

## CRITICAL COMMENTS

# Democratic theory and the present/ absent international

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James Bohman's account of what might be involved in thinking about 'democracy across borders,' and specifically of what might be involved in thinking about a potential shift from *dêmos* to *dêmoi*, compels both affirmation and resistance. His account is both elegant and sharply focussed: positive attributes that nevertheless affirm a very particular understanding of elegance, and a precise focus that manages to evade many considerations that might be considered important by people seeking to think about democracies and their futures in many different situations. I am in considerable agreement with some of the underlying ambition expressed in his analysis. I am in even greater agreement with his reading of the limits of much of the existing literature on this theme. I am nevertheless unconvinced by the broad historical narrative and highly generalized characterization of contemporary transformations upon which Bohman grounds his discussion. I am especially unconvinced by his claim that the specific understanding of democracy he proposes offers, in principle, a promise of novelty suitable to new historical conditions. On the contrary, I have strong doubts about the tacit historical and structural narrative enabling his specific claims, and even stronger doubts about what I take to be an imaginative nostalgia for a form of political order that has been in place for quite some time, even if not in the specific form that either Bohman or I might wish.

At the heart of my resistance is the curious way in which the interstatist or international character of modern forms of politics are both assumed and ignored in the framing and development of the analysis. Put simply, the central ambition to move from *dêmos* to *dêmoi* systematically ignores the very specific ways in which modern politics, including claims about democracy, already express the formal necessity and empirical presence of both *dêmos* and *dêmoi*. There is little point in thinking that a political order that is already orchestrated as an array of relations

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between *dēmos* and *dēmoi*, albeit a very complex scalar array predicated on the necessarily aporetic character of any specific relation between *dēmos* and *dēmoi*, can be improved or transcended through a simple journey from *dēmos* to *dēmoi*. Modern forms of democracy cannot properly be understood only in the singular, as *dēmos*, even though this is the claim to understanding that is dutifully enforced by most contemporary accounts of democracy. Consequently, aspirations for a move to a plurality of *dēmoi* cannot offer an adequate ground for historical, structural or normative analyses of democratic practices past, present or future. This is a fairly elementary point, though one with extensive implications for the way we might even begin to think about any possible democratic futures.

The problem, as I see it, could be framed more productively as a shift from one understanding of *dēmoi* to other understandings of *dēmoi*, while keeping in mind that any play with patterns of pluralism and differentiation will also require some play with patterns of connection and convergence. However, this would require a lot more thought about the kinds of boundaries that Bohman wishes to cross, as well as about the many ways in which boundaries are currently being both crossed and reproduced under contemporary conditions. Some dimensions of Bohman's analysis, especially those hinting at processes of decentering, an orchestration of overlapping democracies, and the need to think about relations between citizens and non-citizens, might be understood in something like these terms. I wish that he had pursued these hints rather more vigorously. As it is, the core of his discussion is sustained by the prevailing logic of a move from singular to plural, from *dēmos* to *dēmoi*: the logic that presumes, incorrectly, that democracy expresses an 'historically contingent insistence on a unitary rather than a plural subject.'<sup>1</sup> This logic is certainly commonplace, no doubt as a consequence of certain idealizations of the Greek *polis* and the modern nation-state in many contemporary accounts of where political life must occur and thus what political life must involve. It has become the *doxa* of extensively cultivated literatures on contemporary political transformations, especially of those literatures which displace any concern for the historical or comparative experience of democracies through appeals to an abstract and depoliticized conception of justice. It is nevertheless entirely unhelpful for the project Bohman seeks to engage in this book.

The general form of argumentation that concerns me here is thus not limited to Bohman's specific intervention. It is pervasive across many contemporary literatures that seek to move 'across' or 'beyond' borders. The clarity of Bohman's discussion makes it an exemplary text through which to think about the stakes involved in such a move. The consequences are especially significant in relation to two specific sets of claims through which Bohman seeks to register the possibilities of moving across or beyond: the idea that we might now move from *dēmos* to *dēmoi* by constructing a federation of democracies; and the idea that such a federation can be understood in relation to claims about something he is prepared to call humanity. Very large questions are at stake in both respects. However, apparently unproblematic ideas about what it means to move in this way, whether structurally or historically, as well as about what seem to be equally unproblematic ideas about the possibility of

speaking about humanity given the specific relations between *dêmos* and *dêmoi* that now shape our desires to move on, make it very difficult to engage such questions at all. The ultimate burden of my comments here, therefore, is that while I am persuaded that Bohman has advanced the discussion of democracy in significant ways, especially in relation to the specific and largely American literatures with which his argument is most explicitly concerned, the guiding assumptions that allow him to pursue this argument through troubling claims about a federation of democracies and its relation to a profoundly problematic category of humanity require that we all take a very deep breath. The questions that are provoked by claims about a need to move across borders are far more daunting than might be imagined by reading even the most thoughtful versions of contemporary democratic theory, especially versions that begin and end with concepts of democracy.

