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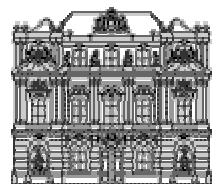
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Identity and Democracy in the Age of Globalization

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Alan Scott

INTRODUCTION

The argument of this lecture is motivated by two things, first by my unshakeable (perhaps touching) faith in the continued relevance of classical social theory, and, secondly, by a growing impatience with much of what passes for the globalization 'debate'. The first will soon become evident, but the second perhaps needs some explaining. The rhetorical character of many of the arguments of those who support globalization needs little elaboration, and I have discussed this elsewhere (Scott 1997). But the tendency to counter a rhetorical pro- with an equally rhetorical anti-globalization position does not move the discussion on. Indeed, the basic assumptions of the two sides are remarkably similar. Both view globalization processes as primarily economically and technological determined. Both emphasise the hollowing out of the nation state; its haplessness in the face of developments its cannot steer. Both are agreed that social relations have little option in the face of these processes but to subordinate themselves to the principles of open global competition, free trade and the inevitable loss of social protection (i.e. decline of the welfare state). Finally, both have an interest in playing up the extent and force of globalizing processes. What largely distinguishes the two position is not their diagnostic analysis, but merely the value judgements they attach to these alleged developments. Nor are these similarities merely coincidental. As the political theorist John Gray (himself a sharp, but in my terms, more differentiated, critic of globalization) argues, neo-liberals are just as much economic determinists as are their orthodox Marxist critics. Both work with a base-superstructure distinction in which political and social relations are reflections of changes in the forces of production. Both are social Darwinist in their insistence that the law of the survival of the fittest applies to political and social forms. On the basis of this social Darwinism, both are inclined to view the market as a spontaneous order.

More reasoned analysis is to be found. Hirst and Thompson, for example, have been arguing for some time that globalization may be a misdescription of current social, political and economic changes. As Hirst has recently, and somewhat exasperatedly, remarked in the context of the aftermath of 9/11: 'the state was supposed to be declining in the face of ever growing global interconnectedness and the ability of people and information to move across borders. That now joins other myths (like endless inflation-free growth) on the junk heap of over-hyped ideas' (Hirst 2001). Whether we share Hirst's and Thompson's radical scepticism towards globalization or not (Hirst and Thompson 1996), the warnings against exaggeration needs to be taken seriously. For example, on the basis of a detailed comparative analysis of welfare states, Duane Swank (2002) has shown that there is no single trend to be found. Where the

welfare state was weak, it has been further weakened by the neo-liberal 'turn'. But where it was stronger it has remained relatively robust, sometimes even in the face of governmental efforts to lower social costs. Globalizing processes do suspended the principle of path dependency. As 'new institutionalists' insist, institutions retain (at least relative) autonomy from and influence over economic developments. They do not inevitably role over and play dead when challenged by exogenous developments.

Analysts like Hirst, Thompson and Swank can be understood as arguing for a more sophisticated and differentiated empirical and analytical approach to the whole question of globalization. Here I want to take up this theme, but at a somewhat more, for lack of a better term, conceptual level. A critical engagement with globalization remains necessary. There is evidence enough of growing inequality and declining opportunity for democratic participation. As one of globalization's most astute critics, the journalist Naomi Klein, puts it: 'power and decision-making has been handed along to points ever further away from citizens: from local to provincial, from provincial to national, from national to international institutions, that lack all transparency or accountability' (Klein, 2001: 86-7). We know, for example, about the power of mass media concentrated into fewer and fewer hands. Perhaps thanks as much or more to investigative journalists like Klein and Monbiot than to academics, we also know about the working conditions of many of those who actually produce glamorous labels (Klein 2000), and about the corporate influence on government (see Monbiot, 2000); or at least we have no excuse for not knowing. But the cause of a critical engagement with globalizing processes is not aided by academics who have little more to offer than the mere retelling of horror scenarios or rehearsal of familiar arguments. I shall argue that a coherent intellectual response to globalizing processes must provide at least: (i) a differentiated (in the sense of contextually sensitive but not relativistic) account of inequality; (ii) a coherent view on the problems identified by Klein in the above quote: the increasing distance between rulers and ruled, and the increasing failure of liberal representative democracy to provide the latter with any real degree of control over the former. I shall also argue that key to both are issues of identity and community; matters about which sociologists and ethnologists should have something to say. I take Amartya Sen's *Development as Freedom* (1999) as an instance of a differentiated analysis in my sense with respect to the first question, and with regard to the second I shall suggest that it is the rather unfashionable (when not completely neglected) political thought of Emile Durkheim which gives us some critical purchase.

