STRUCTURING GLOBAL DEMOCRACY: POLITICAL COMMUNITIES, UNIVERSAL HUMAN RIGHTS, AND TRANSNATIONAL REPRESENTATION

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Abstract: The emergence of cross-border communities and transnational associations requires new ways of thinking about the norms involved in democracy in a globalized world. Given the significance of human rights fulfillment, including social and economic rights, I argue here for giving weight to the claims of political communities while also recognizing the need for input by distant others into the decisions of global governance institutions that affect them. I develop two criteria for addressing the scope of democratization in transnational contexts—*common activities* and *impact on basic human rights*—and argue for their compatibility. I then consider some practical implications for institutional transformation and design, including new forms of *transnational representation*.

Keywords: human rights, transnational democracy, representation, democratic participation, globalization, regionalism, accountability, global governance.

Introduction

Where it is not rejected altogether, global democracy is often thought of in either/or terms: either it entails the implementation of full-scale world government or else it should be limited to innovations within the existing system of nation-states and international organizations—for example, loose federations of nation-states at regional levels or new international institutions such as a Global People's Assembly at the United Nations (Falk and Strauss 2000). This characterization of the options, however, omits a distinctive feature of contemporary globalization, namely, the emergence of cross-border communities and transnational associations, which I suggest require new ways of thinking about the norms involved in democracy in a globalized world. I have developed such a framework in *Globalizing Democracy and Human Rights* (Gould 2004), which also gives a major role to human rights fulfillment, including social and economic rights as much as civil and political ones. This sort of framework can help

to harmonize the claims of existing political communities or associations (including new cross-border ones) with the increased democratic scope needed to give input on the part of distant others into decisions that crucially affect them.

In the first part of this essay, I attempt to develop further the two criteria that I have already advanced for addressing the range and character of desirable democratization in transnational contexts—*common activities* and *impact on basic human rights*—and I analyze their relation to each other, arguing that they are compatible. In the second part, I go on to consider some of the practical implications of these criteria for institutional transformation and design, with special reference to some new directions for *transnational representation*.

1. Political Communities and Human Rights Impacts in Transnational Democracy

Existing Conceptions of Global Democracy

Many critics dismiss the project of transnational or global democracy on the grounds that it is either impossible, given the current state system, or else undesirable, since it would entail a single government for everyone. It is pointed out that we lack a global demos and a strong global public sphere, both of which are thought to be required for democracy (based on our experience in nation-states). In fact, I think that these criticisms are well taken, but I would deny the hasty conclusion that we can make no sense of viable transnational democracy. I would suggest that if we remain with the current interpretation of political communities as sovereign nation-states, then globalizing democracy is probably impossible. And if we take it to mean a world government, then it is undesirable, for the reasons discussed below. Moreover, these critics are also correct that there is no global demos, in which everyone can participate equally as a citizen in a single world polity, and no effective global public sphere. But I think that it is faulty to seek such a global demos and globalized public sphere, and that it is an impoverished view of transnational democracy that would see it as entailing a world government replacing all smaller forms of associations. In fact, I would suggest that the emerging multiplicity of transnational public spheres and their overlapping nature might actually make possible a richer, and potentially more democratic, form of transnational association.

The single world government idea is undesirable mainly because of the possibilities it would introduce of world tyranny. Just as authoritarian regimes can come to power via elections in sovereign nation-states, so a similar possibility cannot be ruled out for a world government, despite the safeguards that would be introduced. But it is more difficult to fault the

other prevalent suggestions of loose federations of nation-states at regional and international levels, or else the strengthening of international institutions with, for example, a Global People's Assembly. In regard to the first of these, the most interesting direction is perhaps to be found in the further development of *regionalism*, following on the lead of the European Union, though the primary innovation concerns the introduction of regional agreements on human rights, as I indicate below. But the problem with simple federal or confederal views is that they do not speak to the emergence of transnational associations that extend beyond and across regions. Indeed, to the degree that the regional federations are built up as aggregations of nation-states, where the latter remain the decisive units, the federations do not adequately address the new cross-border communities within them. Further, crucial global justice issues that separate world regions into relatively well-off or impoverished ones are not adequately dealt with by this regional proposal. And global corporations too, which are often problematic actors under current globalization, tend to escape the reach of regional bodies as well as of nation-states. Yet another limitation of such regional federations concerns the difficulty they face of dealing with ecological impacts of a more fully global nature, most especially global warming.

