

Self-Determination beyond Sovereignty: Relating Transnational Democracy to Local Autonomy

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Contemporary Practice and Problems for Theory

The practical context for the theoretical reflections in this article is set by two apparently conflicting tendencies: On one side, we have the progression of global economic, technological, and, to a degree, legal and political integration, where this entails a certain diminution of sovereignty. Sovereign nation-states of the so-called Westphalian paradigm, possessing ultimate authority within a territory, are increasingly overwhelmed by the cross-border interconnections or networks that escape their purview; or they are legitimately constrained by new human rights regimes across borders. On the other side, especially in view of the hegemonic activities of the United States, but also in the European Union, new calls for the reestablishment of the sovereignty of nation-states can be heard. This may take the form of a reassertion of a right of states against military interference and a retreat from ideas of humanitarian intervention; or again, it may take the form of an assertion of the priority of nation-states from the standpoint of the administration of welfare or that of the distinctiveness of particular cultures that they sometimes embody. Indeed, a third tendency can also be discerned in present practice: In the face of economic globalization of the first sort, diagnosed as U.S.-led and one-sidedly serving the interests of large industrial societies, but also with an understandable fear of the power of coercive and sometimes violent sovereign nation-states, some actors in the global justice movement seek what they call autonomy, as a self-organization of societies or communities in a diversity of more local forms.

We can see here a complex assemblage of norms and a difficult situation for social and political philosophy: While it is clear that global economic integration is one-sided and cannot in its present form conduce to global justice or to meeting people's economic human rights worldwide, nonetheless the increased interconnections facilitated by communications technologies and the new forms of cultural creativity and cooperation that these interconnections may enable have a definite positive aspect. And while sovereignty is evidently problematic in permitting the disregard of human rights abroad as well as within nation-states, and by contributing to war, violence, and perhaps also empire through the exclusive pursuit of national interests, it seems that a right against intervention in a differ-

ent political society still has an important role to play within an adequate normative structure for international affairs. Such a right against intervention is often taken as the core of the sovereignty idea in international law, and is identified as “external” rather than “internal” sovereignty.

Yet another key concept in this normative web—closely related to, but distinguishable from, sovereignty—is that of self-determination. Although sometimes still thought of as the self-determination of nations, it is often attributed to peoples, understood as those resident in a territory, who may or may not be mainly of one nationality. The principle of self-determination is importantly enshrined in international law, most notably perhaps in Article 1, section 2 of the UN Charter, which declares as one of the UN’s goals “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.” It is also listed as a human right in the International Covenant on Civil and Political Rights. But what are we to make of this principle if globalization in fact entails a diminution of sovereignty and instead enables an increasing degree of transnational decision making and the emergence of cross-border communities?

I have elsewhere characterized these new types of communities with the term transnational localities. In this phenomenon, the local is no longer exclusively tied to a particular territory, or to a geographically delimited space. Especially with the emergence of computer-mediated Internet communications, I have argued that temporal simultaneity can sometimes replace spatial proximity as a basis for community.¹ Thus, for example, Internet forums may sometimes exemplify features of affiliation and care, or of easy dialogue, thought to be characteristic of local communities (though we need to add that they may as easily manifest hatred and stilted dialogue).² Besides these geographically dispersed localities, new cross-border communities have come to be constituted around ecological or economic shared interests among people from different nation-states. It is clear that these developments raise questions about the relevance and paramount importance of traditional conceptions of self-determination, with their state-centric connotations, and their ties to issues of both nationality and secession. Thus, it seems to me of interest to inquire into the continuing relevance of the idea of self-determination in this new context.

At the same time that self-determination appears to be weakened in importance, there is increasing recognition of a continued role (perhaps even a greater role) for local autonomy within the context of economic, social, cultural, and political globalization. Thus, theorists of global justice who argue against economic globalization, or who hold an alter-globalization point of view,³ have often argued for greater local autonomy, and sometimes for a system composed exclusively of local self-governing units. While not necessarily using the concept of self-determination in this connection, the autonomist segment within the global justice movement make appeal to an idea of self-governing local communities.⁴

The other crucial contemporary issue with regard to the principle of self-determination is its utility—at least in principle—in preventing the imposition of

democracy on other states. For while globalization theorists may regard the diminution of sovereignty as inevitable, they are generally unhappy to see it violated in such contexts as the U.S. invasion of Iraq. Some theorists are currently reacting to this situation by insisting on the role of the idea of sovereignty itself, either in its currently recognized form in international law or in a revisionist interpretation that emphasizes its external dimension of constituting a right against interference.⁵ Another possibility, more compatible with the growing social and economic associations of people across traditional borders, would be to see whether self-determination, in a democratic interpretation, can also serve to prevent the imposition of the will of one political community on others, and I will pursue that line in this article.