1)	FREEDOM AND INEQUALITY

Sen's work is sometimes misread, or perhaps simply unread, as an apologia for globalization (a term which in fact he uses sparingly). It isn't. The reason for this misinterpretation is that Sen's arguments are highly uncomfortable for globalization's critics, not least because some of them have been advanced by those who are its selective and uncritical advocates. Foremost among these is the view that markets generally work: 'there are serious arguments for regulation in some cases. But by and large the positive effects of the market system are now much more widely recognized than they were a few decades ago"

(Sen 1999: 26). What makes this sound even more like a standard economic liberal position is Sen's insistence that market freedoms are among the basic human and individual freedoms: 'to be *generically against* markets would be almost as odd as being generically against conversations between people' (1999: 6); or 'the rejection of the freedom to participate in the labour market is one of the ways of keeping people in bondage and captivity' (1999: 6). This first claim is reminiscent of Adam Smith's view of the market is the natural product of our (equally natural) proclivity to truck and trade; a view to which Karl Polanyi's response retains its relevance (Polanyi 1944). The arguments Sen uses to support the second claim are remarkably similar to those advanced by Max Weber and Georg Simmel more-or-less a century before. In his study of East Elbian agriculture, Weber expressed puzzlement that agricultural labours opted for the wage contract, rather than continuing forms of bondage, whenever it was on offer *despite* the fact that their material conditions of existence were frequently thereby worsened. 'Local employment', he noted 'is historically and mentally associated with traditional power relations -- it is the urge for freedom that drives the worker to employment away from home' (1884 174). Where the 'master was not a simple employer, but rather a political autocrat' (1884: 161), wage employment (however meagre) becomes subjectively associated with personal freedom. In *The Philosophy of Money*, Georg Simmel generalized this argument via the notion of 'negative freedom'. The modern market economy offers us freedom from personal subjection and this is desired even if, in Weber's words, 'the possibility of brutal personal domination that could be only escaped by flight gave way to commercial exploitation which, arising almost unnoticed, was actually much harder to evade' (1884: 171). Simmel puts it like this:

> By thus eliminating the pressure of irrevocable dependence upon a particular individual master, the worker is already on the way to personal freedom despite his objective bondage. That this emergent freedom has little continuous influence upon the material situation of the worker should not prevent us from appreciating it. (Simmel 1990: 300)

Sen does indeed appreciate it and places a value upon economic freedom in its own right: 'a denial of opportunities of transaction, through arbitrary controls, can be a source of unfreedom in itself' (1999: 25).

Nevertheless, Sen's argument departs from those of globalization's apologists not merely in acknowledging market failures (e.g. their failure to guarantee the provision of public goods), and in calling for rational policies to address those failures, but, more fundamentally, in the relative weight he accords economic, political and social concerns. While you are unlikely to see the Nobel Laureate and Master of Trinity College, Cambridge, on the next anti-globalization protest, he advances, and more importantly develops, a number of arguments which should be central to any differentiated critical response to globalization in its current form. The title, *Development as Freedom*, contains a clue. Sen is *not* arguing the case for the automatic equation of trade and freedom, but using freedom as the criterion for assessing economic development. Just as Weber insisted, against theories of the primacy of the economic, that

economic action was a form of *social* action, so Sen asserts that 'individual freedom is quintessentially a social product' (1999: 31). Economic freedom is simply one, albeit vital, component of individual freedom. The implication is that economic growth is not, as it is for economic liberals, an end in itself:

