Disembodied Demoi and Bodies Politic: Global Political Agency and the Democratic Boundary Problem

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1. Introduction

In the present era of globalization, the extensive exercise of power and interaction among people across the borders of democratic states has ignited intensifying interest in the so-called democratic 'boundary problem', concerned with answering the question: what should be the social and institutional unit within which democracy is to be practiced? The 'unit' for democratic governance can be defined in two dimensions. The first of these is its domain – delineating the population group, or 'demos', that is empowered to participate in collective decision-making through some democratic social choice procedure. The second is its scope – delineating the range of issues on which the demos is empowered to take decisions, or in other terms the range of 'public powers' that are available to execute, implement, or at least operate with significant responsiveness to, these decisions. (I will give a more detailed account, as I proceed, of what I take the ideas of 'the demos' and 'public power' to denote in more concrete social and institutional terms.)

The near-exclusive focus in contemporary literature on democratic boundaries has been on one side of this two-dimensional institutional problem: the side of the demos. In his now classic discussion of the democratic boundary problem,

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Frederick Whelan is typical in equating the democratic boundary problem with the problem of ‘defining or bounding ... the membership of the democratic body, or citizenry’. In more recent discussion, others have characterized it as the problem of ‘constituting the demos’, or of locating ‘democracy’s domain’. This focus is overwhelming to the point that the democratic boundary problem is now widely referred to as the ‘demos problem’ – as though it can be assumed that we will be in a position to settle the broader question of the appropriate social and institutional unit for democracy just as soon as we properly understand the nature of, and social conditions for, a demos.

In this paper I argue that single-eyed focus on the question of how we should constitute democracy’s ‘demos’ or ‘domain’ – if it comes at the expense of attention to the parallel question of how we should constitute democracy’s framework of ‘public power’ or ‘scope’ – is a mistake. It is my contention that questions about the appropriate structure of democratic public power – or in other terms about the proper ‘scope’ of a democratic system of governance – introduce significant normative and institutional issues that are to a significant degree independent from those raised by the question of democracy’s domain, and these require their own careful analysis and consideration in our deliberations about the best overall solution to the democratic boundary problem. This matter is of great practical importance, since the considerations raised by the question of public power can give us reason to endorse very different institutional boundaries for democratic units from those that may be recommended based on considerations about the demos alone.

To understand the significance of this kind of argument we first need to get clear about what is normatively at stake when we raise questions about the proper boundaries for democratic units, and about the relationship between domain and scope in constituting them. What is clear enough is that these boundaries have normative significance because of their function in constituting both the collective ‘self’ and the political ‘rule’ that together comprise democratic ‘self-rule’, and thus generate democratic legitimacy. Following from this, it is also clear that the questions of domain and scope must in some sense be settled together, since democratic legitimacy is generated through establishing the right kind of institutional connection (constitutive in some sense of collective self-rule) between a demos, on the one hand, and institutions of public power, on the other. What is much less clear, however, is exactly how we should understand what the ‘right kind of’ institutional connection consists in, and how this is connected to a substantive normative account of democratic ‘legitimacy’. I propose that we can usefully distinguish between two distinct (though potentially complementary) models for understanding democratic legitimacy, and the role played by the institutional connection between democratic domain and scope in its production.

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5 Miller, "Democracy's Domain."
The first of these models is associated with an ‘alignment’ metaphor for capturing the kind of institutional connection between democratic domain and scope that is required for democratic legitimacy, and further with what Christian List and Mathias Koenig-Archibugi have recently called a ‘compositional’ formulation of the democratic boundary problem. This ‘alignment’ model implies that it is a necessary condition for democratic legitimacy that the members of the demos, and the participants in the exercise or control of public power, be compositionally aligned (that is, comprised of the same collection of individuals). Conversely, it implies that a key source of democratic illegitimacy under conditions of globalization is the misalignment between the boundaries of functioning demoi (which are still located mainly at national or other territorial levels) and the boundaries of institutions of global public power (which now have complex and overlapping transnational and global jurisdictions). The deeper normative assumption underlying this alignment model is that democratic legitimacy is a property of moral justifiability that is demanded whenever power morally affects a population, and achieved when all those morally affected have an equal share (in some sense) in its exercise or control.

The second model is associated instead with an ‘agency’ metaphor for capturing the kind of institutional connection between democratic domain and scope that is required for democratic legitimacy, and further with what Christian List and Mathias Koenig-Archibugi have recently called a ‘performative’ formulation of the democratic boundary problem. According to this model, we can understand the relationship between the question of democracy’s scope and that of its domain, and the way in which this relationship generates democratic legitimacy, by thinking of democratic units as complex institutional agents. I propose that the best way of formulating the agency model is to say that the demos functions as political ‘mind’, providing the institutional capacity for collective reasoning and decision, while the institutions of public power function as political ‘body’, by providing the capacity for creating (causing) political outcomes, without which full democratic agency – and democratic legitimacy – cannot be achieved. This model views democratic legitimacy as a function of the value and normative authority that is produced when collective political agency is constituted and functioning properly, in accordance with some broader agency-based account of democratic legitimacy.

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6 ‘Compositional’ approaches to drawing democratic boundaries focus on drawing lines around population groups – specifying who should be ‘in’ and who should be ‘out’ as participants in a demos (or analogously as participants in the exercise of public power). List and Koenig-Archibugi have identified ‘affectedness’ and ‘affectivity’ criteria as the main types of compositional criteria employed in contemporary discussions of the democratic boundary problem, with specific reference to the problem of the demos. See List, “Can There Be a Global Demos? An Agency-Based Approach.”


8 ‘Performative’ approaches to drawing democratic boundaries focus on identifying the functions that a demos (or analogously an institutional framework of public power) needs to be able to perform, and the characteristics that it needs to possess to be able to perform these functions effectively. See List, “Can There Be a Global Demos? An Agency-Based Approach.”
normativity. Conversely, democratic illegitimacy arises when the collective agency is failing to function as it should – because of failures of reasoning and decision, or failures to take effective action, or failures to connect decision and action in the right kind of way.

In this paper it is my goal to pursue the second of these models for thinking about the normative significance of the democratic boundary problem, and to explore its implications for the practical question of what should be the units for democratic governance under conditions of globalization. My analysis in this paper shares in common with the recent work of Christian List and Mathias Koenig-Archibugi a focus on the ‘performative’ question of the preconditions for democratic agency to function effectively, but my analysis departs from theirs by shifting the focus from the preconditions for the effective functioning of the demos or collective ‘mind’ in making rational democratic decisions (which is the focus of their analysis), to the preconditions for the effective functioning of public power as a means of carrying out democratic decisions. In the terms of the agency metaphor, I am concerned with exploring the preconditions for establishing a well-functioning democratic ‘body’, which on the agency model that I shall elaborate is an essential constitutive element of democratic agency, and thus of democratic legitimacy. (Here, the metaphorical element of democratic ‘body’ corresponds with the somewhat neglected question of democracy’s ‘scope’, which I indicated at the outset would be the focus of my analysis in this paper.)

It is my central contention that once we recognize that well-functioning democratic agency requires not only the capacity for collective democratic decision-making (realized through a well-functioning ‘demos’) but also the capacity for effective political action to carry out decisions (realized through a well-functioning framework of public power), we see that the prospects for achieving extensive and well-functioning democratic agency on the scale of a global demos look much more dim than they may appear when we focus on the problem of domain alone. I argue that this is so because even if we can succeed in establishing a functional global demos with the capacity for collective democratic decision-making, it does not follow that we will necessarily also be able to succeed in establishing functional institutions of public power on a corresponding global scale. Institutions of public power do not exist automatically any place there is a viable demos, and nor can they be summoned into existence by a demos through an act of collective will; we therefore can’t expect that wherever we can find a viable demos there will necessarily also be a viable opportunity for functional democratic agency and legitimate democratic governance. Instead, I argue that institutions of public power have their own sociological preconditions, which we must identify and take account of in our

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10 The question of the extent to which these two models are complementary and the extent to which they may sit in some degree of tension with one another is not one that I can explore in any depth in this paper; my goal is simply to adopt the agency model and explore its implications taken on its own terms.
efforts to delineate the unit within which democratic governance should be practiced.