A more limited contemporary approach emphasizes adding to current international institutions new forms of representation of people as global citizens. A key proposal along these lines is for a People's Assembly in the U.N., which would be popularly elected rather than serving to represent governments (Falk and Strauss 2000). This is probably a worthwhile innovation for improving the short-term situation. But it is hard to see how this one body could deal with the myriad new issues that confront a more globalized world, particularly given the powerful nation-states that would continue to dominate international relations on this model.

So, the question that faces us is what sort of perspective can do justice to the emerging cross-border communities and transnational associations that are growing in importance as the sovereignty of traditional nation-states is partially eroded. Particularly with the development of economic globalization, as well as with communities growing up around ecological interests, with migration, and with new transnational social movements, it is necessary to consider what forms would be conducive to more democratic participation by people involved in these new phenomena. Whereas much of economic globalization seems to entail transnational power beyond the control of individuals, and with ecological impacts becoming ever more problematic over time, the issue of democratizing these phenomena is of central contemporary importance.

My standpoint in the remainder of the first part of this essay is rather forward looking. I am interested in how we can think about democracy given the growth of cross-border interrelations and transnational interdependence, and where eventually we can suppose that nation-states will

no longer remain the prime actors in global affairs. In this context, we can also appeal to a normative critique of the functioning of sovereign nation-states, which I have developed elsewhere (Gould 2006). It is clear, then, that these reflections go beyond a current or short-term perspective, in which nation-states are clearly the predominant players, as Allen Buchanan and Robert Keohane have forcefully reminded us (Buchanan and Keohane 2006). Further, my main concern is with clarifying some philosophical principles that are helpful in thinking normatively about these new directions. And, drawing on my previous work, I would even say that an adequate social ontology of communities and of global actors is helpful in figuring out these new directions. In the second part of the essay, I draw back to a perspective somewhat closer to the present and argue that democratic accountability is relevant to the new international institutions, though in a circumscribed sense, and I discuss some new directions for transnational representation.

Common Activities

In my view, the consideration of the appropriate scope for democratization makes appeal to two concepts, one that I have called common activities and the other, the idea of human rights (Gould 2004). Although these rights have a variety of complex relations to democratic decisions (including legitimately constraining them), my appeal to them here is as a specification of the notion that "those importantly affected" by a given decision or policy should have input into it in global contexts. I explain these notions and defend them further in this section.

In previous work, especially in my books *Rethinking Democracy* and *Globalizing Democracy and Human Rights*, I have argued for a principle of democracy rather different from the more standard "all affected" one (see Gould 1988, esp. chap. 1, and Gould 2004, esp. chaps. 1, 7, and 9), in part because the all affected principle taken in a blanket sense would seem to be hopelessly vague, particularly when applied to global contexts. As I have argued elsewhere, globalization is marked by the interconnection of people and their activities such that innumerable people are affected by decisions and actions at a distance, even leaving aside future generations.[1] Thus, taken in its generality, the all affected principle does not provide much guidance for democratic participation and representation in emerging global institutions. (I do, however, propose what I see as a useful delimitation of it in the second conception of scope, to be discussed shortly.)

Instead of simply considering the effects of decisions and policies, I propose another relevant criterion for determining the scope of democracy, as an interpretation of the very general characterization of it as rule

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[1] I argued to this effect especially for domestic contexts in Gould 1988; the argument is even more compelling given globalization, as discussed in Gould 2004, esp. chap. 7.

by the people or popular control. In this approach, the democratic principle requires equal rights of participation in decisions concerning the *common activities* in which people engage, where such common or joint activities are understood to be defined by shared goals and practices. To put the argument very briefly, justice is interpreted as a principle of equal positive freedom, or prima facie equal rights to the conditions of freedom as self-transformative activity, whether individual or collective. Since engaging in common activities is one of the main conditions for freedom, it follows that individuals must be self-determining in such activity. But since these activities are collective in character and no participant has more of a right than the others to make the decision for the collectivity (if domination is to be avoided), then decisions about such common activities necessarily take the form of codetermination of the course of this activity, hence of equal rights to participate in decisions about it. On this view, then, democratic participation is seen as widely required in a range of economic and social institutions, as well as in the recognized political ones.

