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Interview With Alessandro Ferrara:
Political Liberalism and Democracy as a Global Horizon

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Alessandro Ferrara's work revolves around the formulation of an authenticity- and judgment-based account of normative validity, which by way of incorporating a post-metaphysically reconstructed version of the normativity of Kant's „reflective judgment", could be immune to anti-foundationalist objections and yet represent a viable alternative to the formalism of standard proceduralist accounts of normative validity. He is the author of *Modernity and Authenticity. A Study of the Social and Ethical Thought of Jean-Jacques Rousseau*, 1993 (transl. into Italian); *Reflective Authenticity. Rethinking the Project of Modernity*, 1998 (transl. into Italian and Spanish); *Justice and Judgment. The Rise and the Prospect of the Judgment Model in Contemporary Political Philosophy*, 1999 (transl. into Italian); *The Force of the Example. Explorations in the Paradigm of Judgment*, 2008 (transl. into Italian and Spanish) and *The Democratic Horizon. Hyperpluralism and the Renewal of Political Liberalism*,

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2014 (transl. into Spanish). *The Democratic Horizon*, Ferrara's latest work, presents his particular elaboration of the „political liberalism" articulated in the later works of John Rawls, which Ferrara proposes as an „adaptive countermeasure" to what he sees as the ever more inhospitable global conditions for contemporary democracy. This interview addresses some implications of Ferrara's insightful and multifaceted theoretical perspective.

Marjan Ivković

1. As You have argued, political liberalism discards the Platonic „cave metaphor" as the paradigm of politics, in the sense that theoretical arguments cannot be brought into the realm of public deliberation „from the outside". However, the abandoning of Platonism should also require us to reject the image of an insurmountable gap between „theory (philosophical speculation or „contemplation") and commonsense, everyday speech, and see them rather as parts of a continuum. If our communication „within the cave" is actually suffused with theoretical or quasi-theoretical statements about reality, how would You define the relationship between public reason, in Rawlsian terms, and theory?

(A.F.): This is an incredibly complex question, on which I've been working for quite sometime, on the side of other projects. I think public reason is a single exemplar of a broader family of philosophical concepts (a family which includes also Habermas's notion of communicative reason) that we can group under the heading of „deliberative reason". We are used to think of reason as basically theoretical or practical. Many people would raise their highbrows upon hearing of „aesthetic reason". But what concepts such as „public reason" do is alert us to the fact that on top of the difference between theoretical and practical reason, there is also the difference between „speculative" and „deliberative" reason. Speculative reason can be said to assess arguments a) independently of a context, b) independently of practical constraints on action and c) independently of a time frame. It aims at solving a given problem in a way valid in all possible worlds. Speculative reason, in either variety, is correlated with the phenomenological experience of „epoché", namely the suspension of all commonsense or everyday assumptions concerning the question at hand. Finally, time is factored out in a dialogue that spans from Plato to the future after us. Deliberative reason, on the contrary, assesses claims a) with reference to a context, b) in view of the coordination of the actions of a plurality of actors and c) within a time-frame, in order to find the best

solution to the problem at hand, within the given context. Its own distinctive form of universalism consists in the *force of exemplarity*: the best solution to the given problem commands assent beyond its original context by virtue of its being recognized as an instance of „excellence within its own parameters", of its embedding a singular and exceptional well-formedness. From a phenomenological point of view, deliberative reason is correlated not with „epoché" but with a „sense of urgency": namely, the practical urgency of having to find an answer *before a consensus on the contested underlying principles is reached*. We have to legislate on abortion, same-sex marriage, stem-cell research and similar issues without affording the luxury of waiting for all the concerned ones to view the matter in light of the same principles. Temporality also affects deliberative reason in a *prospective* (and not just *genealogical*) sense, which does not apply to speculative reason. Thus, to answer your question in a nutshell: the fact that public reason is more „continuous", so to speak, with *doxa*, does not mean that it is a lesser form of reason. Rather, it is a different form of reason, endowed with its own standard of exemplary validity. Finally, we should be wary of understanding public reason as superseding „theory", the invocation of the outside of the cave, or making it superfluous. Life in the cave would be equally unbearable both if one controversial account only of the outside dominated and if there were no accounts at all: while public reason (and, more generally, deliberative reason), through its situatedness, gives our theoretical intuitions traction in the real world, theory gives our deliberation the wings to soar above the strictures of the context.

