two massive stone posts which he plans to make into monuments to the evil of nuclear weapons and the nuclear age. He has had them delivered to town, but thus far the incorporated city-county government of Los Alamos has used ruses and dissembling to prevent him

from erecting the monuments, which many town residents claim they would find “embarrassing.”

Through this sustained activist engagement, Ed has made Los Alamos a pilgrimage point not only for those visitors enthusiastic about or fascinated by the bomb, but for a great number of activists and peace seekers around the world, and he has appeared in news stories and accounts the world over. Many visitors come to town expressly to see him and his Black Hole; they may also take in the “official” Bradbury Science Museum, if they have time. There can be no doubt that at the most local of scales, within the town of Los Alamos itself, Ed Grothus has succeeded in changing the discourse about the place, both among Los Alamosans and for the world at large.⁷

Cities as New Spaces for Citizenship Claims: Globalization, Urban Politics, and Civil Society in Brazil, Mexico, and South Africa in the 1990s

GIANPAOLO BAIOCCHI AND SOFIA CHECA

Introduction

If the 1980s were widely considered a “lost decade” for some parts of the developing world, a retrospective look at the 1990s finds much less consensus in the literature. Scholars looking to the global South find contradictory patterns of economic globalization, the deregulation and liberalization of national economies, the decentralization of national states, and tentative steps toward democratic consolidation. Particularly contested is the understanding of decentralization that nearly universally occurred in the developing world. For some it is proof of the positive impacts of globalization, as bloated and corrupt national-level bureaucracies were dismantled in favor of presumably more responsive local units. For others, the weakening of national states meant the erosion of their regulatory capacity to assure the minimum conditions for democracy. Some scholars have greeted with “alarm” the potential impacts of globalization on democracy, when only recently many had greeted the most recent “wave of democratizations” with a great deal of optimism (Markoff, 1999). A third position is held by those who focus on the way that globalization has altered the “socio-spatial scales” of the functioning of states (Keil, 1998; Brenner, 2004a; Swyngedouw, 2004; Jessop, 2000; Weiss, 1997). As the state “hollows out,” it does not just “wither away” but its functions are displaced into newer or altered lower- or upper-level state institutions, where new dynamics of political contestation emerge. In many settings the local urban state has emerged as an especially important site, because it is more porous than national states and is situated “in the confluence of globalization dynamics and increased local political action based in civil society” (Keil, 1998, 632).

We consider in this chapter the ways that this rescaling created conditions for bottom-up democratic innovations in places like Brazil, South Africa, and Mexico. All three are large and regionally important countries that rather recently grew out of authoritarian regimes and experienced significant decentralization in the 1980s and 1990s. While in all three countries there appear instances of bottom-up innovations that seize upon new institutional openings at the municipal level, only in one did these experiences become more lasting and diffused nationally (Brazil). In the others, these instances either did not become routinized or, if they did, they remained isolated. We explore combinations of actors in political and civil society that are able to seize upon what has been referred to as the “supply of opportunities for participation at the municipal level” (Yáñez, 2004, 819). Our argument in this chapter for the divergent trajectories makes two principal contributions to the literature. The first is that we wish to recast the importance of agents and agency in debates about globalization, and more specifically, constellations of actors who coalesce around local states in determining outcomes, offering a corrective to a literature that sometimes proceeds as if actors do not exist or matter. The second is that we highlight the importance of political parties, rather than the more fashionable and elusive “civil society” as *the* important actor in determining the appearance and trajectory of municipal democratic innovations. Specifically, we point to party–civil society relationships, emphasizing practices that translate civil society innovations into institutional changes, but doing so without co-opting civil society actors or drawing them into the realm of legitimating political platforms.

As we argue below, in addition to the rescaling of the state and transition to formal democracy, all three countries had in common active civil society organizations that at different points advocated municipal democracy. The difference lay in the different configurations of actors in political society who emerged to translate these demands into policy. In Brazil, the first democratic constitution of 1989 established decentralization reforms, and by the mid-1990s there were a number of municipal experiments in direct democracy, most notably cases of participatory budgeting diffused by local administrations of the Workers’ Party (Partido dos Trabalhadores, PT). The PT engaged civil society actors in a way that translated their innovations into such policies as Participatory Budgeting, but without co-opting these actors. In South Africa, the national ruling political party, the African National Congress (ANC), engaged civil society, but in doing so it attempted to control it in a top-down fashion, resulting in stalled or limited instances of municipal democracy, despite an officially mandated national program of municipal democracy. In Mexico, party–civil society dialogue was much more circumspect, with the main party that dialogued with civil society, the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), having limited contact with civic organizations and sometimes reproducing clientelist patterns, resulting in fragile and isolated instances of municipal democracy. After

discussing the context of decentralization and the framework upon which we draw, we focus on each of our cases, then address the implications of these emergent forms of city-based democratic experiments.

Globalization, Rescaled States, and New Political Ecologies

The “decentralization of government”¹ has been a catchphrase for policy-makers throughout much of the developing world since the 1980s. These policy-makers argued that a less centralized state would be less bureaucratic, more responsive, and more efficient. The push for decentralization has become part of the new development consensus among international financial institutions and donors.² Prompted by fiscal crises of national states and structural adjustment programs, decentralization and local government reform have been among the most widespread trends in the developing world, with virtually all democracies now having elected subnational governments with greater responsibilities than before (Smoke, 2001; Blair, 2000; World Bank, 2000: 103).

Decentralization reforms have not lacked critics. Some have pointed to the difficulties that developing countries have faced in trying to implement decentralization and argue that in spite of its vast scope, “decentralization has seldom, if ever, lived up to expectations” (Rondinelli et al., 1984, 1). Others have argued that decentralization reforms have not produced benefits for the poor, and have, in many cases, simply reinforced the power of local elites while lowering the quality of public services (Johnson, 2001; World Bank, 2000).

Schonwalder (1997) has identified two different approaches to decentralization in the literature. The pragmatic approach is usually adopted by multinational institutions and international aid agencies concerned with governance, and for whom a “one-size-fits-all” blueprint of decentralization is usually guaranteed to be a success, unless planned or implemented incorrectly. The political approach puts politics at the center of its analysis, and is often concerned with empowerment, if at times romanticizing local communities and “not going far enough in its treatment of the political context of decentralization” (Schonwalder, 1997, 761).

In this chapter we consider the political context of decentralization reforms, specifically focusing on the institutional opportunities afforded by decentralization and the nature of actors who seize those opportunities. In all three countries, the shift of responsibility of state provision of services to the municipal level opened up possibilities for local actors, but these actors were unequally able to seize the opportunities. Central to our story are the nature of the relationship between local civil society actors and actors in political society and the linkages between them. Scholars of democratic innovations have pointed to the specific institutional and political contexts that made such innovations possible (Markoff, 1999). A relational approach to civil society developed elsewhere (Baiocchi, 2005) is attentive to structured “rounds” of state–society interactions in which, at each turn, the balance of power and

institutional legacies of previous turns of interactions limit some possibilities, but also open other ones (Migdal, 2001). We are especially attentive to local “political ecologies,” a shorthand way of referring to the “interconnected, interdependent, and complementary set of actors” in civil and political society (Evans, 2002, 22). The role of political parties in these political ecologies has been less explicitly theorized. Starting from the definition that civil society refers to the practices, networks, and organizations of voluntary life, and the assumption that it is in civil society that new identities and demands from the social are organized, we now build upon the state–civil society regimes framework, which considers in broad terms how relations between states and civil society mutually shape each other. We explicitly consider the role of institutionalized intermediary agents between states and civil society. Social movement scholars and civil society theorists have, by and large, been skeptical of the role of actors in political society in promoting democracy-enhancing outcomes. First, it is important to note that modern parties blur boundaries between “system” and “lifeworld” and that they are extremely varied in this regard. They may be more rooted or have origins in either; that is, political parties may have broad, mass-based memberships that are important to their existence, or be based entirely on bureaucracies directed at the government. They may be borne of social movement activism or have origins among civil servants. But what makes political parties important players is this structural position of intermediation. Because no matter how blurred the boundaries with civil society (as descriptions like “social movement–party” evoke), what distinguishes political parties from civil society is a distinctive institutional logic based on the domain of activity, and no matter how distant from the lifeworld and civil society, political parties necessarily have a relationship with it.

We draw upon a review of descriptions of local experiments in democracy in the three countries.³ The comparative analysis of urban governance is still in its early stages, and here we seek to uncover the “complex causalities” that emerge when simultaneously considering national regimes and local contexts embedded within those national realities (Pierre, 2005). That is, we seek to consider the way national contexts and local constellations of actors interact with these national frameworks. We take as our outcome of interest overall national patterns in success and the diffusion of bottom-up innovations. “Success,” then, in the terms we consider, means whether innovations exist that are successful, and whether those are diffused. In all three cases there are instances of bottom-up innovations, which taken by themselves would be a success, but in only one of the cases (Brazil) were the innovations lasting and later copied throughout the country. In the case of Mexico, such innovations exist, but do so in relative isolation. While in South Africa, it is less possible to speak of diffusion as much as top-down “institutional monocropping” (Evans, 2004) under the leadership of the ANC.

Decentralization and Democratization in South Africa, Mexico, and Brazil

Although decentralization in all three cases was mainly a top-down initiative, it had different results in the three cases. In Brazil, which has a longer history of decentralized government as well as more decentralized political parties, for example, civil society had a much greater influence on the kinds of decentralization policies that were implemented. In Mexico, the deepening financial crisis, pressures from international financial institutions, the growing strength of opposition parties, and the ruling party's need to regain legitimacy in the eyes of the public in the 1980s led to the initiation of decentralization. In South Africa, the decentralization initiatives came about as a result of the transition to the post-apartheid era and were meant to help reverse the effects of apartheid-era policies.

South Africa's transition to democracy was followed by the decentralization of the national state. After the end of apartheid in the mid-1990s, the ruling African National Congress (ANC) proposed a number of changes to South Africa's federative structure to reverse apartheid-era planning features. It officially endorsed local participation, producing a "white paper on local government" to that effect in 1998. The 1993 Local Government Transition Act undid racial divisions in planning, while the 1996 Constitution provided for substantial decentralization, raising the level of autonomy of local governments. South Africa is today composed of 9 provinces and 284 local authorities (district councils and municipalities) (GFS, 2004). After the first democratic provincial elections were held in 1994, local authorities were composed as a result of a three-phase process ending in 2000. By that time political decentralization was achieved through: members of local councils being elected through popular elections; local authorities having independent constitutional authority and protection against arbitrary dismissal by higher levels of governments; and the existence of provisions of popular recall of local officials (Shah and Thompson, 2004). The degree of popular participation in local elections has also been high. At the same time, the new system of decentralization in South Africa has also been accompanied by a certain amount of centralization, such as the introduction of provisions for metropolises to be run by a single metropolitan council, and the government's decision to reduce the total number of municipalities from over 800 to fewer than 300 (Wittenberg, 2006).⁴ In terms of administrative and fiscal decentralization, provincial and local governments share authority over a number of functions, while municipalities have complete authority over only some legislative matters. Provinces are awarded considerable autonomy in terms of social service provision, but the central government, on the insistence of the ANC, retains policy-making and coordinating functions, as well as final control over health, education, and welfare decisions (Wittenberg, 2006).⁵

In terms of fiscal decentralization, representatives of provincial and local authorities are consulted before the national budget is discussed in parliament.

Once the total allocation of revenue to all provinces is determined, the allocation to each province is decided on the basis of a broadly distributive formula based on need and competence, as are allocations to municipalities (Wittenberg, 2006).⁶ The share of subnational government in the national budget usually does not fall below 40 percent of the total revenue, the bulk of which goes to the provinces, which are highly dependent on the central government, while local government, on the other hand is much less reliant and has become even less so in recent years (28.1 to 13.6 percent). Subnational governments have the authority to set the rate and base of local taxes (Shah and Thompson, 2004).

In Mexico, the deepening financial crisis, pressures from international financial institutions, the growing strength of opposition parties, as well as the ruling party's need to deflect democratic demands and regain legitimacy in the eyes of the public in the 1980s led to the initiation of decentralization. Even though local and regional elections had taken place almost regularly since 1917, it was not until 1983/1989 that any opposition party won local/regional elections. While members and heads of local councils are elected through popular elections and local officials can be recalled through popular pressures, there is no constitutional safeguard against arbitrary dismissals of local government by higher levels of government. In terms of administrative decentralization, Mexico ranks lowest in comparison to Brazil and South Africa (Shah and Thompson, 2004). The local government has limited authority over health, education, and welfare as well as the majority of municipal services, and shares responsibility with the regional government over services such as urban transportation, urban highways, police, drinking water, and sewerage.

The degree of fiscal decentralization in Mexico is also relatively low. Probably owing to the difference in responsibilities of the local and regional governments and the fact that neither has the authority to set the rate and base for local revenues, the regional government is much more reliant on the central government for its expenses as compared to the local government (almost 50 percent, as compared to 12.8 percent in the year 1998). While the share of local expenditures in the total government expenditures was almost the same as its share of total tax revenues in 1998 (approximately 5 percent), the share of regional expenditure was much higher than the share of its revenue (25.4 percent as compared to 13.3 percent).

Brazil was undergoing financial difficulties and a transition to democracy in the 1980s. A mixture of such factors as a national economic crisis, pressures from international financial institutions, and increasing local campaigns for improved social services led to the introduction of decentralization reforms in the 1980s. The institutional opportunity created by Brazil's decentralization was seized by civil society actors represented in the PT and schooled in Brazil's urban social movements of the 1970s and 1980s. With a political system consisting of a federal district, 27 states and 5508 local authorities (GFS, 2004), the first democratic subnational elections since the installation of the military dictatorship in 1964 were held in 1986 on the regional (state) level and in 1988

on the local level. Brazil has undergone a rather higher level of political decentralization, with the members and heads of local councils being elected through popular elections, the availability of provisions for popular recall of local officials, and constitutional safeguards against the arbitrary dismissal of local governments by higher levels of government (Shah and Thompson, 2004). It has also at the same time experienced higher levels of administrative decentralization. Subnational authorities have complete or shared responsibility over all municipal services, education, healthcare, and welfare, with the local government having complete authority over waste collection as well as primary and preschool education. It also has the freedom to hire/fire/set terms of employment of local government employees.

In terms of fiscal decentralization, Brazil again seems to be ahead of both Mexico and South Africa. While the share of expenditure of local and provincial authorities in total government expenses in South Africa is relatively higher than in Brazil, the combined share of local and provincial governments in total tax revenue is higher in Brazil. This difference is mainly due to the high share of provincial government in total tax revenue. The local government is much more reliant on central government revenues to fund its expenses, as compared to the regional government as well as to local governments in Mexico and South Africa. Subnational governments in Brazil have the authority to set the rate and base of local revenue, and the ability to borrow from both domestic and foreign banks, as well as issuing domestic and foreign bonds (Shah and Thompson, 2004).

The status of decentralization is summarized in Table 6.1. By the late 1990s, local expenditures accounted for 15.9 percent of total expenditures in Brazil,

TABLE 6.1 Fiscal Indicators of Decentralization, 1988–1998

| | Year | Brazil | Mexico | South Africa |
|--|------|--------|--------|--------------|
| GDP, current prices (billions of US dollars)* | 1998 | 775.5 | 420.9 | 133.9 |
| Local expenditures (% of total expenditures) | 1988 | 9.8 | 2.4 | n/a |
| | 1998 | 15.9 | 5.1 | 18.0 (2001) |
| Local government's share in total tax revenue | 1988 | 2.2 | 3.4 | 3.7 (1996) |
| | 1998 | 4.2 | 5.4 | 5.0 (2001) |
| Regional expenditures (% of total expenditures) | 1988 | 20.7 | 10.3 | n/a |
| | 1998 | 28.6 | 25.4 | 35.1 (2001) |
| Regional government's share in total tax revenue | 1988 | 26.4 | 15.9 | 0.5 (1996) |
| | 1998 | 26.4 | 17.3 | 0.6 (2001) |
| Reliance of local government on central government's revenues* | 1988 | 52.6 | 3.1 | 28.1 (1996) |
| | 1998 | 60.4 | 12.8 | 13.6 (2001) |
| Reliance of regional government on central government's revenues** | 1988 | 20.2 | 1.5 | 92.9 (1996) |
| | 1998 | 21.4 | 49.1 | 99.3 (2001) |

Notes: * Transfers from other levels of government as a share of local government expenditure; ** transfers from other levels of government as a share of local government expenditure.

5.1 percent in Mexico, and 18 percent in South Africa, a significant increase in all three cases. State, or province-level, expenditures were 28.6, 25.4, and 35.1 percent, respectively. To put it differently, between state and province expenditures, decentralization meant that each of the countries was spending between a third (30.5 percent in Mexico) and a half (53.1 percent in South Africa) of its budget at the subnational level by the late 1990s. Each of the countries had electoral competition at local levels, which now also had greater authority on the nature of that spending as well as on policy prerogatives. Each of the countries also emerged out of the authoritarian period with a civil society legacy of participatory democracy. We discuss below why this legacy was more readily translated into institutional innovation in some contexts than in others.

Movements and Experiments: Three Cases

South Africa's Co-opted Local Democracies

The South African case is an intermediary and paradoxical one. On the one hand, civil society practices and discourses have become part of the way government is run in South Africa as a whole, and local government is no exception, including numerous participatory schemes. On the other, accounts of the way that participation has been institutionalized show that it is severely curtailed by the ANC party hierarchy. Over all, though, observers and scholars alike have been skeptical of the government's attempts, despite a rhetoric of "active involvement and growing empowerment" of the population (Deegan, 2002, 51). While a number of local development projects with a participatory component were carried out throughout the country, these had mixed results in either promoting development or fostering participation (Lyons et al., 2001). This is a paradoxical case because not only are significant resources and responsibilities shifted to local governments, but because, coming out of apartheid, South Africa's civil society has a distinctive history of mobilization and activism.

Under the umbrella of the anti-apartheid struggle, civil society in South African townships mobilized broad sectors and was engaged in the prefigurative practices of participatory democracy. In addition to a trade union movement committed to participation and worker control, civic organizations in townships were practicing direct democracy for many years before the fall of the authoritarian regime. These exercises, which ranged from people's courts to street committees, took place outside of the state, but were understood to be rehearsals for the eventual takeover and transformation of the apartheid regime (Marais, 1998; Lodge, 2003; Fakir, 2004). Indeed, with the end of apartheid, the ANC assumed power with a commitment to participation and decentralization, amply evident in early documents as well as in early practices of the new regime, including a public consultative process in the creation of the new constitutions.

The new government's 1994 Reconstruction and Development Program (RDP), for example, which compares itself to the ANC's founding Freedom Charter, calls for direct citizen participation at the local level as a central pillar of the redevelopment process. The Municipal Systems Act of 1998 calls for Integrated Development Planning (IDP), which mandates community involvement through participatory assessments of the needs and priorities of the local populace (Ambert and Feldman, 2002). A review of the literature, however, shows that few of these, or other similar devices, became instruments of effective participation by citizens.

The first round of IDPs were completed in 2001, with disappointing results from the point of view of civil society participants. Municipal governments were given little autonomy to incorporate citizens' demands, owing in large part to very specific "codes" and "guidelines" about how integrated planning should be carried out and what the plans should look like (Kihato, 2000). In addition, the structure of the Municipal Systems Act devolved few resources to municipalities (Wittenberg, 2006). The further grants that municipalities are eligible for are conditional on national approval, effectively diminishing local autonomy (Ambert and Feldman, 2002). Finally, accounts of the IDP processes refer to rigid, "consultant-driven" processes that limit the decision-making of citizens (Friedman and Kihato, forthcoming). One can see a somewhat similar trend in the ANC's governance of the city of Johannesburg. Home to a population of more than 3 million, Johannesburg is one of the most densely populated municipalities in South Africa (COJ). The concern for grassroots participation and redistribution was manifest in the first democratically elected city council's initial policies, but these shortly gave way to a new set of priorities around achieving "world-class status" set forth in the iGoli 2002 plan. The plan called for a restructuring of local government in a fiscally efficient way, including privatizing many services and adopting the principle of cost recovery, disconnecting water and electricity for those who couldn't afford the service fees. Those critical of these plans were censured by the party, with one ANC councillor both removed from office and stripped of his party membership (Beall et al., 2001).

In contrast, some successful participatory programs have occurred in other places. A smaller, submunicipal project which has been largely successful is the Warwick Junction Project in Durban. Initiated in 1995, it was an urban regeneration project focused on the Warwick junction precinct, aiming to improve the quality of the urban environment through a "holistic and integrated redevelopment of the area" (Saunders, 2004, 197). The project, which was a council-managed undertaking, was very successful in engaging a wide range of stakeholders in the process.⁷ Even though the project could have done better in involving other important stakeholders in the area, it was successful in improving public transport, street-trader facilities, and street lighting, among other things. Durban is now one of the few cities that can claim to have an economic policy for the informal sector. According to Horn (2004, 214), one

of the main reasons for the project's success is that it viewed street vendors and the informal taxi vendors not as "a nuisance to be removed in order to implement urban regeneration," but as "economic actors integral to the life of the city, providing them an opportunity to participate in deliberations about their needs and priorities."

Accounts describe intolerance to dissent from preset priorities, including the disciplining and dismissal of subnational ANC officers who veer from the party line during participatory processes, as well as the increased use of force against popular protests (Harriss et al., 2004, 127). Deegan (2002) points to the contradictory nature of the ANC's relationship toward participatory spaces as well as the absence of a connection between participation and decision-making. While Wittenberg (2006, 340) contends that the current system of decentralization in South Africa has achieved some impressive accomplishments, especially in making financial flows less unpredictable and transparent, "many of the decentralizing features of the current system are undercut by a centralizing drift in the political system."

The ANC has internally operated in a centralist fashion, exercising strict internal party discipline. Members of parliament or provincial legislatures can thus be "fired" by the party bosses at any time, and representatives cannot change parties without losing their seats. This feature has been used by the ANC leadership to remind provincial premiers and mayors that they fall under central discipline (Giliomee and Simkins, 1999; Wittenberg, 2006). In the words of former Soweto councilor Trevor Ngwane, who was dismissed by the ANC for his public criticism of iGoli 2000, "[within the ANC] robust debates became muted; decisions were taken away from councilors and we were discouraged from participating in local community forums" (Ngwane, 2003, 41).

It is evident that the ANC's relationship with civil society has also been centralist—engaging civil society but keeping a tight rein on those organizations—which some have explained as the lingering belief that apartheid could only be undone by a strong central state (Friedman, 2001).⁸ Social movement activists have complained about the "limitations placed on social protest and political activity" (Fakir, 2004, 136). The co-optation of civil society in South Africa has taken place in the face of civil society leaders entering politics contesting in elections on ANC platforms, being drawn into government decision-making structures by the state (Deegan, 2002, 54; Friedman and Kihato, forthcoming; Lanegran, 1996; Wittenberg, 2006). Another relevant development was that foreign funds—which were formerly funneled to civil society organizations (CSOs) during the apartheid era—began to be redirected to the government after the transfer of power, and the government created the National Development Agency (NDA), which is now a major source of funding for CSOs. CSOs such as SANCO and COSATU have also been the "watchdogs" of government, as had been expected of them.⁹ Even in instances where larger CSOs have criticized the ANC, they have not extended their support to the many "new" social movements that have arisen in response to the ANC's

neoliberal policies. In the absence of a “lively” civic movement, which was so strong during the anti-apartheid campaign, there was no one to hold local officials accountable (Wittenberg, 2006).

Mexico’s Municipal Experiments: The Isolation of Civil Society

While there are instances of local participatory democracy in Mexico reported in the literature, in our comparative examination Mexico is the failed case. By and large, civil society initiatives for participatory democracy have floundered under the pressure of political parties, and whatever successful instances survived have remained isolated. In other words, there has been a lack of translation of civil society innovations.

Although Mexico was not under military rule like Brazil, the unbroken one-party rule of the Institutional Revolutionary Party (PRI) since 1910 has often been described in the literature as an authoritarian regime. Under the PRI, politics and decision-making were highly centralized and controlled by the party until the 1980s (Davis, 1994; Eckstein, 1977; Gilbert and Ward, 1984). Despite the holding of formal elections throughout the twentieth century, it was not until 1983 that any opposition party won a local election. The emergence of competitive local elections, the growing voice of civil society, and fissures within the corporatist one-party structures have led scholars to point to the uneven but undeniable Mexican process of democratization, beginning in the 1980s, and leading to the PRI’s defeat in the 2000 election. In the 1980s and 1990s a number of reforms introduced increased (at least on paper) the autonomy of municipalities, particularly after the de la Madrid presidency (1982–1988). In 1983 municipalities won increased autonomy, responsibilities, and finances as a result of a constitutional reform (article 115) by the national administration. This admittedly uneven reform created “a new type of municipal government” in Mexico, “one that is much closer to the constitutional precept of the *municipio libre*” (Rodriguez, 1997, 116).

Mexico City’s participatory experiments have been among the most documented. The PRD swept into power in 1997 with the support of grassroots activists expecting a system of participation and popular consultation. Despite resistance in the national congress, a watered-down Citizen Participation Act was passed in 1998 that created a structure of consultative bodies (Alvarado and Davis, forthcoming). The PRD introduced a few participatory reforms of note, particularly in areas relating to police corruption and “fast-track justice centers” (Ward, 1998; Ward and Durden, 2002). Even though the PRD made some gains during its first term in office (1997–2000), its negligence of local urban issues in the first two years led to the alienation of the public which ended in public skepticism of the participatory structures, including extremely low voter participation in the neighborhood council elections in 1999 (just 10 percent of the registered vote).

The PRD spent too much of its time on national legislation, trying to institutionalize citizen participation, but ended up getting a Citizen Participation Act

that was far from what it had promised (mainly due to the opposition of the PRI and PAN in Mexico City and nationally). These difficulties, coupled with the PRD's own ambitions of gaining higher visibility on the national stage, led to it losing its local priorities. For example, a proposed downtown redevelopment plan which would result in displacements of poorer people was opposed by neighborhood associations but was nonetheless enacted. Given that most of the PRD's base in Mexico City¹⁰ wanted the party to focus more on local issues, while the upper brass had its eyes on the national government, fissures have been created within the party as well.

After the 1997 elections, 294 municipalities were under PRD control (Ward, 1998), and some of them hosted experiments that are described in the literature. For example, the city of Cuquió, Jalisco, a PRD-elected municipal government, introduced a system of consultation into municipal budgeting in the late 1990s by dividing the city into ten zones and devolving to citizen-participants significant decision-making power (Bazdresch, 2002). Similarly, the smaller coffee-growing municipality of Atoyac de Álvarez, Guerrero, introduced in the early 1990s a system of direct democracy for the city's "tri-annual plan" (Cabrero-Mendoza, 1996). However, both experiments were the result of the efforts of reformers within government rather than due to civil society impulses, and both have had difficulties engaging civil society actors.

On the whole, the record of PRD-controlled cities as innovators is mixed. One observer notes that "[t]he PRD had trouble building new opportunities for participation due to the lack of a strong civil society, the dominance the PRI exercises on organizational life, the limitations of local government, and its own organizational failures" (Bruhn, 1999, 44). Other scholars analyzing the institutionalization of participatory experiments, however, have pointed to their "fragility" and inability to institutionalize broad-based participation, with some pointing to the fragility of Mexican civil society itself (Selee, 1995). On the one hand, local *caciques*, or strongmen, in many places still exert significant influence over civil society organizations. On the other, the PRI's mechanisms for mobilizing support in exchange for material benefits function as the "political arm of the party" and exert control over broad sectors of civil society, thus limiting the possibilities for genuine participation (Rodríguez, 1997, 123).

We do not disagree, in principle, that Mexican civil society exhibits "fragility"—but we argue that what distinguishes that fragility is its isolation from political actors that are able to translate its impulses and innovations into policy. For example, the national networks of administrators, Red INCIDE and the Inter-institutional Network for Civil Initiatives for Development and Democracy, remained distant from broad-based organizations, as did the Association of Local Authorities of Mexico (AALMAC), which was formed in 1994 by PRD administrators. Further, there are examples of participatory experiments, such as in the municipality of Xico, Veracruz, where administrators turned to the traditional *faena* type of indigenous organization (Cabrero-Mendoza, 1996). But lacking a national party to coordinate and

diffuse the lessons of successful experiments, these individual instances have not translated into anything resembling the Brazilian municipal democracy movement of the 1990s. Finally, because none of the main parties in Mexico has made it a priority to empower municipalities, participatory experiments described in the literature constantly suffer from a lack of resources and unclear legislative arrangements that allow state-level politicians to overrule municipal mandates (Nickson, 1995; Ziccardi, 1991).

Brazil's Municipal Democracy Initiatives: Innovation, Translation, and Diffusion

Of the three cases under consideration here, Brazil is clearly the most successful, seeing civil society initiatives on participation becoming part of local government practice. A casual review of the literature will show that Brazilian cities since the 1990s have been home to numerous experiments in participatory democracy, from sectoral councils (such as on health policy) and city planning experiments to popular participation in the composition of the budget. Many innovations have been described in these “cities that work” (Figueiredo Júnior and Lamounier, 1997) despite the growing urban disparities in the country in the 1990s. In our terms, there has been a successful translation of civil society democratic impulses. Central to our story is the Partido dos Trabalhadores, or Workers’ Party (PT), a political party with the aspiration to translate civil society demands into party platforms. The party represented a rupture in Brazilian politics, long characterized by patronage and personalism (Keck, 1992; Löwy, 1993; Mainwaring, 1992–1993; Meneguello, 1989). Founded in 1980, the PT started to contest local elections two years later, before eventually registering major victories in 1988.¹¹ The significance of the PT rests in its relationship to civil society, which breaks traditional molds of leftist electoral parties that aimed at dominating and controlling social movements.

The origins of these reforms clearly emerge from social movements in Brazil prior to the transition to democracy. Proponents of what Dagnino (1998) has called “the new citizenship,” these movements defended new visions of urban democracy, access to services, and participation in Brazilian politics.¹² Under the influence of the ideas of radical popular educators and radical clergy, these movements emphasized autonomy from manipulative government agencies and patronage schemes, proceduralism and democracy in decision-making, and democratic access to urban services (Viola and Mainwaring, 1987). Throughout Brazil, participants in these movements sought ways to organize various local neighborhood associations and social movements into common blocs that could make demands on city and state governments (Jacobi, 1987). Nationally, organized movements for urban rights such as the Cost of Living Movement, the Housing Movement, and the Collective Transports Movement emphasized entitlement to specific urban services. With the transition to democracy under way, and the debate about the new constitution beginning in 1986, urban social movements made demands for more accountable forms of

city governance. The national meeting of the National Forum for Urban Reform in 1989, for instance, concluded with a statement of principles that called for citizen participation in the running of city affairs as a basic right of citizenship.

A number of notable mayors belonging to Brazil's left-of-center parties with ties to civil society were elected in Brazilian capitals in 1985 and 1988, a trend that only sharpened in the following election years. Mayors from parties with ties to grassroots movements, such as the pro-democracy movement and unions, became a significant force. The combination of increased political autonomy, greater discretion with regards to the allocation of resources, and a growing movement of local actors with ties to social movements willing to contest elections has increased opportunities for democratic innovation. Administrators from the first cohorts of opposition mayors of 1985–1988 experienced significant difficulties in carrying out effective governance and securing re-election. While these were often not radical programs that granted substantial decision-making powers to local groups, “decentralization and participation” were part of the municipal government plans of many cities in Brazil at the time (Nickson, 1995).

Several of the notable experiments of municipal reforms in the 1990s have been carried out by the PT, relying on the successes of its administrations in providing efficient service delivery, especially to poorer sections of cities, to build up electoral support (Baiocchi, 2003; Nylén, 1995, 1998). A principal local-level reform, and the one that has attracted the most attention, is Participatory Budgeting (PB), which aims to include ordinary citizens in binding discussions about the direction of municipal investments. PB is currently the subject of much attention within policy and academic circles, and while no comprehensive evidence exists about its impact across various contexts, it has been linked to redistributive outcomes, increased governmental efficiency, and increased civic activity in a number of cases (Abers, 2000; Calderón et al., 2002; Carvalho and Felgueiras, 2000; Lesbaupin, 1996; Marquetti, 2002; Pozzobon, 1998). The city of Porto Alegre's PB reforms became the model for many subsequent administrations because of its successes in governance and reelection. Within the first four years, the Porto Alegre administration had succeeded in balancing municipal finances and bringing in several thousand people as active participants in fora on city investments.

PB reforms have been copied throughout Brazil, and transformed in the process. Social movements willing to contest elections have increased opportunities for democratic innovation. Some of the best-known examples of such innovation have taken place in Belo Horizonte, Porto Alegre, Santos, and Diadema under the PT. In addition, the administrations in Belem, São Paulo, Belo Horizonte, Porto Alegre, and others have fostered other participatory programs through municipal conferences not directly tied to service provision as such on topics such as AIDS, human rights, and racial discrimination.

Central to our story is the way that a flexible dialog between civil society and the party allowed for continuous retranslations from setting to setting, so that party activists did diffuse best practices (such as the way that PB was worked out in the most successful cases in the early period) but did so in a way that allowed for local variation and experimentation rather than a simple copy, so subsequent successful cases reflected the nature of civil society in those particular settings. Several municipalities, mostly under the PT, have carried out successful participatory reforms of this type, and according to surveys done by Brazilian NGOs, PB has expanded from a group of 12 cities that introduced it during 1989 and 1992, to 36 between 1993 and 1996, to 103 between 1997 and 2000, and to at least 250 in subsequent years.

Conclusions

We have analyzed the impact of decentralization through the lens of the “structure of opportunity” that it creates for local actors to create democratic innovations in terms of governance. In Brazil, a fortuitous combination of urban movements and a political party (the PT) willing to translate its claims into an electoral platform created the conditions for many vibrant and innovative experiments in local democracy with significant diffusion. In Mexico, on the other hand, there was a disjuncture between a vibrant civil society and a political party (the PRD) unable or unwilling to translate these innovations into institutional action. And in South Africa, there is a political party (the ANC) that is committed to local-level democracy, but has attempted to introduce it “from above,” by trying to co-opt, rather than freely engage, civil society, resulting in insignificant improvements in democratic governance.

The only way, according to Brenner, to channel “the trajectories of state spatial restructuring” so as to bring about meaningful and lasting change centered on principles of redistribution, social justice, and popular empowerment is for progressive political forces to utilize “strategic openings” within existing institutions and “demarcate the institutional arenas, territorial niches, and policy relays within the current interscalar rule-regime in which hegemonic control appears weakest, and therefore, most vulnerable to being captured and reshaped.” These initiatives, though, would need to reformulate “big government” through the mobilization of “recentralized” projects and strategies to establish a government that is committed to social justice at all levels (Brenner, 2004a, 300–301). Brenner is skeptical of the role that the local can play in the formation of a more just society while existing within a market-oriented system, but he sees potential for change at the supranational institutional level, such as institutions associated with the EU (in the case of Western Europe), “through which progressive forces might once again mobilize social and spatial programs designed to alleviate inequality, uneven development and unfettered market competition” (Brenner, 2004b, 481).

While it is true that the subnational experiments that we have discussed exist within a broader competitive, market-oriented capitalist system, it seems that these experiments, when administered properly, provide citizens with a sense of empowerment, in turn encouraging local political forces to initiate similar programs further, not only on the local level but nationally. As is evident from the case of Brazil, the PT's initiatives at the local level led to the party achieving power at the national level. How much real change the party was able to promote at that level—due largely to the fact that it had to function within a larger capitalist system with little leeway for major innovation—is definitely up for debate. But local-level successes such as those in Xico, Johannesburg, and Porto Alegre cannot be ignored. Whether these attempts translate into meaningful change depends on the vibrancy of the civil society and the willingness of the political party not only to adopt such measures but to be more “decentralized” and less controlling in its operations.

While there seems to be a lot of weight to the skeptics' arguments about the co-optation of civil society, a couple of important contextual factors regarding the process of decentralization in South Africa should be kept in mind before declaring it a complete failure. The first is that the decentralized (though non-democratic) policies of the apartheid government helped foster support for a rather centralist state within the anti-apartheid movement. And second, since the end of apartheid occurred not through military defeat but via negotiation, it left the ANC acutely aware of the need to take into account the interests of those “outside the fold.” The then incumbents of the state bureaucracy (namely the National Party) and representatives of minority groups thus had to be given certain guarantees about their future (Wittenberg, 2006; Friedmann, 2001). With the end of apartheid, social movements in general were also said to be undergoing movement weariness after the huge success. Additionally, as social movements lost their “oppositional logic” with the end of apartheid, it was hard to maintain their “motive frames” as well as the sources of solidarity which had sustained them through the period of transition. The new government had “extraordinary” mass legitimacy, which led to the almost complete disappearance of protest actions and other participatory forms of direct democracy for a while (Heller and Ntlokonkulu, 2001).

Increasingly, within the government and ruling party, dissent that is not in “accord with the strict letter of the law and which defies social convention” is demonized, and, when deemed necessary, censured (Fakir, 2004, 136). But the emergence of new social movements such as the anti-eviction movement, the anti-privatization movement and the like has, more recently, “been able to open new spaces of active citizenship for township residents to successfully assert their socio-economic rights and substantive citizenship” (Miraftab, 2004, 879). How successful they will be in bringing the ANC back to its initial promises of popular participation in governance is yet to be seen.

In the case of Mexico, scholars analyzing the institutionalization of participatory experiments point to the inability of these experiment to

institutionalize broad-based participation, the continuation of municipal decision-making under the control of political party machines and clientelistic mechanisms as well as the lack of resources and unclear legislative competences for municipalities (Selee, 1995; Alvarado and Davis, forthcoming; Ziccardi, 1998; Nickson, 1995). Nonetheless, scholars have also argued that in the long run, in terms of laying the groundwork for participatory structures for the future, reforming the political structure in terms of local citizen participation and institutionalizing democratic transition, they have made real accomplishments (Alvarado and Davis, forthcoming). Enriquez (1998), for example, points to a distinct break from one-party rule and corporatist arrangements with civil society and the emergence of a pattern of greater party competition and broader participation and inclusion among civil society organizations.

The three cases under consideration show that while national decentralization in these places has transformed cities and municipal governments into important sites for democratic innovation, meaningful social change transpires only in the presence of a vibrant civil society and a political party that is willing and able to transform civil society's innovations into institutional action. As much of the global South undergoes one form of decentralization or another, in most cases not with the intention of improving democratic governance, cities become important new sites for institutional spaces created as a result of the power shifts away from the center. Decentralization creates opportunities for citizens to be agents for change in the direction of democratic innovation and the conditions under which such innovations can be translated into meaningful democracy-enhancing policies. These innovations take place in specific local contexts in a process of political contestation in which "democratic innovation" may well be against the interests of powerful local actors. For these reasons, speaking of democratic innovation and civil society without reference to politics (or of "best practices" and goodwill without antagonism) will not shed light on how meaningful democratic experiences have actually emerged.

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American Democracy: From Continental Empire to Pluralist Commonwealth

GAR ALPEROVITZ

Is Local Democracy Possible in the Global Era?

Must communities—and therefore community democracy—rise and fall with every shift in the global economic winds? Can Americans ever really take charge of their common community life, given the realities of the modern political economy?¹

Beyond this, might we have the wherewithal—the experience, knowledge, political sophistication—one day to achieve the idea of community?

Historical perspective provides insight into a critical economic trend which suggests that the economic stability required for a new community-based democratic vision is likely to become increasingly feasible in the coming period.

Fully 31 percent of the nation's nonfarm workforce were involved in manufacturing at the midpoint of the twentieth century, 1950. By 1970 such employment had slipped to 25 percent. By 1990 it was 16 percent. As of 2003 those working in the manufacturing sector numbered only 11 percent of the labor force. Some experts expect that this figure will continue to decline to a mere 5 to 7 percent of the economy.²

The US economy has for many years been dominated by services—a sector that is far more locally oriented and much more stable than manufacturing. Importantly, many service-sector industries are also much less dependent upon—and responsive to the vagaries and instabilities of—global trade. Only approximately 5 to 7 percent of US services are exported.³

Despite other problems associated with the larger trends, that more stable, locally oriented economic development is increasingly favored by sectoral changes even in an era of increasing globalization is documented in recent

studies of the already high degree of localization of economic activity. “About 60 percent of US economic activity is local and provides residents with the goods and services that make their lives comfortable,” observes economist Thomas Michael Power. “This includes retail activities; personal, repair, medical, educational, and professional services; construction; public utilities; local transportation; financial institutions; real estate; and government services. Thus almost all local economies are dominated by residents taking in each other’s wash.”⁴

Power reports that locally oriented economic activity increased from 42 percent in 1940 to 52 percent in 1980. Over the roughly two-decade period between 1969 and 1992 “the aggregates of retail and wholesale sales, services, financial and real estate, and state and local government” have been making up “a larger and larger percentage of total earnings rising from 52 to 60 percent.”⁵

Paul Krugman offers a summary judgment: “Although we talk a lot these days about globalization, about a world grown small, when you look at the economies of modern cities what you see is a process of localization: A steadily rising share of the work force produces services that are sold only within that same metropolitan area.”⁶

The long-term sectoral trends also have reduced the importance of location-related efficiency considerations that conflict with policies aimed at greater community stability. Opponents of policies designed to help local community economies have traditionally held that firms must be allowed to locate wherever managers think best. Many such arguments, however, are implicitly based on the assumption of a manufacturing-dominated economy—that is, one in which economic activity historically had to locate near raw material sources and transportation hubs, starting with water and evolving to rail and air.

Some service industries (e.g., international banking) require networks of related businesses, but most are not nearly as wedded to places that happen to provide access to natural resources or to cheap transportation. In addition, advances in communication technologies have made it economic for firms to locate in a number of different areas.

Community-oriented strategies throughout the nation now regularly build upon these realities to achieve greater stability. Some stress bottom-up development utilizing conventional tax, loan, procurement, and other strategies. Others emphasize measures that enhance the local community’s physical and social environment so as to attract professionals and others looking for a supportive community in which to live and raise children. Successfully attracting new arrivals, in turn, stimulates new services, construction, and other economic activity. Attracting retirees and their pension income flows can also help bolster community stabilization efforts—a factor of increasing importance as the baby-boom generation reaches retirement age.⁷

In recent years numerous other policies have been developed to retain jobs, build greater local self-reliance, and increase local economic “multipliers” so

that money spent in a community recirculates to produce additional jobs. In addition to tax, loan, training, and other traditional approaches:

- State governments now regularly target public procurement to boost local economies. Community-based small businesses, for instance, can receive a 5 percent preference on bids for state contracts in California, New Mexico, and Alaska. Louisiana allows a 7 percent preference for products “produced, manufactured, grown, harvested, or assembled” in the state.⁸
- Many cities increasingly use public contracts to help neighborhood-anchored Community Development Corporations—and simultaneously to improve the delivery of government services (roughly half the municipalities in a recent survey).⁹
- Publicly sponsored “buy local” programs are also widespread. The Rural Local Markets Demonstration in central North Carolina identifies products, services, parts, and raw materials that manufacturers would like to purchase locally—and then assists other local firms with the development of such products and/or helps establish new local firms to fill the supply gap.¹⁰
- Pension funds now also regularly seek ways to enhance local economic health. More than half of the states target some investments in state to support local economic development. Several independent labor-backed programs—for example, the Landmark Growth Capital Fund and the Pittsburgh Regional Heartland Fund—also involve geographically targeted investments.¹¹

As we have noted, an obvious line of convergence has also emerged between stabilization strategies and many new institutional efforts. Precisely because worker-owned firms, community development corporations, co-ops, municipal enterprises, and related efforts are increasingly regarded as important to achieving broader community economic goals, they have received additional backing from many states and localities.

Research on the costs of “throwing away cities” has added to the economic arguments that favor new localist strategies. Allowing existing public and private investments in transportation, office buildings, schools, homes, and other local infrastructure to go to waste when companies leave town for small (possible) private advantage—and then having to rebuild them elsewhere—obviously creates very large expenses that, if saved, can significantly offset the costs of community-oriented policies.

One recent estimate is that taxpayers spent roughly \$65 million (2001 dollars) to pay for the infrastructure and other capital costs needed to serve individuals who moved out of declining cities to other locations over the 1980 to 1999 period. Work by University of Maryland researcher Tom Ricker suggests that adding private costs (e.g., redundant houses, stores, factories, etc.)

brings the figure to over \$350 billion—not including lost tax revenues and increased social spending borne by specific communities when jobs decline and citizens leave town.¹²

At the national level, both political parties have also shown themselves responsive to the practical and philosophical elements of a community-building paradigm—and to the concerns of local constituents. Among the many federal policies and precedents that now exist (and that suggest possible directions for future development) are:

- The strategic targeting, currently, of public contracts by federal agencies to small businesses in “HUBZones” (Historically Underutilized Business Zones)—that is, areas that have a high proportion of low-income households or those experiencing high unemployment.¹³
- Trade Adjustment Assistance to communities experiencing dislocation as a result of imports. Workers receiving TAA are eligible for an additional fifty-two weeks of income assistance (beyond the standard twenty-six weeks’ unemployment insurance) and for a variety of training and other programs.¹⁴
- The Community Adjustment and Investment Program, which uses funding from the North American Development Bank to make loans and grants to specific economically depressed communities.¹⁵
- Community Development Block Grants, which in fiscal year 2004 provided \$4.4 billion in support to various locally selected, largely community-based efforts.¹⁶
- The Empowerment Zone/Enterprise community programs, which, at the time of writing, were expected to involve over \$1 billion in public subsidies in 2004.¹⁷
- The New Markets Initiative, passed as part of the Community Renewal Tax Relief Act of 2000, has, through 2008, made \$19.5 billion in federal tax credits available. The credit (39 percent of funds invested) is available to specifically certified entities that make investments in low-income communities.¹⁸

Unusual and often unexpected political alliances have developed around more controversial issues of importance to community stability—including the Left–Right coalition that blocked several “free trade” initiatives. After the passing of NAFTA in 1993, Congress refused Clinton administration requests to reestablish expired “fast-track” authority, which facilitates presidential trade negotiations. Again, fast-track legislation proposed by the Clinton administration in 1997 was withdrawn when it became clear that it faced substantial opposition in both parties, and as concern about the proposed Multilateral Agreement on Investment began to develop force.¹⁹

Although the Bush administration won approval of such authority (calling it “Trade Promotion Authority”) in 2002, it did so only after yielding several

major points of contention—especially those that impacted local communities. Among other things, Republicans from textile-producing states (in particular, North Carolina) secured language requiring that duty-free textile imports from the Caribbean, Africa, or Latin America be made with fabrics dyed and finished in the United States.²⁰

The Bush administration also yielded much of the substance of the issue in connection with support for agricultural subsidies and protectionist measures for the steel industry—in large measure because of the economic threat to communities in Ohio and Pennsylvania. Given ongoing unemployment problems and the growing pressure from both Left and Right, the likelihood is for more rather than less support for trade measures of importance to specific communities in the future.^{21, 22}

In connection with virtually every policy advance—local, state, and federal—there has been conflict, interest-group bargaining, and debate concerning effectiveness and efficiency. Viewed in a larger historical perspective, what is significant is the long-term trend. Detailed scholarly studies of numerous specific policies confirm the expanding use and refinement of a variety of new tools aimed in one way or another at community economic stability. “Sometime after the mid-1970s,” observes urban policy expert Peter K. Eisinger, especially on the state and local levels there emerged “an intense preoccupation with economic development that has been marked by a level of consensus and expectation unusual in American politics.”²³

The growing force and political appeal of locally oriented strategies are also evident in organizing efforts by engaged citizens. Although many studies show a decline in *national* citizen participation, the United States in fact is in the midst of an extraordinary resurgence of *local* community-building efforts. A recent comprehensive survey by professors Carmen Sirianni and Lewis Friedland confirms the findings of many scholars, and concludes that Americans at the local level “have created forms of civic practice that are far more sophisticated in grappling with complex public problems and collaborating with highly diversified social actors than have ever existed in American history.”²⁴

The longstanding, largely black BUILD alliance in Baltimore, for instance, challenges local insurance and home mortgage redlining, builds and rehabilitates homes, raises money for student scholarships, and—importantly—registers thousands of voters.²⁵ Since 1976 Citizens for Community Improvement in Iowa has spearheaded opposition to corporate concentration in state agriculture, helped create financing for small farms and low-income rural and urban housing, and fought for enforcement of environmental air and water regulations. A youth organizing project works on issues ranging from gun violence and crime education to drug addiction.²⁶

In San Antonio, COPS—Communities Organized for Public Service—combines research and planning with public mobilizations of Hispanic American voters and other low-income groups. In the last several decades

COPS campaigns have produced funds for libraries, playgrounds, schools, street paving, sewers, flood protection, and other infrastructure improvements. COPS has also forced support for health clinics, state funding of a community college, and federal backing for affordable housing programs from the Department of Housing and Urban Development. Taken together, COPS's organizing efforts have secured an estimated \$1 billion for neighborhood development from these and other sources.²⁷

New forms of local labor–community alliances have broken down traditional barriers between organizations in several cities. In Chicago, the Association of Community Organizations for Reform Now (ACORN) and the Illinois Coalition for Immigrant and Refugee Rights jointly led a Grassroots Collaborative of community and labor groups working on living wage and healthcare campaigns. In Oakland, California, the Labor Immigrant Organizers Network (LION) helped the hotel employees' union, HERE Local 2850, successfully challenge corporate efforts to prevent union organizing. In turn, the union supported LION's efforts to organize local residents around immigration issues.²⁸

In many cities—from Boston and Baltimore to St. Louis and Los Angeles—”living wage” campaigns have succeeded in requiring public agencies and their contractors to pay a wage that allows employees to support themselves and their families, commonly \$9 to \$10 per hour, plus health benefits. Cincinnati established a floor of \$8.70 per hour with health benefits (\$10.20 an hour without benefits) for all city employees or any business with a city contract over \$20,000. New York's law requires a wage of \$9.10 an hour plus benefits (or \$10.60 an hour without benefits) for about 50,000 workers.²⁹

Several related initiatives have achieved formal structures of greater democratic participation within larger municipalities. In Portland, Oregon, each of ninety largely autonomous neighborhood associations drafts its own plan detailing the form of development that is acceptable to its neighborhood. The city of St. Paul, Minnesota, has seventeen elected district councils, each of which has considerable authority—including zoning powers and control over the allocation of certain city services and capital expenditures.³⁰

In Seattle, a Neighborhood Matching Fund allocates public funds for neighborhood-initiated projects when local residents match such support with their own contributions. Neighborhood district councils made up of representatives of neighborhood organizations make specific recommendations for project funding. In Birmingham, Alabama, each of the city's ninety-five neighborhood associations makes decisions about how public funds will be spent—with each also receiving an allocation of federal Community Development Block Grant funds.³¹

Political scientists Jeffery Berry, Kent Portney, and Ken Thompson—who have studied St. Paul, Birmingham, Portland, and Dayton, Ohio, in depth—conclude that such efforts alter the balance of power between businesses and neighborhoods. Although “general” participation does not increase because of

formal changes of structure, there is an increase in “strong participation activities”—for example, “being involved in neighborhood or issue groups, contacting such groups,” or “working with others to solve problem” (as opposed, for instance, to merely “working in social or service groups or contacting government officials”). A telling outcome is that it is commonly all but impossible for developers to win approval of projects that are strongly opposed by a neighborhood association—even when the association does not have formal power to reject proposals. In general, Berry, Portney, and Thompson observe: “Neighborhood-based government draws easily in people’s sense of identity with the area they live in. People know they are going to have frequent interactions with their neighborhoods, so even if they attend meetings infrequently they have a powerful incentive to think about long-term relationships in addition to the policy questions at hand.”³²

None of this is to say that a new day of participatory democracy has arrived. In most cities power still largely resides in the hands of traditional economic interests. In some cases, too, civil society organizations have lost credibility and are deeply compromised politically. It is to say, however, that there is growing evidence of change and of new longer-term possibilities. In many communities the developing trend of activist organizing and local policy change has followed a logic similar to that which has forced a reassessment in connection with a number of other matters of strategic importance.

An inability to achieve solutions to growing problems through traditional means has repeatedly driven home a painful reality. In case after case, the choice presented has been between no solution and the ultimately critical decision to begin the arduous long-term process of rebuilding, step by step—at home, within reach, from the bottom up.

Over the last several decades, community-building themes and paradigms related to the Pluralist Commonwealth vision have also attracted increasing interest and important support from writers, academics, and activists representing different philosophical perspectives—ranging from Hannah Arendt and Jane Jacobs to Benjamin Barber and Michael Sandel. Along with many modern conservatives, William Schambra of the Bradley Foundation holds that “conservatism wasted much of [the twentieth] century futilely extolling the virtues of rugged individualism and the untrammelled marketplace in the face of America’s manifest yearning for some form of community.”³³

Similarly, communitarian theorist Amitai Etzioni echoes the oft-heard judgment that the “most common antidotes to mass society” are “intermediary bodies”—but quickly goes on to stress, “It is often overlooked . . . that many of these bodies are not the vaunted voluntary associations, with their meager bonding power . . . but communities, with their much stronger interpersonal attachments.”³⁴

Environmentalists Herman Daly, Thomas Prugh, and Robert Costanza begin with a different question but come to a similar conclusion: “[M]ost of the individual behaviors and attitudes that support sustainability are best

nurtured at the community level. The political structure and process necessary for a regionally, nationally, and globally sustainable society must be built on a foundation of local communities.”³⁵

Black scholars on both the Right and the Left now commonly also emphasize community-based themes. Thus, the conservative activist and writer Robert Woodson stresses, “The lives of young people cannot be salvaged through outside intervention that ignores the necessity of strengthening their communities.” The progressive urban affairs and planning expert Sigmund C. Shipp emphasizes the importance of cooperative community-wide development: “The depth of the dilemmas that black communities face requires strategies that focus on the entire group and the total problem, that is, the collection of factors that constitute the quality of life of a community.”³⁶

Harry Boyte adds that such themes help reenergize a sense of commitment to “public work” in general.³⁷ And the late Betty Friedan, speaking for many feminists, wrote

I’ve spent 25 to 30 years focusing on women’s issues . . . I see no solutions in terms of power blocks. What is needed is a new vision of community, a higher vision of the good of a whole community that transcends polarization of groups. Groups have been effective in the past in achieving equality. Now we’re in a position where the only way progress can continue is through a new definition of community.³⁸

Many analysts believe the growing interest at various levels in rebuilding the foundations of community is ultimately traceable to the psychological dead end that individualism has reached for large numbers of Americans, and from a profound—and ongoing—personal reassessment process: “[M]any of those we talked to,” sociologist Robert Bellah observes, “realize that though the processes of separation and individuation were necessary to free us from the tyrannical structures of the past, they must be balanced by a renewal of commitment and community if they are not to end in self-destruction.”³⁹

Research by University of Chicago sociologist Robert K. Sampson offers a summary overview. Sampson finds that “calls for a return to community values” now appear “everywhere”—especially (and, he urges, significantly) among the parents of the new generation:

Whatever the source, there has emerged a widespread idea that something has been lost in American society and that a return to community is in order . . . Seeking an alternative to mainstream institutions such as old-line churches, urban sprawl, and market-induced conspicuous consumption, the baby boom is driving unforeseen demand for the good that is deemed community.⁴⁰

The point is particularly important among those who will inevitably take over leadership of the nation—and of its communities—in coming decades. A recent survey found that two-thirds of young adults currently already do volunteer work in their own cities—and that a majority agree with the slogan “Think Globally, Act Locally.” Two-thirds believe “the best way to make a difference is to get involved in your local community, because that’s where you can best solve problems that are really affecting people.”⁴¹

The Regional Restructuring of the American Continent

The Pluralist Commonwealth model attempts to deal seriously with long-standing arguments that the sheer continental size of the United States and its very large population are ultimately inimical to a robust system-wide vision of democratic practice. Community-oriented strategies appear to be within the range of realistic political possibility in coming years. What of the larger and seemingly utopian idea that much more far-reaching—indeed, radical—decentralization is both necessary and possible?

Five major considerations suggest that, contrary to conventional wisdom, the logic of regional restructuring is likely to become of increasing importance as the twenty-first century develops. These include trends in Supreme Court and congressional decision-making; an explosion of state-based initiatives; the impact of global political-economic forces on the current federal system; very large-order projected changes in the economy and population; and new trajectories of expanding ethnic political power concentrated in key regions experiencing economic distress.

Over the last several decades a series of Supreme Court and congressional decisions has begun to establish new principles of decentralization in the US federal system that (for better or worse) are much more far-reaching than many understand. At the same time, numerous states have launched new initiatives that are slowly altering the local of power in the system.

