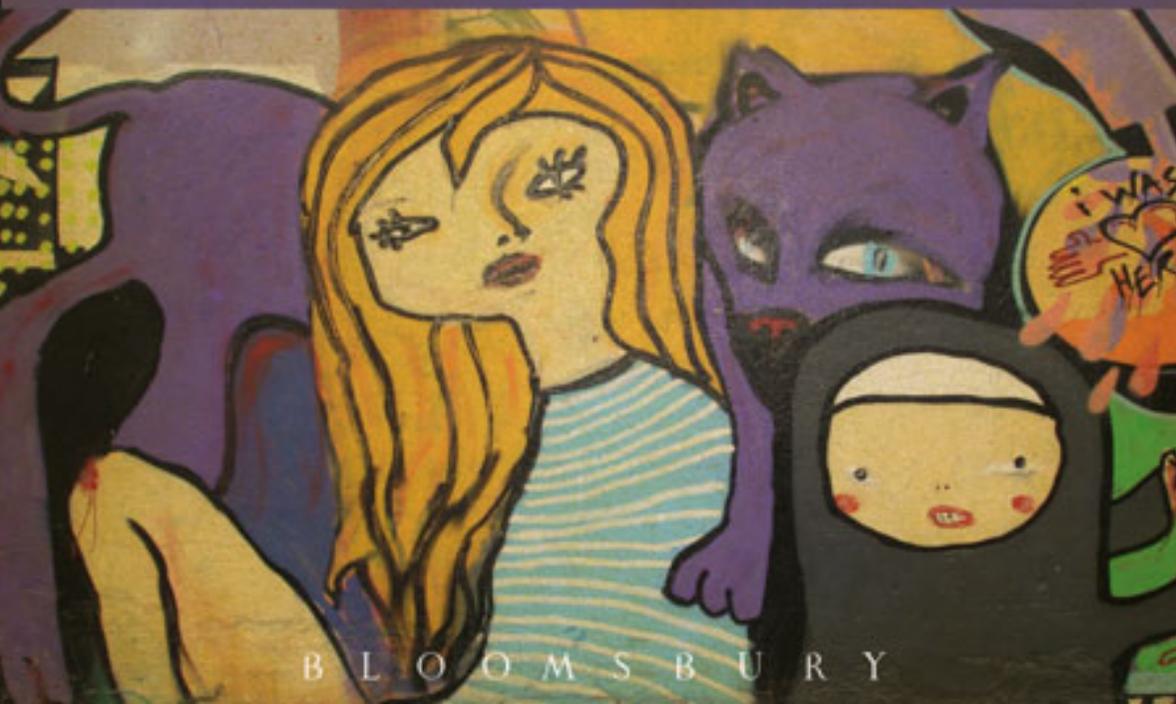


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Angela Taraborrelli

CONTEMPORARY COSMOPOLITANISM



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Contemporary Cosmopolitanism

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Contemporary Cosmopolitanism

ANGELA TARABORRELLI

**TRANSLATED BY
IAN McGILVRAY**

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*This book is dedicated to Sascha. He made this book possible,
and much else besides.*

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Preface

*As long as Pangea existed all men felt they were united.
Then the Earth was separated and men began to feel divided,
even though they actually are not.*

ANNA LAURA, 5 YEARS OLD

The last four decades have witnessed a revival of the cosmopolitan idea, which is defined as a substantive moral and political doctrine capable of offering prescriptions to politics. Cosmopolitanism is an ideal impregnated with history that was born in classical times, in which it was given its first terminological and conceptual expression. It received a Christian reinterpretation in the Middle Ages and was transformed from a simple idea into an actual political-legal project in the eighteenth-century debate, above all thanks to Immanuel Kant.

At least two different kinds of cosmopolitanism are recognized in western culture – one stemming from the Cynic, Diogenes of Sinope, and the other originating out of Graeco-Roman Stoicism. Tradition has it that Diogenes the Cynic (Sinope, ca. 412 BC – Corinth, 323 BC) was the first to claim to be a ‘citizen of the world’ (*kosmopolites*). This claim was taken to mean not only the perception of a relationship with humankind as a whole but also the pessimistic conviction that civilization was incompatible with true virtue and that it was thus necessary to reject all social ties – from the family to ownership, from reputation to citizenship. It therefore consisted of a kind of individualistic and dissociative form of cosmopolitanism, from which contemporary cosmopolitanism has inherited its character of critical instance within a given community, associated with the refusal to identify with it in an exclusive and/or priority fashion. The advent of Zeno of Citium (336/335 BC–263 BC) and to an even greater extent of Chrysippus of Soli (281/277 BC – 208/204 BC) produced the transition from the idea of being citizens of the world to the obligation to consider all men as fellow citizens, all sharing the universal Logos. The fact that the ideal city described in Zeno’s *Politeia* was inhabited by wise men, the only ones for which the acceptance of the universal Logos could be considered fully realized and who shared a true condition of equality,

does not detract from the importance of the universalist outlook contained in the cosmopolitan ideal of Greek Stoicism and the solidaristic ethics it proposed which, for the Stoic sage, to all intents and purposes, represented a moral obligation. It is in a Roman environment, thanks in particular to Cicero (106 BC–43 BC), the principal champion of Graeco-Roman Stoicism, that solidaristic ethics crystallized into a true deontology. Cicero shares the idea of the Greek Stoics that all human beings, in so far as they are endowed with reason and language, belong to a human community regardless of the multifarious political and social relationships in which they may be engaged. On the assumption that sociability always entrains duties, Cicero in *On Duties* (*De Officiis*, 44 BC) makes a distinction between the duties of justice, which are founded on respect for other human beings and on what is specific to them, and those of charity, which call for an active effort in favour of the welfare of one's fellow man. In this way the cosmopolitan ideal of Greek Stoicism evolved towards the idea of a universal human community the aims of which coincide with the ethical aims of justice and human welfare with respect to which each individual must be held accountable for his own actions. It must nevertheless be borne in mind that Cicero considered that faithfully observing the rules of the universal society of mankind did not entail the elimination of all forms of belonging and partial loyalty. Quite the contrary. He acted precisely in accordance with the need to render the acceptance of universal duties of sociality compatible with the acceptance and the legitimation of keeping faith with partial ties and constraints. He appears to fail to attain this objective when grappling with the problem of foreigners when he claims that helping them must be reconciled with the condition that this be done 'without prejudice' to the available resources (*On Duties*, I.16.51). Whether this position is considered to be a knife thrust to the very heart of cosmopolitan universalism or else the expression of healthy and pragmatic common sense, it must be acknowledged that Cicero was aware of the multifarious nature of duties, had identified the contents of one's duties towards others and had found for them a regulatory foundation in which the mutual bond of solidarity linking men was transformed from a moral obligation into a true legal obligation. This approach would be taken up by the seventeenth-century natural law philosophers (Hugo Grotius and Samuel von Pufendorf) and later, in the eighteenth century, by Immanuel Kant (1724–1804), who represents the fountainhead of contemporary cosmopolitanism both in its ethical-moral version and in its political-legal version. In *Perpetual Peace: A Philosophical Sketch* (1795) we find the first modern theoretical basis of cosmopolitan law, which for the first time introduces the obligation of states to recognize that every human being, per se, has the right to visit a foreign country without being treated with hostility, foreshadowing the idea of a cosmopolitan citizenship in the legal sense of the term. The ultimate condition

for obtaining this right and for the institution of a state of universal peace is the creation of a *Weltrepublik*, a republic of confederated free republics, that is, a cosmopolis. The latter is conceived of as the ultimate goal of history, a universal political organization remote from Cynical and Graeco-Roman cosmopolitanism and springing from the grand peace projects originating in the seventeenth century. It is noteworthy that a twentieth-century thinker, Hannah Arendt, embraced the Kantian cosmopolitan ideal and reappraised it in her theory of political judgement. Inherent in her thought is indeed a criticism of the traditional national state (Arendt 1951), which many theoreticians of contemporary political cosmopolitanism have drawn upon. Her theory does not however point in the direction of a proposal to set up a world government – which the philosopher regarded with strong suspicion owing to the possible despotic outcomes – but rather to an invitation to develop in each individual a *sensus communis* or ‘community sense’. We are members of a world community through the simple fact of being human beings and this ‘cosmopolitan existence’ must be translated into a capacity to judge and act politically that is guided by the notion (not by the effective actuality) of being world citizens and consequently also world spectators (Arendt 1982). Her analysis of the twentieth-century mass statelessness has also handed the cosmopolitans an effective tool with which to analyse the contradictions inherent in the traditional conception of fundamental human rights, which are theoretically universal but whose enjoyment is actually linked to citizenship in the sense of belonging to a given nationality. Epistemologically speaking, Arendtian cosmopolitanism favours a universalism that does not have a levelling or equalizing effect. Being cosmopolitan means accepting an idea of humankind, the common feature of which is not so much to share a single Logos, as was the case for the Stoics, but derives from the plurality that characterizes it in its essence. Logos, human reason, is always a shared reason in that it is a communicative reason open to others and to dialogue. Making an active contribution to ensuring that this faculty represents a reason that is neither within nor above us but rather *among* us gives rise to the feeling of belonging to humankind as a whole. In order to enable this communicating reason to be exerted there is no need to reject one’s past, the unique dimension of one’s own existence or one’s own peculiarity; it is sufficient to avoid giving in to the constraining authority and the universal validity that the past and the various traditions have often claimed, and still claim, to possess and expect to be recognized uncritically (Arendt 1957).

In the first half of the twentieth century the cosmopolitan ideal was the inspiration underlying the grandiose projects of legal and institutional reform that had given rise first to the League of Nations and then to the United Nations Organization, the main purpose of which was to proclaim a state of international peace and to defend fundamental human rights. During the

second half of the twentieth century this idea again became popular as a theoretical resource upon which to draw in order to cope with the structural changes triggered by globalization processes and to respond to the challenges raised by them, above all with reference to problems of political and social justice. Cosmopolitanism thus became 'at once a theoretical approach toward understanding the world, a diagnosis of the age in which we live, and a normative stance in favour of universalistic standards of moral judgement, international law and political action' (Fine 2003: 452). It is thus from a cosmopolitan standpoint that it is possible to grasp and understand the crisis caused in democracy by the ongoing processes of globalization which, by undermining the principle of territorial sovereignty and the autonomy of states, have contributed to conditioning, to weakening or even to overriding the democratic and political decisions available to the individual states. And it is in a cosmopolitan perspective that cosmopolitans come up with new models of democracy and new forms of representation and participation in democratic life, as well as of responsibility, which extend beyond the national borders in a new, decidedly globalized, context. It is from within a cosmopolitan perspective that they denounce the violations of human rights due to the rigid and now outdated application of the principle of national sovereignty; it is in a cosmopolitan perspective that they champion the idea of a cosmopolitan citizenship and propose setting up a world government to guarantee the enjoyment of human rights to all individuals regardless of which specific national community they actually belong to. Moreover, it is in a cosmopolitan perspective that they highlight the anachronism of a theory of justice that, in a highly interconnected context, tolerates the national-global double standard; it is in a cosmopolitan perspective that they set out to develop criteria that are global in scope with which to make judgements and ethical assessments. Lastly, it is from a cosmopolitan perspective that they describe and analyse the glocalistic effects of globalization processes on the individual's national, political, social and cultural identity, as well as the migratory phenomena they produce or facilitate that have shaken the conventional belief that citizenship and nationality are co-extensive and that the latter is the expression of a specific collective identity linking the members of a nation-state to a common destiny. It is in a cosmopolitan perspective that they favour the development of a cosmopolitan identity.

Some methodological remarks

As we have seen, in theory, cosmopolitanism reflects a situation that is already in itself highly cosmopolitan and at the same time represents an attempt – the theoretical and practical validity of which has still partly to be

verified – to solve the fresh problems raised by this situation, to reappraise a number of traditional conceptual categories in the light of changes having already occurred or that are still ongoing, to develop new ones, as well as to encourage and guide political-institutional reform projects. It appears in a fragmentary fashion in a multitude of different forms and contents; numerous authors have consciously defined their own thought as cosmopolitan, and many theories have been put before the public as cosmopolitan theories. But since the cosmopolitan tradition which they claim to have inherited is not univocal and straightforward, and the areas in which the cosmopolitan ideal is applied cover a range of disciplines extending from ethics to politics, from sociology¹ to law, from cultural studies to genre studies, anyone attempting to write an introduction to contemporary cosmopolitanism cannot escape having to ponder which selection and classification criteria to adopt. The overall situation is further complicated by the fact that the adjective ‘cosmopolitan’ is often used to refer more to an attitude of thought, a lifestyle, a general existential trend, which by its very nature cannot be compressed into a narrow definition, rather than an actual theory. The various different forms of cosmopolitanism nevertheless share a common ethical orientation characterized by three elements: individualism, universality, and generality (Pogge 2008: 175). The first of these signifies that the ultimate unit of moral attention is the human being, individual persons, rather than family lines, tribes, ethnic, cultural, religious and national communities or states. In this view, the collective subjects can be units of concern only indirectly in view of the importance they represent for the life and identity of their members or citizens. The second means that the status of the ultimate unit of moral concern is assigned equally to every human being not because they belong to some subset (for instance, men, aristocrats, Aryans, whites, or Muslims). Thirdly, this special status is globally true, that is, persons are units of moral concern for everyone, and not just for neighbours and compatriots. Without prejudice to these common elements, the several cosmopolitanisms² may be classified into three main categories: moral cosmopolitanism, political-legal cosmopolitanism and cultural cosmopolitanism. Moral cosmopolitanism sets out to justify the obligation to help those who are not fellow citizens on the basis of universal normative principles which are used as standards in judging individuals, political systems and institutions (Singer, Nussbaum). Another form of moral cosmopolitanism is institutional cosmopolitanism (Beitz, Pogge), which aims to promote human rights through the introduction of a principle of global distributive justice, the reform of the basic international structure and the development of new institutions to redistribute resources to globally disadvantaged individuals and to guarantee them individual human rights. Political-legal cosmopolitanism champions the creation of universal democratic political-legal institutions that guarantee that all world citizens enjoy human

rights and political participation (Benhabib, Held, Archibugi, Santos). Cultural cosmopolitanism aims at developing cosmopolitan practices or identifying new ones in a context of non-western cultures through forms of 'cosmopolitan conversations'. Even though such a position possibly implies a demand for cosmopolitan institutions, the latter are not deemed essential for the development of a cosmopolitan community that can guarantee equality and the acknowledgement of the differences (Appiah, Bhabha). All these forms involve an identification with humankind and the moral obligation to promote social justice at the global level, but only political cosmopolitanism goes as far as to include also the demand that citizenship and global democracy be formalized and institutionalized so that the idea that each person has the same moral significance, which underlies all cosmopolitanism, can effectively be translated into positive rights. This distinction is important because only political cosmopolitanism is aimed at creating a democratic political-legal structure entailing the development of global institutions in which all can participate as citizens of the world, and the limitation of the sovereignty of states which is scattered over a wide range of local, regional, international and global governance sites.

1

Moral cosmopolitanism

Garrett W. Brown and David Held (2010) describe cosmopolitanism of Kantian origin as a moral and political project that addresses the question of how to implement cosmopolitan principles, how to reform the existing institutions or possibly to plan new ones. They identify five interrelated issues prevalently addressed by contemporary cosmopolitans: (1) global justice cosmopolitanism; (2) cultural cosmopolitanism; (3) legal cosmopolitanism; (4) political cosmopolitanism; (5) civic cosmopolitanism. Global justice cosmopolitanism deals with issues related to 'what is owed to others as a matter of justice', cultural cosmopolitanism seeks to understand 'how to foster a condition of global justice in a culturally pluralistic world', legal cosmopolitanism is concerned with international law, political cosmopolitanism with global governance and civic cosmopolitanism with the construction of a cosmopolitan citizenship. There is no room in this classification for moral cosmopolitanism, which is equated with global justice cosmopolitanism. The present chapter will include both ethical cosmopolitanism (Singer, O'Neill, Nussbaum) and global justice cosmopolitanism in its two variants – interactional (Beitz)¹ and institutional (Pogge) cosmopolitanism.

In general, moral cosmopolitanism may be defined as the view in which 'all human beings are members of a single moral community and that they have moral obligations to all other human beings regardless of their nationality, language, religion, customs, etc.' (Kleingeld 1999: 507). The various forms of moral cosmopolitanism share the idea that every human being has equal moral worth and that this equal moral worth gives rise to certain moral responsibilities having universal scope. Cosmopolitan moral theories are both evaluative and prescriptive and apply to the behaviour of individuals, of social institutions (rules, practices) or of states. They can evaluate the agents and their behaviour and prescribe the responsibilities that individuals have versus the others, whether fellow nationals or not. Or else they can evaluate the social institutions and states in which case we can speak of moral cosmopolitanism. There are two ways of applying the central idea of cosmopolitanism to the social institutions – a direct way and an indirect one.

The direct way requires that the social institutions be designed in such a way as to include all human beings as equals. A moral conception focused on this request involves the creation of a society that includes, or at least remains open to, all human beings. It consequently calls for the creation of a legal organization or cosmopolis. In this case, we may speak of political-legal cosmopolitanism (see Chapter 2).² A moral conception can be applied also indirectly to the social institutions, and instead of demanding a particular institutional design, provides a moral criterion that can be used to evaluate various institutional systems. Moral conceptions of this kind, after John Rawls (1971), can be defined as conceptions of social justice. A conception of social justice is cosmopolitan 'if and only if its assessments and prescriptions are based on taking equal account of the interests of all human beings' (Pogge 2007: 312). The prescriptive component of moral cosmopolitanism applied to the social institutions sets out the responsibilities of the individual and collective agents as far as the social institutions are concerned.

The champions of social justice cosmopolitanism endeavour to specify the nature and scope of distributive obligations and to justify the implementation of Rawls' difference principle at the global level. Moral cosmopolitanism and the political-legal version have one assumption in common – individualism – although they draw different implications from this on the theoretical plane. Within the field of moral cosmopolitanism, normative individualism actually implies the need to explain just how acknowledgement of every human being as an ultimate unit of moral concern should be interpreted: that is, whether this implies that the interests or prospects of each person are to be taken equally into consideration in deciding the action to take or whether each person must benefit equally from the moral justification of any inequalities (Beitz 2004: 17). Conversely, in political-legal cosmopolitanism, individualism reveals the need to appreciate what new form must be adopted by participation and democratic responsibility in a post-national era which is increasingly influenced by globalization processes. Treating every person as an individual means that all human beings are equal and deserving of equal political treatment, a treatment based on equal attention and consideration of their *agency* and of their involvement in public decision making, regardless of the community in which they were born or grew up. This leads to the need to create political institutions of the cosmopolitan type in which a world citizenship defined as *status* can be achieved and not simply as membership of humankind in its symbolic or moral value.

Moral cosmopolitanism is a challenge to theories that view the state or the national communities 'as an enclave of special responsibilities that are distinct and justified separately from general or global responsibilities' (Beitz 1999: 200). As far as the problem of special responsibilities is concerned, a weak and a strong form of cosmopolitanism can be identified (Scheffler 2001). Weak

cosmopolitanism stops short at claiming that several obligations exist towards those who are not fellow nationals, but restricted to the conditions that are universally necessary for human beings to be able to lead decent lives. Strong cosmopolitanism champions a demanding form of equality in the global distribution aimed at eliminating inequality among persons even beyond the attainment of what is sufficient for leading a minimally decent life. A further distinction may then be made between extreme and moderate cosmopolitanism with regard to two principal concerns: the *justificatory basis* of cosmopolitanism and the *content* of cosmopolitan justice. With regard to justification an extreme cosmopolitan would deem that all the other principles of morality (e.g. patriotism) must be justified as a function of the principles, objectives and cosmopolitan values. A moderate cosmopolitan may also acknowledge that non-cosmopolitan principles, objectives and values can have an ultimate moral value. In the latter case the special obligations have an intrinsic value and not just a derived value. With regard to the content of justice, the extreme cosmopolitan denies that there are norms of justice that are valid within a society but not valid also for the world population. A moderate cosmopolitan allows that we may have justice obligations towards members of our society that we do not have towards non-members. Between these two extremes lie several positions that modulate to varying degrees the content and the weight of the relevant obligations towards compatriots and non-compatriots, as well as the value of patriotism, of special bonds and of national borders.

In the present chapter a distinction will be made between male and female authors with regard to the different theoretical background on which their cosmopolitan obligations are founded: utilitarian (Singer), Kantian (O'Neill), Aristotelian (Nussbaum), contractualistic (Beitz, Pogge). In his article 'Famine, Affluence, and Morality' (1972), Peter Singer maintains that everyone has the duty to help persons in difficulty wherever they may be found on the strength of an argument deriving from consequentialist motives of the utilitarian kind and that does not depend on the assumption that people living in the rich countries are causally responsible for the poverty of those living in the poor countries.

In his book *The Life you can Save* (2009)³ Peter Singer sets out to challenge the moral convictions of persons vis-à-vis the duties they have with regard to poor persons and to persuade them to give more than a fair share in a clearly utilitarian framework (the only legitimate measure of good and evil is represented by pursuing the greatest possible happiness for the largest number of persons). He starts with the example of the little boy who is drowning: if I am walking beside a pond and I see a child who appears to be drowning, I must wade in and save him; I may get my clothes dirty and be late for work, but these consequences are insignificant if measured against the child's death. If I did not save the child I would be committing something that

was morally wrong. He then puts forward an argument consisting of three premises and a conclusion (15–16):

- 1 Suffering and death from lack of food, shelter, and medical care are very bad.
- 2 If it is in your power to prevent something bad from happening, without sacrificing anything nearly as important, it is wrong not to do so.
- 3 By donating to aid agencies, you can prevent suffering and death from lack of food, shelter, and medical care, without sacrificing anything nearly as important.
- 4 Conclusion: therefore, if you do not donate to aid agencies, you are doing something wrong.

He considers the drowning child story a practical application of this argument, as to muddy one's shoes or be late for work are not 'nearly as important as' a child's life. He generalizes this moral case, drawing an analogy between individual cases, thought experiments and complex real-world situations to take in the behaviour of the inhabitants of the wealthy countries vis-à-vis poor persons. With respect to the many lives we could save, the consequences of making donations would be for us equally 'nearly as important' as muddying one's shoes or being late for work in the case of the drowning child. Singer's attitude is extremely demanding regarding what we wealthy persons can do and sacrifice to help the poor. In the first place because it refutes the idea that shared citizenship and distance in themselves make a difference as far as the nature and the extent of our obligation to help others is concerned. In the second place, it implies that giving help does not represent a supererogatory act, namely one that is good but not morally required but is, provided that we wish to be morally correct, an actual duty. Thirdly, it places an obligation on the rich to help until they themselves attain subsistence level: Singer actually asserts that in order to be good 'we must give until if we gave more, we would be sacrificing something nearly as important as the bad thing our donation can prevent' (Singer 2009: 140). Since it is no easy matter to decide what 'nearly as important' means, and both the objects we desire to purchase and the experiences we would like to live (travel, theatre, cinema, etc.) appear as luxuries of little or no importance compared with saving a human life, it would seem obvious to conclude, as Singer does, that 'whatever money you're spending on luxuries, not necessities, should be given away' (Singer 2000: 123). In other words, it is not enough just to do your share.⁴ And it is not possible to justify not doing one's duty by the fact that others do not do theirs. Going back to the drowning child example, he asks himself 'is the fact that other people are not doing their fair share a sufficient reason for allowing a

child to die when you could easily rescue that child?' (145). For Singer the answer is obviously 'no'.

Singer's moral cosmopolitanism focuses the attention on the subjects and attaches importance to moral living, to how one must live in order to be morally correct, rather than to the institutions and political processes that form the basis of social organization. In order to combat world poverty he proposes a charity-focused approach, in which preference is given to the language of 'selfishness versus sacrifice'. Other authors believe that charity or non-governmental organizations (NGOs) like Oxfam are not sufficient. At most all they can do is redistribute wealth and reduce poverty, but they cannot substantially and lastingly change the life prospects of the needy. In order effectively and justly to satisfy the legitimate claims of the world poor, it is necessary to rewrite the rules and reform the economic, political and legal institutions governing the world order. These authors have set out to demonstrate the existence of obligations towards poor individuals on the basis of the idea of duty (O'Neill), of human dignity (Nussbaum), of the existence of a cooperation scheme among states (Scanlon, Barry, Beitz), or of the causal responsibility of rich countries in the production and maintenance of dire poverty in the world (Pogge). What they have in common is the objective to develop a justification for the obligation to distribute or to redistribute material resources globally in order to reduce poverty and raise the standard of living of marginalized groups (for instance, women and poor people in the global South). Since the majority of citizens accept the legitimacy of redistributive obligations within their own national communities, the cosmopolitan endeavours to extend this feeling of solidarity beyond his own borders in order to apply it to humankind in general.

Social justice cosmopolitanism, in its contractualist version, developed within the liberal paradigm in the form described by John Rawls in three fundamental publications in contemporary political philosophy: *A Theory of Justice* (1971), *Political Liberalism* (1993) and *The Law of Peoples* (2002). Several philosophers have attempted to extend Rawls' theory of justice as fairness at the international level. This has led to a clash between the main premise of self-comprehension of liberalism, that is, the idea of moral equality of all human beings, and the application of the egalitarian guarantees *only* within state borders. If all human beings are entitled to equal moral consideration, any iniquitous treatment will have to be justified without it being possible for this purpose to legitimately invoke what is morally arbitrary, that is, it this does not depend on the merit of the individuals but on luck or chance. Since no one is free to choose their own parents or place of birth, both citizenship and nationality are morally speaking as arbitrary as race and gender. They conclude that if the administration of justice is made to depend on birth, which is a purely chance event, this will undermine egalitarian

liberalism since a kind of feudal privilege of birth is retained within liberal theory (Carens 1992: 26). And given that national borders not only separate one legal administration from another but also the world of the rich from that of the poor, they give rise to a situation in which being born on the right side of the border can literally make a difference between life and death. Once the duty to help the poor not belonging to one's own national community has been accepted, a theory of global economic justice has to address three main problems: the problem of justifying why the distributive principle must be applied inclusively, the so-called problem of scope; the problem of indicating who the resources are intended for, whether for individuals, non-government organizations, or the governments of the poor countries; and lastly the problem of determining the threshold above which the duty to provide aid ceases.

Rawls envisages a purely hypothetical situation, denoted as the original position, in which those involved in social cooperation choose by means of a single collective act the principles informing the basic structure of a society, namely the institutions assigning fundamental rights and duties and determining the sharing out of social benefits. In an initial condition rendered fair by the 'veil of ignorance'⁵ behind which the parties are situated, two justice principles will be agreed upon:

- (a) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).

RAWLS 2001: 42–43

The difference principle requires the social institutions to be organized in such a way that every inequality of richness and income is to the advantage of those finding themselves in the worst condition. In other words, it demands that economic inequalities are to the advantage of everyone and in particular to the great advantage of the least advantaged. Rawls applies his theory to the basic structure of society and makes the simplified assumption that these societies are self-sufficient national states; the object of his theory is thus social cooperation involving individuals sharing the membership of a territorial state. In his theory of justice, justice principles determine the fair distribution of the advantages and disadvantages of social cooperation; if there were no such cooperation there would be no costs and benefits and there would not even be any problem of distributive justice; that is, there would be no goods

to lay claim to nor common institutions (for instance, a regime of private property) to which these principles are to be applied. Society is viewed by Rawls as a closed system isolated from other societies and conceived of as a *self-contained national community*. If, as Rawls assumes, national borders are viewed as lines separating relatively self-sufficient schemes of social cooperation, the relations among persons living in different nations cannot be regulated by global justice principles. Immediately after the publication of *A Theory of Justice*, several authors criticized Rawls for limiting justice principles and, in particular the difference principle, to the national area and gave it an interpretation in a cosmopolitan sense, an interpretation that in *The Law of Peoples* he rejects out of hand. At the basis of the law of peoples, Rawls takes an original international position responding to the question: 'What terms of cooperation would free and equal peoples (liberal and decent) agree to under fair conditions?' The peoples' representative (liberal and decent), namely the parties in their original position, viewed as free and equal under a veil of ignorance, who ignore the territory, the population, the size of the population they represent and its economic and political force, and spurred on by the objective of extracting the most for its own people, would choose eight principles of international justice.⁶ In a non-ideal condition there are countries that do not respect the ideal principles or are unable to collaborate in accordance with such principles. Among these are the so-called *burdened societies* which, having to cope with serious economic and social problems, struggle to maintain liberal or at least decent institutions. The law of peoples demands that in certain circumstances the burdened peoples must be helped until such time as they manage to govern their affairs and become what he calls 'well ordered' societies. For Rawls, in addition to the duty of assistance, there is no obligation of international distributive justice – the states (or peoples) who are actors in the global normative order are not obliged to attain and maintain a given distribution of global wealth. According to his theory of international law, no duty exists to satisfy the global difference principle, and there does not exist even the duty to satisfy any global distributive requirement which has no target or cut-off point (Rawls 2002: 119). In Rawls' international law, the moral interest in peoples is triggered only by conditions of absolute deprivation and well-ordered societies have a target assistance duty, namely, a duty determined by the attainment by those peoples of a sufficient level of wealth for them to set up well-ordered societies. The duty of assistance may be fulfilled by offering economic aid and promoting the enforcement of human rights; however, this is humanitarian assistance and not something that poor societies or their citizens can demand. Inequality among nations, that is, relative deprivation, is a question of moral indifference, since in the law of peoples it does not matter how great this inequality is and furthermore well-ordered societies have no moral motive to combat it. The duty of assistance imposes

no direct constraint regarding the domestic distribution of wealth in the society benefiting from the assistance as it is unaware of the extent of admissible inequality within a society. The duty of assistance does not coincide with a demand for international distributive justice. As it has a cut-off point, after which the duty of assistance may be deemed to have been fulfilled, it does not impose the creation of international institutions like those present inside the domestic society and established in order to regulate unfairness. Rawls offers no arguments in favour of this duty like those he uses to defend distributive justice inside a society; he does not suggest, for example, that the international distribution of natural resources is unfair or that the circumstances surrounding an individual's birth (being born in a rich or a poor society) are morally arbitrary, and thus maintains a wide gap between the domestic and the international spheres. The political morality embodied in the law of peoples does not consider individuals in their relations with each other, like members of a single global society, but rather as members of distinct peoples with relations with other peoples and who lay claim to their own self-determination. And so the law of peoples, in addition to the duty of assistance, which represents the conditions for self-determination, does not call for any special attention to be focused on the inequalities among individuals or among peoples.