2. *Does the imperative of „epistemic humility" in political, as opposed to perfectionist, liberalism require us to treat all „comprehensive conceptions" of the good within the public space as equally particularistic, regardless of their respective degrees of self-reflexivity and sensitivity toward issues of normative justification? For example, would Habermasian social critique grounded in the theory of communicative action (critique of „communication distorted by power" and the „systemic colonization of the lifeworld"), or a non-metaphysical, multi-dimensional conception of socialism such as e.g. Nancy Fraser's, be accorded the same degree of legitimacy as, say, a Catholic critique of the „moral decadence" of the contemporary world?*

(A.F.): First of all, it should be noted that not all „comprehensive conceptions" of the good are to be welcomed as concurring to the formation of an overlapping consensus. There is a basic requirement that they be

„reasonable", i.e. that they recognize the burdens of judgment, thus the possibility of reasonable disagreement, and also that they somehow concur in affirming constitutional essentials such as the separation of powers, the religious neutrality of state institutions, majority rule, a set of fundamental rights. Thus I would deny that all comprehensive conceptions pass this test: many of them, religious or militantly secular, in fact do not. A Catholic critique of the „moral decadence" could then be in the spirit of Vatican II and a perfectly legitimate comprehensive conception, or may draw on a certain indictment of the value of moral autonomy as such, as in the encyclic „Veritatis Splendor", by John Paul II and fail to endorse one of the fundamentals of every modern democratic polity. Having said this, we can address a second and more difficult point, which I'll phrase in terms of a counterquestion: provided that two or more comprehensive conceptions of the good meet these basic requirements, who is to order them on a scale of greater and lesser adequacy? It seems indefensible to me to argue that we could pass that judgment on the basis of some yardstick external to the conceptions being assessed. If we could claim the possess such a privileged evaluative standpoint, then the whole point of having a „political conception of justice" would vanish: we could right away proceed to determine which comprehensive conception of the good is, to use a Rawlsian phrase, „the most reasonable for us", and would no longer need any „political conception of justice" or any „overlapping" consensus. Indeed we would then just have straight consensus on the best comprehensive conception of the good – in other words, straight consensus in the cave about the best account of what lies outside the cave.

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3. *How would You define the perspective of political liberalism, with its primary focus on the accommodation of radical cultural pluralism, in relation to contemporary capitalism? One concrete controversy that springs to mind, for example, would be the following: if the „multivariate democratic polity" is designed to accommodate a high degree of cultural pluralism, can we also imagine a „multivariate" economic order, where groups of citizens who profess different kinds of left anti-capitalism would be granted the right to collectively practice alternative forms of economy within a general market-based context?*

(A.F.): The answer is absolutely positive. The sort of „economic pluralism" that you describe could well be accommodated under the rubric of a more general kind of pluralism, protected by the fundamental rights guaranteed by the constitution. If economic freedom allows for the free enterprise, it

can certainly allow for free cooperative, socialist, participatory economic arrangements on a voluntary basis. It is then a separate question whether these alternative arrangements will prove economically viable and capable of reproducing themselves over time. However, to the extent that they will in fact prove viable and self-sustaining, they might over time acquire exemplary force and erode the widespread consensus that the contemporary arrangements still obtain from the publics influenced, often against their own interest, by neoliberalism.

Srđan Prodanović

4. You hold that a „political" understanding of truth requires taking into account its dual structure. Accordingly, You introduce the distinction between the intra-paradigmatic assertions that can be analyzed using the correspondence theory of truth and the inter-paradigmatic assertions that are settled utilizing a more pragmatic, justification theory of truth. You also maintain that these two frames of references are entirely separated. Having in mind that the intra-paradigmatic assertions are much closer to our everyday experience, how do the inter-paradigmatic truth candidates get verified?