> The usefulness of wealth lies in the things that it allows us to do – the substantial freedoms it helps us to achieve. But this relation is neither exclusive (since there are significant influences on our lives other than wealth), nor uniform (since the impact of wealth on our lives varies with other influences). (1999: 14)

The end to which economic development is a means is an increase in the capacities of human agency. This, rather than economic development in itself, is the criterion against which 'progress' is to be assessed. Economic freedoms are vital only insofar as they may be said to increase human capacity. For example, barring women from the labour market typically reduces their agency. Here Sen seeks to affect something of a gestalt switch in our perception of poverty. Poverty is not low income, but 'capability deprivation', of which, of course, low income is an instance, but so too are low life expectancy (not always associated with low income), illiteracy, lack of access to health care or education, living in a degraded (natural or human) environment, and so on. Sen's aim is to create a more complex picture of deprivation; one which neither reduces agency to economic factors alone, nor gives in to the relativism sometimes implied in strict theories of relative deprivation. He notes, for example, that blacks in the US have a lower life expectancy – and thus are in this sense 'poorer' -- than many lower income inhabitants of the Third World. Thus, '*relative* deprivation in terms of *incomes* can yield *absolute* deprivation in terms of *capabilities*' (1999: 89). Not only does this offer a more refined picture of where (which kind) of poverty is to be found, but also capability deprivation and its opposite (agency) yield a standard with which, for example, to assess when deregulation is desirable (e.g. because it increases wealth-making capacities by lowering the level of restrictions on economic activity) and when it is not (e.g. because it so weakens the health or educational systems necessity for fuller social agency).

Equally important for debates about a more 'human globalization' is the fact that Sen's modest and very reasonable proposals reconnect economic, political and social capacities. The neo-liberal version of the globalizing project not only decouples these capacities, it also gives priority to the economic, arguing, or simply asserting, that social and political improvement is either a prerequisite for, or will follow more-or-less automatically on from, economic growth, or simply from free trade. But the existence of cases (such as Singapore) where economic growth has long been associated with an authoritarian political regime, have given critics of globalization good reasons to fear that such a combination might become capitalism's new political shell (see Zolo 2001).

Sen argues not only that there is good empirical evidence to support the argument that democracy is instrumentally useful in facilitating economic development, he argues (consistent with his notion of

human agency) that liberty is a universal value. In supporting universal human rights, Sen (unlike, for example, Jürgen Habermas or Larry Siedentop – whom I shall shortly discuss) seeks to show that there are intellectual resources in *all* cultural traditions that support freedom and rights against custom and order (and, conversely, there are strong order-based arguments for tradition in the West). Thus, while he recognizes that individualism, including market individualism, is a force against 'tradition', that individualism is a constant component of all cultures and is not necessarily an import. Just as for Simmel, individualism is a social *form*. Cultures neither have an essential core, nor do they have a necessary right to survival in their current form unless their members, as individual agents, will it. On the other hand, cultures, precisely because they are flexible rather than fixed, are more resistant to the corrosive effects of markets than is often assumed.

If we accept Sen's arguments, the implications are clear. Globalization's critics must accept some of the claims for economic freedom, but continue to insist, as Sen does, that (a) these freedoms have a higher end (human agency) and (b) that end can only be attained by linking economic to social and political freedoms. The question then becomes not 'whether globalization?', but 'which globalization?' Sen's argument, in my view, are less fundamental but more powerful as tools for countering the claims of neo-liberals that those used by self-proclaimed globalization critics.