In answer to the challenge of identifying these preconditions, I suggest that public power can be created through a process whereby pre-existing institutionalized forms of social agency are co-opted by (established or emergent) demoi as instruments for achieving their collective purposes; in agency terms, the democratic ‘mind’ (the demos) inhabits, and assumes control of, the institutional ‘bodies’ of powerful social agencies that already exist in the wider social order. In light of this recognition, I argue that the democratic boundary question should be settled not through the design of blueprints for nationalist or cosmopolitan democracy to be constructed as means of empowering idealized national or cosmopolitan demoi, but rather by locating existing structures of political power within the global social order that are viable candidates for co-optation, and working towards their incremental democratic co-optation and control. I argue that this account of the development process through which a democratic framework of public power can be developed lends very strong support to what is sometimes called a ‘pluralist’ approach to the theory and practice of democracy under contemporary global conditions, and in conclusion I point to some of the theoretical challenges raised by a pluralist democratic project.

2. Democratic ‘minds’ and democratic ‘bodies’: the political agency model of democratic legitimacy

The idea of democracy as ‘self-rule’ – and the associated notion that democratic legitimacy arises from the exercise of ‘collective autonomy’ within a group – entails a conception of the democratic unit as a complex institutional agent of a certain kind, by which I mean that it is an institutional entity with the capacity for action. But what does it mean to talk about the democratic unit as an institutional agent, and what are the specific institutional structures that work together to constitute this special kind of political agency?

The agency of a democratic polity, like the agency of an individual person, can be understood as a function of the relationship between elements of mind and body. On a fairly standard model of individual agency, a person is considered to have ‘acted’ when the movements of her body are caused by (or at least responsive to in some significant way) a decision taken in her mind, expressed in what we call a ‘will’ or ‘intention’. We may not fully understand the biological mechanisms through which a decision in the mind ‘causes’ an action in the body, but when we speak of individuals as agents we generally take for granted that a connection of some such kind is in place, such that the process of forming an intention can be expected to have some actual causal power. In simple terms, commonplace concepts of agency take for granted that a person’s mind is contained within a

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11 As such, philosophers of action generally presuppose some notion of ‘mental causation’ (leaving it to philosophers of mind to figure out the specific character of this assumed causal connection between mind and body). The expectation that a decision taken in the mind will result in movement of the body obtains at least except in cases of ‘weakness of will’, which are sufficiently exceptional to constitute a major topic of philosophical debate in their own right.
body, which provides the means of giving causal power to her will in the external world. The scope of a person’s agency is therefore necessarily delimited by the range of outcomes that her body is physically capable of producing; her agency is both enabled by the physical powers of her body, and constrained by its weaknesses and vulnerabilities. The agency of a democratic unit is constituted institutionally rather than biologically, but the basic structure of its agency is analogously bifurcated between the social choice institutions that generate the democratic will (deliberative processes, elections, and so forth), and the institutions of public power that carry out or ‘execute’ this will, or at least act with some degree of responsiveness to it (state governments, ‘global governance’ processes, and the like).

The group of individuals empowered to participate in the formation of the democratic will is called the demos, and the demos functions as the mind of the democratic polity, in formulating the content of its collective will through reasoning and decision. To be more precise about the definition of a ‘demos’ that I am deploying here, I use the term ‘demos’ to denote more than just a collection of individuals that could in principle be inserted into some democratic institutional scheme, but less than the sum of these individuals plus a full set of democratic institutions (which would constitute a fully-functioning democratic unit, not merely a demos which is just an ingredient of a democratic unit). A ‘demos’, as I use the term, is a group of individuals sharing at least some minimal or embryonic institutions for collective reasoning and decision – though these need not be fully developed or fully democratic, and could just take the form of thin processes of collective deliberation. I therefore mean to include cases where we could describe the demos as either established or just emergent; by doing so the idea of a ‘demos’ can denote the populations of political units at various stages of institutional development.

The institutions through which political decisions are carried out go by a variety of names in different contexts – agents of government, governance, rule, or authority – but can most straightforwardly be called institutions of public power. These function as the body of the democratic polity, and are associated with the sovereign political structures that in an earlier era were sometimes

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12 Here my definition of a demos departs somewhat from that given by List and Koenig-Archibugi, who define a demos as the collection of individuals that can in principle be inserted into a democratic institutional scheme. See List, “Can There Be a Global Demos? An Agency-Based Approach.”

13 We can say that a demos is established if it has entrenched democratic institutions for collective reasoning and decision. A demos is emergent if it satisfies the general background sociological conditions for the possibility of democratic group reasoning and decision-making (of the kind identified by List and Koenig-Archibugi) and has at least some minimal actual institutional capacity for group reasoning and decision-making, even if it isn’t fully institutionalized with well-functioning social choice institutions, or if its social choice institutions do not meet robust normative democratic standards.

14 On this definition a population that could be institutionalised in such a way, but presently lacks even embryonic institutions of this kind, should not be referred to as a ‘demos’ but only as a potential or prospective demos.

15 For further discussion of the idea of public power see Andrew Hurrell and Terry Macdonald, ‘Global Public Power: The Subject of Political Legitimacy Beyond the State’, Critical Review of International Social and Political Philosophy, forthcoming.
referred to, with corporeal metaphor, as the body politic. Just as the scope of an individual’s agency is limited by the physical capacities of her body, so too the scope of a polity’s democratic agency is limited by the institutional structure and capacity of its framework of public power.¹⁶

Political legitimacy, on the democratic agency account, is produced through an institutional structure that connects these institutions of political ‘mind’ and political ‘body’ together in a special way, which reflects a suitable normative model of agency – perhaps one that embodies some account of ‘collective autonomy’.¹⁷ Most fundamentally, this kind of democratic legitimacy requires that the actions of public power are subordinated, in some significant institutional sense, to the decisions reached by a demos. Democratic theories vary greatly in their accounts of the precise mechanisms through which the political ‘body’ must be subordinated to its common ‘mind’ – ranging from demands for individual members of the demos to participate directly in the exercise of public power, to more minimal requirements of ‘representativeness’ or ‘responsiveness’ of public power to the will of the demos – but all democratic theories incorporate a mechanism subordinating public power to social choice procedures in some such general way. (On the individual agency analogy, this institutional subordination equates to the opaque biological mechanism associated with the causal power of an intention.)

To be quite clear about how I interpret this agency model of democratic legitimacy, this requirement of institutional subordination should not be taken to imply a linear causal relationship between democratic mind and body; in other words, it does not imply that the demos can be assumed to exist and form intentions independently from political interactions with institutions of public power, or that institutions of public power must possess causal power only as an inert instrument of the demos, without any independent impetus of their own. On the contrary, I think it is much more realistic to suppose that democratic mind and body will function in some degree of tension (and sometimes outright

¹⁶To avoid misunderstanding, it is important to emphasize that the distinction between social choice and public power cannot be equated straightforwardly with the more familiar distinction between ‘legislative’ and ‘executive’ powers within a constitutionalized democratic order, despite the obvious functional parallels. It is a more fundamental distinction than this, in the sense that it is concerned not with a distinction between two political functions that are created through an underlying institutional framework of constitutional law, but rather with the deep sociological institutions that constitute the most basic sources of political agency within a social order. It is concerned, that is to say, with the sources of political agency that would be capable in principle of creating and sustaining a constitutionalized democratic order in the first place (with or without a constitutionalized separation of legislative and executive powers), not with the more superficial political functions that are enabled and performed through the operation of this deeper form of political agency. As such, formal ‘legislative’ activities are usually better understood as instances of public power than as instances of collective social choice, insofar as they are usually performed on behalf of a wider demos by elected or otherwise delegated decision-making elites.