Let me, then, canvass some primary grounds of agreement with Bohman's analysis, and the limits at which I begin to have doubts, before moving to identify some points at which I think more extensive discussion is called for. I will concentrate on three primary themes. To begin with, I will insist that any attempt to rethink democracy must be highly sensitive to the historical and conceptual limits of the very possibility of democracy as we have come to know it, and, consequently, that contemporary democratic theory is not an especially compelling ground from which to start thinking about the future of democracy. I will then pursue this argument in relation to some specific authorizations of what it means to authorize authority, and thus to the need to treat sovereignty in a much more sustained manner. Bluntly, I see little point in pretending that we can somehow move across borders affirmed by and affirming specific practices of state sovereignty without engaging with what state sovereignty has enabled as an ambition for democratic practice or with what other kinds of democratic practice might imply for some other practices of sovereign authority. In this sense, I worry that theories of democracy have come to lose contact with theories of politics more generally. Finally, as my primary argument, I will suggest that a crucial consequence of Bohman's adherence to broader tendencies in both of these respects is the reproduction of a logic of international—rather than transnational—order that undermines his ambition to move beyond borders. Bohman's analysis is very precise and subtle about many things, but not about whatever it is that is to be identified beyond the singular *dêmos*.

These three themes are mutually implicated, and my comments will show signs of resistance to any rigorously linear formulation as well as to the impressive elegance of Bohman's analysis. The common thread I seek to establish concerns precisely the limits that Bohman, along with many others, desires to cross and move beyond: a desire that betrays insufficient attention to the prior forms of political authorization that have not only enabled us to speak about democracy but also to imagine what it means to imagine some other kind of democracy under conditions of considerable uncertainty about our possible futures.

## CONDITIONALITY

No one can now doubt that democracy needs to be re-thought. As a term that has become more a site of heavy-handed rhetoric than of analytical precision and critique, democracy remains, in some scholarly and activist circles at least, an ambition invoking something still to come at least as much as something already achieved. It does not belittle any particular democracy to say that all the democracies we have come to know are only partially and imperfectly democratic. Claims about democracy have been used to legitimize military violence, authoritarian practices of ‘modernization’ and ‘development,’ myopic claims about the necessities of state formation, the legitimation of gross economic inequalities and the reproduction of many self-righteous oligarchies. I have never encountered a political order that might be characterized as democratic without registering multiple qualifications, and I believe it irresponsible to take claims that democracy has been achieved within any specific site as a ground for thinking about what democracy might yet become in any other site. All theorists of democracy are forced to negotiate the gaps between idealizations and practical achievements as well as between historically specific idealizations/achievements and changing historical conditions. Bohman seems to be considerably more upbeat than I might be about the achievements of democracies so far, but the need for greater imagination in this respect is fairly obvious to us all.

Difficulties arise, of course, in relation to what it can now mean to rethink historically constituted political concepts like democracy, to the array of other concepts, principles, and practices that must also be rethought if we are to rethink the potentials of democracy, to the resources that may be necessary to enable more creative thought, to who might be capable of such rethinking and even who is permitted to identify forms of political life as democratic or otherwise. So yes, the need to rethink what democracy can be under contemporary conditions seems to me to be indisputable, but the conditions under which we are able to rethink democracy do not exactly resemble a blank slate, not least with respect to questions about the pluralized we that might be able to rethink the possibilities of some *Démoi*.

No one can doubt, either, that any such rethinking has to involve some engagement with what lies ‘across’ or ‘beyond’ the borders of those states that claim to have been the containers of the forms of democracy that have become most familiar to us. In my view, however, none of the terms that are quickly mobilized whenever a need to go across or beyond borders is mooted—all those fuzzy references to globalization, interdependence, cosmopolitanism, transnationalism, and so on—have much analytical purchase on contemporary trends. On the contrary, they simply play out a series of well-established conceptual oppositions (aporias Kant would call them, if he were allowed to do so) that speak less to any patterns of change than to well-established expectations about how change must but cannot occur within a modern world orchestrated within specific relations of globality and particularity, cosmos and polis, and within and beyond. So yes, we need to think ‘across’ and ‘beyond’; but as many famous thinkers since the time of Hobbes and Kant have regularly insisted, moving beyond is not so easy for forms of political life

that have been shaped by the traditions of Athens and Jerusalem. This is precisely why modern political life works within very specific understandings of the limits of political possibility: limits that we may understand as merely parochial forms of containment within particular forms of territorialized states or as the constitutive conditions under which we have been able to think about any kind of political possibility, including practices of democracy and the constitution of modern delimited subjects and subjectivities that might become otherwise through their democracies.<sup>2</sup> Bohman shows little sign of being disturbed by such worries. I think he should be.

