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Terrorism, Globalisation and Democracy: On Reading Michael Peters Post 9/11

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ABSTRACT
It is indeed an honour to be invited to respond to Michael Peters' Macmillan Brown Lectures presented in New Zealand in April 2001. I want to structure my response by selecting three themes that Michael deals with, amplifying and expanding their significance in certain directions, to further illuminate their significance, and extend the analysis to embrace new issues and points that emerge from their consideration. Since Michael delivered his lectures, the world has changed in one important way, as marked by the events of 9/11 in America and of 12/10 in Bali. The possibility of acts of terror, whether committed by rogue states, or transnational groups, forces a new consideration of the themes of democracy, community and individual rights. And there must be also, I believe, a new understanding of what citizenship entails, and what the role of education is in relation to creating citizens.

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The new realisation that the world is full of dangers is leading to a reappraisal of the relations between the state and the individual, and between collective interests and individual rights. What confronts us now, more than at any time since the 17th century, is the prospect of a new political settlement that involves a radical revision and restriction of traditional rights and liberties given to individuals. In economic affairs, states are encouraged to adhere to the "steer" but not "row" philosophy of neoliberalism, and at the same time, in the political sphere the state's need to know, involving increased surveillance and data gathering for the purposes of fighting crime and fraud and preventing acts of terror, has now become an *explicit agenda of states.* What is being ushered in, indeed, is a new political settlement which is certainly postliberal and, in Peters' sense, postmodern. Within this scenario there are possibilities, openings and dangers. In this short piece I will seek to reassess the significance of globalisation, neoliberalism, human rights, community,

democracy and the role of education - all themes that Michael Peters treats in his lectures - taking the events of 9/11 into account.

Neoliberalism, Globalisation and the Move to the Third Way

In his first essay Peters (2000a) considers the importance of neoliberalism as a global metanarrative. Neoliberalism is that form of economic reason encapsulated in the notion of *homo economicus* which represents individuals as rational self-interested choosers, which was based on a revitalisation of neoclassical economic liberalism. This, as Peters (2002a: 7) says, "has been remarkably successful in advancing a *foundationalist* and *universalist* reason as a basis for a radical global reconstruction of all aspects of society and economy". During the last several years neoliberalism has been adapted, rescued one might say, under the mantle of the "Third Way", which aims to retain the neoliberal concern in the economic sphere with efficiency while avoiding traditional policies of redistribution, and still defining freedom in terms of autonomy of action. However this latter definition is now mixed with a concern for the values of social justice and democracy, and increased involvement and participation in the local community.

Peters quite rightly argues that the "Third Way" is an amorphous linking of disparate elements, lacking any distinctive economic policy, based upon an attempt to find a middle way. He cites Giddens (2000: 163), who suggests that the "Third Way" is not an attempt to occupy the middle ground but rather is "concerned with restructuring social democratic doctrines to respond to the twin revolutions of globalization and the knowledge economy". Peters (2002a: 13) then makes the point that the "underlying concept of education is the dominant conceptual weakness in third way politics". Essentially, what it has failed to do is theorise how education can constitute the basis for "social participation, citizenship and access in the knowledge economy, beyond paying lip-service to the OECD notion of 'lifelong education"' (13). Peters' solution is to see education as more central to social democratic politics by returning "to the history of education rights in the early documents of human rights and renew its ethos as a basis for the new society" (13).

A number of further points are in order here. What the Third Way tries to do, and in my view unsuccessfully, is theorise the need for a more active state intra-nationally in order to deal with the crucial national issues concerning social democracy, while retaining economic commitment to neoliberalism as its central orientation to both domestic and global relations. In this sense, the third way politics of New Labour in Britain maintains that it constitutes a melding of traditional concerns of social democracy while retaining the central neoliberal insights over economic policy, the role of the state, and the need for accountability. This is the political discourse that presently dominates New Labour's policies towards education, health, crime, and the role of social services. Dubbed the "new localism", it is based on the state philosophy of "steer" but not "row", and signals the end of the centrally planned welfare state as established in Britain in 1945, and in New Zealand in the 1930s. It entails the death of what British Prime Minister Tony Blair calls a "one size fits all" model of public service provision, whereby spending and direction was effected from the centre to a model whereby spending and direction is effected at the local level via the people directly involved. As such, the Third Way effects a fundamental shift in the role of the state. As Tony Blair stated at the recently held Labour Party Conference at Bournemouth: "Just as mass production has departed from industry, so the monolithic provision of services has to depart from the public sector. Out goes the big state. In comes the enabling state" (Wintour, 2002).

This idea of an enabling state is central to third way politics of New Labour, and to new policy initiatives on education and health. In education, it has involved the expansion and development of specialist schools as part of the "post-comprehensive era". This has resulted in new legislation to encourage successful specialist schools to operate autonomously, to expand, and to encourage school takeovers. Choice policies, which enable parents to secure the school of their preference, are being encouraged. Privatisation initiatives are also encouraged in order to extend private sector

involvement in public services through a proliferation of public-private partnerships (PPPs), private finance initiatives (PFis) and public interest companies (PICs). As such, the enabling state constitutes a model of semi-autonomous public services supposedly free of Whitehall control. Schools and hospitals are being granted autonomy whereby they can establish new directions of travel. Controls are being released on local counsels and voluntary organisations are able to run public services. New Labour theorists, such as the New Economics Foundation, the New Local Government Network, and the Institute of Public Policy Research represent the agenda of moving beyond old distinctions between the state and the market. The idea is that services funded by the state need not be run by the state. Such a model entails an increased role for private sector and increased choice.