Several authors have attempted to demonstrate that economic relations like those involved in the economic integration brought about by globalization represent significant relations for the application of Rawls' justice principles. In order to be consistent, a liberalism embracing Rawls' arguments would have to apply its justice principles at the global level and, consequently, determine as the starting point for the justification of unfairness the condition of the most disadvantaged in the global society rather than in the domestic society. While Brian Barry sees no reason why the representatives of the various countries situated in an original position at a second level (that among different societies) should not come to an agreement on 'some sort of international maximin' (Barry 1973: 131),⁷ Thomas Scanlon asserts that the existence of systematic trade relations is sufficient reason for applying the difference principle:

Are our relations with the people of South Asia, for example (or the people in isolated rural areas of our own country), governed by considerations of justice or only by the duties which hold between any one human being and another? The only satisfactory solution to this problem seems to me to be to hold that considerations of justice apply at least wherever there is systematic economic interaction; for whenever there is regularized commerce there is an institution in Rawls' sense, i.e. a public system of rules defining rights and duties, etc. Thus the Difference Principle would

apply to the world economic system taken as a whole as well as to particular societies within it.

1973: 1066–1067

The reasoning to which these authors subscribe is the following: if economic (and political) interdependence is indicative of a global social cooperation scheme, we ought not to consider national boundaries as morally significant. Since boundaries are not co-extensive with the scope of social cooperation, they do not mark the confines of social obligation (Beitz 1999: 151). According to these theoreticians, the economic interdependence among states actually represents a form of social cooperation and must consequently be subjected to the demands of distributive justice. If Rawls' justice principles are valid, there is no reason to assume that their content will change once the scope of the original position is extended and they are applied to the world in its entirety. In particular, if good reasons exist for the parties to choose the difference principle in the original domestic position, some will also exist to choose it in the original global position. In Chapter 3 of *Political Theory and International Relations* where he addresses the problem of global distributive justice,⁸ Beitz classifies the principal views of global justice under the three general headings of political realism, morality of states and cosmopolitanism. The absence of a principle of international distributive justice is dependent on the analogy – defended by the champions of the traditional theories of international relations – between the individual's right to pursue his own happiness and well-being and the law of a state to pursue well-being in its own territory without any binding rules governing the structure and conduct of the economic relations among states and without any regard for the distributive consequences of their economic interactions. Beitz thus argues in favour of a global distributive justice in a decidedly cosmopolitan direction. He makes a distinction between the principle of resources redistribution and a global distribution principle. The former would be applied also in the case of an international society being composed of countries having autarkic production and services. This principle would ensure that each society had a fair opportunity to develop fair political institutions and an economy in a position to satisfy the basic needs of its members. In any case, according to Beitz, international society is not made up of autarkic states since exchange flows of goods and services exist and form a system of interdependence; and this system may be considered as a global cooperation system. This system produces advantages for the rich countries that would not exist without this cooperation and which imposes burdens on the poor and economically weaker countries that cannot avoid participating in the global economy. And so Beitz proposes applying a global difference principle as a distributive justice principle among societies. After the changes occurring in the economic

system and as a result of the globalization processes, the national borders can no longer be viewed as the outer limits of social cooperation and Rawls' justice principles in domestic justice, appropriately reinterpreted, should be applied to international society.

Instead of demonstrating the existence of forms of social cooperation at the international level to which to apply domestic justice principles or to maintain, as egalitarians do, that justice principles must not be influenced by such arbitrary factors as national membership, Pogge follows another strategy. Firstly, he identifies the self-contained and self-sufficient society of Rawls' theory with the overall society of humankind. Secondly, he insists on the negative moral responsibility of the international institutions in determining conditions of serious poverty. He stresses the need for putting a stop to the harm done to the poor countries by the rich and developed states that are leaders of the world's economic dynamics. In Pogge's view it is not a matter of redistributing a given amount of resources on the strength of an egalitarian idea. Because, if it is true as he claims that the present global economic system produces and coercively imposes a wide-ranging model of malnutrition and mortality among the poor, it would mean that we are up against an evident breach of several of the most elementary human rights. And despite the absence of a global institution, the minimal Hobbesian condition required by Thomas Nagel (2005) capable of imposing and enforcing the international requirements of justice over the entire planet, the serious collective responsibilities of the more powerful governments and the international bodies under their control (such as the EU, NATO, ONU, WTO, OECD, World Bank and the IMF) in imposing the current world order, as in their failure to reform it in view of a greater satisfaction of human rights, are more than enough to impose on them direct obligations versus all those countries that unjustly suffer the consequences. The rich countries are responsible for the poverty of the poor countries as they set up and impose 'transnational institutional arrangements that foreseeably produce and perpetuate avoidable human rights deficits on a massive scale' (Pogge 2007: 319). The rich countries have the negative duty not to impose and not to support unfair institutional schemes, that is, schemes which avoidably produce a massive deficit of human rights. It therefore follows that:

the global basic structure should, as far as possible, be designed so that each human being has a fully adequate scheme of equal basic liberties, so that fair equality of opportunity obtains worldwide, and so that the difference principle is satisfied globally (socio-economic inequalities among human beings are generated exactly insofar as this optimizes the globally worst socio-economic position.)

POGGE 2007: 317

The points where the theoreticians of social justice cosmopolitanism and Rawls disagree are clearly revealed by Beitz himself who, in an article entitled 'Rawls's Law of Peoples', defines Rawls' theory as a form of social liberalism that should be countered by cosmopolitan liberalism, described as follows:

Although it is consistent with a conception of a world as a society of domestic societies, the cosmopolitan view, in contrast to social liberalism, accords no moral privilege to domestic societies. At the deepest level, cosmopolitan liberalism regards the social world as composed of persons, not collectivities like societies of peoples, and insists that principles for the relations of societies should be based on a consideration of the fundamental interest of persons.

BEITZ 2000: 677

The normative differences between the two views are substantial, in particular as far as the content of the doctrine of human rights and the demands for an international distributive justice are concerned. In the first place, cosmopolitan liberalism does not conceive of international society as a society of peoples in which the latter wield a social and ethic supremacy (instead, in the law of peoples it is the peoples and not the persons who are representative of the original international position). Moreover, it is not the interests of the peoples considered as collective entities but those of individuals which determine the choice of the principles with which the international behaviour of the states must comply. Cosmopolitan liberalism refutes the idea that the distributive requirements of international law can be less demanding than the justice principles valid within domestic societies. Beitz appeals also to the need to understand the motivational capacity of the persons. He draws attention to the fact that the circle of affinities is historically variable and that in favourable institutional and cultural conditions the range of empathic interest can be extended beyond that of persons with whom one shared particular ascriptive characteristics; otherwise modern multicultural states would not even be conceivable. If motivational capacities vary and are subject to change as institutions and cultures develop, it is not clear why a political theory should accept the limit set by these capacities, as happens in the original position assumed in the *Law of Peoples*. In the area of rights, Beitz acknowledges that Rawls did not make a conventional use of human rights proposing a conception that is related on the one hand to the critique of the concept of sovereignty – human rights set limits on the legitimacy of the authority of domestic governments over their own people – and, on the other, to the defence of pluralism in the field of international affairs, as the respect of human rights by a society, even in the absence of liberal democratic institutions, is considered sufficient to shelter it from external interference

aimed at promoting domestic reforms. Beitz, like Pogge, points out how Rawls' list omits many of the human rights present in the 1948 Universal Declaration of Human Rights and subsequent treaties, criticizes the fact that no provision is made for the claiming of human rights as a basis for political actions of individuals versus their government, nor for those of the non NGOs comprising international civil society; and that Rawls justifies intervention against states that do not respect human rights solely for reasons of international stability, and not for reasons linked to the defence of human dignity of individuals. Against a conception of human rights as a minimum standard of international recognition, Beitz sets up a theory of rights as 'common standards of achievement' for each individual and each organ of society. In his proposal, human rights must function as universal standards of behaviour for governments and for the policies of the various international institutions and development agencies, and must be viewed as shared objectives of the political reforms promoted by international NGOs.

Charles Beitz: state autonomy, international relations and cosmopolitanism

Towards a new concept of state autonomy

An intellectual context dominated by the crisis of the realist paradigm in the field of international relations and by John Rawls' thought in political philosophy witnesses the birth of *Political Theory and International Relations* (1999). In this book Charles Beitz asserts the possibility of a political theory to regulate international relations, makes a critical assessment of the two theories that have traditionally dominated this field – the realist theory and the one he defines as the morality of states – and proposes 'the plausibility of a more cosmopolitan and less state-centered perspective' (Beitz 1999: 6). Every attempt to found a normative political theory of international relations has to come to terms with a corpus of doctrines, which go by the name of political realism and which deny any such possibility. The most sophisticated argument used to back up this view characterizes the relations among states as a Hobbesian state of nature, namely, as state of war among independent agents each following its own interest without any common power capable of ensuring the respect of the rules of cooperation. According to Beitz, this analogy would be valid only if at least four propositions were true: (1) states are the only actors in international relations; (2) states have relatively equal powers; (3) states are independent of each other; (4) there can be no reliable expectations of mutual respect by the actors of the

rules of cooperation in the absence of a higher power capable of enforcing such rules. He asserts that these conditions are not being satisfied. To begin with, states cannot be considered the sole actors on the international stage. A significant role has now been taken on also by associations and economic institutions, as well as by transnational associations of subjects that have the same problems or common interests. Moreover, there is no doubt that there are differences in the relative powers of the various states which are anything but independent as they now form part of an increasingly interconnected and globalized world order. Lastly, the international community has access to instruments that can be used to promote respect for rules that have been established by common accord, even in the absence of a global enforcing authority.

The view that is conventionally considered an alternative to this is the one Beitz calls the 'morality of states', in which the international stage is conceived of as a community of largely self-sufficient states which interact only to a relatively minor degree. This view also has its limitations due, in his opinion, to a persistent misunderstanding over what represents state autonomy. Like international scepticism, the morality of states draws upon the analogy between states and persons but comes to the normative conclusion that the states comprising international society should be treated – just like individuals in domestic society – as autonomous sources of goals, morally immune to external interference and morally free to manage their internal affairs in the way their governments consider most appropriate. States, like persons, are endowed with a kind of right to autonomy that shields them from external moral criticism and political interference. This is the basic idea behind the principles embodied in the international practice of non-intervention and self-determination. According to Beitz, states are not sources of goals like persons. They represent systems of shared practices and institutions within which persons set and pursue their goals. Therefore the analogy of individual autonomy when applied to states is the compliance of the state with appropriate principles of domestic justice. The novelty of Beitz's approach lies in the assertion that only those states whose institutions satisfy appropriate principles of justice can legitimately claim to be respected as sources of goals: 'The autonomy of states is the outer face of their legitimacy' (Beitz 1999: 81). Precisely because all persons must be respected as sources of goals, all states must be prevented from indiscriminately laying claim to the right of autonomy. Consequently, unjust institutions cannot be allowed to enjoy the same protection against interference as just institutions; the moral concerns underpinning the principle of non-intervention in certain circumstances can justify intervention in others and when there is a strong possibility of promoting justice, interference with unfair institutions may be justified.

Cosmopolitan distributive justice

A further significant consequence of this reappraisal of the analogy is the weakening of the separation and distinction between international relations and domestic society. Beitz asserts that international society and state society are sufficiently similar to allow the arguments underpinning distributive justice within states to be valid also at the international level. Adopting as paradigm John Rawls' theory of justice, he points out that the differences between the domestic scene and the international scene, although significant in certain respects (so much so that the principle of autonomy cannot be justified on this basis), offer no reason why a device of the theory of domestic politics as the Rawlsian idea of the original contract can not be extended to international relations. Traditional international political theory says nothing about the topic of international distributive justice. In the 'morality of states' the inhabitants of the comparatively wealthy states have no obligations founded on justice to promote economic development elsewhere. It is assumed that each state has the right to the wealth of its own territory. Nor do any ethical rules exist to shape the structure and the conduct of economic relations among states. The morality of states corresponds to the analogy at the international level of nineteenth-century liberalism which combines the principle of the liberty of individual agents with the indifference to the distributive outcomes of their economic interaction. The citizens of the comparatively wealthy societies have obligations based solely on mutual aid for those who, if not helped, are doomed to succumb. In this view, therefore, the obligation to contribute to the welfare of persons wherever they live is an obligation based on charity. The obligations of justice are more demanding: they require the wealthy states to make a substantial increase in their contributions to the less developed countries and to restructure the world economic system radically. But does such an obligation exist? For Beitz it is not self-evident that redistributive obligations among persons situated in different national societies are supported by contractualistic principles, because contractualistic principles are based on relations among persons living in national communities united by the common acceptance of a conception of justice. He is nevertheless persuaded that the contractualistic principles of Rawls' social justice should also have global application since the arena of international relations increasingly resembles domestic societies from several different points of view that have an important bearing on the justification of the principles of (domestic) social justice. Rawls considers justice to be the primary virtue of social institutions. Its 'primary subject' is 'the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation' (Rawls 1971: 7). Using the idea of a hypothetical social

contract, Rawls asserts that rational persons, placed under a 'veil of ignorance', would choose a special conception of justice based on two principles of justice:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2. Social and economic inequalities are to be arranged so that they are both:
 - (a) to the greatest benefit of the least advantaged, consistent with the just savings principle [the 'difference principle'], and
 - (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

RAWLS 1971: 302–303

The principles of justice refer to the configuration of the political institutions and the socioeconomic structure of distributive justice. The second principle is split into two parts, the first of which asserts a criterion of 'fair equality of opportunity' and the second is defined as the 'principle of difference'. The principle of difference states that 'All social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored' (303). Rawls points out that the two principles of justice are applied to a basic structure, the boundaries of which essentially coincide with those of the nation-state and thus do not characterize 'the justice of the law of nations and of relations between states' (7–8). Since he conceives of society as a 'cooperative venture for mutual advantage' and the principles of justice as principles that must shape the fair distribution of the benefits and duties produced by 'social cooperation', Rawls can claim that without this cooperation 'there would be no occasion for justice, since there would be no joint product with respect to which conflicting claims might be pressed, nor would there be any common institutions (e.g., enforceable property rights) to which principles could apply' (131). States are a 'self-contained national community', relatively self-sufficient systems of social cooperation; consequently, relations with persons situated in different nation-states cannot be based on the principles of social justice, and the external behaviour of each society will be governed by its principles of justice and law, as well as by the principles that the parties, as representatives of the various nations, would choose to settle disputes among states:

Following out the conception of the initial situation, I assume that these representatives are deprived of various kinds of information. While they know that they represent different nations each living under the normal circumstances of human life, they know nothing about the particular

circumstances of their own society Once again the contracting parties, in this case representatives of states, are allowed only enough knowledge to make a rational choice to protect their interests but not so much that the more fortunate among them can take advantage of their special situation. This original position is fair between nations; it nullifies the contingencies and biases of historical fate.

RAWLS 1971: 378

The selected principles include those of self-determination, non-intervention, the rule that *pacta sunt servanda*, the principle of self-defence and the principles regulating *jus in bello*. Beitz deems that Rawls' treatment of international justice is incomplete, above all because the list of principles agreed upon by the parties disregards the moral conflict that could emerge between states – also in the absence of substantial social cooperation – as far as natural resources are concerned. In his view, the several parties in an original international position would have to ignore also the natural resources unevenly scattered over the Earth's surface and to consider the distribution of the resources as similar to the distribution of natural talent in the original domestic position. Indeed, Rawls asserts that natural endowments are 'neither just nor unjust; nor is it unjust that men are born into society at any particular position. These are simply natural facts. What is just or unjust is the way that institutions deal with these facts' (1971: 87). One cannot ask those who are less disadvantaged for reasons beyond their control to suffer the consequences of an undeserved inequality. According to Beitz, the parties in an original international position should by analogy consider the natural distribution of resources as morally arbitrary to the same degree:

The fact that someone happens to be located advantageously with respect to natural resources does not provide a reason why he or she should be entitled to exclude others from the benefits that might be derived from them. Therefore, the parties would think that resources (or the benefits derived from them) should be subject to redistribution under a resource redistribution principle.

BEITZ 1999: 138

Like natural resources, talents are arbitrary in the sense that they have not been earned. Not knowing the natural endowments of their societies, the parties would choose a resource redistribution principle that gave each society an equal opportunity to develop just political institutions and an economy capable of satisfying the fundamental needs of its members. Even if the global system was like the one imagined by Rawls, that is, made up of states conceived of as unrelated and self-sufficient cooperative systems, it would in

any case be necessary to apply a resource redistribution principle at the global level; this is because, to be consistent, the possession of resources must be treated in the same way as the possession of natural talents, and because, according to Beitz, resources represent the necessary conditions for the development of just institutions within a society. It follows that, even in the case that Rawls' assumption that all states are self-sufficient cooperation systems is true, the request for an international resource redistribution principle would be justified.⁹ However, Beitz points out, the world is not composed of self-sufficient states; states enter into economic, political and cultural international relations such as to suggest the existence of a global social cooperation system. If, as Rawls claims, the existence of social cooperation legitimizes the demand for distributive justice, international economic interdependence can serve as a support for a principle of global distributive justice similar to that applied within a domestic society. It is easy to demonstrate the existence of a structure of global interdependence that produces substantial aggregate benefits, and that has led to the development of a global regulatory structure. There are international accords that regulate trade, as well as political and legal institutions that influence the global distribution of income and wealth: these institutions and practices may be considered as 'the constitutional structure of the world economy' (Beitz 1999: 148–149). National borders can no longer be considered as limiting social cooperation since a strong interdependence exists between states; and this interdependence, Beitz says, 'involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic'. In an interdependent world, restricting the principles of social justice to domestic societies has the effect of 'taxing poor nations so that others may benefit from living in "just" regimes' (149). If participation in economic relations with poor countries has contributed to enriching a 'nearly just' regime, the principles of domestic justice can be genuine principles of justice 'only if they are consistent with principles of justice for the entire global scheme of social cooperation' (150). But what are these global principles? In a similar fashion to the principle of difference in domestic society, Beitz suggests applying an international difference principle. This principle would apply not to states but to persons in the sense that 'it is the globally least advantaged representative person (or group of persons) whose position is to be maximized' (152). Adopting the position of the least advantaged group as a measure of distributive justice, there is consequently no a priori reason to imagine that membership of this group is coextensive with an existing state. An international difference principle calls for the reduction of distributive inequalities between states as these inequalities are the consequence of inadmissible interpersonal inequalities in order to maximize the position of the (globally) less advantaged.¹⁰

In conclusion: Beitz believes that in deriving the principles of justice for the law of peoples, Rawls erroneously neglected the redistribution of resources, an issue that would certainly have been on the minds of the parties in the original international position. The assumption of self-sufficiency, on which the consideration of Rawls' law of peoples is based entirely, would not be justified by the current situation regarding international relations. The state-centric worldview has been deprived of its normative significance as a result of increased global world economic interdependence. For this reason 'principles of distributive justice must apply in the first instance to the world as a whole, and derivatively to nation-states' (170). For Beitz, the appropriate global principle is Rawls' difference principle. Once the existence of justice-based global redistributive obligations has been acknowledged, help can no longer be considered a discretionary voluntary act of charity, but becomes a 'transfer of wealth required to redress distributive injustice' (173). It is necessary to increase aid from the wealthy countries to foreign countries and to undertake reforms of the institutional structure of the world economy in order to produce a long-term improvement in the absolute position of the world's worst-off groups. In view of the fact that the global difference principle is ultimately applied to persons, it cannot be fully satisfied by means of inter-country transfers. In setting up aid programmes, donor countries and agencies need to take special care to improve the condition of the world's worst-off groups and to channel aid mainly towards satisfying minimum human needs. In addition, in countries in which extreme poverty is partly the result of inequality of local income, pressure should be brought to bear to implement structural reforms aimed at reducing domestic inequalities. In both cases it could be objected that the attempt to implement the global difference principle would entrain the violation of state autonomy. However, this has been seen to be perfectly compatible with the reformulation of the principle of state autonomy offered by Beitz.

In setting out the elements for a cosmopolitan theory of international distributive justice, Beitz puts forward both a strong thesis and a weak one. The weak thesis states that international relations, in view of the similarity of their basic structure to that of domestic society, are subject to the demand for distributive justice. The strong thesis is that a globalized form of the distributive justice principle put forward by John Rawls in *A Theory of Justice* needs to be applied to international relations. Both theses are based on arguing using an analogy in which the international environment resembles the domestic one in those areas that are significant with regard to the justification of the principles of distributive justice. If the normative content of Rawls' theory is accepted, the strong thesis makes available a specific principle – the global difference principle – to characterize international justice. Beitz considers the weak thesis to be the more fundamental and that it may be deemed a form of cosmopolitanism. It is agnostic as regards the contents of distributive international justice, merely

asserting that international distributive justice should be considered an extension of the corresponding doctrine of distributive justice referring to a domestic society. This is not a form of *cosmopolitanism about institutions*, a view pertaining to what is the best institutional structure for international politics; nor a form of *cosmopolitanism about loyalties*, a view pertaining to how persons should perceive their identity and loyalties. In contrast to both these forms, the weak thesis is a view 'about the basis on which institutions and practices should be justified or criticized' (199) which Beitz defines as *moral cosmopolitanism*. Borrowing the words of Thomas Pogge, he asserts that it represents the idea 'that every human being has a global stature as the ultimate unit of moral concern' (Pogge 2008: 175), an idea that applies to the world as a whole the norm that the choices as to which policies are preferable or which institutions should be set up ought to be based on an unbiased consideration of the claims of any person that might be affected by them.

Thomas Pogge: cosmopolitan responsibilities and reforms

In *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2008), Thomas Pogge proposes the elements needed for a global institutional reform that would be justifiable at the intercultural level in terms of a cosmopolitan standard based on human rights.

In his introduction the author begins by describing a dramatic picture of the world situation: according to the statistics 46 per cent of humankind lives on 1.2 per cent of global income while 15 per cent possesses 80 per cent of it; every day 50,000 persons die – including 34,000 children – from poverty-related causes that could easily be avoided by means of better food, available drinking water and suitable medical care. In his opinion, the insensitivity of the inhabitants of the wealthy countries in the face of these data is the outcome of two prejudices. The first consists in the belief that foreign poverty cannot be judged on the same scale as that observed in one's own society. This difference is then rationalized by applying a double standard, namely by subjecting the global economic system to moral constraints that are weaker than the national ones. This is what John Rawls himself is believed to have done when, inside the national boundaries, he applied the distributive criterion known as the difference principle. Instead, in the international case, he applied the distributive criterion known as the just savings principle, according to which we must concern ourselves with the poor countries only until such time as we have put them in a position to develop by themselves. Beyond this threshold any further transfer of resources from us to them would perhaps be merit-worthy but not morally necessary. The second prejudice is based on two lines of defence

which may be termed 'direct responsibility' and 'priority'. In the first, the citizens of the rich countries deny being the active cause of poverty, at the same time admitting they have failed to defeat it: however, they defend themselves by saying that failing to save lives is certainly not the same as causing death. The same argument is applied to the behaviour of governments and, in particular, to their influence in shaping the global economic order: it would be possible to devise a system capable of avoiding poverty, but a global order that does not include an effective distributive mechanism is not in itself causally or morally responsible for the poverty that this mechanism might have prevented. The second line of defence appeals to the generally shared conviction that citizens and politicians are obliged to give priority to their own fellow citizens, especially in the context of a system of mutually competing states. Pogge's thesis is that every institutional system is unjust when its application foreseeably and avoidably produces a deficit in human rights; in this sense, the existing institutional order is seriously unjust. He claims that the rich countries are responsible for this injustice as they have devised and imposed to their own advantage a commercial and diplomatic network that penalizes the poor countries: 'Our new global economic order is so harsh on the global poor, then, because it is formed in negotiations where our representatives ruthlessly exploit their vastly superior bargaining power and expertise, as well as any weakness, ignorance, or corruptibility they may find in their counterpart negotiators, to tune each agreement for our greatest benefit' (Pogge 2008: 27).

Cosmopolitan responsibility: positive duty versus negative duty

Moral cosmopolitanism is based on the idea that every human being has global significance insofar as he is an ultimate unit of moral concern; this concern may be focused on both subjective good and evil (human happiness, fulfilment of desires, satisfaction of preferences) and objective good and evil (satisfaction of human needs, capabilities, opportunities or resources). Pogge champions a variant of moral cosmopolitanism focused on human rights. On the premise that it is necessary to specify not only the type of human rights possessed by individuals but also the type of responsibility they imply, he proposes a moral (and not legal) interpretation of human rights in line with an 'institutional' (and not 'interactional') cosmopolitan conception. This represents a 'moral' interpretation of these rights as he is concerned with human rights insofar as they are moral rights, namely rights that persons would continue to possess even if their government decided to eliminate them or if all international legislation governing human rights was repealed. This is an 'institutional' conception of rights since, unlike the 'interactional' conception

which assigns the direct responsibility for the attainment of human rights to other (individual or collective) agents, it assigns it to institutional systems. The responsibility of persons is therefore indirect but is shared as far as the justice of all the practices one contributes to imposing is concerned: 'One ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to aid its victims and to promote institutional reform' (2008: 176). This conception of human rights is therefore remote from the minimalist positions regarding human rights which merely impose the abstention from doing something harmful, as well as from the maximalist positions that call for the attainment of human rights for all individuals wherever they are and which assign the obligation to achieve them to all those in a position to do so.¹¹ Pogge distances himself precisely from the very concept of positive duty in both its maximalist form in which this duty is conceived of as a duty of unlimited justice and in the form proposed by Rawls, in which it is seen as a mere duty to aid. Rawls denies the existence of international distributive justice; the states (or peoples), who are actors in the global normative system, are not obliged to attain and maintain any given distribution of global wealth, not to mention any duty to satisfy the global difference principle. In Rawls' international law, the moral interest in peoples is triggered only in the case of conditions of absolute deprivation, and well-ordered societies have the duty of providing targeted aid, that is, linked to the attainment by these peoples of a sufficient level in which they themselves can set up well-ordered societies. The duty to aid may be honoured by offering economic aid and promoting the respect of human rights; but this is a humanitarian right and not something that the poor societies or their citizens can demand. Inequality among nations, that is, relative deprivation, pertains to moral indifference, and as far as peoples' rights are concerned it does not matter how great this inequality is and, furthermore, well-ordered societies have no moral reason to combat it. The duty to aid does not impose any direct constraint on the distribution of wealth inside the society benefiting from the aid as it does not take into account the extent of inequalities admissible inside a given society. The duty to aid, since it has a cut-off point after which the aid may be terminated, does not impose the establishment of international institutions like those found within the domestic society and having the permanent task of regulating inequality. The political morality embodied in the law of peoples does not consider individuals in their relations with each other, as members of a single global society, but rather as members of separate peoples that have relations with other peoples and lay claim to their own self-determination. Hence, the law of peoples, in addition to the duty to aid, which represents the condition for self-determination, does not call for any special attention to be paid to the inequalities between individuals and between peoples.

As we have seen, Pogge distances himself from theories championing the positive duty to help the poor whether or not it is conceived as a duty to provide charity or aid. The rich are indeed not to be blamed for not helping enough but for setting up and imposing transnational institutional arrangements that produce and perpetuate a foreseeable and avoidable large-scale deficit of rights. The existing world order and the injustice it causes represent a breach of the negative duty not to harm the global poor, that is, not to violate their fundamental human rights. The rich consequently have a negative duty not to impose an institutional order that foreseeably and avoidably prevents individuals from having guaranteed access to certain objects of human rights without any form of compensation, for instance, by taking care to protect the victims from this order and to reform it. If the rich countries and their citizens are to blame for serious poverty owing to the economic and political order they impose or allow to be imposed, and should such an order represent the main obstacle to the fulfilment of human rights, it will thus be necessary to take further steps to reshape this world order so as to guarantee all individuals have certain access to the fundamental goods they need in order to become full members of their societies and of the world as a whole. Wherever it is not possible to achieve this objective to the full, the institutional configuration will hopefully be at least subject to the rule that any avoidable deficit of human rights will be minimized and that any such deficit will be subjected to differential evaluation based on its underlying causes: greater weight will be attributed to the deficits imposed or authorized by the social institutions than to those they are inadvertently responsible for or fail to prevent.

In sum: an institutional configuration is unjust if it fails to allow human rights to be fulfilled; or if it foreseeably but avoidably brings about a human rights deficit (HRD). Pogge's cosmopolitan social justice standard is sensitive only to the HRD, and is focused on the HRD, the causes of which may be attributed to the social institutions; it assigns the moral responsibility for the HRD exclusively to those who actively cooperate in the planning or imposition of significant social institutions and only to them does it ascribe compensatory obligations consisting in the reform of such social institutions and the protection of their victims. Therefore, disregarding the potentially open-ended positive duty to help the more disadvantaged, the appeal to negative duty on which Pogge's cosmopolitan theory of social justice rests gives rise to 'compensatory obligations that are tightly limited in range (to persons subject to an institutional order one cooperates in imposing), in subject matter (to the avoidance of human rights deficits), and in demandingness (to compensation for one's share of that part of the human rights deficit that foreseeably is reasonably avoidable through a feasible alternative institutional design)' (Pogge 2008: 26).