As opposed to conceptions that see democracy as instrumental to the satisfaction of people's interests, this approach privileges human action, where this needs to be understood as taking both collective and individual forms. Institutions on this account are seen as sets of practices that are constructed; as such human creations, they can also be changed (though not by a single individual). Nonetheless, the individuals operating in these institutions and in communities of various sorts have equal rights to participate in shaping them, because this participation is a condition for the self-transformation of each of them.

The social ontology implied here centers on a conception of individuals-in-relations, who are fundamentally equal and agential. People cannot be adequately construed as bundles of interests, and their agency takes both individual and collective forms as noted. The institutions and communities that serve to meet needs and advance common ends have developed over time and provide practical contexts for people's individual and shared goals. In this sense, the institutions and communities where democracy is relevant are given in our social experience and are in this way exogenous to democracy; they are relevant contexts where rights of democratic participation obtain. And because common activities include various institutions and associations with diverse purposes, democracy is not seen as limited to nation-states but pertains in principle to a wide set of economic, social, and cultural associations as well.

This approach rather easily applies to new cross-border associations and communities, since it does not prioritize the nation-state in its fundamental conception. To the degree that forms of common activities with shared ends are becoming increasingly cross-border, it follows that democratic participation and representation are relevant to these

new contexts as well. Indeed, there have already been interesting developments along these lines, not only in the large-scale and increasingly established context of the European Union but also in emerging smaller-scale communities, both of a locally cross-border sort—whether ecologically or economically based—or in new forums enabled by Internet communications, for example, among political activists or in some discussion-based groups. It is not currently the case, however, that this model of common activities or preexisting communities of interest or "fate" extends globally in a way that would require a single demos with traditional democratic participation and representation. And I have suggested that this is not a bad thing, because I share the worry about introducing world government or even a unified global democracy (since, as noted, such a unified body might more easily permit global tyranny or domination, despite efforts to safeguard against it).

But there are several potential problems with this common activities view, which need to be considered briefly here. One set of concerns has been aptly posed by Pablo Gilabert: given the variety of common activities, what is to be done when they overlap and conflict with each other? Which communities should be given priority? In addition, it might seem that the concept is so broad that it proliferates communities and could become indeterminate in much the same way that the unrestricted all affected principle is (Gilabert 2006). I think that the second part of this objection—concerning the proliferation of communities—is not decisive, since the proposal is in fact one for radical democracy, endorsing a requirement for it in a range of associations and communities beyond those currently recognized (where this is admittedly a highly normative and distant possibility). That it would be desirable to have such networks of overlapping communities further mitigates the problem here, I think, since they could be mutually enriching and stand in solidarity with each other, as I have discussed elsewhere (Gould 2007).

The first problem is more difficult, however—namely, what to do when communities or spheres of common activity conflict with each other. It is presumably partly because of this situation of conflict that states have evolved over time. Broader frameworks, such as those provided by nation-states, can provide important adjudicative functions. But that fact does not establish that nation-states are different in kind from other institutions and communities as potential arenas for democratic decision making, although the range of their activities and the range of shared goals and projects that states embody are broader. Further, even institutions smaller in scale than the state, such as transnational corporations, have to deal with and adjudicate internal conflicts, where some of these are not only between individuals but also among smaller-scale organizations that make them up.