(A.F.): Inter-paradigmatically contested assertions do not get „verified" in the same sense of intra-paradigmatic assertions. They get accepted on the basis of a broader range of considerations, on which Kuhn still has a lot to say. Namely, they become accepted when more and more people find more „promise" in them than in their mainstream competitors, where „future promise", in terms either of technological developments or opening up new theoretical vistas worthy of further exploration, is a notion somewhat akin to the aesthetic concept of „disclosure". A new paradigm, in other words, does not get to *deserve* acceptance in a different way than a political conception of justice gets to *deserve* being considered „most reasonable for us". The duality of the dual conception of truth rests on the difficulty of imagining the testing of an entire paradigm in terms of „correspondence". There simply is not a shared benchmark for the testing. My favorite example is the question: is the US society less secular than French society? The answer depends on the conception of secularism we hold. On the basis of a more sociological notion of secularism (as pivoting on the role of religion in social life, the rate of church-attendance, religious references in the public space) the answer is yes. On the basis of a political notion of secularism as religious neutrality and separation between religion and politics, the answer is no. On the basis of the recent

Taylorian view of secularism as the phenomenological experience of faith as an option among others, again the answer is negative. Now, which view of secularism should we adopt? There is no „crucial experiment" to be set up: in the contest *between* paradigms decisive is the superior promise of one view of secularization or the other to disclose more significant aspects of the societies in which we live, not differently from the fact that we prefer democracy over competing forms of political rule on account of its promise to allow us to live under laws that we have somehow contributed to make. My point is that a conception of truth that does not incorporate the recognition of this dual approach to validity cannot be neutral vis-à-vis correspondence-theoretical and ideal-assertibility approaches to truth, but is a partisan or „comprehensive" view of truth.

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5. If we subscribe to Your version of a post-metaphysical grounding of liberalism, then we must abandon Plato's vision of theory according to which the „intra-paradigmatic" common sense knowledge of everyday affairs is necessarily understood as a misguided way of thinking. Moreover, a truly „non-Platonic" liberalism needs the inherent intersubjectivity of common sense. However, do You think that the separation of inter-paradigmatic and intra-paragmatic frames of reference might also disconnect every general and experimental „inter-paradigmatic" insight into society and politics from the inherently intersubjective lifeworld? How should we, in your opinion, comprehend the intersubjectivity of social change in post-metaphysical liberalism?

(A.F.): I think that the distinction of the intra-paradigmatic and inter-paradigmatic dimension of truth concerns the way in which we ascertain if an assertion is valid and our understanding of what it means for it to be true (with the aspect of „corresponding to a state of the world" having its full and usual meaning only with regard to intra-paradigmatic statements). In both cases, however, intersubjective processes are presupposed: in fact, more so in the case of inter-paradigmatic truth, where consensus plays a more pivotal role. There is never a fulminating evidence that a new paradigm as such is more valid than another, but a long process where the anomalies affecting the older paradigm are counted and their centrality assessed and the „promise" of the challenger weighed against its already perceivable blindspots.

Concerning your final question, social change at large always presupposes intersubjectivity. We have basically three paradigms for making sense of social change, and in two of them the intersubjective dimension

is clearly manifest. The first paradigm draws on the imaginary of the life sciences and understands social change after the metaphor of „growth" in a biological sense, with differentiation of functions, complexification of organisms and organs, natural selection as key concepts; the second understand social change as the product of social conflict; the third understands social change as the sedimentation of a miryad of individual slight variations in the execution of social scripts, roles, and the clusters of roles that constitute institutions. The relevance of the intersubjective moment goes without saying in the second case, but also in the third we have no difficulty in imagining that the individuals' motivation in slightly modifying their ways of performing the older scripts responds to an uneasiness with „the old ways" (or a fascination with „the new way") that is nourished in intersubjective exchanges. Only with functional differentiation, system adaptation and similar concepts we might be tempted to associate social change with processes happening behind the back of the subjects and independently of any conscious thematization on their part. Yet, even this view needs to explain why only some of the new developments stabilize over time. As Habermas has pointed out in his polemics with Luhmann, in the case of societies the standard of „survival", intuitively clear when we deal with natural species and natural selection, becomes entwined with value assumptions concerning the self-understanding of a certain type of society being transformed. In a less reified parlance, to claim that a certain sector of society, or „social subsystem", differentiates in response to some environmental challenges to its survival, means that people feel their life-conditions are *improved* by a new division of labor and exchange confirmatory messages, not necessarily in a direct way, about that.