Reforms

The three Ps

In order to clarify his point of view and the reform he has in mind, Pogge uses a metaphor taken from poker: institutional moral cosmopolitanism does not constrain a winning poker player to hand over part of his winnings to a player who has lost everything but demands that the game itself be modified so that there are no total losers. Pogge points out that if the game of poker is transposed into the field of basic institutional structures, the issue becomes even more significant as the participants are born into these structures, are strongly conditioned by them and often cannot leave them. It therefore becomes essential to start and support a process of institutional reform at the international level. He proposes a 'three P' reform package: protectionism, privileges and pharmaceutical. These reforms are needed to render the rules of the world economy, viewed as a single system, minimally just. He proposes removing or reducing uncompensated market protection established by the rich countries against low-cost imports and services from the poor countries. He further suggests a reform of the internationally institutionalized practice of the privilege of freely obtaining loans in the country's name (international borrowing privilege) and of making free use of the natural resources (international resource privilege). Even if the cause of poverty is attributed to endogenous reasons, such as lack of democracy, as is done by the supporters of explanatory nationalism,¹² there is abundant empirical evidence to confirm the fact that the establishment of democracy and the elimination of corruption and of authoritarian governments are made more difficult by the existing world order and its rules. Indeed, anyone wielding effective power in a country regardless of how it was acquired and is exercised, and of the degree of consent of the people it governs, is authorized to sell the country's resources and to do as they please with the proceeds of the sales, to borrow in the name of the country and therefore impose obligations upon it, and to sign treaties in its name. This practice is extremely advantageous for the wealthier countries in need of resources but encourages repression, violence and poverty in the less developed countries as it acts as a strong incentive for coups and civil war in countries in which the resources abound. The rich countries therefore benefit from corruption in the governments of the poor countries which sell off resources and property rights in exchange for money. In this way, Pogge suggests, the rich countries not only acquire resources but also the rights and liberties of the inhabitants of these countries with the complicity and backing of the international institutions. An institutional reform reducing the advantages deriving from anti-democratic power acquisitions and implementing specific amendments annulling the recognition of resource

privileges in the case of authoritarian and corrupt predators or dispensing a young democracy from honouring the debt incurred by an unconstitutional predecessor would not only lighten the iniquitous burden on the new government without threatening to undermine development and stability at the base; it would also make the banks less inclined to accord loans to authoritarian governments and dictators. Lastly, for the purpose of combating disease and preventing premature deaths he calls for a reform of the global health system in which advanced medical knowledge is made available free as a global public good. The alternative system of rules would involve the establishment of a world fund to reward the drug companies producing new drugs based on the pharmaceutical product's effectiveness.

Pogge also proposes the creation of a global resources dividend. According to the original international position theorized by Rawls, a law of peoples would be adopted by the parties without however limiting the economic inequalities as the parties, viewed as peoples' representatives, would be interested only in the justice of their domestic institutions. In Pogge's view, since a plausible conception of global justice needs to be sensitive to international social and economic inequalities and must be based on the recognition of the fundamental role of the interests of persons rather than of that of peoples, at the time of selecting the principles that are to govern the relations among states the parties would choose to subscribe to the constraint of paying a global resources tax, thereby embodying egalitarian measures in the law of peoples: 'while each people owns and fully controls all resources within its national territory, it must pay a tax on any resources it chooses to extract' (Pogge 1994: 200). In Pogge's proposal the tax is levied on goods and services in proportion to the amount of each one taken from the Earth. This does not require that we conceive of global resources as the common property, but suggests that 'those who make more extensive use of our planet's resources should compensate those who, involuntarily, use very little' (2008: 210).

Cosmopolitanism and sovereignty

Viewed from the angle of the cosmopolitan ethic focused on the fundamental needs and interests of individual human beings and of all human beings, the concentration of sovereignty at a single level cannot be defended. Pogge claims that it is necessary to reappraise the concept of sovereignty in the light of institutional moral cosmopolitanism and then to proceed to implement a gradual global institutional reform. He does not propose setting up a centralized world state that could possibly lead to significant progress in terms of peace and economic justice, but which would entrain risks of oppression. He instead puts forward a solution which strikes a balance between the concentration and the

decentralization of sovereignty and that thanks to which 'persons should be citizens of, and govern themselves through, a number of political units of various sizes, without any one political unit being dominant and thus occupying the traditional role of state' (Pogge 2008: 184). Citizens' loyalty and obedience should be widely distributed over the various units, such as constituencies, cities, provinces, regions, states, supranational regional entities and the world at large. Persons should be politically 'at home' in all these units without one or other prevailing in the determination of their political identity. He claims that 'dispersing political authority over nested territorial units' (2008: 174) would reduce the intensity of the struggle for power and wealth both within and among the states and thus reduce the likelihood of war, poverty and oppression. In such a multilayered institutional system it would become easier to redesign borders in order to accommodate the aspirations of peoples and communities.¹³ He gives at least four principal reasons for preferring a world in which sovereignty is distributed vertically to a greater extent than in the existing system. (1) *It encourages disarmament*: the non-proliferation and gradual abolition of weapons of mass destruction presupposes a considerable concentration of authority and power at the global level in breach of the existing idea of state sovereignty. This concentration would be more satisfactorily achieved in a context of a multilayered global system. (2) *It reduces oppression*: large-scale violations of human rights could be reduced by a vertical distribution of sovereignty over several layers of political units that can mutually check and balance each other and denounce abuses by any of the others. (3) *Global economic justice*. This would necessitate a reform of the dominant global order, including a global tax on the use of natural resources, in support of the economic development of the poorer zones. This tax would ensure that the poor received a fair share of the values of the natural resources extracted and would also encourage their conservation. Such a reform would imply some form of centralization that would necessarily differ from a global welfare bureaucracy. (4) *Ecology/democracy*. The processes of production and consumption entrain significant negative consequences that largely and to an increasing extent extend beyond the national borders. Persons have a right to an institutional system in which anyone significantly and legitimately affected by a political decision has an equal right to influence the decision-making process, either directly or through elected or representative delegates. This human right to equal opportunity of political participation also extends as far as the choice and planning of those institutions that significantly shape human lives. An appropriate vertical distribution of sovereignty would encourage both the decentralization and the centralization required, as the case may be, by the object at which the decision-making process is aimed. With regard to the possible conflicts of competence they can be legitimately resolved only by those who can give proof of greater reliability in terms of human rights with respect to the possible alternatives.

Martha Nussbaum: cosmopolitanism and capabilities approach

Democracy and cosmopolitan education

Richard Rorty's article 'The Unpatriotic Academy', which appeared in *The New York Times* in 1994, signalled a new dawn for cosmopolitanism in the United States. In the same newspaper, a few weeks previously, the sociologist Richard Sennett had criticized the proposal made by Sheldon Hackney of the National Endowment for the Humanities to organize a 'national conversation' in order to explore what could unite the United States, what values could be considered American. Answering Sennett, who had termed this view 'the civil face of nationalism', Rorty reprimanded the liberal left, of which in his opinion Sennett was a typical representative, for its lack of patriotism and for having repudiated the idea of national identity and the thrill of national pride in favour of the 'politics of difference'. The liberal left had substituted traditional American pluralism, which had had the ability to form a community of communities, a nation open to differences, with multiculturalism and, led by this ideology, had supported a policy which had served to increase social fragmentation, and had contributed to keeping communities at odds with one another. Rorty was persuaded that the sense of a shared national identity was an essential component of citizenship; he saw no incompatibility between respect for cultural difference and American patriotism, rather, he considered national pride to be an essential ingredient of the reformative spirit. He invited the liberal left not to despise patriotism, precisely so that they might be in a position to exercise a stronger influence over their country's politics.

The article provoked numerous responses, including Martha Nussbaum's 'Patriotism and Cosmopolitanism' (2002a),¹⁴ in which she addressed the issue for the first time in tones revealing the polemical nature of the article, which are not to be found in her subsequent writings. The thorough study of Stoic cosmopolitanism and the development of her own normative political theory, the *capabilities approach*, would lead her to renounce the cosmopolitan perspective in its more radical version proposed in this article and in the *Reply*, written in response to her critics and published as an appendix to *For Love of Country* (Nussbaum 2002b).¹⁵

Martha Nussbaum examines the two issues raised by Rorty: whether there is a necessary connection between democracy and nation and what is the best way of pursuing the values of democracy and social justice. Different answers have been given to the first. According to American liberals, democracy does not need a national unity based on a feeling of belonging to a common culture (or ethnic group), but only on a common sharing of, and adhesion to,

the political and universal principles of liberty and civil equality (Gutmann 2002). According to communitarians, in contrast, simply sharing these principles is not enough in itself to elicit in the citizens that feeling of common belonging which alone can nourish civil engagement and that sense of solidarity which modern democracies necessarily need for the implementation of egalitarian and redistributive policies. The feeling of common belonging comes from sharing the same culture, the awareness of being part of the same history, and from the acceptance of the same moral values. Both liberals and communitarians are criticized by Nussbaum because they each consider national borders morally relevant, although for different reasons. Her argument aims in particular at highlighting the contradictions of liberals. For liberals, borders have a political value insofar as they define the context in which democratic citizenship can be exercised. In order to live as free, equal individuals it is necessary to be citizens of a political community, and we therefore need 'to be educated to those (particular as well as universal) skills, understandings, and values that secure full participation and equal standing in our own polity' (Gutmann 2002: 68). Furthermore, they believe that to the extent to which one's own political community is supported as a democratic one, relationships of solidarity are strengthened¹⁶ and the feeling of common good is reinforced, thereby rendering service to humanity and making us more disposed to recognizing and respecting the obligations of justice, including towards those who live beyond our borders.¹⁷

Nussbaum does not set out to challenge the link between patriotism and democracy, but to demonstrate that the cosmopolitan position is more consistent than patriotism, in view of the declared universality of the principles of equality and justice which are foundation stones of the American constitution. Whoever favours democracy, whoever believes in respect for human dignity and the individual's right to the pursuit of happiness, whoever believes that everyone is created equal and is endowed with certain inalienable rights, cannot but feel bound to ask themselves what this implies, what action it demands that we engage in vis-à-vis the rest of the world. If all are equal and if all have equal worth, how is it possible to justify the fact that people who form part of our particular group are favoured in comparison with those who do not? Everyone who believes in democracy and every liberal ought to recognize that being a citizen of a particular nation is an accidental, an involuntary characteristic and should be viewed as being 'morally irrelevant'. As a consequence, it is unacceptable that differences in nationality should act as a barrier between citizens of a political community and other human beings and, in any case, any unequal treatment needs to be justified. The assumption of a cosmopolitan position is presented, therefore, as a necessary consequence of any serious engagement with the values upon which the democratic community is founded, above all the principle of equality (Scheffler 2001:

262): if only for reasons of consistency, both liberal patriots and communitarians should be cosmopolitans owing to their deep pride in the democratic community in which they live – precisely in order to be good American patriots, it is necessary to be cosmopolitans. Once it has been recognized that the cosmopolitan position is more consistent with democratic values than the patriotic one, we must strive to deliberate from a universal, as opposed to a partial, perspective, paying special attention to our affiliations with humankind. In other words, while for the patriots the universal (i.e. humankind in general) can only be reached by starting from the particular (i.e. one's own national community), for the cosmopolitans, in contrast, the particular can only be reached by starting from the universal. From this, according to Nussbaum, arises the importance of a cosmopolitan education which would allow young people to acquire the awareness of being citizens of the world even before being citizens of the United States. Thanks to this, young people would learn that their place of birth is just an arbitrary endowment, just as family or social class are; and just as they are asked to overcome the differences of class, race, religion within their own nation, they should not erect barriers between themselves and other human beings on the basis of their different nationality and citizenship. Cosmopolitan education aims at forming citizens who do not define themselves (or at least not solely) in terms of their local origin or the group they belong to, but also in terms of more universal aspirations and concerns. The final goal of this education is to pay special attention and respect to the circle of humankind by developing a feeling by virtue of which citizens feel themselves obliged to make every human being a member of their community of dialogue and moral attention and to ground political democratic deliberation on this sense of commonness. Nussbaum gives three main arguments why world citizenship should be the goal of a civic democratic education. First, thanks to a cosmopolitan education young people can learn more about themselves, becoming aware of the fact that some choices and preferences, far from being natural, are cultural, i.e. family structure and the raising of offspring. Secondly, thanks to this education they can learn how to solve problems, which implies international cooperation, requires global knowledge and planning and the ability to identify a common future and to take charge of it. From this derives the utility of a *curriculum studiorum* which envisages the study not only of the geography of other countries, but also of the history, culture and traditions of the people with whom they will be asked to engage. Thirdly, thanks to cosmopolitan education, young Americans will be able to feel moral obligations towards the rest of the world (i.e. poor and developing countries) which would otherwise be disregarded. In conclusion, according to Nussbaum, the universal political principles of liberty and equality on which American democracy is founded, including the pluralistic respect which Rorty calls for within the nation, either cannot develop or would sooner

or later be weakened if first we are not educated to show respect for those who lie outside the national confines. If one allows an 'arbitrary' border, such as a national frontier, to play such a decisive role in deliberation, it will become more difficult to appeal to the principle of equality when attempting to persuade citizens to offer their help in solidarity across barriers which act to separate them within a given community. In order to be consistent with the ideals of democratic liberalism, according to which every human being is endowed with certain inalienable rights, we are morally obliged to reform education. This reform will endow education with a cosmopolitan outlook in addition to thinking about what is to be done with and for the rest of the world in order to guarantee those rights.

Some objections raised by patriots are due to a partial misunderstanding, sometimes a deliberate misunderstanding, of Nussbaum's position.¹⁸ But most of the criticism is rooted in the fact that Nussbaum, in that phase of the development of her thought, put forward an idea of liberal impartiality which in effect rendered cosmopolitanism and patriotism incompatible.¹⁹

Radical cosmopolitanism and global justice

Radical cosmopolitanism can be found in Nussbaum's *Reply* to her critics (Nussbaum 2002b),²⁰ where she again justifies her view by appealing to the universality of the principle of equality. She says that if it is our human personality, that is our possession of practical reason and other fundamental moral capacities, the source of our moral value, and if it is to be found equally in all human beings, then nationality, and all various particular affiliations, which depend on accidental circumstances are 'morally irrelevant' – 'irrelevant' in relation to that position of equality – and they should not and must not determine the moral value of a person. Two claims spring from this philosophical premise: the first is that it must be recognized 'at whatever personal or social cost' that every individual is a human being who counts as morally equal to every other human being. The second is that the equal value of every human being should be seen 'as a regulative constraint on our political actions and aspirations' (133) and requires legal and constitutional arrangements through which this can be institutionalized. It is not difficult to see why such claims have become the target of so many critics. As far as the first is concerned, if the recognition of the equal value of every person is to be achieved 'at whatever social or personal cost', then it is easy to understand why it is considered and refuted by anti-cosmopolitans as a morally too demanding position. The second claim, that the equal value of each human being represents a regulatory constraint on political action and on the legitimate aspirations of a democratic national community, raises the issue – not yet present in 'Patriotism and

Cosmopolitanism' – of the political and institutional implementation of cosmopolitanism, as well as the additional and no less thorny question of the *scope* of the principles of distributive justice. In contrast to 'Patriotism and Cosmopolitanism', here cosmopolitan impartiality is not presented as a mere moral ideal,²¹ according to which individuals, considered as the ultimate unit of moral value, are entitled to equal consideration without any regard to the contingencies affecting their lives, such as citizenship or nationality. Instead, cosmopolitan impartiality, in Nussbaum's view, now requires that distributive principles transcend national affiliations, that these principles be applied equally, and that entitlements be recognized independently of citizenship or nationality.

The ideal of cosmopolitan impartiality conflicts here with the moral belief that people can and should have an obligation to prioritize the needs of compatriots over the needs of foreigners.²² As the anti-cosmopolitans have pointed out (Taylor 2002; Walzer 2002), to deny patriotism *per se* is to deny the fundamental moral fact that people form special relationships, and that these relationships involve special claims which are stronger than the impartial claims which they actually have or feel they have in relation to others in general. A theory of justice which is incapable of giving sufficient space to the different bonds which characterize the lives of individuals, and to the special commitments which these involve, makes the very idea of justice, as Nussbaum would later admit, a 'hollow fantasy' (Nussbaum 2003: 245) because it is incapable of dealing with the complexity and richness of the relations and associations which characterize human life. In order to answer the objections of the anti-cosmopolitans, Nussbaum subsequently attempted to reconcile universalism with the legitimacy of at least some form of partiality. In 'Patriotism and Cosmopolitanism' and in the 'Reply', Nussbaum justified partiality in universalistic terms, recognizing that it is a question of being the only 'sensible way to do good'. As she puts it: 'the primary reason a cosmopolitan should have for preferential attention paid to one's own compatriots or one's own children – is not that the local is better *per se*, but rather that this is the only sensible way to do good' (Nussbaum 2002b: 135–136).

In principle there is a duty to do good to everyone; giving preference in doing good to those who are close to us is justified only on practical grounds. But this in no way implies that our fellow citizens or our children have any greater moral value than other human beings. In this framework, patriotism is to be justified on the basis of cosmopolitanism: when partial concern violates fundamental cosmopolitan principles, patriotism loses its moral basis. This form of cosmopolitanism, as Miller says, shows itself to be incapable of recognizing the intrinsic value of patriotic bonds (Miller 2000), because it accepts patriotic partiality only to the degree to which the latter can be reconciled with the principles of impartiality. Such a solution exposed

Nussbaum to the objection raised by anti-cosmopolitans that, in effect, she was proposing an impoverished form of patriotism. In 'Compassion and Terror' (2003), Nussbaum puts forward a modified form of cosmopolitanism²³: to some extent rejecting patriotism, she takes up the challenge of showing how the impartiality of cosmopolitanism can be reconciled with the special bonds that exist between compatriots, thereby moving from a form of 'impartial cosmopolitanism' to a form of 'limited or constrained patriotism'.²⁴

The limits of Stoicism and Cicero's problematic legacy

The analysis of the radical cosmopolitanism attributed to Marcus Aurelius is an occasion, for the purposes of contrast, to re-evaluate the importance of bonds and particular affiliations. Rejected in this radical or extreme form, in 'Compassion and Terror', cosmopolitanism is presented as a complex dialogue between local loyalty and duty to humankind, and as a continuous and difficult negotiation between what is right to keep for ourselves and what we owe to humanity. The tension present in each individual between diverse loyalties and diverse feelings is maintained, and a form of cosmopolitanism is proposed which is compatible with a form of patriotism 'constrained by respect for human dignity and by a vivid sense of the real losses and needs of others' (Nussbaum 2003: 251). Rather than maintaining the incompatibility between cosmopolitan impartiality and patriotic partiality, she makes the cosmopolitan ideal a parameter through which one can understand and conceptualize patriotic partiality. Having recognized that there are aspects of certain personal relationships – including those of shared nationality – whose value cannot be reduced to higher principles or values, or to some general idea of justice, she admits the moral independence of these bonds, while demanding that they be limited by certain principles of justice. The perspective has therefore changed, because, as has rightly been pointed out, 'one thing is to say that the worth of a relationship is *reducible* to some impartial principle of justice . . . , and quite another to say that the moral legitimacy of that relation is *conditional* on its not violating this principle' (Tan 2005: 175). Nussbaum, in short, holds that individuals may have specific cultural, historical, non-universalistic reasons for their sense of unity, but every decision aimed at promoting the collective good must also be reconciled and be compatible with the interests of *outsiders*.

In 'Patriotism and Cosmopolitanism' and in the 'Reply', Nussbaum maintained that to give special attention to particular groups, such as our family or our compatriots, is justified only on practical grounds, and not on principle. Here, in contrast, she recognizes that everyone has multiple and

legitimate loyalties, among which there must however be some commitment to and concern for humanity beyond one's own narrow network of relationships. Commitment to those who are in proximity must be subject to constraints, which arise from the need to consider those who are further removed from us. Therefore, cosmopolitanism plays a limiting role and no longer a justifying role. Nussbaum argues that patriotism should be constrained by considerations of cosmopolitan justice, but also that its value is not reducible to or explicable in terms of these considerations. In 'Compassion and Terror', Nussbaum took definite leave of the radical version of cosmopolitan impartiality. In the following step, Nussbaum had to identify and justify the duties towards others and elaborate a theory of obligation coherent with the new version of cosmopolitanism she had developed. A first result of this task is found in Nussbaum's 'Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy' (2000b) in which the analysis of Cicero's *On Duties (De Officiis)*, regarded as 'perhaps the most influential book in the Western tradition of political philosophy' (178), is the occasion to clarify the different types of moral obligations and to work out a theory capable of overcoming the limits (in Nussbaum's opinion) of Cicero's view.

Duties can be owed either to others or to oneself. Among duties owed to others, Cicero distinguishes duties of justice (duties to refrain from doing any harm to anyone unless provoked by a wrongful act) and duties of material aid. While in order to fulfil duties of justice, national borders are regarded by him as morally irrelevant, in order to comply with the second type, borders are viewed as a neat line between people who live inside the nation and people who live outside. Outsiders are regarded as that *infinita multitudo* who, as Nussbaum says, 'would drain off all our resources if we let their demand be heard at all' (Nussbaum 2000b: 187).²⁵ According to Nussbaum, by regarding national borders as morally relevant, Cicero's Stoicism would not offer any support to a theory of justice with a global scope.²⁶ Moreover, Stoicism is, for her, incapable of providing a philosophical foundation and a justification for the duties of material aid. And this is because in order to ground the moral equality of all human beings, Stoics have diminished the importance of material conditions: for them 'humanity can shine out in a poor dwelling', poverty is just an external condition and 'it does not cut to the core of humanity' (191). In other words, Stoics claim that external conditions are not necessary for the true *flourishing* of a human being.²⁷ According to Nussbaum, this idea is the origin of the common conviction held by many of us when we consider crimes against humanity to be horrific, but never consider that a failure of material aid might be such a crime. Instead, as she asserts and as Karl Marx demonstrated convincingly, poverty touches the very core of humanity: desires, hopes, plans are shaped and affected by the material world which surrounds us. Stoicism is affected by an irreconcilable contradiction arising from the idea of the

invulnerability of the Will to external contingencies. According to Stoic thought, even lack of compassion towards the poor of the world would be justified, given that, in its view, poverty is either irrelevant for the true well-being of people or is under the control of the Will, and consequently is the result of some moral weakness within the person, and so the person himself is to blame. From the analysis of Stoicism Nussbaum realized that it could not be the source of a contemporary theory of global justice: for how

can we give a sufficiently important place to the goods of fortune for political purposes, once we admit that the truly important thing, the thing that lies at the core of our humanity, doesn't need the goods of fortune at all? How can we provide sufficient incentive to political planners to arrange for an adequate distribution of food and shelter and even political rights and liberties, if we say that dignity is unaffected by the lack of such things?

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Nussbaum became aware that to put forward a valid, or at least partially plausible, theory of global justice she had to succeed in re-conceptualizing the very notion of human dignity. This meant taking up a difficult challenge, that is 'to be able to say that there is *something* about human beings that persists throughout the blows of chance, supplying us with a basis for our moral duties – and that this something is equal, providing a basis for attitudes of equal respect and concern – and yet, also, that the things that matter to human life can be deeply affected' (200). However this is not to say that unfortunate circumstances can affect an individual to the point that they make him no longer recognizable as a human being. To overcome this challenge, Nussbaum substitutes the Stoic-based idea of human dignity, which is affected by what she called the 'problem of external goods',²⁸ with that of human capability, which is the Kantian-Stoic notion of the inviolability and dignity of a person, supplemented with Aristotle's and Marx's idea that the main powers of a human being need material support. This notion of human capacity is that *something* Nussbaum was looking for. In this new reformulation, human dignity consists in 'the innate power to develop higher level human capacities', which is the basis of our moral duties towards others. This power is equal in all human beings, but (unlike the Stoic notion of human dignity) 'can be thwarted in development so that its more developed forms (of reasoning, moral character, sociability, and so forth) may never fully mature, or may be blocked in expression' (Nussbaum 2000b: 201).²⁹ Therefore, the connection between the universality of the principle of moral equality and global social justice is grounded in this flexible, multi-layered notion of human capabilities, which lies at the core of Nussbaum's *capabilities approach* (Nussbaum 2000a, 2006, 2011).³⁰ The capabilities approach is focused on what persons are truly capable

of doing and being and identifies ten fundamental human capacities³¹ which governments of all nations should guarantee that their citizens possess, at least above a given minimum threshold deemed necessary in order to respect human dignity. Equal respect for human dignity demands that these ten capabilities should be guaranteed at a suitable threshold level for all inhabitants of the world and that the rich countries should take collective responsibility for promoting such capabilities by removing the structural characteristics of the world system preventing persons from leading decent lives. Since the distribution of the responsibilities demanded by global justice is ethical in nature and political only in its ideal acceptance, as there is no active coercive structure acting on the world as a whole that can oblige certain parties to perform the tasks assigned to them, above all a change of mentality is needed.

Capabilities across national boundaries

This change of mentality is embodied in Nussbaum's proposal contained in *Frontiers of Justice. Disability, Nationality, Species Membership* (2006), which appears as an alternative to the tradition of the social contract. The latter conveys an image of society viewed as a contract for the mutual advantage of free, equal and independent persons. According to Nussbaum and for reasons that she argues efficaciously, it cannot resolve three problems of social justice: (1) the question of justice versus physically and mentally handicapped persons as it fails to take account of the fact that strong inequalities exist in the physical and moral capacity of persons; (2) the problem of extending justice to all citizens of the world as it attributes moral significance to national boundaries and considers the individual society as self-sufficient and not interdependent with the others; (3) the questions of justice stemming from our manner of treating non-human animals as it does not include them in the group of subjects for which the theory has been devised since they do not participate in the stipulation of the contract. Nussbaum asserts that the capabilities approach is much more promising. As far as the issue of international justice in particular is concerned, she proposes that humankind (the international community) should shoulder the collective obligation of guaranteeing the ten capabilities for all world citizens, at least up to a certain minimum level. Contrary to the option of creating a World State, she suggests that the institutional structure should be kept light and decentralized at the global level. It would be made up of: (1) the basic national structures of the rich countries, which would be given the responsibility for redistributing a certain amount of resources to the other nations; (2) the multinational corporations which would be given the task of promoting human capabilities in the countries in which they do business; (3) the world economic policies, the organizations (including

the World Bank and the International Monetary Fund), the trade agreements; (4) the international organizations (such as the United Nations, the International Labour Organization, the International Court of Justice, the International Criminal Court); (5) NGOs. Nussbaum proposes a list of ten principles on which the world order should be based in order to ensure that human capabilities can be promoted in a world of inequalities. They are:

- 1 Overdetermination of responsibility: the domestic never escapes it.
- 2 National sovereignty should be respected, within the constraints of promoting human capabilities.
- 3 Prosperous nations have a responsibility to give a substantial portion of their GDP [gross domestic product] to poorer nations.
- 4 Multinational corporations have responsibilities for promoting human capabilities in the regions in which they operate.
- 5 The main structures of the global economic order must be designed to be fair to poor and developing countries.
- 6 We should cultivate a thin, decentralized, and yet forceful global public sphere.³²
- 7 All institutions and (most) individuals should focus on the problems of the disadvantaged in each nation and region.
- 8 Care for the ill, the elderly, children, and the disabled should be a prominent focus of the world community.
- 9 The family should be treated as a sphere that is precious but not 'private'.
- 10 All institutions and individuals have a responsibility to support education, as key to the empowerment of currently disadvantaged people.

Of course, since no coercive structure actually exists in the world these principles can only be considered as moral requirements; and yet Nussbaum concludes (324):

If our world is to be a decent world in the future, we must acknowledge right now that we are citizens of one interdependent world, held together by mutual fellowship as well as the pursuit of mutual advantage, by compassion as well as by self-interest, by a love of human dignity in all people, even when there is nothing we have to gain from cooperating with them. Or rather, even when what we have to gain is the biggest thing of all: participation in a just and morally decent world.

Cosmopolitanism and the capabilities approach

In reply to Noah Feldman's review of *Frontiers of Justice*, Nussbaum (2007) took the opportunity to clarify her conception of cosmopolitanism³³ and its relation to the normative political theory of the capabilities approach. She explicitly, but surprisingly, refuses to classify this political theory as 'cosmopolitan'. Why? Feldman acknowledges that the cosmopolitan ideal is never explicitly named in *Frontiers of Justice* to the extent of not even appearing in the index. Nevertheless, he maintains that Nussbaum has grounded her political theory of capabilities on a determinate moral theory, namely cosmopolitanism.³⁴ In short, he accuses her of having elaborated a morally non-neutral political doctrine founded upon a substantive vision of the good.³⁵ Nussbaum replies by neatly stressing the distinction between the capabilities approach (a political theory capable of offering a set of 'basic political principles' for a minimally just and decent world) and cosmopolitanism (a 'comprehensive ethical doctrine', 'a view that holds that our loyalties and our ethical duties ought to transcend the local and even the national, focusing on the needs of human beings everywhere') (2007: 123).

According to the capabilities approach the minimum level of justice in a society requires that it should make available to all its citizens, at least at a basic level of development, the ten capabilities in which human capacity would manifest and express itself and which are held to be both rights and political objectives (including, amongst others, an adequate health service, free public education and adequate protection for bodily integrity). Below a certain minimum threshold of the development of these capabilities it is not possible to live a dignified human life. The theory of capabilities approach, Nussbaum argues, draws its justification from the idea of equal human dignity and from what is required to live a dignified human life. Given that in virtue of their *equal* dignity, all human beings are *already* entitled to develop those ten capabilities, the fact that a large section of the world's population is not in a condition for them to be developed represents a problem of justice. As can be seen, the obligation to do the utmost in relation to those who do not reach acceptable standards of living by providing material aid is justified neither on the basis of cosmopolitan impartiality, as Feldman claims, nor on the basis of some liberal-Rawlsian universal principle of equality according to which the idea of equality comes from the possession of a common moral capacity (the capability of forming concepts of good and a sense of justice). Rather, this obligation to provide material aid is justified on the basis of human capability, on human dignity understood as that innate power of every individual to develop human capabilities to a higher level. That is why Nussbaum says that the capabilities approach is not even 'a form of cosmopolitanism' (2007: 124) because in concerning itself with the social minimum, and in deliberately

ignoring the way social inequality above a certain minimum threshold is dealt with, 'it does not state that we should always think of our loyalty to humanity as our primary loyalty' (125).³⁶ In normative terms, the political principles Nussbaum's theory contains *must* be accepted by those who adhere (as she does) to the comprehensive ethical doctrine of cosmopolitanism, but they *should* also be capable of being accepted by those who reject it; her political theory *must* form a part of the ethical doctrine of cosmopolitanism, but *could* also be viewed as a part of Christianity, Judaism or other comprehensive doctrines. In other words, on the one hand her ethical doctrine (cosmopolitanism) contains – among other obligations – the *obligation* to support her political doctrine (*i.e.* her capabilities approach), but it does not limit itself to this and also contains affirmations concerning the love of family and the local community which are not part of the political theory. On the other hand, her political doctrine ought also to be compatible with other comprehensive doctrines, including that of the radical Stoic cosmopolitanism she so firmly rejects. In rejecting the adjective 'cosmopolitan' to qualify her political theory, Nussbaum meant to retrieve the validity of cosmopolitanism as a conception of good, making this ideal a fruitful source of political debate in a world characterized by pluralism, without, however, prejudice to the capacity for the overlapping consensus of her political doctrine. In other words, while cosmopolitan impartiality plays a limiting role in relation to patriotism (instead of a justifying role), the idea of human dignity (as Nussbaum reconceptualized it) plays a justifying role which implies that everybody must accept the commitment to promoting a life worthy of being lived, wherever it is to be lived (2007: 5; see also 2006: 333).