Nevertheless, Sen's conception of community remains highly rationalistic. Belonging to a community is in the first place a question of choice rather than identity. Communities are elective rather than constitutive. These are notions which cultural sociologists and anthropologists cannot let go unchallenged even as we need to take their critical potential seriously. But we also need to go beyond Sen's analysis by posing a question that he does not address: are the institutions of representative democracy (essentially those of mass democracy) that we have inherited, up to the task? In other words, Sen's conception of community is 'thin' and he has relatively little to say about the institutional forms that would increase liberty in the sense of participation in processes of political decision making. For him, democracy means the institutions of liberal representative democracy. But it is these institutions which seem to be failing and failing precisely there where they have been established the longest. In the second part of the lecture I shall argue that at least some hints about how to address questions of democracy and identity are to be found in Durkheim's political thought. Durkheim offers a serious attempt to square universal values with local identity in a way that in some respects goes beyond current analysis. He challenges both the dominant (essentially Weberian) realist models of politics and (contra Habermas) seeks to identify a post-conventional form of political identity in a non-rationalist manner. Here I use material on which I have been working with Dr Antonino Palumbo, University of Palermo.

2)   IDENTITY AND DEMOCRACY

Rather than give a detailed exposition of Durkheim's argument – something I have done elsewhere (see Scott 2000 and Palumbo and Scott forthcoming) – I shall very briefly summarise the main points by contrasting Durkheim's view with the dominant view of modern politics. I shall then use regions within the EU as an illustration of the Durkheimian view in order to make the issues more concrete.

The institutions of liberal democracy embody a theory of politics that is essentially Weberian in its realism and in its view that the main purpose of democracy is to institutionalize negative politics in order to lend legitimacy to political leaders in their struggle against bureaucracy. In contrast, Durkheim warns that a politics based upon such principles will merely (i) increase the distance between rulers and ruled; (ii) fail to integrate the masses thus increasing the potential for conflict, lessening the state's capacity to govern rationally: 'The state, in our large-scale societies, is so removed from individual interests that it cannot take into account the special or local and other conditions in which they exist. Therefore when it does attempt to regulate them, it succeeds only at the cost of doing violence to them and distorting them.' (1957, p. 63):

The dominant 'Weberian' model of the state-society relation	Durkheim's view of the state-society relation

Weber reverses the values of democratic theory making the legitimisation of rule rather than its control by the ruled the chief function of democracy (see Bellamy forthcoming);	The state is the highest expression of the community as a moral entity and must therefore embody its values and remain in contact with political society.
The essential social and political division is between rulers and ruled (elite/mass). Mass society and public opinion are homogeneous.	Political society is inherently pluralistic. The 'ruled' are not the masses and there is no single homogeneous 'public opinion';
It is neither desirable nor possible for the masses to participate in positive politics. First, they are incapable of doing so ('die Massen denken nicht bis Übermorgen', Weber). Second, bureaucratic domination is inevitable in modern societies: 'der Demos, im Sinn einer ungegliederten Masse „verwaltet" im größeren Verbänden nie selbst , sondern wird verwaltet und wechselt nur die Art der Auslese der herrschenden Verwaltungsleiter...' (Weber 1922, p. 568).	Secondary associations (for Durkheim occupational guilds) are necessary in order to (i) provide moral education ("a moral environment" for their members, Durkheim 1984, p. xli) teaching individuals valued beyond their narrow egotisms; (ii) act as an intermediary between the state, political society and the individual, thus facilitating rational governance.
Questions of democracy are thus translated into technical issues of institutional design and/or of the personality that is most appropriate to the vocation of politics.	Governance is (or ought to be) 'multi-level' and grounded in principles of subsidiarity and participation.
Democratisation is essentially a question of vertical *integration*.	Democratisation is a question of vertical and horizontal active *participation*.
The modern political subject is the 'Staatsvolk' – individual voters as isolated monads.	The political subject is the active citizen with both a specific social identity, but also a sense of the community as a moral authority standing over and above his/her interests.
The 'outward view': under conditions of international competition patriotism is a way of preserving valuable cultural elements and creating a cultural identity; of feeding into the masses a sense of embeddedness and of maintaining a pluralist and dynamic international setting.	The 'inward view': the rational basis of patriotism is not the success of the nation under conditions of international struggle between national powers, but the ethical quality of the *internal* constitution of state and society.
At least under certain conditions, reasons of state stand above public morality.	Reasons of state never stand above public morality because the state is a moral instance.

Based on Palumbo and Scott, forthcoming.