The trend in Supreme Court decision-making has been well documented. In *United States v. Lopez* the Court ruled that Congress exceeded federal authority by attempting to keep firearms out of local school yards. In *Seminole Tribe of Florida v. Florida* and several subsequent cases involving state employees, savings banks, and violence against women, the Court held that Congress did not have authority to establish federal jurisdiction over states that did not consent to be sued. In *Printz v. United States* it ruled that requiring states to implement waiting periods for handgun purchases involved a similar overreach of federal power. The Court held in *Rush Prudential HMO v. Moran* that states had independent authority to protect patients’ rights through legislation providing for “independent review”—a second opinion—in disputes with managed care companies (HMOs).⁴²

An equally important trend in federal legislative actions has furthered the decentralization process. Among the most widely discussed is the 1996

Temporary Assistance to Needy Families reform, which gives states unprecedented power to “end welfare as we know it.” However, there is also a large number of less publicized moves in the direction of greater state and local authority. We have noted the Community Development Block Grants, which allow great latitude in the use of federal money for various urban housing and community development programs. “Self-denying” legislation approved in 1995 limits the federal government’s ability to impose unfunded mandates on the states. Again, the Children’s Health Insurance Program allows states flexibility in designing benefits packages for uninsured children of low-income families.⁴³ Similarly, the Intermodal Surface Transportation Efficiency Act gives states considerable discretion in developing transportation programs in accord with local priorities. The independent role of the states has also been augmented through widespread use of Medicaid “waivers” authorized under the Social Security laws. Innovative and widely publicized health insurance strategies in Oregon, Vermont, Hawaii, and Maine, among others, have been developed on this basis.⁴⁴

The states have also increased their powers through independent legislative and legal actions of their own—often because the federal government has been either deadlocked or opposed to change. After Congress failed to enact healthcare legislation in 1994, for instance, states began passing patients’ rights and prescription drug laws (more than half had enacted drug assistance legislation by 2003). “[O]ne can easily recount a long list of regulatory issues on which the feds have simply abdicated, leaving it to the states,” observes Jonathan Walters of *Governing* magazine. States have moved into areas where federal inaction or minimalist action has been most obvious—including growth management, dirty-air emissions, gasoline additives, genetically engineered crops, questionable lending practices, and so on.⁴⁵

Many states—most prominently, but hardly exclusively, California, Alabama, and Alaska—have also established innovative economic programs. Still others, like Washington and North Carolina, own or finance public railroad systems. New Mexico and California have radically reduced imprisonment for many drug offenders. Vermont has recognized gay partnerships. In 2002 California approved legislation requiring “the maximum feasible reduction” in tailpipe emissions of carbon dioxide and other greenhouse gases by cars and light trucks by 2009. Since 1993 Georgia has offered scholarships to all high school graduates with a B average that can be used at any public, private, or technical school in the state.⁴⁶

The movement toward greater state authority is not an unbroken trend. A countermovement is evident in several Supreme Court decisions related to economic issues and in legislative efforts to enact “preemption clauses” mandating federal jurisdiction in connection with various regulatory matters. On the other hand, the state attorneys general have mounted important new legal challenges, most dramatically in connection with tobacco, but also with regard to inflated costs of prescription drugs, antitrust (Microsoft), and other

issues ranging from securities fraud to global warming. In 2002 New York Attorney General Eliot Spitzer negotiated a settlement requiring Merrill Lynch and Company to pay \$100 million in penalties to fifty states because of conflicts of interest between its sales, investment, and research services. Subsequent initiatives challenged other corporate practices and helped spur the Securities and Exchange Commission into more aggressive enforcement action.⁴⁷

Nor are these simply progressive state initiatives. Typical of fraud cases was one brought by the Texas attorney general against Warrick Pharmaceuticals for allegedly attempting to gain market share by charging pharmacists \$13.50 per prescription while arranging for Medicaid and Medicare to reimburse them at \$40.30 per prescription. In February 2003 seven state attorneys general warned the federal government of possible litigation if it did not do more to force industry to lower emissions of greenhouse gases; in April 2003 five states helped push through the largest settlement even under the Clean Air Act.⁴⁸

Independent legal activism by the states has also arisen in large part because of federal inaction. Modern state attorney general initiatives first began to develop in response to the Reagan Justice Department's failure to do much to protect consumers and the environment. The \$206 billion tobacco settlement in 1998 was a major victory that helped put the general movement into high gear.⁴⁹

In general, University of Virginia political scientist Martha Derthick points out, the states have increasingly become the "default setting" of the American political-economic system—the level of government that acts when Washington does not because of gridlock or neglect. Alan Ehrenhalt of *Governing* magazine goes further: states are now increasingly the "level of government we go to because we don't expect the others to succeed."⁵⁰

Many traditional liberals, fearing a weakening of federal standards, have opposed the general trend. Others feel the only option available may be a long-haul effort to rebuild power at the base, state by state. The important point for the future, Ehrenhalt emphasizes, is that "once states and their elected leaders begin thinking of themselves as the actors of first resort on crucial questions—rather than the actors of last resort—the logic of the whole system is in for a change."⁵¹

The implications of globalization reinforce this fundamental judgment. Especially significant are pressures that create new Washington-level restrictions on state decision-making—and in turn produce new and angry resistance. A recent study by Columbia University professor Mark Gordon of the implications of World Trade Organization (WTO) regulations points out that WTO rules "strike at the heart of the types of policy decisions that States use to define some of their most basic beliefs." WTO regulations now increasingly challenge traditional state prerogatives in connection with "issues of environmental and consumer protection, set-asides to assist minority or small businesses, efforts to regulate the activities of large financial services institutions such as banks and insurance companies, and decisions about how

to structure the raising of revenue through taxes and its expenditure through government procurement policies.”⁵²

Gordon and other analysts predict that as the impact of the new global trade regime hits home, an intense dynamic will be set loose that will force Washington to reach ever deeper into state power to enforce global agreements—and will, in turn, force states to develop ever more adamant counter-strategies: “[G]lobalization introduces a whole series of ‘shocks’ to the existing system.”⁵³

Numerous state leaders throughout the country have, in fact, already gone on record challenging WTO- and NAFTA-imposed requirements. A resolution passed by the Oklahoma legislature—to cite only one of many examples—demands that the president and Congress “preserve the traditional powers of state and local governance” and “ensure that international investment rules do not give greater rights to foreign investors than United States investors enjoy under the United States Constitution.”⁵⁴

The long-term logic points to an ever more powerful “backlash” by the states—and demands for greater independence from the long arm of Washington in its role as enforcer of NAFTA and WTO rules. The role NAFTA can play in restricting state action is illustrated in the case of Methanex. When Methanex, a Canadian corporation that manufactures a component of the chemical MTBE, a gasoline additive and suspected carcinogen, ran afoul of California environmental law, the company sought to have that law invalidated as a restraint of trade under NAFTA. Although the California law was upheld by a NAFTA tribunal in November 2005, the mere fact that a foreign corporation had the ability to challenge state environmental law and very nearly succeeded in getting the democratic will of Californians overturned rankled many.⁵⁵

The likelihood of structural change in the federal system over the course of the century is intimately related to even more fundamental shifts—above all, to emerging economic and population trends. The United States is much larger in geographic scale than most Americans commonly realize—in fact, larger geographically than all the other advanced industrial countries taken together when Canada and Australia (nations with large empty land masses) are excluded. In Kennan’s phrase, it is “a monster country.”⁵⁶ Again, the current \$10 trillion US economy is over five times the size of the German economy, and more than seven times the size of the economies of France and Britain. Leaving aside Germany and Japan, it is larger than the combined economies of all the remaining OECD countries taken together.⁵⁷

The conservative estimating assumptions used in official Social Security projections suggest that the US economy will more than double by midcentury to roughly \$29 trillion (in 2003 dollars)—three times that of the current European Union. It will reach more than six times its current size (roughly \$70 trillion in 2003 dollars) by the end of the century. If the more optimistic short-term economic assumptions used by the US Council of Economic Advisors are projected forward, the figure could easily be \$100 trillion or more

by 2010. The latter estimate is roughly ten times the US economy's current scale. Discounting either projection substantially, of course, still yields an extraordinary figure.⁵⁸

The present US population of over 300 million is also huge by world standards. It is the third largest after China and India and more than twice as large as any other OECD nation—greater, in fact, than the combined populations of twenty-one of the other twenty-nine OECD countries. US population is also projected to increase dramatically over the course of the twenty-first century. Midrange Census Bureau projections suggest it will exceed 400 million by 2050—and reach 570 million by 2100. If the Census Bureau “high-series” projection is taken as a baseline, these numbers will increase to 550 million by 2050—and to 1.18 billion by 2100.⁵⁹

Accurate demographic projections are notoriously difficult to make. The critical variables are future birth and death rates and immigration flows. Census Bureau demographers do not include political analyses in their projections, even though political factors can also be extremely important. When such factors are introduced, two quite obvious considerations suggest something in the direction of the higher-range projections may well be closer to reality than the mid- and lower-range estimates.

First, immigration from Mexico—which in recent years has averaged over 300,000 a year (roughly 160,000 a year documented and an estimated 150,000 undocumented)—is all but certain to be significantly affected by politics in the future. The Mexican American vote has now become sufficiently large to force both political parties to respond to its demands. It is all but impossible to win the presidency without winning either California or Texas—not to mention such presidential election “battleground” states as New Mexico, Colorado, and Nevada—and in all of these states the Mexican American vote is critical.⁶⁰

Although immigration reform failed in the 110th Congress, long-term pressure to legalize a large percentage of undocumented immigrants is still present. Corporate interests in cheap labor have empowered support for a relaxation of immigration policy; and new community alliances, especially in California and key Southwestern states, have brought labor to also support immigration reform.⁶¹ “[T]he long-term dynamics encouraging a new approach to immigration remain in place,” *Los Angeles Times* columnist Ron Brownstein observes in *American Prospect*—“especially the fact that as the Baby Boom generation retires, business demand for new workers will become increasingly important.”⁶²

A second political factor likely to impact immigration and thereby population growth is the Social Security financing problem. As has been noted repeatedly, although there were five active workers in the labor force for every retiree in 1960, currently active workers number only 3.4 per retiree. By 2030, the ratio of workers to retirees is projected to fall to around 2.1 (and to a mere 1.8 by 2080). Although such figures have commonly been used to bolster arguments for a reduction in Social Security benefits, an obvious

alternative—as several economists have urged, and many other countries have realized—is to increase the number of workers per retiree through immigration.

If even a modest long-term immigration increase is included as a response to considerations related to the Hispanic vote—and as a political alternative to cutting Social Security benefits of great importance to large numbers—movement in the direction of the higher-range Census Bureau projections becomes more rather than less likely. A very cautious and respected analyst, Harvard sociologist Christopher Jencks, suggests in any event that 500 million, rather than 400 million, is a likely number by 2050. Political and quasi-political considerations—plus the fact that Mexican American Catholic immigrants have birth rates almost twice those of the general non-Hispanic population—suggest that long-range projections in the 1.18 billion range are not nearly as speculative as some may think.⁶³

Even assuming more modest population projections, the numbers become very large as the century unfolds, no matter what: as some point out, large enough in all probability to force even the most reluctant to consider large-order moves away from the current centralized concentration of major governmental decision-making. Twenty-one states have populations of less than 3 million (of these, seven have less than a million). Another nine have populations of less than 5 million. Most of these thirty states (and perhaps others) are too small to deal effectively with many economic, environmental, transportation, and other problems on their own.⁶⁴

Long-term federal restructuring that might ultimately come to rest on a unit of scale larger than most states but smaller than the nation—the region—most likely would begin with states that:

- 1 are themselves very large;
- 2 have a sense of their own political and policy identity;
- 3 are experiencing trajectories of growing racial and ethnic change different from the rest of the nation;
- 4 are experiencing particularly painful economic and fiscal distress; and
- 5 are already constituted as organized “polities.”

An obvious candidate to initiate long-range change is the regional-scale “mega-state” of California.

California, in fact, is already the equivalent of a very large semiautonomous political–economic system. Its economy is roughly the size of France’s, the fifth-largest economy in the OECD.⁶⁵ The economy of the five-county Los Angeles area alone is roughly the size of Spain’s, the OECD’s ninth-largest economy—and is greater than the economies of Brazil, India, and South Korea.⁶⁶

California’s population of 35 million is greater than that of Canada (31 million), Australia (19 million), the Netherlands (16 million), Portugal (10 million), and all four of the Scandinavian countries combined (24 million).

Los Angeles County is larger in population than forty-two of the fifty states. The state is also larger, geographically, than numerous important nations—including Germany, Japan, the United Kingdom, Poland, and Italy.⁶⁷

In recent years state political leaders of both parties have also begun to take ever more challenging and independent positions. In 1994 Republican Governor Pete Wilson came head-to-head with Washington in a bitter fight over the results of Proposition 187, a ballot initiative that would have denied public services—including public education and subsidized healthcare—to undocumented immigrants. “California will not submit its destiny to faceless federal bureaucrats or even congressional barons,” an angry Wilson all but shouted. “We declare to Washington that California is a proud and sovereign state, not a colony of the federal government.”⁶⁸

In 2001 Democratic Governor Gray Davis confronted the Bush administration over its energy policy after rolling blackouts and extortionate prices had drained billions from consumers and the State Treasury alike: “If you’re looking for a culprit, I’ll give you a culprit. The culprit is the Federal Energy Regulatory Commission.” Representative Henry A. Waxman coolly observed that the issue sharpened battle lines. It was the state in general against Washington, not one party against the other: “It didn’t make any difference whether you were a conservative Republican or a liberal Democrat.”⁶⁹

The current California economy of \$1.36 trillion is likely to increase to roughly \$9.4 trillion—and possibly to \$15.2 trillion—by 2100 (assuming no major order-of-magnitude changes in its share of national GDP). Under similar general baseline assumptions, its population will reach between 68.7 million and 83.3 million, on the basis of midrange census projections.⁷⁰

Under all projections, California’s population changes are also laying the demographic foundations for a different Hispanic-dominated political-economic identity and developmental path—one that is likely to intensify further the state’s growing sense of independent direction and difference from the rest of the nation. In 1940 just 6 percent of the population was Latino (roughly 415,000 of the state population of 6.9 million). By 1970 it had reached 13.7 percent. The non-Hispanic white population in California is now a minority—less than 47 percent (in 2000), down from 57.2 percent just ten years earlier. Non-Hispanic whites are projected to constitute a mere 31 percent of the state in 2040.

What will happen beyond 2040 is anybody’s guess. “There will be no place in the state that is not touched by immigration and these racial and ethnic changes,” observes Mark Baldassare of the Public Policy Institute of California. “We will be inventing a new kind of society.”⁷¹

Though few have fully grasped the implications, such changes point to the kind of long-term regionally defined cultural and ethnic shifts that have intensified the logic of regional restructuring in nations throughout the world. A major difference is that the United States is, and will increasingly become, truly mammoth in comparison to most other advanced nations.

In addition to the MTBE case, California has also already been impacted by other globalization pressures, and numerous of its state programs are likely to run afoul of WTO and NAFTA regulations.⁷² Its massive fiscal problems—and recent electoral events—suggest the likelihood of ongoing political volatility. Given its economic difficulties and the emerging pressures, in many ways it would be surprising if a large and inherently wealthy regional-size state like California did not at some point *demand* greater powers to manage its own affairs better.

If (when?) it did, its example would likely be followed in one way or another by other large states. Texas, which now numbers 20.9 million, is projected to reach 27.2 million by 2025 and, on reasonable assumptions, 46 million by century's end. Within a decade non-Hispanic whites are projected to be a minority—and a mere 33 percent of the population by 2040. Florida and New York are also of substantial interest. Florida is larger geographically than many midsize European countries; its current 15.9 million population is projected to reach 35 million by 2100. New York's population of 18.9 million could reach 33.5 million and its economy grow to over \$8 trillion by 2100. All three states might follow the lead of California—or at some point launch independent initiatives of their own that would have repercussions throughout the system.⁷³

Other plausible decentralization scenarios involve groups of smaller states. Numerous precedents and a long history of states working together could be drawn upon either in response to an assertion of power by larger states or simply in order to achieve positive goals that few small states can achieve on their own. Regional strategies have long been common, for instance, in connection with environmental issues. Some regions, such as New England, have developed multiple forms of interstate cooperation involving groupings of governors, attorneys general, environmental administrators, and others.⁷⁴

Nearly two hundred Interstate Compacts—which are already authorized by the Constitution—also currently coordinate various state efforts in connection with matters ranging from economic development to high-speed intercity passenger rail services. Federal precedents also abound—including the Tennessee Valley Authority and presidential proposals for many similar authorities. The Appalachian Regional Commission currently involves some thirteen states in common efforts related to industrial development, energy resource coordination, tourism promotion, and other matters. Both the Johnson and Nixon administrations experimented with various additional forms of regionalization—the former establishing regional commissions, the latter through regional administrative strategies.⁷⁵

Such precedents for regional coordination do not reach to the many larger issues of political-economic authority and power that system-wide restructuring would clearly require. On the other hand, the historical record offers evidence that states working together when problems are larger than any one

state can handle have been effective in many instances. The regular reappearance of regional efforts also points to a certain political appeal that regionalist ideas appear to have—especially when traditional alternatives are incapable of dealing with pressing political-economic problems.

Few in the United States are aware that in recent decades an intense exploration of regionalist constitutional changes has been under way throughout the world—in Britain and in nations as diverse as China, Italy, Indonesia, the former Soviet Union, Spain, and Canada. In 1989 a comprehensive international report concluded that decentralization had become a “subject of discussion in all countries regardless of whether they are old or young states or whether they have a long unitary or federal tradition.”⁷⁶

It is possible that the United States will be immune to the global trend—and that as the nation moves toward 500 million and beyond, it will continue to be managed, administered, and fundamentally governed from Washington without significant change in what by century’s end will be a constitutional structure that is more than three hundred years old. However—and though few Americans have yet imagined the possibility—given the various changes under way, the odds are that population growth alone will ultimately create conditions that demand consideration of some form of major restructuring.

The specific shape a new Pluralist Commonwealth-oriented regionalism might take over the course of the century is obviously indeterminate. Initial changes would likely involve greater state/regional autonomy in connection with economic and environmental matters, reductions in federal preemptive powers with regard to corporate regulation, limitations on the impact of WTO and other trade treaties on state/regional legislative authority, and alterations in current Constitutional Commerce Clause restrictions related to state/regional economic rights. Beyond this, much larger issues concerning the apportionment of power might well be posed.

The nations of the European Union are currently groping toward a constitutional structure that begins with highly decentralized nation-state political units (roughly similar in scale to US regions), and attempts to move from this basis centripetally, toward greater power at the center. The United States may well find itself moving in the direction of a similar long-term structural end-point—beginning, however, from the other direction and moving outward, centrifugally, to greater independence of regional-scale units away from the center.⁷⁷

Quite apart from population and other pressures that may force change—and the many uncertainties that would ultimately have to be confronted and resolved—over the long arc of the twenty-first century, Americans who are committed to a renewal of democracy are unlikely to be able to avoid the truth that in all probability this can be meaningfully achieved only in units of scale smaller than a continent but also of sufficient size to be capable of substantial semiautonomous functioning: the region.

The Common Good: Towards an Alternative Europe

SUSAN GEORGE

A month and a half before the French referendum, the polls were heading straight downhill for the Yes camp. The commercial, pro-government TV Channel TF1 hastily pulled together a cross-section of “representative young people” to question Jacques Chirac, bringing out their biggest gun in hopes of shooting down the opposition. The young people were concerned about lousy jobs, casual jobs, or no jobs; affordable housing; the lamentable state of the universities; and other unimportant, mundane matters. The President explained to them that if they voted No, France would become the black sheep of Europe. They looked unconvinced; so was the TV audience.

Better a black sheep than simply a sheep. At ATTAC we had black sheep badges made up and wore them with pride. A more suitable metaphor, assuming we should stick to the animal kingdom, would have been the ugly duckling that turned out to be a swan. Most progressive Europeans and democrats did not see the French as outcasts but were grateful to them for stopping a detrimental process.

The French summoned the courage to confront the political, financial, and media elites who demanded agreement and a docile “Yes.” Hell hath no fury like an elite scorned and one could measure the scope of the victory by their rage. They understood they were losing influence. Serge July, editor of *Libération*, angrily expressed his contempt for the electorate, speaking of a “general disaster,” a “populist epidemic,” a “masochistic masterpiece.” My favorite quote, however, comes from the Vice-President of the Commission, the Commissioner for Business and Industry, Gunter Verheugen, who exhorted his colleagues after the French and Dutch votes: “We must not give in to blackmail.” So much for universal suffrage. Verheugen has that neoliberal spirit

and may yet supply us with as many choice aphorisms as ex-Commissioner Frits Bolkestein once did.

As we develop future strategy, we must foresee the probable responses from the elites because they will inevitably try to stifle the voice of popular dissent. Their challenge is to break the momentum of protest and get everything back under control. We should avoid handing ammunition to the frustrated neo- and social-liberals. Non-French European elites in particular will appeal to the common stereotypical image of “arrogance” that allegedly inclines France and the French against cooperation with others. Serge July used the cliché himself in the same editorial: “France exists because it can singlehandedly unhinge Europe. On your knees, Europe, bow to our ‘No.’” Fortunately for those of us in the French No camp, the Dutch, reputed for their moderation and modesty, also voted *Nee*.

The disappointed, frustrated, and discredited opposition also tried to convince the rest of Europe that the French No was motivated by xenophobia and prejudice against immigrants, either Central European or from farther afield. During and after the referendum, the French and European media got full mileage from this myth, often trotting out the valiant “Polish plumber” we were supposed to fear because he was out to steal our jobs. The ubiquitous plumber was actually the brainchild of Frits Bolkestein and he—the plumber, not the Commissioner—seems to have been busy unblocking drains all over Europe, thereby providing a convenient, if phony, excuse for bashing the No forces.

During the campaign, the Right constantly brandished the specter of chaos which, if the No were to triumph, would surely ensue the following morning. The Treaty Establishing a Constitution for Europe (the TCE, or simply the Constitution), they assured us, was all or nothing: there was no Plan B to fall back on and, if the No passed, we would be taking an historic risk and responsibility. Luckily, most people ignored the warnings and, in fact, between May 29, 2005, the date of the referendum, and the end of June, the euro-dollar exchange rate dropped from 1.23310 to 1.20920—not exactly the crash of the century and rather good news for European exports even though it slightly raised the cost of oil. No chaos, no drama, no nothing—on May 30 we simply resumed living under the Nice Treaty as we had done since the year 2000.

Now, two years after the referendum at the time of writing, the political task of creating another Europe is the same but the balance of power, which the No momentarily shifted in favor of the progressive camp, has been utterly transformed. With characteristic skill, the French Left has snatched defeat from the jaws of victory and is much weaker than it was in May 2005. The elites didn’t need to do anything—the “Left of the Left” and the French Socialist Party did their work for them. So far, President Sarkozy has maneuvered brilliantly to keep them powerless and reeling. It is hard to know how we can go about altering the Europe that now faces us but we must nonetheless try.

So I intend to write as if we—not just the French but all the peoples of Europe—could continue to push for an alternative European Union; because, if we don't, we know the wrong people and the wrong policies will win.

This chapter will thus not concentrate on post-mortems, however necessary self-critical examination may be, but rather on the need to forge a genuine, European-wide public opinion while recognizing this will be a long-term task. All the progressive forces throughout Europe—political parties, trade unions, citizens' associations, solidarity organizations, and social movements—must now help promote a true European debate in a very short time. We must simultaneously explain what was (and remains) wrong with the Europe the elites are determined to impose upon us and begin to build the foundations of another Europe, a Europe of the common good for all Europeans.

Plan B and the New Treaty

In English, it is the “Reform Treaty,” which sounds more upbeat than the neutral and boring French “*Traite modificatif*” or “Treaty which modifies.” This is Plan B incarnate, the new instrument they hope to push through before anyone knows exactly what hit them and which differs barely a jot or tittle from the failed Constitution it replaces. Before we deal with its numerous complexities and the sleight of hand involved in foisting it on hapless Europeans, here is a short chronicle of post-TCE history and the state of play as of the fall of 2007.

In July 2005, a further referendum took place in tiny Luxembourg where the Yes came out ahead. A jubilant Prime Minister Juncker announced that this proved the “Constitution is not dead . . . it remains alive on the agenda of the European Union.” This reminded me of the Monty Python “dead parrot” sketch in which the pet shop manager keeps trying to convince an angry customer that his dead parrot—purchased half an hour previously—is merely resting, or hibernating, or awaiting the right moment to speak. Juncker forgot one thing: the rule was unanimity, and unanimity was dead. So they had to come up with something else. That something has now been unveiled and its timeline is already set, although they did not bother to inform us they had come up with Plan B until the meeting in Berlin in March 2007 celebrating the fiftieth anniversary of the founding of Europe.

I'll explain in a moment how this Treaty does—or mostly does not—differ from the Constitution. The basic message is, however, that the Eurocrats learned their lesson; as did national governments. As Gunther Verheugen might have said: do not, under any circumstances, allow the peoples of Europe to say anything about their future. Avoid referendums; push the next text through, with no time for discussion or debate. Leave all the anti-democratic, neoliberal measures just as they were in the Constitution—or make them more binding—but also make sure they are even more difficult to identify and that the text is even more complicated for ordinary mortals to decipher. Make sure

too that the new Treaty, once approved by governments, cannot be altered. Democracy is dangerous; it can result in incorrect decisions. But this time the outcome will be determined well in advance and the people can exercise their God-given right to shut up.

The sequence of events in 2007 leading to the Treaty was the following: the Council (heads of state and government) delivered a formal mandate to the Intergovernmental Conference (IGC) in June; the Portuguese presidency presented the IGC with a draft Treaty on July 23; the IGC adopted the final draft on October 19, 2007.¹

The Treaty will then be sent round for ratification by all twenty-seven members, well in time for the European parliamentary elections in June 2009. Nearly all member states will opt for parliamentary ratification; President Sarkozy has already announced that there will be no more of this referendum nonsense in France; there is some doubt about the method to be used in Britain, the Czech Republic, Poland, and some other smaller states, eight in all. The only member requiring a referendum by law is Ireland, which places a great responsibility on the shoulders of the Irish.

Here is the first paragraph of the mandate (I especially like the bit about “democratic legitimacy”):

The IGC is asked to draw up a Treaty (hereinafter called “Reform Treaty”) amending the existing Treaties with a view to enhancing the efficiency and *democratic legitimacy* of the enlarged Union, as well as the coherence of its external action. The constitutional concept, which consisted in repealing all existing Treaties and replacing them by a single text called “Constitution,” is abandoned. The Reform Treaty will introduce into the existing Treaties, which remain in force, *the innovations resulting from the 2004 IGC*, as set out below in a detailed fashion [my emphasis].

So the negotiators have in one hand the “existing Treaties” and in the other the changes made to these existing treaties by the now defunct Constitution. Since this Constitution is “abandoned,” these changes are retained, but cleverly relabelled “the innovations resulting from the 2004 IGC.” The “2004 IGC” is none other than the one that approved the Constitution submitted by Giscard’s Convention and sent it out for ratification. Neat, no?

So what are the “existing treaties”? Here too, we have to be prepared for some confusing name-changes. The text of the IGC’s mandate reads:

The Reform Treaty will contain two substantive clauses amending respectively the Treaty on the European Union (TEU) and the Treaty establishing the European Community (TEC). The TEU will keep its present name and the TEC will be called Treaty on the Functioning of the Union, the Union having a single legal personality.

In other words, the IGC must merge and mesh these two existing treaties with the changes—or “innovations”—introduced by the dead Constitution, minus a few listed exceptions. The “existing treaties” are the **Treaty on the European Union** (TEU, that is, the Maastricht Treaty, as modified by the Treaties of Amsterdam and Nice) and the **Treaty Establishing the European Community** (TEC, Rome 1957, plus later modifications²). The integration of these two “existing treaties” with everything that was new and different in the Constitution minus the exceptions means that all the provisions of the Constitution which are *not* listed are going to remain law and will figure in the Reform Treaty exactly as they appeared in the ex-Constitution. The name of the resulting new Treaty is not “Reform” in the sense of making beneficial changes. It is simply called that because it modifies [re-forms] the “existing treaties” (clearer in the French “*traité modificatif*”). Sometimes in French they dare to call it the “*Traite simplificatif*” (which simplifies) or “*simplifié*” (simplified). Unfortunately it is neither: the word “*complicatif*” doesn’t exist in French (though “*complexifié*” arguably could), but if it did, it would be apt. That is what the new Treaty does—it complicates.

Judge for yourself. What must be merged and meshed? There are fully 296 modifications listed in the July 2007 draft, occupying 145 pages; all these must be stuffed into various articles of the two existing treaties. The modified Treaty, as duly approved by the IGC, comes to 410 articles, often extremely detailed. Twelve protocols (69 pages) and 51 declarations (63 pages) are generously appended. Declaration number 11 contains the 51 articles of the Charter of Fundamental Rights, previously Part II of the dead Constitution. A good many of the declarations explain how to interpret this Charter.³ Various annexes are also part of the package, and all this literature—protocols, declarations, annexes—has the same legal value as the 410-article Treaty itself.⁴

The new Treaty, whether “*Modificatif*” or “Reform,” is everything one feared, and worse. This is extremely serious because at least 80 percent of the legislation passed in every European country now emanates directly from Brussels, which alone shows how vital it is for European citizens to understand what is happening—otherwise, they will at some point be mugged by reality. Furthermore, not only do European treaties take precedence over national law but the European Court of Justice has already decided and reiterated that *any* rule promulgated by the European Commission also takes precedence over national law, even over national constitutions. In other words, whatever its name, the new Treaty, legally speaking, will be just as potent as the dead Constitution would have been.

It is impossible to analyze all the provisions but it is particularly important to understand that the way European decisions are taken varies from one area to another and that there are 177 different areas and sub-areas of competence. The Commission has the lion’s share of decision-making power, particularly in the areas of trade and competition; monetary policy is made exclusively by the European Central Bank. In some areas, the Council shares responsibility for

approving decisions with the Parliament; in others, it can decide by itself without parliamentary interference. Some decisions require qualified majority voting; others depend on unanimity. The Council shares responsibility—but has priority—with the Union for decisions concerning the internal market, agriculture, transport, energy, security, justice, and most social and environmental policy. The Commission is said to be “complementary” to the member states in decisions concerning the areas of health, industry, culture, tourism, and education.

Qualified majority voting will apply to about 120 areas and will be more or less demanding—QMV after 2014 will require in some cases 55 percent of the member states (15 out of 27) and 65 percent of the European population; in others 72 percent of the members (20 out of 27) and 65 percent of the population.⁵ Unanimity remains the rule in crucial areas like revising or amending the Treaty, fiscal policy, and most aspects of social and environmental policy, not to mention foreign and defense policy.

Sorting out what decision-making mode applies to which cases is hugely complex. On the whole, the Commission emerges with its powers enhanced, the Council votes on everything, whereas the European Parliament, which had little power to begin with, is still excluded from co-decision in many areas. Please do not ask me which ones: nowhere in any of the texts is there a complete list of all the areas from which the Parliament is excluded. Some of these, however, are: foreign and security policy, trade, the internal market, monetary policy, most of agricultural, and social policy.

The hallowed governing principles of the separation of powers and checks and balances are forgotten (if indeed they were ever remembered). The Founding Fathers of the United States felt especially strongly about these matters and set them down in their Constitution, a document of some 5,000 words. They also elaborated a Bill of Rights which has stood the test of time and even, on the whole, the test of George Bush.

On the other hand, the Charter of Fundamental Rights, first proclaimed in Nice in 2000, remains ambiguous. Understanding how the European Court might interpret it is virtually impossible, but in any case the Charter “creates no new competence or tasks for the EU” so it has little judicial value. It guarantees fewer citizens’ rights than, say, the French Constitution and many other national constitutions; furthermore, no matter how weak the Charter may be, the United Kingdom has been authorized not to apply it. Ireland and Poland may follow suit. As far as one can interpret this decision, it appears to mean that while competition and market freedom are compulsory for all EU member states, even the most meager social rights are optional.

What is not ambiguous is the centrality of the “highly competitive internal market” that remains the supreme common denominator for the EU. Free trade also has iconic status, not just within Europe but worldwide. A new article says the goal of EU commercial policy is the “integration of all countries into the world economy . . . [through the suppression] of barriers to international

trade.” Elsewhere, it calls for the suppression of all restrictions on trade—this includes non-tariff “barriers” like environmental or consumer protection standards—as well as suppression of all barriers to foreign direct investment (FDI).

Peter Mandelson, the former Trade Commissioner, was already putting this policy into action, notably in the economic partnership agreements (EPAs) he was negotiating with various countries and regions, including a very dangerous one with seventy-eight ACP (African, Caribbean, and Pacific) countries. But the new Treaty will make the abolition of all restrictions on FDI and of “unnecessary” barriers erected by national law a permanent mandate for all future trade negotiations. External entities, like the Dispute Resolution Body of the World Trade Organization, will decide what is and is not “necessary” for consumer or environmental protection and what is a “disguised barrier to trade.” The record of the WTO in this regard is not encouraging.

The European Central Bank remains independent of all political oversight and its mandate is still to maintain “price stability” (i.e. treat the smallest sign of inflation like the plague and instantly raise interest rates). For the first time, price stability becomes an “objective” of the EU; one example among many of the confusion that reigns when economic implements (like the ever-present “competition”) become permanent objectives of the Union. They may be useful and desirable at some times but not others and should never share the status of a genuine objective. Unanimity is still required for any limitations on the free movement of capital. This provision will almost surely be interpreted to mean that any taxes on financial transactions of the kind ATTAC and many other civil society organizations call for are prohibited.

European subservience to NATO for security and defense policy is reinforced. It gets a new, special protocol: the member states signing the Treaty must promise progressively to “increase their military capabilities” (i.e. increase defense spending). The “war against terrorism” is used to justify military missions, including those organized to help *non-European* countries “combat terrorism” on their soil. We have no idea what NATO policy may be in future, but we are signing up for it blindfolded. This Treaty will never let Europe have a policy that differs from NATO’s. Military cooperation between states that want to go faster and further together is specifically facilitated:

Those Member States whose military capabilities fulfill higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework.

What of the other big questions that were central to the debates and the campaign for the No in 2005? Neoliberalism still rules and market freedom remains the central dogma. Charitably, we may suppose that Nicolas Sarkozy thought he was changing that model when he demanded deletion of the phrase

“free and undistorted competition” from the “objectives” of the Union; he chose to call it a “major reorientation.” It may be a symbolic victory for those who fought against the Constitution but under no circumstances is it a “major reorientation.”

French MEP Francis Wurtz questioned German Chancellor Angela Merkel (who chaired the June 2007 IGC meeting) on this point in a plenary session of the European Parliament. Her response could hardly have been more blunt: “Nothing is going to change.” Not only does the phrase “free and undistorted competition” recur in the text several times, but a protocol has been added which will signify “loud and clear,” as Merkel herself put it, that “this instrument [of free and undistorted competition] must be preserved in the fullest sense.” Commission President Barroso, whom Wurtz also questioned, then dotted the “i”s and crossed the “t”s, replying that the principle of competition must under no circumstances be “undermined” because it is “one of the essential components of the single market. This must be crystal clear.”

The Council also stressed the point in its June meeting. Its paragraph concerning economic, social, and environmental issues states that: “*Further strengthening* the four freedoms of the internal market (free movement of goods, persons, services and capital) and improving its functioning remain of *paramount importance* for growth, competitiveness and employment [my emphasis].”

We also campaigned in 2005 on the place of public services in Europe. Here again, nothing has changed and public services (never called that but rather “services of general economic interest”) remain subject to the rules of competition. However, a protocol does specifically give national, regional, and local authorities a bit more leeway than previously for supplying public services, which is welcome.

Other “innovations” retained from the Constitution include the offices of President of the Council elected for a two-and-a-half-year term renewable once and a “High Representative,” effectively the Foreign Minister, who deals with foreign affairs and security. The number of Commissioners will be reduced and the powers of the Commission President increased. A minimum of nine member states can decide to undertake “enhanced cooperation” among themselves in areas of their choosing.

The Union, for the first time, obtains the status of a “legal person,” meaning that it can sign agreements and treaties on its own in the name of all the member states. This could be extremely dangerous. The EU could act on its own, and democratic accountability would be even further out of reach. For example, the Commission could “open” whole European service sectors to trading partners under the rules of the GATS (General Agreement on Trade in Services of the WTO). It would thus acquire a huge bargaining chip with other countries because it could “offer” a market of 500 million consumers to their exporters.

As to relations with member states, an annex stresses that European law takes precedence over national law (with a list of the Court decisions to that

effect) and national parliaments are given eight weeks rather than six to examine the legislation sent to them by the Commission and write it into national law.

One could go on for pages more, but the main *political* points are these:

- The new Treaty retains virtually all of the rejected Constitution and is, if anything, longer and more complex.
- It is uniquely neoliberal in letter and in spirit.
- It has been placed on the table for approval and ratification with undue haste, allowing no time for debate and it will not be submitted to referenda, except in Ireland.
- It is not clear who wrote it: it seems to be the legal services of the Council. Not even an appointed Convention or similar body had a hand in it.
- The coalition of neoliberals, social liberals, EU technocrats in Brussels, transnational corporate executives, lobbyists, and UNICE remains in place and can be well pleased.

But don't take my word for it: listen rather to the people who know, like Giscard d'Estaing, principal architect of the TCE. As he explained to the Constitutional Affairs Committee of the European Parliament on July 17, 2007:

As for content, the proposals are largely unchanged, they are just presented differently. This is because the new text was not supposed to look too much like the constitutional treaty. European governments therefore agreed on cosmetic changes [in the Reform Treaty] to make it easier to swallow.

And in the French press (*Le Monde*, June 14, 2007), the same Giscard pointed out:

the [constitutional innovations] had to be split up into several texts so they would look like simple amendments . . . they would be regrouped in a Treaty which had become colorless and painless. These various texts would be sent to [national] parliaments which would vote on them separately. In that way, public opinion would be unwittingly led to adopt the provisions that [governments] didn't dare present to them straightforwardly.

His Vice-President of the Constitutional Convention, Giuliano Amato, is also quite frank: "It was decided that the document had to be unreadable because if it's unreadable that means it's not constitutional—that was the idea . . . If people could understand the text on the first reading, then you would risk getting calls for referendums." Plenty of others agree. The Belgian Foreign

Minister is more graphic: “The goal of the Constitutional Treaty was to be legible [readable]. The goal of this one is to be unreadable [illegible]. The aim of the Constitution was to be clear; the aim of this one is to be obscure. It is successful.” Commissioner Margot Wallstrom says simply, “It’s essentially the same proposal as the former Constitution.” Irish premier Bertie Ahern states: “90 percent of the Constitution is there.” The Spanish Prime Minister Jose Luis Zapatero waxes almost lyrical: “We have not abandoned a single essential point of the Constitution . . . This is without any doubt much more than a treaty. This is a fundamental, a founding document, a treaty for a new Europe.”⁶

So it is as if the French and the Dutch had never voted. The whole process leaves all European citizens, whatever their Member State, completely out of the picture; they will have nothing to say about the way Europe runs their affairs nor about which policies should be included in the new document. The leadership is also clearly worried that citizens might still have time to get organized, so they are *de facto* excluding discussion of a text of supreme complexity and considerable ambiguity by pushing it quickly through the ratification process. Amendments and revisions still require unanimity, tantamount to making them impossible. The Commission will continue to hold practically all executive, legislative, and even judicial power. The EU will be legally tied to the United States defense establishment and thus to its commander in chief, the US President.

Citizens of Europe, this is your last chance.

What Must We Do?

First, we have to go out and explain, fast, what is in this new Treaty and why it is dangerous. We have to make sure that Europeans are as worried about a “Treaty” as they were about a “Constitution,” which sounds more solemn and permanent, although they have exactly the same functions and the same clout. The good side is that the word “Constitution” woke up the French, the Dutch, and some other European citizens. Every journey to a different European member state from one’s own should be used to work for consensus against this European straitjacket. ***We must demand an extensive inter- and intra-European debate, and referenda in every country, preferably on the same day.*** Europe needs entirely new “software” in place of the neoliberal dogma now imposed on us.

The first requirement is obviously not to let this Treaty past the post. It would be a major victory if this could be achieved. Once Europeans understand the general orientation of the “Reform” Treaty, there are many specific points we should make sure are included in any future governing document. I shall list some of them, with the understanding that these are suggestions only; that they do not make up an exhaustive list; and that they are naturally up for debate. The main thing is that the will of the people must be sovereign and given clear, democratic paths for its expression. That popular will is in itself

a concern, because, so far, no “European people” exists. We have twenty-seven peoples with different histories, languages, and cultures.

All of them deserve respect and admiration because together they make the continent exceptionally rich. Why claim that the French and the Finns, the Hungarians and the Spanish are part of a single people when each contributes to the creative diversity of the whole? We are different peoples but we also have much in common, including common aspirations to greater democracy, and together we can build the common good while maintaining our diversity. The best way to build the common good is to develop the concept of the European *citizen* and to recognize that the common good does not depend on common origins, history, language, and culture. One day, perhaps Germans will feel concerned by the distress of the Andalusian unemployed and the Finns will feel affected by a strike in Belgium or Slovenia; but even if they don’t today, they can recognize that they live in a common space and should have a say in developing the rules governing that space.

We need a Europe in which all Europeans feel represented but no member state (or the Commission) can block the progress of any other, particularly in the areas of health, education, public or social services, and the environment. Citizenship—or more importantly, a people—has never flourished around an economy. No “market,” whatever its size, has ever given birth to a society. Rather, a society must exist beforehand in order to determine what kind of market is appropriate, and to define marketable and non-marketable goods, public and private property. Allowing the market to impose its will on society is suicidal.

New Directions, Major Reorientations

Two apparently simple questions should guide our thinking about new directions. Why Europe? How Europe? The answers depend on identifying goals we can reach together that none of us could reach alone, and determining the means at our disposal to achieve those goals—which may be cultural, social, political, ecological, and so on.

The answer to the first question, “Why Europe?,” was initially provided by the founding fathers fifty years ago and remains valid. We needed Europe first of all to bring lasting peace and make future military conflict on the continent unthinkable. For half a century, the formula has worked (the Balkans, not part of the EU, are the sad exception). Second, we needed common foundations that the main individual European countries would have a shared interest in defending. The economic foundations have indeed been laid, but with no social dimension. Crucial issues like employment and the fight against poverty and exclusion have been completely forgotten.

We needed institutions encouraging solidarity in order to develop a Europe of common interests, and here the failure is obvious. Only the Commission is recognized as capable of identifying the European “common good” and, as we

know, this Commission is unelected, opaque, unaccountable, and largely beholden to corporate lobbies and financial institutions. Since the ratification of the Maastricht Treaty, the Commission has been shored up by a Central Bank that answers to no political constituency and manages Europe as if it were a conglomerate of twenty-seven corporations, each with its board of directors.

The “common” interest has become almost synonymous with the interest of corporations and financial markets. Social solidarity has been completely forsaken and the notorious “democratic deficit” proven time and again, by record rates of abstention among other indicators. Until the constitutional referenda of 2005, European elections verged on the farcical. In the parliamentary elections of 2004, 54 percent of Spaniards, 57 percent of Germans and French, and 61 percent of the Dutch and the British did not bother to vote. In the year that separated these elections of 2004 and the referendum of May 29, 2005, French voter participation increased by 27 points, to 70 percent, while the Dutch doubled their turnout of 2004. When asked their opinion on matters of import, Europeans speak out.

If ordinary European elections arouse such scant interest, it is doubtless because citizens understand that their elected representatives can’t do much and that an impenetrable bureaucracy is shaping Europe in their stead. When finally asked what they thought—after thirteen years in the case of France—they rejected that Europe. The fact remains that we need Europe more than ever because globalization poses real threats and presents real challenges.

Speaking at Trinity College in Dublin, Henry Kissinger once said: “globalization is really just another name for the dominant role of the United States.” We may indeed be to a large extent under US domination, but not even the United States controls the financial mechanisms that underlie global competition, not merely of workers in different places but also *between social systems*. Globalization, or early twenty-first-century capitalism, respects only one rule: the rate of return. It deepens inequalities, irreparably harms the environment, plays havoc with cultural identities and oppresses all nations, especially the weakest. It favors the emergence of giant international and national capitalist groups in a position to impose their rules on the rest of the world.

This new reality fundamentally changes what the construction of Europe means. The bipolar postwar, Cold War world has been swept aside and replaced by a new world order built around key international economic powers, none of which is an ally of Europe, in the sense of defending common interests, especially not the United States. The belief that the United States is Europe’s “friend” is a naive illusion. The key question is what role Europe wants, can and must play in this new order. This role ought not to be defined, as it has been up to now, solely by the Commission and the financial and corporate elites: the decision belongs to the peoples of Europe.

Policy made in Brussels and approved by Member governments since the early 1980s has had one clear thrust: the European Union has chosen to

be a vehicle for neoliberal globalization, a market entirely open to global competition, a political entity dedicated more to breaking down social and environmental safeguards in member states than to reinforcing them. Europe has chosen the ultra-liberal path and to follow the American lead. The clash between these two models, the European (or what is left of it) and the American, lay at the heart of the Yes–No battle because European governments of whatever persuasion have consistently chosen to follow the road that leads to the US ultra-competitive model. The European model still exists, but it is under fire from all sides.

The French economist Jean-Paul Fitoussi points out that the more an economy is globalized, the more its citizens need to be protected in order to succeed, economically or socially. Exposing Europeans simultaneously to competition internally with new member states and externally with the US, China, India, and all the others is a recipe for failure.

The Constitutional Treaty came after Maastricht, Amsterdam, and Nice: all these treaties moved towards greater liberalization of the labor market, more casual (or, as the French call it, “precarious”) work, more “flexibility” for wages and working conditions, transformation of all human activities into commodities, privatization of public services, destruction of the industrial base through the acceptance of cut-throat competition inside and outside Europe. The Constitution was simply one more attempt to radicalize and speed up the process.

The Reform Treaty follows the pattern. The proposal was bad as a constitution and it’s bad as a treaty. It actually renders common European citizenship structurally impossible because Europeans are placed in unfair competition with each other and, worse still, the advanced and less advanced social systems are also made to compete against each other, with foreseeable results. In short, the blueprint is intended to turn Europe into a different continent where the norm is the war of all against all and where solidarity is the exception.

In that case, “Why Europe?” The best answer is that Europe could potentially become an exceptional place on earth and European peoples could achieve things together none of them could achieve alone. They could create a political entity different from a mere free trade area where rampant liberalism will eat them alive. Why bother with Europe if it is only to make it like everywhere else? The whole point should be to propose a viable alternative to neoliberal globalization and to prove that a different social model, indeed a different model of civilization is possible, one that puts its trust in the common good.

As to the second question, “How Europe?,” the answer lies in democracy and intergovernmental cooperation; in integrating policies and making some mild, voluntary sacrifices in the richer countries for the benefit of the poorer ones in the name of social, political, environmental, and cultural European equality. What would the Treaty of our Desires look like? It would be first a framework of principles and rules (like the US Constitution which establishes the

separation of powers and the checks and balances between them). These principles and rules would be, so to speak, the treasure chest while the treasure inside would be the political and social European project.

The Constitution and the “Reform” Treaty confuse the container and the thing contained by providing hugely detailed neoliberal content and putting it in an unalterable and anti-democratic container. Our rulers are so scared that people might actually figure out what is going on that they have put the process on fast-forward and hope the ratifications will be out of the way before citizens can catch up. Nonetheless, and for what they are worth, I want to outline some of the necessary elements of the European project as I see it, beginning with the framework.

The Main Principles

A dozen principles already are or could in my view quickly become more or less consensual among European citizens. They take in both the “Why” and the “How” aspects of an alter-Europe project and I’ve chosen to draft them in the present tense, which we might call the “present tense of hope and conviction.” It is understood that the text of a new Constitutional treaty is produced by an elected Constitutional Convention whose members have full rights to propose elements of the text, as do national parliaments or a given predetermined number of petitioning European citizens. Ratification of the finished text takes place simultaneously by popular referenda in all member states.

The Primary Objective of the Union is the Common Good

All the other objectives contribute to the common good, such as social, cultural, and democratic progress, full employment, social protection, high-quality public services accessible to all, solidarity between citizens and peoples, the protection and improvement of the environment, gender equality, and so on. “Competition” may sometimes be a tool to reach some of these objectives but it is always a means to an end, under certain circumstances and at particular moments. It is not an end in itself and has no place in any article of a treaty.

The New Treaty Recognizes and Seeks to Remedy the Present Severe Democratic Deficit in Europe

To create a democratic Europe, the Treaty carefully defines the institutions and the scope of their powers, as well as the nature of their relationships; devoting particular attention to checks and balances between the executive, legislative and judicial branches, their reciprocal responsibilities, and their inbuilt capacities to prevent abuses. It further defines the rights and duties of European citizens, drawing inspiration from, among others, the Declaration of the Rights of Man and the Citizen (1789), the Universal Declaration of Human

Rights (1948), and the two protocols on Civil and Political Rights and Economic, Social and Cultural Rights (1966). It refrains from recommending specific economic policies (as Part III of the Constitution did and the Reform Treaty does).

Among necessary measures to bring about greater democracy are drastic reductions in the power of the Commission which combines executive, legislative, and even some judicial powers; increased parliamentary authority—among other capacities—to levy taxes and introduce legislation as well as to remove individual commissioners from office. MEPs and commissioners from individual countries are elected by the citizens of that country (or chosen from a slate provided by the citizens of that country); the President (if one is decided upon) is elected by all European citizens in a pan-European vote, held simultaneously in the member states. Citizens acquire genuine powers of petition, initiative, and recall.

Environmental Sustainability, Restoration, and Improvement are Integral to all European Policies and Directives

At present, directives are either hugely influenced by industry (e.g. the chemicals directive REACH) or much too weak (e.g. the protection of biodiversity). Europe also sets aside funds for R&D in the field of environmental technologies and provides adequate budgets for action in individual member states in need as well as for cross-border environmental projects and integration.

The Stability Pact, Which Places Limits on Public Debt and Inflation Levels, is Entirely Revised

This is not to say that no common financial rules are necessary, but so long as member countries encounter different situations at different times, flexible and differentiated treatment is required.

An Alternative Europe for the Common Good is Able to Draw on Significant Resources Commensurate with its High Ambitions

Funding will come from various sources, demanding in turn profound changes in the current approach to European policy financing. The following observations apply:

- The European Union as well as the Euro-Group acquire the capacity to borrow. This implies that, like any other government, the EU or the Euro-Group can issue bonds. In the framework of enhanced cooperation, it is also possible that the Euro-Group of (now) thirteen European countries sharing this currency (or some of those countries) may wish to issue joint bonds. Public savings thus collected are used for large-scale public works serving the public interest (river and railway freight transport networks, ports, renewable energies, etc.), for environmental protection and renewal, for scientific research, and so on.

- The Euro Zone is the core of the EU because it can use the common currency as a political and social instrument and because it represents over three-quarters of the European population (350 of 450 million people). The euro serves the development of Europe, not private financial speculators; the interest rate reflects the needs of European businesses and of European citizens, not those of financial markets. Political choices favor either a “strong” or a “weak” euro, depending on circumstances, as is the case for most countries worldwide, particularly the United States, Japan, and China. European tax havens are placed under public administrative supervision and a uniform European corporate tax is introduced for financing EU needs. A harmonized European fiscal policy is examined and gradually implemented.
- The European Central Bank is no longer placed beyond political oversight; it reports to the Commission, to the Council, and to the European Parliament. Its mandate goes beyond price stability and control over inflation in order to encompass economic growth (based on ecological principles) and full employment. The ECB’s president, currently appointed for a period of nine years, can be removed from office if a majority of, say, two-thirds of the European Parliament or three-quarters of the national parliaments so decide. The Euro-Group, composed of the finance ministers of the relevant member states, share the financial and monetary management of their own area with the ECB.
- The European Union’s budget is not arbitrarily fixed in the Treaty at such and such a proportion of GDP but varies according to democratically established guidelines. A significant part of this budget is automatically allocated to structural funds benefiting the new member states in order to eliminate the two-speed EU. Part of the budget comes from taxes levied by the European Parliament (notably on pollution or carbon dioxide and other greenhouse gas emissions).

Public Services are Acknowledged as Essential and Integral to the Success of the European Project

Some of these services are specific to member states, others are progressively integrated over the whole or part of the European territory (railways, energy, etc.). Public education, and aid to young children and the elderly are free; state or European tax-financed subsidies for transport, water, or energy systems are the norm; the public—private mix of various services (culture, broadcasting, etc.) is democratically determined.

In the Same Spirit, Europe Reassesses its Participation in International Trade Agreements

In the case of the World Trade Organization, the EU demands the revision of agreements such as the GATS and the TRIPS that deal with trade in services

and intellectual property. Insofar as possible, the EU opens its borders to the produce of poorer countries and strives to increase their involvement in global commerce on an equitable basis, according to the codified principles of “special and differential treatment.” It halts subsidies to agricultural exports and focuses on its own food sovereignty and, where *locally* appropriate, on agro-fuels (the latter are not, however, the primary alternative energy source).

Education and Research are Top Priorities

Programs like “Erasmus” that allow young people to study in other European countries are strengthened and made compulsory. At least one European language other than one’s own (which is also stressed) is compulsory from infant school. A “lifetime education credit account” is established, enabling all European citizens to take periodic sabbaticals for professional training or personal pursuits. Fundamental and applied research is favored in all fields and the research budget is given priority.⁷

Enhanced Cooperation is Facilitated in all Areas

Member states that wish to move faster and further than others towards European objectives have the freedom to do so, so long as the cooperation remains open to new members at all times. Neither the Commission nor other member states unwilling to join a particular enhanced cooperation program have a right of veto. Any cooperation undertaken between members of the Europe-15 is accompanied by contributions to the twelve (or more) countries included in successive enlargements. Certain forms of enhanced cooperation, for example in the provision of development aid, may be declared accessible to non-EU countries.

The EU Rapidly Attains the United Nations Goal of 0.70 percent of GDP for Overseas Development Aid—a Target Set in 1974

The Union undertakes the coordination of member states’ development aid policies, with their collaboration, in order to rationalize these policies and avoid duplication. Countries receiving this aid are no longer required to deal with individual European missions that waste personnel, time, and money. ODA priority is accorded to countries bordering the Mediterranean and the ACP countries (Africa, Caribbean, Pacific).

Security and Defense Policies are European, Defined by Europeans, and are not Tied to Any Non-European Structures

All member states cooperate in the gathering and dissemination of intelligence. Countries that wish to retain NATO membership may do so, but NATO is not recognized as a European organization endowed with decision-making powers capable of affecting European choices, nor can NATO members risk involving Europe in wars. Europe as a geopolitical power is not dependent on militarization and no treaty can force an EU member state to increase its military

capabilities or arms expenditures. “Security and defense” are not seen as purely military matters but depend also on maintaining good cooperative relations with other states and on the development of peace-keeping forces, which are in themselves deterrents to conflict.

All Treaty Texts Can be Revised

Amendment and revision are important steps not to be undertaken lightly, but they must be possible. A certain proportion of member state parliaments, in combination with a certain percentage of the European Parliament, should be able to propose amendments, which give rise to a popular consultation in all member states on the same day. Amendments become law through qualified majority voting of both parliamentary and popular majorities, pegged to a high standard (two-thirds or three-quarters?).

Some Specifics

Since the TCE and the Reform Treaty completely gloss over these issues, it is reasonable to bring them up here. Many of them need fundamental rethinking. Here, in my view, are a few of them.

Re-examine the Charter of Fundamental Rights

This document, now removed from the Treaty proper and placed in a declaration, is supposed to be “solemnly proclaimed” on the day the new Treaty is ratified. As already noted, it creates “no new tasks or obligations for the Union” and is extremely weak and regressive compared to many national constitutions. It does not provide the “right to work” or “to have work” in the sense of a right to a job or of compensation when unemployed (unemployment is not mentioned anywhere in the Treaty). It simply means you can work if you can find a job. The right to social protection is reduced to “access to social security allocations and social services,” with no mention of their quantity or quality. The right to contraception and abortion is not guaranteed and health rights in general are left extremely vague. You have the right to marry and to have a family, but not specifically to divorce. No right to a minimum income, nor to a pension, is mentioned. It would seem no accident that the European Union is not party to the 1948 Universal Declaration of Human Rights of the United Nations; only to the far weaker European Convention of 1950, which does not mention any collective or social rights.

Overhaul Trade Policy

The European Trade Commissioner negotiates for all twenty-seven member states, whether in the World Trade Organization or in bilateral and regional trade agreements. Over the past decade, this commissioner (beginning with Leon Brittan, then Pascal Lamy, and Peter Mandelson at the time of writing) has acted solely in the interests of corporations and worked to place firmly all

human activities in the market place, including education, health, culture, research, water, and public services.

An estimated 15,000 lobbyists are busy exerting influence for their clients in Brussels, but when corporate lobbies do not exist, the Commission sends out an SOS to transnational corporations to organize one; as Leon Brittan did when he realized that Europe, unlike the US, had no organized services lobby. He seems to have rung up some banker friends in London and invited or incited them to create the European Services Forum, which currently includes over eighty European transnationals in various branches of activity. The Trade Directorate models its negotiating stance on the preferences of these corporations.

ATTAC-France and other European NGOs have campaigned particularly against the General Agreement on Trade in Services (GATS), one of the most dangerous WTO instruments, and they have successfully brought over a thousand local and regional governments to declare themselves “GATS-Free Zones.” These successes, although symbolic rather than legally binding, should be built upon and a new services agreement protecting national preferences and public services drafted. Regional agreements—in which Europe is invariably the stronger partner—must also be overhauled to protect the peoples of less developed countries. Ideally, we should declare the Doha Round of the WTO dead and start rethinking the whole trade universe. Many groups have concrete proposals about a more equitable world trade regime.

