terms of dialogue, we should allow for other, non-European experiences, aspirations and perspectives as well in assessing different global democracy initiatives. Finally, a concrete utopia is a model of practical and institutional arrangements that does not currently exist, but should be politically possible to achieve, and feasible as an alternative way of organizing social practices and relations

References

Cochran, M. (2002) 'A Democratic Critique of Cosmopolitan Democracy: Pragmatism from Bottom Up', *European Journal of International Relations* 8(4): 517–48.

Connolly, W. (1991) 'Democracy and Territoriality', *Millennium: Journal of International Studies* 20(3): 463–84.

Habermas, J. (2001) *The Postnational Constellation. Political Essays*, trans. M. Pensky. Cambridge: Polity.

Habermas, J. and J. Derrida (2003) 'Europe: Plaidoyer pour une Politique Extérieure Commune', *Libération* 31 May.

Held, D. (1991) 'Democracy, the Nation-State and the Global System', in D. Held (ed.) *Political Theory Today*, pp. 227–35. Cambridge: Polity.

Held, D. (1995) *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Cambridge: Polity.

Morgenthau, H. (1961[1948]) *Politics Among Nations: The Struggle for Power and Peace*, 3rd edn. New York: Alfred A. Knopf.

Patomäki, H. (2003) 'Problems of Democratizing Global Governance: Time, Space and the Emancipatory Process', *European Journal of International Relations* 9(3): 347–76.

United Nations (1975) 'Charter of Economic Rights and Duties of States', United Nations Office of Public Information, OPI/542, 75–38308, February, 10M.

Walker, R.B.J. (1993) *Inside/Outside: International Relations as Political Theory*. Cambridge: Cambridge University Press.

Heikki Patomäki is a Professor of IR and the Research Director of the Network Institute for Global Democratisation. His books include *After International Relations* and, with T. Teivainen, *A Possible World: Democratic Transformation of Global Institutions*.

Global Civil Society

Jeffrey C. Alexander

Why has 'globalization' emerged as a dominant new imaginary? What discourse does it crystallize, what fears does it carry, and what hopes does it represent? 'Globalization' appeared as a response to the trauma of the 20th century, in a moment of hope when it seemed, not for the first time, that the possibility for a world-wide civil society was finally at hand. Since before the Enlightenment, the idea of world peace has accompanied the expansion of organizational and cultural power. From the 17th century on, the political theory of high and organic intellectuals alike has articulated the idea of peaceful conflict resolution through the concept of civil power. The possibility for civil control, as opposed to military violence or political domination, can be traced back to the idea of the social contract, to the Lockean vision of consensual agreement and persuasion in contrast with the Hobbesian resort to force and fraud. Sociologically, the idea of civil society points to the idea of a liberal discourse that is at once critical and tolerant, and to institutions, from factual and fictional mass media to voting and law, that allow collectivities to be guided by symbolic communication among independent and rational citizens who feel bound by ties of solidarity and mutual obligation (Alexander, 2006).

In what has been called the long 19th century, during the 'Age of Equipoise' that followed upon the end of the Napoleonic wars, there was the sense, not only among Euro-American elites, that such cosmopolitan peace was close at hand. It seemed possible to believe that, alongside the expansion of organizational and cultural power, there was emerging an expanded international civil sphere. That this civil utopian vision of a peaceful world was shadowed by the expansion of colonial conquest outside Europe is a fearful symmetry only visible from our own time.

This dream of reason was shattered by the First

World War. For intellectuals and artists, and thoughtful men and women on every side, the war exposed the barbarism that contradicted modernity's promise to create a more civil society. If that first globalizing war exposed the ugly face of military nationalism that threatened cosmopolitan peace, so much more so did the totalitarianisms that emerged during its wake. The Second World War marked a globalizing battle over the very possibility for modern societies to be organized in a civil way.

In the wake of these war traumas, the victors promised to renew the dream of cosmopolitan peace. The utopian discourse of world civil society was even embedded in formally democratic institutional regimes, the quasi-world governments of first the League of Nations and then the United Nations. The ideas for these repair efforts were provided by such high intellectuals as Bertrand Russell and implemented by such organic intellectuals as Ralph Bunche. Yet, the carrier groups for these efforts at renewing the cosmopolitan dream were the victorious national hegemons themselves. Such an infrastructure of national power belied the aspirations for a global civil order. When strains at the level of nation-states became too intense, the League of Nations was destroyed. It had been hobbled from its beginnings, of course, by America's refusal to join. The United Nations was undermined even more quickly, by the division of the postwar universalizing spirit into the fighting camps of the Cold War. The rhetoric on both sides of this great divide rang the bells of international peace, but in the background one could always hear the sound of war.