Whether this third way model really does manage to reconcile neoliberal and social democratic agendas is a much contested issue; and whether state control is any less than, or any different from the pre-Thatcher years is a meaningful question. Supposedly, according to Rhodes (2000), the new Governance narrative espoused by New Labour is based on networking, partnerships, autonomy of providers, interdependence between organisations, and trust. The state's role is to facilitate and coordinate without treading on the autonomy of foundation hospitals, schools, or higher education institutions. In reality the state under-emphasises its control, for although it may not actively be delivering services, it can still be seen to be effecting control; and at least some studies claim that this control, rather than being less, is simply taking a different form (Rhodes, 1997a, 19976, 2000; Cloke et al., 2000: 130). As the power of the state is being reorganised rather than reduced, in its relationship to local groups, the organisation of governance in networks and partnerships produces new obstacles as far as traditional democratic forms of accountability are concerned. A governance model, which delegates power to local agencies, is producing problems relating to representation, accountability, openness to criticism, as well as to the rights of consumers or users. The ability of local agencies to work together, or coordinate service provision, is offset by the differences in power and influence between them; by the adherence to traditional norms of exclusivity and non-cooperation; by the inequalities between the different partners or actors providing services in the state, voluntary and private spheres; and by the fragmentation of services across different sectors.

Thus, it is unlikely that new models of governance based on networks and partnerships can either constitute a solution to traditional forms of state bureaucracy and markets, or overcome the limitations inherent in forms of state bureaucracy and markets. Research by Rhodes (2000), Mayo and Taylor (2001), Cochrane (2000), Cloke et al. (2000), Glendinning et al. (2002), and others, casts doubt on whether patterns of state control have altered significantly, and whether ad hoe adjustments and interference are not constantly required to overcome the inequities, unfairness, and inequalities that arise when localistic policy and solutions operate. As Karl Polanyi observed, with reference to the welfare state, the growth of central state involvement in economic and social policy arose not because of any pre-determined political plan or conspiracy, but because of the sheer complexity of government. This complexity is likely to increase at pace given the inherently individualist and self-serving nature of neoliberal reason. In the end, the resources and manpower invested in "steering" becomes as great if not greater than in "rowing" until it is not clear what are the differences between them.

Indeed, we might be tempted to say that the bride is too beautiful. Any marriage of private investment with state "steering" will likely result in a greater and greater role for the state as it attempts to level-out the bumps and imperfections, provide reasonable mechanisms of representation and accountability, and ensure some measure of rights and fair treatment for the unsuspecting and often unenlightened public whose education and welfare is at stake. This seems to be what is indeed happening in third way policy delivery. Britain's *Railtrack,* privatised under Thatcher, has recently returned to public ownership due to the sheer operational chaos that private ownership produced. More recently, *British Energy* has had to be bailed out by the State. The government had to underwrite its risks due to the sensitive place it occupies in the economy, which of course was one of the reasons for nationalising it in the first place. Under private ownership it has become obvious that neither managerial efficiency nor public safety are guaranteed. The history of

the past year in Britain is littered with examples of the failings of privately run prisons, schools and hospitals. It is a situation, as Roy Hattersley (2002: 18) has quipped, of "taxpayers servicing the debt, and shareholders receiving the dividends".

If the third way attempt to marry social democracy and neoliberalism is problematic, in terms of governance, its rise does suggest a more positive message in that it speaks to a more active state than was entailed under traditional laissez-faire models. Indeed, even if the state under this model seeks to change the form of its operation, from traditional bureaucracy to governance through networks, the model still speaks to the idea of a strong state. The idea of an enabling state is indeed quite compatible with a conception of the state that sets up the rules of the game, that passes legislation to enforce minimum conditions of acceptable treatment for all of the various groups in society (such as children, the aged, women, and ethnic minorities), and that seeks to ensure adequate protection and rights for all through the framing and introduction of legislation. The notion of "enabling", like that of "steering" does not speak of itself to the size of the state, and conceivably, a state that "steers" might be just as big as a state that "rows". At the same time, so long as the state can assure the important platforms of universal entitlement, equality of opportunity, and equality before the law, then the attempt to actively co-opt the citizenry to run their own lives can only be seen as positive. Furthermore, it can be seen as a major back-down from the discourse of a reduced state, which became the catch-cry of neoliberal reason during the Thatcher years.

What is Globalisation?

What is thus most positive about the third way's conception of the enabling state is the very recognition of a *role for the state* in an age of globalisation. The central thesis of the doctrine seems to suggest that the state can act as a powerful force to regulate, supervise, initiate and direct policy within national contexts. This recognition of the power of the state would seem to contradict the thesis of a "powerless state", as writers like Manuel Castells (1997) (who used this phrase as the title to a chapter), or Naomi Klein (2000), or Kenichi Ohmae (1990, 1995) have depicted, and which has been generally the dissertation of so many globalisation theorists of recent years.

In my view, globalisation does not spell the end, or even, necessarily, the demise, of the nation-state as an autonomous force. Writers who suggest that it does are failing to differentiate the different theses entailed in the notion of globalisation. In order to make this clear it is important to distinguish the senses of globalisation. For a start, we can note how this concept has functioned to displace other related concepts and theories to do with cultural, economic and political "colonialism", "neo-colonialism" or "imperialism". It is as if suddenly these more specific theories, which were more politically charged, and made explicit the relations of power and knowledge that were entailed in state actions in international affairs, were replaced by a more general concept. In this general concept of globalisation, the relations of power are not so obvious, or were manifested in a different way. Yet the concept is clearly important, and it has become more so, post 9/11, in that it gives recognition to the undeniable fact that our lives are becoming more intertwined. It may be said that this has always been the case, and in a certain sense that may be true, as David Held (1995) has argued. However, a number of 20th century developments in technology, science, communication, travel, and economy have arguably increased or at least changed the sense in which this is so. There is a reinforcement of the intertwined nature of our existence through developments in communications technology, mass media, internet, increasing availability and possibility of travel, growth in multinational trade and international marketability of goods and services, and the general growth in the circulation of money and goods, as well as developments in science, and the spread and democratisation of knowledge, which bring weapons of mass destruction and acts of terror within the sphere and capability of private citizens, transnational groups and rogue nations. US 9/11 and Bali 12/10 have brought home dramatically the sense in which what happens in one part of the world effects what happens elsewhere. Cultures mix through migration, education, GATS, news and information, ideas and fashions, brands and marketing. At

the political level, terrorism increases the degree of inter-dependence in terms of political governance and regulatory arrangements between nation states, and amongst transnational political and economic agencies, and organisations such as the EU, WB, IMF, OECD, NAFTA, APEC and WTO.