This sort of approach, if successful, would also help to avoid the negative aspects of sovereign nation-states, which are many. To summarize these briefly: State sovereignty leads to a disregard of justice and human rights of other nations, peoples, and states. Nation-states' arbitrary configuration into large and small, rich and poor gives unfair advantages to the big and powerful ones in natural resources and other goods. Such states are also exclusionary and indeed often on arbitrary grounds. And of course, the state system has led to violent conflict and wars, and perhaps has also facilitated contemporary forms of empire.⁶ Even when sovereignty is understood as entailing authority rather than unconstrained power, states exercise coercion, either generally and necessarily—as those of anarchist bent would argue—or at least over minority peoples, nationalities, cultures or ethnicities almost always included within their borders. And even where sovereignty is taken in a more normatively acceptable form as popular sovereignty, this does not rule out such domination by majorities and, in addition, can permit abuses of power, such as the surveillance we have seen recently. Finally, a system of sovereign states, in traditional or in popular forms, fails to represent people's transnational or international interests adequately, particularly concerning environmental and economic cooperation or regulation, and has no way of reflecting the multitude of actual ties and associations that are springing up across borders.

The proposal I wish to develop further here involves reconceiving self-determination in ways that take it out of its older context of sovereignty and the claims of minority groups to secession, and instead give it a more fully democratic interpretation that retains an important role for the prohibition against intervention. The relation of self-determination to democratic governance also needs elaboration, along with considering whether these are really separate conceptions. Further, given the emergence of transnational contexts for decision making, we need to consider the ways in which self-determination and local autonomy remain highly significant concepts. A reconception of this sort will have to make room for the wider networks of interconnections between people, associations, and political societies that are characteristic of the present context of growing global integration, keeping in mind that the new democratic communities in question may indeed be cross-border or even fully transnational. Yet, I will also suggest

that a conception of locally autonomous communities can only make sense within a broader framework of the protection of human rights, itself necessarily at least regional in scope. Beyond protecting people's human rights, attention needs to be given to creating economic, social, and political institutions that will enable people to fulfill these rights, and this too will have impact on our idea of democratic self-determination. Finally, this reconception also requires an understanding of solidarity with others that goes beyond the interconnections found among the members of political communities.

Current Meanings of Self-Determination and Related Terms

When we turn to the idea of self-determination itself, we find something of a conceptual muddle. In order to get a handle on the various meanings of this term, we can, first of all, take note of its substantive transformation in international law, specifically in regard to the meaning of what are a people (in the idea of the self-determination of peoples). Its meaning has moved from a matter of the political independence of ethnic or national communities—the status that it had in the Wilsonian period—to the post-Second World War meaning of peoples as multiethnic, emerging from colonial rule. In this second significance, it has been taken as “the right of the majority within an accepted political unit to exercise power.”⁷ In these various uses, self-determination has often been discussed in terms of the issue of the legitimacy of secession in international law.

There have been important debates among theorists in regard to the nature and ground of secession, with the alternatives being (1) choice-based theories of the right to secede, seeing it as founded in the recognition of autonomy; (2) justice or just-cause theories, like Allen Buchanan's, that see it as permissible only in order to remedy severe injustices; or (3) theories of national self-determination, understood for the most part in terms of the importance to people of national identity or membership in a nation, for example, in David Miller's account.⁸ This latter view is problematic, however, even apart from the familiar dangers of nationalism, in view of the multiplicity of nationalities contained within most nation-states.⁹ Since the world is not divided up into one nation (or people)/one state, then as Buchanan, Dahbour, and others argue, there can be no absolute right of national self-determination.¹⁰

In addition to these divergent interpretations of self-determination as a principle of international law, there are two other main meanings, apparently quite different from the first set. One is of course the idea of individual autonomy, where self-determination is understood as a Kantian principle characteristic of an individual will as free, or in more contemporary interpretations of autonomy that widen the idea to individual freedom more generally. Beyond this, another meaning of self-determination, one that especially concerns me here, is democratic self-determination, whether understood as democratic governance, or in even more general normative terms, as we shall see.

Self-Determination and Democratic Governance

There are now the beginnings of the recognition of the importance of, even the priority of, a specifically democratic interpretation of self-determination. We see intimations of this in a few suggestions in Buchanan's recent book, where he cites James Anaya to differentiate "ongoing self-determination," which signifies self-government, from "constitutive self-determination" as the choice by a group of its political status, for example, whether to form an independent state.¹¹ David Plotke also makes mention of a link between democracy and self-determination in an article entitled "Democracy and Groups," though he pulls back from drawing any robust connection between them.¹² A strong interrelation between these two ideas is developed in a recent article by Brian Mello, who sees self-determination as a fundamental human right, interpreted as equivalent to a group's right to political participation.¹³ And a connection is implicit in several UN documents themselves, especially the International Covenant on Civil and Political Rights, though these tend not to speak of democracy directly, because of political issues at the time of their drafting (and subsequently limited even further during the Cold War period).