When the third world war of the short 20th century was finished, there were once again utopian hopes for the repair of civil society and the creation of world peace. The utopian representation 'globalization' first emerged in the late 1980s, as the Cold War wound down. As this new collective representation gained power, in the decade following, it looked like a world civil society was finally at hand. This time around, the high and organic intellectuals were former activists and peaceniks, post-Marxist and liberal leftists who had campaigned for peace against the Vietnam War in the USA, for 'Europe' and against national boundaries on the continent, and for nuclear disarmament on both sides (Kaldor, 2003). International law would be based, not on the rights of sovereign nations, but on individual and human rights. National force was pledged to multinational, not national interest, to a new world order in which peace and civil respect would reign. The Security Council of the United Nations was approached as if it were a global democratic forum in which rational discussion could affect the distribution of wealth and the application of power.

Once again, however, this moment of equipoise was underpinned by a national infrastructure. It was the victors in the Cold War who were most excited about globalization; the losers were more interested in national reconstruction and restoring regional strength. It was the President of the USA, Bill Clinton, who gave commencement addresses on civil society as the key to world peace. It was NATO that intervened in Kosovo. It should not be surprising that this most recent dream for cosmopolitan peace reigned for scarcely more than a decade. The post-war collective effervescence in which globalization became such a powerful new representation came to an end with the election in America of George W. Bush. National interest was unabashedly reasserted, global agreements cancelled, and global conferences and institutions boycotted. As the President and neo-conservative politicians and intellectuals handled and channeled the national trauma of September 11, 2001, it highlighted anti-civil violence and global fragmentation and pointed to a Hobbesian struggle between civilizations. Collective violence once again came to be waged by nations and blocs, with divisive rather than unifying effects for the world scene.

These events were experienced by the intellectuals promoting globality, and by its organized carrier groups, not merely as disappointment but betrayal. For explanation, many turned to anti-Americanism, the long-standing culture structure which divides good and evil by polluting the United States and purifying any collectivity, ideology, or region that comes to represent the other side. No matter how culturally satisfying, however, this interpretation elides the systemic processes at play. The structures and the ideologies of the world are still primarily organized nationally, and hardly at all in a globally civil way. As long as this organizational structure is maintained, if and when other states amass extraordinarily asymmetrical power, they will undoubtedly act in a similar way.

To accept anti-Americanism as explanation rather than as interpretation, moreover, misses the ambiguous and often productive role that this cultural trope often has played. To pollute America as a hegemon is to make deviant anti-civil actions as such, not merely the United States. By creating a stark if simplifying contrast between 'American' action, on the one side, and a more civil sort of global power, this binary has the effect of allowing the purifying power of the globalization representation to be sustained. In February 2003, in the days just before the American invasion of Iraq, the meaning of this cultural confrontation, and the

stakes involved, were clearly displayed on the front page of the *New York Times*. Reporting the massive demonstrations that had unfolded throughout the world on the previous day, a *Times* correspondent wrote: 'The fracturing of the Western alliance over Iraq and the huge antiwar demonstrations around the world this weekend are reminders that there may still be two superpowers on the planet: the United States and world public opinion.' Apparently factual, this statement must be seen rather as interpretive reconstruction. It framed these empirical events in a globally civil way. They are presented as transpiring on the public stage of the world, and America is portrayed, not as an elect but as a particularistic nation, confronting not the evil of an Iraqi dictator but the world as a civil, rationally organized society: 'President Bush appears to be eyeball to eyeball with a tenacious new adversary: millions of people who flooded the streets of New York and dozens of world cities to say they are against war based on the evidence at hand' (Tyler, 2003).

There is not a world government to curb a hegemonic state bent on defending its interests as nationally conceived. The nascent global civil sphere has none of the institutions that, in a fully functioning democracy, allow public opinion to produce civil power and thus regulate the state, such as independent courts, party competition, and elections. Yet this nascent global civil sphere does have access to institutions of a more communicative kind. Despite different languages and separated ownership and organization, national news stories construct extra-national events in a manner that often reveals a high level of intertextuality, creating the common understandings and interpretations that allow there to be putatively global events. These 'factual' understandings are sustained by the intense circulation around the globe of 'fictional' mass media, which are far from being merely entertaining in their cultural effects. These fictional media are movies, television dramas, novels, music, and the international brands whose consumption is creating a more common material culture worldwide.

It is within this symbolic and institutionally constructed sea of global public opinion that there emerges the world stage, on which transpire polls, demonstrations, social movements, scandals, corruptions, terrorism, electoral triumphs, and tragedies, performances that palpably create the very sense that there is a supra-national life. It is within this febrile and often highly unstable membrane of global consciousness that international institutions and nongovernmental organizations create forms of governmentality, from agreements over labor conditions and world health to regulations about the environment and land mines. The rules and resources that sustain governmentality, as opposed to government, rest on consensus and agreement rather than on the violence-backed power of a state (Held and McGrew, 2002).