The fact that globalisation is promoting greater integration between countries and regions is not in itself of concern. One must take each issue and each effect separately in order to assess its positive or its negative consequences. Examining one issue at a time it is clearly evident that one can discern many issues of exploitation and oppression. At the cultural level, for instance, it can be observed that the spread of information technology and the communications revolution tends to operate as forms of imperialism, in that the ideas, images, and even language of communication is provided by the more powerful Western states, led by the USA and Britain. If globalisation increases the speed and intensity of the circulation of ideas across the globe, then the effect on small, relatively powerless states will be the same as has always been the case: the cultural and intellectual sovereignty of their customs, beliefs, and ways of life, will be undermined. At the same time, one must be open to the fact that there are possibly some positive effects of globalisation. Recent moves to internationalise in higher education have resulted in the largescale international movement of students and staff across national borders. PhD students at Surrey, to give one local example, are now selected from many countries. Similarly, as with most universities, and many other institutions, higher education staff are recruited internationally. Growing internationalisation leads to increasingly innovative attempts to standardise procedures such as criteria of admission and recruitment, resulting in new forms of global communication and regulation. However these trends, which are merely small examples of how global cooperation and exchange can have positive effects, are not without elements of injustice and oppression, of course, and this is especially so in that they are structured within neoliberal economic frameworks. They are not really new, but as with international travel and migration, the scale and scope have increased. I believe we can agree with Held (1995), at least in part, in the relevance of a new concept of *cosmopolitanism.* This is so in a number of senses. Firstly, with changes to the material bases of culture in the West since the scientific revolution, especially in the 20th century, it has become increasingly true that there are a great number of events and developments (Chernobyl, acid rain, oil slicks) impacting across national borders. Secondly, in relation to international trade and 20th century economic developments, there have been huge increases in the global circulation of goods, ideas, information and money, all of which are more global in terms of the speed and scale of distribution than at any previous time in history. However, if these speak to a new sense of cosmopolitanism, which I see as an extension of the idea of republicanism, it is only partly in the sense elaborated by Held. For while both these developments clearly entail a growth in the importance of international agencies and regulatory bodies, as Hirst and Thompson (1996) argue, any mandate for the democratic functioning of these agencies still resides within individual nation states. It is at the national level, ultimately, where accountability resides.

A New Political Settlement?

At the political level, globalisation can be represented also as a dynamic process. In that the scale and scope of communication and travel have increased, so we can say that since 9/11 the potential risks and dangers have also increased. It is at this level that 9/11 serves to denote a major epistemological-political break with previous discursive systems. Since 9/11 we can say indeed that there has been a keener interest by Western states in the uniform global imposition of standard systems of security and surveillance, which is altering the traditional nature of the relations between individuals and the state. What private individuals do in Baghdad, Afghanistan, Cairo, Naples, London, or Auckland, or what they carry through airports, is now of vital concern to policy makers and ruling elites and, some might argue, to ordinary citizens in America, Britain and many other countries. In a way it has taken the prospect of terror to make us painfully aware of our inter-

relatedness. The effects of this show the signs of crystallising a new political settlement that has been perhaps embryonic as an emergent discourse for some time, but has a new impetus following 9/11. Whether it represents a "permanent settlement", or just a "temporary tendency" is as yet uncertain; and while I will refer to the former, I leave open the possibility, and the hope, that it be only the latter. At least some early signs are emerging within the existing political milieu.

The emergent new tendency/settlement has two elements: economic and political. At an economic level, the new tendency is based on neoliberal freedom, which is now more obviously confined to the "freedom of commerce", or to "free trade". In this sense, Michael Peters is quite right to see neoliberalism as a particular element of globalisation in that it constitutes the form through which domestic and global economic relations are structured. Yet, neoliberalism is only one form of globalisation, pertaining only to economic globalisation. It is not something that has evolved naturally as a consequence of changes in technology or science. And it must not be confused with globalisation as such. Rather neoliberalism must be seen as a specific economic discourse or philosophy which has become dominant and effective in world economic relations as a consequence of super-power sponsorship. Neoliberalism is a politically imposed discourse, which is to say that it constitutes the hegemonic discourse of Western nation states. As such it is quite independent of the forms of globalisation spoken of above, based as they are on changes in technology and science. Nor can it be seen as part of their effects, although this is not to say that there is no relationship at all. The major characteristics of neoliberalism emerged in the US in the 1970s as a forced response to stagflation and the collapse of the Bretton Woods system of international trade and exchange, which led to the abolition of capital controls in 197 4 in America and 1979 in Britain (Mishra, 1999; Stiglitz, 2002). This situation made the sustaining of Keynesian demand management extremely difficult. Financial globalisation made giant strides; exchange rates were floated and capital controls abolished, giving money and capital the freedom to move across national boundaries. The changes in technology certainly facilitated these changes, for developments in microelectronics and computers made it possible to shift financial reserves within seconds. To the extent that neoliberalism was effective it certainly compromised the autonomy of national governments in the sphere of managing their economies. However, this depended upon political alliances to support such policies. By this I mean that there was nothing necessary about this decentring of the nation state. The very emergence of the Third Way, and of new-leftist, traditional, Labour adaptations within the Third Way, some of which are now claiming "limits to privatization",[1] make the latent power of the state eminently visible in an age of globalisation. The equation is not globalisation *or* the nation state but globalisation *and* the nation state.

At a political level the signs of what could be seen as a new post-liberal settlement is premised on greater control, increased surveillance, and an eclipse of liberal rights that have prevailed since the 17th and 18th century. Terrorism, as Charles Townsend (2002: 137) has noted, constitutes "a calculated assault on the culture of reasonableness", which is central to democratic civic culture. Such a culture is epitomised by norms such as "toleration", "moderation", "the principle of proportionality", and "non-violence", which form the conditions for the exercise of civil liberties. Townsend (2002: 134) reports the conclusions of the Dutch political scientist Alex Schmid (1993), who has concluded that democracies experience weaknesses when faced with terrorism related to (a) freedom of movement, (b) freedom of association, (c) an abundance of targets, and (d) the constraints of the legal system.