In my previous work, I have proposed a close tie between the concepts of self-determination and democracy. In particular, I have connected the principle of the self-determination of nations to social self-determination implied in a broad conception of democracy.¹⁴ More crucially, perhaps, is the argument that the concept of democracy itself properly includes a reference to self-determination in its core meaning. Such a connection between the concepts of self-government and self-determination comes to the fore when democracy is understood in terms of a requirement of equal rights of participation in decision making on the part of all those engaged in a common activity, defined by shared goals. In my account, they may be said to have a right to codetermine the course of this activity, as an expression of their more fundamental equal rights to self-determination. Where the activity in question is common or joint, no one of them has more of a right to determine it than do the others. Thus, rights to freely determine their own activity here necessarily take the form of codetermination, or self-determination by the collectivity of the nature and direction of the shared activity, and to a degree also of the conditions for it. On this view, the requirement of democracy is in fact based on the idea of free or self-transformative activity (whether individual or collective) as characteristic of humans.¹⁵

On this approach, self-determination by a group is recharacterized as a feature of democracy itself, which in turn is not taken to be limited to a form or procedure, but is understood as an equal right of participation in decision making (based on deliberation); substantively, it can be characterized as a mode of organization of common activity. In terms of the identification of a demos, this is not limited to a conception of a people resident in a given territory, but is applicable more widely to all institutional contexts of decision making concerning common or joint activities. On this view, members of institutions or of voluntary associa-

tions that cooperate in practices oriented to shared ends have such democratic rights of codetermination. Inasmuch as such common activities are characteristic of political community (though here there is a multiplicity of shared goals and modalities of cooperation involved), I have argued that the demos needs to extend to everyone resident in a particular territory, and cannot be limited to those of one or another nationality.

Where political communities are concerned, then, the reframed conception of self-determination can capture an important aspect of the older view, now decoupled from any idea of strong sovereignty. That aspect is the emphasis on communal autonomy, or the idea that a group of people living together, with something of a common history, established practices, and an overlapping set of shared goals and cultures, have a right to codetermine the course of their projects and activities together. I take this to be implied in the political application of the conception of common activity, for which, I argued, democratic modes are relevant. But along with Buchanan and others, the view here suggests that this sort of ongoing community has to be inclusive and open to all those resident in a territory. The complications introduced by the emergence of transnational localities will be discussed later.

Democratic Self-Determination: Problems and Clarifications

However, all is not well with this assimilation of self-determination to democracy, a problem that would also face an account such as Mello's and *a fortiori* that of Daniel Philpott in his attempt to derive rights of secession from the value of autonomy or choice alone.¹⁶ There are two aspects of the traditional understanding of self-determination that complicate matters for us. Both problems are well elaborated by Margaret Moore, but are developed by others too and in particular by Allen Buchanan in his masterful works on secession and self-determination.

The first problem is posed neatly in a formulation by Ivor Jennings (cited by Moore). Jennings writes, "On the surface, it [the principle of self-determination] seemed reasonable: let the people decide. It was in fact ridiculous because the people cannot decide until somebody decides who are the people."¹⁷ This issue of the constitution of the demos is referenced in the first sense of self-determination that James Anaya sets out, as I indicated earlier. This is its meaning as "constitutive self-determination," which he sees as the choice by a group of its political status, for example, whether to form an independent state.¹⁸ Even if we move away from the specified limitation to states and see self-determination as a possibility in any common activity, including social associations and economic institutions, it would seem that the particular common activity itself can probably not be wholly constituted by democratic means. Although the choice of a constitutional framework for a collectivity may proceed democratically, it is unlikely that we can see the initial formation of this collectivity itself as subject to democratic choice without entering into an infinite regress. Harry Beran in fact

addressed the issue of a procedurally democratic determination of secession by a group in terms of a reiterative process of democratic decision making.¹⁹ Yet in regard to actual collectivities, whether political or associative, it is unreasonable to characterize them as arising through democratic choices, although they may increasingly arise through choice itself, and such voluntariness is probably a normative desideratum for them, to the degree that it can be achieved.

Thus, my view of common activities does not see them as for the most part formed through democratic constitution but rather as contexts relevant for democratic decision that are given through the range of activities in which people cooperate to realize shared goals. While, in my view, it is desirable that these be voluntarily constituted to the extent possible, this does not entail the circularity that would be involved in regarding these contexts as themselves democratically constituted. Further, some of these shared contexts, particularly those associated with cultures, involve appropriation of traditions and histories that are initially given to us rather than created *de novo*. It should be noted, however, that a view that gives priority to common activities does not see the crucial element of self-determination as exclusively, and maybe not even primarily, a matter of identity, though this can be an important factor. Rather, the leading role is given here to joint activities and projects over time, particularly where these are institutionalized, rather than to identities *per se*.

However, we need to observe yet another crucial aspect of self-determination that is missing from the democratic account I have given. And that is the connection between self-determination and territory, which is especially relevant in cases of political self-determination, or where nation-states are involved. This territorial dimension, stressed by Moore,²⁰ is omitted or downplayed in those accounts that seek to interpret self-determination wholly in terms of choice or democratic association. While this is an important point that in fact may properly set limits to the permissibility of secession in international law, it would seem to be the feature of self-determination that is most in need of revision in view of increasing global integration, particularly in light of the emergence of new forms of transnational localities and of cross-border regionalism. As I have noted, these can take the form of new communities across literal borders or at greater distance; they can involve the devolution of political power to smaller units; or they can involve the federation of units into larger regional groupings. In some of these cases, territory itself is unimportant, for example, in the worldwide associations of scientists that have new importance, whereas in others, the relevant territory simply shifts.