Durkheim's political views (in so far as they have been noticed at all) are generally dismissed as naïve and idealistic, and guilds viewed as an anachronism. While it is possibly to defend him against such criticism by drawing comparisons to more contemporary debates about associative or participatory democracy, or with

reference to the revival of republican political thought, I would prefer here to trace elements of Durkheim's vision in contemporary debates about regions, taking Britain and the EU as the example. Regions here can be understood as the substitute for the guild in Durkheim's political thought.

In the UK the buzz words of the Thatcher/Major era -- 'entrepreneurialism' and 'partnership' – have been joined by the notion of 'multilevel governance': 'national government must increasingly be seen as just one, albeit very important, part of a complex system of "multilevel governance" in which sub-national authorities have, in many cases, assumed more prominent roles' (Harding 2000: par. 1.1.4). Gerry Stoker, perhaps the leading academic authority on local government in the UK, has recently argued that 'you can have too much government, but you can't have too much governance' (Stoker 2001). The future of governance, he asserts, 'is multi-level, inter-dependent and profoundly democratic'; it 'enables action, as well as consultation'. New constitutions seek to constitute their own subject (see, Caygill and Scott 1995). The constitutional innovations of the Thatcher/Major years – culminating in the 'Citizen's Charter' -- constituted the isolated, self-regarding sovereign consumer as the paradigmatic constitutional subject (see, Graham 1997). The mix of citizen as consumer and as occasional patriot (as during the Falklands 'crisis') are classically Weberian mechanisms for embedding the masses into the political system and lending the latter its legitimation. In contrast, multilevel governance seeks to constitute the subject as a participant in political processes (at a variety of levels) and as an active member of multifarious communities and associations: 'we, too, are partners in the new world of governance. Mobilised public opinion, consumer boycotts and volunteering are now the means of popular intervention in politics at all levels' (Stoker 2001). Politics, in other words, should be, and is being, *denationalized* in the sense that the nation state should neither be nor be seen to be the prime focus of political activity or the privileged space of political life. Regions would then come to play an analogous role to that ascribed by Durkheim to guilds by acting as intermediate institutions within a pluralistic 'political society' (Durkheim 1957).

I want to make two points about this notion of multilevel governance within a broader European context. First, it has a strong affinity with the EU's 'big idea', subsidiarity – i.e. that decisions should be made at the lowest possible level so as to maximise participation and decentralisation, but at a sufficiently high level to prevent narrow group interests from dictating outcomes. Second, democratization in this 'pluralist and decentralist' (Bogdanor) sense may become the new marker of the left/right divide as redistribution and egalitarianism continue to lose this signifying function. Here 'right' may come to mean nationalism and 'left' will take on cosmopolitan connotations whether internally (as multiculturalism) or externally as a project of devolving power plus '*Weltoffenheit*'. This was the game played out in the 2001 British election; a game that played well for Labour and disastrously for the Conservatives. Multiculturalism at home and cosmopolitanism abroad might come to be seen as the key to modernization just as competition and economic liberalization where the central modernizing slogans during the heyday of globalization rhetoric, the 1980s and early 90s. While New Labour may be the most 'post' of post-social democratic parties, this

option is open too to Labour's sister parties *and* to Christian democratic parties within the EU. Let's follow up this rather speculative thought for a moment.

Response to UK devolution has been polarized. For the Tory right (but also from some commentators on the left – e.g. Nairn 2000), devolution means the 'break-up of Britain'; the end of the Union established in 1707 (The United Kingdom 1707-1999 RIP). The other interpretation is that devolution creates the institutional framework 'necessary to hold together a *multinational state* in an age when more states are splitting up than are joining together' (Brown 1998: 216). But much depends upon how regions themselves respond. Like nations, regions are 'imagined communities' or 'subjective spaces' (Smouts 1998: 36). *How* regions are imagined, or imagine themselves, is key. There are two main options: (i) *affective regionalism* in which the regions are imagined as 'affective communities' (Keating 1998: 14); (ii) *cosmopolitan regionalism*[1] in which the economic embeddedness of the regions in Europeanized or internationalized (some would say globalized) networks is reflected in cultural pluralism and openness. The first option is illustrated by Lord Mackay of Ardbrecknish's complaint to the House of Lords that an Italian waiter working in Glasgow could vote in the referendum on Scottish devolution while his own daughter, who was a 'true Scot' but who happened to live near Lake Como, could not (reported in Brown 1998: 220). Such tartan chauvinism is incompatible with the pluralist principles of multilevel governance.