In a phrase that finds extensive expression in a great many contemporary texts, Bohman refers (on p. 78) to ‘the new, post-Westphalian world of politics that is in very significant ways located beyond the state.’ Unfortunately, references to somewhere ‘beyond the state’ are about as helpful as references to somewhere over the rainbow. The phrase is obviously intended to suggest novelty, but it applies equally to the interstate order invoked by the name of Westphalia, the order of other states beyond any singular state. It also ought to remind us that the modern state beyond which some new world is to be located was itself constituted within historical and cultural contexts with very powerful understandings of what it means to find some place beyond. To anyone attuned to such historical contexts, the phrase is especially effective in capturing a familiar sense that we once (supposedly) ‘came in’ to the world of Westphalia—a sense that affirms the regulative ideal of modernity as a process of ‘coming in,’ and thus the normative demands of a political order of modern subjectivities, and thus modern forms of democracy—rather than any historical events that might be explained in relation to some Treaty of Westphalia. By the same token, the ritualized resort to some ‘going beyond’ says more about how we have come to think of leaving the world of the modern state in terms that are already given by expectations of what it once meant to come in than it does about dynamics that certainly seem to be reshaping contemporary political possibilities in possibly quite traumatic ways.

Similarly, in another claim that would not be difficult to find in multiple iterations elsewhere, he says (on p. 55) that ‘(t)he world in which we live is now more complex, interdependent, and highly uneven than ever with regard to the distribution of power and resources.’ Well yes, I take the general point, but not the specific formulation. It implies that the old order expressed a simplicity that we can contrast with a contemporary complexity (a position that can be sustained only if we reduce the old order to a set of clichés and ignore large libraries of scholarly analysis); that the old order lacked interdependence (whereas it depended precisely on significant forms of interdependence, though these forms may now be under profound transformation); and that there is some straightforward continuity between old patterns of inequality and those which may be identified today (which may or may not be the case but which raises questions about the degree to which we should be analyzing historical change in evolutionary, transformational or some other spatiotemporal terms).

So while I have some sympathy with claims about a need to move across or beyond, I would say that the phrase both marks and masks a broad range of

conceptual difficulties that are of massive consequence for any attempt to rethink the possibilities of democracy. Indeed, this is a phrase that expresses many contestable assumptions about spatialities and temporalities orchestrated in relation to very specific understandings of boundary practices and the possibilities or impossibilities of transgression, transcendence, and human finitude. Narratives about moving across or beyond simply short-circuit too many important discussions of the politics through which modern democratic forms of politics have been enabled within very specific limits.

One of the more attractive features of Bohman's analysis is the way it draws on various traditions of republican thought. The specific traditions that interest him, and which mark a far more subtle sensibility than is to be found in writers like Philip Pettit or Wyl Kymlicka, are those associated with the opposition to European colonialism expressed by Diderot and (I would say to a limited extent) Kant. Insofar as one can sustain some kind of republican politics of non-domination under contemporary conditions, I might consider myself to be persuaded that Bohman's discussion of this legacy offers considerable sustenance for further thought. Still, to mention republicanism is to be reminded most especially of Machiavelli, and his spectacular engagement with what it might mean to create something new in God's perfect world in which claims to novelty, to the self-creation of modern man, constituted acts of heresy. In this sense, republicanism reminds us less of a series of historical achievements that, as Quentin Skinner has usefully argued,<sup>3</sup> were occluded by subsequent forms of liberalism, than of what was at stake in claims about change and transformation in one of the constitutive moments of founding the modern *dêmos*. In this respect, and despite my attraction to at least some elements of republican tradition, my sense is that Bohman still uses republicanism in ways that ultimately affirm patterns of structural invariance rather than patterns of change and transformation, though I appreciate the sensitivity to temporal contingency that sometimes energizes his appropriation of republican legacies.