While the liberal rights of free association and free speech make democracies slow to respond, some significant changes have come in a number of respects. Firstly, concerning rights within the law, in respect of being imprisoned without being charged, and being detained for an indefinite period, a relaxation of traditional judicial cautiousness has been introduced as the condition upon which the safety of each person can be assured. In Britain, legislation of December 2001, the *Anti Terrorism Crime and Security Act* (2001), introduced internment without trial or the necessity of leveling charges. October 2002 saw this Act being used to effect the imprisonment of the radical

Muslim cleric Abu Qatada in London, who was suspected to be an Al Qaeda agent. This and other legislation enables state surveillance and control over banking and information resources.

A second sense in which traditional political settlement has altered relates to the doctrine of "preemptive strike" (and the associated notion of "regime-change"). This supercedes the doctrine of deterrence or containment, which has been the bedrock of stability, and the traditional Westphalia model of international relations that established the principle of state sovereignty by a treaty signed in 1648. Under deterrence, a country could retaliate if its national borders were violated. Under the doctrine of preemptive strike, a country may anticipate aggression, and "retaliate in advance". This enables states to attack who they like, based solely on the perception of a threat, representing a move beyond what Henry Kissinger called "realpolitik" and casting aside traditional tenets of international law as well as UN and Nato charters. The new doctrine makes no qualification as to its use, so preemption becomes a new universal principle available to every nation. In addition, the new doctrine is not required to conform to international law, but can be justified as self-defence for individual countries to take action unilaterally. Except in these new circumstances, self-defence is redefined from meaning *actual attack by another country* to *perceived imminent attack.*[2]

In addition to these changes, post 9/11, there has been a sharp increase in surveillance and data sharing which have effected changes in the conception of citizenship. There has been an increase in the demands for information in the name of the public interest, which is effecting the boundaries between private and public spheres. A recent *Guardian* feature on Privacy *(The Guardian,* 2002) documented a whole range of surveillance forms across both the private and public spheres, including data trawling, data sharing, visual surveillance (CCTV), DNA testing, fingerprinting, communication interception, and identity cards. In Britain, where liberal protections of individual privacy and autonomy have a strong tradition, a recent report has been published on *Privacy and Data Sharing* (Performance and Innovation Unit, 2002), aiming to balance the dual concerns of protecting the rights of the individual and the state's interest in collecting and sharing data more efficiently across various public and private agencies for the purposes of creating "joined-up" government. Critics are representing the report as a "snooper's charter" enabling the state to know everything about you, and are doubtful, to use Charles Raab's (2002: 16) words, that "the circle of privacy and data sharing can be squared". However, certain measures have been taken within this legislation to protect the individual as well as minority groups. These measures range from the establishment of a public services "trust charter" and other devices which oblige all public services to state how data can be shared, how individual privacy can be protected, how individuals can assert their rights, and the appointment of chief knowledge officers in state bodies with responsibility for managing data and overseeing an organisation's privacy commitments. In addition, in Britain, there have been several pieces of legislation which help to protect the rights and interests of individuals. These range from the *Human Rights Act* (1998), which aims to balance the needs of the state and the rights of the citizen, and is arguably one of the Blair governments most significant achievements to date; the *Data Protection Act* (1998), which gives to all citizens the right to know who holds information about them (subject access), as well as rights to object and remedy errors; the *Freedom of Information Act* (1999), and the *Regulation of Investigatory Powers Act* (2000), both of which seek to ensure that the use of communication data is properly controlled with independent oversight and proper complaints procedures. Both Acts introduce new and supposedly improved regulatory machinery which did not previously exist. In addition, the *Anti-Terrorism, Crime and Security Act* (2001), requires communication companies to retain basic details of internet activity longer than was previously the case, and to report suspicious and irregular activity, and also forbids data "fishing" and "trawling" expeditions, confining access to information strictly in relation to specific inquiries about crime or terrorism.

In tackling a minority, or criminals, or terrorists in our midst, are we not trampling on the rights of the vast majority of citizens? This would appear to be a key question. The answer is of course complex, but we must not see the issue in terms of privacy as a natural right of individuals pitted against the common good. The classical liberal conception of privacy is linked integrally to the

conception of the self as the private, self-interested chooser who exists prior to society and is endowed with natural rights. What such a conception ignores is that it is a fiction, as Foucault and others have identified. Such rights are indeed internal, not antecedent to, community, and as such are not absolute. Moreover, as the framers of the recent *Human Rights Act,* as well as the *European Convention of Human Rights,* which was its inspiration, knew only too well, different rights and interests need to be kept in balance. Privacy, like autonomy and freedom, is rooted in human dignity and speaks to the demands for safety and respect. It is not, however, an absolute right, but must be balanced by the right to safety and security of all, including children, women, and employees.[3] In this balance of forces, the state must be seen as both a negative as well as a positive force: a negative force in that it protects the safety of all, and a positive force in that it empowers and enables people to shape their lives, constituting, as it were, a collective vehicle to achieve progressive change. This notion of positive freedom, which starts with the Greek polis and is evident in writers like John Dewey, sees the full development of human beings as only possible through active participation in the affairs of the community.

Totalitarianism

This form of positive government was seen by liberals like Isaiah Berlin (1969), Frederich Hayek (1935, 1944), and Karl Popper (1945, 1961), as likely to lead towards totalitarianism. The classic liberal theory of totalitarianism sees it as a form of government that develops out of the structures of the positive state. For liberals a positive conception of liberty leads the state to promote a single substantive ideal of the good: a description of man as a spiritual being whose ultimate rationality and reality are grounded in a unified spirit. This leads to a nation state, which imposes a substantive conception of the good life, eradicating individuality by a concern with "normcentricity" (see also, Arendt, 1958; Talmon, 1955).

Positive freedom worries liberals. The positive view of freedom as active self-determination implies, says Berlin (1969), a distinction between two selves - a higher self that determines, and a lower self that is subject to determination. Berlin argues that in the history of political thought, it is all too easy for the higher self to become identified with the state or society, or with a particular political group's conception of what is "rational". Freedom then tends to become defined as obedience to what is rational, or obedience to the will of the state, or conformity to a predetermined pattern of thought or life. As a consequence, claims Berlin, positive freedom is transposed into the opposite of freedom: totalitarianism or tyranny.