It is the case too, of course, that everyone wants and needs a home. But whether this has to be understood in the familiar terms of nation-states rather than in more local terms is an open question. Indeed, theorists like Johan Galtung have argued for the priority of municipalities within transnational democracy, though mainly on the ground that they are relatively well run compared with nation-states.²¹ And again, autonomist movements have proposed that positive forms of globalization can be constructed only through a developmental process in which

local groupings come to stand in solidaristic relations with others. Beyond the universal need for a home, it also can be acknowledged that land per se plays a highly significant role in certain cultures, as is salient for example, in the case of American Indian tribes. Thus, the conception proposed here of democratic self-determination cannot completely replace the range of issues concerning the connection of self-determination to territory. Nonetheless, the approach here emphasizes the deep analogy that exists among the various associations, institutions, and groupings—whether of peoples or nation-states—all of which are susceptible of being characterized as self-determining in the relevant democratic sense. When it is recognized that these groupings are increasingly overlapping and networked, the priority of membership in just one such unit (or where there is dual citizenship, in two) will perhaps lose some of its force. While some theorists will regard this as a loss, these multiple memberships can also contribute to minimizing the exclusiveness and unfairness that besets many cases of national citizenship, and can permit addressing more squarely the requirements of global justice.

Before turning to the discussion of local autonomy, I would like to develop another positive feature of the close connection I have suggested between self-determination and democratic governance.

The Normative Grounds for Opposing the Imposition of Democracy and the Implications for Democratization

Although the UN Charter in its appeal to sovereignty provides a strong basis for an objection in international law to the project of imposing democracy by force on other nation-states, we may wish to find a basis that will remain even if sovereignty is reduced in its relevance over time. That it is likely to eventually take this direction is suggested by such contemporary phenomena as the rise of regional or even global human rights protections and the development of a range of multilateral institutions of global governance following upon economic and other forms of globalization. The phenomena of growing economic integration across borders and the wide-ranging and transnational nature of environmental impacts themselves require substantial international efforts to regulate them and to deal with them. And of course, communications technologies too have facilitated the development of transborder nongovernmental organizations and fully global social movements. We can say then that given the effects of state action on those situated at a distance and especially the emergence of new regional and transnational political organizations and nonstate actors, it seems that sovereignty in a strong sense is no longer applicable, even without considering the variety of anarchist or even libertarian objections that might be made to the state's coercive powers.

But if self-determination as a strong right of peoples to sovereignty within nation-states is no longer as compelling as it may once have been, another sense of rights of self-determination, namely, as democratic self-determination pre-

sented here, is in fact still relevant in objecting to the imposition of democracy. In this way, I suggest that we can find the objection to imposing democracy as somehow residing in the conception of democracy itself or in the grounds for it.

Thus, the analysis that ties democracy to self-determination has implications for our current problem of rightful forms of democratization. As I have indicated, it holds that democracy in the sense of equal rights of participation in decision making is in fact normatively required in a very broad spectrum of activities, including social, political, and economic ones. But at the same time, it implies that democracy itself has to be self-determined rather than other-determined or imposed. That is, if democracy is an expression of freedom and if it is the collective form of self-determination, it is in principle up to the agents directly involved in the common activity to implement democratic forms of decision through their own actions. This requirement of self-directed democracy applies both to the creation of frameworks for democratic decision, for example, constitutions specifying democratic powers, procedures, and protections, and to the use of democratic procedures and democratic institutions within those frameworks.

An important question in this context is of course what is to be done when authoritarian governments prohibit people from operating in democratic ways. And another issue is what to say when people do not seem inclined to choose democratic forms but seem to prefer other types of social and political organization. In the first case, it can certainly be legitimate to aid people in establishing democracy, provided a majority or substantial minority want and ask for this aid. But the idea here is that the people directly involved are to take the lead in this process. Thus, John Stuart Mill was partly correct in arguing on grounds of self-determination that people need to establish their own governments. He was right to give the people pride of place, though he unfortunately (though understandably) took self-determination as a feature of sovereign states, rather than of democratic communities themselves. A further and rather important revision that we need to make concerns who are the rightful interveners. Clearly, the legitimate authority in such cases is not another nation-state, but an international and duly constituted body.