I should also say that whether Kant in particular can be read as one of those early transnational republicans 'who saw the deep connection between transnationalism and non-domination in a political order that does justice to our deepest commitments to freedom and justice' (p. 190) is highly debatable. Whatever 'transnationalism' can be read into Kant coexists with ambivalent attachments to a scalar array of individuals, states and a system of states that is always aporetic at the limit of each moment on the scale; and whatever his resistance to forms of European domination and his openness to the diversity of human possibilities he remains difficult to dissociate from a teleological reading of history in which some but not all human beings are brought into a state of being and common rationality within which certain forms of non-domination and diversity can be entertained. Appropriations of republicanism in the name of procedure and process should not allow us to forget that even the most attractive versions of republicanism had a lot to say about the constitutive moments of founding that might allow procedures to generate processes, and it is these constitutive moments that I take to be in need of more extensive discussion in debates about the possibilities of rethinking democracy. They are

especially in need of discussion when the borders that are being crossed are framed as an implicit temporality inviting solutions to a supposed problem of modernization and development.

Perhaps the claim with which I feel most sympathy in Bohman's analysis, however, is that most cosmopolitan theories of democracy are guided by deep and unanalyzed assumptions about the circumstances and location of democratic politics. The trouble here, in my view, is that exactly the same might be said of Bohman's alternative, which remains statist precisely because it remains interstatist or international, even if he prefers to think about it as transnational. A crucial category mistake is at work here. Transnationality, in Bohman's usage, is a term that conveniently refers to an exteriority that might be understood as either an international order or some other sort of order entirely, and it is precisely the difficulty of distinguishing an international order from something else that generates so many conceptual difficulties in the literatures about globalization and so on. After all, the term 'international' permits an understanding of modern politics as nothing more than a collection of those states enabling properly political (and sometimes democratic) communities of self-determination and citizenship to thrive or as an expression of that humanity that is expressed as the collective condition within which mere states and their communities of citizenship can thrive.

An awful lot obviously hangs on the valorization ascribed to these two understandings: on whether an internationalized account of humanity or a nationalized account of citizenship have or should have priority. Yet in even the most minimalist account of an international order, one in which even recognition as a (democratic, for example) state requires a system of states to enact the recognition, the problem that arises concerns not the necessity of a move from citizenship to humanity, from *polis* to cosmopolis, or from *dêmos* to *dêmoi* but the need for some understanding of and judgment about how specific accounts of humanity already enable statist accounts of citizenship, specific accounts of cosmopolitanism are already embedded in modern accounts of the *polis*/state, and specific accounts of potential *dêmoi* are already at work in our understandings of any particular *dêmos*. References to transnationality offer an all too convenient way of evading the difficulties arising from the uncertain relation between the claims of sovereign states and the claims of a system of such states through an appeal to an order that is somehow beyond any sovereign state rather than a constitutive condition of any sovereign state. While it may be possible to claim that we do indeed live, or at least ought to be living, in a condition for which the term 'transnational' might be appropriate, this would be a condition in which it would be quite difficult (though not impossible) to sustain some grip on concepts of, say, citizenship or political community, or to avoid engagement with accounts of, say, the universalizing though divisive characteristics of a globally orchestrated capitalist economy. In this context, discussions of the future of democracy divorced from a broader sense of the future of politics, let alone from a political economy, a sociology of urbanization or technologies of surveillance and warfare are going to wear very thin very quickly.

Thus, while Bohman is right to suggest that accounts of a territorially or spatially specific *dēmos* continue to inform proliferating literatures on cosmopolitan democracies and all the rest, with the consequence that the projection of a supposedly novel spatial location closer to the *cosmos* than to the *polis* goes hand in hand with the continuity of the specifically modern and liberal subjectivities envisaged within this location, he also seems to envisage a spatially located polis within a minimally specified federation, and proposes to get there by imagining a route that goes onward and upward—a reading of future possibilities that depends on much the same kind of spatialized imagination that is at work in both statist forms of democracy and their cosmopolitan critics. The use of the term ‘transnational’ is indeed crucial in this respect and I will return to it momentarily. Before doing so, however, let me circle back a little in order to underline a few specific implications of what I have said so far.

## SOVEREIGNTY

The explicit location from which Bohman works is a specific tradition of philosophy. While holding no brief for any other location that might be necessarily superior, but also keeping in mind some longstanding tensions between traditions of political philosophy and traditions of political theory, this specific location raises questions that may be of some significance for the material under discussion. First, it is a location that has for some decades managed to evacuate much of what I would take to be political from discussions of political principle. This was one of the effects of the veils drawn by John Rawls and it has been one of the effects of a widespread shift to categories of ethics in discussions of justice, rights, alterity, and so on. Second, it is a location that has come to express some very specific traditions of philosophy, primarily those that have been refined within Anglo-American institutional contexts—contexts that have of course been shaped by the various hegemonies enabling claims to authority by some very specific authorities. Third, while enjoying a privileged form of authority, it is a site at which it is really quite difficult to find many sustained accounts of the authorization of authority. Professional privileges and deformations are doubtless inevitable but nonetheless far from trivial in the present context. The forms of democracy we have come to admire are, after all, responses to some very profound crises in the authorization of authority, and to focus on democracy as the concept that needs to be addressed in discussions of any democracies to come without addressing the problems to which democracy has somehow emerged as a sustainable response, is to risk considerable incoherence.