In its extreme form, argues Nel Noddings (1996), the positive conception of liberty often leads to the promulgation of a single ideal: a description of "man" as a spiritual being whose ultimate rationality and reality are grounded in a unified spirit. In this model, the state is seen as the expression of collective will (positive freedom), rather than the (mere) protector of individual liberties (negative freedom).

The total community equals fascism which equals the nation-state. If the state is right, then there is no room for dissent, and liberty is equated with full immersion in the community. Liberals claim that individuality is wiped out by "normcentricity". In this way, Eric Hoffer (1951) maintained that communities foster "unity" and "self-sacrifice" along with conformity to established norms. In Hoffer's words:

> Unity and self-sacrifice, of themselves, even when fostered by the most noble means, produce a facility for hating. Even when men league themselves mightily together to promote tolerance and peace on earth, they are likely to be violently intolerant towards those not of like mind (1951: 92).

Writers like Berlin, Popper and Hayek believe that any state constitutes, over and above a concern with negative liberties, a threat to the freedom of the individual, as if inherently unable to respect a diversity of lifestyles. However, their argument falters on a number of grounds, which I

have summarised more fully elsewhere (see Olssen (1996, 1998) and can outline only briefly in this context.

Firstly, their arguments technically rule out even a welfare state, for welfare rights are "positive" rights, and for Hayek (1944), the welfare state is the start of the "slippery slope", leading down "the road to serfdom". Secondly, it is neither logically nor empirically entailed that a state acting positively in terms of a specific, substantive conception of the good, must ignore a respect for diversity and difference. Neither must it fail to respect the plurality of groups and sub-groups in the wider society. fu postmodernists and others have suggested, the good can accommodate difference. It is a flawed argument to suggest that any state that does not confine itself to the minimum protection of individual liberties, but acts in terms of a general substantive vision, even if conceived in sophisticated terms, will unleash a pressure towards "unity" or "normcentricity". It assumes that a theory of the good cannot exist at an abstract enough level to accommodate diversity or pluralism. Further, it attributes a failure of democracy to the particular way the state acts, *as a general orientation,* rather than to a specific analysis of *particular* societies in *particular* historical circumstances.

Thirdly, the liberal theory of totalitarianism depends on presumptions that liberalism constitutes a neutral agenda where freedom is defined as the natural property of individuals outside of society. Based on this argument, writers like Berlin (1969) maintain that liberalism advocates no substantive conception of the good. The identification of a good is impossible, in Berlin's view, as individuals manifest such diversity of opinion over the nature of the good. Because of this irreducible pluralism over values and preferences, and consequent incompatibility over versions of the good, individual freedom is all that remains. It is only as a consequence of this axiom that the state can be represented as *the enemy,* rather than the *precondition,* of freedom.

Notwithstanding Berlin's view, it can be claimed that liberalism itself implies a substantive conception of the good. The argument by liberals that, within its policy prescriptions liberalism does nor invoke a particular preferred shape to society, or that it does not advocate the establishment of a social good over and above what individuals desire, cannot rule out substantive commitments about what society should be like. fu Luke Martell (1992: 156) states:

> It all sounds very nice until you realise that what it does, in effect, is to let in just another particular substantive vision of society as consisting of the sum total of individuals' preferences over which individuals have no overall control. In this sense, liberalism is in fact a highly substantive doctrine - one which posits a competitive individualist society immune to overall democratic direction.[4]

Fourthly, as Steven Heyman (1992: 81-82) claims with respect to Berlin's (1969) analysis of liberty, what is striking is the way it is distorted by the political circumstances in which the essay was written:

> Berlin was writing in the late 1950s, at the height of the cold war. He casts the debate between negative and positive liberty as a crucial battle in 'the open war that is being fought between two systems of ideas' ... and between the political systems allegedly based on them - western liberal democracy and totalitarian regimes of the left and right ... With the passing of the Cold War, it may be easier to understand the relationship between positive and negative liberty in our political tradition.

Although we must applaud classicals and neoliberals for being against totalitarianism, their specific theoretical analysis as to *what causes* totalitarianism became mixed with both "left-right" politics and analysis of the role of the state in general, and "Cold War" politics in particular. Although Heyman discusses this contention with specific regards to Berlin, I would claim the thesis is generally applicable to many others, to varying extents, including Hayek (1944), Popper (1945, 1961), and Plamenarz (1954, 1963), to name but a few.[5]

With the passing of the Cold War, it can be seen more easily that liberal explanations of the origins of totalitarianism are woefully inadequate. To the extent that there are dangers inherent in human societies, they inhere in all sorts of society, and it is difficult to identify them as belonging specifically to a particular form and organisation of the state, when promoting the conditions for

positive or negative freedom. Although it is nor possible to do justice to such a complex topic in the short space available here, any adequate explanation for the origins of totalitarianism must take account of the historical, political, cultural and economic *specificity* of particular states at particular locations in history. What produces totalitarianism is not a particular gearing of state power (such as "positive" or "negative", or even, to use Popper's 1961 term, "holist", or "piecemeal" engineering), but quite simply, the *absence of democracy,* or of the *conditions* which enable democracy to flourish. On this criteria, the Marxist-Leninist regimes of Eastern Europe failed in that they lacked a strong or deep conception of democracy, as well as the range of specific *mechanisms* by which democracy operates. fu democracy is a structural arrangement, with specific techniques and mechanisms and processes that can be analysed, the best way to safeguard against totalitarianism is to ensure that the state is a *democratic* one, by seeking to deepen the specific senses in terms of which democracy operates.