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6. *From Dewey to Habermas, every push towards deconstructing the traditional metaphysical foundations of social theory has also brought a rearticulation of the importance that philosophy and social theory might have within the public sphere. How can we, as theorists, approach political and social problems in an engaged manner and still avoid the pitfalls of reducing the complexity of insights that we find in everyday life?*

(A.F.): I wholeheartedly agree with your premise. The critique of foundationalism leaves us with the task of articulating a notion of validity adequate for us in the cave – a notion equally distinct both from the self-appointed „true accounts" of the world outside and from the skeptical intimation that validity in the cave is but a reflection of what the most powerful believe. The public sphere, however, is just the locus

where such claims get articulated and vindicated: it hosts true claims and false ones, acceptable and unacceptable moral stances. There is where we theorists have a space for engagement with social and political problems. What we have to offer is the articulation of good reasons, the mutual translation of claims voiced in different voices, the analytic distinction of different claims raised with the same voice, the taste for exploring the politically possible, the sense of where we are coming from, and a reflective interrogation on who are and could possibly be, as well as what could count as „most reasonable for us". All of these exercises must be conducted in close continuity with what our fellow human being in the cave believe, because, differently than in the Platonic imagery and its countless successors, it is ultimately their consent which will validate our accounts. This is the most precious legacy of pragmatism and also the central insight of Habermas's discursive approach.

Jelena Lončar

7. *You maintain that if democracy is to become a truly universal political form, it has to open to cultural diversity. Contrary to Western cultures that understand confrontation of interests as a sign of a healthy democratic life, some cultures have strong aversion to democratic contestation. In these cultures, You argue, aversion to conflict should be recognized as part of the democratic ethos. These cultures tend to adopt consociationalist or consensualist forms of democracy. However, authors such as Horowitz, argue that consociationalist ethos in multicultural societies may further embed ethnic or religious divisions and entrench social cleavages. In your opinion, what are the prospects for democracy in multicultural and particularly divided societies that embrace consensualist or consociationalist forms of governance?*

(A.F.): From an empirical point of view, it's agonistic democratic cultures that constitute the exception, located as they are basically in the English speaking world, with some equivalent perhaps in France. The rest of the democratic regimes, no matter whether implanted onto a Christian, Muslim, Hebrew, Buddhist, Hindu or other culture, do have more or less strongly consensualist political cultures as their background. This uncontroversial fact gives us a measure of the ethnocentric offensiveness of taking that exception as the rule and then assessing all local democratic regimes by that standard. My country, Italy, has always had a strong consociationalist democratic ethos, sustained by both the Christian-Democratic and the Communist party after World War II and until 1992. It was

Berlusconi who introduced a „winner-take-all" mentality into Italian politics, and tried with various degrees of success to turn it into law, into the electoral law mainly. The lesson I draw from the consociationalist political culture of my country is that it may appear as though such an ethos entrenches political differences and crystallizes social cleavages – the standard accusation leveled at multiculturalism, as though the old way of a cultural majority assimilating all other minorities or „tolerating" them was any better – but, in fact, in a country with two major parties siding with the opposite camps in the Cold War and with radical fringes that courted armed confrontation over decades, consociationalism helped to build mutual trust and loyalty to the constitution. Eventually, 70 years after the framing of the Constitution, in Italy today the President and the Prime Minister both come from a Catholic political culture and no one feels that any balance is upset. Thus consociationalism may allow democratic institutions that are newly introduced in a political context to get underway and to strengthen their roots by relying on a capital of mutual trust. This predicament could pave the way to a subsequent experimentation of agonistic patterns, or develop in a form of *softer consociationalism* than in no way should be labeled as an inferior form of democracy. In sum, I would say that a consociationalist culture is a major asset for countries that are newcomers to democracy. The differential outcome of the Arab Spring in Tunisia and Egypt may well illustrate this point.

8. In your book, multiculturalism is justified on the basis of equality and freedom. These two principles require us to pay due respect to the value of being rooted in one's own culture. Could you elaborate what differentiated group rights are needed to ensure equality and freedom of members of minority cultures? For instance, are cultural rights (right to use their own language, right to celebrate their own festivities, etc.) sufficient to ensure protection and recognition of one's culture or national minorities also need self-governance rights in the form of federalism, territorial autonomy or consociational democracy, as e.g. Kymlicka and Taylor contend?