Another set of objections comes from those who think an emphasis on political agency is too demanding, particularly with globalization. Thus

Daniel Weinstock objects to this emphasis as unrealistic and as ineffective in meeting people's interests. On his view, a rather delimited set of institutions of global governance could be justified if they were instrumental to meeting people's fundamental interests (Weinstock 2006). But I would suggest that the criticism Weinstock gives in fact misconstrues the argument for rights of democratic participation. It is not that participation is simply good in itself—indeed, it is only rights of participation, not an obligation to participate, for which I argue. Democratic participation serves freedom on the account I give, and some of what Weinstock counts as fundamental interests come in either as aspects of or as conditions for freedom. Thus democracy is also in this sense instrumental to people's goals and projects on my own view. I think, however, that an emphasis on equal agency and its conditions is to be preferred to the bundle of interests view. Indeed, the importance of agency is brought in by Weinstock as well, though in what might seem a rather backhanded way. Specifically, he identifies nondomination as among people's fundamental interests (Weinstock 2006, 12). I suggest that this implicitly recognizes the importance of the freedom and equality of agency to democracy that is at the core of my account.

Human Rights and Affectedness

The "common activities" criterion does in fact have a significant limitation, and this is its incompleteness as an account of the scope of democracy. Thus the model sees democratic modes of decision as applicable wherever people are organized (either voluntarily or traditionally) into institutions or communities. And such a model does indeed have increasing applicability to cross-border or transnational contexts, as I consider further in part 2. As suggested, it would apply to new communities that are literally cross-border, for example, where ecological interests are shared among neighboring communities across nation-state or more local borders, and to noncontiguous transnational communities of limited purpose, such as those that may develop on the Internet. But interpreting the principle of democracy in this communal way does not suffice to address the need to open the institutions of global governance (or indeed even the decisions of traditional political communities) to input from people increasingly affected by their decisions, who often reside in locations rather remote from these institutions and the major participants within them. So there is a need for an additional principle beyond the common activities one in order to determine the scope of democratic input into decisions.

We have seen, however, that a main candidate for this—the all affected principle—will not suffice, since at least in its most general form it is hopelessly vague. So, to what principle can we appeal in this new context? I have elsewhere proposed that there is in fact a specification

of the all affected principle that can help to delineate those at a distance who have prima facie rights of input into the decisions of the multilateral organizations of global governance, if not always full-fledged rights of participation. In particular, I have suggested the following delimitation: When people at a distance are impacted in regard to their possibilities for fulfilling their basic human rights because of the decisions of the institutions of global governance, they have rights of input into those decisions (Gould 2004, chap. 9).

This principle—which takes those affected as determined by impact on basic human rights—speaks to that aspect of democracy in which it is not only required by justice (as equal positive freedom) but also serves to realize it. On my view, human rights have priority in this account, inasmuch as they specify the conditions that people need, including economic and social ones, to realize their projects, whether individual or collective, and to develop capacities. Given the status of these human rights as valid claims that we each make on others for the conditions that we need for our freedom and dignity, it follows that social, economic, and political institutions, including those in the international sphere, need to be designed to make it possible for all to fulfill these basic rights. The significance of these rights also supports an interpretation of people's being importantly affected by decisions of multilateral or transnational institutions precisely when they are affected in their capacity to realize human rights, at least the basic ones. ''Basic'' denotes those required as conditions for any human action whatever, and ''nonbasic'' those required for the elaboration of this activity in forms of self-development or self-transformation over time (Gould 1988, esp. chaps. 1 and 8).

Because of the centrality of democratic participation in people's having the ability to realize and protect their human rights, including economic and social ones—an argument initially presented by Henry Shue (1980)—it follows that they should have substantial input into those decisions that affect rights fulfillment. Thus, if these transnational institutions impact the possibility of people meeting basic needs for means of subsistence, for example, those so affected should have input into the functioning of these institutions. The role of democratic input can also be gleaned by considering that people are themselves usually best able to identify and characterize their own needs. This suggests the superiority of a democratic interpretation of providing input over the weaker notions of stakeholder theory, in which it is sufficient for decision makers in corporations or in the institutions of global governance to imagine for themselves what people at a distance think about the proposed issue. On the view here, democratic input is required, even if it can often not take the form of democratic participation in a full sense. In the next part of the essay, I briefly consider some of the new forms of participation and representation that can facilitate this input.