¹⁷The idea that democratic legitimacy may originate from the achievement of ‘collective autonomy’ within a group is one that has been championed by David Miller among others (for example in David Miller, "Against Global Democracy," in After the Nation: Critical Reflections on Post-Nationalism ed. Keith Breen and Shane O’Neill (Basingstoke: Palgrave Macmillan, 2010), though I cannot give a full normative account here of what the best formulation of this ideal of collective autonomy might be.
conflict) with one another, and that any viable normative ideal of democratic agency, or collective democratic ‘autonomy’, must permit this to some degree.\textsuperscript{18} The ‘subordination’ of democratic body to mind that is required for legitimacy cannot, then, be absolute – though it would require a much fuller normative theory of democratic agency and legitimacy than I can provide in this paper to specify precisely what kind of subordination, and how much, should be required.

Understanding the source of democratic legitimacy in terms of the constitution of collective political agency also gives us an illuminating perspective from which to view the existing democratic \textit{illegitimacy} in contemporary global politics: we can view the global democratic deficit as resulting from as a kind of political pathology in which existing demoi have become increasingly \textit{disembodied}. As it is now commonplace to observe, the social and political transformations associated with globalization have seriously challenged the familiar nation-state model of democracy, in which democratic agency is constituted by a national demos acting through the institutional instrument of a sovereign state. While the institutional reach of public power now stretches far beyond the boundaries of nation-states, through the transnational operations of institutions such as International Organizations, Multinational Corporations, and International Non-Governmental Organizations (INGOs), democratically functioning demoi have not yet been created at corresponding levels with the capacity to reach unified democratic decisions about the proper control of this power. In agency terms, democratic ‘mind’ and ‘body’ have become institutionally detached from one another: national demoi are increasingly disembodied, without effective institutions of public power to serve as compliant instruments of their democratic wills; meanwhile, transnational institutions of public power (the ‘bodies politic’) roam unfettered – politically unsubordinated to the wills of the groups enclosed within them.

The claim that collective institutional ‘minds’ and ‘bodies’ can become detached from one another may initially appear rather puzzling, since it is common to assume in discussions of collective agency – as it is assumed in the case of individual agency – that decision-making processes (at least under normal conditions) have some kind of direct causal efficacy. In discussions of the ‘demos problem’, such an assumption is usually qualified with a reference to the need for certain \textit{institutions} to be created as a condition for collective political agency to be achieved within a group. However, a clear distinction is not generally made here between the institutions constitutive of \textit{social choice} procedures (which have the capacity to generate collective \textit{decisions}) and the institutions constitutive of \textit{public power} (which have the capacity to \textit{execute} or \textit{carry out} decisions). Moreover, \textit{the conditions for the creation of institutions of the latter kind} – and their potential independence from the conditions for the creation of institutions of the former kind – are not adequately analysed or understood.

\textsuperscript{18}This is true in the case of a collective political agent much just as it is true in the case of an individual agent, where we understand well that a rational ‘will’ can co-exist in some degree of conflict with a person’s physical impulses and desires. And just as any plausible normative account of individual autonomy must be able to count an individual as autonomous without demanding \textit{absolute} subordination of bodily impulses and desires to the rational will, so too an agency-based account of democratic legitimacy can accommodate some such ‘internal’ conflict.
A recent discussion of the global demos problem by Christian List and Mathias Koenig-Archibugi exemplifies this analytic tendency particularly clearly, since these authors explicitly and rigorously tackle questions about the constitutive characteristics of a demos and the role of a demos within an overall framework of political agency. Their central proposition is that a viable demos can exist wherever there is a group of individuals that is ‘capable of being incorporated into ... a state-like group agent’, defined as ‘consisting of a demos and a suitable set of institutions’. 19 They do not specify in any detail what kind of institutions they are talking about as preconditions for democratic group agency – whether they are talking about institutions constituting social choice procedures, or institutions constituting public power, or institutions connecting the two to ensure subordination of the latter to the former, or all of the above. However, a reference here to another article by Koenig-Archibugi on ‘The Possibility of Global Democracy’ indicates that they mean to suggest that converting a demos into a ‘fully fledged group agent’ would require the simultaneous creation of all of these types of institutional structure – if not to the extent of constituting a ‘fully developed, well-ordered state’, then at least to a degree sufficient to perform equivalent functions to some reasonably effective degree. 20

At this abstract level of analysis, they seem to be acknowledging, in principle, that institutions of public power comprise part of what is required to constitute a ‘fully fledged’ democratic group agent. However, when they turn from this abstract discussion of the institutional conditions for collective political agency to the more concrete question of ‘what does the capacity for democratic agency require in practice?’, 21 they present only two criteria for the possession of such capacity, which turn out to embody the conditions for agency only in the narrow sense of capacity for collective decision. More specifically, they say that to qualify as a potential political agent a group must possess just two features: first, ‘external coherence’, which is the capacity to have ‘coherent collective attitudes’; 22 and second, ‘internal cohesion’, which requires that ‘[t]he collection of individuals in question is in sufficient meta-agreement on certain issues on which collective decisions are needed, and, if required, in sufficient substantive agreement on some relevant fundamental matters.’ 23

At this point, the prospect that there may be additional and independent conditions for the capacity within a group to act materially to bring about or

20 This point is made in Ibid., in note 31 on p. 92. Here they reference Mathias Koenig-Archibugi, "Is Global Democracy Possible?," European Journal of International Relations Online First 16 June(2010). for more detailed discussion. But in this additional article, the conditions for the establishment for institutions of these various kinds are not considered independently from one another; rather, they are examined together through the lens of broader questions about the drivers and processes of social and political change. A question about this approach is how the ‘demos problem’ can remain distinct from the wider question of ‘is global democracy possible?’, if all the various institutional preconditions for democracy are incorporated together into the concept of the demos via the adjunct concept of ‘state-like agency’.
22 Ibid. p. 94.
23 Ibid. p. 96.
execute political decisions drops out of the picture altogether; their criteria specify the conditions only for the creation of functional social choice institutions, not also the conditions for the creation of effective institutions of public power. The conceptual origin of this analytic move appears to lie in their underlying general definition of an agent as a system that (a) has ‘attitudes’ on the issues it faces, and (b) ‘acts (by making decisions or taking actions) in such a way as to “pursue” its attitudes’. On this definition, the capacity for making decisions alone is allowed to stand in for the broader notion of action as the capacity for making causally effective decisions, without any analysis of whether an assumption of the causal efficacy of group decisions is actually warranted in the case of collective political agency (as it might plausibly seem to be warranted for ‘decision’ to be assumed as causally efficacious in the case of biologically embodied individual agents).

It is my central contention in this paper that an assumption of this kind is not warranted in the case of collective political agency – and that the prospect of the institutional severing of the capacity for collective political decision (group mind) from the capacity to bring about concrete outcomes (political body) is, therefore, a very real and serious one. This is not just a risk, but I suggest is in fact the present political reality under the circumstances of globalization, and the question of how to remedy it thus presents a major practical challenge for contemporary democrats. However, since the etiology of this problem of democratic ‘disembodiment’ is by no means self-evident or well understood, we cannot begin to consider the practically salient question of how to remedy this problem without more systematic analysis of how such a thing could come about in the first place. This is the task, then, to which I now turn.

3. Why democratic ‘minds’ do not necessarily come with democratic ‘bodies’

One reason the idea of ‘disembodied’ demoi might seem puzzling is that there may appear to be an obvious reason why the causal efficacy of democratic decisions can be taken for granted to the same extent as the efficacy of decisions made by an individual person – namely, that the demos is comprised of individuals with bodies, capable of acting together to carry out group decisions, just as an individual’s body is capable of carrying out her personal decisions. Why, then, can we not assume that when a number of individuals come together and form a democratic ‘group mind’ through a collective democratic decision-making process, that they will automatically also form a group body, with powers equal to the sum of the powers of all individual bodies within the group?