Reorient Agriculture and Fisheries Policy

Fishing rights are granted at present on a political basis, regardless of the ecological and biological consequences. European industrial trawlers have stripped African coastal fisheries clean; Europeans are then surprised when former fishermen use their boats to transport potential migrants to the Canaries or the Italian islands.

The Common Agricultural Policy (CAP) favors a “productivist,” high-capital input form of agriculture to the detriment of the environment, and it showers the wealthier farmers with subsidies while driving smallholders to bankruptcy. The Commission has declared that no state can outlaw genetically modified organisms once and for all. The CAP also contributes to ruining producers in the South by continuing to subsidize European exports (and Europeans are then, once more, surprised when former farmers take enormous risks to emigrate). Present policy looks to “increased productivity” but says nothing about maintaining rural communities and employment nor about environmental and rural habitat protection. A new policy should aim for food sovereignty, increased help for small, specialized farmers, development of bio-production, and an end to GMOs and to exports destructive to farmers elsewhere.

Encourage “Enhanced Cooperation”

Though not impossible under present rules, enhanced cooperation between member states is hemmed about with obstacles and at least a third of those states (nine out of twenty-seven) must agree in order to undertake any cooperation or harmonization of policy. This is doubtless also due to the Commission’s heavy bias in favor of privatization and “competition,” making cooperation in, say, the fields of energy and transport particularly difficult so as to leave the free market free to do its work. European successes like Airbus or Ariane (geo-satellites) are private ventures, not the product of official European industrial policy. So long as the Commission retains veto power over similar, public ventures, these will undoubtedly not happen. Enhanced cooperation ought to be a lot more flexible and adaptable, allowing each country to move at its own pace without having to violate popular will in the name of “European obligations.” These cooperations would of course be open to all, at any time.

Finance Enhanced Cooperation

When the PIGS (Portugal, Ireland, Greece, Spain) joined Europe, structural funds were set aside to bring them quickly up to scratch compared to the existing members—a policy which, on the whole, worked extremely well. Nothing of that scope exists for the ten (now twelve) newcomers—they are instead being maintained as reservoirs of cheap labor and sites for outsourcing. Enhanced cooperation should be accompanied by a small self-imposed tax through which the participating countries tax themselves in order to bring the weaker countries to the same level. Otherwise, these weaker members will continue to see such cooperation as a mechanism to enrich the rich while leaving the others to stagnate. Other financing methods are also possible: see below.

For progressives, specific political realities plead in favor of creating a fair and level playing field for the twelve new members: most of them vote for the Right or the extreme Right and will continue sending rightists to Parliament and the Commission unless they have good reason to change. In the 2004 European Parliament elections, only 26 percent of new member state voters turned out and almost three-quarters of those who bothered to vote did so in favor of the traditional Right (51 percent) or the extreme Right (21 percent). For the moment, they are scarcely thinking at all in European terms; they concentrate rather on narrow national interests. (Such behavior is not, of course, confined to the new members and Britain deserves special mention here.)

A Successful Alternative Europe Project: The Major Challenges

Within the framework of the principles listed above, we can now more fully define the content of the European project we want and examine the main challenges we face. Here is a quick overview.

The most urgent problem is undoubtedly to halt and reverse the growing gap between rich and poor Europeans, the “winners” and “losers”; the “ins” and the “outs”; a trend linked to instability and to the upheaval of the social and employment models won by peoples’ movements especially since World War II.

A Europe based on the supremacy of competition and the all-powerful market is an Americanized Europe. This is not by accident but by design. An environment of precarious or casual work is ideal for capital, allowing it to adjust labor and production as needed whenever it likes. This situation then begins to feed on itself and on the despair of people ready to work at any price. An extreme example occurred in Germany where a given job would be auctioned off to the lowest bidder—in terms both of salary and acceptance of working conditions most beneficial to the employer. The law of the jungle takes over, except that ethology tells us that animals are generally more ready to cooperate with each another than humans in such situations.

The classic Marxist equation of “capital versus labor” no longer fully applies. Nor are we still entirely in the euphemistic framework of “social partners,” that is, employers and trade unions. “Social partners” is still the code phrase used in Brussels, but Europe is gradually evolving towards a situation more reminiscent of the nineteenth century, when unionized workers were far fewer and the “reserve labor army” was growing and begging to be exploited. Organized social regression is central to neoliberal globalization and to the present European project as designed by the elites.

We have a choice between the American way of labor market “flexibility” and the European way, even though it is becoming less and less feasible in the neoliberal straitjacket, which will, if allowed, spell the end of the European social model. To retain and preserve it, our only available strategy resides in more cohesion and demand for social protection across the board. We will not be able to maintain this protection much longer in individual countries, even the large ones like France, Germany, and Britain, and the strategy becomes more difficult still in a Europe of twenty-five or twenty-seven countries with widely diverging standards.

Enlargement of Europe is an accomplished fact and cannot be undone, so let us try to make the most of it so that the newcomers prosper. At the same time, citizens of “old Europe” are also suffering and under pressure and cannot reasonably be expected to compete with both the low wages of new fellow Europeans and with the Chinese, the Indians, etc. This impossibility and the disunity it engenders are exactly what neoliberals count on to annihilate the European social model once and for all.

To escape such a scenario, we need immediate enhanced cooperation schemes in order to protect employment, wages, and social rights, with the simultaneous objective of helping new Europeans quickly to reach the same level as the older ones. Such cooperation is possible even under the Nice Treaty, even under the “Reform” Treaty if we have the misfortune to be governed by it.

Neither makes enhanced cooperation easy, but the Euro-Group could, for example, decide to form the social core of Europe; or, if all the euro states do not want to join, then France, Germany, Benelux et alia could at least set it in motion.

Since it seems unlikely we can immediately loosen the stranglehold of the European Central Bank, some countries could make a collective bond issue to be devoted to the environmental transformation of Europe and investment in rapid development and deployment of environmental technologies. Other employment-creating infrastructure projects like those mentioned above could also reinvigorate Europe's productive capacity. Part of the return on such investment should then go to structural improvements in the newer member states.

Another task ahead is "social harmonization," which, in the TCE and the "Reform" Treaty, can be decided only unanimously—meaning, for all practical purposes, never—or only harmonization downwards. The richer countries could start a social cohesion fund for the poorer ones to which the latter would have access on the condition that they accept certain rules and gradually dismantle their comparative advantage based on social, fiscal, and wage dumping. Put differently, the original members must make the idea of an alternative Europe sufficiently tempting to the newcomers for them to make a few short-term sacrifices, with the prospect of much larger rewards later. It seems hardly worth building a new Europe unless European peoples benefit.

A remedy for deindustrialization and the absence of new leading-edge industries is another important challenge linked to the European scientific research crisis and the debilitating scientific brain drain. Few Europeans know that 400,000 of their best minds, trained in their best schools, at their expense, have settled in the United States, three-quarters of them permanently. Forty percent of the scientists now working in the United States were born in Europe. This hemorrhage can be stanch only by investing massively in research and making European laboratories and salaries attractive to high-level scientists.

The EU's present rigid research requirements do not provide the best of environments to achieve this. If you ask scientists about their experiences with the research directorate, they will tell you that either a member of their team deals exclusively with the mounds of paperwork demanded or that they decided not to make that sacrifice and consequently allowed another lab they know to be inferior to their own get the contract and the funds. Rather than trying to cover every possible contingency beforehand, Brussels should opt for giving funds to recognized scientific teams and assessing them later, on their results. I doubt the percentage of failures and wrong choices would be any greater than with the present approach. Enhanced cooperation between national scientific research councils is also an avenue to be explored but the main goal is to simplify present Kafkaesque procedures.

All R&D can be adapted and seek to build on existing strengths in various fields, but Europe should concentrate on creating centers of excellence

throughout the Union—say, a large center for stem cell biology in, for example, Germany or Spain; an astronomy cluster in Italy or France; and so on. The main point is to build strong, multi-European-national centers that attain critical mass in leading-edge disciplines. European scientists know perfectly well who the top people are in their own field all over Europe. The point is to reduce the bureaucratic hindrances so that they can freely and fruitfully work together, in both basic and applied research.

The United States spends twice as much as Europe on research while benefiting from the quality of European universities that send so many of their best-trained people across the Atlantic. The Chinese and the Indians are making spectacular progress in research and high-level technology. None of these rivals will show us any mercy. We must double our research and innovation budget and offer financial and fiscal incentives to start-up companies in high-tech sectors.

Another challenge involves the countries closest to the EU, starting with those of the Mediterranean Basin and Sub-Saharan Africa. The situation could quickly get out of hand if we do not soon change our policy towards them and cooperate more. How can we improve our relations with poorer countries, contribute to their development, and preserve their increasingly fragile environments? These are the urgent issues. In addition to the standard call for development aid at 0.70 percent of GDP, we need to think far more seriously about the root causes of immigration, which is presently dealt with entirely in the police–security–legal context. Europe has avoided any honest examination of the reasons for mass migrations. People only leave their own countries, their families, their languages, their friends, their childhoods in such overwhelming numbers when they have no alternative—particularly knowing, as they do, that they may die in the attempt to reach Europe and that, if they are lucky enough to survive the journey, they will face racism, discrimination, dirty jobs, a clandestine life without papers, and so on.

By “honest examination” I mean an assessment of the contribution European policies themselves make to closing off all avenues *except* that of migration by reducing opportunities locally. Among the policies that make migration seem a viable alternative is, most important of all, the debt accumulated by these countries and the chaos and dislocation caused by the World Bank/IMF structural adjustment (“austerity”) policies that have come with it. Canceling debt (along with measures guaranteeing that the savings are not squandered) could make a big contribution to local development and employment. An end to agricultural dumping and overfishing by European firms, paying fair prices for Southern exports, and a refusal to support tyrannical and corrupt regimes could do more to stem outmigration than all the police forces Europe can muster.

Concerning the immigrant populations already settled in Europe, the most urgent task is clearly to put an end to ghettos. These outer- or inner-city neighborhoods must be made more attractive with the help of their inhabitants, who

know their own needs better than anyone else. Self-determined improvement projects could provide impressive numbers of jobs and build skills but the pump must first be primed. Plenty of good ideas and pilot projects already exist in this area.

Why not develop a program for the youngest children, immersing them from the age of two or three in the language of the country they live in. In France, some young people from immigrant neighborhoods can leave high school with an active vocabulary of only a few hundred words. No one can be successful in complex societies when so poorly equipped to cope.

Confronting these challenges within the framework of the major principles set forth above is exactly the same as building a Europe of the common good. Only citizens can make this happen by demanding a treaty that allows them to break free from the constraints that prevent such democratic, economic, and social progress. European public opinion must insist that their elected representatives define themselves with regard to the principles and the project. They cannot be counted on to do so spontaneously. The whole point of saying “No” is not to refuse Europe itself but to create the shock and the political space necessary so that we can start creating the Europe we want.

Eventually, I hope that Europe will be mature enough to elect a proportionally representative constituent assembly or convention that can draft a genuine constitution in an open and transparent way. But first we are faced with the urgent task of preventing the “Reform” Treaty from becoming the instrument of iron European neoliberal rule.

Allow me to close this chapter on a personal note. I believe in Europe and I want to contribute to building it, but only if it embodies a credible project for a civilization worthy of the history and the genius of European peoples—finally liberated from the horrors of internecine wars, mass slaughter, colonial imperialism, and other unsavory attributes of their past. I will oppose, in contrast, any text that serves only the interests of transnational corporations, the financial elites, and their neoliberal allies. History is what we make it, so those who want to help build a Europe of the common good, no matter what their national citizenship, had better start now.

PART **III**

Rethinking Activism and the State

Introduction

HEATHER GAUTNEY

The shifting scales of democratic political and social activity discussed in the previous sections have their grassroots expression in the contemporary movements and civic activism of the alternative globalization movement (AGM), also known as the “global justice movement” or “antiglobalization movement.” In broad strokes, the AGM is a global network of movements, made up of indigenous people, environmentalists, groups struggling over control of sustenance resources and public space, issue-based NGOs, trade unioners, anarchists, and various others. The common bond among this diversity of actors is their critique of neoliberalism and its accompanying models of free trade, privatization, market liberalization, and fiscal austerity, and their commitment to oppose its institutional agents—the IMF, WTO, and World Bank—by way of protest and direct action.

Contrary to popular belief, its history does not begin with Seattle, although the protests in 1999 against the WTO brought increased visibility to the movement and heightened its political stakes. Its origins must be traced further back to the anti-IMF riots of the 1970s in Peru, Liberia, Ghana, Jamaica, and Egypt. The “bread riots” in Egypt, for example, were a result of a drastic increase in the price of bread, a major staple in the Egyptian diet, due to US- and IMF-imposed trade policies against food subsidies (Global Exchange, 2001; Katsiaficas, 2001; Critchfield, 1992).

Drawing from the Zapatistas and other struggles against neoliberal globalization, protests against the WTO in 1995 and the shutdown of the Multilateral Agreement on Investments in 1998 set the stage for the November 1999 demonstrations in Seattle. Despite the traditional antagonism between environmental activists and labor, Seattle featured a “teamster–turtle alliance” alongside

a diverse collection of social forces: students against sweatshops, anti-GMO and “fair trade” activists, antimilitarists, and so on. The point of the Seattle demonstrations was to highlight the detrimental effects of unregulated corporate globalization around the world and protest the way in which powerful institutions like the WTO act on behalf of corporate interests over those of everyday people. Although Seattle drew a relatively small number of protesters (40,000), its effects were legion. The *Atlantic Journal and Constitution* called it “one of the nation’s worst urban riots in decades” and the *Washington Post* asserted that “a guerilla army of anti-trade protesters took control of downtown Seattle . . . forcing the delay of the opening of a global meeting of the World Trade Organization” (Deans, 1999; Burgess and Pearlstein, 1999). The Mayor of Seattle declared a state of civil emergency in the city and the Governor brought in the National Guard (Deans, 1999). More importantly, however, were the ways in which the event reverberated: the AGM gained substantial momentum, staging protests at nearly every meeting of the World Bank and IMF to demand increased accountability from these and other supranational institutions, and, for some, to demonstrate their opposition to capitalism itself.

The exponential growth in the numbers of protesters at AGM counter-summits was met with increased security and police repression that would eventually hamper the movement’s confrontational approach. The protests in Göthenburg in 2001, for example, involved a near-fatal shooting of a protester by security police, and at the G-8 in Genoa that same year the violence reached its climax with violent raids and the lethal shooting of a young protester by police. But it was the September 11 attacks and the invasion of Iraq that had the most devastating effects. The “you are either with us or against us” climate of US exceptionalism occupied the world’s attention and effectively moved neoliberalism off the radar screen while putting the war center stage.

The shift to matters of war and imperialism following the Afghanistan and Iraq invasions intensified one of the most important debates among AGM constituents and political pundits over the political–geographic nature of globalization and resistance in the late twentieth and early twenty-first centuries. While some understood national sovereignty as an ultimate authority in international affairs, and globalization as simply a new form of imperialism, others asserted that a new set of power relations had emerged in which an imperial authority was trumping the sovereignty of nation-states. Hardt and Negri’s *Empire* (1999), for example, argued that the increasing porosity of nation-states was giving way to a new order, run by supranational institutions and resisted by supranational movements. Critics of this view argued that sovereign states still played a central role in world affairs, and institutions like the United Nations, IMF, and international NGOs operated more like *international*, rather than *supranational*, bodies (Wallerstein, 1996; Aronowitz, 2003; Keck and Sikkink, 1998; Tarrow, 2005).

Theories regarding political strategy and activism were similarly divided. “Antiglobalist” groups, mostly political parties and NGOs, maintained a

state-centered view of the world system and argued for strategies aimed at reinforcing national sovereignty to resist the involvement of supranational institutions in national affairs and local policy-making. They also sought to establish national or international regulatory bodies to prevent the unfettered financial speculation of the kind that tanked the economies of Mexico in 1994, Thailand in 1997, Argentina in 2001, and more recently, the United States. Moreover, they lobbied states and international bodies, like the UN, for the development of environmental and labor controls as a way to stem the destruction of natural environments by multinational corporations and thwart the proliferation of sweatshop labor around the world.

Alongside these groups were activists that were skeptical of reformist and nationalist politics and interested in developing a politics outside the province of states. Many of these groups found a theoretical basis in *Empire*, which reasoned that the representative democratic structures that characterized contemporary political life were based on the construction of “the people” as a representable unity, bound to the nation-state form. For them, the destabilization of national boundaries characteristic of the new order was giving way to novel forms of democracy, unmediated by representative bodies, like states, political parties, and trade unions that, more often than not, were disconnected from their constituents. These factions of the movement eschewed the “antiglobalization” identity in favor of “*altermondialiste*” (“alterglobalist”), which signified their rejection of nationalist discourses, and political programs based on “authoritarian” spatial arrangements that, for them, denied the autonomy of local communities and fixed social relations around artificial boundaries. Such boundaries were understood as “artificial,” first, because they did not conform to the more organic ways in which communities emerge and reproduce, and, second, because they have been used to legitimate the marginalization of whole populations of people, such as refugees and (both legal and illegal) immigrants. Instead, these activists argued for the development of new social-geographic configurations, comprised of self-organized and -managed communities and local units, freely interconnected around the globe.

Nearly all of the essays in this part discuss, in varying degrees and with different historical referents, the ways in which failed neoliberal programs in many parts of the world—in the global South as well as in the wealthy city of New York—have given birth to new forms of activism and political life centered on reinventing *democracy* for the twenty-first century. However, ideas regarding the role of the state and other mediations in enacting the shift to more participatory forms vary significantly among them. In Heather Gautney’s essay, for example, she considers how activist groups in the World Social Forum (WSF) are attempting to move beyond direct confrontation and protest and develop institutional alternatives to neoliberal globalization. As Gautney explains, the WSF was established as a non-party, “civil society” formation, reminiscent of Habermas’s public sphere—a space for the development of

social relations, independent of state and corporate interests. In *The Structural Transformation of the Public Sphere*, Habermas (1991) criticized contemporary liberal society, pointing out that democracy, and the system through which private individuals and interests regulate public authority, had been weakened by the way in which the major spheres of social life—the market, the state, and civic organizations—were overrun by mass consumption and strategic (“instrumental”) rationality. He identified bourgeois civil society as a pseudo-public, marked by a level of cultural consumption and manufactured consent that precluded critical reflection. Alternatively, he sought to reconstitute a *public sphere* to mediate between society and the state—a domain like the WSF in which people could organize and formulate public opinion, then express their desires to state officials and keep them accountable.

Gautney looks at tensions among the three most prominent groups in the WSF—NGOs, anti-authoritarians, and political parties—over this conception of democracy. She considers them as political organizations, with assumptions, functions, and sets of power resources that reflect their distinct visions of social change and political agency. For Gautney, NGOs essentially operate as lobbies that attempt to influence powerful states on behalf of particular interests. Ironically, some of the NGOs that participate in the WSF operate as agents of neoliberalism by indirectly (and sometimes directly) supporting privatization efforts. In contention with NGOs are anti-authoritarian groups that focus on creating autonomous spaces and cooperative projects to demonstrate their autonomy from state and corporate bodies. Many of them reject state authority outright, and instead engage in more direct and unmediated, DIY activities. The third group, perhaps the most controversial, are political parties, which provide most of the financial resources for the WSF and its local chapters. Despite the WSF ban on party participation, charismatic state officials like Lula and Chávez visit the Forum each year and garner a great deal of support for their platforms. For the Forum and much of the activist Left, the presence of leaders like Chávez pushes the issue of state power to the forefront of the WSF’s anti-neoliberal program. The Forum’s civil society orientation assumes states to be guarantors of democratic rights and social welfare, but only insofar as they remain accountable to their publics. Gautney prefers the *Empire* thesis: states may be central to the advancement of important reforms, but they are not democratic institutions nor should they be seen as legitimate authorities over social life.

Michael Menser’s essay takes us deeper into the interworkings of grassroots democratization campaigns in the Latin American context that emerged amid failed neoliberal privatization projects and unregulated financial speculation in the region. Fractures in the neoliberal plan opened doors for the development of unlikely class alliances and novel experiments with the administration of basic needs and social welfare, which had been within the jurisdiction of states. Menser focuses on the ways in which anti-neoliberal movements in Latin America effectively appropriated parts of the state machinery without

sacrificing their autonomy, a process he terms “disarticulation.” For him, the fundamental issue is how movements, and eventually whole societies, can achieve “maximal democracy,” or maxD, a political praxis aimed at the development of capacities for participation in self-governance, counterposed to the minD of neoliberalism and representative forms of democracy. Beyond the binary of “smash” versus “seize” the state, Menser presents two cases—Bolivia’s Water War and the worker-run factories in Argentina—in which Latin American movements have applied principles of maxD in the process of disarticulating elements of their respective state apparatuses, reclaiming privatized resources and industries from state management, and understanding them as commons that should be accessed and administered by everyday people.

In Ashley Dawson’s chapter, efforts to stem the neoliberal tide of enclosure and reclaim commons, especially land, are discussed in terms of postcolonial collective representation. Drawing from Amitav Ghosh’s *The Hungry Tide* (2005), Dawson criticizes representations of indigenous people as incapable of managing their own land and environmentally irresponsible, which has been used to legitimize the dispossession of peasant land and other basic resources in the name of conservation. Dawson uses the term *environmentality*, reminiscent of authors like Michel Foucault (1990) and Giorgio Agamben (1998), who have noticed these kinds of shifts in the exercise of state sovereignty and conceptualized them under the name “biopower.” For them, biopower is the imposition of technocratic rule based on the alleged need to protect life in all its expressions. This concept understands life as bare, biological life divorced from the material forms of life that underpin the existence of communities. Consequently, state biopower does not recognize these life forms, and actually reinforces the enclosure, expropriation, and suppression of them.

In some cases, especially in US territories like Guam and Puerto Rico, the protection of life has taken the ominous form of a militarization of conservation. “Humanitarian” wars in Kosovo, Afghanistan, and Iraq attest to this trend and operate according to the same logic. In all these cases, the state and the military act in tandem with conservation or humanitarian institutions to tighten their grip on territories and populations for the sake of protecting life at any cost, luring environmental groups and wildlife NGOs into the matrix of colonialism. State sovereignty wants to define life as an abstract, biological entity and control, or “protect,” it. But material life is an articulation of sensuous relations that require access to resources—land, water, and air as well as healthcare, education, and housing—and more importantly, grassroots control over them. Dawson locates potential for resistance in contesting collective representations of peasants and indigenous people by way of participatory democratic projects, such as those currently under way in Brazil and Bolivia. Similar to Menser, he suggests a move away from absolute rejections of state power in favor of grassroots control over political and cultural mediations that operate at the level of collective representation.

Benjamin Shepard writes about struggles over commons on the other side of the equator, in the urban landscape of New York City. Within the stark, undemocratic political climate of the US, these groups largely operate in opposition to state power, yet attempt to use litigation to bolster their political and social projects and steer legal statutes, especially those that govern the use of public space, in favor of everyday people. These groups lobby (or disrupt!) city council meetings and wage legal battles over constitutional rights to assembly, but their strategies do not follow a strict political program nor constitute typical movement activity. Rather, these activists are literally *playing* with the state. As Shepard points out, activism as play challenges urban enclosure by emphasizing the importance of community interconnectedness and affinity in providing a basis for collective action and self-determination, but also for the development of a more rich and diverse cultural life. Human freedom and cultural diversity require space and unhampered mobility. Through play and joyful activities like bike-riding and gardening, groups like Critical Resistance and the community garden movement in New York, among others, are attempting to show the irony of state and corporate control over social life and are effectively exposing the dark underbelly of state, corporate power, and the now prevalent logic of security.

Part III closes with Frances Fox Piven's summation and critique of the pieces in the part and her analysis regarding the role of the state in enacting egalitarian social change. Piven points to contemporary social movements' disappointment with state reform projects, and compromise by left-wing parties and unions of the traditional Left, which were in part responsible for the rise in anarchist currents, beginning in the 1960s. She also grants the importance of experiments like Brazil's Participatory Budget and the World Social Forum in posing democratic alternatives and insurgent imaginaries. She contends, however, that such experiments do not move sufficiently beyond the internal politics of the movements themselves. In other words, they offer little explanation for how such radically democratic visions and experiments will seep into the public consciousness or take hold at a broad, practical level. For her, transformation beyond the internal life of the movements will require insurrectionary movement activity and some degree of entanglement with the state. Moreover, such changes tend to occur in cycles, often coming up against substantial, sometimes debilitating opposition, but also opening new spaces for resistance.

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Is Another State Possible?

HEATHER GAUTNEY

Introduction

With the end of the Cold War, changes in the structure of national sovereignty and the emergence of supranational institutions have been accompanied by a redistribution of power among states, market actors, and civil society. These changes are often associated with the increasing dominance of the neoliberal paradigm of globalization, an international system of production, trade, investment, and economic development characterized by minimal state involvement in economic transactions, labor markets, and financial speculation and the privatization of formerly public institutions, such as those associated with healthcare, education, housing, security, and the military. Neoliberal economic policies emphasize free market, maximal competition, free trade, deregulation, and trade liberalization (Brown, 2005; Palley, 2005). Rooted in Popper's concept of the open society, which informed George Soros's "Open Society Institute" and Milton Friedman's *Capitalism and Freedom* (written in 1962), neoliberalism posits human freedom and dignity as bases for democracy, against the threat of fascism, communism, and other kinds of state control, with an understanding of freedom as best realized through free market activity and private property rights. Despite claims to "small government" and its emphasis on democracy as constitutive of the good life, countless theorists have demonstrated how neoliberalism relies heavily on state power and supranational financial institutions like the IMF to protect property rights, set monetary policy in times of crisis, and develop new markets (Harvey, 2005, 5). Over the past two to three decades, neoliberal agents like the World Bank and International Monetary Fund (IMF) have attempted, with a great deal of success, to extend this system to the far reaches of the globe, primarily by way of debt, structural adjustment, and "free" trade.

In spite of its increasing global dominance, neoliberal globalization has also given birth to new forms of supranational resistance. While state agents continue to play a role in opposing neoliberalism—in South America, for example—many of today’s movements¹ do not locate the state at the center of their politics nor see it as a source of alternatives. Rather, many of them are attempting to build alternative social and cultural institutions and networks outside the realm of electoral politics, in what is often referred to as the sphere of civil society. In recent years, for example, international non-governmental organizations (INGOs) have played a major role in unmasking human rights violations committed by states or have provided relief and other social services in light of the decline of the welfare state. Churches—many of them supranational—are also continued sources of support for poor people around the globe, who find shelter on church property and are fed in their soup kitchens. Even in wealthy cities like New York, churches take up the slack from government cutbacks and the general unraveling of safety nets for poor and middle-class people.

Alongside churches and NGOs, in the early 1990s an expansive complex of non-electoral, non-state organizations and movements emerged to protest the effects of neoliberalism, specifically targeting the supranational financial institutions mentioned above. Collectively known as the antiglobalization or alternative globalization movement—here we will call it the “AGM”—this network of movements comprised indigenous peoples, human rights and ecology movements, anarchists, socialists and communists, and NGO and trade union activists from a variety of backgrounds. The AGM has been typically identified as the “antiglobalization” movement, in part due to its opposition to neoliberal globalization, but also because some of its constituent groups argued for the development of national welfare programs as a means to ease the detrimental effects of unregulated capitalism. Other members of the movement, however, understood it as a product of globalization: they identified it as a “movement of movements” or “global network,” unbound by national politics, identity, and borders (Graeber, 2002; Klein, 2001b and 2002).

Since the “Battle of Seattle”² in 1999, the AGM’s primary focus was to organize protests at nearly every meeting of the World Bank, IMF, WTO, and Group of Eight (G8) to demand increased accountability from these and other supranational institutions and criticize the governments and corporations that collude with them. In September 2000, for example, 15,000 people protested the IMF and World Bank summit in Prague. In April 2001, 100,000 were present outside the Free Trade Agreement of the Americas (FTAA) summit in Quebec City, which was secured by a three-meter-high fence of concrete and wire. In June 2001, 50,000 protested the EU–US summit in Göthenburg (called the “Göthenburg Riots”), and just one month later, 300,000 swarmed the streets of Genoa during the G8, the largest of the AGM protests. While the protests came to a screeching halt after the attacks on the World Trade Center,

it is safe to say that the movement laid the necessary groundwork for what was to become the largest anti-war effort in world history against the invasion of Iraq.

In addition to building a large-scale protest network, AGM constituent groups met in 2001 in Porto Alegre, Brazil, to form a “people’s” counter-summit to the World Economic Forum (WEF) in Davos, Switzerland. The meeting was billed by its French and Brazilian organizers as a venue for the AGM to develop alternatives to neoliberal globalization and in the words of Naomi Klein, “to stop screaming about what it is against and start articulating what it is for” (Klein, 2001b). In the following years, organizers would establish the WSF as an ongoing “process” and “open space” for “civil society” groups opposed to neoliberal globalization to meet and discuss economic, political, and social alternatives. This new process reflected the movements’ desires to create free space that was not beholden to state and corporate interests and their utopian orientation—a dream for a better world—epitomized in the WSF slogan, “Another World is Possible!”

The World Social Forum

Initially the WSF was conceived as a counter-summit to the WEF in Davos, Switzerland—the renowned annual meeting of the world’s most powerful political and business leaders—and a mechanism through which the AGM could develop its struggle(s) in positive terms (Fisher and Ponniah, 2003; Milstein, 2002; Klein, 2002). In part, this was a reaction to criticisms that the movement was elevating protest to the status of politics and failing to articulate social and political objectives beyond resistance and opposition. While the movement raised public awareness of the adverse effects of corporate globalization, critics from various parts of the political spectrum contended that it still appeared as a loose, incoherent constellation of local and regional struggles that were shortsighted and oftentimes short-lived (Aronowitz, 2003; Krantz, 1999). In response, the AGM forged the WSF to complement its protest activities with the more positive project of building economic and social alternatives to the prevailing neoliberal order. Against the WEF and its focus on “economic” development, the WSF was billed as a “social” forum—a non-commodified, “open” space in which sociality would be privileged over private interests. The choices of venue and structure were critical to staging such a “counter-Davos”: the WSF would take place in the global South and be completely open and public, as opposed to the exclusive nature of the WEF and its location in the posh village of Davos. To that end, the WSF was held in Porto Alegre, Brazil, for the first three years (2001 to 2003) and moved to India in 2004. It returned to Porto Alegre in 2005; in 2006, it operated concurrently at three “polycentric”³ sites—Caracas (Venezuela), Bamako (Mali), and Karachi (Pakistan); and in 2007 it took place in Nairobi, Kenya. In 2008, the WSF had a hiatus, but issued a general call for a “Global Day of Action.”

In concrete terms, the WSF is a collection of grassroots activists, church groups, NGOs, and civic and political leaders that meet to discuss contemporary social problems and, within the context of globalization, aim to develop new strategies to address them. It is an annual meeting—often called a process—that takes place over the course of four to five days, involving hundreds of workshops and conferences on topics as varied as indigenous rights, human trafficking, resistance against US imperialism, and so on. The event is organized by the WSF Organizing Committee and overseen by an International Committee, both of which consist of public intellectuals, activists, and NGO and church representatives from around the world (World Social Forum, 2007).

Although its “success” is impossible to measure, given its short life span, the WSF grew from a modest assembly of 20,000 participants to a large-scale international event attracting some 160,000 persons from over 120 countries. It has also functioned as a global activist network: in addition to its annual meetings, local and regional social forums⁴ (over 200 total) met in over 100 countries, spanning six continents. Local and regional forums operated within their specific locales, but maintained ties to the WSF through information sharing (via the Internet) and adherence to the WSF Charter of Principles (its operational guidelines).⁵ Throughout the years, the Forum has attracted a broad variety of public figures, including heads of state, Nobel prize-winners, and renowned intellectuals and activists. Unlike the AGM, the WSF does not organize centralized protest actions. It is, however, often credited with the massive anti-war demonstration on February 15, 2003, the largest in world history, and is the site from which countless demonstrations, direct actions, counter-summits (conferences), and lobbying campaigns have been organized and implemented on local and regional levels. In this respect, the WSF has operated as a kind of clearing house for activists and NGOs to coordinate their projects and actions and create activist and advocacy networks (Whitaker, 2003; Fisher and Ponniah, 2003; Leite, 2005; Santos, 2006).

The WSF’s oversight committees conceived of the Forum as an “open space,” a unique form of organization open to people of all political persuasions. The space itself was ostensibly organized in a non-hierarchical fashion and continues to serve as a place in which “civil society” (non-state, non-corporate) groups and movements can socialize and develop decentralized networks without having to adopt a single political line or risk being misrepresented by a larger, more centralized WSF body. Following this logic, the WSF was founded as a non-party and non-deliberative entity: WSF organizers sought to protect it from co-optation by political parties and state actors (a “social” rather than “political” forum) and assumed that the ideological diversity of its participants precluded the Forum’s potential to undertake deliberative and action-oriented functions without becoming hierarchical and coercive.

The “civil society” character of the WSF can be traced to an organization known as the Association for the Taxation of Financial Transactions for

Assistance to Citizens (ATTAC)⁶ and the Brazilian Workers' Party (the Partido dos Trabalhadores, or PT), which were both crucial to the establishment of the WSF and its open-space paradigm. ATTAC was founded in France in 1997 as "a coalition of unions, farmers and intellectuals" whose primary objective was to lobby for Nobel Economics Laureate James Tobin's 1978 proposal to tax speculative financial transactions as a way to control their ability to circulate worldwide and generate funds to offset global inequality and promote economic development (Klein, 2001b). The formation of ATTAC was in part spurred by the financial crisis in Asia, when the currencies of Thailand, Indonesia, and South Korea were significantly devalued and the debt doubled. ATTAC sought to use the Tobin Tax to temper such speculative activity and at the same time generate money for social welfare. In general, it aimed to establish global regulations for financial transactions as a way of limiting the power of the world's financial elite. In addition to championing the Tobin Tax, ATTAC played a major role in the development of the AGM and has actively campaigned against the WTO, tax havens, the privatization of public services, genetically modified food, and on various others issues (Van Daele, 2004; Moberg, 2001).

ATTAC's social democratic political strategy is often described as incorporating an antiglobalization logic that seeks to reinforce the sovereignty of nation-states against the policies of supranational financial institutions. Peter Evans (2005, 666) has described ATTAC as one of the "paragons of organizations explicitly designed to build omnibus transnational networks aimed at transforming neo-liberal globalization into a social protection-oriented, market-subordinating, difference-respecting mirror image." For him, ATTAC's strategy is limited because its "homeland—France—an archetypically 'anti-globalization' political milieu, [is] characterized much more by chauvinism than global solidarity, [which] makes it an even more unlikely candidate to be a paradigmatic promoter of 'counter-hegemonic' globalization." In his discussion of ATTAC's politics, Evans points to Marcos Ancelovici's concept of "associational statism," which

involves two strategies of trying to reassert the primacy of political/social decision-making in the face of the growing dominance of global markets. On the one hand it has a very traditional (French) affection for the regulatory power of the nation-state. At the same time it rejects bureaucratic/representational/party control of public/political decision-making in favor of locally based participatory structures.

Evans further describes ATTAC in terms of John Gerard Ruggie's concept of "embedded liberalism," which emphasizes social protections embedded in national structures. According to Evans (2005, 667), "rescuing traditional social democratic agendas of social protection, which are otherwise in danger of disappearing below the tide of neoliberal globalization, is a significant part

of the agenda of both ATTAC and the World Social Forum.” Despite its project to reinvigorate the welfare state, ATTAC understands itself as an agent of civil society, standing between the state and market. According to Moberg (2001), “The group argues not only for more regulation of the market, but the preservation of a realm free from market values. ‘People feel like there’s a public sphere, a social sphere—something outside the market, where there is the republican principle of equality of opportunity.’” Thus, while ATTAC lobbies for state-provided social welfare, against neoliberal privatization efforts, it founded the WSF as a mechanism for reclaiming an independent public sphere. This view of the WSF resonated among NGOs that were not interested in direct confrontation with state and market actors and more inclined to organize meetings alongside major international summits or negotiate with states. It also, at least initially, appealed to grassroots social movements interested in forming “autonomous” spaces free of corporate and state influence.

Despite its ban on partisan activity, political parties have also played a major role in the development of the WSF. Brazilian cofounders Chico Whitaker (a former member of the Brazilian PT) and Oded Grajew lobbied for the WSF to be located in the global South, in opposition to the rich location of the WEF. Along with members of ATTAC, they decided on Porto Alegre because of the city’s socially progressive measures developed under the leadership of the PT. According to Gianpaolo Baiocchi (2004),⁷ the PT was not a traditional left-wing political party: it rejected vanguardist understandings of political organization and adopted a view of itself as a “reflex” of civil society groups and social movements. Its version of political organization understood participatory structures and relationships with social movements as central to democracy. The participatory budget process, for example, was established as a self-regulating space for popular deliberation over city and state budgets that was open to broad sectors of society. The process incorporated a training aspect to enable popular participation and reduce inequalities associated with literacy or political savvy. It also established procedures that excluded party members themselves so as to enable a deliberative process that was not bogged down by partisan interests.

The Porto Alegre government contributed significant resources during the first two WSFs, as did the state government of the Rio Grande do Sul when the PT was in office (in 2002, \$1.5 million). In turn, the WSF played a key role in bolstering the PT’s international (and national) reputation. During WSF 2001, for example, the staging of the WSF in Porto Alegre was a point of contention between the PT and Cardoso, the country’s president. Tariq Ali (2001) reported that after Cardoso admonished the PT for funding the event, “the local Chamber of Commerce denounced Cardoso for his remarks, claiming that the out-of-season guests were benefiting the local economy.” According to Ali, “What worries Cardoso is that the example might spread in Brazil itself, thus propelling the PT to power nationally.” Ali explained how these tensions were exacerbated when the federal police arrested Jose Bové, the renowned

French farmer/activist. Bové and the Brazilian Landless Workers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, or MST) occupied a Monsanto field growing genetically modified plants. Although the local government had banned genetically modified crops in the province, the federal government had granted Monsanto permission to farm them there. Bové and the MST destroyed some 400 hectares of Monsanto land and Bové was arrested and served an expulsion order. Ali reports that the event "enraged much of the media and gave incredible publicity to the Forum," while inadvertently deepening the PT's relationship with grassroots movements.

ATTAC and the PT continue to play a significant role in shaping the direction of the WSF and its organizational structure. Both groups seek to bolster national social programs and redistribute wealth away from multinational corporations and other elites, but make use of participatory processes to check states and corporations. Richard Falk (2004, 28–30) identifies such forms of "civic globalization" as a new social force engaged in what he terms struggles over "the soul of the state." For Falk, "At issue is whether the state continues to be predominantly instrumentalized by and responsive to market forces or manages to be socially reempowered through the agency of transnational activism as reinforced by social democratic elites." He suggests that "if the state is reempowered, there would exist a renewed regulatory relationship of governance structures and processes to the market and a shift away from rigid adherence to the policy postulates of neoliberalism."

Falk's idea of a "strong state"—one that provides social services and protects disadvantaged populations—is not synonymous with the strong state that supports the military and other coercive elements of state power, a distinction that is often refused by Marxist and anarchist critics of social democracy both in and outside the WSF. As Michael Hardt (2002) pointed out, "antiglobalization" actors in the WSF, like ATTAC and the PT, want to "reinforce the sovereignty of nation-states as a defensive barrier against the control of foreign and global capital." They understand "neoliberalism as the primary analytical category" and name the enemy as "global capitalist activity with weak state controls." As such, they promote a form of political organization in which "national sovereignties, even if linked by international solidarity, serve to limit and regulate the forces of capitalist globalization." Hardt contrasts the antiglobalization position with that of "altermondialist" or "alternative globalization" actors in the Forum whose enemy is capitalism itself. These groups seek to establish a radically democratic form of globalization that does not rely on nation-based solutions and regulation. In the WSF, this position is epitomized by the social movements present in Seattle, Quebec City, Genoa, and various other international protest sites, who are more interested in a horizontal distribution of power than in reinforcing centralized authority structures, including states. For Hardt, the border between the two dominant perspectives on national sovereignty in the context of the WSF is not simply one of North versus South, as some have argued. Rather, "the conflict

corresponds to two different forms of political organization”: hierarchically organized political parties and NGOs versus networks of autonomous actors.

The Significance of Political Organization

In his seminal work, *History and Class Consciousness*, Georg Lukács (1972) conceptualized political organization as the dialectical relation between a class formation’s (or social movement’s) objective and the concrete steps toward its realization. For Lukács, political organization was the mechanism: (1) through which identity and the subjective elements of a class formation combine with the objective historical conditions in which it exists; and (2) through which the theoretical underpinnings of a movement intermix with its practice. It is the mediation between the subjective desires of people and the objective conditions in which they live and the process through which they, as collectives, comprehend themselves within larger historical processes. And it is the means through which movements come to understand their power in relation to the general landscape of power relations they seek to infiltrate and contest.

In his book on political organization in the twenty-first century, *Left Turn: Forging a New Political Future*, Stanley Aronowitz (2006, 96–97) clarifies three important aspects of Lukács’s methodology for today’s movements: first, that political organization is the mediation between and articulation of struggles operating on various fronts and the larger fight against capitalism; second, that it “indicates the principles for a better life that are inherent in these struggles and why this aspiration is frustrated by the priorities of employer, landlord, developer, government officials, and (white) men”; and third, that political organization should serve as the means through which the role of the state in various contexts should be interrogated, including questions of legal strategy, direct action and electoral involvement.

As both Hardt and Aronowitz point out in the passages above, questions regarding the role of states in the fight against neoliberalism/global capital are directly linked to political organization. Prior to Lukács, for example, Marx, and later Lenin and Luxemburg, theorized the proletarian state as a necessary moment in the development of a communist society, against social democrats like Karl Kautsky, Eduard Bernstein, and other “revisionists,” who rejected the idea of a violent revolution followed by a transitional, proletarian state. For Marxists, revisionism “tore the revolutionary centre from the Marxist conception of the proletarian revolution, by dispelling the proletarian dictatorship and *limiting* the revolutionary struggle to the democratic–parliamentary–trade union struggle,” but social democrats equated the proletarian revolution with military despotism (Thalheimer, 1930). Anarchists, like Bakunin (1950), also opposed the idea of a Marxist “red bureaucracy,” instead arguing for a complete dissolution of the state:

You can see quite well that behind all the democratic and socialistic phrases and promises of Marx’s program, there is to be found in his

State all that constitutes the true despotic and brutal nature of all States, whatever may be the form of their government and that in the final reckoning, the People's State so strongly commended by Marx, and the aristocratic-monarchic State, maintained with as much cleverness as power by Bismarck, are completely identical by the nature of their objective at home as well as in foreign affairs.

Marxist theorists viewed the state as “the executive of the ruling class,” but anarchists understood it as an autonomous entity with its own logic of domination (Mueller, 2003; Newman, 2004; Holloway, 2004). For them, working-class control of the state constituted just another form of tyranny. Anarchists and Marxists alike opposed private property, but the former argued for a direct reappropriation of property by people and not through the state or any other mediations.

Fast-forward to the twenty-first century and, surprisingly, the ideological legacies of social democracy, anarchism, and Marxism appear, at least in the context of the World Social Forum, to remain as divisive for the Left as they were one hundred years ago. Despite the presence of a small cadre of Trotskyists who still argue for a proletarian state, however, orthodox Marxism as a theoretical basis for contemporary activism, especially with regard to the state, has been replaced by a (small) number of democratic socialist parties—mostly in Latin America—that have become central in resistance efforts against neoliberalism. Moreover, contemporary anarchists and autonomist Marxists have discovered common ground in their disdain for the exercise of illegitimate authority in all areas of social life. While some WSF participants maintain the old categories of political identity mentioned above, a new discourse has emerged to describe their breaks and commonalities. The term “horizontals,” for example, generally refers to anti-authoritarian, autonomist, and anarchist groups that argue against the state and any other kind of political mediation and seek to build non-hierarchically organized communities and direct action resistance projects that prefigure the egalitarian society they create. “Verticals,” on the other hand—NGOs, political parties, and some social movements—operate as top-down organizations with a defined leadership and tend to view the state as an important ally—sometimes a central player—in the development of their political programs.

Contesting the State: NGOs, Horizontals, and Political Parties in the WSF

NGOs and the Politics of Civil Society

In both popular and academic discourses, non-governmental organizations (NGOs) tend to be understood, in aggregate, as constitutive of a sphere of “civil society,” separate from states and untainted by corporate interests. While some

NGOs, called GONGOs (government-organized NGOs) or QUANGOS (quasi-autonomous NGOs), are explicitly linked to states, most identify as nonstate actors that act politically on behalf of special interests. Countless political scientists and sociologists have pointed out that the latter part of the twentieth century witnessed a rapid emergence and growth of NGOs. The World Watch Institute reported that some two million of them are now operative in the United States, the majority of which (70 percent) are less than thirty years old. The number of “grassroots groups” in India has hit the one million mark and roughly 100,000 NGOs were formed in Eastern Europe between 1988 and 1995 (*The Economist*, 1999). There were over 65,000 NGOs in Russia in 2002, and in Kenya approximately 240 new NGOs were being created each year (*The Economist*, 2000).

The term “non-governmental organization” is said to have originated with the establishment of the United Nations (UN) in 1945. The UN Charter reserves an institutional space for consultation with organizations that are neither governments nor member states (UN Charter, Article 71, Chapter 10). Aside from serving a consultative role at the UN, the category of “NGO” encompasses a broad array of actors whose projects tend to fall into one of the following three categories:

- *Direct service providers.* Some NGOs provide direct services, such as family planning, healthcare, and housing, and play a central role in implementing development agendas, from the delivery of foreign aid to the institution of microcredit. Groups like Médecins Sans Frontières (MSF), CARE, and Oxfam (which funds the WSF) provide aid and services, and some supplement their aid delivery efforts with advocacy campaigns.
- *Information brokers and experts.* NGOs serve as “expert” or technical consultants to the UN and in a broad array of other settings. For example, American Association for the Advancement of Science experts played an important role in providing forensic evidence scientifically to document massacres perpetrated by members of the Guatemalan military and paramilitary, some of whom still hold positions in the Guatemalan government (Network of Concerned Historians, 2006). NGOs engage in what Keck and Sikkink (1998) call “information politics”; that is, they gain influence with states and other target actors by “generating politically usable information” and conducting research.
- *Advocates and lobbyists.* A strong tendency among NGOs is their identification as watchdogs, whose goal is to make states, corporations, and international institutions more accountable to their publics. For example, Amnesty International carries out its mission “to protect human rights worldwide” by working to “mobilize the public to put pressure on governments and others with influence to

stop the abuses”;⁸ Human Rights Watch aims to “challenge governments and those who hold power to end abusive practices and respect international human rights law [by] enlist[ing] the public and the international community to support the cause of human rights for all.”⁹ These and other NGOs attempt to shape public opinion and engage in media crusades to force changes in states’ domestic policies and in some cases protect citizens from abuses generated or ignored by their own governments.

NGOs operate outside, but in relation to, states, forging alliances with some state actors, while admonishing others. They enter countries’ political systems through local channels and, in doing so, simultaneously maintain and bridge the outsider–insider divide that separates local from international actors and institutions. This flexibility allows non-locals direct participation in a country’s domestic affairs, while making claims and garnering support among a variety of political actors. They manipulate states’ interdependence and power differentials: powerful states may be sensitive to claims that tarnish their international reputations, while economically dependent states may be vulnerable to sanctions (from another state), as in the case of South African apartheid (Clark et al., 1998; Burgerman, 1998). But while NGOs leverage state power and pit states against each other, they do not necessarily shift power toward the grassroots or operate as engines of democracy, as is often claimed.

NGOs’ involvement in the WSF has been contested on a variety of levels. Some antiglobalization activists, mostly from Marxist backgrounds, criticize them on the basis of their role in undercutting national welfare states’ anti-systemic struggles by providing social services to victims of neoliberal programs. Moreover, their dependence on foreign donors is said to undermine democratization “by taking social programs out of the hands of the local people and their elected officials [and facilitating their] dependence on non-elected, overseas officials and their locally anointed officials” as well as multinational corporations (Petras, 1997). The now widespread institution of microcredit provides a case in point. Microcredit is a system in which multinational banks make loans to populations deemed unbankable. Oxfam, a funder of the WSF, is one of many aid organizations that have been active in establishing microcredit systems in the developing world. While microcredit has been widely lauded as a successful means of empowering poor and disadvantaged populations, especially in developing countries, it tends to involve high-interest loans that result in default or debt slavery. Moreover, Randy Martin (2003, 213) has pointed out that the Village Banks that administer these small loans “operate through ‘peer pressure,’ in which village authorities ensure that debts are repaid. This has led to violence and abuse against women otherwise deemed good credit risks.”

Following the first WSF in 2001, a coalition of trade unionists in Brazil widely disseminated an “open letter”¹⁰ criticizing the WSF for its involvement

with NGOs and identification as a meeting of “civil society.” For them, the term “erases the borders between social classes that exist in society” because it includes “exploiters and the exploited, the bosses and the workers, the oppressors and oppressed” under the same rubric—groups whose interests “are in fact contradictory and diametrically opposed.” In the letter, the trade unionists point to struggles over the Brazilian Labor Code to illuminate how NGOs’ work undermines class-based labor struggles like their own:

What do the so-called “progressive bosses” think of these workers’ rights? What do the NGOs—which both practice and promote “volunteerism” and other forms of precarious and unregulated labor—think about these workers’ rights? Don’t all the jobs “created” by the NGOs, in fact, replace jobs in the public enterprises and services, in line with the policies implemented by [Brazilian President] Fernando Henrique Cardoso at the behest of the IMF?

The trade unionists go on to demonstrate how the World Bank has used “civil society” groups—like NGOs, but also meetings like the WSF—to alleviate conflict with social movements. They quote the World Bank’s *World Development Report* in 2000/2001, which recommends that

financial institutions use their means . . . to develop an open and regular dialogue with the organizations of civil society, in particular those that represent the poor . . . Social fragmentation can be mitigated by bringing groups together in formal and informal forums and channeling their energies into political processes instead of open conflict.

The trade unionists conclude that “the politics of civil society obscure class differences that are critical to understanding the mechanisms underlying global capitalism and how it can be opposed.” They propose that the WSF “deny any legitimacy or authority to the NGOs to speak in the name of the exploited and oppressed” (Brazilian Trade Unionists, 2002).

NGOs’ proclivity to co-opt or depoliticize social movement activity has been criticized from other standpoints as well. Anarchist Cindy Milstein (2002), a faculty member at the Institute for Social Ecology, wrote in reference to the 2001 WSF:

big, bureaucratic NGOs will continue to flock to the WSF in ever-greater numbers; and unlike activists and community-based organizations operating on a shoestring, they will be able to attend meetings annually and serve as members of the organizing council in between. These NGOs . . . will largely set the themes and strategies discussed at the WSF, limiting from the start the concerns of

grassroots groups and radical movements . . . [They] have the resources to . . . lobby governments and corporations who are often involved with or monetarily supportive of [them] to implement their notions of social change, thereby assuring that any “change” accords nicely with the status quo . . . as private, nongovernmental bodies, NGOs don’t have to worry about participatory processes, accountability, or transparency.

Renowned activist and writer Tariq Ali (2006) wrote the following after attending the 2006 WSF in Pakistan:

The NGOs are no substitute for genuine social and political movements. There may be NGOs in Pakistan but in the global scale they are WGOs (Western Governmental Organizations), their cash flow conditioned by restricted agendas. It is not that some of them are not doing good work, but the overall effect of this has been to atomize the tiny layer of left and liberal intellectuals. Most of these men and women . . . struggle for their individual NGOs to keep the money coming; petty rivalries assume exaggerated proportions; politics in the sense of grassroots organization is virtually nonexistent.

Once an outspoken supporter of the Forum, author and activist Arundhati Roy boycotted the 2006 event altogether:

Well, actually, I’m not headed there . . . I’m very worried about, you know, all of us who are involved in these things, spend too much of our energy sort of feeling good about the World Social Forum, which has now become very NGO-ized . . . it’s just become too comfortable a stage. And I think it’s played a very important role up to now, but now I think we’ve got to move on from there . . . I think we have to come up with new strategies.

(Quoted in Goodman, 2006)

Although NGOs’ associations with corporate and political actors vary significantly, they often position and identify themselves as advocates, representatives and service providers that are not beholden to the precepts of profit maximization and political interest. Given their relationship to both states and social movements, they are in a unique position to influence public policy within states and among international institutions like the UN and World Bank. Most progressive NGOs seek to bolster social programs and political influence within legal structures and the electoral sphere. And, while some side with social movements in demanding transparency and increased accountability from corporate and state actors, others alienate social movements in their pursuit of political influence. During the 2001 United Nations

World Conference against Racism in South Africa, for example, the Durban Social Forum (DSF), comprising primarily community activists from poor neighborhoods like Chatsworth and Soweto, protested not only the main event but the concurrent NGO Forum, for excluding communities and grassroots activists from their meetings and failing to acknowledge the effects of privatization on their communities. Drawing from the WSF experience in Porto Alegre, they appropriated the title “Social Forum” to emphasize the open, grassroots nature of their assembly, counterpoised to the exclusivity of the UN and NGO meetings.

NGOs and other “civil society” actors advocate for disenfranchised groups and seek to bolster democratic process, but they radically diverge from other political currents in the WSF on issues of political organization. Most NGOs are interested in reforming capitalism and making it a more humane system, rather than struggling for more fundamental social change. Their critics in the Forum contend that while NGOs identify as constituents of civil society, they ignore class and the subordinate relationship of civil society groups to state and market forces within the context of the capitalist system. A 2002 debate between Susan George and Ezequiel Adamovsky demonstrates this chasm. George is a co-founder of ATTAC and Adamovsky a protagonist in the Assemblies movement in Buenos Aires and member of the anarchist-inspired People’s Global Action (PGA) network. In the debate, Adamovsky (2003) claims:

To put it simply, on the one hand, there’s the approach of most non-governmental organizations (NGOs) that want to reinforce the role of civil society as a check on the power of corporations. The NGOs want to restore the balance that society has lost, and make capitalism more humane. On the other hand there is a more radical approach, shared by some social movements and radical collectives, which wants to strengthen the antagonistic movement against capitalism, to fight this society and build a new one.

While NGO advocacy projects claim to foster transparency and render states and corporations more accountable to their “publics,” they are not, on the whole, publicly accountable themselves. As *The Economist* (2000) pointed out, “NGOs are now big business.” They are the primary constituents of a “third sector,” deeply embedded in political economic structures that serve particular (class) interests. The result is a politics focused on narrow issues—and *competing* interests—without regard for the broader power schemes of which they are a part. Despite good intentions, for example, many NGOs provide services once provided by national states under conditions of IMF-imposed structural adjustment, while participating in the anti-neoliberal WSF. Worse, some provide aid to war-torn countries, but fail to advance an anti-war program (especially in Iraq and Afghanistan) so as not to alienate their donors.

In keeping with the programs of ATTAC and other NGOs, the WSF was conceptualized as an effort toward the renewal of a public sphere for nonstate and nonmarket actors, against the foreclosure of such spaces in accordance with neoliberal versions of development. Critics almost unanimously point out, however, that many NGOs operate as engines of neoliberal globalization, as privately funded pressure groups, service providers, and advocates that serve important legitimating functions for states, and supranational institutions like the UN and World Bank. Given their role in the global economy, many WSF actors argue that NGO involvement has de-radicalized the Forum or is turning it into a generic infrastructure—an empty, rather than open, space—stripped of its contentious character.

Horizontal Politics

While the WSF is composed of an infinitely diverse array of social and political actors, anarchists have been the center of attention because a large number of today's movements identify as anarchist or anarchist-inspired. As Barbara Epstein (2001, 1) commented, "Many among today's young radical activists, especially those at the center of the anti-globalization and anti-corporate movements, call themselves anarchists . . . anarchism is the dominant perspective within the movement." In fact, the open space structure of the WSF and its noncoercive, nonpartisan character were essentially modeled after anarchist autonomous spaces—from food co-ops to squat houses to spokescouncil meetings¹¹—and their horizontal network style of organization.

In broad strokes, anarchists aim to dissolve state and market control over social life and replace it with self-managed, voluntary institutions and communities. They are interested in establishing autonomous (noncommodified) spaces like the WSF for social engagement and reject state-centered politics as inherently authoritarian. Their concept of the open space differs considerably from the public sphere imagined by ATTAC, the PT, and many of the NGOs that participate in the Forum. They promote a model of change based on the development of community life and affinity and are "less concerned with affecting the content of current forms of domination and exploitation" vis-à-vis reform projects "than with creating alternatives to *the forms themselves*" (Day, 2005, 19). Against social democratic projects that position the state at the center of political life and Marxism's focus on seizing the state or transforming it via a cultural counter-hegemony, anti-authoritarian groups operate "non-hegemonically . . . They seek radical change, but not through taking or influencing state power, and in doing so they challenge the logic of hegemony at its very core" (2005, 8).