Two related difficulties are involved here. One can be identified very simply by taking note of the absence of practices of sovereignty not only from Bohman’s discussion but from a great many discussions of democratic possibility that begin and end with concepts of democracy. The tacit assumption is that sovereignty is simply in place as the container-cum-guarantor of the democracies we know or, more usually, is in the process of disappearing as we move toward some other condition requiring other conceptions of democracy. In either case, sovereignty is read as a simple choice

between presence or absence, with the choice being mediated through a presumed philosophy of history in which we either are or are not moving away from the forms of sovereign state that are presumed to have been in place, in principle at least, since the days of Westphalia. Questions about sovereignty, it is assumed are simply too obvious or too old fashioned to worry about. Time to move on, it is often said, to democracies of procedure and ongoing processes of self/other-constitution. Except of course, that difficult questions about the founding or constitution of procedures and processes have not obviously gone away, and perhaps even more difficult questions about where and when they might stop have not gone away either. It may well be, as I believe, that the traditional forms of sovereignty associated with the regulative ideals expressed by modern nation-states are in some disarray, but it is not obvious to me either that this disarray amounts to an act of historical disappearance nor that such disarray means that questions about sovereignty are unimportant. On the contrary, I would say that the problem of sovereignty, especially of the authorization of authority to authorize the beginnings and endings of authority, has become rather more intense and difficult under contemporary conditions, and that accounts of democratic possibility that assume that this problem is either trivial or obsolete is going to have very limited plausibility.

Bohman recognizes some dimensions of this problem in his foregrounding of questions about legitimacy. It is striking, however, that so many of the hard questions traditionally associated with claims about sovereignty are simply swept aside by gestures toward some moving across, or going beyond, or transnationality. There are hard questions most obviously about what happens at the limits of sovereign jurisdiction where and when laws are suspended, exceptions enacted, wars declared, and so on. Whatever degrees of contempt one might want to throw at Carl Schmitt's extreme formalization of sovereignty as a capacity to decide upon exceptions, it is a formalization that has thrown a wrench into many distinguished accounts of democratic possibility, mainly because it is a formalization that affirms the very tight limits within which all the primary concepts of modern politics have been developed as a practice of subjectivity and subjectivization. It is one thing to resort to clichés about and descriptions of processes of moving across and going beyond as if this were merely an empirical matter. It is not. It is a matter of principle, and it is a matter of principles that have been at least partly determinate in the construction of what we have come to call democracy and that still shape the conditions under which we are able to imagine any other possibilities.

The other problem concerns the possibility of thinking about any democracy to come by starting with democracy, especially with a democracy that is presumed to have been already achieved, rather than with the problems to which democracies have come to be treated as a generalized and generalizable solution. One might want to see rather more, for example, about what we are now to make of the competing claims to liberty and equality that have been worked out through processes we still need categories like (at the very least) 'modernity' and 'liberalism' as well as democracy to explain. Or what we are to make of the competing categories of liberty and security, to take a site through which a good many democratic achievements are

being decimated all around us. Or the precise dynamics through which inequalities, exclusions, dominations, and declarations of legitimate violence are reshaping the conditions under which we can or cannot rethink what a democracy to come could possibly involve.

One cannot do everything, of course. Still, there is something odd about an analysis that can so easily dismiss various ‘sociological skeptics’ and then indulge in a highly selective invocation of empirical trends that keep the discussion on the high road of a democratic theory that engages very little with the everyday struggles of people who might be understood as engaging in various forms of democracy, or even in rethinking its possibilities to come. My worry in this respect is not about the way Bohman in particular might or might not have said more about this, that or the other, but about the more general tendency, which his analysis exemplifies, to read democracy as a distinct realm unto itself. David Held’s work might offer an example of the contrary tendency to locate the problem to be addressed in an overdetermining (and in my view unpersuasive) narrative about determinate trends of all kinds, but the overly abstracted (but empirically selective, and in my view also empirically unpersuasive) character of the general literature to which Bohman is contributing is, I think, a cause for some concern. Whenever something beyond some specific literatures about democracy come into view in Bohman’s analysis, it does so under one of the grand and overgeneralizing signs of journalistic cliché.