The first point to make in answer to this question is that the assembly of a set of individual bodies doesn’t automatically create capacity for effectively carrying out a collective decision any more than the assembly of a set of individual minds automatically creates capacity for collective decision itself; rather, both of these types of political capacities are institutionally constituted. Moreover, they are institutionally constituted somewhat independently from one another – through

24 Ibid. pp. 88-89.
different sets of structures and processes, and with different sets of participants performing different kinds of institutional roles. While the capacity to produce collective decisions requires the establishment of functional social procedures of one kind or another (the character of which is examined in a rich field of democratic theory on social choice), the capacity to carry out collective decisions instead requires material and organizational infrastructures of complex and sophisticated kinds, with a range of highly specialized functions and capacities entirely different from those involved in the facilitation of social choice. Within territorial states these infrastructures incorporate the various material and organizational infrastructures of ‘government’ – ranging from the material structures like government buildings and information systems, or adequately resourced police and military organizations, to the complex webs of organizational norms and rules facilitating the mobilization of resources and expertise in such a way as to execute the desired political decisions. Citizens of stable and functional states may often take the existence of such structures for granted, but they cannot be taken for granted in other political contexts – including at the level of contemporary global politics. We must be careful, then, not to forget about the independent character of their role in setting the fundamental institutional parameters of a democratic unit, when we make the move from the theory of the democratic state to the theory of democracy more generally conceived.

This means that while creating the kinds of institutions that facilitate processes of collective decision (such as deliberative institutions or elections) may succeed in linking the individuals within a demos together into a functional ‘group mind’, this in itself will not automatically create the capacity for the group to carry out any collective decisions that it may reach. Achieving this latter capacity requires an entirely separate set of institutional structures and processes to be in place – and it is these that we can refer to as institutions of public power. Individuals and groups who have access to use of the material infrastructures of public power, and who occupy roles within the organizational structures of public power, can be described as those who exercise public power within a democratic unit – or alternatively as the agents of public power within a democratic system. (Remember, though, that the agency of the individuals and groups who exercise public power is distinct from the agency of the democratic unit as a whole, which – when properly constituted – generates democratic legitimacy. Within the democratic unit as a whole, the decision-making agency of those who exercise public power is subordinated to, and thus gives causal power to, the decision-making agency of the demos, so that within the democratic unit as a whole agents of public power function structurally as the ‘body’ rather than the ‘mind’ of the institutional democratic agent as a whole.)

This crucial distinction between institutions of social choice and institutions of public power can be easily obscured by the simple etymological conception of democracy as ‘rule by the people’ – which makes no distinction between the activity of collective decision (social choice) and the activity of carrying out decisions (public power); these two activities are commonly conflated within the overarching concept of ‘rule’, and the same ‘people’ are thereby presumed to undertake both activities concurrently. The reality, however, is that in most
existing democratic units – certainly all of those operating on the scale of
modern states – most of the activities of public power are not performed by ‘the
people’ as a democratic collective, but rather by elites and specialized
institutional agencies that have been in some way authorized, or delegated their
powers, by the wider group. Sometimes those who exercise public power are
elected to their roles as formal ‘representatives’ of the people; this is the case
mainly in relation to legislative forms of public power. But the majority
(especially those in bureaucratic or other generic ‘public service’ roles) assume
or are appointed to their roles based on other criteria, such as skill, expertise, or
(as is sometimes the case in relation to highly individually demanding roles such
as military service) voluntary participation or conscription.

The institutional separation between the activities of undertaking social choice
and exercising public power – exacerbated by the uneven access to participation
by individuals in the exercise of many forms of public power – is an ongoing
source of discomfort and tension within modern democratic theory and practice.
This is so since the concentration of effective power in the hands of those
minority groups and elites who occupy important roles within the institutional
framework of public power continually threatens to corrode the required
subordinate relationship in which public power is supposed to stand to
collective democratic decision. The tensions produced by this source of threat
motivate many important institutional debates among democrats, on topics
including: the proper role of constitutional constraints on public power; the
value and role of ‘direct’ or ‘participatory’ forms of public power; and the limits
(if any) that should be imposed on the delegation of public power to non-
members of the demos – as reflected in debates about the legitimacy of delegating
important public service delivery activities in a democracy to private
corporations, or more controversially the legitimacy of deploying mercenaries or
private security forces in place of citizen armies.

One ongoing challenge for democratic institutional designers is to figure out how
public power can be delegated to minorities or elites (or even more
controversially to outsiders from the demos) who may have certain beneficial
expertise or resources conducive to performing the relevant political functions,
while still preserving the political links that subordinate the exercise of public
power to the decisions of the demos in accordance with democratic principle.
But at this stage of my argument my aim is not to offer a solution to these
dilemmas, but rather to highlight one underlying fact about public power that is
evidenced in their existence – namely, that (in large-scale modern democratic
units at least) institutions of public power are constituted through largely
separate institutions from the social choice procedures that constitute the
collective ‘decisions’ of the demos. And it is for this reason that we cannot
assume that when a number of individuals come together and form a democratic
‘group mind’ through a collective democratic decision-making process, that they
will automatically also form a group ‘body’, with the capacity to carry out group
decisions; this latter capacity must be created through an independent set of
political institutions – which may turn out to be a more or less feasible
proposition under different sets of background social circumstances.
4. Why a democratic ‘mind’ cannot create its own political ‘body’

Just because the existence of a political ‘group body’ is not generated automatically by the institutional constitution of a ‘group mind’ through the establishment of functional social choice procedures, it does not follow that the establishment of this institutional capacity for carrying out decisions effectively is necessarily infeasible or unachievable. If the capacity for carrying out political decisions requires the establishment of some independent set of institutions of public power, as I have described, we might ask: is it not possible for the demos simply to make a collective decision to create them, and design them such that they are equipped with whatever functional capacities are required to realise the political outcomes sought by the democratic will?

There is certainly a strong tradition of political thought that may seem to presuppose – or at least imply – such a possibility. The historically influential theoretical metaphor of the ‘social contract’, along with associated mythology surrounding the ‘founding moments’ of political societies, might appear to invite the supposition that institutions of public power can be summoned into existence through an act of collective will by the members of some demos, and that their most significant sociological preconditions will therefore be the endorsement of their justifying reasons by these individuals. What merit is there in this kind of account of the origins of institutions of public power? Does it provide a viable answer to the question of how the members of a demos can expect to succeed in setting up a shared institutional framework of public power, to serve as an instrument for their collective will?

Even assuming that the members of a demos can be expected to reach some suitable form of agreement about general normative standards for the justification of a shared framework of public power, I contend that there is still another major condition that would need to be satisfied before a demos could be expected to succeed in this setting up a functional framework of public power, which we can label the competency condition. This is the requirement that the demos as a collective decision-making agent must have adequate knowledge, insight, and understanding to identify correctly what kinds of institutions will be effective in bringing about the outcomes that are willed by the group through collective decision, as well as how to bring these institutions themselves about. This means that they must be able to correctly identify how it is possible to mobilize the resources, technology and expertise necessary to build and sustain the requisite material infrastructures of public power (such as military or information systems, depending on the content of the goals being pursued), as well as how to build and sustain the complex organizational infrastructures (such as bureaucracies, firms, or other specialized functional agencies) required to bring about the desired political outcomes through skilled and coordinated utilization of these material infrastructures.