But there is a pluralistic option available to regional (and national) claims which links their aspirations to notions of cultural diversity and subsidiarity. Cosmopolitan regionalism does *not* mean abandoning local customs, or giving oneself up to a single globalzing and homogenizing culture. But it does entail discarding the criterion of cultural authenticity that Anthony Smith argues is the common core of all forms of nationalism -- i.e. the view that the boundaries of a particular community are drawn by a singular, unified and 'authentic' culture (Smith 1996). Perhaps the most sophisticated expression of such a cosmopolitan regionalism can be found in the arguments of an internationally renowned legal theorist, who also happens to be a member of the Scottish Nationalist party, Neil MacCormick. MacCormick, optimistically, argues that the EU represents a potentially liberating separation of legal authority and sovereign power (genuine 'divided sovereignty'). Individual member states have pooled sovereignty, but, crucially, have not thereby created a new leviathan: 'the Community… is plainly neither a state nor an enjoyer of sovereignty as any kind of Federation or Confederation. It is neither legally nor politically independent of its members' (1995: 101). This 'transcendence of the sovereign state' (102) 'creates an opportunity for re-thinking problems about national identity' (103) and, 'is capable of generalization and extension to what is sometimes called the "regional" level within Europe' (103). It does so because the decoupling of legal authority and political power simultaneously decouples nationalism from sovereign statism, and it is 'nationalism allied to sovereign statism that is incompatible with liberalism in the conditions of the world as we find it' (MacCormick 1996: 154). The argument is essentially this: 'the

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[1] What I am calling 'cosmopolitan regionalism' is one form of what Neil MacCormick (and others) have called 'liberal nationalism' (MacCormick 1996).

modern nation state, the post-revolutionary state, has inherited from feudal monarchy the claim to sovereignty' (MacCormick 1996: 153) and thus lays claim to a monopoly over the legitimate means of coercion, over law making and public administration, *and,* as Ernst Gellner constantly reminded us, over legitimate national culture (Gellner 1983). It is an essentially homogenizing and monopolizing project. It is precisely this multiple monopoly which has made the nation state *both* such a powerful modernizing force *and* such a danger. However, the EU is *not,* for MacCormick*, a state* in any of these senses. This opens up a new space for experimentation, not least with respect to cultural identities.

One possibility is that regions will take advantage of this opportunity – this loosening of the nation state's monopoly – to reassert their own monopolistic cultural claims (Scotland for Calvinists, Tyrol for Catholics).[2] But this would be to fall back behind the modern condition to a position which we can only call provincialism. Here a 'Europe of the regions' would present the unappealing prospect of culture wars plus the possibility that some regions (e.g. 'Padania') will seek to break their ties with wider communities to form closed clubs of the rich (see, Zolo 2001). As the political theorist, Larry Siedentop, has recently argued, the growing power of regions within the EU is not necessarily a force for democratization because the autonomy that regions enjoyed before the rise of the nation state was 'a form of liberty which threw authority and power into the hands of leading regional feudatories, the Church or civic corporations rather than into the hands of the people as a whole' (Siedentop 2000: 175). European regions, he adds, generally lack 'civic traditions which can rival those of the nation state' (231).