Bohman is certainly not alone in this respect; indeed he keeps good company with many students of politics and international relations. Nevertheless, and whether in relation to other sites of political principle or to the forms of authorization that are currently enacted through the interpretation of historical trends, it is far from obvious that future democratic possibilities can be engaged in terms of democratic theory alone, especially when that relevant literature has been so disengaged with democratic practices beyond the confines of a few very privileged societies. Questions about sovereignty, that is to say, remain at play not only in relation to empirical claims about states and a system of states but also in the authorizations enacted in discourses claiming to speak about the transformation of sovereignty within and among states, including claims about the future of democracy.

## **INTERNATIONAL/TRANSNATIONAL**

In my view, the most disconcerting consequence of the way in which Bohman simply starts with the question of democracy and slides around questions about sovereignty and authority concerns the role of what I will call the international plays in his analysis; the international, that is, that might be read as the system of sovereign states that emerged sometime in early modern Europe or as the internationalized system of states that was largely shaped by the experiences of the 20th century. It works, in brief as a constitutive absence, as a constitutive presence, and as a destination that is already there at the beginning. Again I want to pick up on this because Bohman exemplifies a much broader trend in this respect.

For reasons that remain in need of considerable explanation, much of the literature on the future of democracy, indeed of politics more generally, simply ignores the international. Problems are identified in relation to the state. The international is understood as a simple aggregation of states, so the problem remains the state. If the state is a problem, the solution is to eliminate or subordinate the state in favor of something that is somehow higher and more universal (the option favored by many so-called cosmopolitans), or (the option favored by Bohman) to reimagine the international in specifically republican terms. The logic of the former option depends on the possibility of a sudden switch, or a slow evolution, from the sovereign state understood as a site of particularity to something more inclusive understood as a site of commonality or even universality. The logic of the latter depends on the refusal of the shift from the pluralistic particularity to a common universality and its replacement with a shift from the particular universality, the singular *dêmos*, to an array of particularistic but plurally articulated *dêmoi* within a minimally specified league or federation of some kind. Kant, to his credit, understood both logics to be rather disturbing.

Anyone starting from the singular/universal state must tacitly assume the already existing presence of the international—no system of states, then no state—and it is a massive weakness of a great many literatures, and not only on democracy, that this presence remains only tacit. Anyone following the logic of the first option then has to systematically ignore the precise relation between the state and the international in order to mobilize a presumed shift from the polis to the cosmos, to shift to a slightly different frame of reference. Anyone following the logic of the second option has to simply rediscover what was already present, but hidden. This is the option that is expressed in Bohman's celebration of a federation of republican democracies. The specific version of the international that Bohman offers may or may not be preferable to various other versions, but his is an account of an international nonetheless. To move beyond the state is to move into the international, not the transnational, and if the concept of the transnational is intended to refer to something other than an international then the difference needs to be specified very clearly indeed.

Again, one way of thinking about this is to consider the implications of the minor role concepts of sovereignty play in Bohman's account of democracy. Thus, while the standard puzzles generated by the conflict between claims to state sovereignty and claims to popular sovereignty do find some place in the analysis, they are summarily dismissed by a statement of preference for 'an alternative democratic tradition that recognizes the possibility of distributed or shared sovereignty across *dêmoi*' (p. 35)—which seems to be the preference that sustains a series of claims about federalism and transnationalism, but, very curiously, not about the system of sovereign states that might be understood as the crucial condition of possibility for any claim about either state or popular sovereignty. As I have already said, I also find that 'alternative democratic tradition' to be a productive site for thought, but it is difficult to understand it as an alternative just because it somehow moves across or beyond forms of state sovereignty that are already implicated in—both conditional upon and a possibility condition of—the sovereignty of a system of sovereign states

and which can claim to express ‘the possibility of distributed or shared sovereignty across *demoi*.’ That is, after all the standard ‘common sense’ of modern forms of political life, which are not centered in the claims of the sovereign state alone but in the aporetic relation between sovereign states and a system of such states. The analog of Schmitt in this respect is Hans Kelsen, for whom international law is law.

In my view, no serious attempt to go across or beyond the boundaries expressed by traditional forms of democracy can afford to ignore the ways in which the problem of sovereignty that has to be negotiated in this context is the doubled one in which there is no superior authority to authorize a principled supremacy for either the sovereignty of states (in the manner of Schmitt, the so-called political realists and the political theorists identifying democracy with the *dêmos*) or the sovereignty of the internationalized system of states (in the manner of Kelsen and many contemporary imitators). From the diplomatically mediated contradictions of the UN Charter to the everyday practices of contemporary international affairs, complicated as they are by patterns of great power hegemony, among other things, the aporetic relationship between the competing but mutually constitutive sovereignties of state and system always have to be negotiated. The logical form taken by this arrangement is never a matter of either a singular particularity that might be switched for some cosmopolitan universality or a singular universality that might be switched into a multiplicity of specificities, but a complex array of universalities within particularities and particularities within universalities that cannot find alternatives in any simple move from particular to universal or the other way around.