The second concern I raised, that people do not always appear to want to live under democratic forms, and certainly not U.S. ones, raises a large number of issues concerning the recognition and value to be accorded to the range of existing cultural traditions and social practices. Without taking these up here, we can say that greater diversity in the interpretation of the norm of democracy itself is certainly required. As I have argued elsewhere, a wide variety of democratic practices and procedures are in fact compatible with the core notion of equal rights of participation that are not relinquished without term. The most prominent interpretation of this is majority rule, with periodic elections of representatives, whether in the U.S. version or in Western European parliamentary forms. However, this is not the only interpretation possible, with consensus models being an obvious alternative, whether in the new forms practiced by international social movements or nongovernmental organizations, making extensive use of the Internet, or older

African tribal forms involving representatives repeatedly consulting with tribal members and thereby coming to consensus within a council setting.²²

This recognition of cultural diversity in the understanding of the forms of democracy does not challenge the value of democracy itself, but supports the requirement that democratization processes be led by the people most directly involved. Because of the link between democracy and conceptions of freedom and equality, this view certainly stands opposed to authoritarian regimes and oppressive social practices. However, the conception of freedom implied here is an open one, not to be narrowly construed along the lines of classic liberal free choice views. It denotes the self-transformative character of human action, which is in evidence both in cultural or social practices and in individual forms of self-development. In this approach, it is the equal agency implicit in these practices and development that provides a ground for its recognition in norms of human rights and democracy.

Democracy and Human Rights

Although democracy is itself one of the human rights (and is coming to be recognized as such in international law), human rights can themselves legitimately constrain democratic decisions that violate them, as I have argued in my book *Globalizing Democracy and Human Rights*.²³ We can observe that considering human rights provides yet another basis for objecting to the forcible imposition of democracy, if a rather obvious one. This objection is found in the priority of the human right to life, which is so widely violated in wars to establish democracy. As I suggested already in *Rethinking Democracy* in the discussion of what I called cosmopolitical democracy, despite the priority one might accord to human rights over social and political self-determination, intervention to realize rights needs to take into account the central value of life as itself a basic right. The priority of the right to life might help explain why we would more readily support interventions to prevent large-scale killing than to enact democratic procedures. Yet, as I have suggested, self-determination is also of great value, especially in its tie to democracy. As a recognized human right, democracy is currently phrased in terms of a right to take part in government directly or through representatives, and is specified in terms of free periodic elections. Hopefully, formulations of human rights will eventually explicitly recognize a right to democracy itself in its own terms.

The relation between democracy and human rights of course goes beyond this and is a complex one. There is the idea, cited above, that human rights may sometimes legitimately constrain democratically taken decisions, including in transnational associations, in case these decisions violate them.²⁴ This function of human rights suggests a place for regional, if not fully global, instruments and jurisprudence regarding these rights, along with courts of appeal that can protect them; these may even permit citizens to bring claims against the actions of their own nation-states. I would suggest further that only an agreed-on cross-border

human rights framework of this sort can permit the multiplication of democratically organized social and political associations that will hopefully flourish in a more fully networked world. Further, it would permit the devolution of some state power to more local associations and accordingly a more robust realization of local autonomy.

Yet another relation of human rights to democracy is for them to serve as a goal to be realized through democratic political decisions, whether these are taken within nation-states or by new transnational associations. Even more generally, we can say that there is a requirement of justice for organizing social and political institutions so that people can have relatively equal access to the conditions of freedom, where these conditions are specified in human rights. This signifies that people will need relatively equal opportunities for human rights fulfillment, keeping in mind that human rights include economic and social ones as well.

But this issue also takes a new shape in view of globalization. The difficulty arises from the effect of decisions of nation-states and international organizations (as well as nonstate actors like transnational corporations) on people remotely situated, including on their possibilities of realizing basic human rights, such as the right to means of subsistence. In view of the importance of these effects, I have argued previously that this supports a right of input by these others into the decisions that impact them; more strongly, it may even support rights of some participation on their part in making these decisions, where this is feasible.²⁵ However, this further complicates the case for traditional notions of self-determination, which tend to circumscribe such decision making to people within a single nation-state. If people at a distance are in fact not even partially self-determining in regard to meeting their basic needs, but are rather other-determined by powerful nation-states and large transnational corporations, then limiting self-determination entirely to a given nation-state is problematic in this new context.

It is important to clarify that this proposal is not a call for *all affected* by a democratic decision to have a right to participate in making it, a principle that I have criticized at length elsewhere.²⁶ In view of the plethora of effects of actions and decisions given global economic integration, and how far ranging they are, we cannot appeal to the traditional democratic idea that all affected by a democratic decision should have a right to participate in making it. This difficulty or even impossibility of demarcating all who are affected has led several theorists to abandon the idea of transnational democracy.

But there is another option, as proposed above. That is, we can come up with a reasonable criterion for when these impacts on people at a distance become so significant that we need to gain input from them into the decisions in question. And I have proposed that such a reasonable criterion is in fact given by the human rights, at least the basic ones.²⁷ That is, people are to be regarded as importantly affected when they are affected in their possibilities of realizing their basic human rights.²⁸ Although such impact may not establish rights of equal participation, it does lead to a requirement of ascertaining these human rights effects on the part of decision makers, and beyond that of actually hearing from the people affected.

Those fundamentally affected in this way can therefore be said to have rights of input into these decisions, though the mechanism of such input remains to be worked out and would probably vary depending on the issues and the sectors involved. This contribution from a distance can be seen as supplementing, in the context of globalization, the common activities criterion discussed above, which nonetheless remains preeminent.