From a cosmopolitan regional perspective, if regions are to contribute to and not further undermine democratic processes they must fulfil two conditions: first, they themselves must acquire, or build upon, internally democratic constitutions which encourage civic traditions and associations; secondly, they must locate themselves within a multi layered, interdependent system of governance in which no single layer claims a monopoly; coercive, legal, or cultural. Note, these are precisely the conditions that Durkheim specified for guilds if they are to play a progressive part in a modern context. With respect to the first condition, Siedentop and MacCormick would be at one, but not, I think, on the second. They have quite different visions for the EU. Siedentop's view is that only a US-style federal system can supply a rational model for the EU (though he is doubtful that Europe is up to the task). This would entail the transition to one agreed second language (English), at least for purposes of political debate (Siedentop shares Tocqueville's view that a common language is a precondition for democracy), and a popular commitment to the constitution which is stronger than Habermas's 'constitutional patriotism', namely, a quasi religions (post-*Christian*) faith in the constitution. The latter is close to Durkheim's view that constitutional principles (e.g. those of The Rights of Man and the Citizen) can and should becomes a secular or civic religion in modern societies (Durkheim 1969). Siedentop's model is one in which there is one hegemonic culture (Christian or post-Christian) which shapes political institutions and invites others to share in its

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[2] There are reasons to be hopeful about this: 'even the Scottish National Party espouses a civic, not an ethnic nationalism' (Brown 1998: 220).

values. That model, for him, can be found only in the American federal constitution as originally conceived by the 'Founding Fathers'. Against such a view, we might note that 'federations exhibited in any event long-term tendencies to centralization of power in the general government, to the detriment of local self-government' (MacCormick 1996: 142). MacCormick's view, I suspect, would be that the EU is more like a voluntary association in which pluralism is a given. Here the challenge would be to construct a weak form of confederation appropriate to a multi-national and *necessarily* pluralistic (including linguistically pluralistic) context. In other words, the EU must create a new state form in which pluralism is institutionalized rather than imitate a model developed under quite different historical conditions and devised in order to solve a particular set of problems. For this task neither a single 'constitutional moment' nor 'founding fathers' may be necessary. Pragmatism, negotiation and treaties combined with growing interdependence may suffice in to produce a legal order of a 'new and unique kind' 'comprising both treaty norms and norms made under the treaties or recognized by community organs as valid under treaties of the community' (MacCormick 1996: 143). My sympathies here tend towards MacCormick for whom 'there can be a basis on which to recognize further levels of system-differentiation and partial mutual interdependence' (104).[3]

Regions, insofar as they are allowed more free play within multilevel governance, may regress into ethnic, linguistic, religious or whatever enclaves, or open themselves up to the new modernizing opportunities offered by greater differentiation and interdependencies in the economic, political and cultural spheres. At the last fin de siècle, Max Weber was arguing that any modernizing project requires modernization of the economic, political and cultural levels simultaneously because of their interdependence and mutual reinforcement, Emile Durkheim was pleading for a plural and multi-layered 'political society', and Georg Simmel was drawing our attention to the necessarily multiple nature of modern personal identity.[4] These arguments strike me as being as relevant and valid now as they were then. If the modernizing path is taken, Italian waiters working in Glasgow will not only have the right to claim to be Scottish for some purposes (and Italian for others) , but also have good reasons for wanting to do so. Moreover, if multilevel governance really does become the only game in town, those regions which opt for a provincial strategy may gain local advantage (e.g. within their national context), but will make no useful contribution to the wider problems.

CONCLUSIONS

The moral of my story is simply this: a more reasonable debate about an alternative form of globalization needs to install, on the one hand, Sen's notion of human 'agency', and on the other, Durkheim's notion of the active citizen located in a non-monopolistic system of multi level governance at the centre of debate

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[3] In discussing systems-differentiation, MacCormick relies on Nikolas Luhmann's systems theory. In fact, the point is yet again essentially Durkheimian. The division of labour, because it creates relations of mutual interdependence, acts not only as a source of (organic) solidarity, but also demands mutual recognition and respect.

[4] In the words of a contemporary political scientist, Archie Brown: 'it is common that people have multiple identities. You can be a Californian, a Jew and an American, and all three may matter to you' (Brown 1998: 216).

and policy. If these notions strike you as too utopian, ask yourself whether they are any more utopian that the idea of the *free* market or the individual as *sovereign* consumer; i.e. the ideas whose power we have felt and continue to feel.

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