Pay attention to the way modern political life is always a matter of aporetic claims to sovereignty in this way rather than to the radically nationalist claims of particular states (or the academic traditions that simply reproduce the radically nationalist claims of particular states) and this is entirely obvious. Buy into the radical nationalisms that inform the construction of contemporary academic disciplines—political theory and international relations theory quite as much as political philosophy—however, and the easy move across and beyond boundaries to somewhere supposedly elsewhere but in fact well within the structural frameworks of a modern international, national, and subjective order seems to be much more seductive.

In my view, it is the tacit adherence to one, nationalist, form of common sense rather than the other that cripples far too many otherwise interesting attempts to think about more interesting political possibilities, including forms of democracy to come. For all that he resists the seductions of the more common forms of cosmopolitanism, and for all that he works hard to resist the reproduction of nationalist assumptions in his account of a multiplicity of republican democracies, Bohman ultimately grounds his argument in a nationalist account of the forms of political life from which he seeks some way out. The international is present because it is the condition of possibility that must be taken for granted in order to speak about the achievements of statist forms of democracy in the first place. The international is absent in the explicit analysis of the conditions under which we might seek to think

about the contours of any democracy to come. Then the international returns in the very specific form of a federal structure that might ground a democratic minimum upon which the potential of a multiple array of republican democracies might be unleashed. The most interesting aspects of Bohman's analysis can then be mobilized; but what makes them interesting is a specific (republican) reformulation of democratic procedures predicted on resistance to domination rather than the demands of self-determination, not the advertised move across or beyond to some transnational order.

Perhaps the most striking indication of what is at stake here is the way in which Bohman advances a claim that his preferred account of a federation of republican democracies enables us to envisage a conception of humanity understood as 'the human political community' (p. 104). For this ambition to even begin to make sense, let alone achieve a degree of plausibility, two immense problems need to be negotiated.

First, there is the heritage of the constitutive split in the identity of modern political subjects as somehow both citizens and humans. This is, of course, a split that was given especially sharp expression by Machiavelli; one may possibly save one's soul or one's city but not always both at once. It has had to receive attention from anyone who has been deemed to have anything interesting to say about political life ever since. The aporetic relation between the internationalized system of sovereign states (understood as the expression of the humanity measured as the sum total of all the citizens of particular states) and the sovereign state (understood as the site within which particular citizens might be able to achieve something like an expression of humanity) has been perhaps the most important expression of the way modern politics has been required to respond to but never ignore Machiavelli's dagger-cut to the heart of the modern world. Bohman's discussion of democracy, like that of so many others, simply ignores this inheritance and works from the assumption that one can easily speak of humanity in political terms.

There is of course considerable resonance here with Kant's celebrated but very minimalist conception of a cosmopolitan right, though it has to be said that Kant himself articulated this conception on the basis of a much greater sensitivity to the aporetic character of the relations between sovereign states and an emerging system of states than most of his contemporary followers. Indeed, Bowman's analysis adheres fairly closely to the more republican moments in Kant where he tries to work out an account of the workings of an historical teleology of freedom within subjectivities that are simultaneously individual, statist, and systemic. Still nothing either Kant or Bowman say justifies any easy leap from a politics, and forms of democracy, predicated on a constitutive distinction between citizen and human to a politics in which we can start talking about humanity as if the aporetic relation between human and citizen can be simply cast aside. I can see how in Bohman's formulation, like that of Kant, we might be able to distinguish between better and worse ways of dealing with the citizen-human relation through practices we might want to call republican. On the other hand, it is not difficult to see how any attempt to opt for humanity at the cost of citizenship will simply trigger the usual suspicions

that some particular group of citizens is attempting to claim a monopoly over the capacity to speak on behalf of humanity; cue all the usual complaints about the way claims about some specific forms of democracy, among other things, have been used to justify the most outrageous forms of colonial arrogance and violent intervention. Bohman's formulations are fairly carefully delineated (though they celebrate various universalizing liberalisms much more readily than I consider seemly), but others have been far more willing to play the willing colonizer.