25 Perhaps partly for this reason, this social contract tradition has been associated with a strong focus, in the normative theory of institutional design, on the problem of how particular institutions can be justified – as though we need only identify the design features of the best justified institutions, and then the members of the demos can be expected on this basis to act together to bring about and sustain these institutions in practice – at least to the extent that we think it feasible that individuals can be motivated to act on justifying reasons.
To achieve competency of this kind, the members of a demos – acting collectively as a group agent – would first need to be able to perform successfully a number of cognitive feats: to articulate in comprehensive detail what would be entailed in the kind of social ‘outcome’ that is being sought by the democratic will (not just an outcome articulated narrowly in a specific social domain, but also what would be entailed in the wider social state of affairs supplying its conditions of possibility); to grasp clearly the various respects in which the social status quo deviates from the desired state of affairs; to identify accurately the underlying causes of the present social realities that are the target of transformative political action; to devise on this basis functionally effective organizational systems and/or material technologies and infrastructures that could succeed in bringing about the desired transformations; and then to calculate strategically how individual roles and material resources would need to be allocated and coordinated within the organizational system so as to bring about the required outcomes. Performing these feats would require not only the capacity to acquire and analyze vast quantities of information, but also to undertake enormous creative and imaginative leaps of strategic innovation, at the levels of both technological and organizational design.

Overcoming these challenges is not impossible in principle, under all circumstances; it is no doubt the case that we could identify some narrow range of issue-areas and problems that are sufficiently simple or small-scale that a well-informed and well-functioning demos could be expected successfully to design material and organizational infrastructures through which to bring about the desired results. In relation to all but the smallest or most superficial of social problems, however, this set of challenges will be enormous – to the point, I contend, of being insurmountable. The cognitive feat of designing institutions to achieve even the basic political goals that many demoi seek as a matter of the highest priority – such as eliminating widespread violence, or eradicating poverty and fostering economic prosperity – would require collectives to confront social issues of huge complexity, along each of the dimensions I have just set out.

Solving some of the more specific and technically sophisticated problems that must be overcome as partial means to these broader social outcomes – whether these involve finding technological solutions to climate-friendly energy production, or technical institutional solutions to inefficiencies or pathologies in economic markets or production systems – is more likely to fall within the competence of the collective rationality of a demos. Many of these problems pose challenges that are daunting enough – even when taken in isolation from one another, and against the backdrop of already settled and well-functioning social institutions of other kinds (such as stable sovereign states, established global economic trading systems, etc). If we remove these established background institutional infrastructures from the equation, however, and start to contemplate what would be involved in the design of an entire scheme of social institutions from scratch, then the informational, analytic, and creative challenges would appear to be overwhelming, and the prospect that the lone
agency of a demos could succeed in such an endeavour looks pretty plainly fanciful.\footnote{It might be imagined that a demos would be able to anticipate this problem and then establish and delegate authority to more expert or complex institutional agencies to take the project of design further. While it may certainly be true that experts may be able to achieve more sophisticated results than a wider demos deliberating alone, it is unlikely that even the most expert groups could solve design problems on this kind of scale. Moreover, for this strategy of delegation to succeed a demos would need already to have a clear enough grasp of how to solve the problem to know how to constitute such expert agencies in the first place – that is what forms of expertise should be assembled, what kind of material and organizational infrastructures should be made available for their work, etc. So the problem of competence and complexity is not so easily solved as this.}

It is my contention that the limits upon the competence of single group agents to undertake successful projects of large-scale social engineering are such that we cannot expect efforts by a demos to design and construct an entire apparatus of public power from scratch, to empower itself in the activity of collective self-rule, could succeed. This point seems especially incontrovertible if the kind of demos we are most interested in empowering is constituted across multiple issue-areas, and on a global scale, under the highly complex sociological modern conditions of globalization. But I think that this problem is likely to persist even for demoi constituted on much narrower issue-areas than this, and on much smaller institutional scales.

Indeed, for all that I said above about the tendency of the social contract metaphor to deflect attention away from this problem about the origins of public power, it is in fact a problem of which the seminal social contract thinkers Hobbes and Rousseau were both deeply aware. For Hobbes, the solution was for ‘the people’ to eschew aspirations of democratic governance, and instead surrender authority to an already-constituted Sovereign power, with the capacity to exercise public power effectively on behalf of the group.\footnote{Hobbes, Leviathan.} Rousseau, too, questioned whether a workable design for fundamental social institutions can be landed upon ‘by a sudden inspiration’ within a group, asking:

\begin{quote}
How will a blind multitude which often does not know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation? By itself the people always wills the good, but by itself it does not always see it. The general will is always upright, but the judgment which guides it is not always enlightened.\footnote{Rousseau, “Of the Social Contract” II, 6.}
\end{quote}

The solution Rousseau proposes is reliance on an elusive figure he calls the ‘Lawgiver’, which requires ‘superior intelligence’ and something akin to divine powers to perform the required role: as he puts it, ‘[i]t would take gods to give men laws’.\footnote{Ibid., II, 7.} This idea of the Lawgiver remains one of the most puzzling features of Rousseau’s argument in the Social Contract – though this is perhaps little wonder, given the intractability of the problem that the idea is thrown up to
solve. Certainly – if the appearance of a divine figure such as Rousseau’s Lawgiver is a necessary pre-requisite for a demos to establish a successful framework of public power for itself, this should not instill great optimism about the likelihood of its success in such an endeavour.

5. Where do democratic ‘bodies’ come from? How public power can be created through the public ‘inhabitation’ of private institutions

Is there, then, another kind of solution to the problem at hand, which does not rely on the expectation that a demos can have the competence to design and construct an institutional framework of public power for itself from scratch, as an instrument for bringing about collectively willed political outcomes? I believe that there is, and I will characterize this as a kind of co-option – or in agency terms inhabitation – of ‘private’ social structures and institutions by (emergent or established) demoi. At this stage of the argument this model can be viewed as a hypothetical theoretical model of a pathway towards democratic institutional development that satisfies criteria of both logical possibility and empirical feasibility, given the assumptions about the nature of the obstacles to the development of functional institutions of public power that I have just outlined (that is, the problems of competence that I have argued apply in general, and in particular under conditions of wide political scale and complexity). Later in my discussion I will consider briefly also how it stands up as a heuristic model for explaining the historical development of institutions of public power within democratic states, and further as a framework for understanding some patterns of contemporary institutional development in global politics. While this argument can be viewed in some sense as an explanatory or social-scientific one, its normative significance derives from the fact that the institutional structures whose origins we are investigating are constitutive of democratic political agency, which on the agency model I set out above can be viewed as the source of democratic legitimacy, which is the special political form of normativity we are concerned with here.

Let me begin with this task by saying a bit more than I have done so far about the obstacles that I am claiming a process of institutional ‘cooption’ can help to overcome. So far I have explained why we should not expect that a demos will, under normal circumstances, have the competence to design and create the complex material and organizational infrastructures required to serve as effective instruments for its will – at least in relation to issue-areas or problems with high degrees of complexity, with which I assume most demoi to be concerned.

To grasp the solution I want to present to this problem of the demos’s limited competence for large-scale and complex institutional design, it is important to be clear about what my argument about competence problem does not entail: I do not claim that the creation of institutions with the capacity to achieve a wide and complex range of social outcomes is in general infeasible; nor do I claim that the requisite institutions cannot be – at least to some significant degree – the product of rational design by human agents; nor do I claim that the human agents who create these institutions cannot be (all or some of) the same individual agents who together constitute the demos. Rather, I claim only that
these institutions cannot be created as the product of rational design and decision at the level of the collective agency of the demos itself.

To see what I mean by this distinction, we must recall what a demos actually is, on the definition we have been working with throughout this discussion. A demos is not a collective of individuals taken holistically – that is, it is not an entity that is constituted through some kind of aggregation of a set of individual persons, and everything that those individuals do in the course of their lives. Rather, the demos is a special kind of institutionally-constituted group agent that will generally exist as one of myriad group agents operating within a wider social order. By this I mean that the lives of the individuals who constitute the demos (through their institutionalized participation in processes of collective reasoning and decision-making) are not totally subsumed by this one institutional role. Rather, in addition to her own set of personal goals and projects, each of these individuals (usually) has a range of other social and institutional roles – in workplaces, families, educational or recreational associations, religious communities, economic or social activist organizations, and so on. Taken together, these roles mark out the full range of collective channels through which the individual acts collaboratively with others to pursue shared goals, and in doing so contributes to the development of an overall scheme of social institutions within the group.