2. Transnational Representation: Extending Participation in Cross-Border Decision Making

Contemporary analysts of international affairs have most often tended to assume that democratic participation and representation are inapplicable to international and transnational organizations, including intergovernmental organizations and networks, international nongovernmental organizations, various multinational institutions, and transnational corporations. For example, even authors otherwise sympathetic to instituting greater accountability in world politics, such as Ruth Grant and Robert Keohane in a joint article, dismiss any claim to the relevance of democratic representation in that domain as wholly unrealistic and even undesirable (Grant and Keohane 2005). But we have already seen the outlines of an argument for just such relevance of democratic norms of participation and representation in that more global context, provided due attention is paid to the difficult questions of delimiting the scope of the communities of participants in these democratic decisions. In view of the contending approaches to representation within political theory, I want now to consider some of the possible directions for introducing democratic participation and representation both in near-term contexts and by way of longer-term institutional innovation and transformation.

Democratic Participation and Accountability and the Problem of Scope

Grant and Keohane recognize a category of accountability that they call democratic accountability, understood as arising from democratic participation (optimally) and representation (secondarily). But they relegate this to the traditional domain of the nation-state, apparently for both theoretical and practical reasons. Practically, requiring democratic accountability from international organizations like the World Trade Organization, the World Bank, and the U.N. is regarded as too difficult and thus too far-fetched a demand. Theoretically, they emphasize the inherently wide scope of those affected by the decisions of these organizations and conclude that this renders democratic accountability irrelevant. In their view, this is so also because of the undesirability of moving in the direction of a global polity and its presumed correlate of a world government. But granted that international organizations have an impact on large numbers of people situated at a distance, and that we seek democratic forms that can empower people through a degree of input into such organizations, what can we say about the implications of the two criteria for democratic participation discussed in the first part?

Grant and Keohane state that the criterion for the relevance of democratic participation in decisions is what I denoted as "the all affected principle," that is, that all affected by a particular decision have a right to participate in making it. But as we have seen, this is too broad, because

the set of all affected is very large, even larger than a polity, a feature exacerbated in the context of globalization. Tacitly, these authors actually appeal, I would suggest, to a more delimited interpretation of the all affected principle that those *subject to* the laws of a polity should have a role in participating and deliberating about them, either directly or through their representatives.[2] Whatever one may think about the possible advantages of ''subject to'' over ''affected by'' in the context of nation-states, the issue clearly becomes quite difficult in the case of transnational or international organizations, whether in the making of regulations, policies, or individual decisions. Here, there are no established polities, or clearly demarcated demoi or publics for whom democratic participation and representation are clearly relevant. Yet, as already suggested, the effects of decisions by the organizations of global governance, especially the WTO, the World Bank, and the International Monetary Fund, are felt by those at a distance, and their decisions profoundly affect the conditions of existence and the life chances of many millions, if not billions, of people around the globe.

Before turning to the question of representation in these new contexts, we can observe that Grant and Keohane are in fact hasty in concluding that democratic accountability in the sense of participation and representation is inapplicable to the institutions of global governance. As noted, the main problem they describe is the lack of a global public or people organized into a polity, which they see as the sole context for democratic accountability in the strong sense in which it would arise from participation and representation. But their argument simply rules out this possibility in advance by wrongly taking such democratic rights as coming into being only when those affected are organized into a polity or demos, as in sovereign states. In this sense, their argument is question begging, since it amounts to the claim that because there is no sovereignty in global governance there can be no democratic accountability in that sense. But the issue is in fact whether democratic accountability is possible given the new diminution and restraint on sovereignty posed by these institutions, so the issue can certainly not be resolved by definition.

In contrast to the approach of Grant and Keohane, I have suggested that there are two senses of democratic participation that are indeed relevant to these new contexts. One concerns the multiplicity of communities, institutions, or publics, including new cross-border or transnational ones, within which processes of codetermination of common activities remain relevant. The second concerns a more delimited interpretation of being affected by decisions, which gives rise to rights of democratic input, if not always full-scale participation, namely, where

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[2] Note, however, that sometimes this criterion of ''subject to'' or ''governed by'' is distinguished from that of ''being affected,'' as in Cohen 1996, esp. 95 and 114 n. 1.

people are affected in their ability to realize their basic human rights by the functioning of these global institutions.