(A.F.): Several issues should be sorted out here. First, one should separate cultural rights that are still attributed to the individual member of a minority culture (e.g., the right to use one's own language in official settings and to celebrate festivities, the right to follow one's own distinctive dressing code, the right to the same offering in religious education and assistance in prisons, army, hospitals, as the majority) from rights that apply to the group as a collectivity (perhaps public funding for the preservation

of one's cultural heritage, for running media using the language of the minority, etc.). Second, both of these kinds of cultural rights should be understood as independent from territorial concentration of the minority. In other words, to use Kymlicka's terminology, they equally apply to „ethnic groups" of migrants who are dispersed across the whole of an existent democratic society. Third, with regard to your question whether in the case of territorially concentrated minorities they provide sufficient protection for the survival and flourishing of minority cultures, I would argue that it depends too much on the concrete context for a general answer to make sense. In context where a democratically responsive government and accessible judicial remedy are in place, legal provisions ensuring those rights might suffice even in the absence of strictly federal or consociationist arrangements. Some modicum of self-government, however, seems necessary to me, at least in the form of administrative bodies under the minority's control, that monitor the implementation of policies implementing those rights. In other contexts, where the cultural majority tends to embrace more assimilationist orientations, mere judicial actionability may not suffice and some more robust form of selfgovernment, at least for territorially concentrated minorities, seems necessary. Also, the question should be raised whether in lieu of the self-governing measures envisaged by Kymlicka within a framework largely still dominated by „legal monism", protective measures for minority cultures shouldn't rather be sought along the lines of multicultural „jurisdictions", as suggested by Shachar, and of a thorough re-thinking of the monist premises in the alternative direction of a democratic form of legal pluralism.

9. *Deliberative democracy is suggested as a way of reconciling governance and democratic legitimacy. What are the main mechanisms of accountability in deliberative democracy where decision-making is influenced by various non-elected individual and collective actors? In addition, are the same mechanisms of accountability applicable in different cultures with either agonistic or consociationalist ethos?*

(A.F.): When we envisage forms of governance beyond the nation-state, we have to redesign our practices for ensuring the accountability of officials and representatives and entire deliberative bodies. I believe that democratic theory is still lagging behind of actual developments occurring on the ground in this respect, and theorists of deliberative democracy ought to make a special effort to provide as clear guidelines for distinguishing *democratic* governance from non-democratic forms of

governance as the ones used for distinguishing democratic and non-democratic forms of *government.* When it comes to accountability, in the case of governance we cannot rely on the classical mechanism of *political* accountability to an electoral constituency. Nothing in principle, however, stands in the way of imagining a different kind of accountability whereby parliaments appoint monitoring agencies that report to them and to the larger public about how structures of governance have operated in matters of financial, security, environmental policies, so that some link – albeit not of a direct electoral nature – remains in place between the relevant publics and their representatives. It lies beyond my expertise to outline institutional mechanism for achieving this result, but my political-philosophical point is that structures of governance can remain democratic insofar as a certain kind of *reflexivity* applies to them. Just as they coordinate action on the basis of soft law, benchmarking, best practices and moral suasion, so they should be equally submitted to the pressure of benchmarking, guidelines, best practices and moral suasion issuing from monitoring agencies that do possess the necessary expertise and are appointed by the elected national legislative assemblies. There is reason to believe that this approach to the accountability of supra-national structures of governance, by virtue of its reliance on moral suasion and best practices rather than juridified litigation or outright political contestation in an electoral arena, could cut across the divide between agonistic and consociationalist democratic cultures. Of course this is only the beginning of an answer, but I'm grateful to you for confronting me with this problem.

Bojana Simeunović

10. You have argued that one should conceive of democracy at the above-nation level as deliberative, rather than competitive. Moreover, it is possible to envision global democracy without establishing anything like a world government or such institutional centre. Democracy at the global level should take the form of governance, e.g. a global pluralistic rule of law. This simply means „coordination and policy orientation without ruling", practiced within the domain of certain constitutional essentials agreed upon by free and equal citizens through a referenda or alike. How are such constitutional essentials arrived at and what forms could they take at the global level? How is the process of deliberation facilitated at the global level?