Anarchist anti-authoritarianism does not necessarily mean literally "smashing the state," but the state is important to their politics and, as such, is the focus of much debate. Some anarchists acknowledge that states can and have been used to create equitable societies and in some cases, serve as protections against the detrimental effects of unregulated capitalism. Noam

Chomsky (2005, 178), for example, points out that in contemporary capitalist societies, “protecting the state sector today is a step towards abolishing the state.” For him, anarchism is better understood as a project “to seek out and identify structures of authority, hierarchy, and domination in every aspect of life, and to challenge them”—not just the state, but all forms of coercion, from the family to the educational system to the media and so on. This does not involve an absolute rejection of all forms of authority. Rather, the “essence of anarchism . . . [is] the conviction that the burden of proof has to be placed on authority, and that it should be dismantled if that burden cannot be met.” In this respect, much of anarchism focuses on challenging and exposing *illegitimate* forms of social control.

David Graeber (2006) somewhat agrees. He explains anarchist antistatism as based on an understanding of the state as “an instrument of domination (or better, violence),” but argues that “states do a lot of other things too . . . the anarchist perspective is not that a state is ‘only domination’ in the sense that a state doesn’t do anything else—that would be absurd.” He departs from Chomsky, however, in his assessment that in essence “states do what they do through a larger system of organization that is ultimately rooted in coercion and that this will always necessarily limit the liberatory potential of anything else they do.” This view is similar to that of John Holloway (2004), who argues that “the state as a form of organization separates the leaders from the movement and draws them into a process of reconciliation with capital. Betrayal is already given in the state as an organizational form.” Pointing to the Soviet Union, China, and Albania, he asserts:

the failure to transform society through the state has to do with the nature of the state itself, that the state is not just a neutral institution but a specific form of social relations that arises with the development of capitalism . . . it is a form of social relations that is based on the exclusion of people from power, that is based on the separation and fragmentation of the people.

Anarchists’ critique of authority manifests in their everyday practices, which have drawn them into conflict with political parties, NGOs, and hierarchically structured social movements in and outside the WSF. Another central principle in anarchist political organization is prefiguration; that is, that a movement’s practices should mirror its social and political ends. According to Graeber and Grubacic (2004), “one’s form of organization in the present [must be] at least a rough approximation of how a free society would actually operate . . . grim joyless revolutionaries who sacrifice all pleasure to the cause can only produce grim, joyless societies.” Chomsky (2005, 234) shares this view, pointing out that “the main strains of anarchism have been very concerned with means. They have often tended to try to follow the idea that Bakunin expressed, that you should build the seeds of the future society within the existing one.” He further

explains that anarchism is not something to be realized—not from a party and its “intellectuals” nor at a particular, revolutionary moment—rather, anarchists understand freedom as a process that exists beneath layers of authority in each society.

Anarchists’ focus on autonomy from state and corporate structures—and all forms of illegitimate authority—is a point of crossover with movements that identify as “autonomist.” In fact, many activists in the AGM and WSF cite the Italian *Autonomia* (Autonomist Marxism) movement of the 1970s as a significant influence on the development of their politics and, in particular, their conception of autonomy: “Not only is it freedom, but an anthropological growth that causes an accumulation of desires, of necessities, of will; it is, principally, a collective phenomenon, it is deeply cooperative. Autonomy is of the common” (Antonio Negri, quoted in Cuninghame, 2005, 77). *Autonomia* put forth an anti-authoritarian program that involved a rejection of political parties and other centralized political apparatuses and advocated a loosely coordinated network of local organizations and movements:

[It] combined several single issue campaigns . . . under the umbrella of one heterogeneous and localist movement that was united only in its identification with the theory and practice of autonomy from the State, institutional political parties and trade unions or any form of political, social and cultural mediation between the interests of capital and those of the social actors of which it was composed.

(Cunninghame, 2005, 77)

The autonomist project is further elucidated in Hardt and Negri’s *Multitude*, as involving a “production of the common [that] is neither directed by some central point of command and intelligence nor is it the result of a spontaneous harmony among individuals, but rather, it emerges in the space *between*, in the social space of communication” (Hardt and Negri, 2004, 222). The concept of “the common” in *Multitude* and the anarchist value of mutual aid are similar: both point to the development of alternative (cooperative) economic structures and practices and social relations that resist commodification.

In *Multitude*, Hardt and Negri (2004, 221) further explicate their concept of political organization, which involves two temporalities: the multitude “from the standpoint of eternity” (“the ontological multitude”)—“throughout history humans have refused authority and command, expressed the irreducible difference of singularity, and sought freedom in innumerable revolts and revolutions”; and the historical multitude—“the not-yet multitude.” For Hardt and Negri, “this second multitude is *political*, and it will require a political project to bring it into being on the basis of these emerging conditions.” They also describe (2004, 223) the multitude in terms of what it is not. It is not constituted by a “central point of command or intelligence nor

is [it] the result of a spontaneous harmony among individuals”; rather, “the multitude is created in collaborative social interactions.” It operates through communicative and relational networks that act in common, but not as a unity of forces; that is, the formation does not diminish the singularity of any of its constituents, but acts in and simultaneously produces “the common.”

Although the concept of the commons has an historical referent in the property-sharing practices of medieval Europe, Naomi Klein (2001a) describes the project of the AGM in the terms set forth by Hardt and Negri. The “radical reclaiming of the commons” undertaken by contemporary movements has involved efforts to deprivatize “communal spaces—town squares, streets, schools, farms, plants” that are increasingly being “displaced by the ballooning marketplace.” She cites a variety of projects and movements focused on anticorporate, community-oriented self-determination:

American students are kicking ads out of the classrooms. European environmentalists and ravers are throwing parties at busy intersections. Landless Thai peasants are planting organic vegetables on over-irrigated golf courses. Bolivian workers are reversing the privatization of their water supply. Outfits like Napster have been creating a kind of commons on the Internet where kids can swap music with each other, rather than buying it from multinational record companies.

In addition to party and NGO actors, anarchist and autonomous social movement activists have criticized WSF organizers for failing to operate a truly open space. While the Forum’s Charter mandates that its open space be nondeliberative, its standing committees deliberate on key political issues: how to relate to heads of state like Lula or Chávez? Which kinds of groups (militant, anarchist, armed) will be included/excluded? Which sessions will be placed center stage and supplied with translation; that is, what are the most pressing political issues of our time? And perhaps most importantly, who will fund the WSF and what is the (informal) cost of obtaining funds from sources like the PT? Moreover, they contend that while the WSF Charter of Principles bans party and state officials from direct participation, these groups have played an integral role in its development—as headline speakers, financial supports, and organizers. In response, anarchists in the Forum have staged direct actions against them. In 2003, for example, anarchists threw a pie in the face of the leader of the PT and organized an illegal nude protest march on Forum grounds. In other forums, they set up autonomous spaces inside the venue. At the European Social Forum (ESF) in 2004, the conflict reached its apex, when activists (calling themselves “horizontals”) staged a direct action against the organizers of the Forum at a plenary session where London Mayor Ken Livingstone was scheduled to speak. During the action, several activists were beaten by police and arrested. According to movement activists, the

organization of the event was entirely dominated by the Socialist Workers Party (SWP) and the Greater London Authority (GLA), and, as such, “suffered from a serious lack of trust, sectarianism, entrenched positions (on both sides) and an unwillingness to make compromises. Above all, it . . . suffered from a severe lack of democracy” (Reyes, 2004).

In a 2004 interview, Tariq Ali criticized the Hollowayan edict that “We can change the world without taking power”:

The slogan doesn’t threaten anyone; it’s a moral slogan. The Zapatistas . . . when they marched from Chiapas to Mexico City, what did they think was going to happen? Nothing happened. It was a moral symbol, it was not even a moral victory because nothing happened. So I think that the phrase was understandable in Latin American politics . . . but I think, from that point of view, the Venezuelan example is the most interesting one. It says: ‘in order to change the world you have to take power, and you have to begin to implement change—in small doses if necessary—but you have to do it. Without it nothing will change.’

(Quoted in Jardim and Ginden, 2004)

Critics of the anarchist/horizontalist position claim that in the context of South American politics, the state has played an important role in restoring democratic power toward the grassroots and in the institution of social democratic reforms. For them, participatory budgeting in Brazil, workers’ cooperatives in Venezuela, and the nationalization of the natural gas industry in Bolivia¹² suggest not only the state’s relevance to the Latin American context, but that it may play a central role in the WSF’s anti-neoliberal resistance and other movements for grassroots democracy.

Political Parties and Statesmen

The WSF’s Charter of Principles states:

The World Social Forum is a plural, diversified, non-confessional, non-governmental and non-party context that, in a decentralized fashion, interrelates organizations and movements engaged in concrete action at levels from the local to the international to build another world.

And, while the Charter allows for individual members of political parties to attend, it does not permit them to participate as party representatives (Gupta and Purkayastha, 2007). Despite these limitations and the WSF’s nonpartisan character, party and state governments have served as key financial and organizational supporters of the process and a large number of Social Forum attendees are drawn from their ranks. The WSF’s ban on political parties corresponds to its identity as composed “by groups and movements of civil

society” and its program to build “another world.” The impetus for the ban is linked to the following factors:

- WSF participants and founders sought to create a unique social space for movements and NGOs to build activist networks and bolster their political projects without becoming subsumed in partisan, state-centered politics;
- participants and organizers wanted to ensure that local governments and national states did not dominate the Forum to advance their political interests and supplant its “open,” global character;
- the ban was a response to the failures of democratic and socialist parties and states to remain accountable to their publics; and
- it was a result of new social movements’ practice of building non-hierarchical “spaces” and networks as part of their prefigurative, democratic practice.

The assumption underlying the ban was that civil society—comprised of social movements, NGOs, church groups, and other institutions—operates according to sets of interests and norms that are distinct from those of state actors and may function to democratize them further.

The role and significance of political parties in the WSF and its local chapters have varied according to time and place. Porto Alegre hosted the WSF in 2001, 2002, 2003, and 2005, partly because the PT agreed to support the event, but also because of the symbolic value of its participatory programs and location in the global South. Early on, however, participants objected that the PT exercised too much control over the event and criticized organizers for failing to buffer it from local partisan politics. During the first WSF, for example, the tension between the local and federal (Cardoso) government took center stage; and in 2003, it suffered from poor organization and lack of resources when the PT withdrew funding after its defeat in the state elections. In the eyes of many participants, the WSF should have remained independent of party support.

Problems associated with the PT’s role in the WSF became more pronounced in 2003. Reports claimed that “the opening [ceremony] was akin to a victory celebration for the then recently installed Lula government in Brazil. Posters of Lula and flags of the PT . . . dominated the march in 2003” (Gupta, 2005). Moreover, Lula made a public speech at an amphitheater on the grounds of the Forum to 75,000 onlookers during which he disclosed his plan to participate in the World Economic Forum and “take the message of Porto Alegre to Davos”: “I will be saying the same thing as I say here. There will not be two faces. I will tell Davos that their economic policies are making a terrible mistake!” (quoted in Wainright, 2003). Following Lula’s speech, an anarchist group called Confectioners Without Borders threw a pie in the face of PT president Jose Genoino at a press conference on Lula’s visit to Davos. The

woman who threw the pie stated, “Lula does not represent us! The people in the streets represent us!” After the incident, the group issued a communiqué, which explained: “The hope of change which we bring cannot be co-opted again and frustrated by politicians and parties who wish to promote themselves at our expense.” The statement ended with “*Que se vayan todos!*” (“That they all go!”)—the rallying cry of the 2001 Argentine uprising of *piqueteros* and other social movements, which called for *all* politicians to leave the country.

Paul Burrows (2003) reflected on how the pie was symbolic of a larger fissure within the Forum:

There’s a split between those who want to pin their hopes on the latest volley of so-called “great men,” old-style Left parties with old-style hierarchies, and the “primacy” of electoral politics on the one side. And on the other side are those who want the movement to embody the principles we profess to hold, and the values we ostensibly aim to foster “after the revolution”—namely, equality, diversity, solidarity, self-management, democratic participation, accountability, and so on.

Despite the controversy surrounding his 2003 visit, Lula returned to the WSF in 2005 and spoke in a large amphitheater at the start of the event. According to reports, the “PT was there in force with t-shirts that had ‘100% Lula’ stamped on them, declaiming their support for the government. The PCDoB [the Brazilian Communist Party] had a huge contingent that marched behind a massive truck from where slogans were raised that underlined their critical support for the Lula government” (Gupta, 2005). Aside from his PT supporters, however, Lula faced a cooler reception from the larger audience. During his speech, he lauded the Forum and proposed that it become a permanent institution in Brazil, but, according to Roger Burbach (2005),

there was a palpable sense of disillusionment with Lula in the stadium. While he endorsed progressive international policies such as standing up to Bush on the war in Iraq, his government’s economic policies in the main have followed the neo-liberal policies of his predecessors, appeasing foreign capital and the big banks . . . When Lula announced that he was flying off to Davos, Switzerland for the World Economic Forum the next day . . . [and] proclaimed he wanted to be “a bridge” between the two forums, the word “traitor” rippled through the stadium and some people booed. Outside the pavilion where Lula spoke a scuffle broke out between former members of the Workers Party who were protesting. Twenty people were arrested.

A year later, the WSF was held in Caracas, Venezuela, in support of the country’s left-wing leadership under Hugo Chávez. The Caracas WSF was dominated by slogans of the “Bolivarian revolution,” the political platform of

the Chávez government and his party, the Fifth Republic Movement (MVR). Since retaking office in 2002 after a coup to unseat him, Chávez had implemented a series of programs to redistribute wealth in the country and bolster social welfare. Key aspects of his program included:

- national economic and political sovereignty;
- participatory democracy through popular votes and referenda;
- economic self-sufficiency (food, consumer items, energy); and
- equitable distribution of the country's resources, especially its oil.

It is worth mentioning that Venezuela is one of the world's largest oil producers and net exporters and has been a long-time member of the Organization of the Petroleum Exporting Countries (OPEC) (EIA, 2006). The petroleum sector dominates the country's economy and has provided Chávez with the necessary wealth to implement a variety of social programs both in and outside Venezuela. He is also well known for his quips against the Bush administration and bold efforts to undermine the WTO and IMF.

In addition to growing excitement about Chávez, just months before the WSF a major development in South American politics took place: Evo Morales was elected President of Bolivia. Among other things, Morales is celebrated as the first indigenous person to be elected head of state in hundreds of years. He is a leader of the Bolivian *cocalero* movement, a federation of coca-leaf growers who have resisted attempts by the US government to eradicate coca in the province of Chapare. He is also a leader of Movimiento al Socialismo, the political party recently involved in nationalizing Bolivia's natural gas economy. Morales and Chávez have been closely aligned in efforts to build a pan-Latin American alliance—for trade, political support, and so on—and to socialize the gas and other industries in their respective countries (Bolivia has the second-largest resource of natural gas, second only to Venezuela). Within this context, the WSF in Caracas attracted between 60,000 and 80,000 participants representing 2,000 organizations.

Similar to the Brazilian situation, critics of the Caracas WSF argued that because the event was sponsored by the Chávez government, it could not help but be used to promote its platform at the expense of promoting the work of grassroots movements. Citing an article by Rafael Uzcatogui entitled "Caracas: Shroud for Venezuela's Social Movements," Sen (2006) pointed out that "some reports suggest that his [Chávez's] practice of politics is enervating independent social movements in the country and one opinion is that the WSF being held in Caracas is a shroud for such politics." This critique was echoed by Sujatha Fernandes (2006), who reported that

the Caracas Forum for the most part was boycotted by popular social movement leaders and organizations within Venezuela who have been at the base of Chávez's Bolivarian revolution. While official

government programmes and top-down initiatives were given space within the programme, many experiences of community organizing from poor “barrios” or urban shantytowns such as La Vega, San Agustín, Caricuao, Petare, and others were not included.

In the hope of circumventing such a “Bolivarian” takeover, organizers met with Chávez prior to the Forum to discuss the nonpartisan character of the event. Chávez agreed to respect the Charter, but when he spoke (outside the venue), he did not hesitate to comment on its political future. During his speech, he encouraged participants and organizers to make the WSF more than just a “folkloric” or “tourist” gathering. Suggesting that it adopt a more political orientation, he asserted: “In the face of the challenges from the empire, there is no time to waste” (Márquez, 2006). Large assemblies within the venue tended to focus on South American nationalism and US imperialism, and, according to a BBC interview with Brazilian, Argentine, and Chilean participants (Morsbach, 2006):

the Forum “had all the hallmarks of Mr. Chávez stamped on it,” with a third of the seminars and workshops taken up with talk of revolutionary change in Venezuela. “There was too much Venezuelan-style socialism and too much Chávez” . . . “The International Council from the Social Forum has to sit down now and ask itself whether they should have let Chávez hijack this Forum.”

As Edgardo Lander of the Latin American Social Sciences Council (and co-organizer of the WSF) admitted, “when the thematic axes of the sixth Forum were decided, most of the activities involved political debate” (quoted in Márquez, 2006).

On the other side of the Atlantic, the European Social Forum (ESF) has also been host to heated debates over the involvement of political parties. Since its inception, the organization of the ESF has been severely criticized, not only because of the widespread participation of state officials and political parties, but because these political actors have dominated the planning and organization of the Forum in blatant disregard of the Charter. These trends date back to the first ESF in Florence in 2002, which was almost entirely sponsored by political parties, government officials, and organizations like ATTAC, which has close ties to the French Parti Socialiste (Treanor, 2002). The Florence Forum was initiated Claudio Martini, President of the Regional Administration and member of the Democratic Left Party, and funded in part by the city of Florence and Region of Tuscany, which provided translation, housing for 5,000 people, and a fairly elaborate venue. Consequently, questions regarding the legitimacy of the “war on terror,” the viability of the nation-state as an organizing principle for democracy, and the value of parliamentary forms of democracy were not part of the official program, despite the ESF and

autonomous groups' interest in experimenting with non-state forms of democratic practice (which, theoretically, include the Social Forum model itself!).

As mentioned previously, the ESF in 2004 was organized by the GLA and SWP. It attracted some 35,000 people from all over Europe, but this was less than half of the number in previous years. Although autonomous spaces had been organized in prior years, 2004 saw a proliferation of them because of the SWP's and GLA's involvement. According to the *Guardian* (Vidal, 2004), "6,000 of the mainly young people attending the three-day Forum (ESF) had to queue for many hours in the rain to register . . . because only 900 [were] allowed in at one time, the police were called to clear the premises." Participants speculated that the organizers were responsible for the police presence. Soon after, at a session that was slated to feature Ken Livingstone (he canceled), activists staged a direct action against organizers over the way in which they planned the Forum in a top-down, exclusionary manner: "Perhaps our most important principle is that of self-organization . . . However, many opportunities of experimentation and innovation have been missed . . . resulting in the exclusion of many people, organizations, networks, groups, and even countries" (Juris, 2005). To make matters worse, several activists were beaten by police and arrested after the protest, which for horizontals only highlighted the coercive character of their vertical counterparts.

Political theorists like Peter Evans and Hilary Wainright argue in favor of party participation at the WSF because they view the state as playing an important—and inevitable—role in the fight against neoliberalism. According to Baiocchi (2004, 214):

Social movements and the multitude would not have a space to appropriate in the WSF were it not for the institutional resources and projects of the party, and most in the multitude also realize that until a very different framework for globalization emerges, social justice struggles will have to go through an institutional moment when the regulatory power of states will be called upon, and when "traditional" actors like parties will need to act. Re-imagining [what] this relationship can look like, even while considering that it is full of contradictions is an urgent task in the current moment for those involved in demanding social justice.

Against the anarchist/horizontalist emphasis on prefiguration, Baiocchi has argued that the PT's (hierarchical) organization does not necessarily mean that it is attempting to co-opt the WSF: "PT members are . . . clearly in a majority among Brazilian NGOs, social movements, and unions at the Forum. But this does not mean that the PT 'controls' any of them, just as it does not mean that the PT sought to control the WSF in being its host." Both Evans (2005) and Baiocchi suggest that the WSF may simply be an extension of the PT's efforts

to advance participatory programs, widen the scope of its initially workerist agenda, and change the way typical Left parties operate in Brazil.

This view is echoed by Hilary Wainright (2004), who asserts that activists from the social democratic and Leninist traditions should be lauded for their involvement in the ESF and WSF because they are the “most challenged by the theory and practice of social forums.” For Wainright, the Social Forum process is “about building up the power of social and trade union movements,” rather than opposing political parties altogether. She sees the Social Forums as potential mediators between social movements and parties, but also between particular, issue-based struggles and more totalized structures and historical tendencies. For these theorists, parties and states can play a vital role in the spread of the more participatory forms of democracy and social reform.

Conclusion: The Future of the World Social Forum

Advocates of the WSF point to the diversity of its participants, accompanying cultural expressions, and overall success in cultivating a genuinely new political paradigm: “another world is possible.” While some dismiss the WSF as merely an annual meeting or “talk shop,” its educational aspects and cultural cross-fertilizations foster the proliferation of organic intellectuals and have aided in the development of important antiprivatization, antifree trade, and antiwar campaigns around the world. In addition, the development of local and regional forums offers the possibility of building new cultural, educational, and political institutions that correspond to the needs of local communities, while capturing the totalizing imaginary of a global network.

The common thread among theories of civil society is the concern not only with the rights, procedures, and institutions that support democracy but with the underlying social relations that constitute them. For its founders, the WSF was established as a space in which the social relations that enable democratic practice may be cultivated outside the electoral sphere. Caught in the uneasy process of weighing organizational needs against desires to create an open space free of hierarchy, the WSF has been remarkably successful as a venue for people from diverse political and social backgrounds to discuss the pitfalls of neoliberal globalization and begin to consider alternatives to it. While early on, the diversity, spontaneity, and good nature of the WSF tended to trump the structural and exclusionary practices of its well-intentioned Organizing Committee, in recent years tensions have mounted over the lack of transparency and accountability in organizing the process and the overall depoliticized character of the Forum. Autonomous projects have operated in good faith by “contaminating” WSFs and ESFs and creating separate, self-directed spaces within its territory, thereby showing support while maintaining their fundamental critiques. Many of these groups—squatter communities in Europe, antiprivatization campaigns in South African townships, worker-run factories in South America—have made significant progress constructing

alternative models of social life and demonstrating that another world can be imagined and produced on a local scale. Unlike the Social Forums, they operate according to coherent, mostly anticapitalist, political strategies.

Despite the many inroads the WSF has made in bringing people together and serving as a springboard for the development of advocacy networks, its Charter of Principles will require serious revision if the Forum is to survive. First, while the Charter defines the WSF as a nondeliberative, noncoercive, nonpartisan open space, it does little to explicate actual principles according to which participants, and especially organizers, should operate. Principles such as accountability, transparency, and mutual aid that guided the activities of the AGM and its constituents are not present in the Charter, yet remain important, unarticulated values of many WSF participants. The lack of principles has, to some degree, fallen into the “Tyranny of Structurelessness” trap discussed by New Left feminist Jo Freeman (1972): the current conception of the open space as an unregulated space has, in some cases, exacerbated existing inequalities among participant groups, and the lack of transparency from organizers and International Council members has resulted in a notable degree of bad faith. In addition to the dearth of organizational and operational principles, the WSF Charter identifies neoliberalism as a common enemy without connecting it to the 800-pound gorilla in the room—capitalism. This incoherence and almost fanatical push toward inclusiveness has aggravated deep divisions among WSF participants, especially over the question of NGOs’ involvement and funding from organizations like the Ford Foundation and political parties.

A potential solution to these problems might include transforming the Charter of Principles into a dynamic and popular document, at least as a first step. Advocates of the current conception of the open space understand the Charter as a protection against coercion and co-optation by party, market, and state actors, but others argue that it embodies the political views of social democrats and other antiglobalization activists and not those of the WSF enterprise as a whole. The institution of deliberative structures and processes for establishing a dynamic Charter, to be shared and owned by the entire Social Forum community, might renew some of the affinity that has been lost over the course of the WSF’s short life span. With deliberative structures in place, groups and movements would be encouraged to work with people outside their immediate milieu, in good faith. Moreover, such structures could enable and empower participants to make meaningful, concrete decisions about the construction of alternative institutions and forms of life, in or outside the province of governments.

Turning to the question of the state, after the 2003 WSF in Porto Alegre, Naomi Klein (2003) wrote a scathing critique of political party involvement subtitled “No More Political Strongmen.” In the article, Klein asks: “how on earth did a gathering that was supposed to be a showcase for new grassroots movements become a celebration of men with a penchant for three-hour speeches about smashing the oligarchy?” She argues further:

For some, the hijacking of the World Social Forum by political parties and powerful men is proof that the movements against corporate globalisation are finally maturing and “getting serious.” But is it really so mature, amidst the graveyard of failed left political projects, to believe that change will come by casting your ballot for the latest charismatic leader, then crossing your fingers and hoping for the best? Get serious.

Four years later, an article appeared in the *Nation* in which Klein (2007) lauds the South American Left for advances in the fight against neoliberalism. She cites Chávez’s support of workers’ cooperatives (100,000 employing 700,000 workers), an inter-Latin American free trade alternative known as the “Bolivian Alternative for the Americas,” and the development of a continental “Bank of the South” to replace the IMF. This seeming contradiction in Klein’s work is really a reflection of the contemporary Left’s deep ambivalence over the state. One cannot ignore the graveyard to which Klein referred in 2003, epitomized in Nelson Mandela’s record after taking office in 1994, when “he instituted a massive program of privatization and structural adjustment that has left millions of people homeless, jobless and without water and electricity” (Roy, 2004; see also Desai, 2002). But antiglobalist or not, one also cannot ignore that the shift to the left in the global South *has* produced very serious results: “In 2005 Latin America made up 80 percent of the IMF’s total lending portfolio; the continent now represents just 1 percent—a sea change in only two years” (Klein, 2007).

A recent article written by Michael Hardt in the *Nation* (2006) may offer some perspective. For Hardt, today’s Empire operates like a network that consists of a monarch and a team of aristocrats. In the metaphor, the monarch is the United States and global financial institutions like the IMF and WTO; the aristocrats are other nations, international institutions like the UN, and NGOs on which the monarch depends to “finance its wars and pay its debts,” among other things. The important point here is that all states are part and parcel of Empire, regardless of their political leanings or policies, and while none of them can challenge the US on its own, in coalition they can exercise significant influence. Nations like Venezuela, for example, may challenge the United States and make substantive advances for its people, but the Chávez state must still be understood as part of Empire. This relationship also holds true for the army of NGOs throughout the world. “Aristocratic” states and organizations should never be mistaken for democratic institutions, but they can open political space for democracy to emerge from below, from alternative, independent entities like the Social Forums.

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Another Country: The Postcolonial State, Environmentalism, and Landless People's Movements

ASHLEY DAWSON

They cannot represent themselves, they must be represented. Their representative must at the same time appear as their master, as an authority over them, an unlimited governmental power which protects them from the other classes and sends them rain and sunshine from above. The political influence of the small-holding peasants, therefore, finds its final expression in the executive power which subordinates society to itself.

Karl Marx¹

The most dramatic and far-reaching social change of the second half of this century, and the one which cuts us off for ever from the world of the past, is the death of the peasantry.

Eric Hobsbawm²

Despite being widespread, reports of the death of the peasantry are vastly premature. In one particular case, however, such reports could be said to be accurate. On September 10, 2003 a South Korean farmer and peasant organizer named Lee Kyung Hae climbed atop a truck near the barbed wire surrounding the World Trade Organization Ministerial Meeting in Cancún, Mexico, flipped open a small pocketknife, and stabbed himself in the heart. He died two days later. In a pamphlet published earlier that year, Hae had written:

My warning goes out to all citizens that human beings are in an endangered situation. That uncontrolled multinational corporations and a small number of big WTO Members are leading an undesirable globalization that is inhumane, environmentally degrading,

farmer-killing, and undemocratic. It should be stopped immediately. Otherwise the false logic of neoliberalism will wipe out the diversity of global agriculture and be disastrous to all human beings.³

Tragic as Hae's death was, it nonetheless became a rallying call for Via Campesina, the transnational peasants' organization to which he belonged, and other rural social movements around the world. Within days of his death, the chant "We are Lee" had been translated into dozens of different languages, as tens of thousands of peasants marched in countries around the world in mourning and solidarity with Hae and to demand policies of national support for agriculture.⁴ Hae's suicide thus became a sign of the crisis faced by peasants, indigenous peoples, and landless workers as well as of their radical challenge to the global status quo.

Rural people around the world, who constitute the bulk of most post-colonial nations, are facing increasingly dire conditions. Longstanding inequalities of access to land have been pushed to a critical point over the last quarter-century as the postcolonial state has mutated from a developmental to a neoliberal form. Newly independent nations, that is, initially viewed land reform as a crucial step in the creation of the large-scale domestic markets that would be crucial to state-led industrialization efforts.⁵ Without a substantial, well-to-do peasantry, who would consume the products of new national industries and, just as importantly, guarantee the food sovereignty of the fledgling nation? The result was widespread state support for redistribution of land, whether as a result of revolutionary struggle as in China or through the kinds of market reforms carried out in nations such as South Korea. In addition, the relatively egalitarian growth of the United States—growth rooted, according to many postwar commentators, in the country's fabled Jeffersonian yeomanry—offered a paradigm for development and democratization that the new superpower seemed anxious to export to nations such as Germany, Japan, and Taiwan after World War II. Indeed, land reform initially appeared to be a central pillar of postwar reconstruction, at least in regions of strategic significance to Cold War antagonisms.

The structural adjustment programs of the 1980s and after effectively dismantled these state policies of land redistribution and support for small rural farms. The new economic orthodoxy, implemented with ruthless rigidity around the globe, emphasized production (both industrial and agricultural) for export. In tandem with the protocols of industrialized, chemical- and capital-intensive agriculture that characterized the Green Revolution—so named because it was a conscious response to the threat of Red (i.e. socialist) upheaval in underdeveloped nations with large and militant peasantries—the new policies rolled back many of the gains made by rural peoples during the initial decades of national independence.

As the postcolonial state shifted from an agent responsible, in theory at least, for substantial agrarian reform to a proxy for the rollout of neoliberal

policies that dramatically escalated rural inequality, land reform also faded from view. Indeed, so sweeping was the Washington Consensus—not to mention concurrent academic theories of postnational cosmopolitanism—that during the 1980s and 1990s agrarian reform was simply not discussed. Although there were of course significant exceptions to the voguish embrace of cosmopolitan hybridity in postcolonial studies, the agrarian question was nevertheless virtually totally overlooked by commentators, including those with a materialist outlook. This situation is particularly stark when compared with the importance of the paired agrarian and national questions for forefathers of postcolonial theory, such as Frantz Fanon.⁶ It seemed that as the tide of the peasant-led revolutionary movements in which Fanon and other activists such as Gandhi, Cabral, and Guevara had placed so much hope receded, so did critical awareness of the inequalities that motivated such movements. Indeed, at the end of this period, the issue of whether the peasantry still existed became an important topic of debate in rural studies.⁷ Obviously, if there was no longer a peasantry, land reform and the role of the state therein was a moot topic.⁸

This silence over rural injustice has, however, been decisively shattered over the last decade. Indeed, for some commentators, the core of contemporary anti-imperialist politics is to be found in the countryside of the global periphery.⁹ There are a number of factors that explain the resurgence of the agrarian question today.¹⁰ The metastasizing growth of mega-cities of the periphery such as Lagos, Cairo, and Mumbai, cities that lack significant industrial growth, has created crime-ridden slums that have helped generate support among social movements and some sectors of the peripheral middle classes and elite for land reform, a solution that is often cheaper than creating industrial jobs in mega-cities.¹¹ Another significant factor is the increasingly evident unsustainability of the Green Revolution model of industrial agriculture, with its dependence on historically unparalleled exploitation of natural resources such as water and hydrocarbons.

Foremost in generating awareness of problems in the countryside, however, have been the militant campaigns waged by landless and poor rural workers such as Lee Kyung Hae. Over the last decade and a half, the struggle of these dispossessed people for access to land has placed them at the forefront of the Global Justice Movement, as the role of the international coalition Via Campesina in the World Social Forum has made clear.

The importance of such groups as the Zapatista Army of National Liberation (EZLN) in Mexico and Brazil's Landless Rural Workers' Movement (Movimento dos Trabalhadores Rurais Sem-Terra, or MST) lies not simply in the militancy of their struggle, but in the novel strategies of protest they have pioneered. Previous models of rural insurgency such as the Latin American *foco* theory hinged on the use of the countryside as an organizing base by Leninist-style revolutionary cadres. Emerging from experiences of authoritarian rule and disillusionment with the claims of the postcolonial elite

to represent national interests, contemporary rural insurgency tends, by contrast, to be characterized by anti-authoritarian methods of organizing and consciousness-raising, by non-violent forms of direct action, and by a refusal to create hierarchical structures of power. These strategies have had a strong impact, becoming modular elements used by the Global Justice Movement around the world over the last decade and a half.¹²

In addition to dismantling the moral legitimacy of free market fundamentalism, radical rural movements such as the MST have advanced a struggle for the democratization of everyday life, offering an inherent challenge to the feeble forms of representative democracy held out by the Washington Consensus as the summit of political aspiration following the end of the Cold War.¹³ While each movement draws on its own distinct local and national traditions, they share a commitment to what Hilary Wainwright has called the participatory Left's radical epistemology.¹⁴ According to this orientation, which revives popular traditions of participatory politics from the past, knowledge and expertise are not the exclusive perquisites of a select party elite who steer the state for the good of the masses, but are rather the product of the kinds of social exchange and practical experience generated by the horizontal, network structure embraced by such groups as the MST. Contemporary radical rural movements thus offer a stinging rebuttal to the chauvinism of Karl Marx and more recent commentators, who see peasants as embodying the most regressive forms of passivity.¹⁵ The meekness of the peasantry leads ineluctably for such analysts to a highly authoritarian politics of patronage. Such accounts cannot be sustained in the face of the militant rural movements of the last decade. Indeed, as movements that are both "in and against" the state, contemporary landless workers' organizations are helping to articulate novel paradigms of both social being and state power.

There have been few attempts to represent these movements in literary terms, a fact that perhaps reflects the heritage of bourgeois individualism that characterizes the European novel just as much as it underlines the urban orientation of most postcolonial (including novel-writing) elites. Perhaps, in addition, there is some trepidation among novelists concerning representation of the subaltern, given the theoretical drubbing that such efforts have taken from postcolonial theorists.¹⁶ Yet if, as critics such as Foucault have shown us, power during the modern era takes on an overwhelmingly capillary character, the novel should be an ideal vehicle for exploring the politics of everyday life and their impact on the lineaments of the postcolonial state. In what follows, I discuss Amitav Ghosh's *The Hungry Tide*, a novel set in the labyrinth of islands known as the Sundarbans in the Bay of Bengal. Ghosh has long been interested in environmental issues, and his novel offers a very rich discussion of postcolonial modes of environmental governance and subject constitution. More specifically, *The Hungry Tide* unravels a dense knot of issues relating to the politics of wildlife conservation, urban-rural conflicts, and class and caste politics in postcolonial India against the backdrop of the policies adopted by

the communist-led Left Front government of West Bengal toward a community of refugees that occupied one of the islands in the Sundarbans during the late 1970s. Ghosh's novel suggests that events such as the massacre of settlers on Morichjhāpi Island cannot be separated from the broader power relations that characterize postcolonial Indian society. As a result, issues of representation—in both senses of the term—figure prominently in *The Hungry Tide*. Through its evocative exploration of the ambiguities and injustices of environmental governance, Ghosh's work demonstrates the obstacles to a radical democratization of everyday life as well as the necessity of a solution to rural inequalities.

Nearly 58 percent of the Indian populace is dependent on agriculture, yet more than 50 percent of this population owns smallholdings of less than one hectare.¹⁷ Large plots of ten hectares or more belong to less than 2 percent of the population, while the absolute landless account for as much as 43 percent of peasant households.¹⁸ Although they only begin to crack open the multiple divides that fissure postcolonial Indian society, such statistics put some perspective on the massacre that took place on Morichjhāpi Island in May 1979. The squatters who settled on Morichjhāpi were Dalits (or “untouchables”), refugees who arrived in West Bengal from Bangladesh following the war of Independence in 1971–1972. Lacking the social and material capital of earlier Bengali refugees, these migrants were used as political pawns by opposition leftist parties in West Bengal during this period.¹⁹ After winning power in 1978, however, the Left Front government deserted the Morichjhāpi refugees, whom they now claimed had illegally trespassed on a protected forest reserve slated for a World Wildlife Fund-sponsored tiger protection project. When the refugees refused to leave their settlement on Morichjhāpi and won a legal battle against the West Bengal government's economic blockade of the island, the government hired off-duty policemen and criminal gangs to purge Morichjhāpi. In the course of three days in mid-May 1979, the gangs engaged in an orgy of rape and killing that cleansed the island of human inhabitants.

As Pablo Mukherjee argues in his insightful discussion of *The Hungry Tide*, the novel hinges on Amitav Ghosh's perennial concern with unraveling the politics of boundaries and borders.²⁰ Of course, the novel's setting in the constantly shifting tidal mangrove swamps of the Sundarbans is itself a powerful metaphor for the evanescence of the political boundaries established by human beings. In addition, Ghosh's redaction of the Morichjhāpi massacre reflects on the bloody outcome of the British colonial erection of borders on the subcontinent, a policy that led to the displacement of millions during the Partition and continues to plague India in the form of highly combustible communal divisions. As Mukherjee notes, the politics of collective representation are particularly fraught given this history, for the Morichjhāpi massacres highlighted the spurious nature of claims on the part of West Bengal political elites to understand and adequately represent the interests of the

refugees based on their linguistic kinship.²¹ These purported affinities evaporated once the Left Front government was faced with the exigencies of what Arun Agrawal calls “environmentality”: the creation of technologies of environmental governance that are linked to the constitution of particular kinds of environmental subject.²²

In the case of Morichjhāpi, environmentality followed a script inherited directly from the British Raj. Colonial-era state science was characterized by widespread and deep fears of what was termed desiccation—what we would now call climate change—and other forms of natural degradation that resulted from intensive plantation cultivation in Britain’s tropical colonies.²³ The result of these natural anxieties was the growth of discourses of “conservation” that characterized the behavior of colonial subjects as a calamitous threat to the environment. In parallel with racialized discourses of sexual degeneration, the colonized were seen as responsible for the destruction of the natural world in a facile binary that isolated “natives” from “nature” just as surely as European settlements were to be physically and sexually segregated from indigenous habitations.²⁴ Colonial natural scientists and anthropologists became increasingly obsessed with tribal forest peoples, whose habits of shifting cultivation made them particularly difficult to control.²⁵ The answer to the alarmingly autonomous and supposedly deleterious practices of forest-dwelling peoples was the geographical demarcation of “reserves” that allowed the colonial state to exclude unwanted elements and practices, and to monitor and control “native” behavior tightly. As a result of these state policies, hundreds of thousands of imperial subjects were essentially criminalized and expelled from their homes as the government set aside forests and other lands as natural areas to be preserved from the destructive behavior of their indigenous inhabitants. By the 1890s in India, the colonial state’s investment in conservation had reached an extraordinary degree of development, with up to 30 percent of some provinces coming under Forest Department control.²⁶

The West Bengal government’s decision in the late 1970s to proceed with the WWF-sponsored tiger preserve in the Sundarbans is of a piece with the state science of the colonial era in as much as the Morichjhāpi settlers were represented by the government as a direct threat to conservation. Indeed, the fate of the settlers highlights the continuity between different historical moments of enclosure, from the creation of capitalist agriculture in late medieval Europe to the conquest of *terrius nullius* during the colonial era, from the forms of displacement occasioned by policies of national “development” during the postcolonial period to contemporary processes of commodification and privatization associated with neoliberalism. While there clearly are important distinctions between the modes of environmentality deployed across these different periods, issues of local control over land and vital common property resources are unifying factors in resistance to both colonial and postcolonial “conservation” policies. For instance, Richard Grove argues that the Maoist

guerrilla movement known as the Naxalites would not have managed to mobilize significant support among the peasantry of northern West Bengal during the late 1960s and 1970s were it not for deep animosities kindled by state agricultural and forest policy in the region, policies that had a colonial genealogy.²⁷ Moreover, Grove links apparently disparate geographical sites by suggesting that similar issues were at play in Naxalism, in the Mau Mau uprising in Kenya during the 1950s, and in the insurgent nationalist movement of the 1970s in what was then known as Rhodesia. Rather than spelling the end of land alienation, in other words, the postcolonial period has seen a continuation and even escalation of the processes of expropriation initiated during the colonial era under the sign of conservation.

This intensification of accumulation by dispossession should not be so surprising given the metamorphosis of the state during the neoliberal era.²⁸ The common perception among both liberal and influential neo-Marxist analysts of globalization such as Hardt and Negri that the state has retreated, giving way to a borderless world of economic and cultural flows, has obscured the ways in which, to quote Sam Moyo and Paris Yeros, “the state has been employed systematically to lift barriers, to deepen the commodification of social life, and to enforce the new order by coercive means.”²⁹ For Moyo and Yeros, modish discourses of globalization have submerged both the national *and* the agrarian questions, conveniently obliterating awareness of the extent to which the peasantry has not “disappeared,” but has rather been compelled to absorb the costs of social reproduction as these have been systematically expelled to the global periphery by capital during the neoliberal era.³⁰ In tandem with international financial institutions such as the World Bank and the International Monetary Fund, postcolonial states have zealously pursued an avalanche of new forms of enclosure. Many of these policies have had a particularly destructive impact on rural peoples. Some of the most important of these policies include: renegeing on historical commitments to land reform; pursuing large infrastructural projects such as dams that have displaced hundreds of millions of people; standing by as land is increasingly commercialized, and as business interests—both agricultural (e.g. plantations) and non-agricultural (e.g. mining and petroleum)—have infringed on public lands; refusing to combat the undercutting of peasant and other small farmers by policies such as trade liberalization, the flooding of local markets with cheap, dumped food imports, slashing of price supports, the privatization of credit, excessive export promotion, and the patenting of genetic crop resources; and failing to challenge the monopolization of agricultural commodity chains—in both input (i.e. seeds) and output (i.e. grain trading) sides—by transnational corporations, a process that has put peasants in an unbearable cost–price squeeze.³¹ In sum, while the neoliberal period may provide evidence of new modalities and intensities of environmentalism, the underlying dynamic of accumulation by dispossession remains the same as that evident in other historical moments of enclosure.

As Karl Polanyi noted in his classic analysis of the rise of capitalism, a crucial question relating to such processes of commodification is how they are experienced; what, in other words, does it feel like to live through such processes of enclosure?³² Polanyi was interested in this aspect of the market society's growth because he sought to understand the contradictory forces for and against what he called "fictitious commodification." Other more recent analysts such as Arun Agrawal have also emphasized the need to grapple with the mutually constitutive processes of subject formation and governance in order to understand how land alienation is facilitated and resisted.³³ Representation plays a key role in this regard, for it is through a political economy of representation that institutions such as the state and non-governmental organizations (NGOs) make claims to deliver "the peasantry" in compliance with modes of environmental governance.³⁴ As Rajeev Patel puts it, in order to achieve this end, "a demobilized and depoliticized spectacle of the peasantry needs to be created and represented. This spectacle cannot coexist with genuine engagement by poor rural people in these development processes, as to accept this would be to accept the messy business of politics, power and democracy that development institutions are singularly designed to avoid."³⁵

The extent to which the peasants tend to be rendered mute objects of government policies of accumulation by dispossession is mirrored in *The Hungry Tide's* highly mediated representation of the Morichjhāpi settlers' struggle. Rather than placing the account of the massacre in the mouth of a settler, Ghosh tells the settlers' story through Kanai Dutt, a resident of New Delhi who has returned to the Sundarbans after a mysterious manuscript written by his late uncle Nirmal Bose is found. Dutt is, importantly, a translator, although the love of literature that he cultivated in his student days has been drowned out by the workaday affairs of the extremely lucrative translation agency he runs in the capital. Kanai could be said to represent the new Indian elite, enriched by the liberalization of the country's economy during the 1990s but totally out of touch with the nation's rural majority. The arrogance of this neoliberal elite is conveyed clearly through Kanai's imperious behavior toward those of lesser caste and class status, as well as by his predatory sexual overtures toward any attractive woman who crosses his path. Yet it is Kanai who is called on to bear witness to the subaltern world of the Morichjhāpi settlers, for he is the legatee of his uncle Nirmal's manuscript, the only written record of the government-perpetrated massacre on the island.

Even here, however, Ghosh adds another layer of mediation, for the manuscript Kanai reads is itself penned by an unreliable narrator. For instance, Nirmal, who during his youthful days had harbored quixotic revolutionary sentiments that quickly evaporated in the harsh light of government repression, initially expresses impatience with what he perceives as the superstitious local traditions associated with the tale of Bon Bibi.³⁶ As the reader comes to see in the course of Ghosh's novel, the myth of Bon Bibi is a popular belief system with hybrid Muslim and Hindu religious origins and a strong didactic

edge concerning the need to respect the highly unstable and perennially menacing natural environment of the islands. Above all, the tale of Bon Bibi emphasizes the imperative to curb excessive avarice in one's dealings with other people and with the environment. Like many indigenous cosmogonies, in other words, the myth of Bon Bibi is a kind of regulatory social and ecological fiction for the residents of the Sundarban archipelago. Nirmal's initial disdain for this belief system and his dependence on the travel narrative of a European explorer of the delta region is symptomatic of his condescension toward the lower caste residents of the area. As Pablo Mukherjee argues, if Kanai may be taken as a representative of the neoliberal generation of the Indian elite, Nirmal personifies an older cohort of first-generation postcolonial subjects, whose developmental policies in most cases disregarded the needs of the majority of the nation.³⁷

As Kanai reads Nirmal's long-lost notebook, however, he observes the transformation that takes place in his uncle as he participates in the ill-fated occupation of Morichjhāpi. Nirmal's initial scorn for what he perceives as the superstition of the Bon Bibi myth is transformed into an appreciation for its hybrid origins, a sense that the tide-country's faith, like its topography, is shaped by an incessant but beneficent flux and mixture (205). In addition, Nirmal's youthful revolutionary ideals are reanimated by the Morichjhāpi settlers' struggle for the right to land. For his wife Nilima, who misunderstands his passion, Nirmal's enthusiasm is a product of the settlers' simple willingness to pit themselves against the government (100). As Kanai learns as he reads his uncle's manuscript, however, the settlers' defiance of the Forestry Department does not simply serve as an example of abstract revolutionary behavior, but rather resonates on a highly personal level with Nirmal. The settlers' cries of "Amra kara? Bastuhara" (Who are we? We are the dispossessed) in the face of menacing policemen remind Nirmal of his own unhoused condition: "And as I listened to the sound of those syllables, it was as if I were hearing the deepest uncertainties of my heart being spoken to the rivers and the tides. Who was I? Where did I belong? In Calcutta or in the tide-country? In India or across the border? In prose or in poetry?" (211). Admittedly, there is a strong element of humanist universalizing in Nirmal's reaction to the settlers' defiant cries, yet, to the extent that he stands in for a certain metropolitan subjectivity, this dawning self-questioning and sense of solidarity with the refugees constitute an important epistemic transformation. For if, as I have argued, the role of an elite political economy of representation is to interpolate peasant subjectivity in order to legitimate state policies of enclosure, then Nirmal's transformation suggests the potential for a decentering of the hierarchical epistemic relations on which such forms of representation are based.³⁸

The rejection of hierarchical relations is a central component of the struggle of the landless rural semi-proletariat around the world today. From the umbrella group Via Campesina to national and local organizations such as Brazil's MST, Kenya's Greenbelt Movement, and India's Ekta Parishad (United

Forum), key contemporary peasant, indigenous, and landless peoples' organizations are united not simply by their opposition to inequalities in the distribution of land and to the agricultural policies of organizations such as the World Trade Organization that intensify such inequalities, but by their rejection of the forms of paternalism that have traditionally been instrumental in keeping subaltern peoples in their subordinate place.³⁹ Once again, this is not simply a question of transforming institutional dispositions, but of undermining and transforming traditional epistemological structures that cement particular forms of subjectivity.

In the case of one of the most well known and influential of these organizations, Brazil's MST, for example, the fostering of autonomous subjectivity has been a central, indeed a constitutive, component of the struggle. The MST's struggle for land redistribution began during the days of the Brazilian military dictatorship, when the Catholic Church provided one of the sole venues for public discussion. Although the Church's traditional support for the landed plutocracy in Brazil did much to ensure its immunity to the kind of repression meted out to other social organizations, during the years of the dictatorship the Church was transformed by the concept of a "social gospel" that emphasized messages of social justice in Jesus' teaching, showing that a thirst for equality was not the sole perquisite of the Communist Party. Indeed, it was in the Christian Ecclesiastical Base (CEB) communities organized by priests influenced by what came to be known as "liberation theology" that the landless movement found its principal initial organizational and ideological base.⁴⁰ In CEB meetings, priests sat without vestments in circles among fellow believers and encouraged their parishioners to see themselves as a fellowship rather than a flock of sheep.⁴¹ Thus, by modeling anti-hierarchical social relations, the CEBs challenged the Church's official position, which continued to emphasize individual salvation over the social gospel, obedience to secular authority, and the sanctity of private property.

Equally important in forming the MST's anti-hierarchical stance was the influence of Paolo Freire's pedagogy of the oppressed. Working with the poor in rural Pernambuco before the military coup of 1964, Freire had observed that traditional pedagogical techniques that emphasized the power of the teacher over his or her students were among the strongest obstacles to the success of adult literacy programs.⁴² This hierarchical form of pedagogy encouraged students to adopt passive positions, which meant that even if they did succeed in absorbing a particular concept furnished by the teacher, they were unlikely to be able to apply that concept independently to new material and situations. The crux of Freire's pedagogy of the oppressed was to develop techniques that broke down the relation of dependence between student and teacher, thereby encouraging learners to move from passive to active modes of cognition and behavior.

When the MST began to organize land invasions in the early to mid-1980s, the critique of hierarchical social relations that characterized liberation

theology and Freirian pedagogy provided a crucial guide for the new organization's internal structure. Thus, not only were MST members able to see through the forms of paternalism and clientelism that traditionally constituted social relations between Brazil's wealthy ranchers and landowners and the impoverished workers who lived on or at the margins of their land; in addition, the MST refused to appoint individual leaders, who could easily be bought off or assassinated by the central government or local strongmen. Perhaps even more important in terms of radical politics, the MST embraced mass non-violent direct action as its central strategy. The organization's land invasions thus typically involve entire communities, who take up residence on patches of land that the organization has identified as not in productive use (the Brazilian constitution allows for expropriation of unproductive *latifundia*). While the MST has had to battle both outright violence and the kind of divide-and-conquer tactics that have traditionally been deployed against land occupations by the poor, their ideological sophistication and mass base have made them highly effective agents for change in Brazil. Over the course of several decades, the organization has carried out more than 230,000 occupations that have redistributed 20 million acres of agricultural land to over 350,000 families, have put the issue of agrarian reform high on the national political agenda, and have highlighted the need for sustainable, non-industrial, non-export-oriented forms of agriculture.⁴³

In addition, the MST has helped to transform Brazil's political landscape and has made a strong imprint on the Global Justice Movement by refusing to allow itself to become co-opted by organizations that had traditionally claimed to represent the poor, such as rural labor unions, which Brazil's military government did not totally abolish but rather neutered through the creation of rigidly bureaucratic authority structures and a strong dependency on the organs of government. It is precisely such organizations that, along with newer forces such as international NGOs, have been at the core of creating what Rajeev Patel calls the "demobilized and depoliticized spectacle of the peasantry."⁴⁴ Steering clear of the unions and insisting on its autonomy from political parties—even progressive ones such as the Workers' Party (PT)—the MST has come to constitute a powerful autonomous force in Brazilian political life, working "in and against" political parties and offering a critical component of new forms of radical democracy such as the participatory budgeting processes analyzed elsewhere in this volume.

Brazil's MST is not alone in its radical epistemological and institutional orientation. Groups such as India's Ekta Parishad draw on local Gandhian traditions to remarkably similar effect. A central component of Ekta Parishad's campaigns against the dispossession of the nation's *adivasis* or indigenous forest dwellers is the *yatra*, an extended march through the countryside that draws on the Hindu tradition of the spiritual pilgrimage.⁴⁵ Before the march begins, the organization typically publishes a "Declaration of *Satyagraha* [struggle for truth]," a move that highlights the group's Gandhian affiliations

and that serves to decry the government's refusal to redress endemic inequalities linked to land dispossession and industrialized models of agriculture. The *yatra* then proceeds over the course of a month or so, during which hearings are held in individual villages around the issues addressed by the *satyagraha* declaration and local grievances are aired. The *yatra* concludes with demonstrations before legislative bodies that often include Gandhian forms of nonviolent direct action such as sit-ins and fasts.⁴⁶

Like the MST's campaigns, those of Ekta Parishad and other similar groups challenge the forms of hierarchy and paternalism that have traditionally constituted rural social relations, including, crucially, the patriarchal gender relations that keep women the world over, who are responsible for the bulk of agricultural production while owning less than 1 percent of the globe's land, in subordinate positions. In addition, as we have seen, they react to the co-optation of movements for national liberation during the postcolonial and neoliberal periods by eschewing the predilection for violence and authoritarianism that characterizes both hegemonic forces and traditional anti-imperialist movements. In seeking to transcend institutionalized political channels by reviving and developing forms of participatory democracy, decentralization, and organizational autonomy from political parties and the state, such movements may be seen as having an impact which is likely to be limited to lobbying efforts toward a state increasingly in hock to powerful global financial institutions and interests. Yet such movements are not simply working to organize subaltern groups in order to help them increase their power to influence the state. By stressing the collective capacity of some of the world's most marginalized people to transform their conditions, they are articulating radical new forms of grassroots democracy that in turn may serve to transform the institutional apparatus of the state. Rather than being romantic antiquarians of bygone worlds or doomed opponents of implacable policies of development, in other words, these movements are forging a radical democratic imaginary constituted by alternative forms of development and social relations that are more sustainable, nonviolent, and democratic.

Amitav Ghosh wrestles with this question of what we might call the modernity of the subaltern through the figure of Fokir, the son of a Morichjhāpi settler named Kusum, with whom both Kanai and Nirmal have been enamored in the past. After being spirited off the island before the massacre during which Kusum and the other settlers were killed, Fokir grows up in the Sundarbans to be a fisherman. Unlike his ambitious wife Moyna, Fokir is illiterate, but possesses an immense knowledge of the tide-country's waters and their inhabitants. Given the precipitous decline of the area's aquatic life as a result of overfishing, however, Fokir's vocation appears doomed. Indeed, for Kanai, "Fokir could never be anything other than a figure glimpsed through a rear-view mirror, a rapidly diminishing presence, a ghost from the perpetual past that was [the island of] Lusibari" (183). Yet, if Fokir appears to Kanai as a symbol of the rural poverty and ignorance that India is fast leaving behind,

he is, as the young Asian-American cetologist Piya Roy comments, a ghost who haunts the metropolitan modernity of the neoliberal Indian elite: “she guessed also that despite its newness and energy, the country Kanai inhabited was full of these ghosts, these unseen presences whose murmurings could never quite be silenced no matter how loudly you spoke” (183).

After he saves her from drowning following an incident in which her Forestry Department escort extorts money from Fokir for alleged poaching, Piya develops a strong attraction for this man whom Ghosh paints as emblematic of India’s cast-aside rural masses. Like the relation between the Dalit Velutha and the upper-class Ammu in Arundhati Roy’s *The God of Small Things*, this slowly blossoming attraction crosses proscribed boundaries of caste. Regardless of violating this taboo and despite the fact that they do not speak the same language, Piya and Fokir’s relationship develops based on their shared intense affinity for the natural life of the Sundarbans. Fokir’s deep knowledge of the Sundarbans’ flora and fauna allows him to lead Piya to the secluded habitat of the Irrawaddy dolphins that she has come to the area to study. The narrative of Piya and Fokir’s exploits on the water unfolds in a braided counterpoint to Nirmal’s diary, seeming to offer a redemptive narrative to the violent betrayal of the Morichjhāpi peasants by the elite West Bengal government. Indeed, as the two weave their way across a lagoon, the one fishing and the other inputting information into a GPS device, Ghosh’s narrator comments that the pair are amazed by “the seamless intertwining of their pleasures and their purposes” (118).

Just as he does in terms of the struggle on Morichjhāpi, however, Ghosh troubles facile notions of a coincidence of elite and subaltern interests. During a trip that follows this idyllic first encounter on the water, for instance, Piya is horrified when she witnesses Fokir helping a group of fishermen kill a tiger that has wandered into their village. For Piya, the killing of the tiger reflects the sweeping subordination of the natural world to the whims of human beings. This anthropocentric perspective finds one of its most horrendous contemporary embodiments in the commodification of tropical animals on the international black market, a trade that is described in the story of the dolphin nicknamed Mr. Sloane that immediately follows the killing of the tiger in Ghosh’s narrative. Yet, as Kanai points out to Piya, her sensitivity to the suffering of animals, like that of many good-hearted, *Animal Planet*-watching people in the global North, comes at the expense of the poor on whom such animals often prey. Picking up on the events on Morichjhāpi about which he’s been reading, Kanai comments acidly on the devastating impact of “conservation” on the people who inhabit game reserves:

It was people like you who made a push to protect the wildlife here, without regard for the human costs. And I’m complicit because people like me—Indians of my own class, that is—have chosen to hide these costs, basically in order to curry favor with their Western patrons. It’s

not hard to ignore the people who're dying—after all, they are the poorest of the poor (248–249).