The dream of cosmopolitan peace has not died. The forceful hope for creating a global civil sphere remains. It is embodied in the collective representation of globalization, which has organizational integuments and political and economic effects. There is a global stage in which local events are evaluated, not only nationally or ethnically, but according to the standards of the civil sphere. Before this stage sits an idealized audience of world citizens. Sometimes the performances projected to this audience are initiated by avowedly global actors. More often, they reflect local scripts and national actors, which are projected on the world stage and evaluated according to the principles of cosmopolitan peace and by the discourse and interactions of civil life.

Since the first national institutionalizations of civil societies, there has been imagined the possibility for a civil sphere on a supra-national scale. In the 17th century, the trope of 'oriental despotism' emerged, reconfiguring colonialism into a fight for civil power on a global scale. In the middle of the 18th century, the Lisbon earthquake became a trauma for Europe and offered a sentimental education for 'all mankind'. In the early 19th century, the moral movement against anti-slavery achieved political success by generating moral empathy, extending solidarity and psychological identification to nonwhite others for the first time. In the mid-20th century, the narration and memorialization of the Holocaust formed a powerful basis for expanding moral universalism, establishing genocide as a principle for evaluating national, ethnic, and religious power. At the end of the 20th century, globalization emerged as a new representation on the fragile public stage of world life. Tied to organizational processes that are enlarging the scope of institutional and cultural power, it promises to sustain the dream of cosmopolitan peace in a more compelling manner than has been possible up until this time. It will be a powerfully contested symbolic power in the new century.

References

Alexander, Jeffrey C. (2006) *The Civil Sphere*. New York: Oxford University Press.

Held, David and Anthony G. McGrew, eds (2002) *Governing Globalization: Power, Authority, and Global Governance*. London: Polity.

Kaldor, Mary (2003) *Global Civil Society: An Answer to War*. London: Polity.

Tyler, Patrick E. (2003) 'A New Power in the Streets: A Message to Bush Not to Rush to War', *New York Times*, 17 February: A1.

Jeffrey C. Alexander is the Lillian Chavenson Saden Professor of Sociology at Yale University. Most recently, he has co-edited *Social Performance: Symbolic Action, Cultural Pragmatics, and Ritual* (Cambridge University Press, 2006) and authored *The Civil Sphere* (Oxford University Press, forthcoming).

International Law

Anthony Woodiwiss

The law is a mysterious set of institutions and discourses. At its core it is simply a collection of words and statements and yet it both provides wise rules to live by and can result in us being fined, confined, and killed. However, just as we try to understand the mysteries of our universe by journeying ever deeper into space, so we can discover much about our present systems of domestic law through investigating the wilder, less developed corners of international law. For in these corners, and as far as state-to-state relations are concerned, there is no agreed sovereign and effectiveness and the control of territory are the prerequisites for legal standing, for the possession of rights. Thus groups who are the effective controllers of territory are called 'insurgents' (Cassese, 2001: 66–9) whereas those who have no such control are called 'terrorists'. In other words and in the end, the only difference between governments, insurgents, and terrorists is how much territory they control or how much power they have. In these wilder corners, international law is law in process of formation, red in tooth and claw, an instance of power/knowledge *par excellence*. As such its study reveals much about the inequalities and violence that are intrinsic to the law. Accordingly, it is not at all surprising that today international law is both the world's last great hope and a deeply suspect enterprise.

More specifically, international law is deeply suspect because it has long been characterized by the pre-emption of the possibility of a global consensus by the prior formation of a western one. Thus, although in theory the most venerable source of international law is 'international custom' or the ways in which states customarily relate to one another, in practice the states concerned have been limited to western or western-like states. Thus, in the 19th century, the 'unequal treaties' between various western and non-colonized Asian states that, amongst other things, denied these states jurisdiction over their western residents even in the case of very serious crimes, were justified by reference to the customary 'law of nations', which prohibited any interference with trade and communication between nations. Indeed many western nations considered themselves to have been rather generous in drawing up such treaties since they harboured serious doubts about whether or not non-western nations were covered by international law because of their non-Christian character. Moreover, the issue was only 'settled' in 1874, when the Paris Institute of International Law decided that non-western nations could claim legal equality with their western equivalents under international law, provided they conformed to what the West defined as the 'universal principles of civilization' – hence the necessity of establishing a western-style constitution such as Japan's Meiji Constitution (1868) and set of legal codes before such 'unequal treaties' could be renegotiated.

Today international law is much more than a prejudiced commentary on the purportedly customary nature of international intercourse. It comprises two major bodies of law. The first is public international law, which primarily concerns state-to-state relations around issues such as the recognition of governments, the use of force, and the treatment of prisoners of war, but has more recently come to encompass certain aspects of states' relations to individuals through international human rights law. The second is private international law, which primarily concerns family and economic issues where they have an international dimension. It is, then, because international law embodies more than 100 years of effort on the part of the international community to distil the 'universal principles of civilization' as