Relating Participation to Representation

What are the implications for representation of these two principles—of common activities and the human rights interpretation of being affected? The democratic requirement, at least on the common activities model, is one of equal rights of participation and deliberation in decisions concerning these activities. I see such participation as compatible with representation in large-scale institutional contexts. But given the applicability of democratic modes to smaller-scale institutions and communities as well, we can retain the possibility of recognizing rights of direct participation in those cases, not only representation. Thus I am not inclined to follow those who propose that all valuable participation occurs only in connection with representation or, as David Plotke puts it, that representation just *is* democracy (Plotke 1997). While Plotke is right to point to the features of autonomy or agency and of mutual interest on both sides of the representative-represented relation, it is only by a reduction of the argument for direct participation that the possibility and desirability of such participation can be denied. That is, Plotke errs by supposing that participation necessarily requires that everyone eligible must actually take part in a decision (focusing his remarks on Benjamin Barber's early statement of this view [Barber 1984]). Rather, participation properly requires only that people have rights to take part, not duties to do so.

The practical argument advanced against the possibility of direct forms of participation only makes sense if democracy is taken to be restricted to the large-scale political contexts of nation-states. But this restriction tends to be assumed without much argument, and there clearly are small communities, even cross-border ones, where direct deliberation and participation by people are possible. Such democratic processes are evidently also applicable within small-scale social and economic institutions. This is not to deny, of course, that representative forms may in fact be most appropriate in complex political communities. But as Plotke and others note, such representation should ideally involve strong participative elements, in terms of people's two-way contacts with their representatives, in view of the fact that people can normally best articulate their own interests and needs, as well as their conceptions of common interests. Further, any analysis of representation must come to grips with a difficulty that Plotke completely omits: namely, that in winner-take-all systems, the minority in fact voted against the particular representative. Thus while representatives presumably strive to represent all their constituents and can be held accountable for their activities, they are only in a partial sense to be regarded as chosen by all of them.

In the approach proposed here, then, participation remains essential in the shared determination of the direction of common activities and indeed does not lose its preeminence. Moreover, in the common activities model, we can say that there is no barrier in principle to democracy (whether formal or substantive) coming to embody genuinely *equal* rights of participation. But what about our other principle, which establishes a democratic requirement for those who are affected in their possibilities of realizing human rights? Does this version of the democratic principle also require participation, at least as a regulative ideal, or will representation suffice for its achievement? Indeed, we may ask whether equal participation in fact is possible in the global context, given that people are normally *differentially* affected by the decisions of the international organizations in which we are proposing they should be able to participate or be represented.

My inclination is to call for substantial input, rather than full participation, on the part of people affected in their human rights into the functioning of these transnational institutions. The democratic rights in this case seem most congenial to the selection of representatives, especially because of the large number of people involved and how widespread they are and distant from the centers of power. Nonetheless, some participation is required in the sense that people need to be consulted in regard to their understanding of their basic needs and interests and key projects; they are the ones to give expression and shape to understanding these. This suggests that a system of representation concerning these fundamental interests within transnational institutions has to be developed, but one that would facilitate participation wherever possible. In fact, as I briefly consider in the concluding section, communications technologies open up new possibilities for facilitating direct participation in some of these decisions.

In this new transnational context, however, the problem of equality of participation is a difficult one, even in regard to selecting and authorizing representatives. These representatives could be either standing or ad hoc, and the issue of equality is more urgent in the case of determining standing representatives. I suggest, as something that can be implemented in the near term, that international institutions and transnational corporations be required to prepare *human rights impact assessments* as a regular part of their development of policies and rules. (These would be comparable in some ways to those now mandated in regard to technology assessments or environmental impact statements, but would require the development of a new form suited to its subject matter.) These human rights assessments would specify likely impacts of the proposed policies on specified groups, which would often vary from case to case. If these impacts were differential, it may be possible to construct ad hoc representation to meet the needs of each case. This would go part of the way to giving expression to the principle that people importantly

affected by a given policy or plan, namely, people affected in their human rights, have rights of input into these decisions, directly or through representatives. Such a new direction would only work if appeals were possible in both regional and more fully global contexts, especially to established or new courts of human rights. And such regional human rights courts, constructed through region-wide agreements, would also serve to provide structure for the small-scale cross-border associations within their domains.[3]