Local Autonomy and Globalization

In the previous sections, I have suggested how globalization, in establishing widespread and intensive economic and social interrelations among people situated at a distance from each other, poses difficulties for the traditional political norm of self-determination. It also impacts the idea of local autonomy, as I noted at the outset. Where “local” communities can themselves be dispersed over significant distances, or are importantly cross-border, the limitation of the local to the geographically or territorially small becomes less compelling. How can we conceive of autonomy or self-determination by local communities in this context?

I suggest that the reconception of self-determination to mean primarily democratic self-determination is helpful in thinking about these new transnational localities and about transnational interrelations more generally. While not replacing self-determination by nation-states or cultural minorities within them, this understanding sees all these communities and associations as having rights of self-determination with regard to their own shared goals and common activities to realize them, as well as in regard to their cultural identities (including multiple identities, where relevant). To the degree that these new localities represent quasi-voluntary associations, they can be permitted to exercise a sort of autonomy with regard to their own affairs.

Objections to such a requirement for democratic autonomy in all institutionalized forms of common activity often point to the putative preeminent role of states or governments, or at least of political communities, regarding them as the limit of the requirement of democracy. By contrast, the approach here sees these political phenomena not as *sui generis* but as social formations, and thus as fundamentally analogous to other types of social association. If this is so, then requirements of democratic decision making can properly be seen as extending to economic and social institutions as to political ones, and to new cross-border associations or communities.

Sometimes, however, the objection is that the requisite equality that is involved in membership in a political society, reflected in the status of citizenship, is most often lacking in these smaller-scale associations or institutions.²⁹ In fact, though, many of the associations or institutions of social and economic life are also marked by relatively equal stakes on the part of those who participate in them. Certainly, this is largely the case in a firm where key factors, including whether it continues to exist or not and whether it thrives, are of more or less equal concern to all those who work there. Likewise, many voluntary associa-

tions include a relatively equal membership status and see fit to organize their operations more or less democratically in view of the presumption of people's relatively equal stakes in the organization.

We can observe that in the approach here, social and political associations of various sorts are viewed as involving practices oriented to shared ends. In some ways, this emphasis on associations that embody ends in their organization and practice introduces a somewhat Aristotelian dimension to the analysis. Nonetheless, the aim here is to maximize the role of voluntariness within these organizations and to prevent domination by some participants over others.

To the degree that there are newly cross-border associations, whether they are economic corporations or voluntary associations (where the latter may include formal or more informal web-based communities designed for delimited ends), or are more fully political communities (e.g., organized around ecological issues), I have argued that the same requirements for democratic decision making apply within them as would hold for domestic associations and institutions. Inasmuch as participation in such common activities is a condition for freedom, recognition of people's equal agency and the correlative requirement that they not be dominated in this activity gives rise to equal rights to participate in decisions about it, that is, rights of codetermination by the collectivity. This therefore constitutes a key argument for transnational democracy in the range of associations and communities that are produced with growing integration across borders. Just as we think of democracy as relevant for the functioning of local communities, whether municipalities or states (as in the United States) and not only to nation-states, so democratic modes would apply to these cross-border political communities, as well as to a range of social and economic institutions that are increasingly transnational in scope.

Of course, in considering the *social ontology of the state*, we have to acknowledge that the state cannot be understood simply in terms of a notion of a common activity or of a social association, because of the multiplicity of ends that people seek to satisfy within it and its organization of political power through relations of authority and law. On the one side, then, a state does fall within the notion of common activity insofar as it is an organization defined by shared ends; and it is like a social association in consisting of regular, practice-defined, and perhaps traditional linkages among a set of people over time. Nonetheless, it clearly involves additional important features, even without appealing to sovereignty, that give it relative permanence and a framework-setting dimension, especially inasmuch as a range of overlapping ends and a certain notion of justice are supposed to be realized within it. Yet, despite these distinctive features, I do not see any that requires a different application of the norm of democracy than applies to other humbler common activities or social associations or institutions, because they are all parallel in the relevant respects. Indeed, the state is not unique in being supposed to operate according to principles of justice, and these days it is clear that it most often rather blocks these principles, at least insofar as they are supposed to apply worldwide to all people.

Turning finally to the multiplicity of local communities, we can note that they function within overlapping networks of other communities, associations, nation-states, and transnational institutions. Such networks of interaction are themselves historically changing, and they may evidence an increasing universality over time. These networks, which are rather reified if restricted to the bounds of sovereign nation-states, provide a basis for new associations and thus give rise to the need for new political forms of democratic self-determination. Important among the networks are social movements that themselves may generate new capacities, along with interrelations among distantly situated people, especially in the current globalizing context.

Yet, while such networks can be enhancing in drawing people together in new ways and opening options for cultural development and social cooperation, they can also exacerbate the impacts of decisions by any given community on people at a distance. As indicated earlier, hard questions emerge when these decisions negatively impact these distant individuals and communities, particularly if they constrict their possibilities of fulfilling basic human rights. Because of this, I have suggested that the democratic decisions that communities and associations take have to be reinterpreted as more open than standard ones to participation or significant input by people situated outside the given community.³⁰ It seems necessary, therefore, to devise new forms of transnational representation, through which people importantly affected at a distance can have their interests and needs taken seriously into account in these decisions.