(AF): There is a whole new field of studies that is exponentially growing and is known as „constitutionalization of international law". The idea is

that, over the past few decades, so called „public international law" has not only grown in quantitative extension but has qualitatively come to increasingly take on a „constitutional" character, in the sense that a) it purports to transcend and set limits to legitimate state interests, thereby reducing classical state sovereignty and b) it purports to represent a genuine common interest of humanity. Historically this process began with banning aggressive war, already in 1928 with the Briand-Kellog Pact of 1928, and then of course continued with the Charter of the United Nations. But in the subsequent decades it has extended much further, including the protection of human rights, the right of peoples to self-determination and secession, and possibly environmental law. In all these domains the political will of single states is no longer sovereign, but perceived as responsive to what is substantively a „higher law", that takes the interest of humanity as its object. Not only no state can legitimately decide to wage an aggressive war, but governments that violate human rights are perceived as illegitimate and their officials sometimes tried in international courts. How did this still incomplete transition from classical inter-state international law to an embryonic global public law take place? Some authors have aptly spoken of „normative self-entrapment" on the part of governments and states (T. Kleinlein): the normative force of ideas and principles subscribed to in international documents, especially in the case of human rights, change the self-conception of the actors – states, governments, legislative bodies, courts – in significant ways. It is hard to foresee what form a deliberative process at the global level could take. It seems implausible, however, to imagine it along the lines of a domestic democratic process writ large. As Walzer pointed out in his „Governing the globe" (2000), the real contest is between those who would see states as the main actors in this deliberative process which increasingly begins to respond to an germinal constitutional core, and those who would see a plurality of actors concurring in this *jurisgenerative* global process: not only states, but regional aggregation of states and aggregations of global NGO's that somehow represent a kind of global civil society.

11. *One major point of friction between deliberative democracy and governance could be the legislative authorship of citizens, an inherent characteristic to any type of democracy. To reconcile the two, the book suggests understanding legislative authorship of citizens as it is understood within the tradition of dualistic constitutionalism: recognizing the dualism between „normal politics" and „constitutional moments" or periods of „high-lawmaking". Citizens should then be considered equal and free subscribers to the constitution; such consent secures the legitimacy of*

regular lawmaking that may follow at different levels through various channels. What are some possible forms that legislative authorship of citizens could take at the global level? How should this process of establishing some form of dualistic constitutionalism at the global level contribute to the international system becoming more democratic? In what way would such global system be more effective in maintaining the essentials of a global constitution, whatever form it takes, if there would exist no supreme authority endowed with the capacity to impose sanctions against violators and free-riders?

(A.F.): As you correctly point out, if the institutional complexity and hyperpluralism of our national societies, together with other „inhospitable conditions" reviewed in *The Democratic Horizon,* has stimulated democratic dualism at the domestic level, *a fortiori* at the global level there is no other way to think of democracy. Thus the form that the legislative authorship of citizens could take at the global level is twofold. On the one hand, we can be active endorsers of the existing constitutional core of international public law, in order to entrench it even further as a bulwark against the always lurking influence of arbitrary power relations and sheer military force. On the other hand, through transnational networks of organizations and social movements, as well as through the standard domestic democratic process, we can stimulate the *further expansion* and the *strengthening* of this constitutional core. For example, we can stimulate the further institutional strengthening of the functions of international courts – e.g., the ICC in its relation to the Security Council – in various ways, including by supporting domestic governments that do favor the relinquishing of traditional sovereignty to bodies of cosmopolitan governance. Also, through domestic participation and electoral pressure, citizens can stimulate their governments to activate a thorough reform of the United Nations in the direction of more democratic representativeness in the composition of the General Assembly and of the functioning of the Security Council. Jointly considered, these two reforms would indeed represent a major step towards the democratization of „the world" taken as a unified political space. Concerning your last question, it is hard to think that the full affirmation of democracy in „the world" should mean that the modern model of a nation-wide rule of law, where legitimate law originates from one source only and is interpreted, applied and finally enforced by one and only one kind of institution (the judicial, the government), can be reproduced at the global level by changing only the size and scope of such institutions. However, in those areas where the „world constitution" is firmer and more widely recognized – e.g., the area