As a result of this, it remains entirely possible in principle that a task of institution-building that is beyond the competence of a group of individuals constituted as a demos – that is as a single collective agent – need not also be beyond the cumulative capacity of that same group of individuals operating through their multiple and overlapping social and institutional roles. In other words: what is unachievable as the product of collective reasoning and decision-making through the institutions constitutive of democratic political agency alone may nonetheless be achievable as the cumulative product of the various independently-constituted individual and group agents operating within the social order as a whole.

Such a possibility can potentially be realized, I suggest, through a two-stage process of institutional development: first, the spontaneous development of social institutions with a range of powers and capacities at relatively low levels of scale and complexity, established to serve the various shared goals of their respective participants; and second, the systematic political co-optation of these institutions through attempts, by some (established or emergent) demos, to steer and gain control of these institutions, and in so doing to harness their powers in the service of this wider group. This very general model of democratic institutional development – beginning with the creation of structures of power and following with the creation of institutions aimed at legitimating that power – resonates with Thomas Nagel’s observation in the related debate about the proper scope of duties of justice, that ‘political power is rarely created as a result of demands for legitimacy, and that there is little reason to think that things will
be different in this [global] case’. To explain this model more clearly, it will help to examine each of these posited stages of institutional development in a little more depth.

The first stage of democratic institutional development involves the development of the wide range of social organizations that are sometimes described as constituting ‘private’ actors or institutions, as distinguished from the ‘public’ or alternatively the ‘political’ sphere of democratic politics. These can include any kind of institutionalized associations among groups of individuals aimed at achieving outcomes or upholding values shared by members of these groups, whether these goals take the form of peace and security provision, material or economic gain, spiritual or religious realization, ethical or moral advancement, scientific or artistic achievement, or preference-fulfillment of any other kind. Memberships of these groups can be of any size – ranging from a membership of two, through to enormous organizations with transnational or global scope. They can take the form of group agents (like sovereign states, corporations, or NGOs operating within an international order), or can be more diffuse institutions that have not (at least yet) developed the collective reasoning and decision-making structures constitutive of fully-fledged group agents – such as social or religious movements, or economic ‘supply-chain’ institutions.

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31 Distinctions between ‘public’ and ‘private’ institutions and spheres are made across myriad different institutional and normative boundaries, not all of which map exactly onto the kind of distinction I am trying to draw here. In general terms, the distinction between public and private reflects claims about the scope and domain of the sphere of political legitimation, where the ‘public’ denotes the institutions implicated in practices of political legitimation, and the ‘private’ denotes institutions of other kinds. Since I am concerned here with specifically democratic understandings of political legitimacy, I here take public institutions to be those constituting the practice of democratic politics, or democratic agency (public power, the demos, and the subordination of the former to the latter), and private institutions to be institutions of all other kinds.
32 To avoid a source of possible misunderstanding here, I should emphasize that I assume that the social goal of controlling the use of violence is one that can in principle (and often is in practice) pursued through ‘private’ institutions of this kind, and is not necessarily a public political activity (though may tend to become so over time as a given institutional order evolves and matures, given the fundamental human interests that it is concerned with). In this I depart from the Hobbesian view that violence can only be controlled, to a degree sufficient to permit the development of social institutions pursuing goals beyond the bare provision of peace – by the paradigmatically ‘political’ or ‘public’ power of the Sovereign, imposing order through law backed by superior force. Rather, I assume that it is possible – at least under some social conditions – for ‘private’ institutions to control the use of violence to a sufficient degree that the development of wider networks of social cooperation is possible; the institutional control of violence will count as ‘private’ in my sense when it is undertaken only to the extent that this serves the interests of those participating in this control, instead of in a way that delivers general protection and security to a wider demos, in accordance with its institutionally-articulated collective will. Arguably the management of international violence by ‘hegemonic’ or ‘imperial’ states in the contemporary era would provide an example of this latter scenario, as would the partial control of violence by warlords, mafia organizations, or non-democratic ‘sovereign’ regimes at more localized territorial levels.
The goals pursued by each of the ‘private’ institutionalized groups within a social order – pursuing the different types of collective goals that I have outlined – may each be in conflict with some of the others, and often they are so in practice; in fact one of the key purposes of specifically ‘public’ or ‘political’ institutions – which we will come to shortly – is to manage and resolve such conflicts to the general advantage of a wider social group. But no matter how such conflicts are resolved, or in favour of which groups, the salient point here is that these ‘private’ institutions must develop specialized and in some cases very substantial powers in order to pursue their particular goals with any degree of success.

More specifically, the development of these various institutions can be expected to be accompanied by the construction of complex material and organizational structures, which function to support and facilitate the successful pursuit of the goals for which these institutions are created. Examples of such structures include: material infrastructures such as those for processing and communicating complex forms of information, or transporting products and people; organizational systems for strategically cultivating, coordinating, and deploying relevant individual skills and expertise; and underlying both of these, strategic distributions of material resources across the locations and populations where these structures are embedded, to enable the individuals occupying roles and performing tasks with these structures to carry these out successfully.

It is my contention that the powers and institutional capacities emerging in these myriad social organizations and structures will (under normal conditions) be vastly greater, taken collectively, than the powers and capacities of any institutional scheme dreamed up, through rational design, by the unitary political agency of a demos. The reason for this is that these private organizations and structures are developed initially at relatively low levels of scale and complexity – that is, at levels of scale and complexity that can be navigated successfully by the participants in the institution-building projects within the limits of their cognitive competency. The success of each of these localized institution-building endeavours is facilitated further by the specialized forms of information and understanding possessed by the individual and group agents who participate in the forms of decision-making that feed in to the developmental processes of institution-building over time. They can then develop into larger-scale institutions only incrementally, and always within the inevitable constraints imposed by the forms of information and expertise that the participants have available to them, and can process collectively as a group through some institutional means. These separate private organizations and structures can then come into contact with one another, interact, and shape each other in further complex dynamic ways, potentially leading to an overall institutional scheme that is highly sophisticated in many dimensions, and embodies a great wealth of useful material and organizational infrastructures.

I say ‘under normal conditions’ because there could in principle be some circumstances in which this would not be the case – say, those presupposed by Hobbes, whereby the threat posed by violence in the absence of rule by a single Sovereign agent of public power were so severe as to preclude the development of any extensive institutional scheme of private social institutions. I take it that such circumstances in human affairs are rare and generally short-lived, and moreover that such circumstances do not obtain in the context of contemporary global politics.
Such a sophisticated overall scheme could not be devised by any single decision-making agent, such as a demos, because the level of complexity would be too high. There are limits to the degree of complexity that a given agent can be expected to handle successfully for two main reasons. First, the volume of information that would need to be available to the ‘designing’ agent at one time would exceed the cognitive capacity of any individual or group agent (even a group agent with a mind ‘extended’ through systematic incorporation of data analysis by computers or other technological tools – at least any of a kind that presently exist). Second, the number of separate questions that would need to be deliberated and decided upon sequentially would be inordinate, and the decision-making process would accordingly be interminable. In sum: the powers and institutional capacities emerging through the organic process of institutional development I have described could be expected (under normal conditions) to be significantly greater than those created through design by a single agent because of the advantages that come with the disaggregation and specialization of institution-building activities – undertaken beyond any form of centralized direction or control.