Solidarity with Distant Others

Finally, beyond new modes of input into decision making, others at a distance can stand in relations of both recognition and solidarity with members of local communities or with associations (where these may be not only traditionally local, but newly cross-border). Whereas recognition and respect have been rather well theorized, the concept of solidarity requires new explication. I suggest that it has to go beyond the traditional meanings ascribed to it, where it is understood as labor solidarity, in which people lend support to the struggle of labor, for example, by respecting their strikes and pickets; or in its central sociological significance, where it is understood in terms of ties that bind and that create trust within a single community or society.

Of course, as Kurt Bayertz observes, solidarity in this latter usage no longer requires communitarian ties within a close-knit communal group but rather—following Durkheim's analysis—leaves room for differences among individuals who are interconnected through a division of labor within society.³¹ Nonetheless, this sense of social solidarity remains a sort of unifying principle within a given society, that is, it pertains to relations among individuals within a single collectivity and thus is not especially helpful for theorizing transnational solidarity. This latter notion also cannot be taken as a sort of universal solidarity, where it would connote a feeling of fraternity among all human beings worldwide, which, if it

were possible, would be quite empty. Finally, I am not using solidarity in the European sense to denote civic responsibility as a basis for attention to the welfare of compatriots.

Instead, in the usage I am proposing, transnational solidarity involves a sort of social empathy with people in other communities. As Sandra Bartky points out, solidarity involves an affective dimension and also entails an element of imagination, along with a cognitive understanding of the situation of the other.³² Yet, Bartky conceives of it as primarily a relation of one individual to another. While solidarity does seem to apply to relations among individuals in this way, I would suggest that it can hold as well for relations among associations or groups.

Beyond Bartky's "fellow feeling," Andrew Mason has proposed the idea of "mutual concern" as characteristic of solidarity.³³ He writes that "minimally, this means that members must give each other's interests some non-instrumental weight in their practical reasoning."³⁴ He adds an additional requirement—that there be no exploitation or systematic injustice. This latter condition importantly ties normative solidarity to justice, though, in my view, beyond avoiding injustice, solidarity normatively entails some efforts to reduce it. And while Mason sees it as applying to the members of a single community, construed in his case as a moral community, this notion of mutual concern would seem to be helpful for understanding relations among more distantly situated communities as well. Yet, in addition to mutual concern, we can say that solidarity in such contexts would involve a disposition to mutual aid, at least when solidarity is taken in its normative aspect.

Thus, although we may want to retain a concept of general human solidarity as a limit notion, we can say that the norm of solidarity in the first instance is one that holds among particulars. It is, we might perhaps say, a serial or networked notion, rather than a wholly general one, although the disposition to solidarity could in some sense be general. The entities standing in solidarity with each other are thus conceived of as relatively autonomous associations or communities, as well as individuals, who link up with others through networks of interrelations. The basis for these interrelations can be common or cooperative projects, for example, economic or professional ties, or it can be discursive, as in social movements, or else based on care or concern. When people or associations stand in solidarity with others at a distance, they identify with these others in their efforts to reduce their suffering or oppression and are ready to take action to aid them. Such solidarity clearly presupposes not only a certain affective element but also an effort to understand the particularities of others' needs and their social standpoint and context, which may not in fact be similar to one's own. It also would seem to entail a reciprocal expectation of aid from the others if this were to become necessary.

Crucial in this conception is the requirement to allow the others to determine the forms of aid most beneficial to them. This requirement, which we might call *deference*, is thus a way to avoid imposing on the others the customary expectations and practices of those offering aid. It involves the recognition that it is the

people in the needy or oppressed situation who are usually best able to say what support they wish and expect to benefit from, and is rather a matter of sharing resources and methods and engaging in joint projects or activities. In respecting the modalities of various associations and communities, this norm of solidarity can be regarded as one of *democratic solidarity*.

I would suggest that the further development of solidarity along these lines would be helpful, not only in articulating the interrelations among local, relatively autonomous, communities, but in conceiving processes of democratization among nation-states. In these cases, the idea of solidarity suggests that the proper role is one of supporting the others in their own struggles and in their own efforts to establish freedom and democracy, in place of attempting to impose these on them. In this way, then, the democratic self-determination of divergent communities can likewise be seen as mutually reinforcing.

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Notes

¹ Carol C. Gould, "Negotiating the Global and the Local: Situating Transnational Democracy and Human Rights," in *Globalization, Development and Democracy: Philosophical Perspectives*, ed. Deen Chatterjee (Lanham, MD: Rowman & Littlefield, forthcoming, 2006).

² See Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge: Cambridge University Press, 2004), chap. 11. See also Carol C. Gould, "Global Democratic Transformation and the Internet," in *Technology, Science and Social Justice: Social Philosophy Today*, ed. John R. Rowan (Charlottesville, VA: Philosophy Documentation Center, forthcoming, 2006).