Objections to moral cosmopolitanism

Moral cosmopolitanism elicited much criticism aimed at the ethical universalism it propounds or against the claim that obligations exist versus all human beings wherever they live. The first criticism comes from the ethical relativists and from the postmodern or postcolonial authors who reproach cosmopolitans for not according sufficient consideration to the fact that the standards of universality are historically articulated (Butler 2002). Or else they perceive in cosmopolitanism an approach of homogenization, of imposition of western values on the rest of the world, a view tainted with paternalism which considers all the others as mere passive recipients of rights. For some, the imposition of western values is the go-ahead for the imposition of a unique worldview – neoliberal values and human rights – and for the promotion of the geopolitical and economic interests of some countries at the expense of others.³⁷ Rejection of cosmopolitanism also amounts to rejecting the general

idea of having global obligations. The main objection to the latter springs from *communitarianism*. According to the communitarians, the nature of the national community, as defined in terms of cultural membership and shared self-understanding, is such as to legitimate or to demand partiality versus one's fellow citizens. In this position the impartiality of the liberal moral argument cannot be coherently applied at the global level, but only within the boundaries of a local cultural community. This limitation of scope of liberal principles to the area of one's own national community, as well as the distinct moral duties deriving therefrom, are justified on the basis of two arguments. For some, partiality toward fellow nationals is a consequence of the very nature of morality. Michael Walzer for instance claims that the impartiality principle at the global level is not coherently defensible since it would entail ignoring the 'situated' nature of moral practices (1983). Alasdair MacIntyre maintains that the moral point of view is incompatible with the patriotic one (1984): it is actually impossible to disregard the patriotic position as it represents the precondition for moral action. A flourishing community of agents sharing moral values and norms is a necessary condition for the continued existence of an individual as a moral agent; patriotism, by implying the special obligation of maintaining and defending one's own country, is the precondition for actual moral functioning. From this point of view, patriotism represents the true basis of morality and not something conflicting with it. Other partialists maintain that the priority given to the interests of one's fellow citizens stems from the importance that membership of a community has in the attainment of the good of each individual; the various duties one has toward one's fellow citizens stem from the moral importance of the development of the cultural sphere as a condition for individual flourishing and from the need to protect the condition of its possibility, namely the national community (Taylor 1992; Tamir 1993). For the communitarians the mutual obligations are embodied in the traditions and in the history; they are obligations strengthened by specific political conceptions in which the citizens' relations with their communities imply special obligations of loyalty to the state which provides a safe framework within which they can live.

It is against this cultural background divided between partialists and impartialists that Martha Nussbaum wrote 'Patriotism and Cosmopolitanism' (2002a). In her paper she defends the idea that national borders are morally arbitrary and that it is necessary to become citizens of the world, namely citizens whose 'allegiance is to the worldwide community of human beings' (2002a: 4). The authors who have commented on and criticized her position have put forward a wide range of reasons to reject the moral cosmopolitan ideal. Benjamin Barber (2002) claims that it is sufficient to treat the pathological drift of patriotism and nationalism and to replace them with healthy forms instead of turning to cosmopolitanism which would deprive us of concreteness

and immediacy.³⁸ Sissela Bok expresses scepticism regarding the chances of loving humankind in general and, through the verses of the poet Alexander Pope, reminds us that 'God loves from Whole to Parts: but human soul Must rise from Individual to the Whole' (Bok 2002: 43). Amy Gutmann (2002) asserts that in order to be acknowledged as free and equal individuals it is necessary to be members of a given democratic community, in which it is possible to put forward demands for justice for all and not just for one's own fellow citizens. For Gertrude Himmelfarb, cosmopolitanism is a perilous illusion as it 'obscures, even denies, . . . the givens of life – parents, ancestors, family, race, religion, heritage, history, culture, traditions, community – and nationality. These are not "accidental" attributes of the individual. They are essential attributes' (2002: 77).

To feel loyal towards the whole of humankind entrains the risk of not feeling any loyalty at all. The identity of the cosmopolitan seems to lack emotion and warmth and to be liable to lack motivational power. Indeed these authors emphasize a problem that is hard to overcome: if an extreme version of cosmopolitanism is embraced, that is, if all human beings count and count equally, no partiality is acceptable and in any case would have only a derived and non-intrinsic value. As Nussbaum writes, a serious commitment to equality demands that the local (family, fellow citizens) be granted an additional dose of attention compared with outsiders: 'the primary reason a cosmopolitan should have for this is not that the local is better *per se*, but rather that this is the only sensible way to do good' (Nussbaum 2002b: 135–136). Special attention focused on someone in particular has only a derived value (for instance, it is an effective way of doing the good of humankind in general); if this were not the case it would mean that someone (the person on whom we focus special attention) possesses a greater value than others. Moral cosmopolitanism is either extreme or does not exist. It follows, in Samuel Scheffler's (2001) opinion, that patriotism and cosmopolitanism are incompatible and that moderate cosmopolitanism, in which all persons are believed to have equal value, but at the same time acknowledges special responsibilities having an intrinsic and non derived value, is not a tenable position.

To this list of criticisms we may add the ironical words of Michael Walzer, who points out that without a World State there can be no world citizenship: 'I am not a citizen of the world . . . I am not even aware that there is a world such that one could be a citizen of it. No one has even offered me citizenship, or described the naturalization process, or enlisted me in the world's institutional structures' (Walzer 2002: 125). However, in defence of cosmopolitans it may be pointed out that ethical cosmopolitanism does not imply political-legal cosmopolitanism. Its supporters may conceive of global citizenship in a purely ethic sense and refer to a *moral* global community, Kant's kingdom of ends, to

which each individual belongs as a moral agent and in which everyone has obligations of principle towards human beings as such.

Critiques of social justice cosmopolitanism

As we have seen, Beitz's theory is grounded on the idea that international economic interdependence represents a scheme of cooperation to which, following Rawls's theory, demands for justice must be applied. This idea poses an analogy between domestic society and the society of international relations that several authors have rejected for two reasons. Firstly, interdependence is viewed as a necessary but not sufficient condition for the global application of principles of justice. This is because it is considered that to justify such an application, other conditions would have to be satisfied, which are lacking in the arena of international relations. The main difference between the area of international relations and domestic society is to be found in the absence in the former of effective decision-making and decision-enforcing institutions, as well as of a world constitution similar to the codes that define the structure of authority within a state. Nor does any world police exist which is capable of enforcing compliance with world community policy. The second reason for which it is believed that the demands for justice are not to be applied in the sphere of international relations is that this sphere differs from domestic society in that it lacks an (international) sense of community. Within domestic society, community feeling is an important motivational basis for the respect of laws and decisions. Rawls considers that respect for principles of justice is dependent on the fact that persons have a capacity for the sense of justice and that this capacity is developed thanks to participation in the life of a well-ordered society (1971: 496–504). Within the framework of international relations no such community feeling exists: the world seems to be too vast and the cultures too many to be able to share a sense of global justice. Therefore, as Beitz himself admits, 'it is unlikely that a sense of global community comparable to the sense of national community will develop' (1999: 155). For some authors, however, even if they were feasible, global coercive institutions would by no means be desirable as they would be inefficient or oppressive. Then there are some who defend the so-called 'priority thesis' and claim that social cooperation at the national level is justification for distributive claims capable of having priority over requirements of a global difference principle: special obligations exist towards the less fortunate members of their own societies which take priority over the obligations to improve the life prospects of the more disadvantaged groups living in other countries. This group of critics includes those who believe that the members of the rich countries should receive a larger proportion of resources than that envisaged in the global difference principle on the strength

of their superior technology, organization, economy and efficiency; others object that the attempt to implement the global difference principle is a breach of the states' autonomy, while others again point out that citizens in the rich countries could well consider unfair the sacrifices requested for global distribution in view of the lack of any guarantee that rich persons in other countries do their fair share. In the absence of global institutions capable of coordinating and enforcing redistribution policies, these sacrifices could indeed offer undeserved advantages to others.

One criticism of the champions of social global cosmopolitanism was made by John Rawls himself who, in *The Law of Peoples* (2002), rejects the maximalist interpretation given by Beitz and Pogge to his theory of justice, reiterating a minimalist version of duties outside national borders. Cosmopolitans start from the idea that all persons are reasonable and rational and possess the two fundamental moral powers (the capacity to develop a sense of justice and the capacity to form a conception of good) underlying political equality both in comprehensive liberalism (Kant, Mill) and in political liberalism. From here they imagine an original global position in which all the contracting parties are situated symmetrically behind a veil of ignorance; these parties are believed to adopt a principle guaranteeing that each person has equal fundamental rights and freedoms. According to Rawls, this way of proceeding makes the theories of Beitz and Pogge hard to reconcile with the fact of plurality characterizing international society because it leads straight to the foundation of 'human rights in a political (moral) conception of liberal cosmopolitan justice' (2002: 82); that is to say, on a comprehensive conception of the good. Furthermore, this theory also seems to be somewhat problematic as far as tolerance is concerned since, in the cosmopolitan view, all persons should enjoy liberal rights equal to those enjoyed by the citizens of a liberal constitutional democracy, non-liberal societies would always be subject to some form of sanction and as a result 'the foreign policy of a liberal people . . . will be to act gradually to shape all not yet liberal societies in a liberal direction, until eventually (in the ideal case) all societies are liberal' (2002: 82). Rawls also criticizes the application of a global distributive principle. He considers that 'well-ordered peoples have a duty to assist burdened societies'; from this point, however, he does not draw the consequence that the only way to fulfil this duty is to apply globally a distributive justice principle to regulate the social and economic inequalities among societies, and even less a principle that, like that of the cosmopolitans, which he defines as a global egalitarian principle, does not have 'a defined goal, aim, or cut-off point, beyond which aid may cease' (2002: 106).³⁹ The differences between the two views are quite remarkable and are pointed out by Rawls himself: 'The ultimate concern of a cosmopolitan view is the well-being of individuals and not the justice of societies. According to that view there is still a question

concerning the need for further global distribution, even after each domestic society has achieved internally just institutions' (2002: 119–120). The cosmopolitan outlook is concerned with the well-being of individuals and thus with the possibility of improving the well-being of the individual who is globally worse off. What is instead significant for the law of peoples is that 'once the duty of assistance is satisfied and all peoples have a working liberal or decent government, there is . . . no reason to narrow the gap between the average wealth of different peoples' (2002: 114). Rawls differs from the cosmopolitans also because, in explaining the causes of poverty, he adopts the stance – defined by Pogge as 'explanatory nationalism' – that the development of a country is explained on the basis of internal factors. Rawls actually considers that the well-being of a country does not depend primarily on its resources but on its political culture: 'a society with few natural resources and little wealth can be well-ordered if its political traditions, law, and property and class structure with their underlying religious and moral beliefs and culture are such as to sustain a liberal or decent society' (2002: 106). Except in marginal cases, there is no society in the world that is so strongly deprived of resources that it cannot become a well-ordered society if it is organized and governed reasonably and rationally. Other Rawlsians have criticized the supporters of social global cosmopolitanism on the strength of the lack of any legal coercion in the field of international relations. Michael Blake (2001) maintains that the egalitarian principles of distributive justice should not be applied globally as, even though a duty exists to remedy *extreme* deprivation wherever it is found, and even if forms of coercion exist inside the international arena, only legal coercion inside a state can represent a condition for concern *vis-à-vis relative* deprivation: the concern over liberal autonomy leads to a concern over relative economic deprivation only among compatriots.⁴⁰ In 'The Problem of Global Justice' (2005) Thomas Nagel, while acknowledging the profound inequality present in the world, as well as the need for political philosophy to come up with an answer to such a serious situation, in harmony with Rawls, maintains that the justification and legitimacy of a global justice theory needs must assume the existence of shared institutions and social practices. It is necessary to satisfy the minimal requirement, which he defines as Hobbesian, of a global institution capable not only of imposing and enforcing international justice requirements over the entire planet, but above all of justifying this coercive power on the basis of moral principles of universal scope. According to both Nagel and Rawls, despite the existence of negative rights that set universal and pre-political limits on the legitimate use of power, that is, rights that are independent of special forms of effective political association referring for example to the freedom of individuals, other positive rights, such as those referring to the reduction of unfairness in the distribution of social and economic goods, are instead found to have their legitimation only within the

sociopolitical context in which they are situated. To date, a minimal Hobbesian requirement like the one described by Nagel would actually be totally absent; it would also be quite difficult to imagine in the near future. In a sovereign state a special justice obligation exists versus arbitrary inequality in the treatment of persons subject to the laws of the legal and political system, not only because the laws are coercively imposed but also because it is assumed that individuals subject to them are also the authors thereof. Membership of a society thus implies the 'engagement of the will', and the political authority is wielded in the name of participants in the general will. This element leads to special duties against arbitrary inequalities in the treatment of members by the system. Since the states wield sovereign power over their citizens and in their name, the citizens have associative justice duties to each other, with which the legal, social and economic institutions made possible by sovereign power comply. According to Nagel, international relations based on material relations, as well as on economic interactions, do not represent 'an inappropriate site for claims of justice'. On the other hand, there is not even an obligation to enter into 'strong political relations' with others, an obligation that could give rise to socioeconomic justice duties. Nagel comes to the conclusion that the demands for justice do not apply to the world as a whole, although they can apply if and when the world is governed by a single unified sovereign power. In contrast to Nagel, Pogge argues that, in the real world, the governments of the rich countries impose a coercive global order which perpetuates the poverty of the many who are unable to stand up to this imposition. He points out that the current International Property Rights (IPR) system is applied to the world through sanctions and that the citizens of the World Trade Organization member states are obliged to accept the international IPR regime just as they are compelled to follow the norms prevailing in their own countries. The coercive element is consequently an integral part of the IPR regime, a regime that has dramatic effects on individuals, excluding poor persons, for instance, from having access to life-saving medicines. Therefore, also from Nagel's point of view, conditions apparently exist to be able to subject international institutional arrangements to the constraints of global social justice.

There are also authors whose criticism is levelled in particular against the social justice cosmopolitanism version developed by Thomas Pogge. While several authors criticize Pogge for having incorporated an egalitarian instance in global justice theory (Miller 1999b: 201; 2005: 55), others conversely blame him for not being egalitarian enough. Joshua Cohen criticizes Pogge for not having grounded global justice in egalitarianism but rather 'on the relatively weak *normative* premise that we are morally required not to harm others, together with strong (and highly contentious) *positive* claims about the extent to which current global arrangements, including the rights

to command resources that are associated with sovereignty, harm people who are badly off' (Cohen and Sabel 2006: 152, note 10). Another group of authors criticizes him for using the concept of negative duty and for having affirmed that the rich countries are actively responsible for the poverty of the poor countries. In particular, the problem of the responsibility of the rich countries has given rise to a heated debate between Pogge and the theorists Alan Patten, Mathias Risse and Debra Satz, who charge him with having made three basic errors: (1) a conceptual error in that he used the verb 'to harm' in order to indicate what should instead be interpreted as failure to help and protect; (2) a material error in that the idea that the global institutional order is the main cause of poverty in the world is not corroborated by empirical evidence; (3) a moral error in that his theory puts forward minimum moral requirements that are unduly demanding. Patten, in particular, thinks that Pogge's theory is tainted with the defect of 'explanatory cosmopolitanism' in that it overemphasizes international factors in explaining poverty and pays too little attention to domestic ones. In his view it presents a relatively implausible outlook as no guarantee is provided for the fact that if a fair international environment were achieved, any steps would be taken at the national level towards the achievement of policies required to combat poverty. A few studies seem to confirm Rawls' thesis that what mainly determines the economic prosperity of a country is the quality of its local institutions, which might well play a more important role than what Pogge is willing to allow (Sen 1981). Indeed Pogge maintains that it would be an illusion to believe that poverty could be reduced without acting upon the local factors, although he seems to believe in the fact that the changes he proposes in the global order would bring about essential reforms in the local institutions. Others argue against Pogge that remedying the wrongs perpetrated by colonialism should affect only the countries involved and that the problems it caused should be handled by means of bilateral agreements rather than through global institutions.

Social justice cosmopolitanism has been criticized also by the liberal-nationalists. David Miller, for example, complains of the potentially imperialistic implications of Beitz's and Pogge's cosmopolitanism. He argues that this theory cannot simply be limited – as these authors claim – a moral kind of cosmopolitanism that has no political knock-on effects. In order to generate feelings of obligation towards all human beings it is necessary to be part of a political community. Consequently the social justice cosmopolitanism project can be achieved only if a World State is set up. This is where it appears as a project the fulfilment of which could have despotic outcomes, in addition to the disappearance of the different nationalities and cultural differences. The liberal-nationalists (but not only them) object that the cosmopolitan conceptions of distributive justice and the underlying arguments are based on premises

and types of argument of western origin and so not only cannot have a universal validity but should not even be exported to non-western contexts if accusations of ethnocentrism and cultural imperialism are to be avoided. Against social justice cosmopolitanism, David Miller further stresses the difficulty of deciding, in the absence of any common gauge, which resources are to be distributed (1999a: 106).

Communitarians and liberal-nationalists generally reproach the cosmopolitan view for not leaving any or enough room for partiality vis-à-vis the family, friends or personal projects. Some communitarians claim that the contextualized nature of justice implies that global justice is impossible; Walzer (1983: 29–30), for example, asserts that liberal impartiality can be properly applied only within domestic borders. Priority must unembarrassedly be given to those who are closer, compatriots, since this is what represents the origin and the very foundation of human affiliation and the bonds of the community. Furthermore, so large is the degree of diversity among the various nations that it would not even make sense to rely on the existence of shared global justice principles. More recent criticism of social justice cosmopolitanism has been made by Seyla Benhabib (2006), who raises three objections against it: (1) an epistemic objection (the existing relations of causality in the global economy are not clear); (2) a hermeneutic one (who is to be deemed ‘the less advantaged member of society?’); and (3) a democratic one. She points out that the difference principle should be used as a guideline, as a normative objective, not as a specific policy aimed at reducing inequalities, since no exact and uncontested causal relationship can be established between global economy and poverty. Moreover, the difference principle demands that it should be able to judge who the ‘less advantaged’ member of society is; however, as Benhabib points out, this judgement is not univocal as the criteria it is based on are not only economic but also political-economic. The third objection is particularly strongly felt by the philosopher. According to her, global justice theories are affected by a ‘democratic deficit’ as they pay little attention to the democratic legitimation of their distribution policy. She argues that socioeconomic justice and the criteria for measuring it cannot be identified independently of the democratic practices of liberty and self-determination. Benhabib also claims that the processes of interaction among actors in contexts of complex multilevel governance are forms of democratic iteration, moral and political dialogues in which cosmopolitan principles and norms may be appropriated and reiterated by constituencies of all sizes. The concern for global justice may thus become one of the principal action and iteration guidelines for democratic peoples. Although these processes may lead to outcomes that are anything but ideal, she nevertheless considers them to be preferable to global redistribution principles which have to rely on coercive enforcement agencies whose democratic credentials are questionable.

Benhabib believes that in international justice it is necessary to clear the field of the dichotomy between pure global justice on the one hand and democratic governance on the other; it is rather necessary to seek to achieve a 'democratic justice' (Shapiro 1999) that, through a series of interrelated and overlapping mechanisms, can lead to global justice.

2

Political-legal cosmopolitanism

Unlike moral cosmopolitanism, which applies moral cosmopolitan standards to the evaluation of human agents and their behaviour or to social institutions, political-legal cosmopolitanism proposes the creation of a *cosmopolis*, a cosmopolitan institutional order under which all persons have equivalent rights and duties and are therefore citizens of a universal republic. From this point of view, it is the only form of cosmopolitanism that truly warrants the adjective '*cosmo-political*'. It shares with moral cosmopolitanism the idea that 'every person has global stature as the ultimate unit of moral concern' (Pogge 2008: 175) and that each person is entitled to equal consideration regardless of her citizenship or nationality. Such equality implies that duties and responsibilities pertain to each human being, which itself raises the problem of understanding the trade-off between duties we have towards the polis and those that we have towards the cosmopolis, between the duties we have towards our fellow citizens and those towards the citizens of the human community. Moral cosmopolitans consider that our obligations towards others (the safeguarding of human rights or the development of capacity at least up to a certain minimum threshold) can be honoured through different forms of global governance, and do not necessarily entail the creation of a political-legal cosmopolitical order. Advocates of political-legal cosmopolitanism are quite convinced however that profound institutional transformations are essential if the global system is to satisfactorily achieve the cosmopolitan ideal. For this reason they have addressed the problem of identifying the institutional arrangements capable of effectively and efficiently defending peace and human rights, of materializing the ever-increasing sense of cosmopolitan membership, of guaranteeing equal political participation to all world citizens.

Advocates of political-legal cosmopolitanism consider themselves the heirs to the philosophy of Immanuel Kant, although their starting point consists of different interpretations of his ideal of *Weltrepublik*. In the course of his reflection on the institution of a state of peace as the condition for the possible development of the *Bestimmung des Menschen* ('destination of mankind'), Kant appears to hover between two distinct positions: after he acknowledges

that this state of peace can be guaranteed only by the perfect civil unification of humankind, the latter is on some occasions presented as a confederation of peoples (*Völkerbund*) (Kant 1784: 165; 1795: 102; 1797: 171), on others as a state of peoples (*Völkerstaat*) (Kant 1795: 105; 1793: 92).

This ambiguity has given rise to the expression of at least three distinct interpretations. On one side there are those for whom the Kantian solution consists in a confederation of states defined as a permanent, voluntary, potentially universal but always revocable congress (Kant 1797: 171). On the other, we find the champions of the thesis according to which Kant is believed to have opted for a world federal state.¹ The latter interpretation is grounded on two textual indications. The first is found in 'Perpetual Peace' (1795) and, more exactly, in the passage in which the free confederation is defined as 'a negative substitute' of an international state (*civitas gentium, Welt republik*) (Kant 1795: 105); the second consists in the emergence, in both 'Perpetual Peace' and the 'Metaphysics of Morals' (1797), of the concept of cosmopolitan right (*Weltbürgerrecht*), which is interpreted as the right of each human being to possess the legal status of citizen of the world and therefore the right of persons not insofar as they are inhabitants of any given state but rather of a world state. Cosmopolitan law would thus boil down to the constitutional law of a World State – to which the states would have to transfer part or all of their own sovereignty – viewed as the ultimate goal towards which to proceed once the republican political law (the goal of the first definitive article for perpetual peace) and the confederative law of peoples (the goal of the second definitive article for perpetual peace) have been achieved. In this view, *Völkerbund*, the confederation, would simply be a step towards the cosmopolitical state, which would be permanent and fully implemented only after every state in the world had become republican. This idea was developed by Hans Kelsen (1944) in several highly innovative theoretical-legal theses such as the primacy of international law, the partial nature of national legal orders and the need to do away with the very idea of state sovereignty. According to Kelsen, the internal rules of any national legal system must comply with international rules: in the case of disagreement the latter have priority. In his view, in order to attain the objective of peace it is necessary to unite the national states into a federal World State capable of wielding a coercive power and attaining the legal unification of all peoples: the armed forces and the political apparatuses of states must be placed at the disposal of a world criminal court that exerts its authority through rules issued by a universal parliament. For Norberto Bobbio (1979), who was influenced by Kelsenian normativism, the institution of a global legal order and a World State that enjoys the monopoly of the use of force is the objective humankind must attain in order to avert the risk of self-destruction. In this theoretical outlook the philosopher deems that the United Nations is a forerunner and the

generating core, as it were, of the superstate, the power of which will be capable of limiting the use of international force, subjecting it to the rules of law and ensuring stable and universal conditions of peace. Since the United Nations does not envisage the subordinating of the member states to the authority of a global government and jurisdiction possessing the exclusive right to exert coercive power, it needs to be reformed. If the aim is to ensure that the fundamental rights benefit from *erga omnes* cogency specific to positive legal orders, it is not enough to set up international courts lacking any true compulsory jurisdiction, such as the International Court of Justice. It is necessary to create a compulsory universal jurisdiction such that the United Nations can intervene, even militarily if required, to put an end to breaches of human rights using armed forces acting under its command. For those who interpret Kant's *Weltrepublik* as a world state, the protection of rights cannot be left in the hands of the national states, but must be increasingly entrusted to supra-national bodies. The establishment of a compulsory universal jurisdiction and an actual international police force is considered as the sole possible alternative to war and international disorder. The authors that view with favour the expansion of international criminal jurisdiction² also hope for the establishment of a cosmopolitan law to replace the current international law, and tend to subscribe to the thesis of the universality of human rights. This conviction is grounded on the assumption of the *domestic analogy*: if the centralization of political and legal power has reduced violence inside national states, it may well be asserted that the concentration of power in the hands of a supreme supra-national authority will pose the condition for the construction of a fairer, orderly and peaceful world. This domestic analogy is partially shared also by the advocates of cosmopolitan democracy (Daniele Archibugi and David Held). They interpret Kant's *Weltrepublik* as a form of unification that is intermediate between a world confederation and a world federal state. Although they are against the creation of a world federal state, which would entrain the disappearance of the states, they are of the view that the political-legal structure should be reshaped so that states and the other political units are brought under the authority of supra-national agencies. Their interpretation of the Kantian idea could be expressed in the following formula: the transition from government to governance. Or rather, to a new form of governance, since what characterizes the champions of cosmopolitan democracy is the determination to make more democratic existing forms of governance and to construct a true cosmopolitan citizenship side by side with national citizenship.

The advocates of cosmopolitan democracy (codems) claim that cosmopolitanism is a utopia rooted in the present that requires the full realization of the idea contained in the 1948 Universal Declaration of Human Rights and in subsequent international accords on human rights adopted by

the 1966 UN General Assembly to the effect that all human beings are born free and have equal dignity and rights without distinction of race, colour, gender, language, religion, political or other opinion, national or social origin, wealth, birth or any other condition. The universal nature of these rights demands that they be applied to human beings as such and that national borders must therefore not limit the rights and duties of single individuals. This is therefore a utopia the values of which belong to a morality that is already acknowledged and deemed to be a shared heritage of different cultures and people. This is why, rather than seek to justify cosmopolitanism from the moral point of view, codems adopt the strategy of amplifying the existing contradiction between the political activities of national governments and the already partly cosmopolitan morality embodied in the various declarations and conventions. They are persuaded that cosmopolitan utopia finds in globalization a favourable historical condition for its realization. Globalization of the market, production and information has brought about an increasing integration and interdependence among countries and persons, the gradual emergence of a global society and the awareness of belonging to a human and not just a national community. A cosmopolitan sensitivity has developed that renders the citizens increasingly participatory and supportive towards what is happening to other individuals and communities, even those that are geographically and culturally distant from their own. Codems argue that global problems require a global governance. The globalized world is facing three main tiers of problems, the solution of which cannot and must not be left to the individual states: (1) management of the risks of the so-called *global commons*; (2) the defence of human rights; (3) management of new or worldwide phenomena that require common rules. According to them, it is neither possible nor sufficient to have state-centred global governance. The states hitherto at the focus of politics and international law have undergone a change in the form and nature of their power: (1) an individual state government does not possess the technical and administrative capacity to deal with problems that have taken on an increasingly global physiognomy; a number of issues transcend the sphere of the wielding of sovereignty by a single national state; (2) the fall-out of the effects of the decisions a national state takes can affect persons who do not live within its borders; (3) the decisions taken by regional or (quasi) supra-national organizations, such as the European Union, NATO and the International Monetary Fund, reduce the decision-making sphere available to national governments; (4) the global governance mechanisms already in place have transformed the international system into a polyarchy, into a system comprising various authorities such as states, subnational groups, transnational communities and interests, including private and public bodies. This growing network of political and legal rule production characterized by a low degree of democraticity is wearing away

the legitimacy of states and classic international law, causing a crisis in the traditional international UN-based system. Given these conditions, global governance, according to codems, must be achieved through a cosmo-political union: the cosmopolis. State and inter-state governance is not sufficient for tackling global problems and for guaranteeing the fundamental rights of all the world's inhabitants. It is necessary to set up (or reinforce) a supra-state governance level by means of the underwriting by all states of a pact establishing a cosmopolis. It must take the form of a voluntary and revocable *union* among states, governments and meta-government institutions, halfway between a confederation, where the states are the exclusive actors and individual rights and duties are limited by national membership, and a federal World State, characterized by a single global law and by the transfer of sovereignty from the state to the global level. Participants (at least in the preliminary phase) can also be states with different political constitutions as sovereignty and the principle of non-interference are constrained by the respect of human rights. In the cosmopolis, internal sovereignty is limited by the global constitutional norms while external sovereignty is replaced by a global constitutionalism.

It befalls the union to settle disputes by negotiation and through multilateral agreements aimed at guaranteeing security, individual rights and self-government. The states retain their own armed forces but the ultimate coercive power is distributed among various actors and subjected to the legal control of supra-national institutions whose overarching compulsory jurisdiction the states accept. If a member does not accept the decisions, the international community is empowered to adopt a range of coercive measures, including economic, political and cultural sanctions. The use of military force is only the *extrema ratio*, and must be entrusted to the direct control of the union bodies and authorized by the institutions of the world's citizens. Humanitarian intervention implemented to prevent acts of genocide is managed by supra-national institutions. A criminal court is set up with compulsory jurisdiction, empowered to act against individuals in the case of crimes that are not sanctioned or prosecuted by national legislations. The cosmopolis thus represents a limitation of the sovereignty of states without themselves being a state. Against the background of a cosmopolitan community, the national state does not fade into the background but ceases to be the sole centre of legitimate power within its own borders; it situates itself within a broader global law and takes part in a network comprising subnational entities, regions, transnational communities, government and non-government bodies and agencies. According to codems the cosmopolis is a model of global governance that is efficient because it is legitimate. Precisely because the union does not have the form of a federal state with coercive powers, the institutions within it that promote and apply international and cosmopolitical law need to be

legitimated. Governance inside the cosmopolis must be exerted democratically. Only a more direct popular mandate can increase its legitimacy and at the same time reinforce the willingness of the states, which wield the power, to comply with the norms. In the cosmopolis, democratic rules and procedures must be applied to each of the following dimensions: local, statal, inter-statal, regional, global. The starting point for Held and Archibugi is the assumption that the crisis of the western democracies is not in itself the defeat of democracy as a system of government but rather of the *form* in which it has developed historically, that is, linked to a geographically determined territory and a specific form of sovereignty. They endeavour to de-nationalize democracy and to split nationality from citizenship. They propose to raise the process of democratization also to the regional and international level, bridging the so-called 'democracy gap' between the internal and the external sphere by means of a double-sided or dual democratization process (Held 1995), which involves both individual communities on the inside (state-civil society) and the international sphere.