To the extent that the state is solely concerned with the negative goals supporting the protection of individual liberties, and does not focus on the expression of a public will, it will be poorly equipped to deal with terrorist attacks. As terrorism forces the liberal state to reveal its "dormant will", liberals, who always thought that no such thing existed, will, of course, be perturbed. Many, including myself, who support a "positive" role for the state, while acknowledging that there are dangers in relation to this as there are in relation to any form of social and political organisation, believe that the answer is best sought in the strengthening or deepening of democracy.[6]

Rights Talk

The changes to traditional liberal safeguards and forms of governmentality, indicative of a new political tendency or settlement, outlined above, signal the sense in which certain liberal, discursive, patternings of power have constituted the taken for granted basis of Western political and educational arguments over the last century. There was a time, not too far back, when the left saw "rights-talk" as having little relevance to their discourses of emancipation or to educational programmes, seeing issues to do with "rights" as either part of the regulatory politics of the bourgeois stare, focussing too specifically on individual as opposed to collective issues, or as part and parcel of Cold War politics. The events of 9/11 may hopefully reintroduce a new regard for rights, and maybe other themes within liberal constitutionalism, in both educational and political research, as fundamental to emancipatory and progressive concerns. Indeed, it can be said that within what I am calling (following Held, 1995) *the new cosmopolitanism,* human rights and democratic justice must be called upon to fill the void of traditional preoccupations with socialist politics. In this sense, for educators, 9/11 has introduced much more pressing concerns, for one of the more important functions of education is citizenship for democratic participation. This unfortunately is something that universal education in the Western world has almost single-mindedly avoided during the 20th century. While it has been recognised that the attention to literacy and numeracy and social studies have positive externalities for democratic citizenship, the emphasis has been on "teaching" citizenship in the curriculum, rather than through active involvement of students in the decision-making processes of the school where, it could be argued, democracy is learnt. As Walter Parker (2001: 9) has observed, citizenship education has been concerned largely with *learning about democracy* rather than *involvement in democracy.* What must be implemented is a form of citizenship education which is extra-curricular, focusing not only on what is taught in the classroom but on indirect learning through participation in the governance of the school (the processes through which both school and classroom policies are made), in school-community forums, and inter-school forums for broader educational-community relations.

A New Multicultural Cosmopolitanism

In this sense, the new cosmopolitanism must embody an educational conception of democracy which is truly *multicultural.* What is brought home with the events of 9/11 is the need to involve students in democracy in a genuinely multicultural sense, as well as aiming to promote the skills of sharing and deliberation through active participation in democratic processes of the school. For what is crucial in the world, post 9/11, is that it is a *global* world, which urges us to recognise those people and cultures who inhabit the world in addition to us, as those others who are inhabiting the cities, libraries, and schools that we think of as ours. This is a world which is increasingly cosmopolitan, if not in the sense that we all travel more, or at all, but certainly in the sense that what happens in one part of the globe, now affects us all. Multicultural citizenship is now a matter of vital concern.

In that democracy must respect multiculturalism, so multiculturalism must respect democracy. Democratic norms must necessarily cross-cut multicultural groups to protect three conditions: (i) the basic rights of all citizens individually and as groups (for example, freedom of speech, thought, assembly, expression, lifestyle choice); (ii) that no person or group is manipulated into accepting values represented by public institutions; and, (iii) that public officials and institutions are democratically accountable in principle and practice.

Democracy in this sense must constitute a new universal. It is a more basic set of procedural norms and rules than the rights of any minority to do what they like. We must move away from any conception of multiculturalism whereby cultural minorities can be completely unresponsive to outside cultures, or where prohibitions can be enforced against group members leaving the culture. No minority and no culture can guarantee their own survival forever, as openness to the world outside is a necessary principle of democracy. This openness is indeed a core principle of cosmopolitanism, which must infuse citizenship education post 9/11. The point here is that a democratic rights culture must underpin any conception of multiculturalism, so defined.

By making a "rights culture" fundamental, in this sense, limits are placed upon the "discourse of diversity" that multiculturalism entails. This does not mean that the recognition of distinct identities and differences, as argued for by multiculturalists, are not important. Liberalism has clearly failed to sufficiently acknowledge such insights from "the politics of recognition", tending to represent justice as the imposition of a single standard or rule to all the diverse groups within the social structure. Yet, while we can accept that multiculturalists have contributed something important in arguing for the recognition of distinct cultural identities based on ethnicity, race, religion, gender or class, as Kymlicka (1999) has argued, such arguments cannot be used to legitimate "internal restrictions" (prohibiting group exit, for example), which violate or contradict democratic principles, or interfere with the rights of other individuals or groups. By the same token, multicultural advocacy may result in "external protections" to counter group disadvantage or marginalisation. Such claims may themselves vary from one historical period to another, and should thus be deliberated and enacted through the democratic process itself.

Although multiculturalism advances a "discourse of diversity", it is different from, and largely unrelated to the "discourse of diversity and devolution" advanced by neoliberalism. In that postmodernist theorising has influenced the multicultural stress on diversity, Michael Peters is correct to note distinctions between these discourses and neoliberalism. In relation to neoliberalism, diversity is sponsored by the market mechanism, which results in compounding and cumulative inequalities. With multiculturalism, diversity may also be dysfunctional to the extent that it undermines the degree of societal cohesion necessary for different groups to work and live together. The extent to which multicultural diversity reinforces norms of intolerance and conflict takes on a new and altered significance post 9/11. Clearly the balance of contending forces between the common interests of society, and the sub-groupings within it, and the overall extent to which diversity is *recognised* and permitted, is itself a question of democratic deliberation and adjudication, which may alter in different places and times.[7]

Democracy

The principle of democracy that I am talking about is *non-foundational* but *universal.* By this I mean that it is not based upon any fixed conception of human nature, or of a premise, as with Haber mas (1984), of universal rationality whereby conflicts can be redeemed dialogically through communicative action in the ideal speech community. Rather, the principle of democracy favoured here insists on the protection of human rights, recognises the distinctiveness of sub-cultures, ensures the principles of inclusion and openness, the universal application of the rule of law, and open dialogue not based upon any faith in rationality, but based purely on a principle of a *mutual interest in universal survival.* Thus, while such a conception of democracy is "deliberative", it is pragmatically rather than epistemologically based.[8] This is to say that the safety of all is guaranteed in the final analysis on the basis of an interest in survival. This iterates the same ground which justifies the culture of reasonableness, as well as liberal values such as freedom of association, expression, and the like. In an age of terrorism democracy is the condition upon which survival can best be assured. Such a conception is universal to the extent that it is *willed.* Thus the inspiration is Nietzschean rather than Kantian. It is also very Foucauldian in the sense that it constitutes a universalism of democracy as a *contingent discourse* of open protection and facilitation in a world of dangers.[9]

Although survival may justify democracy, as an end or goal it is too thin to be fully adequate, of course, for mere survival can not possibly satisfy a complete account of life's ends and aims. And survival may not be universally agreed, if we mean by universal "agreed to by all", for there are no doubt some, including "suicide bombers", for whom it holds n; sway at all. Ultimately, that is the choice of course, and certainly it focuses the concentration. For if democracy is the *precondition* of survival, then it requires a democratic mandate to be effective, even so.