Kanai, who has been deeply affected by Nirmal's account of the Morichjhāpi refugees' obliteration for a WWF-sponsored tiger refuge, forces Piya to reevaluate the power relations in conservation policies that have remained hidden to her as an elite metropolitan subject. Central to his challenge, however, is the self-examination he is clearly engaged in as he reckons with the complicit role of postcolonial elites in global conservation policies that silence and sacrifice subaltern peoples.

This traumatic moment, which is followed shortly afterwards by Kanai's own brutal outburst of pent-up metropolitan caste rage against Fokir when they confront a tiger on one of the archipelago's islands (269), nevertheless contains the seeds of an auto-critique of elite forms of representation. Indeed, it is in the midst of this explosion of bile that Kanai manages to look through Fokir's eyes, to translate himself into the position of the Other, and thereby to see himself and, by extension, his class as the immense threat they typically are to people such as Fokir:

It was as though his own vision was being refracted through those opaque, unreadable eyes and he was seeing not himself, Kanai Dutt, but a great host of people—a double for the outside world, someone standing in for the men who had destroyed Fokir's village, burnt his home and killed his mother; he had become a token for a vision of human beings in which a man such as Fokir counted for nothing, a man whose value was less than that of an animal (270).

In this moment of role reversal, Kanai, who had once consigned Fokir and all those like him to the dustbin of history, develops a profound sense of empathy with his rival for Piya's affection. In seeing the normally hidden forms of naked class assertion that buoy his erstwhile imperious sense of self, Kanai, like Piya following the tiger killing, develops the intellectual and emotional resources for acts of affiliation with the dispossessed grounded not in paternalism but in mutual recognition. Thus, if contemporary landless people's movements are advancing radical democratic strategies that hinge on the rejection of authoritarian social relations, *The Hungry Tide* deploys narrative to involve its readers in a complementary process of empathy and affiliation with the marginalized.

Conclusion

Amitav Ghosh refuses, however, to provide saccharine solutions to the intractable problems of inequality that beset the world today. *The Hungry Tide* thus concludes with one of the most tragic love scenes ever put to pen. Fokir

saves Piya from the typhoon that sweeps across the archipelago by lashing her to a tree and by protecting her from the gale and the lethal objects it carries with his own body. It is ironically in this moment of natural violence that the two achieve a union that their life circumstances have made impossible: “Their bodies were so close, so finely merged, that she could feel the impact of everything hitting him . . . it was as if the storm had given them what life could not; it had fused them together and made them one” (321). A powerful moment, but one that does not bode particularly well if read from an allegorical angle for the kinds of empathetic affiliation and political solidarity that I have just described. Yet, crucially, Ghosh does not end his story here. Piya survives and remains in the Sundarbans to run a conservation group that will be administered through the Badabon Trust, the organization founded by Nirmal’s wife Nilima. By involving Nilima and Fokir’s wife Moyna, Piya’s plan suggests the potential for the kinds of transnational linkages between women that have proven to be among the most vibrant facets of the Global Justice Movement over the last few decades.⁴⁷ In addition, this institutional structure will, according to Piya, insure the involvement of local fishermen, who will thereby be provided with a livelihood as well as with the intellectual arsenal and international networks to counter the depredations of the Indian Forestry Department and future inimical government schemes against the residents of the archipelago. It seems, then, that the anti-hierarchical forms of empathy that gestate earlier in the novel do result in practical forms of decentralized institution-building.

Piya and Kanai are not the only ones, however, to embrace radical democratic projects. Even the World Bank and other international financial institutions have shown signs of converting in recent years to the gospel of anti-authoritarianism. Pushed by the protests of landless people’s movements as well as the analyses of its own development economists, the World Bank, for example, has recently recognized the relative efficiency of small farmers and has, in theory, embraced land reform. Yet, the programs proposed by the Bank are, not surprisingly, grounded in market-led land titling programs, and consequently constitute a threadbare bandage over the suppurating wound of inequality, unsustainable industrial agriculture, and massive rural–urban migration that characterizes the crisis of today. According to Peter Rosset and his colleagues at Food First, far from empowering peasants and landless workers and thereby contributing to a thoroughgoing decentralization of political power, the Bank’s land titling programs are contributing to a new round of land loss and conflict since their costs make them wholly inadequate compared to the scope of landlessness and their beneficiaries tend to be burdened with heavy debts for expensive land of poor quality.⁴⁸ Working among impoverished Adivasi communities in rural Madhya Pradesh, Amita Baviskar comes to similar conclusions. The doxa of decentralization, she argues, has helped constitute a new form of environmentalism that “fails to address the political predicament of the vast majority of adivasis who are not

land-owning peasant cultivators but increasingly participate as members of an industrial proletariat.”⁴⁹ Like Patel, Baviskar concludes that the result of such centrally administered policies of decentralization is to create a simulacrum of peasant participation, one that empowers a select, narrow stratum of small landholders to the exclusion of the bulk of those working the land. The danger, in other words, is that global institutions such as the World Bank as well as national and regional governments will respond to the radical democratic demands being advanced by groups such as Ekta Parishad and the MST with the adoption of policies that create a thin veneer of decentralization while continuing to pursue business as usual.

These largely rhetorical concessions to radical democracy clearly constitute a significant challenge to landless workers’ groups, particularly since they tend to depoliticize questions of land reform and equality, making them seem nothing more than technical exercises to be dealt with using the most efficient mechanism—which almost invariably is held to be the free market. In the face of such maneuvers, organizations like Via Campesina have reemphasized the link between the agrarian question and the national question through advancing an alternative model of *food sovereignty*.⁵⁰ Today’s dominant global model is one of food security, in which nations such as the United States argue that the best way to ensure an adequate food supply is to import cheap, subsidized food produced in overdeveloped countries such as the US and the nations of the European Union. By contrast, Via Campesina’s alternative model begins by embracing the human right to food, but goes on to underline the right to land and the right to produce for rural peoples. Food sovereignty, in other words, offers a critique of the doctrine of food security, which legitimates massive imports of industrially produced food that help drive farmers off their land and swells the ranks of the hungry who live at the mercy of the cash economy in mega-cities. Putatively decentralizing programs of land reform such as that advocated by the World Bank hasten precisely such policies of alienation, and in the process further the penetration of the postcolonial state by international financial institutions. Any successful democracy of course requires an active, informed citizenry. The ersatz policies of reform and decentralization adopted by bodies such as the World Bank in response to the crisis of the Washington Consensus are merely exacerbating tendencies inimical to the creation of precisely such an engaged and politically empowered population. It is, instead, in alternative models such as Via Campesina’s, which emerge from experiences of grassroots organizing as well as an awareness of the linked agrarian and national questions, that a radical democratic imaginary is being cultivated.

Disarticulate the State! Maximizing Democracy in “New” Autonomous Movements in the Americas

MICHAEL MENSER

Over the past fifteen years a range of social movements and institutional initiatives has redefined the possibilities of participatory democracy and meaning of autonomy. In this essay I draw on a subset of these movements to forward an understanding of autonomy as the social production of democratic self-determination. This understanding draws upon three oft-cited scenes for “new autonomous” movements: in Brazil, the Participatory Budget of Porto Alegre; in Argentina, the movements associated with assemblies, recuperated factories and the unemployed (or “*piqueteros*”); and in Bolivia, the Coordinadora of Cochabamba, and the water utility SEMAPA during and after the Water War of 2000.

This essay has two aims: first, to show that the conceptions of participatory democracy practiced by these diverse movements converge on many key details, especially the focus on self-determination paired with capacity development, redistribution, and the interconnection of different types of struggles. This convergent conception is novel, and democratic theory and political philosophy have much to learn from it. I have labeled this conception “maximal democracy” or maxD (Menser, 2005). In contrast to the neoliberal state which is said to minimize the scope of the political and maximize the purview of the so-called market or economic, maxD aims to liberate or retrieve the democratic impulse from the formal-political so as to remake the political as well as the economic and social. Crucially, and again in contrast to neoliberalism (as well as political liberalism and much of the socialist tradition), this maximally democratic reconstruction of the political and economic is anchored “outside” of the state in the social. It is due to this *social* reconstruction of the political and economic spheres that movements practicing this

maxD model are able to claim that they are seeking “autonomy.” Autonomy is then defined not by geographic independence (as could be produced by secession) or political–economic autarky, but by a particular kind of production and (re)territorialization that I call democratic self-determination.

What confuses, however, is that most of these movements have some sort of *cooperative* relationship with their “home” state even though they claim to be “autonomous” from the state. The second aim of this essay is to dismantle this apparent contradiction. I argue that the most successful movements are those that have come up with novel ways of using the state to facilitate the maxD project. This relationship to the state cannot be adequately described as “reformist” or “revolutionary” since they do not, for the most part, seek to gain autonomy through the electoral process, nor by “smashing” or “seizing” the state as so many anarchists and socialists have urged. Instead, the success of the Bolivian and Brazilian movements has been predicated in part by, first, fracturing the organizational and legitimating apparatus of the state and, second, “transferring” (or reclaiming) particular state functions (e.g. the budget process, administration of the water utility) from the state to civil society so that these functions can be normatively restructured and managed by a particular *social* configuration. I call this process of fracture plus democratic reterritorialization outside of the state “disarticulation.” This practice has been put to best use by the water utility and the Participatory Budget of Porto Alegre, Brazil, and with respect to the water utility SEMAPA in Cochabamba, Bolivia.

Maximal Democracy and Self-determination

Since the end of the Cold War, neoliberal globalization has intensified and spread but so too have a variety of counter-hegemonic movements. Many identify with the Global Justice Movement (GJM) or participate in the World Social Forum movement, while others are less integrated or part of different regional dynamics. Despite much ideological, cultural, religious, and geographic diversity among these actors, a conception of participatory democracy (PD) has emerged that cuts across these differences (Menser, 2005, 2008; Santos, 2005a). In contrast to the liberal democratic state with its emphasis on mechanisms of representation and the organization of interests and agendas by political parties, the counter-hegemonic movements tend to favor community-based and/or associationist participatory democracy such as popular or neighborhood-based assemblies. These forms are often paired with multi-sector alliances and federations that oppose the corporate private sector and forward programs for decommodification paired with social (rather than market or state) regulation of the economy.¹ This view of PD has not been much analyzed by those working in democratic theory. Indeed, many in democratic theory proclaim participatory democracy impossible without *any* consideration of these recent movements (Day, 2005, 14, 48–50)

and despite the fact that the number of groups practicing PD continues to increase.²

Many of these movements and organizations share a commitment to the democratization of both politics and the economy but in terms of norms established and regulated in and by civil society, or more accurately, “the social.”³ Framed in terms of a dominant dichotomy in the literature, this concept of democracy is both procedural and substantive. That is, democracy is defined by the mechanisms by which decisions are made but these processes have goals that are located within a broader normative framework. I call this view maximal democracy or maxD. MaxD is a view of democracy that treats the economic, political, and social spheres as interwoven along communitarian and/or associational axes. It is defined by the following four tenets:

- democratic self-determination;
- capacity development for individuals and groups;
- delivery of primarily economic but also social and/or political benefits to members or constituents;
- the construction, cultivation, proliferation, and interconnection of movements and organizations with overlapping normative frameworks (i.e. those that mostly embody the first three tenets).

At the core of the above conception is the principle of democratic self-determination. Self-determination means the right and the ability of a particular group of persons to define, justify, and concretely articulate the normative framework under which they act, deliberate, and reflect with others. This requires the development and exercise of the capacities required to engage in such activities. The definition of self-determination offered here includes not just norm construction and justification but institutional design and collective (e.g. associationist or communitarian) forms of labor, ownership, and/or management. For self-determination to be democratic, members of the polity (however defined) must be recognized as equal, and there must be mechanisms that aim to render this equality operational. Because of the impact of changes within or outside the polity and the aspirational nature of such norms, self-determination is perhaps best understood as the adaptive evolution of a self-regulating entity seeking to maximize the agency, equality, and the good of its members over time. Operationally, democratic self-determination goes beyond mere deliberative democracy and like all participatory views (Cunningham, 2002, 127) tends toward self-governance but always with an eye for creating interconnections with separate polities that share its normative framework (Menser, 2005). For maxD, then, democracy is defined not just as a discursive procedure for justification, but as a set of practices that actualizes self-determination by linking together democratic procedures, capacity development, and material benefits. The robustness of a maxD organization or movement will depend upon the strength and number of the different “collective” forms it can produce and interconnect.⁴

Participatory Budgeting: Origin and Structure

The Participatory Budget (PB) of Porto Alegre is one of the most influential and best-known experiments in participatory democracy of the last twenty years. Not only has the PB brought city residents directly into the municipal budget process; it has promoted the redistribution of goods and services so as to benefit those most in need of them. And it has inspired and assisted similar efforts in dozens of cities in Brazil, and in over a thousand worldwide.⁵

The Participatory Budget was initiated in the late 1980s when Brazil underwent the transition from dictatorship to democracy and there was serious public doubt about the legitimacy of the new government. Although Porto Alegre is the capital of the wealthiest state of Brazil (Rio Grande do Sul), at that time one-third of its citizens dwelled in shanty towns or slums and the city as a whole faced a budget shortfall so severe it was unclear how best to spend the funds available (Chavez, 2004, 161).

In 1988, a new mayor was elected, Olivio Dutra of the Workers' Party (Partido dos Trabalhadores, or PT). The PT played a key role in the opposition to the dictatorship and was anxious finally to apply and implement its own brand of socialism. But Dutra and his vice-mayor were more cautious: they had received only 30 percent of the total vote. Many within the party's ranks questioned more traditional socialist solutions to the current political and economic crises—such as creating mechanisms for the state management of various economic sectors. Outreach to the broader public was necessary for the visions and coalition-building necessary to establish both legitimacy and capability, plus Brazil's recent authoritarian past seemed to call for an opening up rather than a new Left authoritarianism. A decision was made—despite dissension within the party—to forgo an attempt to implement state socialist programs. Instead, a program was launched to invite participation not just from factory workers but from the “popular classes”—such as women's groups and civil society organizations—which built upon the PT's desire to break from more traditional workerist party models that privileged factory—and usually male—labor as *the* subject for revolutionary change and create a post-authoritarian democratic politics. After consultation with these various constituencies, through mayoral decree—no law was ever passed—the Participatory Budget was established (Chavez, 2004, 57–70).

The key features of the PB are as follows. The process begins with neighborhood assemblies in each of the city's sixteen regions—and since 1994, non-territorial thematic assemblies. In these local (i.e. regional) meetings—sometimes attended by more than a thousand participants—residents voice their concerns with the municipal government and deliberate over the most pressing needs. The discussion then shifts into a ranking of the top three needs, and delegates are elected to represent the region at the city-wide level in the city-wide “PB Council” (Conselho do Orcamento Participativo, or COP). After all the delegates' reports about their respective regions' needs are heard, the

COP deliberates to determine a ranking of priorities for the entire city. During this stage of the process, technical experts are made available to the COP by the mayor's office to make sure funding requests and projects are feasible. After the finalization of the PB for the year, it is integrated into the mayor's budget proposal and submitted to the legislature. Because of its popular legitimacy, the PB section of the budget has gone unmodified by the legislature. At the beginning of the following fiscal year a review of the past year is taken up and sometimes various procedures or criteria are altered to increase fairness or efficiency (Santos, 2005b, especially 316–323).

Participatory Budgeting as Maximal Democracy

After some initial difficulties, the PB has routinely satisfied its primary goals: to deliver basic services to those most in need, to foster participation by a range of citizens (especially those most in need of city services), and to enable the neighborhood delegates to modify the norms and mechanisms of the PB process. With regard to services delivered (maxD's third tenet), the results have been tremendous, especially with respect to access to running water and sewage lines, housing assistance, and the creation of schools. In terms of popular participation, the numbers of those joining the neighborhood meetings have increased as the process has matured over almost twenty years—although there has been unevenness resulting from class and geography (Baiocchi, 2003; Santos, 2005b)

In order to make sure that the PB did not reinforce hierarchies already present in society, the city responded to poorer and less educated residents' demands for the provision of technical education and training in public speaking for participants (especially delegates). The purpose of these programs for participant capacity development was to make sure that class power did not translate into deliberative power in the assemblies. As such, Porto Alegre's PB does not just *permit* wide segments of the population to participate but *empowers* them to do so and thus stands as a robust example of maxD's tenet: capacity development.⁶

At its inception, the PB was responsible for only 2 percent of the total budget. (The municipal legislature handled the rest.) In this early phase, the process prioritized those most underserved, and since the completion of its first year, basic services to the poorest and most marginalized have dramatically improved. These successes were used to justify the expansion of the PB's portion of the overall municipal budget to 20 percent. Now the PB handles social services, local school policy, and human rights enforcement as well as the budgets of education, culture, health, social services, and sports (Baiocchi, 2003, 11). The growth of the PB's scope embodies maxD's first tenet insofar as, through capacity development of members and the building of experience and success, the PB has expanded to include a wider range of urban residents' everyday needs: what one might call the “infrastructure of citizenship”

(housing, education, environment,⁷ etc.). Self-determination is even more directly at work in the manner in which the COP delegates are able to control the deliberative process itself.

The PB contains a mechanism for the evaluation of its process and also enables the delegates to make changes independent of the municipal government's wishes and norms. Examples of such self-determination include changes to the overall number of delegates and their term of service, and the points system used to rank needs and allocate resources (Santos, 2005b). Such examples demonstrate that the PB is not just a means by which the state, *on its own terms*, invites participation (e.g. to quell dissent or further its own legitimation), but that those operating outside the formal state set the terms under which they deliberate and the goals of the deliberative process. It is in this respect that one could speak of the distinct *territoriality* of the PB both in spatial and normative terms: its meeting places are outside of the formal state (e.g. in neighborhood centers, etc.) and its norms and dynamic diverge from those of the municipal legislature.

Finally, Porto Alegre's PB satisfies maxD's fourth tenet by creating a venue for actors from *different* employment and geographic sectors to deliberate collectively at the local level. Specifically, CIDADE—an organization dedicated to data collection and the study of the PB—has enabled researchers and activists to learn about and communicate the PB's innovations, setbacks, and evolution. Combined with the further electoral gains of the Brazil's Workers' Party, the PB has been able to spread to other regions of the state (see Chapter 6, this volume). Crucially, PB has also proliferated throughout the world, most recently because of networks formed through the World Social Forum. In turn, the WSF was first held in Porto Alegre in part because of the support provided by the PT and the fact that the city was an example of participatory democracy in action (the existence of the PB)! Hundreds of PB-styled initiatives can be found in places such as Canada, Europe, and the Caribbean. Indeed, according to PB researcher Josh Lerner, Seville, Spain, now has a more robust version of PB than Porto Alegre.⁸

Is the Participatory Budget Autonomous?

Although the PB has been firmly established as a robust illustration of maximal democracy, its status as an autonomous organization is still in doubt. Indeed, two facts jump out: first, it was created by and depends upon the mayor's office; and second, it is not an independent budget, but is submitted as part of the mayor's proposal and requires the legislature's approval. The truth of these assertions indicates the novelty of the notion of autonomy in play.

From the perspective of maxD, autonomy does not require self-sufficient separateness from all others (secession plus autarky), but instead means that: first, the group in question sets and controls the framework in which they collectively plan, act and reflect; and, second, other relevant actors effectively

respect the normative framework that they employ, and even assist in its operations. As Santos (2005b, 349) puts it:

Autonomy cannot therefore be conceived as popular spontaneity, as a native capacity to organize poor people in degraded communities without the support or influence of external, organized political forces. Autonomy must rather be conceived as the popular capacity to channel external support and put it at the service of objectives, demands, and agendas generated in the communities.

The conjunction of these two factors produces, in Santos's terminology, a kind of "channeling" which promotes a relation to the outside which further enables the self-determination dynamic on the "inside." In Porto Alegre, the mayor's office has always adopted the entirety of the COP's proposals, and the legislature has always passed *that part of the budget decided by the COP* without modification. For all these reasons, the PB process can be said to have exercised democratic self-determination and thereby could be recognized as possessing autonomy—in a significant if functionally limited sense—because it is rooted outside the formal state (municipal government). This autonomy is maximally democratic because it benefits participants and their regions in terms of both service delivery and capability development. Put another way, its autonomy is a consequence of the disarticulation of the state by way of a vigorous implementation of maximal democracy.

The PB and its supporters have managed to fracture and partially reconstruct the city government by appropriating a segment of the budget and reterritorializing it in a maxD framework anchored outside of the state (the delegates are not permitted to be party officials or bureaucrats but again are chosen by the neighborhood assemblies). Following the analysis of Daniel Chavez (2004, 170–177, 184), I would argue that the PB has broken the state's monopoly on the legislative function, and it has done so without seizing the state. Indeed, other parts of the city government operate in accordance with disparate normative frameworks and technical criteria—mostly for the worse, from the maxD perspective. Although there have been many tensions and conflicts, such strife is an expression of the power of the fracture that has occurred as a result of a non-state body or actor appropriating something that only the state is supposed to possess: in this case, not just budgetary resources but access to technical knowledge, without the mediation of the "elected" representatives (Santos, 2005b). Therefore, the success of the PB is dependent on actors within the state collaborating—or giving into—non-state actors. Hence the possible pejorative characterization of such programs as "reformist." But, if the disarticulation forwards the maxD project, then "reformist" as an epithet is inapplicable.

Yet, as I stress in an earlier work (Menser, 2005), this is not to say that the PB will continue to be maximally democratic. All sorts of things could go

wrong. There are legitimate worries that because the PB is so time-consuming (indeed, it never really ends) and includes so many different sectors, it might negatively impact on other political efforts and movements. Furthermore, it controls less than a third of the municipal budget, so its overall impact on public spending may not be worth the time put in by the neighborhood assemblies and their delegates. Also, some have suggested that participation in the PB might make groups less willing to criticize the municipality (especially the mayor) or engage in direct action, strikes, etc. These are entirely appropriate worries, and if any came to pass, then PB's status as a robust articulation of maximal democracy would be in doubt. But such difficulties have not materialized over fifteen-plus years. Indeed, it seems like just the opposite has occurred—as the PB has grown in both the number of people participating and the amount of resources it controls, a range of progressive political activity has occurred in the city.

Autonomorphoses in Argentina: Assemblies, Recuperated Workplaces, and Unemployed Workers' Movements

In the late 1990s, as foreign investors pulled their moneys out to place them in pastures more profitable (such as Brazil), the Argentinian economy—already precariously positioned due to a devastating mix of privatization, rising service costs, and skyrocketing unemployment—saw its export sector weaken and credit become tighter. By 2001, the country faced perhaps the worst financial crisis that any developed nation has faced in the neoliberal phase. On December 5 the IMF withheld a 1.24-billion-dollar loan installment. Two days later, the government announced it could no longer pay its debt. A week later unemployment figures come out (18 percent, the highest in the nation's history), the unions called for a general strike, supermarkets were looted, and riots spread from city to city. By December 20 hundred of thousands were pouring into the streets banging pots and pans and chanting, "*Que se vayan todos*," a call for *all* the politicians to leave (Sitrin, 2006, 31). Twenty-eight people were killed in streetfighting and three presidents resigned in quick succession. It was as if the social contract that figuratively grounds any liberal democratic state had been irrevocably shattered (Sitrin, 2006, 5–6, 22–36; Krueger, 2002).

After the massive outpourings subsided, many did not know where to turn. In a country with such a developed middle class (the largest in Latin America) and much individual-household-oriented consumption, many people did not know their neighbors and lacked social networks that the poor often utilize to support themselves during economic downturns. Thus, after the "events of the 19th and 20th," the geographically proximate started to gather in front of their buildings, on street corners, in parks, or even in the street itself. The motivation behind these first meetings was to manufacture a minimum of familiarity and trust so immediate needs might be addressed (food, medication, etc.) and the

shock incurred by the present crisis could be contemplated. The structure of these meetings and their rapid spread throughout the country has inspired many activists and intrigued many researchers interested in autonomy and popular democracy (Sitrin, 2006, 8–10).

These meetings—or “assemblies,” as they came to be called—were driven by a rejection of the social isolation characteristic of consumer society and an overwhelming distaste for the hierarchical, patronage-drenched politics that could not handle the crisis. The assemblies were first and foremost *social* spaces where persons could establish relations with other persons who sought to bypass or undermine hierarchical or exploitative relations characteristic of political parties, government bureaucracies, and capitalism. This was done by setting up a system of rules that generally adhered to the following format: anyone could participate, all had a right to speak and a right to be heard. Facilitation was conducted so as to meet these two basic conditions, rather than fulfill a predetermined goal. And the meetings strove for, even if they did not always achieve, consensus. Evan Henshaw-Plath says of them: “Each assembly is ‘autoconvacado’ meaning self convening.”⁹ Initial gatherings often continued for several hours both because of the time required for persons to become known to each other, and for decisions to be made which took all positions into account. As one would expect, for many, these early meetings were marked by considerable tension and disagreement as well as excitement. Because of the necessity to be together in a period when government and business had failed so many, however, the airing of such difficulties was essential for purposes of inclusion and consensus since quick decisions could alienate large sections of any group. Another characteristic of these early meetings was the need to have the conversation flow in accordance with the perspectives of those assembled, rather than party political platforms or activist ideologies (e.g. Péronism, Trotskyism). Although persons advocating such positions—or party members—were not banned from speaking, in the assemblies the direction of the conversation and the projects undertaken tended to be less partisan because of the political diversity of the groupings and the political inexperience of so many of those present (Sitrin, 2006).

For Sitrin (2006, 2–5), the assemblies were the site for the reclaiming and (re)development of popular political agency, democratically construed. Because of the disgust for Argentine political society, people sought out a forum organized in accordance with a different logic. As such, the assemblies were not an attempt to create a just state against an unjust one. Rather, they marked a break not only with the Argentinian government in particular but with the state form and its coercive organizing logic predicated upon the notion of “power-over” sacralized in the submission of the body politic in the mythical moment of the social contract. The word that came to be used for this alternate organizing logic was “*horizontalidad*.” *Horizontalidad*, or “horizontalism” (Sitrin’s English translation), came “to embody the new social

arrangements and principles of organization of these movements” (2006, 3). The goal of such practices was to replace hierarchy and coercion (“power-over”) with equality and direct democracy (“power-with”). In the terms of maxD, power-with is a form of collective production where those participating are on an equal footing. It also promotes interpersonal relationships that enable individual capability development and the restructuring of one’s affective life.¹⁰ Among the peoples of Argentina, *horizontalidad* has been used to describe not just the inclusive and egalitarian deliberations in the assemblies but the formation of more participatory and redistributive political, economic, and cultural forms and activities (Sitrin, 2006, 46, 55).

Two features that defined the assemblies were their tendency to focus on neighborhood needs and their overt disinterest in state power. Unlike Porto Alegre’s Participatory Budget, the assemblies were not places to debate policies that were then to be submitted to the state or a political party. Rather, projects were proposed that were funded and managed outside of the state.¹¹ The assemblies were sites for the articulation of projects of both reclamation and creation. Some of the projects undertaken included barter networks, popular kitchens, organic gardens, and the “reclaiming” of banks and the conversion of them into community centers (maxD’s first and second tenets). These efforts were designed to meet basic needs (the third tenet) but also to do so in a manner consistent with the notion of horizontalism (Sitrin, 2006). The virtues of this process were the production of familiarity and trust and the overcoming of many barriers, especially with respect to class and political orientation. Other assembly participants noted the epistemic advantages of consensus: because each view had to be taken into account and was subject to criticism, possible problems for any proposal were discussed before those projects were undertaken. Though time-consuming, these discussions had a positive impact on transparency and intelligibility as well as problem-solving capabilities (Sitrin, 2006, 86, 217).

Many of these techniques and forms were pioneered by another key protagonist on the Argentinian political scene, the movement of the unemployed, or “*piqueteros*.” The *piqueteros* gained fame in the 1990s for their road and refinery blockades to call attention to the plight of the rising numbers of unemployed. At the blockades—which could last for hours if not days—they often conducted assemblies to deliberate on the course of action to be taken as conditions (actions of police and government) shifted. These assemblies also helped to build the confidence of the participants as well as forge intra-group solidarity. As the *piquetero* movement matured, it formed “unemployed workers’ movements” (*movimientos de trabajadores desocupados*, or MTDs) which sought to deliver basic goods to those who needed it (maxD’s third tenet) and develop capacities (the second tenet) toward that end but always with an eye on creating more participatory mechanisms for self-determination. The MTDs created barter networks, job training workshops, food distribution centers, and during the crisis of 2001 sometimes worked with the assemblies

and assisted particular recuperated factories (maxD's fourth tenet; Sitrin, 2006, 6–8, 13–17).

The desire for democratic self-determination was not limited to protests and the neighborhoods. Again, the same sort of antagonism toward political hierarchy and corruption manifested itself at many workplaces. Most notable were those job sites that had been closed during the crisis. But when workers did reopen them (through direct action, occupation, and the enlisting of supporters in the legislature or the courts), the members of the reopened sites frequently decided to change the organizing logic of the workplace, such that all members participated in the management of the firm or factory. Hundreds of workplaces were “recuperated” and made operational between 2001 and 2003, including a printing press (Chilavert), a ceramics factory (Zanon), and shops that made balloons, shoes, and cookies, as well as a four-star hotel, medical clinics, and a daily newspaper (Sitrin, 2006, 14–15).

The “recuperated workplaces movement” too employed consensus decision-making procedures and individual sites frequently attempted to include all workers when it came time to decide crucial matters, such as the setting of hours and salary scales—again embodying the maxD notion of democratic deliberation as collective management, or “*autogestion*” (Sitrin, 2006, 14). The piqueteros and recuperated workplaces both stressed the importance of maxD's third tenet (material benefits) through the creative struggle either to maintain a job/income or find other informal modes of economic activity. Indeed, *the piqueteros secured the first unemployment compensation obtained in South America* (2006, 7). The assemblies also served to meet the basic needs of their constituents but some did not manage to deliver on this tenet (some created popular kitchens, others tried to do the same but were unsuccessful). Yet, some flourished for other reasons: again, to create trust, they deliberated on all manner of topics—not just the formally political but the adjudication of disputes within the community. As for capacity development (maxD's second tenet), one could see this goal in play in recuperated factories where various workers would learn management skills needed within the workplace to promote a more egalitarian, and flexible, system of production. It is less clear if the assemblies had any concrete programs to, for example, improve the speaking abilities or political knowledge of its members, as happened in Porto Alegre.

All the movements and forms discussed above made numerous gains in regard to interconnecting struggles (maxD's fourth tenet). The piqueteros joined with other groups within Argentina and similar groups in other countries, thus transnationalizing their movement.¹² The recuperated factories too have gone inter- and transnational and have provided assistance (the second and third tenets) to other locales and workplaces seeking to perform the same act of recuperation (Sitrin, 2006, 15–17). Such firms have also worked to create supply chains and develop customer bases to make the new businesses viable. In this respect they are an instance of what is called the “solidarity

economy.” Such programs are economically viable yet managed in accordance with the values of solidarity and reciprocity (equal pay, all workers have a say in management, etc.), rather than seeking the maximization of surplus extraction, return on investment, and so forth (Santos, 2005a; Singer, 2006; Allard et al., 2008).

While the creation and proliferation of small-scale scenes of *horizontalidad* interconnected with the piqueteros and recuperated factories movements may seem excessively antistatist and leaderless to some, such an approach is consistent with the prefigurative approach to social change as articulated by Sitrin (2006) and at greater length by John Holloway (2002). Holloway rejects the idea that autonomy or political emancipation, what he calls “social self-determination,” can be achieved through a two-stage process of first doing whatever it takes to win state power and then utilizing the immense coercive and bureaucratic powers of the state to transform the rest of society in terms of the vision administered (if not generated) by the ruling party (Holloway, 2002, 218–219). Also, for the Argentinian movements, as in the case of PB, autonomy is understood not as something that is given or granted but is rather produced and reproduced through the deployment of inclusive, non-hierarchical and egalitarian forms of social production. However, one should not treat these three Argentinian movements as instances of a single type of “autonomous” movement, since they pursued divergent positions with respect to the state.

The assemblies were overtly against the state. They aimed to remake the culture so as to produce a new non-state political body structured by an explicitly anti-hierarchical logic that sought to decommodify social life and foster an alternative political economy. In particular, this meant that the assemblies did not make proposals or demands to the state. In fact, they went so far as to reject assistance from the state. For example, assemblies often formed popular kitchens. Some government or party officials offered food to these kitchens in order to foster collaboration and bring assembly members into the party, etc. These offerings were consistently rejected and, indeed, collaboration with the state was never pursued (Sitrin, 2006). As such, from the perspective of this essay’s framework, there was no attempt to disarticulate (i.e. fracture and reterritorialize some function of) the state.

The recuperated workplaces have pursued positive collaboration with the state. Such work sites were often in debt, and workers were reluctant to accept a financial burden incurred by the previous owner. As such, some workers demanded that the state take on ownership of their job site but allow (and indeed legally require) that workers retain managerial powers. On the face of it, this might sound like socialist or anarcho-communist syndicalism, and it does have the latter as a lineage, but unlike, say, the worker-managed factories in the former Yugoslavia (Pateman, 1970), the recuperated factories movement has rejected models that assign primacy to the state and the party. However, disarticulation could be said to have occurred insofar as the state has, in part,

enabled workers to implement a maxD type of project, and this has occurred even though there has been no seizure of the government, nor, obviously, has the entire state apparatus been transformed along maxD lines. The intensity of this disarticulation has been rather weak, however. (It would be stronger if some government department or the courts consistently implemented the normative framework of the movement.)

As for the *piqueteros*, like the assemblies of the same period (2001–2002), they focused less on making demands of the state but attempted to build an alternate set of political and economic institutions that were democratic and able to meet their basic needs (Sitrin, 2006, 81, 84, 99, 121–122). Although the assemblies remained “autonomous,” the *movement* of assemblies has basically collapsed. In contrast, many of the *piquetero* groups became more aligned with the state in order to secure benefits for their members and some have persevered, though perhaps with a much less robust maxD framework. That is, they became more focused on receiving material benefits (maxD’s third tenet) than pursuing democratic self-determination (the first tenet).

In conclusion, it would seem that the Argentinian autonomous movements were successful in robustly implementing the four principles of maxD in 2001–2002 but their powers and numbers waned as the state regained strength and the economy recovered somewhat, especially for the upper middle class. The movement that has been most successful from a maxD perspective is the one that in part (more mildly than in Porto Alegre) disarticulated the state (the recuperated factories movement).

From the Union-Form to the “Multitude-Form”: the Coordinadora in the Bolivian Water War of 2000

How can we transcend classic statism, which was so inefficient and extortionist, so rooted in immovable hierarchies and bureaucracies, so conservative in its routines, procedures, and mechanisms for keeping workers and the population as a whole alienated and excluded from collective decision-making?

(Olivera, 2004, 61)

Throughout much of the twentieth century, Bolivia had one of the most powerful labor movements in the Western Hemisphere (Dangl, 2007; Romer, 2007). Made up mostly of (male) miners and factory workers, the unions dominated the industries most essential to the Bolivian economy: especially silver and tin mining, and oil and gas extraction. But in 1985, neoliberalism—ushered into the region in the previous decade in Chile—made its way to the oil- and gas-rich highlands of central South America. What happened in Bolivia in the decades since is similar to what has happened in so many other countries East and West, North and South. Faced with falling profits, labor

unrest, and various other crises, the Bolivian state “adopted” the basic tenets of neoliberalism—initially in the hope of curbing inflation. This meant reducing labor costs through the breaking or co-optation of the unions and the legal and economic promotion of “flexibilization” and contract labor in the workplace, the diminution of worker rights, and the privatization of natural resources and state services. The result for workers has been lower hourly wages, fewer benefits, longer hours, and less job protection along with the growth of the informal work sector (e.g. household production, local vendors, and contract work) (Romer, 2007; Zibechi, 2005). As privatization spread in the 1990s, the cost of living and popular discontent increased, incomes fell, and state repression intensified. By the mid-1990s tremors of a growing opposition could be felt, and as the twenty-first century began, the state started to shake. In 1999, following the above-described program of neoliberalism and specific requirements meted out by the World Bank, the municipal legislature of the city of Cochabamba—which lies in a metropolitan region of nearly a million people—passed Law 2029 which authorized the sale of the unpopular and poorly functioning water utility SEMAPA to a private consortium called Aguas del Tunari¹³ (Spronk and Webber, 2007, 39). Although promises were made to cut the costs of consumers and expand services, rates went up and service did not improve. The new costs were so high that many poor residents faced a situation in which they were paying nearly half their income for water. Adding further insult, Aguas del Tunari was turning a nice profit since Law 2029 guaranteed it a minimum 16 percent return on its investment and exclusive rights to water distribution (Olivera, 2004, 10). Discontent spread quickly (Spronk and Webber, 2007, 39–41).

As in the Argentinian financial meltdown of 2001, what mobilized an unprecedented array of sectors and subjectivities was the expropriation of an entity so basic that nearly everyone was directly impacted. In Argentina it was cash (e.g. frozen bank accounts); in Cochabamba, water. After the privatization of what had been “commons” and then public (the water infrastructure was mostly built by the residents and then taken over by the municipality), a trusted place to register this discontent was the labor center run by the factory workers of Cochabamba called the Fabriles (Olivera, 2004; Romer, 2007). Although the union had much less power than it once did—or more accurately, perhaps, *because* it had less power—rather than focus solely on securing benefits for its membership, it transformed itself into a space where different sectors of the public could come to register complaints and then the center would use various means to make these demands public through the media and public advocacy (Olivera, 2004, 25–29). When the water rates went up, the Fabriles became a key nexus where different groups could meet to air grievances and discuss strategies. But with the onset of this “Water War,” a new organization and popular movement took center stage and propelled the project of disarticulation to a level not seen in Brazil or Argentina.

The Coalition in Defense of Water and Life (Coordinadora)

Formed in 1999, the Coalition in Defense of Water and Life (or Coordinadora) was created to fight the sale of SEMAPA. Much like the assemblies of Argentina, the Coordinadora “began with an effort to reconstruct social networks, or the social fabric of solidarity, that had been destroyed by neoliberalism” (Olivera, 2004, 25). In effect, the Coordinadora took advantage of the new conditions of labor brought about by neoliberalism to forge solidarities among groups that had been previously separated by sector or by a definition of labor that ignored non-traditional forms of production. This modality of linking enabled differently situated groups to become equal partners in the struggle for water and life, and in this respect the Coordinadora created a sociopolitical space heretofore nonexistent. Initially it represented peasant farmers, irrigators, local water committees, and urban neighborhood water cooperatives.¹⁴ But it quickly expanded to include blue- and white-collar workers, environmental groups, and teachers. The Coordinadora launched a series of mobilizations against Law 2029 that resulted in violent confrontations with local and national police, and eventually—after a few sessions of disingenuous bargaining—shut down the city. Union members from the Fabriles played a key tactical role in the protests with respect to the tactics used—road blockades and barricades—during the most intense conflicts with the police and state. The municipality rescinded the sale and effectively deprivatized the water company (Olivera, 2004, 28, 34; Spronk and Webber, 2007, 40).

Assemblies played a crucial role in the Water War. As in Argentina, the assemblies and related gatherings helped to overcome social fragmentation and build the solidarity necessary to foster political collaboration. Unlike, Argentina, however, the assemblies in Cochabamba took on a more formalized, three-tiered structure that enabled proposals to be made *both to the movements and to the government* (Olivera, 2004, 38). The largest-scale *cabildos* or town meetings took place in the large public plazas and contained 50,000 to 70,000 attendees. It was in this format that the Coordinadora—in dialogue with the movements—presented a proposal for the municipal government to retake SEMAPA, but those assembled disagreed. After much discussion, the movements called for the Coordinadora to run it. For Olivera, this pivotal decision (which he initially *opposed*) began what he would call the “deprivatization of society.” The mobilization had now gone beyond the water issue and morphed into a movement for the “social reappropriation of our collective wealth” (Gutierrez-Aguilar, 2004, 55). As Olivera summed it up: “When the protest succeeded in deprivatization, the intensity of the struggle in effect surpassed the state. Which is to say, there was agreement that the state could not solve or manage the water problem” (Olivera, 2004, 47–49). This, in turn, would require the creation of institutions and mechanisms for the social management of resources and institutions such as the reformed SEMAPA.

Disarticulation as the Social Reclamation of the Public

The victory in the Water War, as unexpected as it was, led to a series of questions that confounded but did not cripple the movements. What does deprivatization entail? How is it to be carried out and by whom? As researcher and activist Raquel Gutierrez-Aguilar put it, “In what ways could we intervene and participate collectively in order to construct an inclusive notion of the common good? How could we sow the seeds of *full autonomy in relation to the state* through our proposals to regulate water?” (Gutierrez-Aguilar, 2004, 55; emphasis added). To demand a return to the previous state of affairs seemed farcical, and the movements—even more so than the leadership of the Coordinadora—demanded that SEMAPA not return to being a *public* agency. The logic behind this is painfully straightforward: if the state under neoliberalism is effectively a corporate state (run in accordance with the political-economic demands of economic interests which concretely means the curtailment of public services, flexibilization of labor, enclosure of the commons, etc.), then why would the state be trusted to manage the water utility? Indeed, what would it mean for a neoliberal state to administer a *public* utility? The movements had two options. Remake the *state* so that the utility would be truly regulated in accordance with the demands of the various sectors of the population. Or reorganize the department in question so that it would be managed in accordance with the demands of the movements and consider water to be part of the “social commons.” Given the corruption of the political parties and electoral mechanisms, the Coordinadora opted to pursue—in collaboration with the mayor—the second option.

In December 2000, the Coordinadora proposed that SEMAPA be dismantled and a new water utility be created that would be owned by its users, but the government refused. Instead, an agreement was reached whereby SEMAPA’s charter would be rewritten and the board of directors restructured. Formerly it was made up of professionals and politicians; post-Water War it is composed of representatives from each of the three regions of the city and a representative from SEMAPA’s union. The fifth seat was granted to the College of Professionals while the sixth and the chair serve at the discretion of the mayor. Statutes reflecting the maxD norms of the movements were placed in the new charter. These guaranteed “social control” over management and future development of the utility as well as the price structure (Gómez and Terhorst, 2004, 123–124). Water then came to be understood not as a state-managed public good, but as a common good. For the Cochabambinos, this meant that it had to be *socially* regulated, especially since it came to be regarded as part of the “national patrimony” and necessary for social reproduction (Olivera, 2004; Albro, 2006). In sum, fracture plus democratic reterritorialization equals disarticulation.

In contrast to aggregative models and neoliberalism, which treat citizens as consumers (and lavish the most attention on those with the most purchasing power), SEMAPA has been restructured so as to regard consumers as citizens

who are expected to work with management to solve questions over distribution, prices, and infrastructure development. This has required not just a new charter but the creation and proliferation of effective local spaces for debate as well as the closer linking of government bureaucrats and citizens. The former possessed critical technical knowledge for the running of the utility, but integrating the latter insured that the criteria for administration were determined by a more participatory formula which strove to include all the regions, especially those with low incomes and even those who do not use the system but rather rely on cisterns or wells. Since 2001, SEMAPA has been run on this model and it has made some improvements. But it has also faced serious difficulties due to patronage and corruption within the union and the difficulty of raising capital to improve and expand the system (Gómez and Terhorst, 2004, 125–130).

Again, these difficulties, as in Porto Alegre, are expressions of the limits of both the movements and maxD models, but they are also consequences of the intense nature of this particular disarticulation. The new charter means that the movements in SEMAPA are now able to challenge the union and the mayor effectively. Even more practically, SEMAPA has made progress toward the disarticulation of the city: water is affordable again (maxD's third tenet), multiple sectors of the city are directly involved in management decisions (the first tenet), and relationships have been formed with non-Bolivian groups who can provide technical assistance to update infrastructure and deal with environmental concerns (the second and fourth tenets) (Olivera, 2004).

Conclusion: Social Reproduction, Territory, and the State

The Argentinian movements of assemblies, unemployed, and recuperated factories, and Participatory Budgeting have all made significant contributions to the concept and practice of autonomy in the pursuit of democratic self-determination amid the global onslaught of neoliberalism. Although it is easy to criticize many of the Argentinian movements for their fleeting character, the democratic intensity of their practices has changed what was considered possible, especially in a “developed” nation. And “*horizontalidad*” as a term, however awkward, has shaken up the parlance of participatory democrats everywhere, from La Via Campesina to the APPO of Oaxaca. Participatory Budgeting, on the other hand, has persisted despite all sorts of challenges, and it is no longer an isolated instance as over a thousand cities have implemented it in culturally and economically diverse settings.

But it is the case of Bolivia that represents the most advanced form of maximally democratic disarticulation. There are at least three reasons for this:

- The Water War mobilized multiple constituencies and created a novel, cross-sector, multiethnic political subject. This was largely due to the leadership of the Coordinadora.

- A political framework emerged from this mobilization that the state could not simply “absorb.” This resulted in a fracture of the municipal apparatus as indicated by the normative and institutional restructuring of SEMAPA.
- Once victory was achieved, despite a temporary demobilization, many local actors were obliged to stay engaged—especially in the neighborhood associations.

As soon as political turmoil arose again at the national level, the victory with respect to water could easily be translated into a political imaginary that called for the social regulation of natural gas. The Gas War of 2003 led to the resignation of President Lozada and set the stage for the emergence of a variety of national movements that ended up backing Morales and the Movement Toward Socialism (MAS) party. Morales’s unexpected victory in 2006 has led to a further range of successes and conflicts that were not seen with the ascendance of Lula and the PT in Brazil (Luoma et al., 2006). While this is not the place to provide an assessment of the first two years of the MAS’s tenure, it is important to address how the “disarticulation” of the Bolivian state has played out since 2003.

To understand the current moment, it is necessary again to recognize the institutional forms of the political actors in Bolivia since the late 1990s. The Coordinadora-led assemblies and the neighborhood associations were crucial for two reasons: to work outside of the corrupted political parties and overcome the hierarchical and exclusionary *Left* models of the previous period. This previous model, which Linera (2004) calls “the union-form,” privileged male wage laborers over other forms of formal and informal work, especially that done by women and the young (the latter two groups made up 80 percent of the workforce in 2000). And, just as crucial in Bolivia, there was no room for nonproletarian forms of identification and membership, even though the majority of the country is indigenous. In the new model, the “base” was not an economic sector (factory worker, miner) but territory and social reproduction itself. As Albro (2006, 394) states, “Indigenous movements in Bolivia have sought to expand the state’s limited conception of land, understood simply as a factor in agricultural production, to a larger conception of ‘territory’ as the location for the social reproduction of collective identity.” Indeed, during the Gas War of 2003 (in part inspired by the success of the Water War), protesters called for the recuperation of oil and gas reserves as part of the recovery of the “national patrimony” of the people of Bolivia. Albro argues that this recuperation is driven and grounded by the notion of territorial sovereignty of indigenous landholdings, a position most extensively developed by Aymara leader Felipe Quispe and the national agrarian union, the CSUTCB (Olivera, 2004, 394). But, as argued above, even in the urban area of Cochabamba, land/water was understood not simply as “public property” but as a necessary aspect of social reproduction; that is, as “commons.” In any case, for the

Bolivian movements in general, and in particular for the indigenous, “land” includes people, oil, water, air, and subsoil (gas). Here we can see the obvious continuity from the Water War of 2000 to the Gas War of 2003 and the victory of Evo Morales in 2006.

In the analyses of Linera (longtime activist and researcher and current vice-president), the ascendant political subjectivity of the Bolivian movements cannot be accurately reduced to the category of indigenous or any other identity. It is best described as a “they,” as a “multitude.” For Linera, the multitude is not a “confluence or milling around of disorganized individuals. On the contrary, it is an organized action of people *who have been previously organized*” (Linera, 2004, 73). The multitude-form is an association of associations, and just like the (deprivatized) “flow of water,” its movement permits a range of self-identifications (2004, 76–79).

In Bolivia, the primary organizational nodes against neoliberalism are the neighborhood associations. Because of the social fragmentation, there was no one form that represented a majority of—much less unified—the various actors and their demands. The organizational modality that connects the diverse movements and territories (urban and rural, peasant and indigenous, women and youth, white collar and informal economy, Quechua and Aymara) is not class-based or identity-based but “associationist” (Linera, 2004; Zibechi, 2005).¹⁵ As in Argentina, the newly formed associations served to create familiarity and trust among previously nonpoliticized citizens who have experienced tremendous social fragmentation and economic dislocation, especially since the 1980s. As noted, one source of social fragmentation was migration, especially of indigenous into urban areas; the other was the breakup of the unions. The latter meant not their annihilation but their reduction in numbers and power, and, most crucially, the death of the union as the chief vehicle for the privileged subject of revolution (Linera, 2004, 70; Olivera, 2004). What is distinctive about the Bolivian multitude is the manner in which it uses the concept of territoriality against the state. Again, perhaps, this is what was missing among the Argentinian movements, though one does see it at work in other Latin American countries, such as Mexico, in the cases of the Zapatistas and the APPO of Oaxaca (Esteva, 2006).

In the Water War, the Gas War, and the recent election, the political forces have been mobilized by coalitions of urban and rural, traditional and nontraditional workers, women and children, professionals and indigenous. It is for this reason that Linera labels the political actor “the multitude,” and Albro, also seeking a term that captures the diversity at work, labels it the “popular plural.” The multiple horizontal interconnections created a “wealth of solidarity” and confidence that carried the movements to success in the Water War, on through the Gas War, and even to the presidency of the state. But if this is the case, then have the Bolivian movements now switched from disarticulation to the more traditional strategy of seizing the state?

Linera's analysis suggests another interpretation (as do Mamani's (2007) and Olivera's (2007) more recent analyses). In his 2004 essay, Linera (2004, 81) calls for the fracturing of the state "as a mechanism of government, as a system of mediation [between people and the elites], and as the culture of obedience [through fear or coercion]."¹⁶ This fracturing should lead to a reterritorialization. In the words of Olivera (2004, 157), "The true opposite of privatization is the social reappropriation of wealth by working-class society itself—self-organized in communal structures of management, in assemblies, in neighborhood associations, in unions, and in the rank and file." The notion that electoral victory might further democratic self-determination is perhaps best expressed in the convening of the constitutional assembly to "refound" the nation.¹⁷ The idea here is to take specific powers away from the state and transfer them to "autonomous" indigenous communities and other political groupings. In such a situation, the very sovereignty of the state could be fractured—or dispersed through multiple reterritorializations. As many have stressed, for the multiplicity of the Bolivian social movements to retain the interconnected autonomy, they must retain a relative independence from the state in order for their maxD projects to succeed. But as the Argentinian movements have shown, the state cannot be left alone. Bolivia has taken another route, seemingly integrating the lessons learned from both the Argentinian and Brazilian movements. The real danger, perhaps, is that the MAS will act in ways that favor certain movements or organizational types over others in a way that breaks the fragile coherence of Linera's "multitude-form": for example, in taking sides in a labor conflict, determining who can participate in the constitutional assembly, and who will be subject to the state's coercive power (whether Left or Right), especially with the rising popularity of the right-wing secessionist movements in three states (Romer, 2007; Tokatlian, 2008).

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Community Gardens, Convivial Spaces, and the Seeds of a Radical Democratic Counterpublic

BENJAMIN SHEPARD

Some fifty years ago C. Wright Mills argued that perhaps the most troubling consequence of the homogenization of US life was a shrinkage of space for democratic dialogue (Aronowitz, 2003). Without a space for difference of opinions, thoughts, or dreams, democratic culture only recedes. Without some sort of local community space where citizens can act together, there is little room for critical consideration of community issues. Without a space where people can share common interests, pleasures, and concerns, it is difficult to imagine citizens engaging in political participation (Dewey, 1954). Democratic participation must be considered within a framework of organizing, playing, and supporting spaces for social, cultural, and political engagement (Shepard, 2009, in press). Only when citizens are mobilized can communities create change; only when citizens are organized can we consider ourselves living democratically. Access to space for dialog is fundamental for democracy to thrive.

In the middle of the nineteenth century, De Tocqueville (1994) postulated that American democracy thrives because it balances three aspects of national life: government, the market, and civil society. If any one of these three sectors overwhelms the others, democracy is imperiled. Yet democracy needs space to breathe and grow. Hence the imperative of civil society to create space in which citizens build community and by extension democracy.

While globalization has opened new possibilities for exchange of ideas and peoples, it has also ushered in a new set of conditions advancing the decay of democratic structures. Prevailing neoliberal models have failed to deliver the justice, equality, and economic and social security as often postulated. Instead a relentless erosion of a public commons typically accompanies this process.

While the state has increasingly come to emphasize securing corporate, instead of public, interests, mechanisms that link neighbors face constant duress. Herein, local actors are forced to contend with constant duress from a range of forces, including hyper-development, aggressive policing, and corporate globalization flattening and homogenizing difference, while eroding civil society. Faced with a state which is simultaneously less democratic and more authoritarian, activists nonetheless continue to contest the foreclosure on space. To do so, they make use of legal systems and council meetings as well as creative strategies. These include leveraging the local institutions of civil society—gardens, community centers, parade and play spaces—as places where citizens cultivate skills crucial to democracy to advance an image of a better world.

For many, discussion of democracy fundamentally involves competing views of urban space. While developers view urban geography as space for economic growth, many of those who live in such spaces look for more. For them neighborhoods are spaces for conversations, connections with acquaintances, the mingling of ideas and friends, spaces to slow down or play. Herein citizens meet, build civil society, and plant the seeds of caring social relations which counter the soul-crushing monoculture believed necessary to create a stable better business climate for economic growth (Logan and Molotch, 1987). Within such spaces, tribes expand and conviviality thrives. “A modern society, bounded for convivial living, could generate a new flowering of surprises far beyond anyone’s imagination and hope,” Ivan Illich (1973, 14) explains. Yet, spaces which support such conviviality are under constant assault.

The following will consider both the squeeze on the public commons—community gardens, meeting places for bike rides, and unpermitted underground parties and parades—as well as the creative responses to such forces by those who find community within such spaces. Here the roots of a new embodied democratic experience develop through play, conversation, and pleasure. Such experience finds expression as communities of difference converge to take part in an ongoing cat-and-mouse game over access and regulation of public space. A few words on the context helps situate the analysis.

Disappearing Commons, Regulated Spaces

The final weeks of Rudy Giuliani’s term as Mayor of New York City revealed as much about urban life under Giuliani-ism as any month in the previous eight years. The Charas/El Bohio community services center in the East Village lost its request for a stay of eviction on December 18, 2001. In response, its supporters began a twenty-four-hour vigil. Charas had been sold, without competitive bidding, to a Giuliani campaign contributor back in 1998. By 2001, the *Village Voice*, in its “Best of New York” issue, had dubbed Charas/El Bohio “the Best Place to Rally Around and/or Resuscitate.” Noting that rehearsal space at Charas cost from \$11 to \$14 an hour, the *Voice* explained, “CHARAS serves

the Lower East Side community, not the Big Apple Tour Bus, and that is why, partially, it is in jeopardy” (Sottile, 2001).

Charas and Lower East Side activism had a long history. Civil disobedience training for countless community struggles, including a successful campaign to save the Lower East Side’s community gardens, had been held at the former school. That made Charas a target. Protesters, squatters, garden activists, and requisite East Village vagabonds screamed, “Man of the year, get out of here!” as they watched the NYPD shut down access to this space where much of the do-it-yourself spirit of their neighborhood had thrived. Charas had served as a meeting space for marginalized groups. While the Mayor had long battled communities of difference who fought his agenda of privatizing New York’s public spaces, September 11 slowed official opposition to his plan to evict the neighborhood community center where the enemies of neoliberalism converged.

Even before 9/11, Giuliani-ism, as a mode of urban governance favoring suburban blandification of public space, replete with elaborate security functions, racial profiling, and “stop and frisk” policing, had become a model (Hammett and Hammett, 2007). Pro-growth opponents noted that the underside of “quality of life” campaigns was increased police brutality and social control (Sites, 2003). Recent histories of police violence in New York City dedicate considerable attention to Giuliani’s aggressive policing of countless elements of urban life (Johnson, 2003). The litany of complaints is not short, yet the former Mayor’s pro-growth and social control model of urban governance was rapidly transforming the urban landscape (Vitale, 2008).

If Disneyfication is the future of the American landscape, creative community-building offers the possibility of a detour off the one-way suburban superhighway toward the mallification of the American imagination. Here activists seek to create different kinds of spaces for engagement through do-it-yourself (DIY) community-building. Within spaces where such activity takes place, use is valued over commercial exchange. That is, the use of such spaces becomes more vital than any kind of commercial exchange. “DIY as a form of activity creates value outside of capitalism,” Holtzman et al. (2007, 45) explain. Emphasizing highly participatory, low-threshold approaches to democratic engagement, DIY projects reject the predominant vision of urban space as growth machine (Logan and Molotch, 1987). Building a better world one garden, street party, or bike ride at a time, such a culture thrives on conviviality (Duncombe, 2002).

Food Not Bombs and the Green Guerillas are two such DIY groups that build on these simple gestures of direct action—Food Not Bombs gives away free food and the Green Guerillas are community gardeners who transform urban rubble into green space. In reward for their engagement, both groups have encountered new mechanisms of control from the state. Members of the collective Food Not Bombs were arrested on multiple occasions for giving away food to the homeless without a permit (Vitale and McHenry, 1994).