³ This usage draws attention to the fact that the primary cause for concern is contemporary forms of neo-liberal globalization, rather than the increased communication across borders that is also involved in certain globalization processes.

⁴ See, for example, Amory Starr and Jason Adams, "Anti-globalization: The Global Fight for Local Autonomy," *New Political Science* 25, no. 1 (2003): 119–42. I have benefited from discussions with Michael Gould-Wartofsky on the theory and practice of autonomism.

⁵ For the latter approach, see Omar Dabhour, "Advocating Sovereignty in an Age of Globalization" in this issue.

⁶ Various approaches to the connection to empire are presented in Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000); Jan Nederveen Pieterse, *Globalization or Empire?* (London: Routledge, 2004); and John Gray, *False Dawn* (New York: New Press, 1998).

⁷ Margaret Moore, "Introduction: The Self-Determination Principle and the Ethics of Secession," in *National Self-Determination and Secession*, ed. Margaret Moore (Oxford: Oxford University Press, 1998), 2–3. See also her chapter in that work "The Territorial Dimension of Self-Determination," 136–37.

- ⁸For a discussion of these three types, see Moore, "Introduction," 5–7.
- ⁹On this point, see Daniele Archibugi, "National Self-Rule and Cosmopolitan Law," *Constellations* 10 (December 2003): 492–93.
- ¹⁰Allen Buchanan, *Justice, Legitimacy, and Self-Determination* (Oxford: Oxford University Press, 2004), 388–90; and Omar Dahbour, *The Illusion of the Peoples* (Lanham, MD: Lexington Books, 2003).
- ¹¹Buchanan, *Justice, Legitimacy, and Self-Determination*, 332–33, citing James S. Anaya, *Indigenous Peoples in International Law* (Oxford: Oxford University Press, 1996), 81.
- ¹²David Plotke, "Democracy and Groups," *Social Research* 70 (Summer 2003), 466–67.
- ¹³Brian Mello, "Recasting the Right to Self-Determination: Group Rights and Political Participation," *Social Theory and Practice* 30 (April 2004): 193.
- ¹⁴Carol C. Gould, *Rethinking Democracy: Freedom and Social Cooperation in Politics, Economy, and Society* (Cambridge: Cambridge University Press, 1988), chap. 12.
- ¹⁵*Ibid.*, chap. 1; see also the discussion of this in Gould, *Globalizing Democracy and Human Rights*, chap. 1.
- ¹⁶Daniel Philpott, "In Defense of Self-Determination," *Ethics* 105, no. 2 (1995): 352–85.
- ¹⁷Moore, "Introduction," 2.
- ¹⁸Buchanan, *Justice, Legitimacy, and Self-Determination*, 332–33, citing Anaya, *Indigenous Peoples in International Law*, 81.
- ¹⁹Harry Beran, "Who Should Be Entitled to Vote in Self-Determination Referenda?" in *Terrorism, Protest, and Power*, eds. Martin Warner and Roger Crisp (London: Edward Elgar, 1990). See also Harry Beran, *The Consent Theory of Political Obligation* (London: Croom Helm, 1987).
- ²⁰Margaret Moore, "The Territorial Dimension of Self-Determination," in *National Self-Determination and Secession*, ed. Margaret Moore (Oxford: Oxford University Press, 1998), 134–57.
- ²¹Johan Galtung, "Alternative Models for Global Democracy," in *Global Democracy*, ed. Barry Holden (London: Routledge, 2000), 143–61.
- ²²Gould, *Globalizing Democracy and Human Rights*, chap. 1.
- ²³*Ibid.*, chap. 8.
- ²⁴We leave aside here the philosophical problem that seems to arise here from recognizing that democracy is itself one of the human rights, and hence can constrain itself. For a discussion of this issue, see Gould, *Globalizing Democracy and Human Rights*, chap. 9.
- ²⁵*Ibid.* See also Gould, "Negotiating the Global and the Local."
- ²⁶Gould, *Globalizing Democracy and Human Rights*, chap. 7. See also Michael Saward, "A Critique of Held," in *Global Democracy*, ed. Holden, 32–46.
- ²⁷On the distinction between basic and nonbasic human rights, see Gould, *Globalizing Democracy and Human Rights*, chap. 1.
- ²⁸*Ibid.*, chap. 9.
- ²⁹See, for example, Thomas Christiano, "A Democratic Theory of Territory and Some Puzzles about Global Democracy" in this issue.
- ³⁰The Internet and computer-mediated technologies more generally can play a certain role in facilitating such input, though it would need to be supplemented by face-to-face meetings, perhaps by new transnational representatives.
- ³¹See Kurt Bayertz, "Four Uses of 'Solidarity'," in *Solidarity*, ed. Kurt Bayertz (Dordrecht: Kluwer, 1999), 3–28.
- ³²Sandra Lee Bartky, *Sympathy and Solidarity* (Lanham, MD: Rowman & Littlefield, 2002), chap. 4.
- ³³Andrew Mason, *Community, Solidarity and Belonging* (Cambridge: Cambridge University Press, 2000), 27.
- ³⁴*Ibid.*