The cosmopolitical democracy model is aimed at forming legislative and executive bodies at different governance levels which can operate in accordance with the basic principles of democratic law to which they are bound. To this end codems propose the establishment of regional parliaments and a world assembly of the United Nations that can represent individuals, peoples and movements of the whole world; they also favour the widespread use of general referenda and the creation of electoral constituencies defined on the basis of the stakeholding principle. According to this principle, all those involved or having a stakeholding in the decisions taken by the public authorities concerning a given matter are entitled to participate in the decision-making processes by means of public assemblies and the exercise of the vote in transnational, transregional or global referenda. Codems point out, however, that global governance must be based on the equilibrium between democracy and the rule of law. According to Archibugi, political institutions and decisions must be grounded on three principles: cosmopolitan inclusion (all individuals must participate in the decision-making process concerning them); cosmopolitan responsibility (political action must be implemented taking due account of the interests of those that are directly or indirectly involved); and impartiality (no one can be judge of their own affairs; in the case of dispute, the parties must appeal to an external judgement). Participation and rule of law must be guaranteed at all levels of governance by means of the legal coding of the interactions among individuals, states and institutions in a regulatory reference framework tending towards a form of global constitutionalism. Cosmopolitical citizenship is conceived of by codems as a guarantee both of the defence of human rights and of political participation. The cosmopolitical system not only presupposes the existence of universal human rights

protected by the states but also a core of rights that individuals may lay claim to. The task of safeguarding these rights is entrusted to bodies that are the direct expression of the citizens regardless of the institutions in their respective states and in parallel with them.

Cosmopolitical citizenship provides a guarantee that refugees and stateless persons, through these supra-statal institutions, can enjoy the 'right to have rights' denied them in their home country and together with this, also civil, political, economic and cultural rights. These institutions must 'interfere' inside states whenever serious violations of human rights are suffered by those who live in them, also demanding that these states should embody in their legal system the extension to foreigners of the rights reserved to native inhabitants. Equal political participation is guaranteed by the creation of permanent new institutions in which civil society participates in political decision-making in accordance with the stakeholding principle. Cosmopolitan citizenship therefore means proceeding beyond citizenship linked exclusively to membership of a nation-state, towards a multilevel, multidimensional citizenship anchored to common principles and rules. An important target of cosmopolitical democracy is to give voice to world citizens, to ensure that all inhabitants of the Earth 'have a voice and a political franchise in parallel to and independently of those they have inside the state' (Archibugi 2008: 96). The United Nations is the pivot of the world legal and political system which it would be unrealistic to ignore in setting up a new world order. In order to become more democratic, the United Nations must undergo a reform of its executive and legal power, and must also offer world citizens an autonomous representative institutional channel, through the creation of a world parliamentary assembly. The latter would act as a grandstand from which to debate the principal world problems, such as economic and social development, the defence of human rights, the promotion of political participation and protection of the environment. An advisory body of the General Assembly and of the Security Council with policy-making competence and lacking any effective powers, it would be the visible, tangible symbol of the institutionalization of the citizens of the world. While membership of the cosmopolitical union would be defined by the principle of effectiveness, that of the world assembly would have to give priority to the criterion of legitimacy, demanding that its members be freely-elected delegates. At a second stage it could be invested with more concrete powers in well-defined areas, such as the protection of fundamental human rights and humanitarian interventions; the redefinition of the limits and the jurisdiction of the various political communities; the identification of the most appropriate level of governance in the case of problems regarding transversal political communities.

Cosmopolitan universalism is compatible with ethical pluralism and cultural difference: the acknowledgement of the equal moral status of each individual on which cosmopolitanism is based is precisely what makes it possible to

construct a global common structure that is impartial vis-à-vis the different conceptions of good, the aims, the hopes and the life prospects of individuals, as well as being respectful of their capacity for self-determination and to implement independent decisions.

Held and Archibugi differ from Mary Kaldor in that they assign to the states and the political-legal institutions, rather than to the global civil society, the role of driving force behind the cosmopolitical-democratic transformation of national and international society. They distance themselves from the projects of transnational democracy in the version developed, for instance, by John Dryzek, which is based essentially on the belief that the mainspring of democratic legitimacy lies not in voting or representation but in deliberation. Instead of proposing to set up a new constitutional configuration of global politics, or creating alternative global governance structures liable to duplicate at the international level the problems that challenge the liberal democracies, Dryzek suggests that it is preferable to endeavour to identify currently existing opportunities in the international system in order to democratize governance. He claims that international civil society, in particular in its network form, can play a key role in establishing 'deliberative democratic control over the terms of political discourse and so the operation of governance in the international system' (2000: 138).

An authentic transnational public sphere of democratic deliberation must be informed by the principles of non-dominance, participation, public deliberation, responsible government and the right of all those involved to voice their opinions in the public decision making affecting their welfare or their interests (stakeholding principle). Membership of a deliberative community must include the stakeholders involved, namely those whose interests or material conditions are directly or indirectly impacted by the specific exercise of public power. Deliberative democracy – more than the rigid constitutional system proposed by the champions of cosmopolitan democracy – is better suited, according to Dryzek, to coping with the problems and needs of a world of 'overlapping communities of fate' in which the organization and wielding of power no longer coincides with territorially delimited political communities.

Held and Archibugi favour the proposal to boost the stakeholders' role and functions and to develop new forms of deliberative democracy in order to address transnational issues so as to make good the global democratic deficit. An enhanced role played by informed groups and non-territorial associations could increase the degree of popular control over decisions, the effects of which are felt beyond borders. In some cases these subjects are efficient and manage to influence the intergovernmental political agenda. Nevertheless, even if these associations were to grow in number, legitimacy and power, they would always be less representative than subjects that have received

their legitimacy and power through the conventional forms of representation. A global community based on voluntary participation would perhaps bridge a few gaps in the democratic deficit but would not solve the problems of greater inclusion and legitimacy and would give rise to fresh problems. Using what Archibugi deems the three constituent criteria of democracy – non-violence, public control, political fairness – this would amount to saying that the boosting of a global civil society would increase public control without guaranteeing political fairness.

Codems champion the development of a *global and democratic civil society*. Bottom-up commitment can be successful only when a reform is implemented to make democratic, or more democratic, national and international organizations and movements. This is because social movements and NGOs, which are essential elements of global democracy, in the absence of institutionalized decision-making and control procedures, run the risk of becoming shut in and hierarchized. National and/or transnational groups, associations and movements must incorporate into their own *modus operandi* a structure of rules, principles and practices that are compatible with democracy. The cosmopolitan democracy project entails the transformation of movements into institutions which draw their political legitimization from democratic procedures and not simply from the objectives they pursue. Both Archibugi and Held, as will be seen later, attempt to resolve the tension between the rule of law and the rule of the people by making use of global constitutionalism.

Seyla Benhabib also appeals to the Kantian tradition when she defends a specific version of political cosmopolitanism which it is hoped will give rise to a new membership policy, namely a policy that is capable of renegotiating the complex relationship between universal rights, democratic self-determination and territorial residence. She starts from the twofold tension characterizing the liberal democracies: firstly, between the cosmopolitan rules of human rights aimed at expressing a concept of universal and unconditioned rights and acts of self-legislation which amount to acts of self-definition and self-delimitation; secondly, between the universality of human rights and the partiality of the positive law. This twofold tension appears in a particularly dramatic form in the case of legal or illegal aliens, namely persons who live in a state of which they are not citizens. In the liberal democracies it is the *demos*, represented by citizens and voters, that is authorized to determine the content of democratic legislation and the self-definition required for self-legislation follows an inclusion-exclusion logic. To tone down this logic which, for Benhabib, is a constitutive part of democracies, the philosopher proposes to put in place democratic iterations, that is to say, practices by means of which to amend the laws in accordance with cosmopolitan principles and to broaden the definition of *demos* so that it also includes foreigners (whether

legal or not) who are subject to the jurisdiction of the rule of law without being included in the *demos*. By virtue of democratic iterations mediating between universal norms and the will of democratic majorities, a community is able to make a critical appraisal and modify the exclusion practices it puts in place, thus making the distinctions between citizens and foreigners more fluid and negotiable.

These practices are viewed as a premise for the creation of 'a postmetaphysical and postnational conception of cosmopolitan solidarity which increasingly brings all human beings, by virtue of their humanity alone, under the net of universal rights, while chipping away at the exclusionary privileges of membership' (2004: 21). Benhabib's proposal thus differs from the recent theories regarding global justice because, unlike the latter, which are focused on the proper distribution of resources and rights, she incorporates in cosmopolitan justice theory a conception of just membership. Furthermore, in her proposal of Kantian inspiration regarding a cosmopolitan federalism, she champions a conception of global justice in which attention is focused on the democratic legitimation of distribution policies. This conception is therefore more sensitive to the interdependence of democracy and distribution, a position which in a sense brings her closer to the positions of the proponents of cosmopolitan democracy.

The theme of the progressive fluidification of borders of the *demos* is also taken up in *Another Cosmopolitanism* (2006) in which Benhabib supplies examples of iterative processes that are apparently already ongoing in Europe and in which universal rules are embodied in the legal systems of local communities, giving voice to aliens and making the *demos* more fairly representative of the universal rules guiding cosmopolitanism. These are examples – such as the decision made by Germany to separate the right to vote from the status of citizenship – in which the rights linked to citizenship are challenged, negotiated and modified in response to the universal ambitions of cosmopolitanism. In this way the legal rights of citizenship are rendered more universal and the traditional link – now deemed to be illegitimate – between *demos* and *ethnos* is broken. Modern nation-states are based on the solidarity of the *ethnos* which is 'a community bound together by the power of shared fate, memories, solidarity and belonging'. Unlike *demos*, the confines of which can be stipulated and manipulated by positive law, an *ethnos* 'does not permit free entry and exit' (2006: 65). This is why Benhabib considers the national solidarity of *ethnos* as contradictory to the universalist principles to which in another sense it is bound and for this reason proposes to maximize the uncoupling between 'nationhood and democratic peoplehood'. The aim behind this would be to arrive at a future in which entitlement to 'civil, social, and some political rights' is unbundled from 'national belonging' (171), in which the *demos* is separated from the *ethnos*.³ This 'disaggregation of

citizenship' is a process already taking place in Europe and one of the clearest indicators of the evolution of cosmopolitan norms. This forms the basis of her proposed cosmopolitan federalism. A renegotiation of the boundaries between *demos* and *ethnos* would imply the introduction of new forms of democratic authority which 'can be exercised at local and regional as well as supra- and transnational levels' (172).

As already pointed out, this proposal is based on the belief that the barriers to cosmopolitan universalism are essentially two in number: (1) the determinacy of democratic authority, considered to be intrinsic and always insuperable within liberal democracies; and (2) national solidarity, which is deemed to be contingent and superable. It is not apparent to what extent the proper functioning of the state requires the solidarity of an *ethnos*. Some authors are sceptical about the possibility that 'the *demos* could be conceived only as a frictionless agglomeration, arbitrarily composed and recomposed, filling whatever form is required by the functional needs of distinct units of democratic decision making' (2006: 9). In any case, Benhabib is convinced that a multilayered governance in the global community could tone down the strong opposition between universalist aspirations and local self-determination. To this end she proposes the extension of the democratic principles of transparency and accountability to international organizations, as well as the reform of the UN Security Council so as to include a larger number of representatives of the nations in addition to the five permanent members. In the economic field the same strategy is followed. To reduce global economic inequality as well as to democratize these institutions, forms of economic cooperation must be sought that can mediate between transnational standards and local conditions. In other words, it is necessary to mediate between the different levels of governance, cooperation and coordination 'so as to create more convergence on some commonly agreed-upon standards for the eradication of poverty, but through locally, nationally, or regionally interpreted, instituted, and organized initiatives' (Benhabib 2004: 113).

Mary Kaldor and cosmopolitan civil society

Mary Kaldor is one of the main figures in the cosmopolitan democracy project and, unlike Held and Archibugi, situates the activities of civil society at the heart of cosmopolitan policy. In *New and Old Wars: Organized Violence in a Global Era* (2006) she claims that the changes taking place in the nature of violent conflicts justify reappraising them in terms of 'new wars'; compared with conventional wars, the latter are indeed characterized by a different pattern of actors, objectives, spatial context (domestic/external), human

impact and political and social economy. These new forms of war no longer respect the classic rules of war and represent serious violations of human rights. Human rights, together with new rules of war, needs must define the form, the ambit and the use of coercive power. It is therefore necessary to come up with a new response to the new wars, tackling them within a framework defined by cosmopolitan principles which alone can guarantee peace, and the respect of human and humanitarian rights. The doctrine of legitimate power as effective control over a territory must be rejected and replaced with international rules embodying fundamental humanitarian values as criteria on which to base legitimate government. It is therefore necessary to reconstruct the legitimate monopoly of organized violence on a transnational basis and rethink traditional peacekeeping in terms of cosmopolitan law enforcement, as an international police action guaranteed by highly professional forces subjected to a rigorous law of war and a common code of conduct. In *Global Civil Society. An Answer to War* (2003) Kaldor asserts that only an active policy of cooperation among actors operating at the local level and actors operating at the transnational level, and that go to make up a global civil society, can facilitate the downsizing of localism and ethnicism, ensure a management of global problems based on inclusive values and thus prevent the outbreak of new wars.

Kaldor defines global civil society as 'the sphere of ideas, values, institutions, organizations, networks, and individuals located *between* the family, the state, and the market and operating *beyond* the confines of national societies, polities, and economies' (Anheier *et al.* 2001: 17). She is critical of the customary prevailing association between the notion of global civil society and international NGOs. From a normative point of view it would be necessary to exclude from the notion of global civil society NGOs that offer services, especially those funded by states, as they act in the absence of any public debate and are not independent of the state; also to be excluded are identity or cultural communities within which compulsory membership is imposed since in the concept of civil society the emancipation of the individual must remain central. Kaldor knows full well that, in practice, global civil society is structured as a political subject that is not always reliable and democratic: no internal elective processes are contemplated (they would be if a world state existed which however could only be an authoritarian state); it is dominated principally by the northern areas of the world and is heterogeneous, seeing that a single global civil society does not appear to exist but rather multiple societies that differ from one another. Kaldor identifies a first limit in the composite nature of global civil society: activists committed to the new global civil society who meet in the various world, regional and local social fora belong to different social movements ranging from anti-capitalist movements to those that concern themselves with the environment, public services and

migration. The author divides these subjects into 'rejectionists' and 'reformers' (Kaldor *et al.* 2004, Introduction): the former, unlike the latter, are opposed to all forms of state-based humanitarian commitment, which they consider to be a legitimization of imperialism, and are opposed to the free market and the free movement of capital; conversely, the latter are committed to boosting the capacity of the multilateral institutions to cope with humanitarian emergencies and to contributing to global social justice. In Kaldor's view, a second limit consists of the essentially negative nature of the activity carried out inside the social fora and their peculiar form of organization. They often consist of protest movements that are incapable of developing projects or organic and alternative policies. The social fora are defined as a space for reflection, for democratic debate, the formulation of proposals, the free exchange of experiences; debates are appreciated not so much as tools but as such, and even if the debate hinges on proposals and strategies, generally speaking they do not produce any unified final statement. The social fora are organized as informal workshops for the purpose of promoting transnational networks involving specific issues; but it is precisely the emphasis laid on self-organization and the absence of structures that means that certain individuals end up speaking on behalf of others without having the necessary full democratic legitimization to do so.

Despite these limits, global civil society retains a strong emancipatory potential concerning all individuals at the normative level. By opening up closed societies, permitting public discussion of issues of global scope as well as fresh opportunities for coping with international conflicts, global civil society is both a subject capable of civilizing and democratizing globalization and a bottom-up process of administering international relations. Through it, groups, movements and individuals can call for a consensual political governance of globalization, a global rule of law, a social justice and a global empowerment (Kaldor 2003: 12). Global civil society is a fundamental resource for combating contemporary forms of global warfare and for demanding the application and extension of international humanitarian law and the duty/right of intervention. Taking humanitarian law seriously means enlisting global civil society in a concerted international action capable of reducing war and genocide and extending the application of law by means of international law enforcement, guaranteed by the establishment of an international police force and an international criminal court. It is far from being reducible to a set of western NGOs acting as non-political groups and having the sole purpose of offering services at the transnational level. Consequently, for Kaldor, global civil society is an intrinsically political project aimed at resisting the dominant structures of power, at extending popular participation and at reshaping the rights of the poor and the more disadvantaged at local and global level.

David Held: the cosmopolitan social democracy

Cosmopolitan sovereignty and cosmopolitan principles

Globalization processes have led to a transition from purely state-centric politics to a new and more complex form of multilevel global politics. Held's theory of cosmopolitan social democracy is an attempt to offer a model of multilevel global politics based on a new conception of sovereignty, political legitimacy and democracy. Its objectives are the promotion of an unbiased administration at the international level; enhanced transparency, accountability and democracy in global governance; a firmer commitment to pursuing a fairer distribution of human resources and security; the protection and reconstruction of a community at different levels (from local to global); and regulation of the global economy through the public administration of global finance and trade.

Held identifies two models of sovereignty that may be equated to two models of political power and international legal regulation: classic sovereignty (or law of states) and liberal international sovereignty. In its classic conception, sovereignty is considered a *summa potestas*, an indivisible and unlimited power to enforce the law which *superiorem non recognoscens*. It has both an internal and an external dimension: the former refers to the claim that a person (or a social body) can legitimately exercise command and be the ultimate and absolute authority in a given territory;⁴ the latter refers to the claim that there is no ultimate authority superior to a sovereign state. The modern nation-state has given rise to a system of international relations that was formalized in a new conception of international law, the so-called Westphalia model. This model, which spans the historical period from 1648 to 1945, is characterized by the principles of territorial sovereignty and of formal equality among states, by the principle of non-intervention in the internal affairs of other recognized states and by the principle of the state's consensus as the basis of international legal obligation. Adapting points from Antonio Cassese (1986: 386–389), Held summarizes the Westphalia model as follows (1995: 78):

- 1 The world consists of, and is divided by, sovereign states which recognize no superior authority.
- 2 The processes of law-making, the settlement of disputes and law enforcement are largely in the hands of individuals.
- 3 International law is orientated to the establishment of minimal rules of coexistence; the creation of enduring relationships among states and peoples is an aim, but only to the extent that it allows national political objectives to be met.

- 4 Responsibility for cross-border wrongful acts is a 'private matter' concerning only those affected.
- 5 All states are regarded as equal before the law: legal rules do not take account of asymmetries of power.
- 6 Differences among states are ultimately settled by force; the principle of effective power holds sway. Virtually no legal fetters exist to curb the resort to force; international legal standards afford minimal protection.
- 7 The minimization of impediments to state freedom is the 'collective' priority.

In this model, each state is deemed to be equally legitimate in view of the effective power wielded by the sovereign and regardless of how this power was acquired or is used. The model gives rise to a disjuncture among the principles that organize internal affairs and those organizing foreign affairs, which Held interprets as the acceptance of a double standard. On the strength of this double standard, it is accepted that democracy may exist within the nations and non-democracy in relations between states; that there may be accountability and democratic legitimacy inside states and only the pursuit of national interest outside national boundaries; democracy and citizenship rights for those deemed to be 'insiders' and their denial for those living outside these boundaries. The political, legal, economic and cultural changes that occurred during the twentieth century regarding the subject, the scope and the sources of international law may be considered a transition from classic sovereignty to liberal sovereignty. The six monopolies characterizing the modern state have been modified or done away with as a result of the disjunctures in sovereignty having taken place at the national and international level, in turn as a result of the rules governing war, the fight against crime, human rights and democratic participation, and the environment.⁵

As a result of these transformations, Held writes, 'any assumption that sovereignty is an indivisible, illimitable, exclusive, and perpetual form of public power – entrenched within an individual state – is now defunct' (Held 1995: 107–113). A new conception of sovereignty emerges according to which the effective exercise of power is no longer considered in itself a guarantee of international legitimacy; the respect of human rights and democratic standards becomes binding for the power of states and their representatives who are requested to submit to a new and more intense control and monitoring by an ever-increasing number of international regimes, international courts and supranational authorities. The practice of applying sanctions and of humanitarian intervention questions the principle and practice of non-interference in the internal affairs of a sovereign state and the idea that the way citizens are

treated is to be considered exclusively as an internal affair of the state. The boundaries between states are gradually losing their legal and moral significance; shared belonging or spatial proximity are no longer considered a sufficient source of moral privilege; states are no longer considered as discrete political worlds; situated inside different and overlapping political and legal domains, they have merely become just one of the sites where political power and authority is wielded. We are thus living in a world in which sovereignty can no longer be conceived of in terms of the conventional categories. Furthermore, globalization processes have led to structural changes and fresh problems have arisen that liberal sovereignty no longer seems capable of addressing. The globalization of the market, production and information has resulted in a growing integration and interdependence among countries and persons, the gradual emergence of a global society and the awareness of belonging to a human community that extends beyond national boundaries.

The globalized world has to cope with three main problems, the solution of which cannot and must not be left to individual states: (1) the management of the risks involved in the so-called global commons (global warming; loss of biodiversity and ecosystem destruction; overfishing; deforestation; scarcity of water; pollution of the sea; degradation or destruction of environmental, cultural and artistic heritage); (2) defence of human rights (fight against poverty; peacekeeping and peace-building, prevention of conflicts, anti-terrorism, universal education, female emancipation, demographic policies, prevention of infectious diseases, breaking down the digital divide, prevention of natural disasters); (3) management of new or worldwide phenomena (taxation; biotechnologies; finance; illegal drugs; trade, investment and competition; intellectual property rights; e-commerce; international labour; migration).

Hitherto at the centre of politics and international law, the states have undergone a change in their form and the nature of their power: (1) an individual state government lacks the technical-administrative capacity to cope with problems that have taken on an increasingly global physiognomy; several questions such as arms traffic, or the fight against aids or environmental pollution, transcending the area of the exercise of sovereignty by a single national state; (2) the effects of the decisions it takes can be felt by persons who do not live within its boundaries; (3) the decisions taken by regional or (quasi)-supranational organizations, for instance the European Union, NATO, the International Monetary Fund, reduce the scope of the possible decisions available to national governments; (4) the ongoing mechanisms of global governance have turned the international system into a polyarchy composed of different authorities such as states, subnational groups, communities and transnational interests, including private and public bodies. The growing network of political and legal rule production characterized by a low level of

democraticity is wearing down the legitimacy of states and classic international law, threatening the traditional UN-based international system.

Furthermore, the regime of liberal international sovereignty seems incapable of avoiding the creation of enormous inequalities of power and economic resources which has widened the gap between poor countries and rich countries in the global economy and maintains a significant part of the world population in a state of marginality or exclusion vis-à-vis the networks of political and economic power. As far as the latter problem is concerned, Held claims that incapacity to address world poverty stems from what he calls 'the tangential impact of the liberal international order on the regulation of economic power and market mechanisms' (Held 2005: 175). The international liberal order is actually aimed at reducing the abuse of political, and not economic, power, and consequently has only a limited number of systematic instruments to address sources of power other than political sources. This explains why liberal democracy and economic inequality can flourish side by side. It thus seems that the conditions and premises exist for the shaping and establishment of a regime of sovereignty and cosmopolitan law. Cosmopolitanism is considered by Held as the moral and political outlook that offers the best hope of solving the problems and overcoming the limits of classic liberal sovereignty. It is defined as 'the ethical and political space which sets out the terms of reference for the recognition of people's equal moral worth, their active agency and what is required for their autonomy and development' (Held 2010: 49). It is viewed as a set of values that no state or government is allowed to sidestep, based on the principle of the moral equality of all human beings, which implies for Held that all individuals deserve equal political treatment, and equal attention and consideration for their agency, regardless of the community in which they were born or grew up in. These principles are:

- 1 Equal worth and dignity.
- 2 Active agency; or people's right to self-determination.
- 3 Personal responsibility and accountability.
- 4 Consent; or a non-coercive political process in which all can take part.
- 5 Collective decision making about public matters through voting procedures.
- 6 Inclusiveness and subsidiarity; or equal opportunities for those affected by public issues to shape them.
- 7 Avoidance of serious harm.
- 8 Sustainable development.

The first three are the constituent principles of cosmopolitanism and determine its moral universe focused on the idea that every person is an object of equal moral concern; the principles from 4 to 6 are the legitimating principles forming the basis for the passage from individual or private action to a collectively agreed upon broader action context (public power can be considered legitimate only if it complies with them). Principles 7 and 8 establish the moral framework and prudential orientation for public decisions.⁶

The institutionalization of these principles requires them to be coded into a cosmopolitan law and a form of cosmopolitan democracy – national, transnational and supranational forms of democratic participation and accountability. From a legal standpoint, cosmopolitanism is situated in the space lying between stata law, which regulates relations between a state and its citizens, and conventional international law which applies to states and the relations between states; from a political standpoint it is a form of political regulation of law-making that creates powers, rights and constraints that transcend the claims of national states in decision making, and promotes democratic political participation and accountability at the global level. Cosmopolitan law and cosmopolitan democracy have the aim of conferring on each individual the status of subject of international law and citizen of the world.

From cosmopolitan principles to cosmopolitan law and the institutional dimensions of cosmopolitanism

Cosmopolitan law institutionalizes the cosmopolitan principles. In the liberal conception, legitimate power is represented by an impersonal power structure that is legally circumscribed and restricted to a national territory. The geopolitics and geoeconomy of international liberal sovereignty are constrained at least in principle by the regime of universal human rights and by the standards of democratic governance. Cosmopolitan sovereignty is conceived of as involving ‘frameworks of political relations and regulatory activities, shaped and formed by an overarching cosmopolitan legal framework’ (Held 2010: 100). In this conception, national states lose power but do not disappear; rather ‘states would no longer be regarded as the sole centers of legitimate power within their borders, as is already the case in diverse settings’ (Held 1999: Conclusion). States need to be restructured and resituated within an overarching cosmopolitan legal framework. In such a context, the laws and rules of the nation-state will become just one of the several centres of legal development, reflection and political mobilization. In conditions like these, persons will enjoy multiple citizenship, that is, a political membership of the various political communities, and having a significant influence on them. In a world of overlapping communities of fate, individuals will be citizens of both their

immediate political communities and of broader global and regional networks that have a significant influence on their lives.

The cosmopolitan polity must be developed in four institutional dimensions – legal, political, economic, cultural. *Legal cosmopolitanism* proposes the ideal of a global legal order in which persons may enjoy equal legal standing and personal rights. It requires: (1) the entrenchment of cosmopolitan democratic law; (2) a new charter of rights and duties embodying political, social and economic power; (3) an interconnected global legal system embodying elements of criminal, commercial and civil law; (4) subjection to the jurisdiction of an international court of justice and an international criminal court; (5) the creation of a new international court of rights. Without the complementary forms of law-making and law enforcement it would not seem possible for the agenda of the *homo legalis* to be harmonized with that of the protection of equality in the public space and that of active citizenship. For this reason, legal cosmopolitanism must be linked to political cosmopolitanism. Implicit in political cosmopolitanism is the defence of regional and global governance and the creation of organizations and mechanisms that can offer a context of regulation and application of the law at a global level. Only a cosmopolitan political outlook can be harmonized with the political changes occurring in the global era which is characterized by policy spill-overs, overlapping communities of fate and increasing economic inequality. The institutional requirements include: (1) multilevel governance, diffuse authority; (2) a network of democratic fora ranging from the local to the global; (3) boosting of political regionalization; (4) establishment of an effective, responsible military force which can be used as a last resort in the defence of cosmopolitan rights. Economic cosmopolitanism introduces an important element in political cosmopolitanism because it is only on condition that the rupture between economic power and political power is addressed that the necessary resources can be found to ensure that liberty and rights continue not to be only formal. It is thus necessary to bridge the gap between human rights and international economic law, between the formal equality among all individuals and geopolitics driven by sectoral socioeconomic interests, between cosmopolitan principles and cosmopolitan practices. This necessity provides justification for a policy of intervention in economic life, not to control and govern the market, but to provide a basis for self-determination and active agency. Held therefore justifies political intervention in the economy based on the idea of autonomy. Equality is significant to the extent to which it affects the possibility of individuals participating in political life, either allowing or limiting their autonomy. The institutional demands of economic cosmopolitanism imply: (1) restructuring of market mechanisms and the dominant sites of economic power; (2) global taxation mechanisms; (3) transfer of resources to the more vulnerable in order to protect and strengthen their agency. Cultural

cosmopolitanism entails the recognition of increasing interconnection, development of mutual comprehension and respect of cultural differences.

Commitment to the principle of autonomy implies the duty to set up a cosmopolitan democratic community, namely, an international community of democratic societies and states having the objective of supporting democratic cosmopolitan law within its own boundaries and beyond: 'For democratic law to be effective it must be internationalized. Thus the implementation of a cosmopolitan democratic law and the establishment of a cosmopolitan community – a community of all democratic communities – must become an obligation for democrats, an obligation to build a transnational, common structure of political action which alone, ultimately, can support the politics of self-determination' (Held 1995: 232). The establishment of a cosmopolitan community must come about through a gradual process that has its starting point in an association of states and societies at the outset, consisting solely of democratic nations. When an ever-increasing number of states and organizations have become members of the new democratic order, that is, when the principles of society and democratic states ultimately coincide with those of democratic cosmopolitan law, democratic citizenship can then as a matter of principle take on a truly universal status and it may be said that 'the individuals who composed the states and societies whose constitutions were formed in accordance with cosmopolitan law might be regarded as citizens, not just of their national communities or regions, but of a universal system of "cosmo-political" governance' (Held 1995: 233).