Directions for Transnational Representation Within Human Rights Frameworks

We have moved to the terrain of institutional innovation. It is not possible to deduce institutional models from a concept here, because we are dealing with an emerging and dynamic international and increasingly global system, where change is ultimately rooted in people's transformative processes. Rather, I want to consider the sort of institutional innovations to which the two principles of democratic expansion discussed here might conduce.

Unsurprisingly, the principle that those engaged in common activities—in economic, social, or political institutions—have rights of participation in making decisions about them extends democracy to new cross-border communities, whether territorial or not, and whether they be constituted voluntarily or not. In this model, as we have seen, democratic rights follow upon people's cooperative activities with others and reflect the growing interdependencies among them. Here, democratic processes are ideally deliberative and substantive, in that they are founded on reciprocity among participants. Perhaps most controversially, this model extends democratic decision making to firms and other economic institutions.[4] The elaboration of this model would also involve an expansion of democratic decision making in new ecologically based communities, such as between the northern Midwestern U.S. states and Canada, or, in a different context, in new communications forums on the Internet. It is also plausible to see the model exemplified in the development of regional

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[3] Yet another avenue of appeal could be provided by extending the right to petition to these international institutions (see Nickel 2005, 211–12). This right of petition, included in the American Bill of Rights, could usefully be extended to the transnational realm.

[4] The argument for this, developed in Gould 1988 and other writings, turns on the idea that codetermination is required in all institutional contexts of joint activities if people are to be agential and nondominated, and that there is no distinction in principle between governments and smaller-scale institutions in this respect. The requirement gains additional force from the centrality of meaningful work in people's lives, in a sense that involves control over cooperative work activities, as well as from practical considerations that participation in management is motivating and can be highly successful (as in the case of Mondragon, a worker self-managed enterprise that is also one of the largest and most successful corporations in Spain).

associations, beyond those in the European Union, involving cooperative democratic arrangements within sets of nation-states in the Americas or in Africa, and in the first instance among contiguously situated nation-states. This process should not primarily be seen as exclusively political or as confined to matters traditionally addressed by nation-states. The democratic principle advanced would also sit well with a variety of functional associations, for example, of an economic (as well as political or social) nature, where the economic associations are themselves divided by sector, with membership drawn from all those active in that particular sector, and where they cooperatively join with others from their region in decision making.

Representation would play a key role in new democratic arrangements within contexts of economic, social, and political life, where such representation could either be informal, as it is now with civil society organizations, especially international nongovernmental organizations, or it could become more formalized. It seems clear, however, that the civil society organizations would themselves have to develop more democratic modes of decision making, in order to gain fuller legitimacy in such forms of representation. The critique to which such civil society organizations have been subject, namely, that they are wholly unaccountable, seems incorrect in the main. Some of these organizations already incorporate democratic procedures; especially the grassroots organizations are clearly more accountable than the dominant international organizations. The latter tend to be responsive to large transnational corporations (and thus may display conflicts of interest in their regulations) or to the officials who have appointed them (where these officials themselves are subject to democratic deficits in regard to their own election or appointment). Yet, it must be admitted that NGOs and the institutions of civil society could, generally speaking, introduce more fully democratic procedures for electing representatives and permit greater participation in their decisions on the part of those for whom they claim to speak.