We can expect that there will generally be, however, a very important limitation to this kind of organic institutional development. While this kind of process of institutional development is driven by sophisticated and specialized forms of knowledge at multiple micro-levels, it generates no mechanisms for surveying and regulating the impacts of institutional ‘externalities’ from each of the disaggregated organizational entities – by which I mean the intended or unintended effects of institutionalized activities on non-participants in those institutions. Nor does it allow for any institutional means of redress to those affected, even where these external institutional impacts turn out to be overwhelmingly negative (at least for some individuals and groups).

This problem leads then to the second stage of the development of democratic institutions of public power, in which groups affected directly by the external consequences of these institutional activities may be motivated to mobilize collectively to gain some effective form of control over these institutions and in doing so to achieve two closely related goals. The first of these is to curtail the most harmful and readily preventable negative ‘externalities’ of the existing social institutions. This is associated with the goal of curbing what is sometimes described as the ‘abuse of power’, and its importance in the early stages of democratization processes is something that has been highlighted by a number of authors in recent theoretical literature. The second goal – sometimes given impetus by the galvanizing force of the first – is to harness the institutional powers and capacities of these institutions to the service of any wider collective goals that the group may identify (something that it can do more systematically

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34 The number of discrete issues and decisions involved in complex institutional design is significant since a single agent can only focus and deliberate upon one issue at a time, and make one decision at a time, otherwise its unified identity as a single agent would disintegrate.

and democratically, of course, once it has functional social choice institutions established within it).

The pursuit of these goals – to the extent that this pursuit is successful – generates a process whereby the material and organizational infrastructures of ‘private’ institutions can be coopted by (established or emergent) demoi. By this I mean that the already-existing institutions are moulded and reformed in such a way as to subordinate them in some appropriate sense to the demos, in order that they will more efficiently and reliably serve as instruments of this democratic will. It is through this kind of process that ‘private’ power can be transformed or converted into ‘public’ power. In agency terms, we can describe this loosely as a process in which the democratic ‘mind’ of the demos inhabits, and assumes some degree of political control over, the institutional ‘bodies’ of powerful actors that already exist within the wider social order.

Here let me present two caveats. First, this account is not supposed to imply that, as a sociological or historical matter, that the normative and sociological preconditions for a viable demos must necessarily be established prior to the construction of institutions of public power. The reality is of course likely to be more complex and contextually variable, and we should expect that the development of groups with the characteristics of ‘demoi’, and the development of institutions of ‘public power’ through which demoi can act, may well occur in tandem, and in a mutually constitutive fashion. In particular, the experience of being subjected to the exercise of power by a private institution or institutions can generate within an emergent demos a sense of ‘shared fate’ and mutual identification, as well as fostering denser networks of social relationships that can galvanize the institutional development of the demos further.

Second, I say private institutional power ‘can be’ converted into public power through democratic cooptation when confronted politically by a demos, since not all instances of private institutional power will be viable candidates for public co-optation. One kind of circumstance in which they will not is when the private institution’s external effects are overwhelmingly negative (for example in the case of a private institutional scheme aimed at controlling the use of violence within a group as a means of extracting resources from others and enriching the participants, such as might be entailed in certain mafia-style organizations, or the institutionalized operation of ‘warlords’). If the organizational infrastructures in question are unfit for public use through cooptation, any demos galvanized into political action by the shared effects of these externalities would do better to aim at extinguishing these structures entirely.

More generally, we can expect that private institutions will only be attractive targets for public cooptation when their specialized institutional capacities and infrastructures are well aligned with, or useful for the pursuit of, the particular shared goals of the demos in the context in question. But we should expect that private institutional infrastructures and tools will very often turn out to be

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36 This is similar to David Held’s idea of ‘communities of shared fate’. See Held, Democracy and the Global Order: From the Modern State to Cosmopolitan Governance.
attractive candidates for public cooptation, given that so many of the basic human interests that motivate the cooperative development of private institutions by their direct participants in the first place (provision of security, creation of wealth, etc) are shared in common with the members of the (would-be) demos, affected by their externalities.

6. The organic growth of democratic agency: from the birth of the state to a ‘pluralist’ global democratic order

Before turning to consider the implications of this model of political institutional development for questions of democratic institutional design, it may help to say something more to clarify the analytic purpose that it can be expected to serve. So far, I have just sketched some very general reasons for thinking that a model of democratic institution-building of this kind would have better prospects for success than the alternatives, given the kinds of obstacles to the construction of public power institutions by a unitary demos that I identified above. But here it is important to be clear that this kind of model is not intended to serve as a general explanatory model for processes of democratic institution-building. Rather, it is intended only to provide a model of the most feasible developmental pathway for democratic institutions only in relation to contexts in which there is no agent external to the social order available to drive the institution-building process in establishing a functional framework of public power. In other words, the model that I am offering is supposed to apply (as the most feasible path to democratization) only in relation to the original development of public power within a social order.

We could point to many cases of state-building and democratization within recent international history that would not fall into this category – for example, where attempts have been made by imperial or hegemonic state powers, or by a wider group of established states acting through the United Nations, to set up or support the development of new institutions of public power (in the form of constitutionalized and often also democratic state institutions) in some social unit that has not previously been governed by institutions of this kind – with varying degrees of success. But in these cases the availability of an external interventionist agent to set up the institutions of public power on behalf of the group means that the puzzle of original creation I am concerned with here does not arise. The range of cases in which the problem of the original source of public power arises is in fact rather narrow: limited to, as far as I can see, the arena of global politics (in which there is no ‘external’ force available – in lieu of appeal to the external realm of the Gods, as in Rousseau’s discussion of the ‘Lawgiver’), and to lesser degrees the emergence of state-based democratic institutions within territorial societies subject to relatively little external intervention, such as (arguably) in the historical case of the original development of and subsequent democratization of states in Europe.

Taking the latter case first, the value of the model of ‘cooptation’ or ‘inhabitation’ is enhanced further, I believe, by its plausibility as an account of how democratization processes unfolded in the emergence of (certain) democratic states. It is beyond the scope of this paper to offer the kind of detailed historical
analysis that could vindicate this claim in any robust way, but a brief look at the analogy is at least, I think, suggestive. To stand in for a more thorough historical analysis of my own, I will point towards the similarities between the kind of account I am offering here as a framework for thinking about global democratization, and the account of political institutional development developed by John Dewey in relation to the case of sovereign states. In his work *The Public and its Problems*, Dewey tackles some similar issues to those under consideration here, though with the concept of the ‘public’ standing in (very approximately) for what I would here call an ‘emergent demos’. In that work he describes a process whereby the institutional infrastructures of states were developed initially to serve the private interests of monarchs (and their associates), and then only later taken over by wider publics whose members were affected by the externalities of these institutions.

In illustrating this account, he highlights the instance of the ‘King’s Peace’ in twelfth century England as ‘[a]n interesting phase of the transition from the relatively private to the public, at least from a limited public to a larger one’. Here, he traces the process through which the administration of justice by feudal and shire courts was forced to pass incrementally to the King’s courts, as a means of increasing monarchs’ revenues and expanding their power and prestige. But then once established, this institutional apparatus could very straightforwardly be converted into a framework for serving the function of justice administration on behalf of the wider ‘public’ significantly affected by the operation of these institutions. As he describes it: ‘[a] measure instigated by desire to increase the power and profit of the royal dynasty became an impersonal public function by bare extension.’

Dewey focuses more in his analysis on the conversion from private to the public function of institutions than on the conversion from private to public control, via the agency of an established demos; this makes sense since at the stage of institutional development Dewey was describing the demos and the institutional framework of public power (in my terms) were developing in tandem – the demos through the galvanizing effect of common subjection to the external effects of powerful private institutions, and the framework of public power through the incremental conversion of the functions of these powerful institutions from private to public, driven by the moral and political force of the claims by those significantly affected.