Daniele Archibugi and the global commonwealth of citizens

Democracy, globalization and cosmopolitan democracy

The most comprehensive version of Daniele Archibugi's cosmopolitan democracy project is to be found in *The Global Commonwealth of Citizens. Toward Cosmopolitan Democracy* (2008). In this project, global governance must be subjected to constituent democratic principles; the international organizations must act as an instrument of democratization inside states and, at the same time, apply to themselves the rules and values of democracy. In order for global governance to be subjected to the values of democracy, these international organizations must absorb 'more functions and greater legitimacy, embracing the principles of accountability, participation and equality'. Furthermore, the conventional scheme of international relations, based on the principle of non-interference and sovereignty, must be replaced by a world political system in

which 'self-determination establishes internal democracy, impartial institutions intervene to the people's advantage, and global constitutionalism replaces sovereignty' (279).

For Archibugi, the three constituent criteria of democracy are: non violence, or 'the willingness to accept shared rules and to adhere to an implicit preemptive non aggression pact' (2008: 27); popular control, by means of which 'government action is constantly under public scrutiny'; and lastly, political equality, which 'demands that all members of the community have the same rights, in the first place the right to participate in political life' (28). Cosmopolitan democracy, as a possible form of global governance based on the democratic management of the global commons, is deemed to be the best institutional form capable of accepting the challenge launched to the democracies of national states by the processes of globalization. Convinced as he is of the existence of a close link between the democratization of the international community and internal democratization, he claims that the democratic progress achieved inside individual states can be frustrated or seriously jeopardized if democracy is not extended to the global sphere. The international system, organized in accordance with the principles of cosmopolitan democracy, represents a fundamental condition for promoting democracy in non-democratic countries and, for democratic countries, an opportunity to preserve democracy, develop it in a more inclusive direction, and eliminate any inconsistency between domestic and foreign policy. Compared with Held, Archibugi has a less normative conception of democracy as a political system. He sees it as an interactive process taking place between civil society and political institutions, which is dependent on the historical context in which it takes place and that can be achieved in various forms. Unlike those who claim that an incompatibility exists between certain cultures or civilizations and democracy, he considers that all political communities can embrace the values and rules of democracy, provided the endogenous political environment is capable of being the subject of institutional change, that a multilateral dialogue strategy is put in place and that connections among the various civil societies are allowed and encouraged.

Archibugi identifies a minimum list of substantial objects that are to be pursued by a cosmopolitan democracy that sets out to govern the contemporary world, entrusting the competence to do so, albeit not exclusively, to global institutions. His proposal, unlike Held's, is deliberately minimalist. It is limited to identifying the following areas of priority action: control of the use of force; acceptance of cultural diversity; strengthening of the self-determination of peoples; monitoring of internal affairs; participative management of global problems. Cosmopolitan democracy must be established in these priority action areas, at different governance levels that are autonomous and complementary to each other, linked functionally but not hierarchically: the

local, state, inter-state, regional and global levels.⁷ To prevent such a system of global governance can generate jurisdictional conflicts among the various levels of political authority⁸ due to the tensions possibly created between sovereignty and democracy, and limit the number of situations in which political or institutional subjects are not called upon to answer for their actions in the face of other domestic or external powers – a situation that would be incompatible with the very idea of democracy – he takes a resolute stance in favour of a specific form of global governance based on the legal coding of the interactions among institutions. Following the indications given by Hans Kelsen, he stresses the need ‘to redirect the conflicts of competence among the various levels of governance toward a global constitutionalism and to bring conflicts before jurisdictional bodies . . . which would act in accordance with an explicit constitutional mandate’ (Archibugi 2008: 99). Unlike Held, he believes that from a normative point of view the very idea of sovereignty is incompatible both with the idea of democracy and with a level of legitimacy superior to that of a nation-state. He thus resolves the clash between the concept of sovereignty and that of democracy by replacing sovereignty both within states and between states with constitutionalism, thereby subjecting every institution to rules and to a system of checks and balances (2008: 98). Following on from Kant, he believes that the law within a state and the law between states (international law) should be supplemented by a cosmopolitan law relating more directly to individuals and the problems of global status. This does not mean however that cosmopolitan law must ultimately absorb international law. Indeed, if international law were to evolve into cosmopolitan law, the legal corpus for international relations would be diminished and a new dichotomy would thus be introduced between domestic law and cosmopolitan law. The result would be a federal system rather than a cosmopolitan democracy, as the absence of a legal corpus regulating relations among states would imply the dissolution of individual states into a world state. On the contrary, the aim of the cosmopolitan democracy project is to add cosmopolitan law to state law and to international law, and thus to set up a cosmopolitan legal system divided into three branches.

Cosmopolis and cosmopolitan citizenship

Having defined the concept of democracy, the minimum objectives of a democratic theory in the global age, and having justified the substitution of the concept of sovereignty with that of global constitutionalism, Archibugi strives at greater length and more extensively than Held to identify a model of union among states that is compatible with the objectives of cosmopolitan democracy.

Moving from the assumption that internal democracy cannot attain full maturity in a conflictual world order, he interacts with Norberto Bobbio⁹ and the champions of democratic peace (Doyle 1983, 1986). Bobbio subscribes to the thesis that if all states were to become democratic, the international system would also necessarily be orientated towards greater democraticity. Greater democraticity would mean, according to the claims of the champions of democratic peace, also less conflictuality. It follows that international politics should pursue the objective of transforming all autocratic states into democratic ones. Archibugi deems that there is not necessarily any congruency between internal systems and the inter-state system and that it would by no means be sufficient to transform all states into democratic states in order to guarantee international peace. He points out in the first instance that a highly hierarchized international system like the one characterizing the Cold War also represents a hindrance to the development of the internal democracy of states; this means that the internal order of states, but also the order regulating relations between states, must be democratic. In brief, a world made up of democratic states would not itself be democratic. The existence of a large number of democratic states would favour the democratization of the international system, although a democratization of this kind would not come about automatically as the democratic countries are often reluctant to apply the democratic principles and values informing their domestic systems to foreign policy. They suffer from what Archibugi terms 'the schizophrenia of the democratic countries' (2008: 276), namely the gap between the domestic behaviour of democracies, based on correct principles and valid intentions, and their conduct in the international field, based on aggressive and violent logics justified hitherto by the need to survive in a 'gladiators' arena'.¹⁰ If that is how matters stand, it will be necessary to work towards the construction of a world order capable of promoting democracy in three distinct but complementary directions: democracy inside nations; democracy among states; global democracy. This leads Archibugi to make a thorough and detailed analysis of two models of association among states – the confederal model and the federal one – as a function of their respective merits and demerits versus the degree of democraticity they guarantee in the three levels of democracy, within states, between states and at the global level, which must be pursued simultaneously following different procedures.

A confederation is an association between sovereign states that have hammered out an agreement regarding certain issues, but which does not envisage any form of participation of individuals in international politics. It would not measure up to the requirements of global democracy even if all the member states were democratic, because the subjects of international politics would still be the states while the civil societies of individual states would remain separated. The proposals based on the federalist tradition have as their foundation the concept that the problem of peace can be solved by

strongly limiting the sovereignty of states, giving rise to a process of power concentration aimed at the establishment of a federal World State. The federalist model places the emphasis on the fact that universal human rights can be safeguarded only by setting up a corresponding political institution (that is, the World State) having the authority and means of enforcement to impose the respect of democratic principles existing in the individual states. In this model, democracy *among* states would be abolished as the sovereign states would be abolished. The imposition of unitary norms envisaged in the model would be incompatible with the existence of cultural differences. Consequently a government of this kind would have the authority and the competence to tackle global problems, although perhaps to the detriment of the rights of the individual communities. However democratic it was, the government would also be the expression of heterogeneous majorities, and this could lead to the temptation to address global problems by adopting solutions of a technocratic kind. As an alternative, Archibugi proposes a further model of union of states, halfway between the confederal model and the federalist one, taking its inspiration for example from the European Union, which is more centralized than the confederal model but less so than the federal one.

The project of cosmopolitan democracy, far from calling for the creation of a World State, is presented as a project 'for a voluntary and revocable union of government and meta-government institutions, where the final coercive power is distributed among suitably reformed international institutions' (2008: 129). Underlying the choice of such a model of union is the conviction that an undue centralization of power and means of coercion on a large scale is not desirable; therefore once it has been applied to the entire planet it must not be regarded as a temporary step towards federalism, but as an actual permanent form of organization. As far as democracy inside states is concerned, unlike the federalist model, the cosmopolitan democracy model accepts within itself states having different, even autocratic, political constitutions, although it does not blindly accept the principle of non-interference (which is instead valid in the confederal model). In order to avoid the instrumental use of possible interventions in the internal affairs of a state, it leaves to the citizens the task of intervening through the participation in supranational institutions. As far as democracy among states is concerned, this model envisages that relations between states are governed by intergovernmental institutions (IGOs), and that multilateralism is the instrument used to ensure non-interference and to settle any disputes between states. Should the arbitration of the IGOs not be successful, the settlement of conflicts between states would be delegated to the international legal institutions to the jurisdiction of which the states had subscribed. Lastly, as far as global democracy is concerned, since a number of problems have a global dimension, it is necessary to envisage the creation of transnational agencies as well as participation in political decision making regarding these issues of global civil

society through the agency of permanent new institutions. The cosmopolitan model actually aims at combining and limiting the functions of existing states through new institutions founded on the citizens of the world. If democracy is based on the principle of participation of those governed to the choice of those who govern them, as long as peoples are not consulted in the decisions, there will always be a deficit of legitimacy. In the confederal model the citizens participate indirectly in the decision-making process; in the federative model they must contribute to legislative and executive power. The cosmopolitan model has a more limited objective aimed at providing citizens with 'a channel of autonomous representation that is characterized by a vast jurisdiction but limited powers' (172).

This channel would be the World Parliament Assembly. If it had the powers that are conventionally associated with the national parliaments it would be closer to the federalist model, which would be unachievable and not desirable. This assembly would have to take the form of a forum in which to discuss global problems and having the function of a consultative body of the General Assembly and the Security Council and of other specialized UN agencies with policy-making tasks. Although not having any actual powers it 'would be the visible and tangible demonstration of the institutionalization of a global commonwealth of citizens' (173). The World Parliament Assembly should set out to gradually increase its powers in well-defined areas such as the protection of fundamental human rights (humanitarian interventions); the definition of borders and the jurisdiction of the various political communities; and the identification of the most appropriate level of governance in the case of problems involving more than one political community. It would be open to the participation exclusively of freely-elected deputies or else those that the World Parliament Assembly decides to invite as representatives of autocratic countries. In the cosmopolitan democracy project, the UN is viewed as the pivot of the world political and legal system, as well as an indispensable starting point for the establishment of a new world order. If suitably reformed in a more democratic direction, the UN could become the backbone of the cosmopolitan model. The cosmopolitan democracy project aims at guaranteeing both the protection of human rights and a greater political participation. Cosmopolitan citizenship entails the superseding of citizenship bound exclusively to membership of a national state in favour of a multilevel and multidimensional citizenship anchored to shared principles and rules. The cosmopolitan system not only assumes the existence of universal human rights protected by the states but also a core of rights that individuals can demand from supra-statal institutions. The task of protecting these rights is entrusted to bodies that are the direct expression of the citizens, regardless of the institutions of their respective state and in parallel with them. Cosmopolitan citizenship guarantees that, through supra-statal institutions, refugees and stateless persons are

entitled to the 'right to have rights' that is denied them in their countries of origin and thus also to civil, political, economic and cultural rights.¹¹

These institutions must 'interfere' inside states in cases of serious breaches of human rights regarding the inhabitants of these states to embody in their legislation the extension to foreigners of the rights reserved to natives. Equal political participation is guaranteed by setting up new permanent institutions in which civil society participates in political decision-making in compliance with the stakeholding principle: all those involved or having an interest in the decisions made by the public authorities regarding specific matters have the right to participate in the relevant decision-making processes by means of public assemblies and of exercising the right to vote in transnational, transregional or global referendums. The inhabitants of the world become the sole depositaries of democratic legitimacy provided they satisfy three principles of political action, namely cosmopolitan inclusion (all individuals must participate in the decision-making process concerning them); cosmopolitan responsibility (political action must be implemented in the interests of all those who are directly or indirectly involved); and lastly, impartiality (no one may be judge in his own cause; in the case of disputes an outside opinion is necessary). The application of these principles represents the decisive quantum leap that would allow the transition 'from the politics of the *polis*, founded on borders, to that of the *cosmopolis*, founded on sharing' (287): from the fragmented condition of subjects of globalization to true citizens of the world.

***Moral cosmopolitanism and political-legal cosmopolitanism: a shared project?*¹²**

Archibugi has provided a wide range of answers to the various critiques of the cosmopolitan democracy project (2008: Chs IV, VI, IX). One problem that remains unanswered however is that of understanding whether cosmopolitan democracy is essential for the correct application of cosmopolitan distributive justice or whether the latter is essential for the generation of cosmopolitan democracy. Archibugi puts forward several arguments to demonstrate that the latter is the condition that makes the former possible. While it is important for the behaviour of states to comply with an ethical standard, they must also be subjected to the constraints of the law: it would be difficult to justify them having to honour certain moral obligations if it were not clear which institutions laid down these obligations and before which courts they must be interpreted. Reviewing the history of rights, Archibugi points out that the working classes obtained economic and social rights only after gaining political clout. In any case, democratic governments are more motivated to promote the economic

interests of their citizens than authoritarian governments. It is thus legitimate to expect that global economic justice will emerge only after global political justice has come to light. As we have seen, other cosmopolitans share with the champions of cosmopolitan democracy the critique of the concept of sovereignty and propose an alternative notion, as Pogge does. Pogge hypothesizes a sovereignty that is extensively dispersed in the vertical dimension or concentric territorial units in a multilevel scheme. However, he does not limit the application of a global distributive principle to a well-defined political-legal configuration as he believes that it is possible to conceive of a range of institutional systems that could do so just as well. This does not mean, as we have seen, that the problem of global political justice is not at stake. He agrees with the critique of cosmopolitan democracy theoreticians of the current regional and global decision-making processes made up of international networks of states that perform functions of global governance because of the clear-cut deficit of rule making and accountability from which they suffer. Charles Beitz acknowledges that the strength of political-legal cosmopolitanism lies precisely in the fact that it has raised the burning question of whether institutions and transnational regimes must comply with standards of political justice comparable to those applied to stataal institutions. From his point of view, the democratic institutions of liberal societies have three justifications: they recognize equality among citizens; they provide equal opportunities for protecting their interests against negligence or the state's invasiveness; they set up a political environment that allows them to participate in the decision-making process (Beitz 2004: 26). On the strength of the domestic analogy argument, Beitz asks whether it is possible and/or desirable to guarantee these conditions also at the global level and what consequences this would have for institutional structures. Beitz follows a different path from that of the champions of cosmopolitan democracy who, as we have seen, do not arrive at international and global democracy via the domestic analogy argument, that is, in a movement from the interior to the exterior, but in a movement in the opposite direction, fully convinced that the creation of global democratic governance is the condition for the maintenance, development and full realization of democracy within states. In his treatment, Beitz admits that some attempts, albeit only a few, have been made to seriously address these problems. However, there are only a few reciprocal references between these 'twin brothers'. This is perhaps, writes Archibugi, because 'relatives often tend to ignore each other when they are too close' (2008: 124). While the proponents of moral and institutional cosmopolitanism do not claim that it is a condition for political-legal cosmopolitanism, the reciprocal position is not valid. Archibugi is indeed persuaded that cosmopolitan democracy is instrumental for the application of the principles of global distributive justice. This appears plausible, in view of the fact that supranational political institutions are necessary to

identify those who have the duty of global distributive justice and to assign this role in order to arbitrate between conflicting jurisdictions, to provide the cooperation required to pursue the cosmopolitan principles of distributive justice, and ultimately to prevent the violation of rights. According to Archibugi, therefore, in order to apply the principles of distributive justice, it is necessary to set up dedicated supranational institutions and ensure they comply with the ideal of cosmopolitan democracy. In opposition to this position, Caney (2007)¹³ points out that by adopting the model he denoted as 'revisited statism', it would be possible also to ensure the accountability of international institutions in the absence of cosmopolitan democracy. From this point of view, cosmopolitan democracy would not be superior to the other institutional systems in the production of global distributive justice. The debate between these different schools of thought is still open.

Seyla Benhabib: cosmopolitanism and just membership

Migration in contemporary political theories

Seyla Benhabib, a distinguished champion of the theory of discourse ethics, begins her reflection on cosmopolitanism with the realization that the 1948 Universal Declaration of Human Rights announced a post-Westphalian phase characterized by the transition of international justice norms to cosmopolitan justice norms. There seem to be at least three areas in which the international protection of human rights is laying down binding and superordinate guidelines with respect to sovereign states, those referring respectively to crimes against humanity, to humanitarian intervention and to transnational migrations. Benhabib focuses in particular on international migrations with reference to three interconnected issues: (1) control and protection of national borders; (2) enjoyment of rights by foreigners resident in a national state; (3) their possible access to citizenship.

The Universal Declaration proclaims a universal right to cross borders, although without positing any universal obligation to accord hospitality imposed on the states. In the Geneva Convention the rights accorded to foreigners are recognized only by the signatory countries and are often ignored also by them. While on one hand the rules governing international human rights represent a challenge to territorially-bounded nations, on the other they reassert an international interstate order: as the main signatories and supporters of the many treaties on human rights and of the conventions through which international and cosmopolitan norms are spread, states

continue to be recognized as the sole legitimate units of negotiation and representation. In this process they thus find they have both been superseded and reinforced in their authority.

The massive level of transnational migration which characterizes our age highlights the tension between the progressive establishment of an international system of human rights and the persistence of a world order consisting of more or less democratic states claiming the authority to establish their own policy of admissions, to control and sometimes restrain the flow of migrants, and to establish membership. Faced with this tension and potential conflict, a cosmopolitan theory of justice cannot be restricted to schemes of *just distribution* or *just participation* on a global scale, but must also incorporate a vision of *just membership*. For Seyla Benhabib this just membership entails:

recognizing the moral claim of refugees and asylees to *first admittance*; a regime of *porous* borders for immigrants; an injunction against denationalization and the loss of citizenship rights; and the vindication of the right of every human being 'to have rights', that is, to be a *legal person*, entitled to certain inalienable rights, regardless of the status of their political membership.

2004: 3

The principle of just membership must also entail the *right to citizenship* for the alien who has fulfilled certain conditions, as permanent alienage should be incompatible with a liberal-democratic understanding of the human community. According to Benhabib, the right to citizenship, or political membership, must be accommodated 'by practices that are non-discriminatory in scope, transparent in formulation and execution, and justiciable when violated by states and other state-like organs' (2004: 3). Today, transnational migration is proving to be a challenge, especially for liberal democracies, as they are founded on the necessary negotiation between universalist constitutionalism and territorial sovereignty, between adherence to universal principles of human rights on the one hand and the claims of the sovereign right to self-determination on the other. This tension or conflict, which can perhaps never be resolved, gives rise to the need to ask ourselves what practices and principles of civil and political inclusion are most compatible with self-understanding and the constitutional values of liberal democracies.

In addressing the problem of political membership, Benhabib challenges the contemporary theories of global justice. While she reproaches John Rawls for having relegated migration to the level of a non-ideal theory and of having retained a view of international law which is too state-centric, she recognizes the merit of the champions of cosmopolitan justice (Beitz and Pogge) of having

shifted attention from peoples to individuals. She nevertheless criticizes them for having neglected, in concerning themselves with the primary principles of just distribution, the distribution of human beings insofar as they are members of the various different communities. Furthermore, in approaching the problem of migration they gave priority to the distribution of resources and rights over that of membership, subsuming the problem of proper membership beneath the problem of the just distribution of resources and rights. Like the champions of the 'decline of citizenship' – as she defines communitarians, civic republicans, liberal-nationalists and social democrats – she believes that membership of cultural and political communities is not a matter of pure distributive justice but a crucial aspect of the self-understanding and self-determination of a community. She nevertheless distances herself from them in challenging the view on migration and citizenship of Michael Walzer, one of the main representatives of this approach. In his *Spheres of Justice* (1983) Walzer asserts that political communities must be free, in the case of immigrants, refugees and asylum seekers, to define the conditions governing first entry as they see fit, in full respect of the constraints imposed by international obligations. According to Benhabib, Walzer commits the error of making no distinction between cultural community and institutional political system and consequently fails to grasp the difference between ethical integration and political integration. Political integration is related to those practices and norms, cultural traditions and institutional habits that unite individuals in the formation of a functioning political community. In liberal democracies the conceptions of human rights and citizenship, the constitutional traditions and the democratic practices of election and representation form the normative core of political integration: it is to them that citizens and foreigners, natives and foreign residents must show respect and loyalty, not to a specific cultural tradition. Contemporary institutional developments in the rights of citizenship in any case are already leading to the 'disaggregation of citizenship'; that is to say, to institutional developments that split off the three constituent dimensions of citizenship, namely collective identity, the privileges of political membership and the ownership of the enjoyment of social rights. In Europe, the conflict between sovereignty and hospitality is weakening, although it has not been completely eliminated. The fragmentation of citizenship revealed by the European model, precisely in view of the embryonic theoretical phase it is passing through, suggests a condition of greater fluidity which, even though it cannot lead to the overcoming of the other paradox of democracy, namely the paradox according to which those that are excluded cannot participate in decision making concerning the rules of exclusion and inclusion, can create the conditions in which these rules can be re-discussed through democratic iteration practices and undergo processes of reflexive re-foundation.¹⁴

The paradox of democratic legitimacy and democratic iterations

International migrations have revealed what Benhabib has called the *paradox of democratic legitimacy*. Democratic sovereignty actually 'draws its legitimacy not merely from its act of constitution but, equally significantly, from the conformity of this act to universal principles of human rights that are in some sense said to precede and antedate the will of the sovereign and in accordance with which the sovereign undertakes to bind itself' (2004: 44). 'We, the people' refers to a particular human community determined from a territorial and temporal viewpoint that shares culture, history and tradition but which, however, establishes itself as a democratic body acting in the name of the universal. Democracies act in the name of universal principles that are then embodied in a specific civil community. This means that the self-legislation act is not just an act of self-government but 'is also an act of self-constitution' (2004: 45); popular and democratic sovereignty must constitute a limited *demos* working to govern itself. Benhabib is critical of those authors who deny or minimize this paradox by partly ignoring the tension it causes. In her view, there is an unavoidable contradiction and a fateful tension between the principles of expansion and inclusion in moral and political universalism, in which universal human rights are rooted, and democratic closure.¹⁵ This does not mean that democratic closure must be accepted. It is necessary to ascertain what practices and principles of civil and political inclusion are more compatible with the philosophic self-comprehension and the constitutional values of liberal democracies. The Habermasian theory of discourse ethics provides the theoretical basis on which Benhabib constructs her own analyses, in particular the claims that 'only those norms and normative institutional arrangements are valid which can be agreed to by all concerned under special argumentation situations named discourses'. This logically presupposes that the actors are capable of taking actions that can modify the normative extension of laws. Conversely, the conceptions regarding political membership that are closely linked to the principle of territoriality presuppose that subjects excluded from citizenship cannot participate as actors involved in the decisions regarding the rules governing exclusion and inclusion. From the universalistic and cosmopolitan perspective implicit in discourse ethics boundaries, as well as the practices of inclusion and exclusion, require a justification. The question is therefore about finding ways and means of respecting 'the claims of diverse democratic communities, including their distinctive cultural, legal, and constitutional self-understandings, while strengthening their commitments to emerging norms of cosmopolitical justice' (2004: 3). While democratic closure can never be completely superseded but must always be justified, it follows that the presence of cosmopolitical norms has the function of raising the

threshold of justification to which the practices of exclusion must be subjected: 'Exclusions take place, but the threshold for justifying them is now higher' (2006: 71). This higher threshold, by bringing out greater democratic reflectiveness, makes it increasingly difficult to justify practices of exclusion by democratic legislatures due to the simple fact that they express the people's will. Benhabib also believes that the impact of democratic closure can be reduced through processes of 'democratic iteration',¹⁶ that is, practices by means of which it is possible to mediate the process of forming the will and opinion of democratic majorities by means of cosmopolitan norms. Some processes of democratic iteration are instances of jurisgenerative politics, that is, 'cases of legal and political contestation in which the meaning of rights and other fundamental principles are repositied, resignified, and reappropriated by new and excluded groups, or by the citizenry in the face of new and unprecedented hermeneutic challenges and meaning constellations' (2006: 70). These processes change the *sensus communis* and transform a new outlook into an authoritative precedent. In this way, on the one hand, growth is achieved 'of the political authorship by ordinary individuals, who thereby make these rights their own by democratically deploying them' (49); on the other, the democratic people can reconstitute themselves and permit the extension of the democratic voice: 'Aliens can become residents, and residents can become citizens' (68). Benhabib does not however recommend open borders but *porous* ones. Although defending the right of first entry for refugees and asylum seekers, as we have seen, she accepts the right of democracies to regulate the transition from the first admission to full membership. She supports the hypothesis of subjecting the rules governing naturalization to the principles of human rights, rejecting the claim of the democratic people to be able to deny naturalization and to banish foreign residents, although she believes that to make access contingent upon the possession of certain requirements is not detrimental to the self-understanding of liberal democracies as associations that respect the communicative freedom of human beings as such.

Boaventura de Sousa Santos: subaltern cosmopolitanism

The Italian communist intellectual Antonio Gramsci (1891–1937) used the term 'subaltern' to refer to the proletariat. The term was borrowed by the sociologist Boaventura de Sousa Santos who, in *Toward a New Legal Common Sense* (2002), uses the expression *subaltern cosmopolitanism* to describe the counter-hegemonic practices used by subaltern social groups, namely, by those who are socially, politically and geographically excluded from the

hegemonic power structure of neoliberal globalization. He identifies two forms of globalization, the neoliberal form and the one he defines as 'counter-hegemonic globalization'. The latter consists in a 'vast set of networks, initiatives, organizations, and movements that fight against the economic, social, and political outcomes of hegemonic globalization, challenge the conceptions of world development underlying the latter, and propose alternative conceptions' (Santos 2005: 29).

The main objective of counter-hegemonic globalization is the fight against social exclusion. As exclusion is often the result of iniquitous power relations, counter-hegemonic globalization is driven by a redistributive ethos which implies the redistribution not only of moral, social and political resources but also of cultural and symbolic ones. Since exchanges and iniquitous power relations have crystallized in politics and law, counter-hegemonic globalization engages in political and legal battles guided by the idea that principles of politics and law alternative to hegemonic structures and practices may exist. These alternative principles and the battle to assert them are gathered together by Santos under the name 'subaltern cosmopolitan politics and legality' (2002) and take in a wide social field of political and legal confrontation.¹⁷

Instead of writing off cosmopolitanism as a form of global hegemony, Santos sets out to reappraise the concept, starting from the following question: 'Who needs cosmopolitanism?' In need of cosmopolitanism but of a different nature are all those who have been excluded from cosmopolitanism as a top-down project:

whoever is a victim of local intolerance and discrimination needs cross-border tolerance and support; whoever lives in misery in a world of wealth needs cosmopolitan solidarity; whoever is a non- or second-class citizen of a country or the world needs an alternative conception of national and global citizenship. In short, the large majority of the world's populace, excluded from top-down cosmopolitan projects, needs a different type of cosmopolitanism

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It is necessary to move on to a cosmopolitanism from below, from the perspective of the North to that of the South, where 'south' is not only the expression of a geographic position 'but all forms of subordination (economic exploitation; gender, racial, and ethnic oppression; and so on) associated with neoliberal globalization' (2005: 14). 'South' denotes all the forms of suffering caused by global capitalism and is unevenly spread throughout the world, also in the North, and also in the West. Cosmopolitanism from below, or subaltern cosmopolitanism, thus adopts the perspective of the community of victims, victims that are not however passive. The forms of resistance and the legal

alternatives, which are still at the embryonic stage but spread all over the world and represent an alternative to the hegemonic legal and political system, go to make up 'subaltern cosmopolitan legality'.

Santos' approach – cosmopolitan legality – follows in the wake of the political and legal counter-hegemonic struggles that aim at eroding the coercive ideology and institutions that support and naturalize the hegemony of dominant classes and groups. Proceeding beyond this deconstructive phase, Santos endeavours also to offer new conceptions and practices capable of replacing the dominant one in order to produce a new common sense.¹⁸ This necessarily implies a reappraisal of law and the politics of law, and that its conceptual boundaries should be enlarged along the following four lines: (1) extension of the concept of legal action or battles; (2) expansion of the scale – cosmopolitan legality envisages that the forms of political mobilization and their concrete objectives determine which scale is to be given priority (local, national, global); it tends to mobilize different legality scales, aiming at the global in the local and at the local in the global: 'it is a transcalar legality' (2002: 468); (3) expansion of legal knowledge and legal expertise; (4) expansion of the temporal dimension – it is necessary to switch from a linear conception of time which underlies the logic of progress and development in which different pasts converge towards a single past, to a pluralist concept of time that allows pathways of alternative development and therefore different pasts and different presents that can lead to different futures.

Neoliberal legal globalization is replacing the politicized tension between social regulation and social emancipation with a depoliticized conception of social change in which the only criterion is 'the rule of law and judicial adjudication by an honest, independent, predictable and efficient judiciary' (2002: 445). This is a conservative law that sets up the framework within which a market-based civil society must operate and flourish, while judicial power guarantees that the rule of law is widely accepted and effectively enforced. The spread and creation of a single system of dominance and exclusion have established the conditions in which counter-hegemonic forces – organization and movement located in a wide range of regions on the planet – become aware of their common interests over and above the differences separating them and converge towards counter-hegemonic battles connected by emancipatory social projects. Law retains an emancipatory potential that may be perceived by viewing the legal dimension of the counter-hegemonic battles being fought in the world. But in order to exploit this potential, new theoretical instruments must be devised. In the first place it is necessary to de-westernize the conception of law, and then reinvent law so that it can be adapted to the normative demands of subaltern social groups, their movements and organizations. This reinvention of law calls for an investigation of subaltern conceptions and practices. Santos identifies three

different types: (1) conceptions and practices that, although part of western tradition, have been suppressed or marginalized by liberal conceptions that have become dominant; (2) conceptions that have been developed outside the West, in the colonies and postcolonial states; (3) conceptions and practices proposed by organizations and movements actively developing forms of counter-hegemonic globalization. The latter can be grasped only by observing the 'contact zones', namely those 'social fields in which different normative life worlds meet and clash'. Cosmopolitan battles often ignite precisely in these zones. The contact zones of greatest interest are those in which 'different legal cultures clash in highly asymmetrical ways, that is, in clashes that mobilize very unequal power exchanges' (2002: 472), as happens, for instance, when indigenous populations engage in asymmetric encounters with national dominant cultures, or illegal immigrants or refugees engage with the norms governing their entry and status in the various nation-states. These are zones

in which rival normative ideas, knowledge, power forms, symbolic universes and agencies meet in unequal conditions and resist, reject, assimilate, imitate, subvert each other, giving rise to hybrid legal and political constellations in which the inequality of exchanges are traceable. Legal hybrids are legal and political phenomena that mix heterogeneous entities operating through disintegration of forms and retrieval of fragments, giving rise to new constellations of legal and political meaning. As a result of the interactions that take place in the contact zone both the nature of the different powers involved and the power differences among them are affected. The latter may indeed intensify or attenuate as a result of the encounter.