Urban gardeners have been arrested for “trespassing” on their own gardens (Kauffman, 2000).

“Something is happening here in the streets of America and beyond,” notes anthropologist Jeff Ferrell (2001, 3), “and while what it is may not be exactly clear, it is clear that it involves contested practices of public life and community.” Ferrell’s reading concurs with Michael Hardt’s (2000) contention that Western cultures have moved beyond a disciplinary era toward an era of social control. The result of these controls is the transformation and hyper-regulation of physical spaces. This includes methodical steps used to target “communities of difference” as urban centers have been redesigned with an aim toward marginalization on the basis of race, class, gender, and political disposition. Tools utilized include anti-vagrancy, zoning, nuisance-abatement, and quality of life statutes, all organized together to cordon off public spaces utilized by prostitutes, the homeless, gang members, green gardeners, anarchists, and countless other groups that deviate from normative notions of citizenship and political participation. The assumption is that city spaces should function like for-profit entertainment parks. Advocates of this new model of hyper-controlled public spaces—businesses, political leaders, and even some civic groups—argue regulated spaces are necessary to cultivate a better, more secure business climate. Those who transgress such controls are often subject to the disciplinary weight of the state (Ferrell, 2001; Logan and Molotch, 1987).

Much of the new hyper-controlling of public space is a response to the politics of fear, which overwhelmed the ways New Yorkers viewed public space during the early 1990s. With his election as Mayor in 1993, Giuliani initiated a series of efforts to “improve the city” and enforce “quality of life” policies that facilitated middle-class renewal of mixed-income neighborhoods such as the East Village. Giuliani skillfully played on this feeling to deploy panic narratives related to mugging, race, and sex to justify hitherto unacceptable encroachments into public space in the name of redevelopment. Giuliani’s tactical manipulation of social anxieties was consistent with a dominant theme of urban political thinking. “An unabated litany of crime and violence, drugs and unemployment, immigration and depravity—all laced through with terror—now scripts an unabashed revanchism of the city,” Neil Smith (1996, 211) writes.

At its core, the new regulation of public spaces has to do with questions about difference. One would assume, as a US citizen, that those who look, think, or appear different would be allowed a place in the public sphere. Yet, the new regulatory infrastructure seems specifically to target difference, with thousands arrested and put through the system for “loitering in any public place . . . with no apparent purpose” (Ferrell, 2001, 4). While charges are often dismissed, the message remains that to use public space is a risk. Those arrested never get the time back from the system. The new “class cleansing” of public space marginalizes unpopular ideas and those who harbor them.

Yet, opposition abounds (Logan and Molotch, 1987; Shepard, 2009, in press). Public space groups, including garden groups, bike advocates, anti-police brutality organizations, and queer social justice groups have fought the new spatial controls and “countered new forms of spatial exclusion with the inclusive politics of liberty, diversity, disorder, [and have] been able to create communities of difference and inclusion” (Ferrell, 2001, 19). Without access to public spaces, any talk of democracy feels profoundly limited. For these groups, the question remains: if you can’t walk in the street, how can you be considered a citizen? Freedom of assembly and democratic participation are intimately connected. Within the following narratives, one can trace the lines of a class war between corporate control of public space and a burgeoning do-it-yourself movement aimed at unleashing a new “liberatory urbanism” (Ferrell, 2001, 231).

Cat and Mouse

Much of this battle often resembles a cat-and-mouse game between those who make use of convivial public spaces and the regulatory authorities, including police, who seek to control them. Within such contexts, advocates assert there are different ways of thinking about political power. Herein different kinds of social formations and community resources are produced as people play with politics and power (Shepard, 2009, in press). The emphasis is on play elements which not only sustain community but cultivate movement action. Conceptualized as play, the cat-and-mouse game of protest takes on countless meanings. As John Jordan (1998, 133) writes:

Direct action introduces the concept of play into the straight, predictably grey world of politics. People being chased by a bunch of uncoordinated security guards through thigh-deep mud on a construction site; figures jumping onto the machinery, laughing, blowing kisses to the digger drivers and D-locking their neck to the digger arm; driving the security off a piece of the land, re-squatting it; climbing to the top of a tree and singing at the top of your voice. It’s all fundamentally playful, a fantastic game: a game of cat and mouse, or, rather, David and Goliath.

Jordan puts forth a paradoxical view of play as both unserious and as a liberatory force with total disregard for social controls: “The playfulness of direct action proposes an alternate reality but it also makes play real.” Such forms of direct action are difficult to reconcile with more conventional forms of politics. “The state never knows where this type of playing ends or begins. . . . Its unsteadiness . . . [erodes] the authority of those in power,” Jordan notes. The point is that fighting authority can be a joyous endeavor (Shepard, 2009, in press). A few examples of such a politics are instructive.

Fighting Starbucks, Supporting Charas

“God is the absence of gentrification,” the Reverend Billy of the Church of Stop Shopping has frequently proclaimed (O’neil, 2004). And it is hard to argue with him on this. Through his joyous, self-deprecating street persona—a preacher guilty of the sin of shopping too much—Bill Talen has created a playful messaging device effectively used in campaigns addressing sweatshop work conditions, protecting community gardens, preserving historic sites, and defending the First Amendment. In response to the diversity-crushing gentrification steamroller, the reverend has organized neighborhood defense actions to prevent the corporate big boxes, such as Wal-Mart, and chains, such as Starbucks, from planting their “sea of identical details” in once vibrant neighborhood spaces. The problem with Starbucks is that “they seek out community,” the reverend explains.

Starbucks’ encroachment into neighborhoods has been efficient and startling. There were no Starbucks in New York City in 1994. As of 2002, some 124 outlets had popped up on the island of Manhattan alone (Prestin, 2002). At the same time, the city has bulldozed countless community gardens and locked up countless sex clubs, both unique places where community members can meet and share space (Shepard, 2009). As New York City becomes more welcoming to tourists, it becomes more like the shopping malls in the hometowns from which those tourists come (Hammett and Hammett, 2007). In response, the Reverend Billy and his Church of Stop Shopping Gospel Choir have engaged in “retail interventions” in neighborhoods where the predatory Starbucks plans to open new outlets. Many of these interventions depend on a politics of play and performance in which regular life takes on the complexion of a theater of the absurd.

In August 2004, the reverend even traveled to Barcelona. “CHILDREN, STARBUCKS HAS COME TO BARCELONA!! That is preemptively preposterous, we are outraged,” Talen declared upon his arrival, joining local activists to declare it a foreign object to age-old neighborhoods. “Let’s find out if our neighborhood, our body, will accept this foreign object. What does the immune system think? Let’s have a test. LET US NOW EAT THE FAKE CAFÉ!! LET US TAKE IT INTO OUR BODY!” So, the reverend and his flock “rushed the stage . . . We licked everything, really *everything*, including the cappuccino spouts and latte sippers” (Talen, undated).

While this playful spirit may seem irrelevant to social activism, it has inspired many actors to stay engaged and involved (Shepard, in press). The Reverend Billy finds his inspiration in a number of sources, including an Emma Goldman, “if I can’t dance”-type of ethos. “I would believe only in a god who could dance,” Talen (2005) preaches, paraphrasing Nietzsche: “Let the spirit of the ride flow through you.” Yet, much of this creative spirit is threatened by the ongoing homogenization of public space.

“We are witnessing now the suburbanizing of New York City, in which America finally swallows it,” Talen (2005) explains. The front lines of the

conflict begin in neighborhoods where a liberatory urbanism is threatened by a blandification steamroller. “Ascendant ‘developers’ and transnational chain stores accomplished this, in their relentless destruction of our neighborhoods. But realize that New York City equals its neighborhoods,” Talen (2005) preaches.

[I]f the elites assimilate our neighborhoods into an endless monoculture, then New York City will no longer be a voice of peace, a voice of tolerance, a voice of imagination. New York cannot converse with the culture of the world if we allow its neighborhoods to die . . . New Yorkers yell at each other in the doorways of diners . . . We live in the gardens and stoops and bars (with unlicensed dancing, even) . . . In that music, I see the flight Nietzsche wrote of. Public space hijackers oppose our flight.

In recent years, the Reverend Billy has preached about the fate of the old PS 64, longtime home of the Charas/El Bohio community center, which was finally taken over by the city in January 2002. The space became a symbol of the hazards of neighborhood gentrification. In the days before the city evicted community members from the space, the New York Reclaim the Streets (RTS) group passed out a flyer asking: “DO YOU EVER WALK AROUND THE NEIGHBORHOOD AND NOT RECOGNIZE A FUCKING THING?” It continued: “There has been so much progress in the last decade that there is almost nowhere to go to organize a meeting, put on a play, or sit down without paying an entrance fee.” RTS threw a street party to defend the space in what would be a final moment to enjoy what Charas had long meant.

While Charas has now gone, many of the squats and community gardens that were borne of its spirit of community engagement remain. Charas was a central part of the East Village of Manhattan, which stretches north from East Houston Street and eastward from Broadway toward 14th Street. Since the late 1970s, this area has also been referred to as Alphabet City, due to its lettered avenues (Mele, 2000). In many ways, the East Village has thrived as a somewhat anachronistic experience in community building in the midst of hostile market forces. The neighborhood continues occasionally to produce social relations and representational spaces of opposition, despite market pressures from corporate globalization, gentrification, and the increase of hip cultural capital. While use values have found themselves at odds with the exchange values that can be realized in real estate throughout the East Village, the rules of community have occasionally sustained themselves despite the market pressure (Logan and Molotch, 1987). Such a politics of community occasionally thwarts the politics of fear propelling the logic of primitive globalization and the “Revanchist City” (Sites, 2003; Smith, 1996). No better example exists than the campaign to save the community gardens.

Community Gardens and a Space to Play

Throughout 1999, Mayor Rudy Giuliani flaunted his plans to sell off dozens of Lower East Side community gardens. “Welcome to the era after communism,” he would lecture (Kifner, 1999). In response, community members cried foul, using every tool at their disposal to launch a multi-pronged sustained campaign to preserve the gardens. The struggle to save these gardens has taken many forms over many years. Those involved included the Lower East Side Collective, the Bronx Urban Gardeners (BUG), the Guerilla Gardeners, the More Gardens Coalition, as well as many other squatters, homesteaders, and community residents. Tools utilized in the campaigns included: a clear goal, research, mobilization, direct action, fundraising, legal, and theatrical resources (Ferguson, 1999, 2000). “[G]ardening helps people with dynamite in their pants to change the world: it sustains us as we prod the world along,” garden supporter Donna Schaper (2007, xiv) explains. Growing gardens works in tandem with growing social change.

Garden activists often find any number of inspirations for their ongoing work. Take New York City garden activist Tim Becker (interview with author, 2005). Becker worked with a number of garden groups, including the Lower East Side Collective Public Space group and the More Gardens Coalition. One of the latter’s founders, Aresh Javadi, helped create a profoundly theatrical quality within the defense of the gardens. Becker recalls the day the gardeners rode a giant homemade bike to City Hall dressed as a giant caterpillar to defend the community gardens under threat:

I helped them build the tomato on the bicycle. That was put together as well at Charas before the caterpillar. More Gardens got more and more ambitious with their creations-on-wheels campaign. First they had the tomato. It was two bicycles welded together, and it was a huge monster tomato. I remember riding that from Aresh’s house to City Hall one day, and it was the most fun I’ve had in my life.

Throughout this period, garden activists such as Becker brought many different forms of puppet theater to the public conversation.

Today, there are some five hundred gardens in New York City, and fifty in the East Village. In 2002, after years of direct action and civil disobedience, Mayor Bloomberg helped cut a deal with Attorney General Elliot Spitzer to make a portion of these spaces permanent park space.

The irony of the garden agreement was that many believed that all the gardens had been made permanent. Yet, in the ensuing years, support for the agreement began to erode as individual gardens continued to face threats. In response to this, garden advocates organized a “roving garden party” to call attention to New York’s fifty endangered community gardens in June 2007.

Garden activists declared in a press release, “Coalition of Activists, Gardeners and Performers will Loudly Celebrate NYC Gardens in a Traveling Party which Concludes at a Rally for the Endangered Children’s Magical Garden,” before the June 16 action. The event was organized by Time’s Up!, a direct action environmental group, as well as by former members of the More Gardens Coalition and the Lower East Side Collective. The parade included performances by the radical marching band Rude Mechanical Orchestra and Reverend Billy and the Stop Shopping Choir, loud supporters of the call to protect all green open spaces, including community gardens. “*The Roving Garden Party* encourages everyone to loudly support and celebrate their community gardens by gathering together to dress up, play music, dance and march,” declared the press release. “Let’s do what we have always done when faced with a threat: dress up, play music, dance, and make noise as we call for support from the garden creatures!”

The Roving Garden Party kicked off at around 2.30 in Tompkins Square Park. Those attending included nearly a hundred garden supporters, as well as “kids dressed like fairies, flower-people, a few bugs (including a fantastic ladybug), pedicabs, cargo bikes, a bulldozer, garden bikes, decorated bikes, and dogs, etc.,” Ellen, a garden organizer, recalled. Others wore green banners with the words, “Go Grow!!!” spray-painted in pink on the back. After a playful ritual in which members of the crowd exhorted the bulldozer to “STOP!?” “PLANT!” and “GROW!” as if they were plants themselves, the Rude Mechanical Orchestra led the dancing crowd out of the park. “As we exited the park, we were greeted only with happy faces,” Ellen recalled. “Our numbers swelled to over one hundred as the parade went on and the vibe went from fantastic to ecstatic.” After visiting Lower East Side gardens and remembering gardens and activists lost, the parade ended with a rally to support the endangered Children’s Magical Garden de Carmen Rubio on the corner of Norfolk and Stanton streets.

Speakers declared their support. “So far this year, five New York City gardens have been damaged by developers. Many others are endangered. This could happen to any garden in light of unchecked development city-wide,” explained Time’s Up! volunteer and Children’s Magical Garden member Christine Halvorson. “This garden is one of over fifty gardens that are now in danger of destruction.”

“When we lose our gardens, we lose all that makes the city unique, colorful—its vibrant city character. Our communities, the public commons—this is what makes New York City unique,” another supporter declared.

The central concern of many of the garden supporters during the parade was the fate of Children’s Magical Garden. In 1980, longtime Lower East Side resident Carmen Rubio and art student Alfredo Feliciano had transformed the space from a vacant lot full of junk and debris into a garden for the neighborhood’s youth. Yet, since 1982, the land comprising the space has been owned jointly by the City of New York and developer Serge Hoyda. Over the

years, Lower East Side garden support groups including the More Gardens Coalition and Time's Up! have worked to stack community board meetings to call for support for the garden.

Most of the support for the garden stems from its long history as a safe place for children to hang out, chat, share an after-school snack, learn to garden, and play. Located between two schools, the space has long functioned as a convergence space for a wide cross-section of neighborhood youth, who have benefited from Rubio and Feliciano's work to make the garden a safe space for the neighborhood. The garden is adored by two generations of kids and adults, who love the mulberries, apples, peaches, tomatoes, pumpkins and sunflowers, and the low-key communal spirit that grow in the space. Ground rules for the space are minimal: no cursing, fighting, or disrespecting anyone. "I have met kids of kids who grew up in the garden," Feliciano told me during one of the garden working days in October 2007. "From the very beginning, it was children—so they could learn how to garden, how to plant," Feliciano recalled in a 2006 interview (Siegel, 2006). "I really love the fact that it's for kids," Kate Temple-West, the garden's co-director, recalled in the same interview. "I can't imagine being a kid and not being able to run and play." Today, Temple-West helps coordinate and organize events and teach-ins at the garden. Topics include such skills as planting and composting. Temple-West suggests young people thrive when exposed to the natural environment: it "makes for sane, happy adults if they have a chance to play in green spaces as children."

For the last two Octobers, Time's Up! has provided volunteers and support during the garden work days. On October 6, 2007 Children's Magical held a work day and pizza-making party. I brought my one-year-old daughter, Scarlett, to play with the younger kids. She and a group of children, from a wide range of backgrounds and ethnicities, danced to Santana rock-and-roll tapes on the stage, played with dolls, swung on swings, and helped spread a pile of compost and mulch throughout the garden, with the help of Feliciano and other volunteers. I wheeled Scarlett to and from the compost pile to the bushes. There she dug in the compost and romped around with the other kids. "Scarlett, come play with me," some of the children screamed as we zigged and zagged back and forth throughout the garden. "*Que pasa?*" one of the other volunteers greeted Scarlett. It is hard not to feel welcome in such an environment. The experience of playing in the dirt in the garden is a stark contrast to the rough-and-tumble concrete jungle's hard edges and its asphalt playing fields where children regularly experience scraped knees and countless bruises.

Later in the afternoon, the children and volunteers made a dinner with the vegetables grown in the garden. One volunteer brought a juicer and made carrot juice for everyone. While many other play spaces and parks are dominated with a feeling of competition, an entirely different ethos takes place at the garden. Few of us had ever made pizzas outside in a garden. The children worked collaboratively to pound pizza dough, chop tomatoes, and pick other ingredients, and grilled their own pizzas.

“My job is to teach Kate what I don’t yet know,” garden activist Donna Schaper (2007) writes about a similar experience of working with her daughter in their garden. For many, time in the gardens opens the possibly to contemplate a few mysteries.

“If they want to try to destroy this garden, it’s not going to be so easy. This garden has a long, strong history in this community as a place that kids can go and have a break and learn about community,” Bill DiPaulo, the founder and director of Time’s Up! declared during the October 15, 2006 work day in the garden (quoted in Siegel, 2006). Time’s Up! has a long history of garden advocacy. DiPaulo helped organize the long defense of the Chico Mendez Community Garden, which represented one of the first significant garden defense occupations in the Lower East Side in the late 1990s. The defense would serve as a model for the El Jardin Esperanza defense in 2000, which radicalized a generation of garden activists and laid the groundwork for the 2002 garden settlement (Ferguson, 2000; Shepard, in press).

From the 1990s to the present, the garden movement has served as innovation space for activists to experiment with different tactics, strategies, and practices. L.A. Kauffman helped organize the Lower East Side Collective’s Public Space Group. She describes some of the passion propelling those to defend the gardens and the city’s public spaces. “In New York City, for example, where I live, there has been a longstanding battle against private luxury development on publicly owned community gardens,” Kauffman (2000) writes. “The other night, several hundred people calling themselves the Subway Liberation Front staged a raucous outlaw party, taking over first an L and then an A train.” This “outlaw party” was a moving subway party which began downtown earlier that night. It was one of the many playful innovations in street protest party culture that tapped into the simultaneous ambitions for people to meet, create a public commons, and seek something better with their world. “A large part of the crowd, juiced by its own defiance, proceeded to the recently bulldozed Esperanza Garden on Manhattan’s Lower East Side, where they tore down the developer’s fence and began replanting the land,” Kauffman (2000) recalls. “This impromptu action came at a high price: With no news cameras or legal observers to provide cover for the radical gardeners, the NYPD swooped in, badly beating a number of the participants.”

William Etundi (interview with the author, 2005) describes the feeling of inherent freedom that often accompanies these carnival-like parties in New York: “the feeling of even a semi-legal party in an alternative space is liberating. If it’s an explicitly illegal party on a subway or on the street, that is liberating. Just dancing in the street is a liberating moment.” Yet, these moments come at a cost, including, Etundi notes, multiple arrests. Within Etundi’s narrative, the street party becomes a transformative public ritual, creating the kind of liminal spaces capable of shifting the way people approach their everyday lives. As an example, Etundi refers to the work of the urban garden activists who have worked so effectively to bridge the local–global praxis divide:

“Around Esperanza, that was a campaign that was quite clearly lost; the garden was destroyed. But that really gelled a whole lot of people around a specific thing, a lot of specific connections between people. It was an emotional everything.”

The garden struggle is consistently mentioned as a model of creating community while linking local and global issues. Garden activists remember the Esperanza campaign, in which activists made a giant bullfrog—a Coqui—to watch over the garden, as one of the more notable displays of community resolve in recent memory. Play was a centerpiece of the long campaign. Squatters shared the space with street performers; community members and activists cooked dinner and commiserated by the winter campfire; and closer friends created their own heat during countless sleepovers within the larger-than-life Coqui overlooking the garden. Part art piece, part love-den, the Coqui also served as bulldozer watch. To add a tragicomic dimension to the story, the garden itself was bulldozed Valentine’s Day. Thirty-one activists, including this writer, were arrested during the day-long siege (Ferguson, 2000). As the garden was being bulldozed, the Attorney General called for a temporary restraining order to prevent further destruction of the gardens. Two years later, Mayor Bloomberg would help cut a deal with the Attorney General to save the gardens (Mele, 2000).

Over the years of the garden struggle, garden supporters sought to represent the spirit of the gardens theatrically—through a series of rituals, parades, and pageants. Through ludic performance, these yearly events sought to highlight the social drama of the garden struggle. A few of these events, including the one-day pageant called Earth Celebrations, which zigged and zagged through the fifty-plus community gardens in the Lower East Side, and the Roving Garden Party, carried the tradition onward.

“We don’t need a permit,” Bill DiPaulo of Time’s Up! declared after the 2006 Roving Garden Party. “The gardens and the streets represent public space for the people. People have a right to use them without a permit” (quoted in the *Villager*, 2006). DiPaulo would know. For the twenty years since the founding of Time’s Up!, he has helped organize group bike rides throughout the city. From gardening to biking, the fight for a place to play takes shape as a mobile cat-and-mouse game over public space.

Bike Rides and Roving Communities

In August 1999, the New York City Parks Department altered the city’s Parks Rules. The regulation stated that groups of twenty or more would be required to obtain permits to assemble, or they would face arrest (City Record, 1999). Representatives from public space groups from around the city, including Time’s Up! and LESC, testified at the hearings. They pointed out that the rule would stifle freedom of assembly and could be selectively enforced against activists. No single impediment to community-building would present a greater

challenge than the attempted imposition of this rule before community bike rides. “This is an illegal gathering,” a policeman told me as I stood with a group before a fall 2000 ride. A friend noted that there were far fewer than twenty people and the policeman left, for the moment (Shepard and Moore, 2002). The cat-and-mouse game over the new rule has lasted nearly a decade.

The struggle over the right to unfettered access to public space was perhaps most intense for Critical Mass, the monthly bike ride that since 1992 had been a part of urban experience in cities around the world. With public space movements overlapping between campaigns involving gardens, neighborhoods, cities, and transnational spaces, these monthly theme rides became incubators for movement cross-pollination and innovation. Some days New Yorker riders borrowed from London’s Reclaim the Streets; others they borrowed from San Francisco’s bike messengers organizing Critical Mass rides.

One of the most popular themes of the monthly Critical Mass bike rides called for activists to create a garden in the streets of New York City. For Tim Becker (interview with author, 2005) and other garden activists, this call offered a compelling challenge: “It reached its peak with the caterpillar,” Becker recalls. “That was made of six bikes welded together. And papier-mâché. It had two big plastic eyes you could look out of. One night it went on a Time’s Up! Critical Mass ride. It was hilarious.” Yet Becker notes a certain hostility accompanies the convergences, when bikers converge in a mobile playground.

Since the mid-1990s, the Critical Mass rides have taken place in New York without much fanfare. For many, these convergences provided an opportunity to meet friends, ride, and revel. Official hostility appeared to be attracted to this spirit of playful connection. Matthew Roth (interview with the author, 2005), a regular participant, explains: “Bikes are about adolescence. They’re about childhood. They are about that first. You can play and you can run pretty fast.” For Roth, it’s a playful liberatory action. “And when you get a hundred people riding together, a thousand people riding together, there’s screaming, there’s hooting, there’s hollering. It is a playground on wheels.” Roth is far from the only bike supporter who feels this way. “I guess it connects with the playfulness and the child in everyone that you have to let go of to get a paycheck,” Tim Becker suggests.

Much of this changed for Critical Mass before the Republican National Convention (RNC) in 2004. After being labeled “bike hooligans” by the local press, Critical Mass participants endured a crackdown that continues to this day. One group which felt the brunt of the crackdown was Time’s Up!. Barbara Ross, who volunteers with Time’s Up!, explains, “The NYPD has arrested me twice and confiscated my bicycle three times for the so-called crime of bicycling without a permit” (quoted in Still We Speak, 2005). Writing about the RNC, when the hostility toward Critical Mass began, Eugene Karmazin (2005) notes: “The rule that long week was preemptive arrest . . . Simply put, anyone seemingly dissident was forcibly removed from the streets.” This preemptive approach has become pro forma for controlling public space. “The last Friday

of every month, the NYPD turns Union Square Park into a prison yard,” Madeline Nelson, a bike supporter, explained at the May 2005 Critical Mass ride. “They line the park and surrounding streets with scores of police vehicles and hundreds of uniformed and undercover cops waiting to scoop up anyone who happens to be there.” While the police have noted, “Everything changed after 9/11,” it was only in August 2004 that the bike rides really changed.

By that August, organizing efforts were being met with government surveillance and attempts at total control of the monthly Critical Mass rides. During the last week of the month, police had begun to make routine visits to the Time’s Up! space, where they asked about the whereabouts of a number of organizers who were on their radar.

Two days before the August 2004 ride, organizers were informed that they could not hold their planned after-ride party at the Frying Pan, a regular venue for political parties and fundraisers, including many previous dance parties after Critical Mass rides. Apparently, the police, the coast guard, and others had bombarded the Frying Pan owners with phone calls. Under heat from the federal government, the owners canceled the party. The Critical Mass rides and after-ride parties are events at which the roving activist social world converges on a monthly basis. Without opportunities to get together, such communities are threatened with oblivion. Once again, a community event was being attacked under the auspices of “zero tolerance” policing. That night, organizers distributed a flyer with the following message:

Important Message to Our Community. Our beloved Critical Mass Ride is under attack! All threats, intimidation tactics and harassment, however, will not keep us from going forward with this amazing community ritual! We have worked hard to build this dynamic community . . . We have worked hard to reclaim our rights to public space in our city of New York!

The message implored ride supporters to come out in force. It emphasized community interrelatedness, play, and pleasure as responses to the impending panic, and specifically called on riders not to cave in to a culture of fear and intimidation:

Tell all your friends. Bring family, neighbors, lovers and strangers. Bring noisemakers, musical instruments, face-paint, flowers, and your energy and joy.

This is our city! This is our community!

Let’s make this the biggest, loudest, most joyful Critical Mass ever!

That Friday night, 5,000 riders—both locals and itinerant activists in town for the RNC—responded to the call. It was the largest Critical Mass ride in New York City’s history. Several hundred bikers were subsequently arrested.

“Police hate to be upstaged,” Tim Becker noted. Community gardening and bicycling both challenge notions of the city as profit-making machine. In the case of Critical Mass, the police appeared to be responding to the prefigurative “Yes”—the community-building process and the spontaneous ritual that unfolded on the last Friday of every month. Activists had created an image of urban life built on affective play: riding among friends and neighbors in a healthy, sustainable city. These rides functioned as open-ended, leaderless, democratic free-for-alls—compelling spaces open for ever more bikers to participate. The police seemed upset that a group of citizens was not interested in asking for permission or help organizing their leaderless community. For many, the ride had become a sort of living example of noncommodified possibility. Critical Mass represented a powerful “Yes” to life, community, and authentic fun in a world of “Nos.” While the police formed a security detail for the mallings of Manhattan, Critical Mass rides represented a form of community-building that had nothing to do with citizenship as shopping endeavor.

“We are not blocking traffic. We are traffic,” is the motto of Critical Mass. Cars make up traffic, and so do bikes. Few people expect car drivers to ask for permission to clog the streets. Bicyclists were simply claiming the same space for themselves. But the arrests in August 2004 were only the beginning of a long legal fight between bikers and the police over the definition of a “procession.” The police added a new element to the fight during the September 24 ride: cutting chains and confiscating forty parked bicycles. In response, those whose bikes had been taken retained civil liberties attorney Norman Siegel, who had successfully fought Giuliani over similar First Amendment cases in the 1990s, and filed an injunction against the city. For many bikers, the debate about Critical Mass spoke to core constitutional rights, including the First Amendment right of the people “peaceably to assemble” and the Fifth Amendment right not to be “deprived of life, liberty, or property, without due process of law.” Cases involving the Fifth Amendment are routed to federal court. Thus, the riders filing for the loss of their bikes learned that US District Judge William H. Pauley III would preside over their case.

In response to the bikers’ lawsuit, the NYPD filed a counter-injunction against Critical Mass, demanding that the leaderless ritual obtain a permit for the next communal bike ride. The police asserted that Critical Mass was a parade without a permit. Arriving just days before the next scheduled ride, the city’s argument presented a number of questions and conundrums about the nature and definition of a procession. Was it possible for a community event without a leader or a sponsor to apply for a permit? If so, who would do the applying? Most important, how and in what way did the First, Fifth, and Fourteenth Amendments to the US Constitution apply to specific New York City traffic ordinances? (Karmazin, 2005).

On October 28, 2004, Judge Pauley ruled that the city had violated the bikers’ right to due process by confiscating their bikes without charging the riders with a crime and called for the ride to go ahead (Karmazin, 2005).

With this victory in hand (see Moynihan, 2004), the Critical Mass ride took place without a permit on the last Friday of October, just days before the November 2 elections. On this evening, police arrested thirty-three bikers. Battered but determined, bikers and their friends danced the night away at an after-ride party held at the Time's Up! space on Houston Street. Police circled outside, confiscated more bikes, and then raided the party.

The next month, the Critical Mass ride was scheduled to take place the day after Thanksgiving. Many activists know this day as International Buy Nothing Day. The Reverend Billy sponsored a series of pranks and zaps throughout the day. He spent a night in a cell after being arrested for his performance inside a Starbucks coffee shop. He would be joined by a group of seventeen bicyclists later in the evening. After the Reverend Billy's show, I grabbed our daughter Dodi and we went to wish the Critical Mass riders well. Union Square—where the bicyclists usually converge before the ride—was surrounded by police. “White shirts,” the commanding officers, talked with detectives. Others passed out a “Notice to bicyclists”: “The New York City Police Department requires your cooperation in complying with the law and protecting the public from harm,” it declared. Some twenty-five patrol wagons surrounded the park. Gloom filled the dark night air. “If you choose to ride in a procession this evening, you will be arrested and your bicycle will be seized.” Discussion on the Indy Media website that night invoked images of a city that felt like a police state.

However, the year ended on an up note. Judge Pauley threw out the city's counter-injunction over Critical Mass, suggesting that the conflict would be best handled in state court. Pauley, who was careful not to appear to support the bikers, specifically noted that the city had tolerated and even supported the rides in years past. “After allowing Critical Mass rides in Manhattan for ten years without permits,” he explained, “the police department has acquiesced to the very conduct it now seeks to prohibit” (*Bray vs. The City of New York*: 20). Pauley rejected the city's push to require Critical Mass to apply for permits and wait for approval from the Parks Department before the rides. He noted that since there is never an organizer for the event, the application for a permit would not be possible for such an amoeba-like entity (Associated Press, 2004). Thus, the city's claim could not be sustained (*Bray vs. The City of New York*: 12). “[T]he applicability of the parade permit requirement has not been adequately delineated by any federal or state court decision,” Pauley wrote. Therefore, the judge concluded, “The city's counterclaim presents novel questions of state or local law, which militate strongly against exercising supplemental jurisdiction” (p. 16). Pauley also noted that the bicyclists were right to claim that they have the same rights to use the streets as cars do. Two bikes in a row is not a procession; it is traffic—exactly the argument Critical Mass riders have made for years. The city said that it would appeal the decision, but for the bikers, the final ride of the year, on New Year's Eve, was a thrilling victory lap with no arrests.

As the winter turned to spring, however, there were more arrests. In March 2005, the city responded with another effort to control the Critical Mass ride, filing a new lawsuit in state court (Karmazin, 2005).

Yet, over the next two years, the rides and innovations continued. From Critical Mass to Bike Lane Liberation clown rides and events such as Park(ing) Day, public space activists have continued to advance an image of a better world, one playful prank at a time.

Fighting for the Right—Movement as Party and Protest

“[T]his event is about building the world we want to see,” declared William Etundi at one of his parties before the Republican National Convention in 2004 (quoted in Ferguson, 2004). Much of the ambition of the movement between party and protest is to create an image of a better world—even for a moment. Such an ambition is part of every street action or subway party. Etundi, a leader within New York’s underground party culture, traced his roots within this movement to a Reclaim the Streets event in 1998 at Astor Place. “I remember being at 6th Street having a wild time and getting a card that said, ‘STREET PARTY PROTEST.’ It’s not a revolution if I can’t dance to it . . . It was just exactly the [right] mix of party culture, fun culture, and protest culture.” Etundi recalled the event as “transformative.” Between taking the streets, holding them, and dancing there with the fire-spitters, “It was just exactly what I felt like my life had pointed to, being a party person, a politically conscious person . . . It was fun. People wanted to come out and join us.”

The group Etundi referred to, Reclaim the Streets (or RTS), laid the foundation for the movement to make public space for the people to play, dance, and find another way of living in the world outside of a simple means of necessity (Jordan, 1998). The wanderlust of play has become a central ambition for RTS. Etundi played a large role in RTS New York’s second action, organized to defend the community gardens (see Duncombe, 2002). Over the years, public space movements—for bicyclists’ rights, more public gardens, and street revelry—have overlapped in many ways.

Etundi’s narrative overlaps with countless storylines of these overlapping movements involved in the struggle between liberatory urbanism and control of public space. Over the years, he has helped organize street pranks and parties—some on the streets, some in warehouses. While some were smooth affairs, many more drew the attention of police and were shut down for one reason or another. They have all been part of an ongoing battle about nightlife in New York, an ongoing part and parcel of the Giuliani/Bloomberg “quality of life” politics which have come to define political culture in New York.

New York party person and nightlife aficionado Sarah Sparkles (2007) describes the current state of nightlife in New York City.

It is now nearly impossible to have a warehouse party without it being shut down by the police. On the special occasion that an event

goes until dawn, there is a sweet taste of freedom that has become something rare. We have become children of the police state, with highly regulated options as to how we can engage. No unsupervised gatherings are permitted, we must be under surveillance at all times and we are told it's for our own good. We have many options on how to be consumers, yet very few options for creating new culture.

Still, activists keep on trying to create those options.

In the months after the new parade laws were announced, a number of public space groups responded. Assemble for Rights, a group formed in response to the arrests of cyclists, immediately spoke out against the rule. Time's Up! announced its opposition. And William Etundi helped organize a renegade street party with a group of friends, which specifically challenged the city over the new rule. Over the previous two years, Etundi had helped organize renegade RTS-style street parties, designed both to avoid multiple arrests and to provide a memorable panorama of dancing bodies and beats. The spring 2005 "First Warm Night" was viewed as a new direction for public space activism. Joe Tuba, who had led his Hungry March Band through many RTS actions and countless street parties, was openly giddy before the spring 2005 party. "It's gonna be brilliant," he explained (interview with the author). "It's the next step. I kinda feel like there were all these train parties and RTS and now this." (The train party has long been a part of party and protest street activism. RTS organizers with the Ransom Corp held organized street parties which culminated in late night swims off Coney Island in 1999. The train party, which by its mobile nature was able to move large numbers of dancing revelers from one borough to another in a matter of minutes, was ideally suited to the cat-and-mouse game which characterized much of NYC public space activism.)

The First Warm Night was held on the first warm Saturday night in the spring of 2005. A series of text messages helped the crowd find a convergence location, meet, and move with flexibility and fun. The party had no clear political message beyond the simple subversive possibility of public assembly of friends. The 2006 "Night of Fire" began at sundown in the middle of the Brooklyn Bridge before the party moved back to a subway in Brooklyn for a train party to Coney Island, just like the Ransom Corp parties of the late 1990s. The 2007 "Night of Fire," which also converged in the middle of the Brooklyn Bridge, made an explicit nod to a new parade rule further restricting forms of public assembly. As the sun began to fade into the night, the unpermitted crowd of several hundred meandered toward City Hall. There the burlesque of stilt-walkers, mobile musicians, and revelers dressed as angels lunged into the park. Some, including this writer, found their way into the fountain, where the dancing only intensified. From City Hall, the crowd roared underground for a subway party. Our destination was a night of dancing, swimming, and reveling in a final taste of the twilight of a Coney Island of the mind and the urban

imagination (now destined for redevelopment) (see Ferlinghetti, 1958/2008; Ferguson, 2007; Gothamist, 2008). This “Night of Fire” was by no means a solitary protest against the new parade rules.

Shortly after the new rules were announced the newly formed queer anarchist group ironically named the Radical Homosexual Agenda (RHA) announced plans for a downtown Parade without a Permit during work hours. In a playful yet historically telling gesture, the RHA called for activists to come wearing pink helmets, a not so subtle reference to the helmets members of the Weather Underground wore to protect themselves from police batons during the 1969 Days of Rage in Chicago, when police brutally beat antiwar protesters. With the support of Time’s Up!, ACT UP, and Assemble for Rights, the April 19, 2007 RHA action included legions in their pink helmets, fights between activists and police who hoped to contain the action, and a series of violent arrests. The RHA comprised both street party veterans and members who were new to direct action. Activists around the world witnessed photos and a video of the NYPD forcing activists to the ground and digging knees into their backs before dragging them away.

In late September 2007, New York City Council speaker Christine Quinn took a question about the ongoing attacks on party culture during a talk sponsored by the Stonewall Democrats. “When will the city and police allow nightlife to come back?” one gentleman asked, referring to the once “vibrant” quality of New York nightlife, which today is as restrictive as many can remember in their lifetimes. The man received a large round of applause. Quinn noted that New York nightlife is a billion-dollar industry. Thus, there must be a “connection between nightlife and enforcement” (quoted in Fitzharris, 2007).

Giuliani and Bloomberg’s “quality of life” initiatives have specifically targeted queers, party people, and social outsiders (Schindler, 1997). Throughout the 1990s, countless queer spaces and sex clubs were closed. Cruising spots were fenced off. A constant flow of legal assaults narrowed the types of club and bar that were considered legal. Countless clubs could not endure the barrage and were forced to close their doors (Adkins, 1997). Those that remained open proceeded in a highly regulated fashion.

As Quinn spoke during the Stonewall Democrats event, members of RHA, including this writer, unfolded banners declaring, “Cops Should Not Write Laws” and “Quinn Betrays Queers.” The banners addressed the Speaker’s support for a new set of parade rules requiring permits for groups of fifty or more that was brokered between the Police Department and the Speaker’s office in January 2007. As the parade rules were being debated, garden and bike activists, queers and civil libertarians, and countless other advocates stated their opposition to the new regulations on First Amendment grounds. The Association of the Bar of the City of New York published a sixteen-page statement opposing the rules, and presented this analysis during a public hearing on the rules on November 27, 2006. “[I]f adopted, these revisions would impose dramatic new restrictions on peaceful protests and other public

gatherings in New York City—means of expression that are a cornerstone of our democratic system.” Given the gravity of the issue, the City Council was urged to take the lead “to define a parade and to establish the criteria for issuing parade permits. Such a critical determination should not be relegated to a rulemaking or ad hoc decision-making body by the New York City Police Department.”

The “Quinn betrays Queers” banner referred to Quinn’s ascent to the Speaker’s office. As an out lesbian, Quinn benefited from the work of social movements, many of which depended on acts of direct action that would have been rendered illegal by her own parade rules. Quinn had failed to call on any of the questions from members of RHA until one of her supporters chastised her for ducking the hard issues. As I stood holding one of the banners, I wondered why Quinn, at the head of the legislative branch of New York City’s government, had not sought to check the powers of the executive branch. Why, in an age with so much clear documentation of police abuse, was the city failing to rein in police powers? “As the mood grew more tense—reminiscent, perhaps, of Quinn’s earlier activist days with ACT UP—the Speaker thanked everyone for attending and exited for another commitment” (quoted in Fitzharris, 2007). While Quinn was ducking questions from RHA, the NYPD was busy arresting supporters of the Sylvia Rivera Law Project who were gathering for the five-year anniversary celebration of their organization. “When will the savagery stop?” ACT UP veteran and RHA supporter James Wagner (2007) reflected later in his blog. “[N]o one should have to fear assault and arrest by the police simply because of who she or he may be?” He concluded, “in spite of what some people may think and say, including officials . . . the police are not supposed to ‘control’ us or our ‘situations.’ The police are public servants.”

RHA scheduled another Parade without a Permit for late September 2007. The group framed their next action around the clear linkage between freedom of access to public space and democratic possibility. “Quinn also argued that the anti-assembly rules are fair,” RHA organizer Tim Doody (2007) noted in a letter to a local gay paper shortly after the second Parade without a Permit. For members of the RHA, the new police rules represented a clear failure of the legislative branch of city government to check the power of the executive branch. “The anti-assembly rules are just the latest NYPD attack on civil liberties,” Doody explained. The police cannot simultaneously govern themselves, write rules, and “enforce the rules governing when and how people can gather in New York City.” After all, he noted, “We didn’t vote for Police Commissioner Ray Kelly, and he shouldn’t be drafting rules behind closed doors, especially about something so essential to democracy as freedom of assembly.”

The second Parade without a Permit began with a festive convergence of friends and veterans from ACT UP, Queer Nation, RTS, and Time’s Up!, among others, in Washington Square Park. The mood changed once drummers led activists out with a somber beat and a police escort. The police pushed for activists to stay on the sidewalk rather than the street. Yet the activists

continued. By the time the crowd crossed 7th Street, it had taken the street. “We danced through the Meatpacking District” an RHA report noted. “Then we processed south to Christopher Street, where we picked up more people and steered towards the piers that still serve as a meeting place for queers, especially queer youth of color—though the area is now under heavy surveillance.” The march ended at 9.30; fireworks lit up the sky; everyone lay out on the grass and turned the space once more into the public commons, the legendary space it has been for queers for decades. “This is what democracy looks like,” the call concluded. “We hope to see it more often in the City” (quoted in WEWANTyou, 2007).

Conclusion

As this essay was being finalized, members of the Squat Cassa das Pombas were being evicted from their home and cultural center in Brasilia, Brazil. In winter 2007, activists were evicted from “Ungdomshuset” or “Youth House,” a four-story community center which had been a home for squatters for over a quarter-century in Copenhagen, Denmark. “Eviction of Danish Social Centre Fuels Anger Across Europe,” one headline in *Indy Media* (2007) read. Like Charas, the space had served as a social, cultural, and political center for anarchists and punks, supporting concerts, debates, and cultural events. With over 600 arrests during its final hours, activists from around the world fought the “Final Battle” for Ungdomshuset. This was more than a struggle for a community center; it symbolized a larger fight against capitalist encroachment into public space. “It’s about much more than a house. It’s about our lives and the future,” one supporter wrote (quoted in *Indy Media*, 2007).

Like the campaign to preserve Ungdomshuset, the cases presented here—for a community center, public gardens, a space for alternative transportation, and even to play—all involve skirmishes in a larger struggle for public space. Within such struggles, activists take a front view into the violence of capital, Donna Schaper (2007, xx) writes, striking a similar chord to the Danish activists. Yet, through such playful forms of activism, the intervention allows activists and citizens alike to stay engaged. “Fun hope is the soil in which serious hope can grow” (2007, xxi).

The seeds of conviviality, of acknowledgment of difference, grow roots in such spaces. Thus, at their core, campaigns for gardens, spaces to ride, meet, and protest involve a struggle for democratic possibility. Without such spaces, where citizens can meet, share a moment, where citizens can act together, democratic publics dwindle. Without a space where people share conversations, differences, and pleasures, it is difficult to imagine citizens linking their needs to political participation (Dewey, 1954). As this essay suggests, questions about democratic engagement could well be considered within a broader framework of community organizing, playing, sharing, and creating and supporting spaces for social and cultural activism, as well as conviviality (Illich,

1973; Shepard, 2009, in press). Such spaces are feeling the squeeze. Wanderlust for such space endures. So does the hope for a more authentic form of democracy. While many are getting there through life-affirming forms of play, protest, and community-building, their foundation remains tenuous.

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How Do We Get from Here to There?

FRANCES FOX PIVEN

Most generally, politics has to do with the activities through which human actors try to realize their goals by influencing other human actors. This generic sort of politics occurs everywhere, in all arenas of human life, and pretty much all of the time. Thus, there is a politics of the family, of the church, of the university, of the street, that helps to explain, in the famous Harold Lasswell definition, who gets what, when, and how, in those arenas.¹

But that is politics very broadly conceived. When political scientists think about politics, they usually place the state at the center of their inquiry, and the question changes to who gets what, when, and how, as a result of the actions or inactions of governments. The logic of this focus is simply that the national states that have emerged in the West over the last several centuries have vast powers over their territory and their people. Those powers are multifaceted: symbolic, legal, coercive, bureaucratic, and economic. Thus, with the rise of the ideology of nationalism, state leaders have been able to tap the ubiquitous attachments that humans feel for their group and their locality and transform those feelings into emotional attachments to the nation, expressed as patriotic feelings of “us against them,” or as reverence for the fatherland or the flag or “we the people.” The nation-state is also the seat of legal authority, the repository of laws and lawmaking, and it controls the apparatus of legitimate coercion, of military force, that ultimately makes those laws effective. Most contemporary states also command vast bureaucracies that allow them to survey, monitor, and penetrate the activities of their peoples and territories. And states are weighty economic actors, regulating trade, investment, and labor relations, controlling the money supply, sponsoring public infrastructure projects, and employing vast numbers of people. Not least, states make war,

with all the enormous effects war can have not only over life and death, but over the politics and economics of a society.

Another reason that the nation-state came to be thought of as the fulcrum of politics has to do with the elaborate structure of electoral representative institutions and the activities they generate that involve the public, including the activities of political parties, interest groups, and social movements. Electoral representative arrangements are like a tissue connecting the state to the wider society. Some analysts, including Charles Tilly and Sidney Tarrow,² argue that national social movements only came into existence as the national state developed, along with fledgling electoral representative institutions. There is some truth in this. From time immemorial, people have risen up in defiant mobs, pulled down the houses of the rich, burned the ricks, or commandeered foodstuffs. But during the nineteenth century, most social movements became national in scope and they made claims on governments, especially national governments. They also developed the repertoire of familiar movement tactics, of parades, marches, and demonstrations, all intended to influence governments that were at least somewhat exposed to a broad public through elections. After all, governments were powerful. They could call out the militia on the one hand, or implement the policies that offered some redress of grievances on the other. Even labor movements, although they were locked in direct conflicts with the bosses, looked to government as the arbiter of these conflicts. Sometimes, when government sided with workers or even stayed neutral, the strikes were won. When government sided with capital, which usually meant that troops were called out against the strikers, the workers usually lost.

For a long time a model that put the state at the center of politics dominated the thinking not only of political scientists but of Left parties and social movements. Movements and parties were claimants whose goal was to influence the state, to restrain or shift its use of coercion and authority to regulate economic actors, or to intervene in markets, or to influence the allocation of government revenues into one or another reform project. Or the goal was to replace one state regime with another more likely to do these things. Thus, in the American experience, African Americans have looked to the national government to intervene on their behalf in struggles against southern apartheid or to defend their voting rights; organized labor has looked to the state for the right to organize or for workplace protections; and feminists fought for new rights guaranteed by the state to smooth the way for their entrance into the labor market or into electoral politics. Even revolutionaries who wanted to overthrow the state wanted to do so in order to be able to deploy the formidable powers of the state for their revolutionary project.

Needless to say, this understanding of the preeminent role of the state in a transformative politics is facing strong challenge today. The dominant view seems to be that globalization has undermined the powers of national governments. Where once states were thought to exert ultimate authority over the activities of people within their borders, now they are thought to have to

kowtow to multinational corporations and banks, as well as to supernational bodies like the World Trade Organization, the World Bank, or the International Monetary Fund. Globalization and the resulting intensified international competition for investment and export markets are said to mean that the ability of governments to regulate capital and labor, or to tax and spend, is sharply limited. There is much to be said to counter the argument. The big nation-states are, after all, the main architects of globalization, although this hardly means that they can easily undo what they have done. Moreover, the key nodes of international economic activity exist in places, and those places are within nation-states. And then there is the enormous variability in the policy responses of states to the presumably ubiquitous pressures of market-led globalization. But my point is not that the popular view that state power has declined is correct. My point is simply that it is the popular view.

However, while the critique of the state-centered road to transformation that runs through the essays in this part may reflect this new general understanding of the undermining of the state, none of them explicitly makes this argument, and nor do the global justice movements. More generally, the social movements of the past several decades have offered different arguments for turning against the state-centered path for social transformation. Thus, anticipating later developments, the women's movement of the 1960s began not as a project oriented to the state, but as an effort to transform the dyadic relations between men and women. The reason was simply that the feminist analysis saw the roots of the patriarchal domination of women in the family, and in the workplaces, the churches, and the local communities that reiterated the patriarchal relations and ideas that originated in the traditional family. The spread of consciousness-raising groups among women was a reflection of the belief that if women changed themselves, if they recognized and refused their subordination to men, these relations would also change. Or if they didn't, so be it, women should refuse the relationship. The lesbian and gay movements also turned away from the state as the agent of transformative politics, if only because the sites of the oppression they experienced were so pervasive and diffuse.

The traditional labor-based Left had always privileged the role of the state as the locus of their reform efforts. A long series of events undermined that reliance, however, beginning with the disappointment with the course of the development of "state socialism"—a disappointment that deepened with the collapse of the Soviet Union. More recently, the spread of economic globalization has even weakened confidence that states could at least sponsor the social reforms that would ease the circumstances of working people and stabilize economies. Globalization and specifically the internationalization of investment and trade flows, because it seemed to diminish the ability of governments to tax and regulate investments and labor markets within their borders, weakened confidence in the possibility of state reforms. The social democracies of Western Europe were adopting neoliberal ideas about the

inevitable preeminence of markets in a global world, and social democratic reforms were being chipped away. Even the new governments of South Africa and Brazil, behemoths of the global South where insurgent movements had gained state power, cautiously adopted policies oriented to international markets.

Disappointment with the compromises of the Left parties and unions of the traditional Left seems to have had a lot to do with the rise of anarchist currents in the social movements. Some of this was evident even as early as the 1960s. Parts of the American civil rights movement, particularly the Student Nonviolent Coordinating Committee, shunned the centralized leadership structures they associated with organized labor and Left parties in favor of consensus modes of decision-making, as did much of the anti-Vietnam War movement both in Europe and the United States. Anarchist currents emerged more strongly in the subsequent anti-nuclear and environmental movements of the 1970s and 1980s. And anarchist ideas flourish in the global justice movements which organize actions by word of mouth or the internet instead of through formal organizations, and display a consistent suspicion, even antipathy, to governments.

Adolfo Gilly recently commented on this, speaking of protests in Latin America. “These movements are made up of young people, many of them from the informal sector. They have no unions built by their fathers, they live in the slums instead of the village or the working-class neighborhood. They have to organize in a different way. And they are more free than we were!”³ Marina Sitrin, writing about the Argentinian protests of 2001, says, “it was a rebellion without leadership, either by established parties or by a newly emerged elite . . . People didn’t know where they were marching, or why they were marching, they were just so fed up with this typically neoliberal system that Menem implemented.”⁴ The chapters of a new Students for a Democratic Society that have sprung up recently in the United States display a similar stance.⁵ The group is deliberately anti-bureaucratic and anti-hierarchical, with no national leaders, and this freedom from centralized control is part of its appeal. More generally, the Global Justice Movement has stridently disavowed the organizational forms associated particularly with the labor movement, opting for the forms of more spontaneous direct action sometimes called horizontalism, or for looser methods of communicating and coordinating collective action as “spokes and wheels” rather than as organizational pyramids.

These uprisings are exciting, even inspirational—collective defiance is a uniquely joyous and liberating kind of human experience. Ben Shepard captures some of this when he echoes the motto of the Critical Mass bike rides in New York City in defiance of the police: “We are not blocking traffic. We are traffic.”⁶ The crowd acting together, and acting against those who usually have authority, generates for participants a thrilling sense of power and possibility. Many of the global justice groups have taken that subjective thrill a large step further with their imaginaries of democratic self-rule, of participatory and

autonomous communities and workplaces unfettered by authority of states or parties or bureaucracies or bosses.

All of the chapters in this part of the book are about the turn of the movements away from the state-led path and away from the party and union organizational forms of the traditional Left in favor of a search for horizontalism and autonomy. Heather Gautney sees the Global Justice Movement as divided between those, primarily NGOs, who follow the more familiar state-centered path of trying to shore up state power as a bulwark against the forces of neoliberal globalization and the “horizontalists,” the anti-authoritarian, autonomist and anarchist groups who want to build non-hierarchical communities that will “prefigure the egalitarian society they create.”⁷ Dawson emphasizes the rejection of paternalism in the movement, and points to the model of the Christian Ecclesiastical Base Communities that were the initial base of the landless workers’ movement in Brazil, where “priests sat without vestments in circles among fellow believers and encouraged their parishioners to see themselves as a fellowship rather than a flock of sheep.”⁸ And at least some of the global justice movements seem to be gripped by these visions, not only the Landless Workers’ Movement in Brazil, but Via Campesina, for example, or the piqueteros movement of the unemployed in Argentina, or the Ekta Parishad in India that Dawson describes.

The dream of autonomy is stirring. But movements do not emerge or survive in a realm of freedom. Movements are composed of mere people who are always exposed to the power concentrations of the societies within which they live, to hierarchy, to tradition, to the pervasive influence of the institutions that govern daily life. True, people have some capacity for invention and innovation, and perhaps a greater capacity in periods of change and duress, which globalization has meant for many people. Nevertheless, humans are intensely social and socialized creatures, and because we are, movement visions and the experiments they generate inevitably also reflect the history and the institutional relations that shape us. Brennan and Ganguly capture this when, following Bloch, they write about the “*well-founded* hope” that inspires and guides movements. The well-founded hope that in this case inspires the opposition to the Bush regime by “the unorganized, unrecognized, unorthodox, and unterrified” signifies not simply a movement imaginary, but “a chink in the armor and a crack in the concrete.”⁹ In other words, fissures or contradictions in existing institutions make movements possible. Similarly, the movements that Dawson describes are inclined toward a “radical epistemological” orientation, but the movements are reacting to institutional changes, to the destruction of their traditional lives and livelihoods by the advance of markets, and their reactions draw on tradition, as the Ekta Parishad “draw on local Gandhian traditions.”¹⁰ If movements are formed in part by a crack in the concrete, elite responses that seal the crack may well spell the end of the movement, irrespective of the vision of participants. Something like that seems to have occurred to the piquetero-inspired protests in Argentina.

The big question is: how do we get from here to there? The old answer to that question was that movements and parties, together or separately, would force the state to act to reform the institutional arrangements that were at issue. It is still the idea of some participants in the Global Justice Movement, as Gautney makes clear in her essay. And some steps in that state-led direction have been taken with Hugo Chávez's initiatives in Venezuela, and even in Brazil, broad neoliberal economic policies notwithstanding. Still, most of the essayists here are impatient with the old answer. A reiterated theme is that the reform measures of the past are deceptive, even dangerous, because of their reliance on the state. Dawson warns of the "doxa of decentralization," meaning centrally administered decentralization schemes that create a "simulacrum" of participation,¹¹ which is what decentralization has usually meant in the American experience. Or the World Bank proposes market-led land titling programs which are "a threadbare bandage over the suppurating wound of inequality, unsustainable industrial agriculture, and massive rural–urban migration."¹² Whatever hopes these projects once excited were disappointed, and in some instances the state whose coercive powers had been enlarged by the mandate for reform even became an instrument of horrific cruelty. What do we do instead? Tariq Ali implies that question when he brusquely dismisses the Holloway edict "We can change the world without taking power?"¹³ Can we?

So, what is the alternative and new path toward transformation that avoids state power? How do we get from the exhilaration of the movement and its imaginaries to a transformed society? Insofar as an answer emerges in these essays, or in the writing and speaking of Global Justice Movement advocates generally, it is the interior life of the movement that will itself become the vehicle for transformation. The movement's ideas about decentralization and autonomy, equality and participation, will change the consciousness of people. And the movement's experiments in practicing autonomy, participation, cooperation, and decentralization will both reflect and enhance this changed consciousness.¹⁴ This is why there is so much emphasis on the movement's internal life, on the imperative that movement practices embody the vision of a transformed society that the movement endorses. Menser goes a step further with his concept of disarticulation, arguing that the movement should take over a state function, and then fulfill that function in ways that reflect the democratic and participatory values of the movement. He sees this as setting in motion a process through which the state is fractured and destabilized because communities come to appropriate state functions. His examples include the much written-about experiment in limited Participatory Budgeting in Porto Alegre, the assemblies and workplace takeovers in Argentina, and the successful defeat of water privatization and its replacement with a local association that developed a participatory structure for managing water resources in Cochabamba, Bolivia. These are all examples of a process of dismantling the state in favor of local, democratic, and participatory institutions.

These are movement accomplishments. Still, they are not as novel as our authors imply. There is in fact a long history of experiments in democratic decentralization, in schemes of worker ownership and self-management, a history of experimental utopian communities, and so on. To answer the question of what is the alternative path to social transformation, we need to have some idea of why these experiments will persist, grow, and prevail, when previous experiments shriveled. The notion that the experiments themselves will tug at people's hearts and minds, prompting their spread and enlargement, may not turn out to be the case at all. Menser acknowledges, for example, the waning of the Argentinian experiments in autonomy once the economic crisis passed and the government stabilized. And the Participatory Budget process in Porto Alegre may have had natural limits simply because the process itself is so consuming. Moreover, were the experiments to grow, would they not precipitate powerful opposition? After all, as the American experience shows, small experiments can be tolerated and indulged.