of human rights as defined by the 1948 *Declaration* – we already have a body like the Security Council which does impose a variety of sanctions, up to military intervention, in order to stop gross and continuous violations, and we have a Court like the ICC that is no longer a special tribunal (like Nurenberg, the ICTY, or similar courts) but is designed as a stable judicial body. It will take decades before more judicial sub-branches are set up and gain the institutional power to balance that of the Security Council. Even the US Supreme Court was not born, constitutionally, with the power of judicial review over the acts of Congress, but (as famously illustrated by Alexander Bickel) it gained such power through a contested decision in 1803 (*Marbury* v. *Madison*). Similarly, we live in a fascinating transitional time, where the active participation of citizens worldwide, through their own domestic democratic institutions and through transnational networks of organization, could buttress the rise of a fully-fledged global judiciary capable of standing up to the power of other institutions of global governance, thereby putting into place a system of check and balances that, with the necessary adjustments relative to the domestic model, could represent the best chance for an affirmation of democracy as a system of global governance.

12. The Democratic Horizon *suggests that the capacity of global governance to orient and coordinate actions rests on the „monopoly on the attribution of legitimacy". For example, the UN Security Council can be said to have the monopoly over the attribution of legitimacy to the use force with relation to each member state. The problem arises when we take a look at the structure of international institutions. The structure in which these institutions are organised, directly influences the way in which they function. For instance, each of the powerful states within the Security Council has a veto over every decision brought to floor. How should the established structure of these institutions be recreated so that they account for the attainment of deliberative democracy? On what basis should these governance-coordinating agencies be established and how, so that the most basic criteria of accountability and legitimacy are being properly met? How do we make powerful actors on the global scene relinquish their sovereignty and power to the coordinating bodies, pluralistic and cosmopolitan, in cases when their interests do not meet with the common interest of the group?*

(A.F.): Let me start from the issue of the Security Council as an exemplar of institutions of global governance where non-democratic aspects, such as the veto power, still prevail. A political theory of utopian bent would call

for the immediate abolition of veto power, and most likely go nowhere. A political-realist, but perhaps short-sighted, approach would just assume that we must live with that undemocratic remnant of a different historical context, and acquiesce to its persistence. The most promising approach draws instead on the Rawlsian idea of a „realistic utopia" and would strive for *regulating* the use of a not-yet-challengeable veto power. This idea has already become a concrete proposal on the part of the group of the so-called „small five" (Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland). These countries in 2012 proposed that the five holders of veto-power simply announce publicly which guidelines they would follow in using their prerogative. It is an astute political move, because it forces those powers to either commit themselves to even self-imposed rules for using their veto-power (but then a veto exercised under publicly known conditions is no longer an arbitrary act of will, it rather amounts to just another predictable parameter of the political context of decision) or to implicitly avow that they intend to exert their prerogative in a totally arbitrary, unpredictable way, responding to no rule. The „small five"'s move with one and the same gesture exposes a residue of undemocratic power as such and forces the power-holders in a quite uncomfortable position. The proposal, officially aimed at „*enhancing the accountability, transparency, and effectiveness*" of the Security Council, was blocked by the authoritative intervention of the U.N. lawyer which assists the Secretary General: Patricia O'Brien pointed to a past resolution of the General Assembly that committed the deliberative body to a two-thirds majority for resolutions over „matters of particular significance". Switzerland pulled back from support of the motion, and then the remaining four countries followed suit, probably anticipating that, over and beyond the divisions already created by the proposal, there would not be enough support for it. Regrettable though this development might be, it nonetheless points to a direction for future action. The qualified majority missing today, could be reached tomorrow through relentless and focused campaigning, and in the not too distant future we could witness what is not possible today. That is how our democratic participation *qua* citizens could make a difference, for example by committing our governments at home to support the initiative. Your final question is easier to answer, paradoxically: „How do we make powerful actors on the global scene relinquish their sovereignty and power to the coordinating bodies, pluralistic and cosmopolitan, in cases when their interests do not meet with the common interest of the group?" We obviously do not have the revolutionary option that defeated the absolutist monarchs: for that would entail a World War. Thus, there is only one answer: that is, through

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political imagination and by relying on the institutions that already exist, we can create normative blind alleys, where it becomes more onerous politically for the powerful to intransigently defend their privilege than to let it partially be eroded. In the regulation of veto power only an initial battle was lost… but democratic forces world-wide have identified a path for democratizing the Security Council.