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Currently, counter-hegemonic cosmopolitan legal strategies occur in four main contact zones: (1) multicultural human rights;¹⁹ (2) definition of what is meant by tradition and modernity; (3) intellectual property, biodiversity, human health; (4) citizenship.²⁰ Each legal paradigm tends to establish its own form of sociality: violence, coexistence, reconciliation and conviviality. A legal constellation dominated by cosmopolitanism tends to be favourable to conviviality, that is, a reconciliation looking to the future, based on fair exchanges and shared authority. Sousa's objective is ultimately to remove social fascism, that is, the practices of exclusion, and to create a more inclusive and convivial world society.

Objections to cosmopolitan democracy

Cosmopolitan democracy has been criticized by numerous theorists belonging to different schools of thought. The realists consider the cosmopolitan

democracy project not only to be unfeasible but indeed undesirable (Zolo 1997: 153); they view a global legal order as a tool for the 'criminalization of the enemy' or the 'moralization of war', serving the interests of self-declared 'peace-lords' (Zolo 2000). Harsh criticism comes also from those who deem humanitarian interventionism a way of promoting the interests of the multinationals of the global capitalist economy. NATO bombing of the Federal Republic of Yugoslavia in spring 1999, greeted by the codems as a triumph of international justice over the traditional claims of national sovereignty, signified *de facto* the decline of sovereign equality, that is, of the recognition of the equal legal status of nation-states: while the sovereignty of several states (Yugoslavia, Iraq) was restricted, that of others (NATO member states) was enhanced by the recognition of their right to intervene (Chandler 2000).

Some do not criticize so much the global governance project as the request to democratize power sites beyond the nation-state. They blame codems for a degree of disagreement in defining democracy (self-determination for Held; non violence, rule of the people, political equality for Archibugi), question the feasibility of applying democracy to too vast a territory and highlight the difficulties caused by the lack of any shared culture, language or ethos (Dahl 1999: 32–34; Kymlicka 2001: 238–239; Miller 2000: 89–96). Beyond national borders there might not be sufficient cultural or historical resources with which to construct a common identity and the bonds of solidarity needed to enable democracy to work. Kymlicka believes that the extension of democracy to the global sphere could jeopardize the sense of identity of individual political communities; he is also of the opinion that it would be better to remind individual states of their responsibilities regarding immigration policies and the protection of minorities, rather than to delegate the solution of these problems to institutions of world citizens. In view of the fact that 'democratic politics is politics in the vernacular' (Kymlicka 2001: 214), the lack of any common language would make it difficult for him, if not impossible, to create a democratic political community or any real participation in the political debate.²¹ In championing a republican-like kind of citizenship, David Miller (2000: 92) asserts that the cosmopolitan view is too thin a version of citizenship:

the citizen is not a law-maker except perhaps in the very indirect sense . . . her role as citizen consists in asserting her rights against the state, and appealing to a higher court to make good her claim that her state has violated those rights. This involves no reciprocal recognition of obligations and no public activity: it is essentially the action of a private person.

A few critics point out that what have become global are the problems, not the citizens, and doubt the possibility of creating a global *demos* (Thaa 2001;

Urbinati 2003). Others assert that global governance requires democracy within and between states but not 'a supranational government' and that codems have a reductive conception of democracy (Urbinati 2003: 80). Others again claim that instead of introducing citizen participation at a global level it would be better to empower democracies to function more effectively inside states and to boost internal active citizenship (Axtmann 2002). For some, a contribution may be made to global governance through political commitment within one's own political communities, through what Parekh (2003) terms 'globally oriented national citizenship', a pathway along which, politically speaking, we may find citizens pursuing 'global agendas' inside their own states via the foreign policies of their own governments.

One further reservation is put forward regarding the possibility of rendering international organizations democratic. The proliferation of powers *de facto* reduces the possibility of effective control and coordination and, ultimately, of democratic participation (Dahl 1999). Even if participation were ensured, the problem would always remain of how to determine the relevant democratic constituencies, whose interest should count in making particular decisions. A multilevel system of global governance can also lead to an aggravation of the problem of the 'many majorities' (Thompson 1999), seeing as each level could express different majorities, none of which would be capable of claiming greater democratic legitimacy than the others. Then it is necessary to add another group of authors (Scheuerman 2002; Slaughter 2005; Urbinati 2003) for whom it would be more realistic to pursue the strategy of globalizing the *rule of law* rather than the *rule of the people*, democracy, assigning greater clout and jurisdiction to institutions that are less likely to be influenced by the *demos*, such as those in which membership is permanent and more top-down than bottom-up.²²

Nor is there any lack of criticism from the Marxists (Görg and Hirsch 1998), who object that codems place more emphasis on reforming the supra-structural (political-institutional) dimension than the structural dimension (global economy) that exerts a priority effect on the national and international power system. They consider that cosmopolitan democracy is unfeasible in that only a new economic system could lead to world political relations being transformed. Some accuse cosmopolitan democracy of elitarianism: 'They – we – imagine the world from the vantage point of frequent travellers, easily entering and exiting polities and social relations around the world, armed with visa-friendly passports and credit-cards. For such frequent travellers cosmopolitanism has considerable rhetorical advantage. It seems hard not to want to be a "citizen of the world"' (Calhoun 2002: 89). Codems are accused of offering, like many liberals of the past, a vision of political reform that is attractive to elites partly because 'it promises to find virtue without a radical redistribution of wealth or power'. To purge itself of this elitarianism, the

cosmopolitan project would have to become radical in the direction of a greater 'discursive engagement across lines of difference, more commitment to the reduction of material inequality, and more openness to radical change' (Calhoun 2002: 108). For some authors cosmopolitan democracy, as well as being elitarian, is also potentially intolerant vis-à-vis global plurality in that it advocates ideals and values that are too 'comprehensive' (Benhabib 2006: 43). Others raise the issue of praxeology: that is to say, by what agency can cosmopolitanism be promoted and achieved in practice? Held, for example, seems to be 'concerned with detailed prescriptions about how global governance should be organized but has very little to say about who could (or would like to) realize his vision, under what circumstances, and with what consequences' (Patomäki 2003: 357). An even more fundamental question is that cosmopolitan democracy does not seem to have the means to oppose the power of states and international institutions which 'actively support the prevailing form of neo-liberal globalization with its systematic privileging of market actors and with its deregulated and liberalized economic dynamics' (Slaughter 2010: 189).

Some mention must also be made of authors whose criticism is based on approaches that lie outside the western liberal tradition. They complain that the cosmopolitan democracy consists of the universalization of the western interpretation of democratic value and the implementation of the western version of human rights at the global level; and furthermore that the establishment of a world republic with a homogeneous body of cosmopolitan citizens having the same rights and duties would be a denial of 'the political' in its antagonistic dimension, which is inherent in all human societies (Mouffe 2008: 465). The theorists of the new legal pluralism such as Boaventura de Sousa Santos subscribe to the multiple nature of the normative traditions and legal systems that are current today at the world level and emphasize their mainly 'transnational' and 'transstatal' nature (Santos 2002). Legal pluralism is a consequence of sociological pluralism and no society – much less world civil society – is homogeneous. Legal monism is contradicted by the very facts: not only do ethnic minorities apply increasingly their particular law but there is an ongoing process of 'internal heterogeneization of state regulation' (199). In this framework Santos also stresses the interaction between strong (western) normative models and autochthonous normative tradition. After studying several areas that have been subjected to a colonial presence, such as Argentina, Brazil, Mexico and Peru, he remarks that state law of western origin conflicts with both the normative claims of the more radical political movements and the legal traditions of the native minorities, such as the Sem Terra movement in Brazil, the Zapatist movement in Mexico and the Andean Indios in Peru. In Central Asia, in countries like Pakistan and India in particular, state law inherited from the colonial experience is challenged by pressure to recover precolonial normative traditions. The phenomenon of legal plurality or,

as Santos terms it, of *interlegality*, cannot be sidestepped: parallel 'legality networks' exist which entrain constant transactions and transgressions and are not ascribable to a unitary normative paradigm that pre-exists the controversies. Santos also exposes the weakness of a doctrine that, despite its cosmopolitan ambitions remains bogged down in European culture, namely in classic-Christian natural law theory. The idea of international law proposed by the latter cannot be separated from a theological-metaphysical framework that places at the foundation of the international legal community a belief in the moral nature of man and the moral unity of humankind. This philosophy of law is dominated by the Kantian idea that mankind can progress only if certain ethical principles are shared by all men and are enforced by supranational powers even at the cost of sacrificing different existing ethical convictions and normative systems. With respect to the universality of human rights, western opponents of 'legal globalism' do not deny the importance of the doctrine of subjective rights in western political and legal history. However, they are careful to point the finger at the tension between the individualistic philosophy underlying this doctrine and the wide range of civilizations and cultures whose values differ, and are often very distant, from European ones.

3

Cultural cosmopolitanism

Cosmopolitanism concerning culture and self

In suggesting a classification of the various forms of contemporary cosmopolitanism, Samuel Scheffler discerns two principal types which can more or less contain all the others: cosmopolitanism as a doctrine concerning justice, and cosmopolitanism as a doctrine concerning culture and self. Although not mutually exclusive, they differ in what they are opposed to: the first type is opposed to the views that impose restrictions in principle on the scope of a conception of justice, that is, that consider that the rules of justice are to be applied in the first instance within well-defined territorial groups; the second, on the contrary, is opposed to the idea that 'individuals' well-being or their identity or their capacity for effective human agency normally depends on their membership in a determinate cultural group whose boundaries are reasonably clear and whose stability and cohesion are reasonably secure' (2001: 150). Cosmopolitans attribute this second view to a mistaken conception of individual identity, agency and well-being, to which they oppose the alternative view of cultures in which they are conceived of as being mobile and subjected to constant change, like the peoples that express them and the individuals of which they are composed.

Cosmopolitanism sets the individual in the centre as the ultimate unit of moral concern and, for this reason, is often accused of not attributing sufficient importance to history and culture in the life of individuals. Against this background, the expression 'cultural cosmopolitanism' might appear to be an oxymoron. Cosmopolitanism certainly attaches an indirect value to culture, that is, not a value per se, but insofar as it has an influence on individuals in conditioning their identity and lives; it is equally true that cosmopolitans place limits on the legitimacy of culture and traditions to make room for individual rights. While it is true that cosmopolitanism assigns an indirect value to culture, it is equally true that one of its objectives consists precisely in suggesting an ethical-political solution to the problem of how it is possible, as Kant wrote, to live in a world in which peoples and culture exist 'unavoidably

side by side', and it is also for this reason that it has been described as a view capable of offering 'a mode of managing cultural and political multiplicities' (Vertovec and Cohen 2002: 4).¹ As far as the problem of culture and identity is concerned, the champions of cosmopolitanism use as their starting point the changes that the processes of globalization have produced, and emphasize the fact that it is necessary to come to terms with a new situation in which new conceptual instruments are required to understand it and to address the challenges it sets up. They point out that nation-states, far from containing homogeneous communities, as some communitarians claim, are becoming increasingly multiethnic and multinational; that individuals are characterized by forms of multiple membership which often transcend the limits of national boundaries; that ultimately both collective and individual cultures are anything but static and fixed. Starting from these changes and from more elastic concepts of self and culture, they are opposed to communitarianism and certain claims made by the supporters of cultural difference policies. Jeremy Waldron,² for instance, adopts a stance against the demands made by minority cultures to receive public funding to defend their specific way of life. He does not deny the role of culture in the constitution of human life but, unlike Kymlicka, for whom culture is a primary asset for the self-constitution of the lives of individuals, he believes that although 'we need cultural meanings', 'we do not need homogenous cultural frameworks' (1992: 785); individual certainly needs culture, but not necessarily 'cultural integrity' (786). Rather than the communitarian or multiculturalist conception of the individual, he prefers that of the cosmopolitan, one who has interiorized pluralism, who 'refuses to think of himself as defined by his location or his ancestry or his citizenship or his language', who is 'conscious of living in a mixed-up world and having a mixed-up self' (754). According to Waldron, the only appropriate response to the modern contemporary world actually consists of the hybrid lifestyle of the cosmopolitans, of those whose 'primary allegiance is to some international agency – who are genuinely and effectively citizens of the world – rather than those who pride themselves on their local acculturation and on the narrow parochialism of their understanding' (776).³ Another author who prefers cosmopolitanism to certain aspects of multiculturalism is Anthony K. Appiah. In *Ethics of Identity*, this philosopher sets out 'to explore the ethics of identity in our personal and political lives; . . . in an account that takes seriously Mill's notion of individuality' (2005: XIV). The challenge consists in separating the discourse on identity from communitarian theories by providing a way of conceptualizing it inside liberal cosmopolitan thought. He reinterprets liberal autonomy as the freedom to choose one's life plan and to decide not so much *what* one wants as *who* one wants to be. Through this conception of individuality, defined as self-development, in which (social) identity is placed at the focus of human life, Appiah distances himself both from the essentialist

view for which an authentic self exists, which is distinctively 'proper', and from the constructivist stance which allows any self one chooses to be constructed. Appiah considers that identity is built up from a set of options made available by one's own culture and one's own society and that to ignore this fact means to ignore the constitutive importance of what Charles Taylor called the 'webs of interlocution', that is to say, not to recognize the dialogical construction of the self and thus to be entrapped in a kind of 'monological' fallacy (107).

Multiculturalism and the policies supporting it, on the assumption of a static cultural identity, are not suitable for understanding the processes by means of which identities, both individual and collective, actually develop. Furthermore, multiculturalism, by merging the discourse on identity with that of culture, ends up by assigning to cultures per se a higher value than that of individuals, to the extent of acknowledging that cultures have the right to be protected not only from external threats, but also from the choices made by their members. In this interpretation of multiculturalism the philosopher perceives a threat to individuality: in the effort to preserve and protect (minority) cultures, cultural difference policies ultimately bring about a kind of 'Medusa syndrome' (110) in which cultures are essentialized and consequently petrified, shut off from change, even from that proposed or urged by the choices made by their own members. And so, in view of the fact that very often 'upholding differences among groups may entail imposing uniformity within them' (151), these policies are liable to upset the delicate balance between agency, individual autonomy and the context in which individuality is allowed to flourish, and ultimately no longer guarantee their own members precisely that right to diversity in the name of which several (minority) cultural groups demand and endorse identity policies. Appiah is nevertheless well aware of the fact that while cosmopolitanism acts as a challenge to partiality, the existence of a sentiment of belonging then represents a challenge for cosmopolitanism. He considers cosmopolitanism, defined as the strict negation of partiality, as the elimination of all local loyalties, as untenable, as something that may impress the intellect but that 'has little grip upon our hearts' (221).

A cosmopolitanism that hopes to have a future must be a rooted cosmopolitanism, a partial or rooted cosmopolitanism, that takes seriously not only the value of human life in general but also the value of *particular* human lives, of those lives that persons have themselves created *within* the communities that contribute to giving such lives a meaning. The challenge therefore consists in accepting that individuals have multiple memberships and divided loyalties and coexist with individuals, both within and outside national borders, who belong to different cultures, likewise characterized by divided loyalties and multiple identities. For a number of cosmopolitan authors this challenge calls for the creation of institutional arrangements in which the multiple memberships of individuals are recognized and the various cultures

to which individuals belong are protected. David Held, for instance, starts off from the following considerations: (1) individuals are influenced and shaped both by their national communities and international communities; identity is therefore becoming increasingly more global; (2) citizenship defined as the enjoyment of rights and duties appears to be practised and protected more by the global community than within states; (3) the regime of human rights has not only led to individuals being acknowledged as the bearers of universal rights insofar as they are human beings but has also allowed the acceptance of global responsibility to progress; (4) lastly, the development of a global civil society has encouraged interculturalism. The cosmopolitan democracy project is the political project that more than any other is capable of satisfying the need to guarantee the harmonious living together of individuals having complex identities in a world characterized by huge cultural diversity. Promotion of the rule of law, of equal rights and the practice of democracy are actually perceived as conditions that allow persons of different cultures, ethnic groups, religions and national identities to forge common bonds and to live peacefully within a framework of common law and equal rights. It should be noted that in Held's view, the institutional arrangements of the cosmopolitan democracy project are not designed solely to promote individual identity but also to ensure autonomy and recognition of the many cultures and communities to which individuals belong. By defending multiple governance levels where each level is viewed as a legitimate authority, cosmopolitan institutional arrangements more satisfactorily than others, can ensure the protection of the various communities and cultures. This objective is explained by Held when he expresses the hope that cosmopolitanism, in addition to the moral, political and legal dimension, can also develop a cultural dimension, pointing out that cultural cosmopolitanism 'is not at loggerheads with national culture; it does not deny cultural difference or the enduring significance of national tradition. It is not against cultural diversity . . . Rather, cultural cosmopolitanism should be understood as the capacity to mediate between national cultures, communities of fate and alternative styles of life' (Held 2002b: 57).

Cultural cosmopolitanism underlines the 'fluidity of individual identity', as well as people's capacity 'to forge new identities using materials from diverse cultural sources, and to flourish while so doing' (Scheffler 2001: 151);⁴ it celebrates what Rushdie describes as 'hybridity, impurity, intermingling, the transformation that comes of new and unexpected combinations of human beings, cultures, ideas, politics, movies, songs' (Waldron 1992: 751); it also promotes development of the capacity 'to stand outside of a singular location (the location of one's birth, land, upbringing, conversion)', to mediate between different traditions and to distance oneself from one's own. For cultural cosmopolitanism to establish itself three conditions must be satisfied (Held 2002b: 58):

- 1 Recognition of the increasing interconnectedness of political communities in diverse domains including the social, economic and environmental.
- 2 Development of an understanding of overlapping 'collective fortunes' which require collective solutions – locally, nationally, regionally and globally.
- 3 The celebration of difference, diversity and hybridity while learning how to reason from the point of view of others and mediate traditions.

Held's theory 'builds on principles that all could assent to' (2010: 313), but the interpretation of these ideals must be left to individual local communities. The institutional arrangements envisaged in the cosmopolitan democracy project offer local communities opportunities and institutional resources to protect their cultures and preserve their way of life, or at least to have their points of view represented. In addition, a society based on equal citizenship and democratic practice, by encouraging the participation of all its citizens in the governance and decision-making process, allows a sense of community to be constructed and also a common agenda to be created among persons of different cultures. For Held, as also for Archibugi, the exercise of democracy is precisely the best antidote against homologation and for the defence of individual and cultural differences.

Cultural cosmopolitanism from below

I place in the category of cultural cosmopolitanism from below authors who occupy a wide range of positions running from postcolonial to neo-Marxist theories which usually contain a *pars destruens* and a *pars construens*. On the one hand, these authors make several criticisms of contemporary cosmopolitanism such as that of being contaminated by abstract universalism, of expressing western values and ideals – including an idea of progress and unilateral and one-dimensional modernity – of ignoring relations of social and political power that this presupposes and the new forms of exclusion that it produces, as well, finally, as of being elitist. On the other, they strive to offer a version of cosmopolitanism viewed from the peripheries, the margins, combining apparently mutually contradictory aspects and concepts – cosmopolitan patriotism, rooted cosmopolitanism, cosmopolitan ethnicity, working-class cosmopolitanism – in an attempt to 'come to terms with the conjunctural elements of postcolonial and precolonial intercultural and political encounters, while probing the conceptual boundaries of cosmopolitanism and its usefulness as an analytic concept' (Werbner 2011: 109). Those who reflect

on the meaning of the cosmopolitical experience and condition in a postcolonial perspective include some who reject cosmopolitanism and interpret the attempts to 'recosmopolitanize postcolonial studies' as a form of assimilation to neocolonialism (Cheah 2006: 89); others again who seek to develop a new version as a form of resistance to neocolonialism and as a possible counter to the antitheses alleged to be typical of western thinking between universal-particular; modern-non-modern; global-local. We thus go from authors who equate cosmopolitanism with the process of Americanization of the world to those who propose a critical cosmopolitanism, a new form of cosmopolitanism pruned of all the vices and defects believed to taint traditional cosmopolitanism, which developed along the cultural axis running from the cynical philosophers and Graeco-Roman Stoics as far as the Enlightenment philosophers and Immanuel Kant.⁵ Tim Brennan, for instance, in *At Home in the World: Cosmopolitanism Now* (1997) points out that cosmopolitanism, which embodies a critical view of all forms of blind nationalism and cultural chauvinism, and which refuses to give priority to any single position or community, is merely a form of localism, expressing the values and ideals of the American empire. It is deemed to be a product of the Americanization of the world and of a growing global economy, of a condition that he concisely sums up as follows: 'not only does the sun never set on the American empire, [but] there is no place it shines that is not America' (1997: 4). The consensus received by cosmopolitanism insofar as it is universalist in scope shows that the American location has become systematic, pervading all aspects of material, social and cultural life in the world. Anthony Appiah criticizes cosmopolitanism which denies the importance of affiliations and of particular loyalties, but in doing so, puts forward a variant of cosmopolitanism. This variant, that he defines by means of expressions such as 'cosmopolitan patriotism', 'partial cosmopolitanism', 'rooted cosmopolitanism', is a situated form of cosmopolitanism capable of reconciling universalism and particularism. He believes that a cosmopolitanism with some hope of being established and spreading must acknowledge and admit the moral and emotional importance that the membership of a significant community (family, ethnic group, nation) has for an individual. And it must also be able to reconcile particular identities and affiliations with the demand that these must not be used as alibis to dodge one's moral responsibilities vis-à-vis other strangers and must not stand in the way of the interaction among individuals of different cultures. The credo of rooted cosmopolitanism is summarized by Appiah (2002: 22) as follows:

The cosmopolitan patriot can entertain the possibility of a world in which everyone is a rooted cosmopolitan, attached to a home of his or her own, with its own cultural particularities, but taking pleasure from the presence

of other, different, places that are home to other, different, people. The cosmopolitan also imagines that in such a world not every one will find it best to stay in their natal patria, so that the circulation of people between different localities will involve not only cultural tourism (which the cosmopolitan admits to enjoying) but migration, nomadism, diaspora.

Homi Bhabha coined the expression 'vernacular cosmopolitanism' (Bhabha 2001; Werbner 2006) to denote precisely a cosmopolitanism that observes from the outskirts of the centres of power and global wealth and that adopts the outlook of the 'marginal' cosmopolitans. He criticizes the image proposed by Martha Nussbaum (2002a) of a *self* situated at the centre of a series of concentric circles in which universal liberal values occupy a privileged position compared with those of the nation, the ethnic group and the family. The idea of a borderless community strikes him as being inadequate for representing the condition of millions of refugees and migrants who flee violence and poverty and, whether they like it or not, often find themselves experiencing a cosmopolitan condition. Bhabha adopts the point of view of those people and describes the various forms they have produced, that is, the hybrid culture that is established in the frontier zone of cultural difference and that produces a 'cosmopolitan community envisaged in marginality' (2001: 42).⁶ Bhabha also criticizes the concept of modernity assumed by European cosmopolitanism, distancing himself from Schmucl N. Eisenstadt's multiple modernity paradigm. The latter is based on the critique of the theories of modernization and their common assumption: the idea of modernization as a uni-linear path. This idea implies that, in order to become modernized, other cultures must line up with the western model and consequently calls for a convergence of local histories and ultimately results in global homogenization. Conversely, Eisenstadt's idea is that distinct societies actually process the features of modernity in partially different ways according to the characteristics of their own original civilizations. What we are witnessing is therefore not a straightforward spread of modernity but rather the development of a range of different – multiple – modernities (Eisenstadt 2000). According to Bhabha, in order to avoid modernization coinciding with a process of theoretical and practical westernization it is necessary to proceed beyond the multiple modernity paradigm. European cosmopolitans must understand that those subjected to a cosmopolitan situation that is not of their choosing are a product of European modernity and that it is not possible to understand modernity without having realized this. The colonial past must be borne in mind as 'The values of so many so-called "western" ideals of government and community are themselves derived from the colonial and postcolonial experience' (2001: 49) which is part and parcel of European modernity.⁷ On the premise that cosmopolitanism is not just an ideal but also a set of practices, Bhabha defines as vernacular cosmopolitanism

the cosmopolitan practices contained in local situations that, among other things, show how cosmopolitanism is 'neither a western invention, nor a western privilege' (Cheah and Robbins 1998: 259). Bruce Robbins also asserts that, side by side with cosmopolitanism *d'élite* there are non-elite modes and sites of cosmopolitanism; even though the qualities of cosmopolitanism are to be found among comparatively privileged persons, they can also make their appearance in other social contexts, and be embodied in other social groups such as 'North Atlantic merchant sailors, Caribbean au pairs in the United States, Egyptian guest workers in Iraq, Japanese women who take gaijin lovers' (1998: 1).

Over the years there has been growing awareness that different cosmopolitan practices exist side by side with their own historicity and with their own distinct world views. This has led to the exploration of marginal cosmopolitanism, of non-elite forms of cosmopolitanism⁸ of which the book *Cosmopolitanism* (Breckenridge *et al.* 2002) is a priceless example. The introduction to this publication amounts to a kind of manifesto of cosmopolitanism from below, or vernacular cosmopolitanism, in which the theoretical premises underlying the collected articles are stated explicitly. These articles come from different branches of learning – such as literary studies, art history, South Asian studies and anthropology – which reappraise new records, propose fresh formulations of the concept of cosmopolitanism, and illustrate new and diverse cosmopolitan practices developed outside the European area, for instance, in South Asia, China, and Africa. What emerges above all from this heterogeneous panorama is cosmopolitanism as action rather than as idea, as something people do rather than just declare, as practices rather than as propositions (Pollock 2002: 16), exemplifying a cosmopolitanism that nevertheless is always 'yet to come, something awaiting realization' (Breckenridge *et al.* 2002: 1).⁹

The *pars destruens* of the manifesto is expressed firstly in the criticism of the 'neoliberal emphasis . . . on individualist aspirations and universalist norms' (Breckenridge *et al.* 2002: 4–5) which is believed to be shared by contemporary cosmopolitan theories. This is because, on the one hand, 'neoliberal cosmopolitan thought is founded on a conformist sense of what it means to be a "person" as an abstract unit of cultural exchange'; and on the other because the thirst for equality as a universal norm is bound up with a 'tenacious ethnocentric provincialism in matters of cultural judgement and recognition' (5). Secondly, the theorists of cosmopolitanism from above are accused of misconstruing the fact that contemporary cosmopolitanism does not spring from the virtues of Rationality, Universality and Progress, of Enlightenment origin, since 'Cosmopolitans today are often the victims of modernity, failed by capitalism's upward mobility'. The cosmopolitans are the refugees, the peoples of the diaspora, the migrants, who only too often are viewed by the western countries as a problem in that liberal cultural pluralism

is capable of recognizing difference 'only as long as the general category of people is understood in the national frame' (6). Instead it is necessary to change one's vantage point and acknowledge the critique of modernity that minoritarian cosmopolitans embody through their experience.

This gives rise to the *pars costruens* of the manifesto which the various contributions of the publication exemplify in several different ways. The manifesto is an invitation to adopt the minoritarian modernity point of view as a source of cosmopolitan thought by means of which to provincialize Europe and seek cosmopolitical genealogies outside of it. The expression 'vernacular cosmopolitanism' alludes among other things to the demand that European cosmopolitanism should be vernacularized, that is, provincialized. Bhambra points out that in academic literature on cosmopolitanism, ' "being cosmopolitan" (as a practice) is associated with being *in* the West and cosmopolitanism (as an idea) is seen as being *of* the West' (2011: 314). For instance, he cites a work by Anthony Pagden in which the latter claims that cosmopolitanism is 'a distinctively European concept', the success of which has long been bound up with the history of European universalism. Even though Pagden deems it an oversimplification to identify, as Brennan does, cosmopolitanism 'as merely imperialism under another guise', where the rules of the International Monetary Fund, the World Bank, and the various NGOs, well-intentioned but often ineffective, replace rules and intentions of priests and conquerors, he stresses how difficult it is to separate cosmopolitanism 'from the history of European civilization, or the history of European philosophy' and that 'it is an error to hope that we can ever achieve a truly cosmopolitan vision of the cosmopolis' (Pagden 2000: 20): in other words it has always been and will continue to be a European vision of the cosmopolis.¹⁰ Bhambra points out that this is an example of parochial interpretation of cosmopolitanism which betrays the very ideals expressed by the concept. Indeed, in asserting that cosmopolitanism is the product of European civilization, he is paradoxically saying that it cannot be truly cosmopolitan and that, at the same time, however, it can only be European. In other words, Pagden is considered to have accepted European particularism, which is presented as universal, without accepting that this calls for some comment or justification. Pagden refuses to acknowledge that there have been any cosmopolitan practices and the development of cosmopolitan ideas in other parts of the world having no contact with Europe, does not see how the European domination of the rest of the world represented the negation of the cosmopolitan ideal and denies that here there are currently any cosmopolitan practices worth studying.¹¹ In order to avoid any provincial interpretations of cosmopolitanism it is necessary to 'provincialize' cosmopolitanism, to achieve which it 'would require both a decentring of dominant understandings of cosmopolitanism as well as an acknowledgement of understandings of cosmopolitanism outside of the

otherwise canonical frame of reference exemplified by European thought and practice' (Bhabra 2011: 325). This could entrain an understanding of cosmopolitanism as being not just a simple addition to what already exists and has been developed, but as a challenge to the legitimacy and the validity of the parameters – both historical and ethical – that were accepted a priori and that will have an authentic transformative potential: 'The provincializing of cosmopolitanism is not just a different interpretation of the *same* ideas, but the bringing into being of *new* understandings' (Bhabra 2011: 323).