In sum, while I think the disappointment with state-led reforms is well founded, I do not think the vision of transformation without entanglement with the state can be sustained. I think it more likely that, whatever we prefer, it will require powerful insurgent movements even to win the limited reforms that fall short of the anarchist vision, and those movements will succeed when they are serious threats to the state. In time, as the movements fade, those reforms will be twisted and whittled away. Those efforts too will disappoint. And then new cracks in the institutions will be discovered and new and powerful movements will emerge to widen them. If luck is with us, they will make life better. And they too will inspire new visions of autonomy.

Conclusion: Conflict, Coexistence, and the Next Global Assemblage

MICHAEL MENSER

Democracy, States, and the Struggle for Global Justice (hereafter DS) charts the myriad ways in which neoliberal globalization has transformed states, both powerful and weak, and how these changes have impacted projects for democracy and justice at local, national, and global levels. It does this by exploring an array of topics (e.g. immigration, war, global warming) in a range of settings (the US, EU, Latin America, rural and urban) using a diverse set of methodologies (political philosophy, sociology, activist ethnography, and literary theory). The thrust of DS is critical, but embedded and reconstructive: nearly every essay explores possibilities for restructuring the national and global. And these explorations are neither utopian nor ideological in the negative senses of those terms; rather each engages current actors and institutions, as imperfect as each may be, in order to extract and amplify the political possibilities of various movements and actors. Despite the differences in frameworks, topics, and methodologies, there are three non-trivial points of agreement to which nearly every essay subscribes.

Any Project for Justice Must be Inclusive, Pluralist, and Democratic

Some writers focus more on justice or human rights, and others more on democratic participation and/or self-governance, but all recognize the interdependence of democracy and justice for both epistemic and cosmopolitan reasons. Even when specific institutional models are proposed (Benhabib's "Republican Federalism," Alperovitz's "Pluralist Commonwealth"), none claims that the pursuit of a multiscale justice-producing democratization is simply a question of institutional design. Each believes that the world is

composed of multiple actors and movements and that the institutionalization of such a normative framework will take on a different shape depending on the actor and context. Thus, no “world government” is possible or desirable. This is especially evident in Benhabib’s notion of “democratic iterations,” Baiocchi and Checa’s criticism of top-down political parties, and the discussion of civil society, assemblies, and public space in Part III.

All Projects for Justice Must Engage the Global Order

This is the case for two sets of reasons: one, the global order structures the possibilities at the national and subnational levels. (This is true whether or not one holds that (certain) states have structured this order, or that the global order has an autonomy and/or ontology separate from states.) Related to this concern is that state-sponsored redistributive programs may decrease intra-state inequality in important ways, but reinforce interstate inequalities because of global trade, etc. Put differently, politics is always multiscalar: each level not only implicates but is constructed through its engagements with the other levels. For example, states created international bodies, some of which promoted decentralization within states. Such decentralization not only redefined the powers of the “local” (Baiocchi and Checa, Alperovitz) but enabled their transnationalization by immigration and trade (Benhabib, Gould). Shepard analyzes this multiscalar politics in the urban, while Dawson and Bussolini address it in the rural reaches of India and New Mexico, respectively.

The second reason for the necessity of engaging the global order (no matter the level of the politics) is that even if real equality and democracy were possible within one state, the demands of justice cut across borders. This is true because of the political, economic, and ecological interdependencies among states. The most obvious examples of this phenomenon are the myriad ecological crises besetting the globe. Well-off populations exacerbate these crises with consumption-intensive practices that put additional stress on water and food supplies as well as leading to greater carbon emissions which are linked to global warming.

The call to transform the logic or “nomos” of the “global order” is most strident in Buck-Morss and the essays of Part III. But even Brennan and Ganguly (who are focused on US electoral politics) note the importance of the American Left’s need to “consider not our putative distance from the Bush faithful in this country but our proximity to the majority of the world’s citizens” (Chapter 1, this volume, p. 41).

The State is not a Uniform Monolith but is Internally Heterogeneous

Throughout all three parts of DS, the state is rarely regarded as a monolithic “black box.” Neil Smith makes this point in his Introduction (p. 3): “A concatenation of variously fixed and fluid social relations, the state takes on specific forms, but it is actually a plurality of interlinked institutions rather

than a specific object.” Saskia Sassen lays out this view with considerable conceptual acuity and historical depth in her recent tome *Territory, Authority, Rights*. In this work, she makes two interrelated claims. First, states built the global order, which is to say that the capabilities of states were employed to create international and then transnational and global structures. Although many claim the emergence of the international or global diminishes the power of the state, Sassen offers an alternate explanation: particular components of states built the global order and that led to changes in the internal composition of states. The most documented case of this structural reorganization within states is the increasing power of the executive branch and the weakening of the powers of legislatures and parliaments. An example that illustrates this point is also cited by Benhabib (Chapter 4) and Alperovitz (Chapter 7): “fast track” legislation which transferred trade negotiation powers from the legislative to the executive branch (see Sassen, 2006, 168–221). Relatedly, as Sassen shows, central banks and departments of treasury and finance have also ascended in importance as others—such as those dealing with labor and housing—have shrunk or lost relative power (2006, 172). A key case key for Shepard (Chapter 12) and Menser (Chapter 11) concerns public–private partnerships such as Business Improvement Districts and privatized utilities. In each situation, municipal or state governments still exercise regulatory authority, but they do so in conjunction with private–corporate actors. Benhabib (Chapter 4, this volume, p. 89) captures this point nicely: “In some cases the state disburses its own jurisdiction to private agencies in order to escape the territorial control of popular legislators. The social contract is increasingly frayed.” Again, even when there is outright change of ownership, there is a concomitant internalization of a “private logic” within the state (Sassen, 2006, 178–182). Benhabib (Chapter 4, this volume, p. 82) echoes this position:

My thesis is that whereas cosmopolitan norms lead to the emergence of generalizable human interests and the articulation of public standards of norm justification, global capitalism leads to the privatization and segmentation of interest communities and the weakening of standards of public justification through the rise of private logics of norm generation. This results in the deterioration of the capacity of states to protect and provide for their citizens.

Given such transformations, it is misleading to claim states are “weaker.” More accurately, they shifted organizing logics and diminished certain powers as they strengthened others.

Agreement on these three positions demonstrates among the disparate political positions of DS a shared ontological understanding with respect to the current structure of the state. However, given the complexity, intensity, and rapidly changing character of the present conjuncture, it would be disingenuous to claim that there are only one or two worthwhile political frameworks that are

able to respond to such ontological morphoses. Indeed, as a collection, DS, avoids any overriding ideological litmus test, nor have the editors sought to frame its analyses around a single ideological formula. Instead, DS bestows upon the reader a political breadth that echoes the range of views currently in play across the global Left. Still, drawing upon Gautney, it could be argued that within the global Left, and among the essays of DS, there are two distinct organizing logics around which a diverse array of views are positioned. The first logic regards states, parties, and the electoral process as the central avenues for political change, and seeks to remake conventional political categories to address adequately the demands and possibilities of the present moment. The second view considers parties and states to be functionally inefficacious and normatively too hierarchical and coercive to bring about democracy and justice. Proponents of this second organizing logic—often labeled “horizontalists,” “autonomists,” or the “new anarchists”—promote a multiscalar politics that is grounded in local democratic practices combined into fluid subnational, national, and transnational networks and coalitions that attempt to “prefigure” the future that is desired. I shall call the first position, rephrasing Benhabib, “cosmopolitan republicanism,” and the second, following my own essay (Chapter 11), “maximal democracy.” Proponents of the former, who in many ways are seeking to reenergize and update social democratic or socialist traditions, usually hold that only well-articulated large-scale institutions led by disciplined but responsive political parties can muster the popular will and deploy the capabilities needed to coordinate the kind of transformation required to insure political equality and sustainable economic justice.

In the rest of this essay, I shall trace these two organizing logics as they play out among the essays part by part, but also by suggesting links and divergences among those parts. I draw up two blocs for each organizing logic: the cosmopolitan republicans see states, parties, and representative democracy as privileged political forms (Brennan and Ganguly, Benhabib, George, Baiocchi and Checa); the second bloc regards states, parties, and liberal (representative) democracy as an intertwined set of institutions that have created the current global crises and are not able to solve it (Buck-Morss, Gould, Bussolini, Alperovitz, Dawson, Menser, and Shepard).¹ These proponents of maximal democracy (or maxD) favor a more socially located politics of democratic self-determination to remake the political and the economic through the democratization and social regulation of each.

Part I: Radical Theories of Democracy and Sovereignty

Benhabib’s Cosmopolitan Federalism and Gould’s Self-determining Cross-border Communities

With the exception of Brennan and Ganguly, Part I focuses on the interface between the national and the global, and each essay forwards a conceptual

framework to justify the restructuring of this interface.² As noted above, Buck-Morss, Benhabib, and Gould all argue that nationalism is both inadequate and dangerous as a politics, as are projects for the restoration of the liberal welfare state. Although there is convergence on this point, the frameworks diverge in myriad ways.³

Benhabib advances a normative cosmopolitanism to legitimate a notion of citizenship that is global rather than national. Key to this project is her distinction between “state sovereignty,” and “popular sovereignty” since it is the *latter* which is crucial for promoting democracy and justice. But such a popular politics requires normative guideposts that only a global cosmopolitan framework can provide. While she is aware of critics who regard such human frameworks as too “Western (neo)colonial,” she believes that documents such as the UN Declaration of Human Rights can play a crucial role in guaranteeing democracy and justice both within and across states by underwriting Arendt’s call for the “right to have rights” (Chapter 4, this volume, p. 93). Such norms must do battle both with the exclusionary nationalisms and antidemocratic cosmopolitanism of neoliberal global law which deny rights to certain groups (e.g. immigrants, ethnic minorities) and give extra rights to others (e.g. multinational corporations which are empowered to write their own “soft law”). States, however, are still crucial actors for Benhabib since they are the principal sites of political participation and law-making. But again, they must be normatively (re)grounded by cosmopolitan values. In short, “The right to have rights must combine the liberal vision of citizenship as entitlement to rights with the republican-democratic vision of membership through full democratic participation” (Chapter 4, this volume, p. 80).

Benhabib’s view would seem to be compelling for many on the Left because it fuses two well-articulated liberal traditions: the cosmopolitanism of human rights (which avoids the trappings of cultural relativism) and the belief in the centrality of the state (at least in functional terms) to foster equality through economic redistribution and especially the protection of the rights of the most vulnerable. However, Benhabib recognizes that there can be no smooth application of such cosmopolitanism norms across all states, given histories of conflict and the tremendous cultural, ethnic, and religious diversity. To address such complexities, she introduces the mechanism of “democratic iterations” which are “processes whereby cosmopolitan norms and the will of democratic majorities can be reconciled, though never perfectly, through public argumentation and deliberation in acts of normative iterations” (Chapter 4, this volume, p. 83). Such spaces for deliberative public discourse allow for each particular culture or state to utilize human rights frameworks to reshape local institutions so as to respond effectively to the demands of justice within particular social contexts.

Gould (Chapter 3) too forges a political project that aims to interlock universal moral principles with diverse locals. Like Benhabib, she draws upon the UN Declaration of Human Rights and regional conventions, but her focus

is on the conditions necessary for collective self-determination. Here we see an explicit shift from the politics of position one (cosmopolitan republicanism) to the maximal democracy of logic two. Gould writes, “The basic normative argument for this general democratic requirement is that where people are engaged in common activities defined by shared goals, whether in associations, firms, or governments, they have rights to codetermine this activity; that is, to participate with others in determining its course” (Chapter 3, this volume, p. 66). While Benhabib is focused on the reconstruction of the national by way of the universal moral, Gould calls for the democratization not just of the political, but of the economic and social. The key *site* for such an instantiation of justice is not states but cross-(state) border communities. Interestingly, while the plight of immigrants isolated within states figures crucially for Benhabib, Gould draws out the more generative aspects of such cross-border communities to contemplate the formation of new *demoi* as a basis for both self-determination and transnational solidarity.

For Benhabib, the *strategic* political task is to make elites more accountable and political mechanisms more transparent while aiming to foster an interstate system of “cosmopolitan republics.” She states, “Popular sovereignty cannot be regained today by returning to the era of the ‘black box’ of state sovereignty: the formal equality of sovereign states must mean the universalization of human rights across state boundaries; respect for the rule of law and democratic forms of government all over the globe” (Chapter 4, this volume, p. 96). For Benhabib, then, states are critical because they are the institutions that must institute the cosmopolitan norms and protect the most vulnerable. Whereas for Gould, new, transnational, self-determining communities grounded independent of states are the critical actors for the realization of such norms, especially when understood vis-à-vis the rubric of self-determination. Furthermore, and in contrast to Benhabib, Gould argues that the “successful democratization of the global order is not possible by attending only to formal democratic proceduralism within nation-states and proposing the worldwide extension of these procedures. Rather, a broad and deep movement toward democratic participation is required in the various institutions and associations of economic and social life, as well as in politics” (Chapter 3, this volume, p. 65). The debate between the cosmopolitan republicanism of Benhabib and the maximal democracy of Gould evolves in each of the next two parts.

Part II: New Spatial Scales of Democracy

Can Americans ever really take charge of their common community life, given the realities of the modern political economy?

(Chapter 7, this volume, p. 153)

In Parts II and III, contemporary political projects take center stage and the emphasis is on citizen action in specific institutional and political contexts

(rural and urban areas in the global South, regions of the US). In Part II, Baiocchi and Checa, Alperovitz, and George build upon the debates of the first part, especially with respect to the issues of citizenship (Baiocchi and Checa), sovereignty (George), and democracy (all of them), but within very different sociopolitical environments.

Baiocchi and Checa call on researchers to recognize that the urban is not simply the conquered territory of global neoliberalism but a site of popular contest and democratic experimentation. They argue in particular that “national decentralization in [the developing world] has transformed cities and municipal governments into important sites for democratic innovation” (Chapter 6, this volume, p. 147). This means recognizing that even if neoliberalism is dominant or hegemonic, there are many different actors at work in reshaping the global city. In an analysis that spans municipalities on three continents, Baiocchi and Checa examine urban-based democratizing efforts in Mexico, Brazil, and South Africa, and then explore why those in Brazil have been most successful. Their answer is “unfashionable,” given the dominance of civil society aficionados in contemporary global political theory: the strength and vision of political parties.

What gives political parties a privileged significance is their ability to mediate between the structures of the state and social movements. Parties bring assets and knowledge and frequently have disciplined national networks that have the capacity to proliferate best practices. Such mediations were most successful in Brazil with a range of popular democratic practices (most famously “Participatory Budgeting,” see also Chapter 11, this volume) that flourished after the dictatorship ended in the mid-1980s. The PT was crucial for the instigation, cultivation, and protection of these efforts (see also Chapter 9, this volume). Yet, in Mexico and South Africa, Left political parties were far less successful in growing and proliferating such projects even though there was a strong constitutional-legal basis to justify popular participation. For Baiocchi and Checa, the main reasons for these failures were that the ANC was too top-down and *controlling* of civil society actors, and Mexico’s PRD was too *distant* from such local grassroots groups.

Gar Alperovitz (Chapter 7) also considers the implications of state-led decentralization, but in the case of the USA. Although the US economy is usually portrayed as *the* global market and the ultimate economic juggernaut (the rise of the BRICs and recent trends toward a multipolar order notwithstanding), Alperovitz argues that a more detailed analysis reveals that the US system is not a neoliberal monolith but a multiscalar system with varying political and economic dynamics organized into multiple regions. Ironically, though the decline in US manufacturing and the rise of the service sector are usually seen as aspects of the *globalization* of the US economy, Alperovitz shows that in this transformation economic activity became more localized; that is, there has been an increase in the amount of goods and services that are produced and consumed *within* the same locale. Congruent with such economic

regionalization is increased political decentralization which has led to the transfer of more power to the states, especially with respect to environmental regulation, healthcare delivery, and education. This increase in (subnational) state power has led to more cross-state collaborations and there are now more than two hundred interstate compacts in the USA. When considering the analyses of Alperovitz alongside those of Baiocchi and Checa, it would seem wise to put our American exceptionalism aside and recognize that the global trend toward decentralization and regionalism happening here may too expand the possibilities for local democratic experimentation just as it has in Italy, Spain, and the cities studied by Baiocchi and Checa. Alperovitz (quoting Ehrenhalt), goes on to argue that such a regionalization can change the global order: “once [subnational] states and their elected leaders begin thinking of themselves as the actors of first resort on crucial questions—rather than the actors of last resort—the logic of the whole system is in for a change” (Chapter 7, this volume, p. 163). (Noting these dynamics also impacts on how one thinks about Brennan and Ganguly’s analysis of the US state.) So why has there not been more local democratic innovation in the USA? Interestingly, Alperovitz cites the lack of credibility of NGOs as one of the main obstacles to democratic regionalization in the USA. One is also tempted to draw upon the insights of Baiocchi and Checa with respect to the need for responsive political parties.

Globalization is even better known for promoting *interstate* regionalism, and this is the concern of longtime analyst and agitator Susan George and her timely critique of recent attempts by the EU to ratify a constitution.⁴ A national referendum—a classic means for the realization of direct democracy—was the mechanism of choice, and the first two votes (France and the Netherlands) resulted in resounding defeats for neoliberal elites hoping to make the EU a “highly competitive internal market” (Chapter 8, this volume, p. 176). George’s concerns resonate with many of those of Benhabib: is the EU constitutional process transparent? Was the proposed constitution intelligible? Insofar as it was, it seemed to intensify inequality among EU states, promote continued subservience to NATO, and weaken immigrant and labor rights. Furthermore, local and national governments—the best sites for popular participation—would be even more circumscribed in their powers to realize the kind of cosmopolitan norms called for by Benhabib.

A more progressive instance of interstate regionalism might be the Latin American Mercosur. Revitalized with the rise of Left party victories in Ecuador, Venezuela, Argentina, and Bolivia, the Mercosur Trade Agreement combined with the launch of the “Bank of the South” have helped to push out the IMF and the World Bank and establish lending practices that facilitate local development and state-sponsored redistribution schemes that, in turn, have decreased intrastate inequality and increased national autonomy through interstate collaboration. In such a circumstance both Alperovitz’s democratizing intrastate regions and Gould’s transnational “cross-border” alliances

would become more likely because many subnational regions are differentially impacted by ecological, immigration, and trade dynamics and sometimes become more tightly linked to similarly positioned regions across state borders (e.g. the southwestern USA and northern Mexico; the Pacific northwestern USA and British Columbia; and the Andean sections of several South American nations).

Part III: Rethinking Activism and the State

For the authors of Part III, democratic dialogue is not primarily about making demands to the state but about remaking power through the decommodification of everyday life and the reassertion of the social as the ground for politics and economics. This last part of DS most overlaps with the transnational self-determination framework of Gould and the local-regional democracy focus of Alperovitz, both of whom stress the importance of democratizing social and economic institutions, not just the formal-political.

While Shepard, Menser, Benhabib, and George all stress the importance of spaces for “democratic dialogue,” the essays in Part III assign a different functional role to such deliberations. For Benhabib and George, these discursive settings are where the cosmopolitan norms are made concrete and institutions are (or should be) shaped. They are also where the popular holds the powerful accountable. As Benhabib states, “democracy is the process through which the popular sovereign tries to tame state sovereignty by making it responsive, transparent, and accountable to the people” (Chapter 4, this volume, p. 95). For the more maximal democracy approach characteristic of Part III, however, democracy entails self-determination through a mix of subnational practices (especially Shepard in Chapter 12) combined with transnational coalitions (especially Dawson in Chapter 10). Consistent with the trajectory of organizing logic two, social movements are privileged because their relative autonomy from the state (however tenuous) and anticapitalist tendencies enable them to build their own institutions to bring about social and economic justice. The movements and tactics cited are illustrative of this logic: Critical Mass’s remaking of the street, the MST’s land occupation and agroecology settlements, La Via Campesina’s disruption of WTO meetings and program for Food Sovereignty, the road blockades, barter networks, and recuperated factories of the Argentinian movements, the general strike and assemblies of Cochabamba. For these maxD efforts, the deliberative is often paired with a disruptive-combative (rather than electoral) political approach. When such movements are successful, the state is not “tamed,” it is disarticulated (Chapter 11, this volume, p. 252).

So, which politics is more unrealistic? Shepard, Menser, and Dawson are clear that the maxD approach requires disruption of the existing system in order to remake power relations and reassert the authority of the social. This

disruption ranges from playful and small scale (as described by Shepard), to massive subnational mobilizations in Argentina and Bolivia, to the more loose but aggressive transnational network of La Via Campesina. For Benhabib and George, the proper venues are electoral (voting “no”) and deliberative. But large public mobilizations are certainly on the table for George as well as for Brennan and Ganguly. Still, one does not get the sense that the cosmopolitan republican protests or mobilizations are “prefigurative,” as they must be for the essayists in Part III (think especially of the maxD organizing logics of NYC’s community gardens (Chapter 12) and Cochabamba’s Coordinadora (Chapter 11) versus the instrumental hierarchies of electoral campaigns or the structure of the major US antiwar coalition United for Peace and Justice).

Recombining Capabilities and the Next Global Assemblage

So, what does the future hold for the state, the interstate system, and global law, not to mention actual peoples, economies, politics, and ecosystems? Will states be lead actors in implementing solutions to crises emerging with respect to food, water, and energy? A reading of DS suggests four points. First, one must track the changing meaning of the core concepts which justify and define states, especially sovereignty, democracy, citizenship, and rights. Second, globalization’s impact on the state system cannot be discerned by primarily focusing on international and transnational agreements and organizations. Rather, one must track the transformation of the internal structure and logic of states and their relationship with non-state actors—economic, social, religious, and so forth. Indeed, the evolution of public and private, urban and rural, the secular and the religious will crucially impact the possibilities of the interstate system, as will emerging social movements and new subjectivities (revolutionary or reactionary). Put another way, it is the relationship between the two organizing logics that may prove most crucial: will cosmopolitan republicanism, with its focus on states, parties, and law, enter into a productive relationship with the more socially anchored maximal democracy to produce a new global assemblage or must one or the other prevail? Many claim the second may deepen the notion of democracy practiced by liberal democratic states, but such political configurations seem to stand more as obstacles in the current moment. And yes, it is true, the future of the World Social Forum is in doubt, but so is the WTO’s since the collapse of the Doha round.

Perhaps it is best to conclude with Sassen’s recounting of the emergence of the interstate system from the morass of feudal relations dominant between the twelfth and sixteenth century. In Sassen’s analysis the actors that made this new system happen were the French Capetian kings. Over the course of several decades they drew upon elements of the feudal system (mechanisms of taxation and tariffs, bureaucracy, the notion of divine right) to forge a new conception of territory, authority, and rights that enabled the secular state to achieve material and ideological dominance over both Rome and local

aristocrats and nobles. She writes, “it is then out of these self-apotheosized *weak* kings that the origins of the European sovereign territorial state can be traced . . . These initially weak kings’ success in launching a major political innovation could not have been foreseen when they started. This is important to my analysis as it is a condition that recurs and is at work today” (Sassen, 2006, 44–45). As the major hegemon weakens, rivals rise (the BRICs), new pacts are energized (Mercosur), old pacts are stalled (the EU’s inability to ratify a constitution), major institutions remain stagnant or weakened (WTO, UN, NATO), and major problems remain unsolved (the Middle East, global warming). Which “relatively weak” actors are in a position to innovate a new organizing logic capable of restructuring the current global system?

And here we could contemplate the possibilities for each organizing logic discussed above: might the cosmopolitan republicans be able to refound the state through a global normative framework that draws upon the capabilities of all those (maximally) participatory democrats to make the state responsive to the “popular sovereign”? Or perhaps the capabilities developed by the practitioners of maxD might find an ally, or at least wreck a ruling coalition, which allows their organizing logic to assemble a configuration of elements which shatters Schmitt’s *nomos* and brings about self-determination and ecological economics as the interstate system “withers”? Will these new states look more like Venezuela and Bolivia or Myanmar and China? In this multipolar (?) moment, the political imaginary itself is up for grabs.

Reference

Sassen, Saskia. 2006. *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton, NJ: Princeton University Press.

Notes

Introduction: Altered States

- 1 “It is within the state that the father governs his family, the superior governs the convent, and so on” (Foucault, 2007b, 93).

Part I Introduction: Radical Theories of Democracy and Sovereignty

- 1 Carl Schmitt, *The Concept of the Political*, trans. George Schwab (New Brunswick, NJ: Rutgers University Press, 1976 [1932]), 37–39.
- 2 Ibid., 69–71.
- 3 See G.W.F. Hegel, *Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991 [1821]), paras. 231–249 (“The Police”).
- 4 V.I. Lenin, *State and Revolution* (New York: International Publishers, 1932 [1917]), 15–20.
- 5 Karl Marx, “The German Ideology [1847],” in David McLellan (ed.), *Karl Marx: Selected Writings* (Oxford: Oxford University Press, 2000), 185–186.
- 6 Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978 [1922]), vol. 2, 901–904.
- 7 See Hannah Arendt, *On Revolution* (New York: Viking Press, 1963) and *On Violence* (New York: Harcourt Brace & Co., 1970).
- 8 See Walden Bello, *Deglobalization: Ideas for a New World Economy* (London: Zed Books, 2002).
- 9 For a discussion of this point, see Omar Dahbour, “Three Models of Global Community,” in Gillian Brock and Darrel Moellendorf (eds.), *Current Debates in Global Justice* (Dordrecht: Springer, 2005), 201–224.
- 10 See Peter Gowan, *The Global Gamble: Washington’s Faustian Bid for World Dominance* (London: Verso, 1999), for the story of the US’s effort to promote globalization.
- 11 See Danilo Zolo, *Cosmopolis: Prospects for World Government*, trans. David McKie (Cambridge: Polity Press, 1997).
- 12 See Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2004).
- 13 Even Immanuel Kant, in his essay “Perpetual Peace,” one of the founding documents of cosmopolitanism, made this point.

Chapter 1 Crude Wars

- 1 On the relationship of Strauss to the religious turn in the United States, see Klaus Milich, “Fundamentalism Hot and Cold: George W. Bush and the Return of the Sacred,” *Cultural Critique*

- 62 (Fall 2005). Strauss's influence at the University of Chicago resulted in a full-fledged conservative "school" that some see as (in Milich's words) "the shadowy force behind the Bush administration and the Republican party." For the Weimar/US connection, see Shadia B. Drury, *Leo Strauss and the American Right* (New York: St. Martin's, 1997), 4–5.
- 2 Exit polls routinely used in Europe as reliable indicators of election outcomes—showed Kerry to be the clear nationwide victor. Statisticians such as Steven F. Freeman of the University of Pennsylvania concluded that the odds of exit polls in Pennsylvania, Florida, and Ohio differing as greatly as they did from the official voting tallies (without post facto vote tampering) were "250 million to one." Reasonable observers raised other doubts after scrutinizing voting patterns in Ohio. Officially Bush won Ohio by roughly 150,000 votes, whereas the evidence suggests that Kerry won Ohio comfortably: a result that would have given him the presidency. Following initial research into voting irregularities by Greg Palast (BBC), Thom Hartmann (Common Dreams), Bev Harris (Black Box Voting), and others, Representative John Conyers and the Democratic staff of the House Judiciary Committee eventually filed an executive summary as part of its formal challenge of the Ohio electors before Congress. All of the irregularities in the following bare summary of Conyers's substantiated evidence favored Bush: misallocated voting machines, broken voting machines, arbitrary restriction of provisional ballots by the Republican elections commissioner, the rejection of voter registration applications based on paper weight, the utilization of targeted vote challenges in Democratic districts, the refusal to send absentee ballots to those who requested them, documented cases of voter intimidation and misinformation in violation of the Voting Rights Act, the improper purging of voters from the rolls, 93,000 "spoiled" ballots where no vote was cast for president, voting machines in which votes for Kerry registered as votes for Bush, the locking out of public observers from vote tallying citing a potential terrorist threat, counties showing more votes than the population (in one county 19,000 extra votes—all for Bush). These garden-variety illegalities by themselves would have given the election to Kerry. In addition, however, there is the matter of the electronic voting machines. The Diebold and ES&S optical scan voting machines and the Triad systems used in seventeen states (including Florida and Ohio) were designed—and this is scandalous according to widespread standards—by private companies owned by avid Bush supporters. The tallies they produced in the 2002 election were already suspect. Among other things, they catapulted the owner of ES&S (Charles Hagal) into Oklahoma office despite his being 6 percent down in the polls the day before the election. In Ohio, Triad systems operatives were caught on videotape working on voting machines between the election and the recount—a violation of state election law. They admit to having provided "cheat sheets" in local precincts that would allow them to produce the official voting results artificially in a given precinct in order to avoid doing a full state recount.
 - 3 Thomas Frank, *What's the Matter with Kansas? How Conservatives Won the Heart of America* (New York: Metropolitan Books, 2004); Anatol Lieven, "Taking Back America," *London Review of Books*, December 2, 2004:7–9; Tom Mertes, "A Republican Proletariat," *New Left Review* 30 (November/December 2004):37–48.
 - 4 More than forty books on Schmitt have been published since 1980, the majority of them in the last decade (see Tracy B. Strong, "Dimensions of the New Debate around Carl Schmitt," in Carl Schmitt, *The Concept of the Political* [Chicago: University of Chicago Press, 1996], xii). Their appeal notwithstanding, we would like to recall the cautionary note Jürgen Habermas offered twenty years ago about Schmitt's likely rise to prominence in the conservative culture of the United States. See, for example, his "Three Perspectives: Left Hegelians, Right Hegelians, and Nietzsche," in Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick G. Lawrence (1985; reprint, Cambridge, MA: MIT Press, 1995), 51–74.
 - 5 Schmitt, *The Concept of the Political*, 49.
 - 6 It is significant, though, that these material examples of applied technologies are not Agamben's focus when asserting biopolitics, although they are the focus of other current theorists. See, for example, Roberto Esposito, *Bios: Biopolitica e filosofia* (Torino: Biblioteca Einaudi, 2004).
 - 7 Malcolm Bull, "States Don't Really Mind Their Citizens Dying (Provided They Don't All Do It at Once): They Just Don't Like Anyone Else to Kill Them," *London Review of Books*, December 16, 2004:3–6.
 - 8 The most highlighted illegalities of the Bush administration circle around the Iraq war: the impeachable deception needed to launch it, the violation of the Geneva accords to which the United States is a signatory, the torture and assassination employed in the conduct of the war, the jailing of American citizens without due process, the criminalizing of domestic protest and the use of excessive force and illegal incarceration to dissuade further protests, the effective use of gag orders on the press coverage in Iraq (extending to what many claim was intimidation and killing of journalists), and so on. In regard to other illegalities, let one recent example suffice: the

administration's bribery of media commentator Armstrong Williams to support Bush education legislation. In the opinion of Rep. George Miller, a member of the House Education Committee, and Melanie Sloan of Citizens for Responsibility and Ethics in Washington, the payment was almost certainly "illegal propaganda" as defined by Congress. See Greg Toppo, "Education Department Paid Commentator to Promote Law," *USA Today*, January 7, 2005.

- 9 Don Van Natta Jr. and Souad Mekhennet, "German's Claim of Kidnapping Brings Investigation of US Link," *New York Times*, January 9, 2005.
- 10 Martin Puchner, "Guantanamo Bay," *London Review of Books*, December 16, 2004:7.
- 11 *Ibid.*
- 12 Dana Priest, "CIA Prisoner Plane Unmasked," *Minneapolis Star Tribune*, December 27, 2004.
- 13 Puchner, "Guantanamo Bay":7.
- 14 In Max Pensky, *Melancholy Dialectics: Walter Benjamin and the Play of Mourning* (Amherst: University of Massachusetts Press, 1992), 10–11. The actual context of Benjamin's wording is even more unforgiving. Speaking of self-styled radical poets and publicists like Ernst Kästner and Kurt Tucholsky (as well as avant-garde movements like Expressionism and New Objectivity), Benjamin complains that "this [brand of] left-wing radicalism is precisely the attitude to which there is no longer, in general, any corresponding political action. It is not to the left of this or that tendency, but simply to the left of what is in general possible. From the beginning, all it has in mind is to enjoy itself in a negativistic quiet." Walter Benjamin, "Left-Wing Melancholy," in *Selected Writings*, vol. 2 [1927–1934] (Cambridge, MA: Harvard University Press, 1999), 424–425.
- 15 Ernst Bloch, "Can Hope Be Disappointed?," in *Literary Essays* (Stanford: Stanford University Press, 1998), 340. All other quotations from Bloch are taken from this page.

Chapter 2 Sovereign Right and the Global Left

- 1 During the Rethinking Marxism conference, the number of US soldiers killed in Iraq exceeded 2,800. The number reached 3,000 in the first days of 2007. For a striking analysis of self-preservation and self-sacrifice as the "paradox of sovereignty," see Banu Bargu's dissertation (2007).
- 2 On April 19, 1993, US troops used deadly force in Waco, Texas, during the storming of the ranch of the Branch Davidian apocalyptic sect, killing eighty men, women, and children.
- 3 The fact that the Pentagon attack was more plausibly a military target, despite the use of a civilian airplane, perhaps explains its less traumatic impact on the US collective psyche.
- 4 Also, see the postscript to Benedict Anderson's *Under Three Flags* (2005), which considers anarchism in the age of the Internet. Anderson's turn to anarchism is a fitting complement to his landmark study on nationalism, *Imagined Communities* (1991).
- 5 See the provocative account (including close analyses of bin Laden's discourse) in Faisal Devji's *Landscapes of the Jihad* (2005).
- 6 Strange (1996) diagnosed the shift from territorially based empires, the earlier European model, to today's imperial competition for market shares, evident in Japan–Europe–US global competition in the 1980s. Her structural approach identified the authority of nonstate actors (the World Bank, International Monetary Fund, NGOs) as more effective agents in what she calls "governance" of the global economy. See, in contrast, as a continuation of the state versus economy debate, the work of Charles Kindleberger (1978, 1986), who argued that the global economy needed a national "hegemon" to ensure its functioning.
- 7 Zillah Eisenstein shows rare skill in making this navigation.
- 8 For a nature/labor, dual theory of value, see Teresa Brennan (2000).
- 9 Schmitt's early writings have been interpreted as justifying dictatorial sovereign power as the cure for parliamentary indecision. In fact, his insistence on the extralegal power of the sovereign in a state of emergency or exception makes this conclusion plausible, because in these texts he gives no other location of sovereignty but the domestic state. Implied is voluntarism: the domestic leader appears personally to be the source of extralegal power in the constituting act. But Schmitt's postwar concept of the *nomos* positions sovereignty historically and structurally rather than in the personality of the leader. Sovereignty is not only outside domestic legality but inside another juridical space, that of international law, in a way that changes the parameters of the problem significantly.
- 10 The paradigm of the autonomous state is exemplified by the work of Kenneth Waltz in the 1980s. The recent "new sovereignty" debates in the field of international relations have criticized this model, elaborating the necessarily relational nature of sovereignty, which is compromised when national interest warrants it.
- 11 "[T]he word *nomos* is useful for us," he writes, "because it shields perceptions of the current world

- situation from the confusion of legal positivism, in particular . . . dealing with domestic matters of state” (Schmitt, 2003, 69).
- 12 John Bolton’s comments (for example, that the UN’s existence can be justified *only* insofar as this organization furthers US national interests) are disturbing because they admit the truth of power without the fictional façade. The whole conception of “rogue states” presumes the extranational source of sovereign legitimacy. See the excellent article by Noam Chomsky (1998).
 - 13 The same means is now threatened against Iran while Israel’s invasion of Lebanon in July 2006, which destroyed much of the economic infrastructure, is another example of economic punishment as a political weapon. Similarly, the World Bank and International Monetary Fund use economic tools for “disciplining” states through structural readjustment policies that have clear political effects. Criticizing the hypocrisy of liberal theory, Schmitt describes as “astonishingly systematic and consistent” the implicit “polarity of ethics and economics” within the twentieth-century world order (1996, 9)—as if these poles could ever be held apart in the real world. As for what scholars of international relations today call regimes of norms, he would consider them political alliances that function to preserve the international status quo (see 1996, 56; his example of a regime of norms is the League of Nations).
 - 14 Westphalia is significant for Schmitt, but only as a later stage after Europe’s positing of a “comprehensive” global order. The principles of Westphalia apply exclusively within Europe (discussed below).
 - 15 Schmitt elaborates: “the Greek word for the first measure of all subsequent measures, for the first land-appropriation understood as the first partition and classification of space, for the primeval division and distribution, is *nomos*” (2003, 67). The active aspect of the act of land appropriation connects *nomos* linguistically to “nomad.” The right (*Recht, droit, derecho*) to order the world in a certain way is the claim of sovereign power that embodies and enacts legitimacy, preceding and “nourishing” the laws that follow it. This is the *nomos*, and it has a sacred character. “In the beginning was the fence,” writes Schmitt, citing Hans Niedermeyer and other scholars of Aristotle’s use of the word *nomos*. “The enclosure gave birth to the shrine by removing it from the ordinary, placing it under its own laws, and entrusting it to the divine” (2003, 74). The ordering power of the *nomos* is captured in the German word *Gesetz*, which, Schmitt notes, marks the distinction of divinely given law from human laws in the Lutheran Bible (2003, 81,70n). The anthropomorphic equation of *nomos* with the sovereign as a person (“king, ruler, despot, and tyrant”) is in this late text by Schmitt one *possible* meaning of sovereignty, which can also be understood as a “singular act,” a “constitutive distribution,” or house, fence, and enclosure (2003, 72–74). Note that the language of the “state of exception” is absent from his discussion, in which the economic aspect of land appropriation is crucial.
 - 16 Schmitt writes, “Lines were drawn to divide and distribute the whole earth . . . during the first stage of the new planetary consciousness of space . . . in terms of surface areas” (2003, 86). Earlier he says that “the traditional Eurocentric order . . . arose from a legendary and unforeseen discovery of a new world, from an unrepeatable historical event. Only in fantastic parallels can one imagine a modern recurrence, such as men on their way to the moon discovering a new and hitherto unknown planet” (2003, 39).
 - 17 Papal authority, binding on the entire community of Christendom, did not prevent subsequent wars of colonial rivalry; it legitimated their consequences. Note that planetary claims, which followed upon knowledge that the earth is round, in no way implied that other powers on this earth recognized Christian universal presumptions as legitimate.
 - 18 In Schmitt’s view, “From the standpoint of the discovered, discovery as such was never legal. Neither Columbus nor any other discoverer appeared with an entry visa issued by the discovered princes. Discoveries were made without prior permission of the discovered. Thus, legal title to discoveries lay in a higher legitimacy. They could be made only by peoples intellectually and historically advanced enough to apprehend the discovered by superior knowledge and consciousness” (2003, 132). Proof of cultural superiority was the science that made discovery of the Americas possible (“Indians lacked the scientific power of Christian-European rationality” [2003, 132]) and this idea, which outlasted the Enlightenment’s critique of papal authority, led ultimately to the biological racism that characterized Western imperialism in the nineteenth and twentieth centuries. Hence the cultural rationalizations for sovereign legitimacy might change (i.e., the hegemonic discourses), but the European right (*nomos*) to appropriate land remained constant. Schmitt’s account avoids the tendency of Foucauldian approaches to slide into the history of ideas.
 - 19 Detheologization established “states” as sovereign, rather than crowns, or the Emperor, or Pope. Jean Bodin was the leading theorist of this transformation (Schmitt, 2003, 126–127).
 - 20 The French occupying force was considered a doubling of sovereignty, a historical innovation that

- became sedimented within international law, and that is now cited as legal precedent for the US occupation of Iraq.
- 21 Within Europe, the monopolization of sovereign power by the territorial state that dethologized European conflicts after the seventeenth century, thereby limiting their destructiveness and binding them by international law, was “nothing short of a miracle . . . a marvelous product of human reason” (Schmitt, 2003, 151), creating a “completely different type of spatial order” (2003, 127). But this process of secularization did surprisingly little to change the global order that legitimated the appropriation and possession of non-European land. The terms used in international law did change as the papal awards to Spain and Portugal were superseded, and the historically grounded idea of “discovery” as the source of legitimacy was replaced by the spatial concept of “occupied territory,” but this signaled little more than an “unfortunate” forgetting of the pan-European origins of the global expansionary project (2003, 126–133).
 - 22 Schmitt considers this variant on the European *nomos*, which he calls the American principle of *Grossraum* (great space), the precedent for the Nazi expansionary policy that envisioned the German Reich’s regional control of continental Europe by expansion eastward.
 - 23 See, however, Schmitt’s discussion of the economy in “Three Concluding Corollaries,” appended to the English translation of *The Nomos of the Earth* (2003, 333ff., where he addresses Marx specifically).
 - 24 Schmitt is insistent on this: “We must take heed that the word not lose sight of its connection to a historical process—to a constitutive act of spatial ordering” (2003, 71). In that sense, to argue that Schmitt is describing the essence, or *ur-form*, or ontological first principle of sovereignty, is incorrect (although this error can easily be deduced from reading Schmitt through Agamben).
 - 25 Quoting Malthus, Tellman argues, “The mob, which stormed the political stage, full of needs and ‘real suffering,’ has been comprised of a ‘redundant population,’ Malthus alerts his readers. It was this part of the population, which stood outside of the proper circles of self-reproducing order, that brought beings to ‘nature’s table’ when it is already full: a remainder of failed order and reproduction, a piece not fitting, like the ‘rabble’ in Hegel’s civil society, ‘from where the evil emerges.’ The fears attach to those bodily disorders of the whole, ‘for a careful distinction should always be made, between a redundant population and a population actually great’” (Tellman, 2006, 68).
 - 26 This is a central point in Tellman’s work, accounting for the subtitle *Malthus and Keynes as Political Philosophers*. She has since suggested to me that the self-regulating economy promised to be the “*nomos* of the social body,” founding an order of society, a “*nomos* of the *oikos*” that would limit and guide the exercise of the political imagination away from the illusory excesses of the French revolution (Tellman, personal correspondence).
 - 27 In chapter 26 of the first volume of *Capital*, Marx goes behind Adam Smith to explain original or “primitive” accumulation. He describes the process as the prehistoric stage of the capitalist mode of production, using the metaphor of “original sin,” speaking of “force,” of the enclosure movement that “robbed” peasants of their land and forced them to enter the so-called free labor market (after the abolition of serfdom in England had long been effected). The enclosure acts amounted to a “parliamentary coup d’état.” In fact, the politically enabled, profit-motivated appropriation of land (agrarian capitalism) had been practiced in the colonies since the early seventeenth century, and brought home to England by the end of that century (see McNally, 1993).
 - 28 In fact, the exclusively political nature of the Wilsonian world order was evident from the start. His universalism relied precisely on the separation of the economic and political in its formulation of the principle of sovereign legitimation. He could not understand the Bolshevik Revolution because it did not fit the political revolutionary model. (See Buck-Morss, 2000, 15–23, hypertext.)
 - 29 This periodization converges in significant ways with that of Enrique Dussel (2000).
 - 30 It is symptomatic that the 1990s saw a growing cynicism regarding the Wilsonian-initiated, US principle that “all are sovereign.” Krasner’s study of *Sovereignty*, subtitled *Organized Hypocrisy*, is indicative. Krasner stresses that states have needed “to concede autonomy to secure international legal sovereignty” (1999, 224).
 - 31 I thank Yahya Madra for his trenchant comment on this point: “Just as the crises of capitalism (over-accumulation/falling rate of profit/etc.) are permanent and require continual imperialist violence (the political constitution of global economy) towards (domestic or overseas) outsiders of capitalism, the crisis of sovereignty is also a permanent crisis, and the *nomos* continually needs to be maintained/reproduced through violent acts that suspend the rule of law (*nomoi*). In this sense, the overarching *nomos* is indeed *in* history for it also needs to be, just like the unquestionable rule

of capitalist appropriation of surplus labor, reproduced and maintained by acts of violence that suspend the very *nomoi* that it constitutes" (personal correspondence).

Chapter 3 Envisioning Transnational Democracy: Cross-border Communities and Regional Human Rights Frameworks

- 1 Originally presented at the conference Another State is Possible: Activism, Global Justice, and Radical Democracy, CUNY Graduate Center, May 4, 2006; and in revised versions at Villanova University, Villanova, PA, April 1, 2008; Flinders University, Adelaide, Australia, June 17, 2008; and the Center for Applied Philosophy and Public Ethics, Australian National University, Canberra, June 20, 2008. I would like to thank Omar Dahbour, Sally Scholz, Anthony Langlois, Tom Campbell, Pablo Gilabert, and the other participants in those sessions, as well as Michael Menser, Francis Raven, and Michael Gould-Wartofsky for helpful comments and suggestions in the preparation and revision of this essay.
- 2 Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), esp. ch. 3.
- 3 Jane Mansbridge, "On the Idea that Participation Makes Better Citizens," in Stephen L. Elkin and Karol E. Soltan (eds.), *Citizen Competence and Democratic Institutions* (University Park: Pennsylvania State University Press, 1999), 291–325.
- 4 John Gastil, E. Pierre Deess, and Phil Weiser, "Civic Awakening in the Jury Room: A Test of the Connection between Jury Deliberation and Political Participation," *Journal of Politics* 64, 2 (2002):585–595; Robert Luskin and James Fishkin, "Deliberation and Better Citizens," <<http://cdd.stanford.edu/research/papers/2002/bettercitizens.pdf>>; Donald D. Searing, Frederick Solt, Pamela Johnston Conover, and Ivor Crewe, "Public Discussion in the Deliberative System: Does It Make Better Citizens?," *British Journal of Political Science* 37 (2007):587–618.
- 5 David Held, *Democracy and the Global Order* (Cambridge: Polity Press, 1995); Richard Falk and Andrew Strauss, "On the Creation of a Global People's Assembly: Legitimacy and the Power of Popular Sovereignty," *Stanford Journal of International Law* 36, 2 (2000):191–219.
- 6 Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002).
- 7 <<http://www.hri.org/docs/ECHR50.html>>.
- 8 <http://www.hrcr.org/docs/American_Convention/oashr.html>.
- 9 <<http://www1.umn.edu/humanrts/instree/z1afchar.htm>>.
- 10 Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," *International Organization* 54, 2 (Spring, 2000): 217–252.
- 11 Carol C. Gould, "Women's Human Rights as Equality through Difference," in Katherine Semler (ed.), *Gender Identity in Globalized Society* (Amherst, MA: Humanity/Prometheus Books, forthcoming).
- 12 This conception is elaborated at length in my "Transnational Solidarities," Special Issue on Solidarity, ed. Carol C. Gould and Sally Scholz, *Journal of Social Philosophy* 38, 1 (Spring, 2007):148–164.
- 13 For a helpful discussion of proposals for global taxation, see Gillian Brock, "Taxation and Global Justice: Closing the Gap between Theory and Practice," *Journal of Social Philosophy* 39, 2 (2008):161–184.
- 14 Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge: Cambridge University Press, 2004), esp. ch. 2; and "Women's Human Rights as Equality through Difference."
- 15 Beth Simone Noveck, "Designing Deliberative Democracy in Cyberspace: The Role of the Cyber-Lawyer," *Journal of Science and Technology Law* 9 (Winter, 2003), available at SSRN: <<http://ssrn.com/abstract=432120>>; Ben Edelman, *Software Specification for Online Deliberation and Discourse: Draft*, Berkman Center Open Governance Project, <<http://cyber.law.harvard.edu/projects/deliberation/tech/>>.
- 16 Arthur R. Edwards, "The Moderator as an Emerging Democratic Intermediary: The Role of the Moderator in Internet Discussions about Public Issues," *Information Policy* 7 (2002):3–20.
- 17 See also Carol C. Gould, "Structuring Global Democracy: Political Communities, Universal Human Rights, and Transnational Representation," in Joakim Nergelius (ed.), *Democracy in a Globalized World* (Oxford: Hart, forthcoming).
- 18 For several of these proposals, see Michael Saward, "A Critique of Held," in B. Holden (ed.), *Global Democracy: Key Debates* (London: Routledge, 2000), 32–46.

Chapter 4 Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times

- 1 The most prominent of these are: the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.
- 2 For a more extensive treatment of Arendt's concept, see Benhabib (2004b, ch. 2), Benhabib (2004a), and Brunkhorst (1999, 52–84).
- 3 The genesis of cosmopolitan norms goes back to the experiences of the two world wars, European colonialism and anti-colonial struggles, the Armenian genocide in the late stages of the Ottoman Empire, and the Holocaust. It is wrong to confuse "*lex mercatoria*," which is also global law, with the development of cosmopolitan human rights norms. For an account of the development of international law, see Koskenniemi (2002). See also the accounts of trials against members of the "Union and Progress Party" in the Ottoman Empire, who were responsible for the Armenian genocide (Akcam, 1996); for the Nuremberg trials, compare Marrus (1997); and for Ralph Lemkin and his efforts to pass the Genocide Convention, compare Power (2003). See also Brunkhorst's (2002) impassioned defense of "strong human rights."
- 4 For a masterful account, which is also a sustained critique of Schmitt, see Koskenniemi (2002, 98–179). Compare the statement of the Belgian legal historian Ernest Nys: "A state uses the territories that constitute its private domain as it wishes; it sells them, it rents them out, it attaches such conditions to the concessions it grants as it sees warranted . . . in none of this does it owe an explanation to other States." From "L'Etat Independent du Congo et les Dispositions de l'Acte Generale," quoted in Koskenniemi (2002, 161).
- 5 Schmitt's eulogy to the "*Jus Publicum Europaeum*" (the public law of Europe) emphasizes that this system "neutralizes" war by moving away from the medieval notion of "just war." In this transformation the enemy is no longer viewed as "inimicus" but a "*justi hostes*" (categories which also return in Schmitt's concept of the "political"). This "neutralized" concept of war is also called "the non-discriminatory concept of war" (*der nicht-diskriminierende Kriegsbegriff*). "All inter-state wars upon European soil, which are carried out through the militarily organized armies of states recognized by European law of nations (*Voelkerrecht*), are just in the sense of the European law of nations of this inter-statal period" (Schmitt, 1997, 115). Schmitt here conflates "justice" and "legality," not out of some logical error, but because he rejects all normative standards in judging wars.
- 6 Burke, cited in Arendt (1951, 183). See also Hannah Arendt's (1951, 132) powerful treatment: "The only grandeur of imperialism lies in the nation's losing battle against it."
- 7 Particularly interesting is the collusion between the economic interests of patent holders, such as big pharmaceuticals Merck, Pfizer, and Roche, which in 2001 asked the WTO to investigate Brazil which had permitted the domestic production of generic drugs via copying patented medicines. Brazil defended itself by pointing out that the AIDS epidemic had taken 150,000 lives since 1981 and that with preventive measures annual infections could be reduced to fewer than 5,000. This case, entailing a clear human rights claim to health and public protection from epidemic disease, in turn led to a major renegotiation of the terms of TRIPS (Trade Related Intellectual Property Rights) and to further negotiations between WHO and WTO about the preventive and non-commercial use of patented drugs, and led all the way to a resolution of the UN Commission on Human Rights in 2003, reiterated in 2005, protecting the preventive use of generic drugs whenever possible to help combat the spread of disease and epidemics. See Resolution 2003/47 of the United Nations Human Rights Commission (E/CN.4/RES/2003/47) retrievable through: <<http://data.unaids.org/Media/Information-No>>. At the Doha meetings in 2002, a declaration on the TRIPS agreement and public health was issued, which affirmed the safeguards provided in TRIPS with regards to rights of states to issue such measures as compulsory licensing to cope with health crises in their respective countries. Company representatives in general preferred methods of differential pricing but accepted that they must accept the decision of states to deal with their own health problems. Since the Doha round in 2002, however, trends have apparently gone in the direction of bilateral rather than multilateral agreements. See the publication "*Intellectual Property Rights, Results of a Stakeholder Dialogue between the World Business Council for Sustainable Development and the Wissenschaftszentrum Berlin fuer Sozialforschung* (reprint April 2004). Contact: <wbcsd@earthprint.com>.
- 8 Although first translated into English in 2001, the Italian version of *Empire* was written in the

period between the Persian Gulf War of 1991 and the Yugoslav Civil War of 1994. Its view of US power is more benevolent than the subsequent work by Michael Hardt and Antonio Negri (2004), *Multitude: War and Democracy in the Age of Empire*.

- 9 The last chapter of Hardt and Negri's *Multitude* is titled "May the Force Be with You." On carnival, compare: "The various forms of carnival and mimicry that are so common today at globalization protests might be considered another form of weaponry. Simply having millions of people in the streets for a demonstration is a kind of weapon, as is also, in a rather different way, the pressure of illegal migrations . . . A one-week global biopolitical strike would block any war" (Hardt & Negri, 2004, 347).
- 10 Just as in Michel Foucault's theory of power, the subjects of power are interpellated by it; in other words, constituted in part through the network of power rather than preceding it, in Hardt and Negri's analysis as well, states and other world institutions disappear as agents and sites of resistance that have prior constitution. I disagree with this theory of power. One can stipulate the existence of very distinct and structured institutions and patterns of resistance to power without presupposing a metaphysical primordially of either the state or of the subject. The reach of empire is neither as ubiquitous nor as omniscient as Hardt and Negri would like us to think.
- 11 See Held (2004), Kuper (2004), Slaughter (2004). There is something all too cheery and optimistic in these proposals which downplay the danger of dissociating constitutionalism from democracy and from citizens' will and reason by transferring it to an expertocracy, even as goodwill an expertocracy as the judges and practitioners of international law.
- 12 Global civil society, as defended here, should not be confused with the appeal to voluntarism and private associations, so characteristic of the neoliberals, who aim at curtailing state power. I endorse the public provision of public goods in a system of nested interdependencies of public authorities. Global civil society is a space of global civic activism and the counterpart to the model of "republican federalism" which I develop below.
- 13 Since I have introduced the concept of "democratic iterations" (Benhabib, 2004b, ch. 5), I have been asked to clarify (1) the relationship between practical discourses of justification and democratic iterations and (2) whether democratic iterations can also be regressive and non-meaning enhancing. Democratic iterations are processes of *legitimation* and not *justification*. They stand in the same relationship to normative discourses of justification as theories of democracy stand to John Rawls's *Theory of Justice* (1971); that is, the former are concerned with legitimacy, the latter with justice; second, yes, "jurispathic" democratic iterations, which block the enhancement of meaning and the augmentation of rights claims, are possible. See Benhabib (2006).
- 14 For the concept of the "jurisgenerative," see Cover (1983).
- 15 See Jürgen Habermas's (1989) early formulation, "Ist der Herzschlag der Revolution zum Stillstand gekommen?"
- 16 On the idea of a threshold of justification, see Benhabib (2004b, 15–21).

Part II Introduction: New Spatial Scales of Democracy

- 1 *Ecologist, Blueprint for Survival* (January 1972), <<http://www.theecologist.info/key27.html>> (accessed December 7, 2007).
- 2 For a discussion of the millenarian ideology of progress in Western culture, see Adrian Atkinson, "Cities after Oil: Background to the Collapse of 'Modern' Civilization," *City* 11, 3 (December 2007):293–304.
- 3 Energy Information Association, *International Energy Outlook 2000*, <<http://www.eia.doe.gov/oiarf/archive/ieo00/index.html>> (accessed December 6, 2007).
- 4 Daphne Wysham, "A Carbon Rush at the World Bank," *May* 4, 2007, <<http://www.solidarityconomy.net>> (accessed October 4, 2008).
- 5 Neil Smith, "Homeless/Global: Scaling Places," in Jon Bird (ed.), *Mapping the Futures: Local Cultures, Global Change* (New York: Routledge, 1993), 96–114.
- 6 David Harvey, *The New Imperialism* (New York: Oxford University Press, 2003).
- 7 The list of prominent leftists who accepted this Wall Street line is too long to discuss in detail here, but must include such prominent works as Arjun Appadurai's *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota Press, 1996), Manuel Castells' *The Rise of the Network Society* (Cambridge, MA: Blackwell, 1996), and Michael Hardt and Antonio Negri's *Empire* (Cambridge, MA: Harvard University Press, 2000).
- 8 Saskia Sassen was the primary protagonist of global city discourse. See her *The Global City: New York, London, Tokyo* (Princeton, NJ: Princeton University Press, 1991).
- 9 For a highly apocalyptic discussion of mega-cities that underlines their potential political volatility, see Mike Davis, *Planet of Slums* (New York: Verso, 2006).

- 10 On segmented space in Africa, see James Ferguson, *Global Shadows: Africa in the Neoliberal World Order* (Durham, NC: Duke University Press, 2006), 25–49.
- 11 Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan, 2007).
- 12 On the state of exception, see Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005).
- 13 For a powerful history of the “IMF riots,” see John Walton and David Seddon, *Free Markets and Food Riots: The Global Politics of Structural Adjustment* (New York: Wiley-Blackwell, 1994).
- 14 John Bellamy Foster, *Ecology against Capitalism* (New York: Monthly Review, 2002), 10.
- 15 For a definitive debunking of the climate change denial industry, see George Monbiot, *Heat: How to Stop the Planet Burning* (London: Allen Lane, 2006).