It would be an interesting exercise to extend this historical analysis through later stages of democratization in the case of this state, though that is beyond the scope of what I can offer here. Historical analysis focusing on this later stage can be found in Robert Goodin’s essay on ‘Global Democracy: In the Beginning’, in which he picks up on this example of English state-building and democratization at a later date and traces the process forwards through the development of

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38 More specifically, he says that a ‘public’ is a group that ‘consists of all those who are affected by the indirect consequences of transactions to such an extent that is deemed necessary to have those consequences systematically cared for.’ (Ibid. pp. 15-16.)
39 Ibid. p. 48.
mechanisms for controlling the arbitrary exercise of power within these new
central public institutions of the state, prior to the development of electoral institutions
and richer forms of public democratic control.\textsuperscript{40} A rigorous historical analysis of
the relationship and mutual interplay between the development of institutions
for advancing public functions (of the kind emphasized by Dewey) and the
development of institutions for public democratic decision-making and control
(of the kind emphasized by Goodin) would provide an instructive means of
exploring the dynamics and assessing the validity of the abstract developmental
model that I have presented – as would case-studies focused on other democratic
states during the development of their original frameworks of sovereign public
power. Although I cannot offer such historical analysis here, I hope that what I
have said is enough at least to render plausible the idea that the kind of
institutions-building process that I have described may find important historical
vindication in the case of (at least some) democratic states.

If so, this may lend some weight of historical evidence to my suggestion that a
similar developmental pathway might be open for democratization within the
sphere of global politics, under conditions of globalization. It is my contention
that we have good reason to think that it is so, and that this points us towards a
particular strategy for approaching the question of where to draw the
boundaries of a democratic unit – namely, an approach which begins not with an
analysis of the criteria for delineating a demos, but rather with an analysis of the
forms of institutionalized political power that exist within the wider social order
as viable platforms for the development of a democratic political apparatus. (To
put this point in terms of the democratic agency model I set out earlier, we can
say that when we consider how to constitute viable democratic units we should
think first not about the conditions for constituting a democratic mind, but rather
those for constituting a democratic body – that is, an effective framework of
public power through which democratic decisions can be carried out.)

To push the corporeal metaphor further, we might say that the primacy of public
power in setting the boundaries of a democratic unit has a similar character to
the primacy of a person’s body in the constitution of individual agency, not only
as the animating vessel within which the mind is contained, but also as a means
of giving focus and structure to the deliberative activities of the mind. Just as the
background fact of embodiment gives an individual agent impetus to reconcile
conflicting desires and motives through deliberation and decision (as a
precondition for action through a single body), so too mutual subjection to some
pre-existing private institutions may compel the individual members of a demos
to reconcile their different individual interests and motives, as a precondition for
co-opting and taking joint action through their shared framework of
institutionalized political power. In doing so, private power is converted to
public power, and the ‘collective autonomy’ of the demos can be realized through
the instrument of this reconfigured institutional body.

\textsuperscript{40}It is interesting to note, in the present connection, that what Goodin calls ‘in the beginning’
actually picks up at a point where institutions of public power are already in place in some form;
to explain the relationship of the questions he addresses to those tackled here, we can say that I
am concerned here with the problem of ‘the beginning’ in an even more fundamental sense.
In more concrete terms, this model of democratic institutional development lends strong support to what is sometimes called a pluralist model of global public power and democracy.\textsuperscript{41} The pluralist model of global democratization proposes that the democratic boundary question should be settled not through the design and pursuit of idealized blueprints for nationalist or cosmopolitan democracy, based on the view that the most properly constituted demoi are to be found at one of those two levels – but rather by locating existing structures of political power within the global social order (more specifically, those with the positive potential to serve as useful political instruments for carrying out the goals of the wider political communities affected by their power), and then working towards their incremental democratic co-optation and control. Since the institutional framework of global political power presently has a pluralist structure – that is, it is comprised of myriad state, inter-governmental, and non-state political actors operating and multiple and overlapping ‘jurisdictional’ levels, and not unified by any one supreme global political authority or hierarchy of constitutional principles – it follows that political efforts at democratization, too, should be targeted at these multiple institutional levels.

7. Conclusions: challenges for pluralist global democracy

The pluralist model of global democratization presents some enormous challenges for building both theories and institutions of democracy, since so many of our democratic conceptions and institutional models have been developed with state-based structures of public power in mind. For a start, the pluralist model raises the prospect that a given individual will be the member not of a single demos but rather of multiple overlapping demoi, each configured in relation to one of the various powerful institutions that impact significantly upon her life, while also providing the institutional means for the advancement of some set of her important (social) goals. This prospect challenges the familiar ideal of democratic citizenship as membership and equal status within a single bounded political unit, and accordingly as associated with some fundamental source of social identity. In contrast, membership in a given demos, on the pluralist model, may be just one institutional role among many that an individual will undertake, and therefore one that is likely to be more detached from her deeper sources of social identity and status.

Moreover, realizing a pluralist model of democracy would require the development of new institutional mechanisms for democratic social choice and political control that are capable of functioning effectively within pluralist, rather than (solely) territorial, political boundaries. On the one hand, electoral

mechanisms of social choice may be unappealing and unworkable within at least some of the cross-cutting and fluid constituencies of these multiple demoi – both because of the logistical complexities, and because the simple assumption that one individual should receive one vote collapses if membership in a demos no longer reflects either the expectation of an equal stake for all members in a given institution of public power, or the connection between membership (and associated participation rights) as a primary source of equal social identity and status. As an additional consequence of this diminished reliance on elections, it would be necessary to devise more flexible and open processes of authorisation and accountability (based on forms of stakeholder input other than votes cast in elections) to foster effective political control of the plural agencies of public power.42

There would also be further serious challenges associated with a global democratic system organised around a pluralist structure of public power, insofar as the lack of centralization or coordination of roles and responsibilities within the system overall would permit both gaps and duplications in the powers and responsibilities held by different actors in the system. This may hinder effective democratic accountability by creating uncertainty and ambiguity regarding which powerful actors should be held accountable for which political outcomes. Finally, the geographically dispersed and culturally diverse profiles of many of the overlapping demoi within such a system would create challenges for the task of establishing effective and legitimate processes of social choice and political control, to the extent that communication and coordinated collective political action is likely be more difficult than within territorially concentrated and culturally homogenous groups.

Elsewhere I have discussed these challenges in some detail and offered some proposals about how we might begin thinking about how to overcome them. It is not the place here to pursue these further, however, since my goal in this paper has not been to elaborate in detail or offer a full normative defence of a pluralist model of global democracy. Rather, it has been to offer a rationale – at a much higher level of generality – for the strategy of taking an incrementalist and pluralist approach to the task of global democratic institution-building. I cannot conclude on the basis of what I have said here that this strategy will ultimately be successful (though I am optimistic); I hope, however, that I have said enough to give strong grounds for thinking that this pluralist approach is at the least a promising one, and worthy of further work.

As John Dewey observed in relation to the case of the sovereign state, an institutional framework of public power

is not created as a direct result of organic contacts as offspring are conceived in the womb, nor by direct conscious intent as a machine is

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42 For more in-depth discussions of non-electoral mechanisms of social choice and political control (authorisation and accountability) see Macdonald, Global Stakeholder Democracy: Power and Representation Beyond Liberal States, chapters five - eight, and ———, "Democracy in a Pluralist Global Order: Corporate Power and Stakeholder Representation."
invented, nor by some brooding indwelling spirit, whether a personal deity or a metaphysical absolute will.\textsuperscript{43}

No more should we expect the institutional foundations for a system of democratic global governance to emerge in some such manner. Instead of waiting for the conditions to be perfect for the implementation of some ideal institutional blueprint devised through grand philosophical design, we must work with what we’ve got, institutionally speaking, and regard the project of global democratization as a long-term work-in-progress. Right now, what we’ve got ‘to go to work on’, as Nagel has put it,\textsuperscript{44} is a complex and fragmented institutional framework of power – and it is from these albeit unsteady foundations that we can hope for a more democratic global political order (slowly) to be built.

\textsuperscript{44} Nagel, "The Problem of Global Justice." p. ....