Beyond the multiplicity of regional and cross-border communities or other new bodies that can permit participation and representation regarding cooperative or common activities, there have been proposals for strictly political transnational assemblies. Among these proposals, the principle I presented is friendly to those that call for reciprocal representation within regional associations, as in Philippe Schmitter's idea for such interparliamentary representation (Saward 2000). In addition, it may even be possible eventually to implement joint elections for some representatives within regional political bodies (El Menyawi 2004). Certainly, regional human rights courts would provide an important framework for these developments, as noted earlier. And the model of democracy advocated here can certainly accommodate the proposal for a Global People's Assembly within the U.N., as promoted by Richard Falk and Andrew Strauss (2000). Such a more representative second assembly

within the U.N., with representatives chosen at large, would be an advance over the present situation. Yet, if it is thought to involve a single global assembly or parliament with very substantial power, one can worry whether it would provide sufficient space for a diversity of cultural perspectives, and also whether it raises the possibility of a global misuse of power, in view of human error. In this respect, the development of regional associations, particularly for the purposes of human rights protection and fulfillment, along with new representative institutions at regional levels, might enable fuller recognition of the diversity that currently exists globally and could constitute a more multicentric approach to transnational representation.

In terms of the institutions of global governance, the second democratic principle I discussed, which takes into account the impact of decisions on people's fundamental human rights, would seek enhanced representation for distant people within these institutions, including economic ones, such as the World Bank and the WTO, or within their eventual more democratic replacements. Such representation would need to go beyond the present relatively weak proposals for consultation by these international organizations with INGOs. Beyond simply certifying these civil society organizations, it would be necessary to work out established modes of representation for people impacted by the various policies, rules, and regulations enunciated by these organizations. On this democratic principle, this sort of representation is of even greater consequence than the accountability of these organizations to the nation-states that have agreed to set them up. This feature follows from the normative priority of human rights in global affairs, specifically from the idea that political, economic, and social organizations ought to be structured so that people can fulfill their human rights through the functioning of these organizations. The democratic principle would therefore support expansive and regularized representation for people (or perhaps for nation-states), especially from poor countries within these organizations. It might also support ad hoc representation procedures based on specific human rights assessments of prospective policies, rules, and plans. Clearly, this principle also supports proposals for reform of the U.N. and its agencies, to reduce the democratic deficit that is evident in its current functioning and to make it an effective force in realizing human rights, including the economic and social ones in its purview.

Finally, we can observe that the Internet and other information and communications technologies can help to increase both democratic participation and representation in the functioning of transnational institutions. There is of course no guarantee that they will do so, and they are equally capable of facilitating widespread manipulation, along with centralized, or even authoritarian, control. Nonetheless, efforts to develop programs for enhanced deliberation via the Internet are well under way. These include discussion software for deliberative forums,

with a less controlling role for moderators or facilitators. Deliberative criteria can also be built into the software in ways that permit discourses among people with divergent and diverse views, in distinction to the preponderance of like-minded online communities currently in evidence. Such deliberation can be used to facilitate the transnational discussions within the *epistemic communities* of experts, such as those that took place regarding the Law of the Sea or the currently ongoing discussions concerning climate change. But it can also be used to facilitate input by NGOs or by members of the public into these discussions and processes.

In addition, there is the important development of open source software, "wikis," and what we might call an "open source model" of deliberation on the Internet, with options for participants freely to set and modify agendas and to alter the terms of arguments, all without a moderator. Collaborative editing software can be used by groups to work out joint policies and projects. Already, activist political groups and movements related to the World Social Forum have made use of the Internet to facilitate more consensual modes of decision making; and sites like Indymedia use open posting to spread information that can in turn set conditions for democratic organizing and deliberation. The further development of these promising models would be of considerable importance, especially (for our purposes) their extension to include new ways of providing input to representatives from their constituents, whether these representatives are of the old-fashioned territorial variety or in new transnational communities or organizations.

Of course, a problem with these various uses of the Internet or other information and communications technologies for participation, deliberation, and representation remains that of the oft-observed "digital divide." Though shrinking somewhat, this divide still exists. It clearly sets limits on the degree to which we can rely on the Internet for increased representation in global institutions. Nonetheless, with the further development of video and its fuller integration into these technologies, we can expect that computer-mediated democratic communication can become less text based and perhaps eventually more global in scope. Nonetheless, the degree to which the democratization of the institutions of global governance takes place will not depend on technologies in any case but will instead depend on social choices and on a renewed commitment to realizing democratic participation and human rights.

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