There is further ground for concern, however. For one of the most powerful but least recognized assumptions of modern political life is precisely that the collectivity of states in an internationalized system of states, like, as I read it, Bohman's collectivity of democratic republics in a system of democratic republics, does somehow add up to something we might call humanity as such. Indeed, an enormously powerful form of common sense insists that this must be the case. Who or what could possibly lie outside the international? On the other hand, another powerful form of common sense tells us that this assumption is profoundly misleading. If the modern internationalized system of states works to affirm an historical process of modernization, subjectivization, and self-determination, there must be, or perhaps must have been, some outside from which modern citizens/humans once came. Put differently, the problem of democracy can be framed not only in the spatial terms that enable Bowman's argument but also the temporal terms that mobilize a specific teleological view of history understood as a process of progress, development, and all the rest.

Again, Kant remains an instructive figure in this respect. For while it may be the case that Kant can be counted among certain kinds of critics of European colonialism, and indeed as a rather open-minded celebrant of human diversities, he also articulated one of the canonical accounts of the way in which it is only by passing through a certain threshold of maturity or rationality that one can begin to enter into the process of Enlightenment, or into the world of the modern international, into a world capable of organizing a particular understanding of the relationship between universality and particularity. A related even if rather loose teleology of history is not difficult to detect in Bohman's framing of the necessary move from *dêmos* to *dêmoi*. This is a teleology that has worked historically so as to enable and legitimize an international order expressing an always aporetic relationship between claims to citizenship and claims to humanity enabled by a constitutive distinction between some world, and some humanity, that has been left outside or behind and some humanity that has been brought into the modern world of the international as a subject destined to remain split between citizen and human.

So I feel much less comfortable than Bohman seems to be in speaking about a convergence between a pluralistic structuring of democratic *dêmoi* and something we might want to call humanity. The move is doubtless seductive, just as speaking about a move across or beyond borders is seductive. What need to be examined, however, are the practices that enable such seductions. I do find it curious that so many people think they can solve so many problems by mobilizing stories about a need to get out of statist forms of politics by leaping directly to some humanity, or world, or cosmos

beyond, and think they can do so by ignoring the international structuring of statist forms of politics. I also find it curious that Bohman is driven to rediscover the international in a form that owes more to Kant's sketch of the perils and possibilities of an international that was in some kind of formation in the late 18th century but not the international that has shaped the possibilities and impossibilities of democratic politics in the more recent past. I am certainly not of the view that we now live in a political universe that is adequately mapped by established stories about state sovereignty and an internationalized system of states. I am of the view, however, that much interesting work on our collective futures is systematically subverted by a persistent refusal to take the international seriously and by repeated attempts to move directly from the sovereign state to a common humanity. Humanity to come there may be, or not; but at the moment it is a concept that needs to be used very, very carefully and there is no point pretending that we can take a short cut across or beyond the boundaries sustaining a politics of citizens/humans that is already laid out as a spatial array of both *dêmos* and *dêmoi* guaranteed by a constitutive distinction between those who have come into the modern world of the international and those who have not or cannot.

When democratic theory begins to engage with its conditions of possibility in this respect, we might be able to stop returning to Kant, and might even learn to articulate some of Bohman's aspirations in ways that elude the very narrow confines of what passes for contemporary democratic theory. In the meantime, it might be argued that the conditions under which we are still able to speak about democracy with some degree of plausibility are being reshaped in ways that do not obviously favor Bohman's aspirations. This reshaping probably has far more to do with an intensification of political practices sustaining and transforming boundaries than with any grand move across or beyond boundaries. Indeed, in my view, any analysis of democracy that yearns to go beyond rather than examine boundaries, and thus sovereignties, with great care and attention will have very little to say to any possible political futures.<sup>4</sup>

So while I appreciate the subtleties of Bohman's analysis once it gets going, I think a lot more attention need to be paid to a much broader array of enabling assumptions that he willing to pass over without much ado. It is in this sense that democracy is ultimately too important to be left to the theorists of democracy. Moreover, the claim to humanity is certainly not one that can be made lightly by anyone who understands what is at stake in the construction of modern political life, and modern forms of democracy, within an international that affirms a very specific understanding of humanity on the basis of the constitutive exclusion of other accounts of humanity. The simultaneous presence and absence of the international enabling Bohman's analysis expresses an array of quite profound problems for anyone trying to think more creatively about democratic possibilities under conditions of transformation. Deep breaths for all of us are certainly appropriate.

## NOTES

1. James Bohman, *Democracy Across Borders: From Dêmos to Dêmoi* (Cambridge, MA: MIT Press, 2007), 190.
2. For an incisive discussion, see Jens Bartelson, *The Critique of the State* (Cambridge: Cambridge University Press, 2001).
3. Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998); and Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).
4. This is the view expressed in R.B.J. Walker, *After the Globe, Before the World* (London and New York: Routledge, 2010).