Chapter 5 Activism and Radical Democracy in New Mexico’s Nuclear Ecology: Scale and Participation in Citizen Action

- 1 Cannon Air Force Base website: <<http://www.cannon.af.mil/>> (accessed October 27, 2007).
- 2 The particular terminology used to refer to the Spanish-speaking or Spanish-descended residents of New Mexico is still a hotly contested issue. Many refer to themselves purely and simply as Spanish and emphasize an unbroken line of descent since the colonization of the area by Spain. Some use the more nationally accepted terms Hispanic or Latino, but these are also out of favor among a number of New Mexicans. A unique local term used by many and which describes the geographical and historical specificities of this part of the population is “Neuvmexicano.”
- 3 Clinton L. Rossiter, *Constitutional Dictatorship* (Princeton, NJ: Princeton University Press, 1948), 13.
- 4 See Valerie Kuletz, *The Tainted Desert: Environmental and Social Ruin in the American West* (New York: Routledge, 1998). Also exemplary in this regard is Joseph Masco’s *The Nuclear Borderlands: The Manhattan Project in Post-Cold War New Mexico* (Princeton, NJ: Princeton University Press, 2006).
- 5 Marjorie Bell Chambers, *The Battle for Civil Rights or How Los Alamos Became a County*, Monograph 3 in the ‘Los Alamos Story’ Series (Los Alamos: Los Alamos Historical Society, 1999).
- 6 The propagandistic film *The Town that Never Was*, shown at the Bradbury Science Museum in Los Alamos, makes much of the selfless and patriotic offerings of these Pueblo communities.
- 7 An excellent and informative video of Ed, including a tour of the “Black Hole,” is available on YouTube at: <<http://www.youtube.com/watch?v=gZfcjsWEtl0>> (accessed October 28, 2007).

Chapter 6 Cities as New Spaces for Citizenship Claims: Globalization, Urban Politics, and Civil Society in Brazil, Mexico, and South Africa in the 1990s

- 1 Different theorists refer to decentralization differently, emphasizing different aspects such as deconcentration, delegation, devolution, and privatization (World Bank, 2000; Johnson, 2001; Smoke, 2001; Rondinelli et al., 1984). Here we refer to decentralization in its broadest terms, the transfer of responsibilities and functions to lower levels of government.
- 2 The World Bank’s World Development Report 1999/2000 devotes an entire chapter to decentralization, and Bank-funded projects support decentralization in a variety of ways, such as emphasizing it in its country assistance strategies (Litvack et al., 1998).
- 3 While this type of evidence does not allow us to make more systematic comparisons, in part due to the uneven coverage of cases, it does allow us to make inferences and test those inferences against units within our national cases.
- 4 The six metropolitan councils now administer approximately 32 percent of South Africa’s population (Wittenberg, 2006).
- 5 The subnational governments also do not have the freedom to hire/fire/set terms of employment of local government employees (Shah and Thompson, 2004).
- 6 The formula is composed of shares of education, health, social security, population, infrastructure backlog, and economic output, as well as a fraction that is equally split among all provinces. The allocation formulas, though, according to Wittenberg (2006), have been changed many times over the past few years.
- 7 Formal and informal traders, trade union representatives, bus and taxi operators, council members, elected members, and other members of the community were all part of the District Working Group.
- 8 According to Wittenberg (2006), apartheid itself may be seen as a special kind of decentralization where the government is not accountable to the majority of the population. The way to undo that system thus had to be centralist.

- 9 SANCO, for example, according to Heller and Ntlokonkulu (2001) seems to have chosen the path of personally influencing government and ANC officials rather than focusing on public action and protest.
- 10 While the base of the PRD consists of activists who were/are part of different social movements, the top brass comprises many previous PRI politicians with more political and legislative experience.
- 11 For a detailed review of the history of the PT, see chs. 1 and 11 in Baiocchi (2003).
- 12 There is a very extensive literature on the social movements of the 1970s and 1980s in Brazil, which is impossible to review here, but see Viola and Mainwaring (1987).

Chapter 7 American Democracy: From Continental Empire to Pluralist Commonwealth

- 1 For a detailed survey of many of the policies discussed in this chapter, see Thad Williamson, David Imbroscio, and Gar Alperovitz, *Making a Place for Community: Local Democracy in a Global Era* (New York: Routledge, 2003). For an earlier exploration of related themes see Gar Alperovitz and Jeffrey Faux, *Rebuilding America: A Blueprint for the New Economy* (New York: Pantheon, 1984).
- 2 For historical data see Bureau of Labor Statistics, “National Employment, Hours, and Earnings,” Public Data Query, <www.bls.gov/data/home.htm> (accessed 06/11/03). For projection to 2045, see Bureau of Economic Analysis, “Regional Projections to 2045: Volume 1, States,” July 1995, <www.beadata.bea.doc.gov/bea/ar/prj2046.htm> (accessed 06/01/98). For 5 to 7 percent projection, see Peter F. Drucker, Interview, “The Future Manufacturing,” *Industry Week* 247, 17 (September 21, 1998):97. See also Richard B. Freeman, “The World of Work in the New Millennium,” in Richard N. Cooper and Richard Layard (eds.), *What the Future Holds* (Cambridge, MA: MIT Press, 2002), 167.
- 3 For service share exports see US Census Bureau, *Statistical Abstract of the United States: 2002* (Washington, DC: US Government Printing Office, 2003), tables 663, 1277, and pp. 419, 793. For a discussion of service-sector stability, see Andrew J. Filardo, “Cyclical Implications of the Declining Manufacturing Employment Share,” *Federal Reserve Bank of Kansas City Economic Review* 82, 2 (1997):63–88. See also Todd M. Godbout, “Employment Change and Sectoral Distribution in 10 Countries, 1970–1990,” *Monthly Labor Review* 116, 10 (October 1993):3–21, esp. 10. The growth of the (lower-wage) service sector is one of the key factors producing greater inequality—and demanding new strategies of the kind explored throughout this book.
- 4 Thomas Michael Power, *Lost Landscapes and Failed Economies* (Washington, DC: Island Press, 1996), 37.
- 5 *Ibid.*, 49. This is a minimum estimate for smaller cities (e.g., 200,000), which for obvious reasons have less internal trade than larger cities. For cities of over 1 million, the proportion of “locally oriented economic activity” increased at an annual rate of 0.7 percent from 1969 to 1989—and at a rate of over 0.8 percent from 1979 to 1989. “Locally oriented manufacturing’s share increased at a rate of almost 2 percent per year during the same period” (*ibid.*).
- 6 Paul R. Krugman, *Pop Internationalism* (Cambridge, MA: MIT Press, 1996), 211.
- 7 Jason White, “States Mine for Gray Gold,” *Stateline.org*, September 12, 2002, <www.stateline.org/story.do?storyId=259278> (accessed 11/25/02); Genaro C. Armas, “Luring Retirees Becomes Lucrative Business for States,” *Associated Press*, December 26, 2006, via *Lexus Nexus*; “Hopkins County Hoping to Lure Retirees to the Area,” *Associated Press*, January 22, 2001, via *Lexus Nexus*; Penelope Lemov, “Welcome to Eldertown,” *Governing* (October 1996), <www.governing.com/archive/1996/oct/elderly.txt> (accessed 11/25/02); and Grant Smith, “Senior Migration Means Revenue, Study Says,” *Arizona Capitol Times*, August 23, 2002, <www.twaconsulting.com/PDFs/~REV%20AZ%20CAPITOL%20TIMES.pdf> (accessed 06/11/03).
- 8 National Institute of Governmental Purchasing, *NIGP 1998 Preference Report* (Herndon, VA: NIGP, 1998).
- 9 Christopher Walker and Mark Weinheimer, “Community Development in the 1990s” (Washington, DC: The Urban Institute, September 1998), 90–93. The survey gave eleven of the twenty-three cities examined a 4 or 5 on a 5-point scale on the question, “Do public agency funding and policy decisions give CDCs a central role in the delivery of government programs in low-income neighborhoods?” An additional four cities had shown significant improvement in this area in the period examined (but had not reached a 4 or 5 on the scale).
- 10 “Local to Local Buying Programs Aid Rural Economies,” *Economic Development Digest* 4, 11 (1995):6.
- 11 According to the GAO <www.goa.gov/archive/1995/pe95013.pdf>, at least twenty-nine states had

some kind of Economically Targeted Investment (ETI) program in 1992. See also Isamu Watson, *Investment Intermediaries: Model State Programs* (Washington, DC: Center of Policy Alternatives, June 1995), 2. Quite separately, a 2001 study of forty state and local pension investment systems found that 27 percent had ETI plans or included “collateral benefits” when considering investment decisions. Nicholas Greifer, “Pension Investment Policies: The State of the Art,” *Governance Finance Review* (February 2002), <www.sso.org/nasra/pension2.pdf> (accessed 05/09/02), 4. The Landmark Growth Fund, which supports employee-owned firms or firms with strong employee participation in management, and the Pittsburgh Regional Heartland Fund both draw on pension fund investments. For more information see the Heartland Network, <www.heartlandnetwork.org>.

- 12 The study was based on cities of 25,000 or larger and does not include costs for smaller towns. For a discussion, see Williamson, Imbroscio, and Alperovitz, *Making a Place for Community*, 12.
- 13 Small Business Administration, “HUBZone ‘Historically Underutilized Business Zone,’” <www.sba.gov/hubzone/> (accessed 11/01/02).
- 14 US Department of Labor, Employment, and Training Administration, “Fact Sheet: Trade Adjustment Assistant,” <www.dela.gov/programs/factsht/taa.htm> (accessed 04/16/03). Benefits have been recently increased. See n. 148.
- 15 North American Development Bank, “US Community Adjustment Investment Program,” <www.nadbank-caip.org> (accessed 11/01/02).
- 16 Department of Housing and Urban Development, “Fiscal Year 2004 Budget Summary,” <www.hud.gov/about/budget/fy04/budgetsummary.pdf> (accessed 09/29/02).
- 17 The administration requested no new direct expenditures for these programs in 2003. See n. 144. Tax expenditures were expected to exceed \$1.2 billion in fiscal 2004. *Analytical Perspectives, Budget of the United States 2004* (Washington, DC: Government Printing Office, 2003), 108, <w3.access.gpo.gov/usbudget/fy2004/pdf/spec.pdf> (accessed 09/19/03).
- 18 The legislation originally made \$15 billion in tax credits available; see Rapoza Associates, “New Markets Tax Credit Fact Sheet,” <www.rapoza.org/focus/factsheet2.pdf> (accessed 11/01/02). The Bush administration’s 2002 budget estimated tax expenditures (2004 to 2008) at \$760 million for corporations and \$2.3 billion for individuals. *Analytical Perspectives, Budget of the United States 2004* (Washington, DC: Government Printing Office, 2002), 107, <w3.access.gpo.gov/usbudget/fy2004/pdf/spec.pdf> (accessed 10/06/03). For two different perspectives on the developmental trajectory of federal programs and their possibilities, see Alice O’Connor, “Swimming against the Tide: A Brief History of Federal Policy in Poor Communities,” and the reply by Joseph McNeely, in Ronald F. Ferguson and William T. Dickens (eds.), *Urban Problems and Community Development* (Washington, DC: Brookings Institution Press, 1999), 77–138.
- 19 Lenore Sek, “Trade Promotion Authority (Fast-Track Authority for Trade Agreements): Background and Developments in the 107th Congress,” *Congressional Research Service Issue Brief*, January 14, 2003, <fpc.state.gov/documents/organization/16806.pdf> (accessed 04/16/03), and Peter Beinart, “The Next NAFTA,” *New Republic*, December 15, 1997:4.
- 20 Joseph Kahn, “Wheeling, Dealing, and Making Side Deals—Vow to Scrap Laine Textile Deals Wins Vote on Bush Trade Powers,” *New York Times*, December 8, 2001:C1.
- 21 In addition, the Bush administration agreed to extend Trade Adjustment Assistance support to workers in firms supplying businesses disrupted by trade, to add six months to coverage, and to pay 65 percent of transitional health insurance for workers who lose jobs due to trade. A sign of related, growing concern: at the time of writing, at least twenty-eight states were considering legislation to limit the “outsourcing” of jobs (see ALICE, <www.highroadnow.org>). In a highly unusual reversal the Bush administration rescinded the steel tariffs in December 2003 for complex reasons that included anger at high process in Michigan and other politically important steel-using states, growing foreign (particularly Chinese) demand, and threats of retaliation by the European Union. Mike Allen, “President to Drop Tariffs on Steel, Bush Seeks to Avoid a Trade War and its Political Fallout,” *Washington Post*, December 1, 2003:A1.
- 22 See n. 149. Juliet Eilperin and Helen Dewar, “Accord Reached on Trade Authority; President Would Gain Power to Cut Deals,” *Washington Post*, July 26, 2002:A1; Elizabeth Becker and Edmund L. Andrews, “Performing Free Trade Juggling Act, Offstage,” *New York Times*, February 8, 2003:C1; and Leon Hadar, “Bush’s Incomplete Victory on Trade,” *Business Times Singapore*, August 7, 2002, via Lexus Nexus.
- 23 In particular Eisinger found that a large number of innovative policy tools designed to support economic development have emerged which complement—and in some areas even supplant—more traditional locational incentives to attract business. He also found that “Increasing numbers and a growing use of economic development tools . . . designed to distribute forms to particular

- locales within a state,” including, “site-development programs, financial assistance to firms in distressed areas, tax-increment financing, and state enterprise zones.” Peter K. Eisinger, *The Rise of the Entrepreneurial State* (Madison: University of Wisconsin Press, 1998), 3, 173. Subsequent work by Susan Clarke and Gary Gaile confirmed that the trends continued into the 1990s. Utilization of what they term “third-wave” economic development strategies by localities in 1996 was significantly higher than in 1980. For example, over 70 percent of cities surveyed worked with or through local development corporations (compared to 38 percent before 1980), 64 percent used enterprise zones, and 56 percent had some form of equity participation program; one-third used equity pools and venture capital funds—and 75 percent using these tools had only begun doing so since 1989. Susan E. Clarke and Gary Gaile, *The Work of Cities* (Minneapolis: University of Minnesota Press, 1998), 81, 84.
- 24 John Gardner, “National Renewal,” speech delivered to the National Conference on Governance (NCG) in November 1994, <www.ncl.org/anr/speeches/gardner.html> (accessed 12/02/02); G. Thomas Kingsley, Joseph B. McNeely, and James O. Gibson, *Community Building Coming of Age* (Washington, DC: The Development Training Institute and The Urban Institute, 1997); and Carmen Sirianni and Lewis Friedland, *Civic Innovation in America* (Berkeley: University of California Press, 2001), 1. Among many other studies, see also Harry C. Boyte and Nancy N. Kari, *Building America: The Democratic Promise of Public Work* (Philadelphia, PA: Temple University Press, 1996).
- 25 BUILD, “Build Highlights,” <www.buildiaf.org/new_page_2.htm> (accessed 10/17/01); and David Harvey, *Spaces of Hope* (Berkeley: University of California Press, 2000), 124–127. BUILD was instrumental in the enactment of the first modern living wage law, in Baltimore in 1994.
- 26 All information from <www.iowacci.org/> (accessed 08/21/03).
- 27 Mark R. Warren, *Dry Bones Rattling* (Princeton, NJ: Princeton University Press, 2001), 41, 55, 56, 83, 165.
- 28 See the Grassroots Collaborative’s website: <www.igrassroots.org/mission/html> (accessed 11/07/02). David Bacon, “Labor Fights for Immigrants,” *The Nation* 272, 20 (May 21, 2001):15–18. See also Paul Saba, Amy Simon, Frank Mitchell, and Jeremy Brecher, *Forging Closer Ties: Case Studies of Labor’s Role in Progressive State Coalitions* (Amherst, MA: Proteus Fund, 2002), <www.proteusfund.org/grantmaking/ssf/ssf.pdf> (accessed 05/09/03).
- 29 By 2004 the Cincinnati rates were \$8.70 and \$10.30. See ACORD, “Living Wage Successes,” <www.livingwagecampaign.org/victories.php> (accessed 06/03/04); City of Cincinnati, “Living Wage Requirements,” <www.cincinnati-oh.gov/cdap/pages/-3816-/> (accessed 05/31/04); and City of New York Office of the Comptroller, “Prevailing Wage Schedules,” <www.comptroller.nyc.gov/bureaus/bll/2004_pdf_files/109-Living-Wage-Schedule-03to04.pdf> (accessed 05/31/04).
- 30 Jeffrey M. Berry, Kent E. Portney, and Ken Thompson, *The Rebirth of Urban Democracy* (Washington, DC: Brookings Institution, 1993), 13, 113.
- 31 The National Commission on Civil Renewal, *A Nation of Spectators* (College Park, MD: The National Commission on Civil Renewal, 1998), 14. For Seattle, see “City of Seattle Neighborhood Involvement Structure,” <www.cityofseattle.net/neighborhoodcouncil/involvementstructure.htm> (accessed 11/04/02); Berry, Portney, and Thompson, *The Rebirth of Urban Democracy*, 12, 65.
- 32 *Ibid.*, 12, 91, 286–291.
- 33 William A. Schambra, “Local Groups are the Key to America’s Civic Renewal,” *Brookings Review* 15, 4 (Fall 1997):20–22. Important works on the larger problem of “community” from diverse perspectives include Raymond Williams, *The Long Revolution* (London: Chatto & Windus, 1961); Martin Buber, *Paths in Utopia*, trans. R.F.C. Hull, paperback edn (Boston: Beacon Press, 1958); Paul and Percival Goodman, *Communitas: Means of Livelihood and Ways of Life*, 2nd edn (New York: Vintage Books, 1960); and Wendell Berry, *The Unsettling of America*, 3rd edn (San Francisco: Sierra Club Books, 1977). Robert B. Westbrook’s *John Dewey and American Democracy* (Ithaca, NY: Cornell University Press, 1991) is a useful introduction to Dewey’s thought.
- 34 Amitai Etzioni, *The New Golden Rule* (New York: Basic Books, 1996), 27.
- 35 Thomas Prugh, Robert Costanza, and Herman E. Daly, *The Local Politics of Global Sustainability* (Washington, DC: Island Press, 2000), xv–xvi. See also Murray Bookchin, *From Urbanization to Cities: Toward a New Politics of Citizenship*, rev. edn (London: Cassell, 1995).
- 36 Robert L. Woodson, “Reclaiming the Lives of Young People,” *USA Today* 126, 2628 (September 1, 1997):56–59, via ProQuest; Sigmund C. Shipp, “The Road Not Taken: Alternative Strategies for Black Economic Development in the United States,” *Journal of Economic Issues* 30, 1 (March 1996):79–95. See also James B. Stewart, “Building a Cooperative Economy: Lessons from the Black Experience,” *Review of Social Economics* 42, 3 (December 1984):360–368; James Jennings (ed.), *Race, Politics and Economic Development* (New York: Verson, 1992); and Jessica Gordon

- Nembhard, "Entering the New City as Men and Women, Not Mules," in Lewis Randolph and Gail Tate (eds.), *The Black Urban Community* (forthcoming).
- 37 See Harry C. Boyte, Heather Booth, and Steve Max, *Citizen Action and the New American Populism* (Philadelphia, PA: Temple University Press, 1986); Sara M. Evans and Harry C. Boyte, *Free Spaces: The Sources of Democratic Change in America* (New York: Harper & Row, 1986); Harry Chatten Boyte and Nancy N. Kari, *Building America: The Democratic Promise of Public Work* (Philadelphia, PA: Temple University Press, 1996); and Harry Chatten Boyte, *Everyday Politics: Reconnecting Citizens and Public Life* (Philadelphia, PA: University of Pennsylvania Press, 2004).
- 38 Betty Friedan, quoted in Kathleen Erickson, "Betty Friedan," *The Region* 8, 3 (September 1994): 10.
- 39 Robert N. Bellah, Richard Madsen, William M. Sullivan, Ann Swidler, and Steven M. Tipton, *Habits of the Heart* (Berkeley: University of California Press, 1985), 277. See also Richard N. Bellah et al., *The Good Society* (New York: Knopf, 1991).
- 40 Robert J. Sampson, "What 'Community' Supplies," in Robert F. Ferguson and William T. Dickens (eds.), *Urban Problems and Community Development* (Washington, DC: Brookings Institution, 1999), 241–242.
- 41 Tracey C. Rembert, "Generation E," *E:The Environmental Magazine* 8, 5 (September–October 1997):4, <www.emagazine.com> (accessed 01/08/03). See also poll research by the Mellman Group and Peter D. Hart Research Associates for the Panetta Institute, <www.panettainstitute.org/> (accessed 11/03/02).
- 42 *United States v. Lopez* (93–1260), 514 US 549 (1995), <supct.law.cornell.edu/supct/html/93-1260.ZO.html> (accessed 10/24/02); *Seminole Tribe of Florida v. Florida* (94–12), 517 US 44 (1996), <supct.law.cornell.edu/supct/html/94-12.ZO.html> (accessed 10/24/02); *Printz v. United States* (95–1478), 521 US 98 (1997), <supct.law.cornell.edu/supct/html/95-1478.ZO.html> (accessed 10/24/02); *Rush Prudential HMO, Inc. v. Moran* (00–1021), 230 F.3d 959, affirmed, <supct.law.cornell.edu/supct/html/00-1021.ZO.html> (accessed 10/24/02); and Linda Greenhouse, "Court, 5–4, Upholds Authority of States to Protect Patients," *New York Times*, June 21, 2002:A1.
- 43 John H. Cushman Jr., "Congress Limits Federal Orders Costly to States," *New York Times*, February 2, 1995:A1; Robert Tannenwald, "Implications of the Balanced Budget Act of 1997 for the 'Devolution Revolution,'" *Publius: The Journal of Federalism* 28, 1 (Winter 1998):23–48; and Malcolm L. Goggin, "The Use of Administrative Discretion in Implementing the State Children's Health Insurance Program," *Publius* 29, 2 (Spring 1999):35–51.
- 44 John D. Donahue, *Disunited States* (New York: Basic Books, 1997), 8; Robert Jay Dilger, "TEA-21: Transportation Policy, Pork Barrel Politics, and American Federalism," *Publius* 28, 1 (Winter 1998):49–69; Saundra K. Schneider, "Medicaid Section 1115 Waivers: Shifting Health Care Reform to the States," *Publius* 27, 2 (Spring 1997):89–109; and Linda Greenhouse, "Justices Allow Drug-Cost Plan to Go Forward," *New York Times*, May 20, 2003:A1.
- 45 National Conference of State Legislatures, "2001 Prescription Drug Discount, Bulk Purchasing, and Price-Related Legislation" (February 2003), <www.ncsl.org/programs/health/drugdisc01.htm> (accessed 04/17/03); Milt Freudenheim and Melody Petersen, "The Drug-Price Express Runs into a Wall," *New York Times*, December 23, 2001:C1; Jonathan Walters, "Save Us from the States!," *Governing* 14, 9 (June 2001):20–27; and Tom Arrandale, "The Pollution Puzzle," *Governing* 15, 11 (August 2002):22–26. See also Alan Ehrenhalt, "Demanding the Right Size Government," *New York Times*, October 4, 1999:A27.
- 46 Ellen Perlman, "Rail's Resurgence," *Governing* 12, 12 (September 1999):28–30; North Carolina Railroad Company, "About NCR," <www.ncrr.com/about/about.htm> (accessed 12/06/02); Evelyn Nieves, "California Gets Set to Shift on Sentencing Drug Users," *New York Times*, November 10, 2000:A18; Leonard Sykes Jr., "Attacking the Cause of Crime: Group Pushing Drug Treatment Instead of Prison for Offenders," *Milwaukee Journal-Sentinel*, December 28, 2001:B1; John Bacon and Haya El Nasser, "Vermont Governor Signs Gay-Union Bill," *USA Today*, April 27, 2000:A3; Danny Hakim, "At the Front on Pollution," *New York Times*, July 3, 2002:A1; and Georgia Student Finance Commission, "Georgia's HOPE Scholarship Program," <www.gsfc.org/Hope/dsp_hopefaq.cfm> (accessed 04/16/03). Georgia's HOPE Scholarship program, while in principle a worthy idea, is funded in an extremely regressive manner.
- 47 Jonathan Walters, "Save Us from the States!," 220–227; Russell Gold and Andrew Caffrey, "United Crime Busters—Chasing Bad Guys Together, State Attorneys General Win Big Cases, Attain New Clout," *Wall Street Journal*, August 1, 2002:B1; and David Osborne, "Now Spitzer Turns His Guns on the Rich but Fallen Idols of Corporate America," *Independent*, August 2, 2002:20. The Spitzer initiatives helped spur the SEC into further action—resulting in a broader settlement that included other firms and ultimately amounted to over \$1 billion. See Stephen Labaton, "10 Wall St. Firms

- Reach Settlement in Analyst Inquiry,” *New York Times*, April 29, 2003:A1; and Ben White, “Wall Street Agrees to Mend Its Ways,” *Washington Post*, December 21, 2002:A1.
- 48 Alice Dembner and Shelley Murphy, “Fraud Probe Targets US Drug Firms Sales Tactics, Pricing under Juries’ Scrutiny,” *Boston Globe*, August 8, 2002:A1; Jeff Nesmith, “Seven States to Sue EPA to Reduce Carbon Dioxide,” *Atlanta Journal-Constitution*, February 21, 2003:B1; and Jennifer Lee, “Vowing to Enforce, and Change, the Clean Air Act,” *New York Times*, April 22, 2003. At the time of writing the attorneys general of New York, Connecticut, and New Jersey were also suing the EPA to prevent a relaxation of the agreed standards under the Clean Air Act settlement. See also Eric Pianin, “EPA Will Reconsider Enforcement Policies,” *Washington Post*, July 28, 2003:A2.
- 49 As in the recent gay-marriage decision of the Supreme Judicial Court of Massachusetts, state courts have also often been more protective of individual rights than the Supreme Court. Though public attention has rarely focused on such issues, modern studies of “judicial federalism” indicate that: (1) in general, Supreme Court decisions establish a federal rights protection floor below which state courts may not go; (2) in about one-third of recent cases, state courts have mandated greater protections for individual rights than is required; and (3) in general, this is true in so-called conservative states as well as in liberal states. See, for instance, James N. Cauthen, “Expanding Rights under State Constitutions: A Quantitative Appraisal,” *Albany Law Review* 63 (2000):1183–1202; and Barry Latzer, *State Constitutions and Criminal Justice* (New York: Greenwood Press, 1991). A landmark 1977 article by Justice William J. Brennan Jr. pointed to state constitutions as “a font of individual liberties, their protections often extending beyond those required by the Supreme Court’s interpretation of federal law.” “State Constitutions and the Protection of Individual Rights,” *Harvard Law Review* 90, 3 (January 1977):489–504. The point could become of substantial importance as time goes on: Cass Sunstein observes that, contrary to widespread opinion, the US Supreme Court has only occasionally made protection of civil rights and liberties a priority (in recent years, “a brief quirk of history,” Sunstein suggests, “limited to short time in the middle of the 20th century”). The more fundamental and far more conservative trend—further bolstered by modern Court appointees—has been exacerbated by post-September 11 security fears. See Cass Sunstein, “What We’ll Remember in 2050: 9 Views on *Bush v. Gore*,” *Chronicle of Higher Education* 47, 17 (January 5, 2001):B15.
- 50 Derthick and Ehrenhalt both in Alan Ehrenhalt, “The Monkey or the Gorilla,” *Governing* 15, 10 (July 2002):6–8.
- 51 *Ibid.*
- 52 Mark C. Gordon, *Democracy’s New Challenge: Globalization, Governance, and the Future of American Federalism* (New York: Demos, 2001), 34.
- 53 *Ibid.*, 6.
- 54 A partial list of resolutions and letters of protest—including the Oklahoma State Legislature’s resolution—can be found at Public Citizen, “State and Local Opposition to NAFTA Chapter 11,” <www.citizen.org/trade/nafta/CH_11/articles.cfm?ID=7619> (accessed 10/31/02).
- 55 Chris Mooney, “Localizing Globalization,” *American Prospect* 12, 12 (July 2–16, 2001):23–26; and Public Citizen, *NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy—Lessons for Fast Track and the Free Trade Area of the Americas* (Washington, DC: Public Citizen, September 2001), 23–25.
- 56 George F. Kennan argued with regard to the question of national scale: “We are, if territory and population be looked at together, one of the great countries of the world—a monster country . . . And there is a real question as to whether bigness in a body politic is not an evil in itself, quite aside from the policies pursued in its name.” Kennan proposed long-term regional devolution which, “while retaining certain of the rudiments of a federal government,” might yield a “dozen constituent republics, absorbing not only the powers of the existing states but a considerable part of those of the present federal establishment.” See George F. Kennan, *Around the Cragged Hill: A Personal and Political Philosophy* (New York: W.W. Norton, 1993), 143, 149.
- 57 Such comparisons, of course, are subject to movements in exchange rates and have not been adjusted for purchasing power parity (PPP). However, such adjustment does not substantially change the size of the US GDP in relation to other countries—the next-largest economy (Japan) in 2001 had a gross domestic product (GDP) of \$3.4 trillion (when adjusted for PPP) compared to the \$10 trillion US GDP. The US economy is bigger than twenty-five of the other twenty-nine OECD economies combined. See *OECD in Figures: Statistics on the Member Countries* (Paris: OECD, 2002), 12–13.
- 58 The Social Security Trust Fund assumes average real GDP growth rate of 2.9 percent over the next decade, lower than the average for the last four decades (3.4 percent). After 2012 it projects the growth rate to slow and to approach 1.8 percent by 2080. Projecting this historically low growth rate through the end of the century leads to a real GDP estimate of \$71 trillion by 2100 (in chained

- 2002 dollars). The 1998 Economic Report of the President used a long-term growth rate projection of 2.4 percent, closer to historical growth rates. *The 2004 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds* (Washington, DC: Government Printing Office, 2004), 99; *2003 Economic Report of the President* (Washington, DC: Government Printing Office, 2003), 63; and *1998 Economic Report of the President* (Washington, DC: Government Printing Office, 1998), 78.
- 59 See US Census Bureau, International Data Base, <www.census.gov/ipc/www/idbnew.html> (accessed 09/19/03). China and India each have over a billion people. The US population is larger than the combined populations of Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, and Switzerland. See *OECD in Figures: Statistics on the Member Countries* (Paris: OECD, 2002), 6–7. US Census Bureau, Population Division, Population Projections Branch, “Annual Projections of the Total Resident Population as of July 1: Middle, Lowest, Highest, and Zero International Migration Series, 1999 to 2100,” <www.census.gov/population/www/projections/natsum-T1.html> (accessed 12/20/02).
- 60 According to the Bureau of Citizenship and Immigration Services (the new INS), there were 206,426 legal immigrants admitted in federal fiscal year 2001, up from 131,575 in 1998. The average from FY1998 to FY2001 is 164,873. See <www.immigration.gov/graphics/shared/aboutus/statistics/IMM2001.pdf> (accessed 09/19/03). Also according to BCIS, immigration from Mexico has been adding about 150,000 undocumented immigrants per year. See <www.immigration.gov/graphics/shared/aboutus/statistics/Est2000.pdf> (accessed 09/19/03). For Republican attempts to woo the largely Mexican Hispanic vote, see James G. Gimpel and Karen Kaufmann, “Impossible Dream or Distant Reality? Republican Efforts to Attract Latino Voters” (Washington, DC: Center for Immigration Studies, August 2001), <www.cis.org/articles/2001/back901.html> (accessed 10/31/02).
- 61 Mike Allen, “Fox, Bush Urge Route to Legalization for Immigrants,” *Washington Post*, September 7, 2001:A16; Mark Krikorian, “Con Game: The GOP is Being Taken for a Ride,” *National Review Online* (August 20, 2001), <www.nationalreview.com/comment/comment/kirkorian082001.shtml> (accessed 10/31/02); Harold Meyerson, “California’s Progressive Mosaic,” *American Prospect* 12, 11 (June 18, 2001):17–23; Eric Brazil, “Reaching out: Unions Widen Their World; Ex-Foes of Undocumented Workers Now See Them as Membership Targets,” *San Francisco Chronicle*, September 2, 2001:W1; and Steven Greenhouse, “Labor Urges Amnesty for Illegal Immigrants,” *New York Times*, February 17, 2000:A26.
- 62 D’Vera Cohn, “Feeble Economy, Tighter Borders Don’t Stem Immigrant Tide,” *Washington Post*, March 10, 2003:A7; Andrew Sum, Paul Harrington with Sheila Palm, “The Impacts of the Recession of 2001 and the Jobless Recovery of 2002 on the Native Born and Immigrant Workforce of the United States” (Boston: Center for Labor Market Studies, Northeastern University, February 2003), <www.nupr.neu.edu/3-03/immigration_march.pdf> (accessed 04/18/03); and Ronald Brownstein, “Green Light, Red Light,” *American Prospect* 12, 20 (November 19, 2001):29. See Lynette Clemetson, “Hispanic Population is Rising Swiftly, Census Bureau Says,” *New York Times*, June 19, 2003:A22. The 2004 Bush proposals were challenged by a broad range of critics on both Left and Right. See Elisabeth Bumiller, “Bush Would Give Illegal Workers Broad New Rights,” *New York Times*, January 7, 2004:A1.
- 63 Christopher Jencks, “Who Should Get In? Part II,” *New York Review of Books* 48, 20 (December 20, 2001):94–102; see also Christopher Jencks, “Who Should Get In?” *New York Review of Books* 48, 19 (November 29, 2001):57–63. Mexican American women (i.e., women of Mexican descent living in the United States) had a fertility rate of 115 births per 1,000 women in 2000. The fertility rate for Hispanics in general was 106 per 1,000. The fertility rate for non-Hispanics was 62 per 1,000. Joyce A. Martin, Brady E. Hamilton, Stephanie J. Ventura, Fay Menacker, Melissa M. Park, and Paul D. Sutton, “Births: Final Data for 2001,” *National Vital Statistics Reports* 51, 2 (December 18, 2002), table 9, pp. 39–40, <www.cdc.gov/nchs/data/nvsr/nvsr51_02.pdf> (accessed 05/14/03).
- 64 State populations as of the 2000 Census, <quickfacts.census.gov/qfd/> (accessed 10/02/02).
- 65 The California economy is ranked either fifth or sixth largest, depending on the relative values of the US dollar and the euro in any given year.
- 66 Los Angeles County Economic Development Corporation press release, *2002–2003 Southern California Five-County Area Economic Forecast and Industry Outlook* (September 16, 2002), <www.laecd.org/data/press/PR65.shtml> (accessed 10/29/02).
- 67 US Census Bureau, *State and County QuickFacts: California*, <quickfacts.census.gov/qfd/states/06000.html> (accessed 10/31/02); *OECD in Figures: Statistics on the Member Countries* (Paris: OECD, 2002), 6–7; and US Census Bureau, *RadioZone Quotes and Sound Bites: County*

- Population Estimates and Rankings: 2002*, <www.census.gov/pubinfo/www/radio/sb_2002countypopest.html> (accessed 04/23/03).
- 68 William Claiborne, "Wilson Challenges Hill to March His Hard Line," *Washington Post*, January 10, 1995:A7.
- 69 Mitchell Landsberg and Miguel Bustillo, "Davis Says All Power Costs to Be Recovered," *Los Angeles Times*, April 14, 2001:A1, A21; and Dan Morain and Richard Simon, "Energy Deal May Take a Month, Davis Tells Analysts," *Los Angeles Times*, March 1, 2001:A3, A18.
- 70 On the conservative assumption that California's gross state product (GSP) of \$1.36 trillion (2001 dollars) remains at its current 13.5 percent share of GDP even as its (currently projected) population share increases, the figure rises to \$9.4 trillion (2003 dollars) or \$15.1 trillion following extensions, respectively, of either the Social Security or the Council of Economic Advisers projections. See estimates (by Jeff Chapman) in n. 186. See Bureau of Economic Analysis, "Regional Accounts Data: Gross State Product Data," <www.bea.gov/bea/regional/gsp> (accessed 12/16/02). California had a population of just under 34 million in 2000, accounting for 12 percent of the national population. By 2025 this figure is projected by the Census Bureau's middle series to increase to 14.6 percent. If California ends the century as it began it—with 12 percent of the national population—such estimates suggest there will be 68.4 million Californians. If it ends the century with 14.6 percent of the population, the number will be 83.3 million. See US Census Bureau, "Projections of the Total Population of States: 1995 to 2025," <www.census.gov/population/projections/state/stpjpopt.txt> (accessed 01/02/03); and US Census Bureau, "Census 2000 Data for the State of California," <www.census.gov/census2000/states/ca.html> (accessed 12/16/02).
- 71 Tanya Schevitz, Lori Olszewski, and John Wildermuth, "New Demographics Changing Everything," *San Francisco Chronicle*, August 31, 2000:A1. See also Mark Baldassare, *California in the New Millennium* (Berkeley: University of California Press and Public Policy Institute of California, 2000).
- 72 Including (among many others) the California Export Finance Program (prohibited), the California Transportation Research and Innovation Program, the Energy Conservation and Development Program, the California Hardwoods Industry Initiative and California Technology Investment Program (all subject to "countervailing measures"), and "increased research activities tax credits." Mark C. Gordon, *Democracy's New Challenge: Globalization, Governance, and the Future of American Federalism* (New York: Demos, 2001), 41.
- 73 Utilizing the same approach as in the case of California (see n. 198), in 2025 Texas is projected to comprise 8 percent of the population (up from a current 7 percent). The two percentages yield a projected population in 2100 of 46 million and 42 million, respectively. See US Census Bureau, "Projections of the Total Population of States: 1995 to 2025," <www.census.gov/population/projections/state/stpjpopt.txt> (accessed 01/02/03); US Census Bureau, "Census 2000 Data for the State of Texas," <www.census.gov/census2000/states/tx.html> (accessed 12/16/02); and "2001 Population Projections—State of Texas: Projections of the Population of Texas and Counties in Texas by Age, Sex and Race/Ethnicity for 2000–2040," Population Estimates and Projections Program, Texas State Data Center, Texas A&M University System and Office of the State Demographer, December 2001, <txsdc.tamu.edu/tpepp/2001_txpopprj_txtotnum.php> (accessed 01/02/03). Following the 0.5 immigration (middle) series, Texas is projected to have a total population of 35 million in 2040. Of the total, 11.4 million are projected to be non-Hispanic white, 18.4 million Hispanic, and 3.3 million black. New York is currently 6.7 percent of the national population and is projected to be 5.9 percent of the population by 2025. If New York ends this century as it began—with 6.7 percent of the national population—there will be 38.2 million New Yorkers under the same assumptions. If it ends the century with 5.9 percent of the population, it will have 33.5 million residents. See US Census Bureau, "Projections of the Total Population of States: 1995–2025," <www.census.gov/population/projections/state/stpipopt.txt> (accessed 01/02/03); and US Census Bureau, "Census 2000 Data for the State of New York," <www.census.gov/census2000/states/ny.html> (accessed 12/16/02). For ethnicity projections, see US Census Bureau, "Projected State Populations by Sex, Race, and Hispanic Origin: 1995–2025," <www.census.gov/population/projections/state/stpjracc.txt> (accessed 01/02/03). The New York GSP in 2000 was \$754.6 billion (7.6 percent of GDP). The New York GSP in 2001 was \$826.5 billion (8.2 percent GDP). If New York maintains its current share of GDP in 2100, its GSP would be \$5.9 trillion using the conservative Social Security Trust Fund Trustees' Report projections, and over \$8 trillion using more realistic projections. See Bureau of Economic Analysis, Regional Accounts Data, <www.bea.gov/bea/regional/gsp> (accessed 12/16/02). Non-Hispanic whites, currently 62 percent of the state population, appear likely to diminish to 53.4 percent by 2025 and in all probability reach minority status by midcentury.

- 74 See, for example, Dan Fagin, “Ill Winds Blow: As Progress on Clean Air Stalls, Regional Fights and Attacks on Rules Intensify,” *Newsday*, October 17, 1999:A7; Scott Allen, “Cut Is OK’d in Emissions of Mercury; New England Governors Join Canadian Premiers in Accord,” *Boston Globe*, June 9, 1998:A1. Robert Gavin, “States Rediscover Energy Policies,” *Wall Street Journal*, March 21, 2001:B13; and Kirk Johnson, “A Changing Climate in Ideas about Pollution,” *New York Times*, May 20, 2001:39.
- 75 Council of State Governments, “Compacts Believed to Be in Effect in 2001,” <sslscg.org/compactlaws/comlistlinks.html> (accessed 10/29/02). For federal regional precedents, see Martha Derthick, *Between State and Nation* (Washington, DC: Brookings Institution, 1974); and Ann Markusen, *Regions: The Economics and Politics of Territory* (Totowa, NJ: Rowman & Littlefield, 1987). For information on the continuing work of the Appalachian Regional Commission, see <www.arc.gov/> (accessed 11/04/02).
- 76 Michael Keating and John Loughlin (eds.), *The Political Economy of Regionalism* (London: Frank Cass & Co., 1997); Paul Balchin and Ludek Sykorla with Gregory Bull, *Regional Policy and Planning in Europe* (London: Routledge, 1999); Yehua Wei, “Economic Reforms and Regional Development in Coastal China,” *Journal of Contemporary Asia* 28, 4 (1998):498–517; Matthew Tempest, “Regional Government around the World,” *Guardian*, June 16, 2003, <politics.guardian.co.uk/localgovernment/story/0,9061,978755,00.html> (accessed 06/17/03); and Klaus Konig, “Appraisal of National Policies of Decentralization and Regionalization,” Report for Research Committee I: Law and Science of Public Administration, International Institute of Administrative Sciences, XXIst International Congress, Marrakech, 1989, 3. James Manor observes that “[n]early all countries worldwide are now experimenting with decentralization.” James Manor, *The Political Economy of Democratic Decentralization* (Washington, DC: World Bank, 1999), vii, 1.
- 77 European experience also demonstrates that civil liberties and civil rights can be protected in systems involving substantial decentralization—indeed, sovereignty. In the opinion of many specialists the European Convention of Human Rights and subsequent protocols provide greater protections in many areas than US practice. See, for instance, Nadine Strossen, “Recent US and International Judicial Protection of Individual Rights: A Comparative Legal Process Analysis and Proposed Synthesis,” *Hastings Law Journal* 41, 4 (April 1990):805–904; and Paul R. Dubinsky, “The Essential Function of Federal Courts: The European Union and the United States Compared,” *American Journal of Comparative Law* 42, 2 (1994):295–346.

Chapter 8 The Common Good: Towards an Alternative Europe

- 1 According to *Le Monde*, the head of EU legal services in charge of drafting the text is a Frenchman, Jean-Claude Piris. *Le Monde*, October 18, 2007:3.
- 2 The term “Community” is to be replaced throughout by “Union.”
- 3 The Charter applies to member states only when they act in the context of EU law—otherwise the principle of subsidiarity applies and the members determine the rights of their citizens.
- 4 I am indebted to Francis Wurtz, a French Euro-parliamentarian from the United European Left group [GUE], to Pierre Khalfa of the French trade union Solidaires, and to Robert Jourmard, a member of ATTAC, all of whom have analyzed the new Treaty in record time. To help us sort out this extremely complex document I will use their observations, as well as my own, freely and interchangeably and without appending a note to each one.
- 5 However, no three members—for example France, Britain, and Germany—can block a decision even though they may together have more than 35 percent of the population.
- 6 Thanks to Robert Jourmard who compiled, in French, these and other gems in a list titled “They said it.” All translations are mine.
- 7 But the hugely complex procedures involved in obtaining EU research grants are completely overhauled: see below.

Chapter 9 Is Another State Possible?

- 1 While some religious fundamentalist groups have also built resistance networks outside the domain of the state, the focus of this paper is left-wing social movements or movements for democracy.
- 2 The “Battle of Seattle” is the nickname for the GM’s 1999 ant-World Trade Organization (WTO) demonstration in Seattle.
- 3 “Polycentric” means operating out of three or more “centers.”
- 4 The largest regional social forum is the European Social Forum (ESF), which attracts up to 150,000 people per year (European Social Forum, 2007).

- 5 Content analysis of websites, conducted in 2004, yielded a rough estimate of 215 social forums around the world. A survey was sent to these social forums to solicit basic information regarding the number of organizers and participants, the events they sponsor, and their relationship to the larger WSF. The response rate was 40 percent.
- 6 For more on ATTAC, see Chapter 8, this volume.
- 7 For more on the PT, see Chapter 6, this volume.
- 8 <<http://web.amnesty.org/pages/aboutai-faq-eng#2>>.
- 9 <<http://www.hrw.org/about/>>.
- 10 The letter was signed by the leadership and some members of the Brazilian trade union confederation, CUT, as well as members of CONDSEF, ANDES-SN, FENITST, FENAJUFE, SINDSEF, Sindicato dos Radialistas-SP and SINTSEF-CE (federalis).
- 11 The spokescouncil was a regular feature of Global Justice Movement protest organizing. Spokescouncils were “horizontal,” participatory, and deliberative structures in which representatives from various groups gathered in an inner circle and their members formed spokes behind them.
- 12 For more on contemporary Bolivian movements, see Chapter 11, this volume.

Chapter 10 Another Country: The Postcolonial State, Environmentality, and Landless People’s Movements

- 1 Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (New York: International Publishers, 1964), 124.
- 2 Eric Hobsbawm, *The Age of Extremes: A History of the Twentieth Century 1914–1991* (New York: Vintage, 1996), 289.
- 3 See Lee Kyung Hae, Pamphlet (2003). <<http://www.countercurrents.org/glocarlens160903.htm>> (accessed November 8, 2007).
- 4 Rajeev Patel, “International Agrarian Restructuring and the Practical Ethics of Peasant Movement Solidarity,” *Journal of African and Asian Studies* 41, 1/2 (2006):71–93.
- 5 Carmen Diane Deer, “Foreword,” in Peter Rosset, Raj Patel, and Michael Courville (eds.), *Promised Land: Competing Visions of Agrarian Reform* (Oakland, CA: Food First, 2006), ix–xii.
- 6 Although many critics emphasized the national question, most—including important figures such as Aijaz Ahmad, Tim Brennan, Benita Parry, E. San Juan Jr., Arif Dirlik, Laura Chrisman, and Neil Lazarus—largely ignored cognate agrarian issues.
- 7 For an overview and stinging critique of the “death of the peasantry” discourse, see Patel.
- 8 Deborah Bryceson, Cristo’bal Kay, and Jos Mooji (eds.), *Disappearing Peasantries? Rural Labour in Africa, Asia, and Latin America* (London: Intermediate Technology Publications, 2000).
- 9 Sam Moyo and Paris Yeros, *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia, and Latin America* (New York: Zed, 2005).
- 10 Deer, “Foreword,” x.
- 11 For a sweeping discussion of peripheral mega-cities, see Mike Davis, *Planet of Slums* (New York: Verso, 2006).
- 12 For analysis of the central strategies of the Global Justice Movement, see Notes from Nowhere (eds.), *We Are Everywhere: The Irresistible Rise of Global Anticapitalism* (New York: Verso, 2003).
- 13 For a discussion of the institution of weak democracy during the Cold War, see Hilary Wainwright, *Reclaim the State: Experiments in Popular Democracy* (New York: Verso, 2005).
- 14 *Ibid.*, 23.
- 15 As Guha notes, even critics intent on challenging dominant notions of peasant false consciousness tend to associate the peasantry as a class with mollifying passivity. See Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (Berkeley: University of California Press, 1990).
- 16 I’m thinking here of Gayatri Spivak’s seminal essay, “The Subaltern Cannot Speak,” originally published in Cary Nelson and Lawrence Grossberg (eds.), *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988), 271–316.
- 17 Manpreet Sethi, “Land Reform in India: Issues and Challenges,” in Rosset et al. (eds.), *Promised Land*, 75.
- 18 *Ibid.*
- 19 Ross Mallick, “Refugee Resettlement in Forest Reserves: West Bengal Policy Reversal and the Marichjhapi Massacre,” *Journal of Asian Studies* 58, 1 (1999):104–125.
- 20 Pablo Mukherjee, “Surfing the Second Waves: Amitav Ghosh’s Tide Country,” *New Formations* 59 (Autumn 2006):144–158. Available at Literature Resource Center, <www.galenet.galegroup.com> (accessed November 12, 2007).

- 21 Ibid.
- 22 Arun Agrawal, *Environmentality: Technologies of Government and the Making of Subjects* (Durham, NC: Duke University Press, 2005), 7.
- 23 For a discussion of state science and the environment during the colonial era, see Richard Grove, "Colonial Conservation, Ecological Hegemony, and Popular Resistance: Towards a Global Synthesis," in John MacKenzie (ed.), *Imperialism and the Natural World* (New York: Manchester University Press, 1990), 15–50.
- 24 On European colonial sexual discourses, see Frederick Cooper and Ann Laura Stoler, *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997).
- 25 Grove, "Colonial Conservation," 23.
- 26 Ibid.
- 27 Ibid., 34.
- 28 For an extensive discussion of "accumulation by dispossession," see David Harvey, *The New Imperialism* (New York: Oxford University Press, 2003).
- 29 Sam Moyo and Paris Yeros, "The Resurgence of Rural Movements under Neoliberalism," in Moyo and Yeros (eds.), *Reclaiming the Land*, 10.
- 30 Ibid., 9.
- 31 This list is adapted from Peter Rosset, "Moving Forward: Agrarian Reform as a Part of Food Sovereignty," in Rosset et al. (eds.), *Promised Land*, 302.
- 32 Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon, 2001).
- 33 See, for example, Agrawal, *Environmentality*, 3.
- 34 Patel, "International Agrarian Restructuring," 79.
- 35 Ibid.
- 36 Amitav Ghosh, *The Hungry Tide* (New York: Houghton Mifflin, 2005), 123. Future references to specific portions of Ghosh's novel will be included as bracketed page references in the main text.
- 37 Mukherjee, "Surfing the Second Waves."
- 38 Pablo Mukherjee makes a similar point when he argues that Ghosh's novel is centrally concerned with displacing metropolitan/cosmopolitan figure with refugee as paradigm of postcolonialism, with centralizing subaltern voices, and with critiquing instrumentalist "environmentalism." Ibid.
- 39 For a useful synthetic overview of such organizations, see Kurt Schock, "Nonviolent Struggles to Defend and Reclaim the Land," paper delivered to the International Studies Association, Chicago, 2007. Available at <www.isanet.org> (accessed November 12, 2007).
- 40 Angus Wright and Wendy Wolford, *To Inherit the Earth: The Landless Movement and the Struggle for a New Brazil* (Oakland, CA: Food First, 2003), 8.
- 41 Ibid., 10.
- 42 Ibid., 61.
- 43 Schock, "Nonviolent Struggles."
- 44 Patel, "International Agrarian Restructuring," 79.
- 45 Schock, "Nonviolent Struggles."
- 46 For a profile of a typical campaign conducted by Ekta Parishad in October 2007, see <<http://english.janadesh.net>> (accessed November 12, 2007).
- 47 For a strong discussion of such transnational feminist movements, see Chandra Talpade Mohanty, *Feminism without Borders: Decolonizing Theory, Practicing Solidarity* (Durham, NC: Duke University Press, 2003).
- 48 Rosset, "Moving Forward," 309.
- 49 Amita Baviskar, "Between Micro-Politics and Administrative Imperatives: Decentralization and the Watershed Mission in Madhya Pradesh, India," *European Journal of Development Research* 16, 1 (March 2004):26–40.
- 50 For a discussion of food sovereignty, see Rosset, "Moving Forward," 305.

Chapter 11 Disarticulate the State! Maximizing Democracy in "New" Autonomous Movements in the Americas

- 1 The growth of such organizations has been considerable over the last twenty or so years, especially with respect to what gets called the "solidarity economy" in South America and Canada (Singer, 2006). Even the US now has a nationwide network just formed at the first ever US Social Forum held in Atlanta, Georgia, in the summer of 2007 (Allard et al., 2008).
- 2 For studies of maxD-type movements and organizations in South Africa, Mozambique, India, Colombia, and Brazil, see Santos (2005a and b) and (2006). For a broad range of analyses in the global North and South, see Day (2005).

- 3 My conception of the “social” as distinct from traditional conceptions of civil society is articulated in the case studies below.
- 4 The account in these three previous paragraphs is largely based on Menser (2008), but this last criterion for measuring the robustness of particular maxD projects originates in this essay. For more on the differences between deliberative democracy and maxD, and the latter’s metanormative justification as well as the relevance of associationist perspectives, see Menser (2008).
- 5 For updates and analyses on the history and spread of participatory budgeting see the website run by PB scholars Josh Lerner and Gianpaolo Baiocchi: <www.participatorybudgeting.org>.
- 6 For this reason, Fung and Wright consider the PB to be an example of “empowered participatory governance” (Fung and Wright, 2003; see also Baiocchi, 2003).
- 7 Significant decisions made at the thematic plenaries include the funding of beach clean-up and the restoration of a public market, “a public space of great architectural value and with great symbolic value in the social and cultural imaginary of the city” (Santos, 2005b, 331).
- 8 Personal communication, December 2007. Also see website cited in n. 279.
- 9 <http://www.zmag.org/content/LatinAmerica/plath_argentina.cfm>.
- 10 Indeed, the impact on individual and collective subjectivities is one of the most striking consequences of the assemblies. Many of the participants interviewed by Sitrin (2006, 118, 218, 227) say over and over again that even if the assemblies movement should wane (which it has), they had been “forever altered” by the experience.
- 11 The nature of this “collective” seems more associative than communitarian since the relationships formed are closer to the “voluntary” end of the spectrum than community of fate or coerced. As such, power-with too may be understood along the lines of a (democratic) associative framework since those who do not feel part of the process are free to leave (generally with low exit costs, though, it must be said, in times of economic crisis exit costs might be higher since there are far fewer options to meet basic needs).
- 12 <<http://www.zmag.org/content/showarticle.cfm?ItemID=2283>>.
- 13 Aguas del Tunari was a consortium made up of International Water of Spain (which is owned by US-based Bechtel) and four Bolivian companies. It was registered in the Cayman Islands (Olivera, 2004, 10).
- 14 Half the city of Cochabamba was not linked to the water system as of 2000. These areas and households obtained water primarily through wells and the collection of rainwater in cisterns (Romer, 2007; Spronk, 2007).
- 15 For theoretical accounts of associationism, see Hirst (1994) and Warren (2000).
- 16 While noting its incredible successes, the Coordinadora suffered from a lack of institutionalization—its membership ranges in size from 100 to 500,000, and its legitimacy is totally dependent upon its ability to achieve great results. In times of slowdown its ability to consult with its base was restricted because of its lack of institutional mechanisms and resources. After the Water War victory, some argued that it should be dissolved, but others disagreed, and the Coordinadora was a mobilizing force once again in the Gas War of 2003, which led to the collapse of the Lozada government and helped to set the stage for the victory of Morales (Olivera, 2004, 83, 147).
- 17 Indigenous leaders speak of refounding of the country in terms of “*pachakuti*,” a concept that connotes “a restorative inversion of time.” Thus, cultural heritage is not retrospective or a simple harking back but a ground for the reconstitution of the future (Albro, 2006, 398).

Chapter 13 How Do We Get from Here to There?

- 1 Harold Lasswell, *Politics: Who Gets What, When and How* (New York: McGraw-Hill, 1936).
- 2 Charles Tilly, *From Mobilization to Revolution* (Reading, MA: Addison-Wesley, 1978). Sidney Tarrow, *Power in Movement: Social Movements, Collective Action and Politics* (New York: Oxford University Press, 1994).
- 3 I am reproducing Gilly’s comments from my notes, taken during a panel at the Left Global Forum, meeting at Cooper Union in New York City on March 11, 2007.
- 4 Marina Sitrin (ed.), *Horizontalism: Voices of Popular Power in Argentina* (Oakland, CA: AK Press, 2006), 31.
- 5 See Christopher Phelps, “The New SDS,” *The Nation*, April 16, 2007.
- 6 Chapter 12, this volume, p. 287.
- 7 Chapter 9, this volume, pp. 213–223.
- 8 Chapter 10, this volume, p. 244.
- 9 Chapter 1, this volume, pp. 41, 43.

- 10 Chapter 10, this volume, p. 245.
- 11 Chapter 10, this volume, p. 249.
- 12 Chapter 10, this volume, p. 249.
- 13 Chapter 9, this volume, p. 223.
- 14 Chapters 9 and 11, this volume.

Conclusion: Conflict, Coexistence, and the Next Global Assemblage

- 1 There are other possible groupings, and I do not mean to reduce each essay to this framework, but rather hope to use each essay to animate key fractures and coalitions that are at play among the global Left.
- 2 Brennan and Ganguly and Buck-Morss are discussed in the following sections.
- 3 For a more detailed analysis of Part I, see Dahbour's introduction to it.
- 4 The "Reform" (or "Lisbon") version of the EU Constitution discussed by George was rejected by the Irish in a referendum in June 2008. And, as she anticipated, there is now an attempt by some within the EU hierarchy to change the rules to have parliamentary majorities be the mechanism for ratification rather than national popular referenda. See <<http://www.telegraph.co.uk/news/worldnews/europe/2200026/EU-Constitution-author-says-referendums-can-be-ignored.html>>.

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