Beyond this, it is possible to build a much richer conception of democracy on this basis. If survival is a final justification, and focuses our attention as to why democracy is important, survival with dignity resonates a more traditional concern with *ends.* This of course is the classic conception of democracy as a doctrine based on the ultimate worth and dignity of the human being, as espoused in the republican tradition. Thus, it is not the narrow "realist" theory of democracy that has been articulated and advocated by post-war American political science, commonly associated with the writings of Joseph Schumpeter's (1976) *Capitalism, Socialism and Democracy.* This theory refers to a narrow system of representative government and a means of changing governments through a system of elections (Hindess, 2000).

Rather, if safety, dignity, and survival are to be possible, the theory and conception of democracy must be deepened, once again, to refer to a substantive end which is something more than mere utility, but encompasses the well-being and safety "of each and all" (Shapiro, 1999). Such a conception must once again entail a certain idea of participation and equality as well. While, some philosophers and political theorists will sense a resonance here with Rousseau's general will, this would be mistaken, for the model suggested here is not a totalising one, which presupposes unity between individual and collective. This model is a *detotalising* one based on the notion of general wellbeing while recognising the diversity and differences between cultures and people. This is what I have referred to elsewhere as "thin communitarianism". The formulation owes its general inspiration to Foucault, whose conception of the "equalisation of power relations" and "non-domination", can be used to support, I argue, a general conception of democratic justice (see Olssen, 2002; also Olssen, Codd and O'Neill, 2003, esp. Chs. 10 and 11). In terms of social ontology such a conception can be considered similar to Martha Nussbaum's (1995: 456) "thick vague conception of the good". Nussbaum advances "a soft version of Aristotelian essentialism" (450), which incorporates a "determinate account of the human being, human functioning and human flourishing" (450). While in formal terms it recognises that all individuals and cultures have certain developmental and lifestyle needs, this "internal essentialism" (451) is "an historically grounded empirical essentialism" (451). As such, it is purely formal, for within this broad end, and subject to the limits necessary for its

realisation and continuance, it permits and recognises a multitude of identities, projects and ways of life.

Attempts to reconcile diversity with social unity are not new. John Rawls seeks to account for a "reasonable pluralism" within the context of the "overlapping consensus", as the basis of "justice as fairness" (Rawls, 1996: lecture iv).[10] Arguments from postmodernists have also sought to throw new light on how difference and unity can be reconciled. For Foucault (1976: 215-237), the social whole is never a "sealed' unity, or resistant to change, but is characterised rather by incompleteness, indeterminancy, complexity and chance *(alea).* Such theorising by Foucault, and others, utilising models of non-linear complex causality,[11] has led to fresh interest in how freedom, creativity and difference can exist and be safeguarded in a community. Similar initiatives, relating to Foucault and other postmodernist thinkers, are summarised by William Corlett (1989).

Deepening Democracy Through Education

If post 9/11 makes questions of democracy of more pressing concern, our conception has moved a long way from a narrow theory of universal enfranchisement. To the extent that counter-terrorist action now constitutes an important item, such action must be subject to the democratic norms of public visibility and critical scrutiny. This must be available together with open processes of deliberation and debate, as well as traditional rights of contestation in terms of the rule of law. If our substantive conception posits certain general ends, which allow for a degree of diversity and pluralism, our procedural view of democracy is as a multifaceted array of mechanisms and processes instituted to ensure the *inclusion, security* or *safety* (including sexual safety) as well as *development* and *opportunities* of all individuals and groups. In this respect research needs to focus of the means of *deepening* democracy to satisfy these goals. By way of conclusion, this paper might look to include research on all or any of the following themes: the concern with equality; the role of the state; the development of civil society; and the role of education.

The concern with equality. The development of any conception of democratic justice must seek to deal with, rather than avoid issues to do with distribution of resources and life chances. Given a rejection of the classical liberal fiction regarding entitlement to property based on a model of pre-social, possessive individuals who "owe nothing to society", it is important to theorise the implications of a social, ontological framework of community for considerations of democratic justice as it pertains to distributional ethics. Community in this sense is definable as an all encompassing arena without fixed borders or unity, which comprises an assortment of values, norms and institutions that enable life to be lived. Such a conception of community recognises social ties and shared values, as well as practices of voluntary action and public institutions like education, which constitute the conditions for stability and reproduction of society. Although neoliberal philosophers like Nozick (1975) have shifted political philosophy away from a concern with issues of distributive justice in recent years, my own view is similar to the 19th century social democrat L.T. Hobhouse (1911) who held that one's entitlement to rewards and gain must be balanced by one's obligation to society. What liberal conceptions of democracy obscured, in Hobhouse's view, was the interdependence between individuals and the social structure or for the social and moral obligation of the society (acting through the vehicle of the state) to assist in arranging the social futures of each rising generation. In his justification for redistributive policies of progressive taxation, Hobhouse argued in *Liberalism* (1911: 189-190) that the state has an obligation to enforce reasonable conditions of equality on the basis that while a society should provide the conditions for enterprise, all individuals are correspondingly indebted to society for the conditions and structures provided. On this basis, individuals should contribute in direct proportion to the luck or good fortune they experience.

The role of the state. The role of the state should be concerned with guaranteeing both negative freedom and positive freedom. Negative freedom involves the state's responsibility for

ensuring the universal entitlements to safety and reasonable autonomy for all. The trade-off in respect to privacy will be necessitated to the extent that these obligations are threatened. To the extent that greater surveillance is deemed necessary, the proposals must be themselves subject to democratic processes that ensure visibility, openness, deliberation and debate.

The state has two principle obligations with regard to positive freedom: developing opportunities based on people's rights to inclusion and the development of capacities of the rights to inclusion. The obligations give the state a role in the provision of social services, health care, and education. In brief, the role for the positively geared state lies in relation to socially directed investment decisions in order to provide for the general conditions for all species needs and development. This includes education and training, and creating and maintaining quality infrastructure such as schools, hospitals, parks and public spaces.

The development of civil society. A vibrant civil society can constitute a check on the powers of government. Civil society refers to that sector of private associations relatively autonomous from the state and economy, which spring from the everyday lives and activities of communities of interest. Clearly, one principle of democracy is the idea of multiple centres of power, and of their separation, as suggested by Montesquieu (1989). Another principle of democracy is the right to contest, challenge or oppose. *As* writers like Paul Hirst (1995) have maintained, institutions of civil society can be seen to constitute an important and powerful network of quasi-independent associations. Such a network can strengthen democratic rule through checking the power of the state. If democracy constitutes rule by the people, then the ability and opportunity to "speak the truth to power", as Michel Foucault (2001) has put it, is itself one of democracy's crucial rights, indeed its very condition. According to Cohen and Arato (1992) civil society strengthens democracy in both a defensive and offensive sense. The defensive aspect refers to the way that associations and social movements develop forms of communicative interaction that support the development of people's identities, expand participatory possibilities and create networks of solidarity. The offensive sense references how associational networks and institutions come to exert influence on, and constitute checks to the state and to each other.

The role of education. The role of education is crucial for democracy, as educational institutions, compulsory or pose-compulsory, intersect with, and therefore mediate between institutions such as family, state and economy. Although formal institutions of education have been in the main public institutions, there is an important sense in which they are semi-autonomous from the state. This is not the neoliberal sense where management and administration are devolved to the local school, but the sense in which the schools are located in, and represent local community groups. Thus, schools are important as democratic organisations by the particular way they are connected to communities, through their ability to empower families and involve minority groups in participatory projects. Education is crucially the central agency responsible for the production of democratic norms such as trust and political decision-making. This is to say, as Mill (1910) recognised in *Representative Government,* educational institutions are important as sites where democracy and self-government are learnt. Deliberative democracy is especially complex, for it involves not just norms and procedures of debate bur the norms and procedures of contestation, inclusiveness, tolerance, compromise, solidarity with others, generosity, care, the operations of forums, of checks and balances, the use of sanctions and screens, and the separation of powers.

In the republican tradition, schools are instrumental in the development of civic virtue and habits of good citizenship. This is what signals the real importance of the "knowledge economy" that Michael Peters makes so much of in the Macmillan Brown lectures. For education is essential in its role of constructing democratic civic norms and this must become one of the central aims of Government policy in this regard. Ie is not a case of "brainwashing" or "socialisation" but of teaching skills and establishing models of civic conduct based on tolerance, deliberation, conflict resolution, give and take, and trust. While educational processes depend upon fairness of political processes, and in the distribution of economic resources, education is necessary to construct the network of

norms that permit both the market and democracy to function. *As* Philip Pettit (1999: 25 5) puts it, education represents a "stark choice between the invisible hand and the iron hand: between a strategy of marketing and a strategy of management". This is the reason of course why education should ideally be public, universal, compulsory and free. For if education is vital in constructing norms that nurture the market, then education cannot be subject to the market's disorganising effects.

Notes

1. *The Guardian* (2002, Monday November 4th). A headline on page one reads "Brown camp seeks sell-off limit", revealing a faction in the government with a more cautious view towards privatisation. This reinforces a widely held view amongst journalists that within New Labour there are different factions on privatisation.
2. Yet a third sign of a change in the political settlement is the ignoring of the Geneva Convention by the US in its imprisonment of suspected Al Qaeda terrorists at Guantanamo Bay, Cuba. Other possible signs include recent government proposals in Britain in 2002 to do away with the "double jeopardy" rule, which has traditionally prevented people from being tried twice, as well as proposals to restrict trial by jury, and to reveal a person's previous convictions.
3. In legal terms, this idea of balance is covered by the "principle of proportionality".
4. This objection, which has been formulated many times by many writers, concerns the difficulty of distinguishing "procedural" from "substantive" goals (see Dahl, 1999: 25-26; Honohan, 2002: 9; Sandel, 1982; Walzer, 1985; MacIntyre, 1984). Given that even "autonomy", or "democratic citizenship" can be construed as "substantive goals", on this basis, all states can be seen as having *some* substantive concerns.
5. For a brief argument to this effect see Olssen (1996, 1998). A more substantial critique of the liberal theory of totalitarianism has yet too be made.
6. Social democrats have supported traditionally a positive view of freedom. For a recent expression, see David Blunkett (2002), the current British Home Secretary, who writes, "I prefer a positive view of freedom, drawing on another tradition of political thinking that goes back to the ancient Greek polis. According to this tradition, we only become fully free when we share, as active citizens, in the government of the affairs of the community. Our identity as members of a collective political community is a positive thing. Democracy is not just an association of individuals determined to protect the private sphere, but a realm of active freedom in which citizens come together to shape the world around them. We contribute and we become entitled".
7. Sharon Gewirtz (2002) suggests that official government support towards state funding of "faith-based" schools in England has altered post 9/11, suggesting that forms of religious separatism over education are being seen as socially dysfunctional for the production of democratic values, such as tolerance.
8. It thus has the character of a "settlement", rather than a "consensus", or a "reflexive equilibrium", although the latter concept (which is Rawls) may, in this view, form part of a broader conception of citizenship, which the state seeks to democratically promote.
9. My view is that "survival" is a better basis to justify democracy than "social contract". However, it is not possible to explore the differences in this paper.
10. While we can accept much of Rawls' argument in practice, it is Rawls' commitments to liberal contract theory that we find problematic and which prevents him from, amongst other things, developing a viable notion of community (see Rawls, 1996).
11. For Foucault's model of holism/particularism, or system/originality, see my brief summaries (Olssen, 1998: 79-80: 2002: 490-491). For a general account of theories of complex determination that are being used to explain how infinite possibilities, and unpredictable occurrences are derivable from a set of determined rules or structure, see Cilliers (1998).

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