As Judith Butler remarks, in performing a translation from one culture to another, abstract universalism, combined with a conception of modernity as unique and linear, ends up reducing 'every cultural instance to a presupposed universality'. Consequently, the translation coincides with the imposition of a universal claim to a culture that resists it. Or else it happens that the champions of universalism 'will domesticate the challenge posed by alterity by invoking that very cultural claim as an example of its own nascent universality' (2002: 51) in order to prove that this universality has already to some extent been achieved. For Butler, therefore, 'to claim that a Kantian may be found in every culture' (52) is a form of cultural imposition, as is any attempt to seek traces of cosmopolitanism in non-European cultures by performing a translation of the other cultures in terms of one's own culture.

The question of whether it is possible to speak of cosmopolitanism outside of western culture presupposes the use as reference parameter of the concept of European cosmopolitanism and that the other cultures are evaluated in terms of the extent to which they have approached or are approaching this ideal. In order to avoid this process of cultural imposition/assimilation the authors of *Cosmopolitanism* adopt another strategy, starting from the following proposal: 'Let's simply look at the world across time and space and see how people have thought and acted beyond the local' (Breckenridge *et al.* 2002: 10). On the basis of this proposal they offer a wide range of experiences. In doing this they show how the history of cosmopolitanism may be rewritten and how the number and scope of practices allow new alternative theorizations of cosmopolitanism, offering a first illuminating example of what is meant by a 'different archive of knowledge' (Featherstone and Venn 2006: 4). The book *Cosmopolitanism* describes practices that range, for example, from the circulation of Sanskrit literature in precolonial Asia (Pollock) to the architectural style of Shanghai which reconstructs the entire world in the city's streets (Abbas), to the transformation in contemporary photography in Senegal of nudity in an image that is both domesticated and irremediably exoticized. These practices all represent examples of living 'at home abroad or abroad at home – a way of inhabiting multiple places at once, of being different beings simultaneously, of seeing the larger picture stereoscopically with the smaller' (Breckenridge *et al.* 2002: 11).

In the introduction the authors of the manifesto also question the European prejudice against the nation-state without actually embracing nationalism. They criticize the fact that western cosmopolitanism lauds the advent of a post-national era and that, linking to the idea of nation its nationalistic degenerations and the conflicts it has produced, it is visibly much prejudiced against what is national, particular and local. They point out that, for several countries, the national conscience has represented an instrument of emancipation from colonialistic subjection. Therefore, while in Europe the appeal of the nation may have conservative and traditionalist overtones, for India or Ethiopia, for example, 'it is not at all clear whether "nation" belongs on the side of tradition or on that of developing cosmopolitanism' (Calhoun 2002: 92).¹² While drawing attention to the importance of the national conscience, Bhabha states that he is interested in the 'many circles that are narrower than the human horizon' (Appiah 2002: 29), in that narrower space of the human horizon 'that somehow stops short (not falls short) of the transcendent human universal, and for that very reason provides an ethical entitlement to, and enactment of, the sense of community' (Bhabha 2001: 42). For cosmopolitanism from below, cosmopolitanism and nation (or national conscience), global and local are not necessarily mutually antithetical.

Contributions to the publication include also that of Walter D. Mignolo who, in his essay 'The Many Faces of Cosmo-polis: Border Thinking and Critical Cosmopolitanism', offers a new reconstruction of the cosmopolitan paradigm over history and puts forward a fresh theorization of cosmopolitanism – 'critical cosmopolitanism'. He offers a historical reconstruction of the idea of cosmopolitanism and of political projects associated with it which, rather than in Greece, has its origin in the rise of the Atlantic trade circuit of the sixteenth century, in which the Spanish crown, the Genoese capitalists, the Christian missions, the American Indian elites and the African slave trade are all linked together. In Mignolo's interpretative model, the global designs of the Spanish and Portuguese empires of the sixteenth and seventeenth centuries correspond to the Christian mission cosmopolitanism, that is, cosmopolitanism viewed as the evangelization and Christianization of the pagans. The French and English imperial designs of the eighteenth and nineteenth centuries correspond to the civilizing cosmopolitan mission, that is, to cosmopolitanism as an instrument for civilizing the savages. The imperial, global and neocolonial designs of the United States in the twentieth century correspond to the cosmopolitan mission of modernization, namely of cosmopolitanism interpreted as the modernization or globalization of the premodern traditions. Throughout western history, cosmopolitanism is thus believed to be embodied in three projects (missionizing, civilizing and modernizing) that have explicitly or implicitly condoned and justified colonialism, imperialism and neocolonialism. Mignolo admits that against these projects and their underlying ideology what he

defines as 'emancipatory cosmopolitanism' arose, which nevertheless has the limitation of offering a critical view of the global designs without however contravening the logic imposed by the global designs themselves. Instead of emancipatory cosmopolitanism the author proposes 'critical cosmopolitanism'. While the former is carried on inside modernity, the latter takes place outside modernity, that is, outside coloniality; it is open to other opinions and to the others and, to do this, distances itself from the logic of inclusion. In emancipatory cosmopolitanism the problems of rights, justice and fairness are conceived of under the banner of benevolent recognition (Taylor 1992) or of the humanitarian plea for inclusion (Habermas 1998) (Mignolo 2002: 160). However, as Mignolo remarks (174),

inclusion doesn't seem to be the solution to cosmopolitanism any longer, insofar as it presupposes that the agency that establishes the inclusion is itself beyond inclusion: "he" being already within the frame from which it is possible to think "inclusion". Today, silenced and marginalized voices are bringing themselves into the conversation of cosmopolitan projects, rather than waiting to be included. Inclusion is always a reformative project. Bringing themselves into the conversation is a transformative project that takes the form of border thinking or border epistemology – that is, the alternative to separatism is border thinking, the recognition and transformation of the hegemonic imaginary from the perspectives of people in subaltern positions. Border thinking then becomes a "tool" of the project of critical cosmopolitanism.

The task of critical cosmopolitanism is to rescue, salvage and render audible and visible the voices of those local histories that have been subordinated and silenced by the imperialist ethos. As Mignolo aptly emphasizes, 'critical and dialogic cosmopolitanism as a regulative principle demands yielding generously ('convivially' said Vitoria; 'friendly' said Kant) toward diversity as a universal and cosmopolitan project in which everyone participates instead of "being participated" '. This does not mean including others in our conversations but recognizing that they are *already* participating if only we listened to them. Critical cosmopolitanism is turned towards a form of universality that he denotes as 'diversality', a combination of diversity and universality: 'diversality should be the relentless practice of critical and dialogical cosmopolitanism rather than the blueprint of a future and ideal society projected from a single point of view (that of abstract universality)' (2002: 182). Critical cosmopolitanism is consistent with its critical instance when it adopts the locus of enunciation of the subaltern, when it adopts the standpoints of those local histories that have been involved in global designs. This perspective does not imply inferiority but rather 'awareness of a subaltern position in a current geopolitical distribution

of epistem power'. Mignolo has this cosmopolitanism, which is conscious of its own standpoint and that of the others, correspond to diversity as a universal (cosmopolitical) project, a project that 'connects the diverse subaltern satellites appropriating and transforming Western global designs' (183).

The essay by Akbar Abbas not only illustrates 'the cosmopolitan' via the history of two Asiatic cities – Shanghai and Hong Kong – and the urban culture they have developed, but is also an example of another of the criticisms directed towards cosmopolitanism from above, that of being elitist. According to Abbas, cosmopolitanism cannot be viewed simply as the ability to transcend particular affiliations and ethnocentric prejudice, or as a sympathetic attitude towards 'Other'. The ideal of cosmopolitanism as 'an orientation, a willingness to engage with Other . . . an intellectual and aesthetic stance of openness toward divergent cultural experiences' (Hannerz 1990: 239), although admirable, can be sustained only in metropolitan centres where movement and travel are easy and when the encounter with other cultures is a matter of free choice, negotiated on favourable terms. What can we say about a situation in which these conditions are not forthcoming? A situation in which divergent cultural experiences are not freely chosen? He suggests looking at the problem areas of the big cities, nodal points of transnational spaces produced by global capitalism, where people, the 'new cosmopolitans', are acting out what he calls 'arbitrage', which means 'everyday strategies for negotiating the disequilibria and dislocations that globalism has created' (Abbas 2002: 227). The cosmopolitan today will include, he states, 'not only the privileged transnational, at home in different places and cultures, as an Olympian arbiter of value. Such a figure, it could be argued, has too many imperialistic associations'; this category today must include 'at least some of the less privileged men and women placed or displaced in the trans-national space of the city and who are trying to make sense of its spatial and temporal contradictions'. In the global age the cosmopolitan is no more or not only 'a universalist arbiter of value', but 'an arbitrageur/arbitrageuse' (226). The criticism that cosmopolitanism defined as a lifestyle is elitist and expresses an aesthetic view of life based on non-membership and on non-involvement is already present in Robert Pinski (2002: 87–88) who, in his reply to Nussbaum, pointed out that cosmopolitanism was for the privileged few and that the cosmopolis was simply 'the village of the liberal managerial class':

I have the impression that some of the fiercest nationalisms and ethnocentrisms of the world are fueled in part by resentment toward people like ourselves: happily situated members of large, powerful nations, prosperous and mobile individuals, able to serve on UN commissions, who participate in symposia, who plan the fates of other peoples while flying around the world and staying in splendid hotels.

Richard Shweder (2000: 170) also offers a provocative representation of the liberal world that, in his view, is two-tiered:

this system would be two tiered and operating at two levels, global and local. I imagine its personnel will belong to two 'castes'. There will be the cosmopolitan liberals, who are trained to appreciate value neutrality and cultural diversity and who run the global institutions of the world system. And there will be the local non-liberals, who are dedicated to one form or another of thick ethnicity and are inclined to separate themselves from 'others,' thereby guaranteeing that there is enough diversity remaining in the world for the cosmopolitan liberals to appreciate. The global élite (those who are cosmopolitan and liberal) will, of course, come from all nationalities. In the new universal cosmopolitan culture of the global tier of the world system, your ancestry and skin color will be far less important than your education, your values, and your travel plans.

Ulf Hannerz argues that one is not cosmopolitan simply because he travels, emigrates, lives in multicultural contexts or transnational areas; in answer to the question 'Who can be a cosmopolitan?' he states that cosmopolitans are those who *consciously* identify themselves as cosmopolitans and that such an attitude demands an education and sufficient material resources to allow a knowledge of the diversity of cultural forms to be acquired. As Hannerz (2007: 74) remarks:

In an increasingly mobile world . . . not all sheer physical mobility automatically entails cosmopolitanism. Going abroad and encountering otherness might involve not affirmative openness, but a rejection of what is alien, or a narrow, controlled selection from it. Some tourists seek out the particular qualities of a distant place (such as sunshine) rather than embracing it as a whole; others want the distant place to be as much like home as possible. Business travelers may find it convenient and comforting if all the hotels in major chains stretching across the world look and feel much the same. Exiles, having had a foreign haven more or less forced upon them, may prefer to encapsulate themselves as much as possible with other exiles from their homeland. Labor migrants may be in a distant place struggling to earn a living, not for the sake of interesting experiences. Cosmopolitan attitudes can grow under circumstances such as these, but they are hardly inevitable.

Not all those who move, travel and live in places outside their own country can legitimately be called cosmopolitans. Hannerz proposes a distinction between cosmopolitans, those 'willing to engage with unfamiliar cultures and places'

(1990: 239), locals who 'perpetuate local cultures and live out their lives in local places' and transnationals 'occupational élite travelers who create new professional cultures' (1992: 252). The difference is between those who wittingly adopt a cosmopolitan attitude and lifestyle and those who instead are forced to and are not even aware of doing so or who consider involvement with other cultures as a kind of 'necessary cost' (1992: 248).

Some have attempted to respond to Hannerz by denouncing the elitism of cosmopolitanism defined as an 'ethos of worldliness' (Kurasawa 2011: 279), a way to feel at home in the world, of appreciating cultural pluralism, which implies the capacity to adopt different viewpoints and to move in different sociocultural environments. Fuyuki Kurasawa, for instance, points out that to treat the world as 'home' is an attitude that can be adopted only by members of the ruling classes, whose symbolic and material power enables the planet to be considered as an open, unbounded space in which to realize one's hopes and one's self-educational projects. Being cosmopolitan becomes a strategy of distinction thanks to which the members of the richer classes establish their superiority vis-à-vis the weaker groups: the position in the hierarchy is determined on the basis of the capacity to be or become cosmopolitan. In this conception of cosmopolitanism, worldliness is reduced 'to the ability to travel to distant lands, to be at the cutting edge of global trends, and to consume non-local, "exotic" goods and services – activities that are misrecognized by those partaking in them as choices available to all participants in a field and as indicators of cultural sophistication rather than socio-economic dominance' (Kurasawa 2011: 281). According to this conception the majority of the world population is doomed to a 'perpetual non-cosmopolitan status' viewed as the result of a deliberate decision rather than as 'an effect of the severe restriction in the range of options available to those suffering from socio-economic deprivation'. Viewed close up, this kind of cosmopolitanism appears simply a form of thin multiculturalism rather than an actual capacity to accept diversity as it is ultimately limited to what is easy and domesticated, to consumeristic forms of interaction with unfamiliar sociocultural expressions such as food, clothes and music. It seems to be functional to the needs of the market and finance: it is no coincidence that this kind of 'multicultural capitalist ideology', consistent with liberal tolerance, is considered by Kurasawa to be taught in business schools and in global management programmes as a social broker in transnational trade and financial relations. As opposed to this cosmopolitanism, critical cosmopolitanism acknowledges the existence of 'a worldly sensibility from below, grounded in ordinary ways of thinking and acting' (2011: 281).

For many human beings, excluded by the elitarian form of cosmopolitanism, worldliness is a daily reality, feeding on globalization processes: interculturally expansive social imagination shaped by the transnational migration of persons,

ideas and images (Appadurai 1996), and facilitated by the internet and mobile technology; worldly processes of cultural translation and interpretation required in order to make sense of the globalized manifestations of popular culture (e.g. Bollywood films or Brazilian telenovelas overseas); social interactions performed in a variety of languages among inhabitants of global cities involving persons from different sociocultural backgrounds. The article by Hannerz has aroused different reactions and has been accused of eurocentrism and elitarianism; it has nevertheless the merit of having raised issues that are still open¹³:

in what sense does cosmopolitanism need to be grounded in an open, experimental, inclusive, normative consciousness of the cultural other? Such a consciousness would need to include elements of self-doubt and reflexive self-distanciation, an awareness of the existence and equal validity of other cultures, other values, and other mores. Is travel without such an inclusive consciousness cosmopolitan? Does travel inevitably lead to such openness and reflexivity?

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Anthony Kwame Appiah: rooted cosmopolitanism and cosmopolitan conversation

Partial (or rooted) cosmopolitanism

The philosopher Anthony Kwame Appiah has developed a liberal version of cosmopolitanism which is expressed more fully in the famous phrase pronounced by Cremete '*Homo sum, humani nihil a me alienum puto*' than in the austere Roman Stoicism of a Seneca or a Marcus Aurelius.¹⁴ This is the version of cosmopolitanism known as '*partial cosmopolitanism*' or '*rooted cosmopolitanism*' which he develops more systematically in his books *The Ethics of Identity* (2005) and *Cosmopolitanism. Ethics in a World of Strangers* (2006).¹⁵

In *The Ethics of Identity* his starting point is that the size of modern nations makes one-on-one relations with all their citizens impossible and so 'relations between citizens must, of necessity, be relations between strangers' (217). This circumstance therefore raises the question of understanding what can justify the fact that a line of demarcation is drawn between the strangers that are our fellow citizens and 'political strangers', namely those who are not members of our community. The cosmopolitan, that is, he who considers the

whole world as a homeland shared with others, cannot dodge the issue of the moral status of the political stranger. Moreover, the history of mankind tells us that 'no island . . . is an island' (219), and that therefore the question of outsiders is not a contemporary sociopolitical anomaly but a reality with which we have always had to come to terms.

Disregarding the problem of national membership not only does not do justice to historical reality but also clashes with the two pillars of western liberal democracies, the universality of human rights embodied in the constitutions, and ethical individualism. If national communities were considered as ultimate units of concern as such, the distinction between members and non-members could be justified on the basis of the argument of whether members and non-members contribute or have contributed in a different way to the welfare of the nation. But if it is assumed that morality begins with persons and not with peoples, the distinction between one person and another will have to be justified as a function of what this distinction means for the individuals involved.

Appiah acknowledges that while cosmopolitan universalism represents a challenge to partiality, the existence of group feelings in its turn represents a challenge to cosmopolitanism. So before pointing to where the cosmopolitan ideal should lead us, he concerns himself with defining the kind of cosmopolitanism that is more congenial to the human psyche.

A 'sustainable' cosmopolitanism must take seriously not only the value of human life but also the value of particular human lives, the lives that persons have constructed and lead within their communities, which give meaning to those lives. A cosmopolitanism with the ambition to establish itself must be presented as a third way between extreme impartiality on the one hand and extreme partiality on the other, between the 'diversitarianism of the game warden, who ticks off the species in the park', and 'simple universalism' (222); in other words, it must be capable of reconciling 'a kind of universalism with the legitimacy of at least some forms of partiality' (223).

But how can cosmopolitanism be reconciled with patriotism? The special obligations seem to be incompatible with the principle of moral equity since, as Samuel Scheffler (2001) pointed out, associative duties do not only allow priority to be assigned to the interests of the persons we are associated with but *demand* that this be so. Appiah works around this opposition between associative duties and moral equity by drawing attention to the fact that it is the states that must display equal respect towards all citizens and that it is mistaken to assume that individuals must also be subjected to the same constraint. Moral equality must be a regulatory ideal for political conduct, not for personal conduct.

So what kind of obligations are the special obligations? Appiah accepts the distinction made by Robert Dworkin between morality, which has to do with what we owe others, and ethics, which is related to the type of life that

we should lead, our personal projects, the type of person we would like to be. However, he points out that in the pursuit of rooted cosmopolitanism it is not always possible to distinguish between moral duties and ethical duties as it is 'a compositive project, a negotiation between disparate tasks' (Appiah 2005: 232), namely, between the political task of creating a well-ordered society on the one hand and the personal task of leading a good life on the other. Furthermore, he does not share the idea that moral obligations must be lexically satisfied before dedicating oneself to ethical obligations because, while it is true that moral obligations must govern the ethical ones, this does not mean that the obligations of universal morality must always take priority over ethical obligations in other people's or our own regard. Moreover he recommends not to think of the contrast between moral and ethical in terms of a contrast between what is compulsory and what is optional: although contingent and not chosen, the relations are no less binding for this reason. Indeed, we do not choose who our mother is but this does not mean we have no special responsibilities in her regard. He thus focuses attention on two characteristics of the special responsibilities: the first, they allow of a certain graduality; the second, they are inside our identity: 'Who you are is constituted, in part, by what you care about' (236). Ceasing to fulfil these obligations means no longer being the person we are. Since an ethical community is composed partly of the special responsibilities undertaken by its members, if no one feels they have any special responsibilities, such a community would therefore not exist. In the kingdom of the ethical, he points out, you can have an 'ought' only from an 'is'. He thus lays claim to the legitimacy and the value of partiality for the reason that, for human beings, relations are important, and many of them require partiality, a special care among those involved, and supply reasons for partiality, for an 'unequal treatment'. However, for Appiah, the defence of partiality does not necessarily imply the defence of national identity. Special relations can therefore have sense within true 'thick' relations (lovers, family, friends) but not within that imaginary brotherhood that one has with one's fellow nationals: 'Even if you accept that some ethical relations, some ethical communities, provide reasons for partiality, you could still wonder whether nations are among them' (237). In other words, the defence of partiality on the basis of the paradigm of friendship or the family cannot be invoked without modifications in defence of national partiality. This is because it is one thing to talk about partiality with reference to those who have a one-on-one relation, and another to talk about a relation such as one has with one's own fellow nationals, which is always 'a relation among strangers' (238).¹⁶

This does not mean that he shares Nussbaum's opinion that 'The accident of where one is born is just that, an accident; any human being might have been born in any nation' and consequently such a difference should not 'erect

barriers between us and our fellow human beings' (Nussbaum 2002a), because, he points out, the moral saliency of a fact is not dependent on it being metaphysically necessary. The fact that I am my mother's son is metaphysically contingent for her and metaphysically necessary for me, although this does not imply that a corresponding asymmetry exists in the special responsibilities contracted by us. In any case, if we were determined to follow Nussbaum's argument, we would have to consider the nation and not the state as being arbitrary:

Since human beings live in political orders narrower than the species, and since it is within those political orders that the questions of public right and wrong are largely argued out and decided, the fact of being a fellow citizen – someone who is a member of the same order – is not, with respect to our normative commitments, arbitrary at all.

(244)

The nation is arbitrary in that its importance is dependent on the will of individuals, although this is not the same as saying that it can be eliminated from our normative discussions. It is indeed important for individuals, namely for autonomous agents whose wishes we ought to recognize and take into consideration even if we do not always approve of them. States have an intrinsic moral value; they are important because they regulate our lives through forms of coercion that always demand a moral justification. These considerations lead us to conclude that cosmopolitans must not consider that the state be morally arbitrary in the same way as the nation. Moreover, the interest in the different forms of life and the celebration of cultural variety implicit in Appiah's cosmopolitan ideal are consistent with the existence of a plurality of states rather than with that of a single World State, which is not deemed to be a desirable political objective.¹⁷ However, since for human beings the context at the local scale is important for self-development, a cosmopolitan ought also to acknowledge the *ethical* importance of nation-states vis-à-vis a hypothetical world state. In view of these premises:

it is because humans live best on a smaller scale that liberal cosmopolitans should acknowledge the ethical salience of not just the state but the county, the town, the street, the business, the craft, the profession, the family as communities, as circles among many circles narrower than the human horizon that are appropriate spheres of moral concern. They should, in short, endorse the right of others to live in democratic states, with rich possibilities of association within and across their borders, states of which they can be patriotic citizens.

(246)

And as cosmopolitans, indeed as 'partial cosmopolitans', they can claim this right also for themselves.

What do we owe foreigners on the strength of our common humanity?

In *Cosmopolitanism. Ethics in a World of Strangers* cosmopolitanism is presented as the union of two closely intertwined strands: in the first, we have 'obligations that stretch beyond those to whom we are related by ties of kith and kind, or even the more formal ties of a shared citizenship'; in the second, 'we take seriously the value not just of human life but of particular human lives, which means taking an interest in the practices and beliefs that lend them significance' (Appiah 2006: xv). The first idea characterizing Appiah's cosmopolitanism refers to the commitment to recognize our responsibilities above and beyond the tight circle of our affiliations and memberships. No local loyalty, no identity, must act as a limit to the human capacity for compassion like a moral anaesthetic by means of which to rationalize the limitation of our responsibilities vis-à-vis others.

Cosmopolitans are accused of having an abstract interest in aliens, lacking the warmth and strength that stem from a common, shared identity: indeed Appiah admits that 'Humanity isn't, in the relevant sense, an identity at all' (98) capable of arousing feelings and interest. However, this criticism is the result of a misunderstanding regarding patriotism which, as we have seen, in the modern nation-states is always to be considered as a concern about aliens. It is also the result of a misunderstanding of cosmopolitan morality which does not compel us to feel for every individual what we feel for our real neighbours; or to display the same solidarity to each individual that we reserve for those who are closer and dearer to us. Cosmopolitanism must not impose demands that are psychologically impossible to satisfy. So what do these duties towards others *really* consist of? With regard to the question of whether we have responsibilities towards those who are globally more disadvantaged and what these responsibilities are, we have seen three main answers. Peter Singer proposed the following moral argument: there are some persons who are in conditions of extreme poverty and need and we can help them without having to make great sacrifices; if we can help them without making great sacrifices we ought to help them, regardless of whether or not we ourselves are responsible for their condition. We have seen how John Rawls defends the idea that we have a duty to aid poor societies and that we must help them until such time as they emerge from a condition of extreme poverty. Thomas Pogge asserts that the governments of the rich countries and their citizens are responsible for the poverty of the more disadvantaged countries and

they have the negative duty not to impose institutional configurations that generate or maintain it. Appiah discusses the position of the utilitarian Peter Unger, the author of the book with the provocative title *Living High and Letting Die* (1996), inspired by the article 'Famine, Affluence, and Morality' (1972) by Peter Singer, deemed to be the *locus classicus* of the first work on distributive global justice. Peter Unger pushes to the extreme the consequences of Singer's analogy of the child drowning in the pool and like him derives from it the following precept: 'If you can prevent something bad from happening at the cost of something less bad, you ought to do it'. Accordingly, it would be immoral not to send to organizations such as Unicef, Oxfam and the like practically all that one owns until the level is reached at which it would no longer be possible to lead a decent life. Instead of Singer's principle, which would entrain paradoxical empirical consequences and would impose demands that would be psychologically impossible to satisfy, Appiah proposes a so-called low profile but, in his opinion, more plausible principle, the *emergency principle*, according to which 'If you are the person in the best position to prevent something really awful, and it won't cost you much to do so, do it' (2006: 161). However, he commits himself to giving only lukewarm support to this principle which itself could lead to unexpected or paradoxical outcomes. The emergency principle tells us nothing about how to satisfy the fundamental needs of human beings in conditions of extreme poverty. To partially offset the negative nature of the principle, Appiah suggests three general indications. Far from proposing the creation of a global state, he insists on the importance of states as the main subjects in assuring the recognition and respect of human rights.¹⁸ In his opinion, out of consistency, this entails shouldering a special responsibility for the life of one's own citizens and for justice in one's own country, but also the commitment to assuring that all states do the same. Cosmopolitans must accept the 'collective duty' of changing the situation of states that do not measure up to their responsibilities, and if this failure were to depend on the lack of resources, this collective duty could also entail actually providing such resources. Secondly, any plausible response to the question 'What do we owe others?' must take into account: (1) the fact that everyone has the duty to do one's fair share, but no more than this can be demanded; (2) that furthermore we can only be partial vis-à-vis those that are closest to us: 'Whatever my basic obligations are to the poor far away, they cannot be enough . . . to trump my concerns for my family, my friends, my country; nor can an argument that every life matters require me to be indifferent to the fact that one of those lives is mine' (165). Any plausible response to this question must also take into account: (3) the existence of a plurality of values and the different aspects that go to make up a human life. He very boldly asks: 'What would the world look like if people always spent their money to alleviate diarrhea in the Third World and never on a ticket to the

opera (or a donation to a local theater company, gallery, symphony orchestra, library, or what have you?'. The critique of Singer's and Unger's utilitarianism, of the idea the maximum effort must be made to minimize evil in the world, induces Appiah to conclude with a provocative question: 'Would you really want to live in a world in which the only thing anyone had ever cared about was saving lives?' (166). In Appiah's view, a truly cosmopolitan answer to the problem of serious poverty lies in trying to understand the causes of such poverty. The duty to help others must be fulfilled by acting on the economic policies of western governments which block the development of the poor countries by imposing export tariffs and protectionist regimes, by promoting the development of democratic institutions and legislative and structural reforms (for instance, the land ownership system), which are of decisive importance in overcoming the backwardness and poverty of many African countries. Focusing attention exclusively on children's deaths would instead result in losing sight of the complexity of the problems raised by global poverty, acting via gut feeling rather than reason.

The second strand characterizing cosmopolitanism is, as we have seen, the importance ascribed 'not just of human life but of particular human lives, which means taking an interest in the practices and beliefs that lend them significance', which places at the top of the list a conception of cosmopolitanism that may be summed up in the formula 'universalism plus difference'. Unlike abstract universalism and homologating cosmopolitanism pursued by religious fanatics, Appiah's cosmopolitanism accepts a wide range of legitimate human difference. However, as he advocates a kind of cosmopolitanism in which the individual and personal autonomy are placed in the centre, he deems cultures important only because and to the extent to which they are such for individuals. When cultures are bad for individuals – for actual men, women and children – the cosmopolitan, he says, cannot tolerate them. Recognition as human beings and as possessors of unalienable rights takes priority over any claim to a specific cultural identity. Appiah (2005: 268) explains that:

Cosmopolitanism values human variety for what it makes possible for human agency, and some kinds of cultural variety constrain more than they enable. The cosmopolitan's high appraisal of variety flows . . . from the human choices it enables, but variety is not something we value no matter what . . . the fundamental idea that every society should respect human dignity and personal autonomy is more basic than the cosmopolitan love for variety; indeed . . . it is the autonomy that variety enables that is its fundamental justification.

This means that cosmopolitans do not task other people to preserve their diversity by sacrificing their individual autonomy: 'We can't require others to

provide us with a cultural museum to tour through or to visit on satellite television's endless virtual safari . . .' (268).

Cosmopolitan conversation

One of the main tasks of partial cosmopolitanism, the only form deemed sustainable by Appiah, consists in 'debate and conversation across nations'. When we are not talking within but between political units we cannot rely on decrees and injunctions: 'we must rely on the ability to listen and to talk to people whose commitments, beliefs, and projects may seem distant from our own' (2005: 246). This cuts across the distinction normally made between moral and cultural cosmopolitanism wherein the first embodies the moral principles of universalism and impartialism and the second the values of the traveller, of those who enjoy conversing with the inhabitants of far-off countries, because: 'if we care *about* others who are not part of our political order – others who may have commitments and beliefs that are unlike our own – we must have a way *to* talk to them' (2005: 222). Appiah calls for a change in our conception of dialogue based on the idea that we must seek points of agreement at the level of principle; conversation per se must not lead to a consensus on something, and certainly not on values: 'it's enough that it helps people get used to one another' (Appiah 2006: 85). True intercultural dialogues, travel, stories, teach us that we can actually identify local and contingent points of agreement, that we can reach agreement at the level of judgement even if we do not agree with the framework within which these judgements are formulated. Relativists do not notice this discrepancy because they assume that debate within the West differs from that between West and non-West, and assume that shared western culture exists. But Appiah points out that the homogeneity of this so-called 'western culture' is a mere assumption. Indeed, he even questions the very use of the category of culture. To treat the difference between West and non-West as a special form of cultural difference is a typical modern error, a mere disciplinary product inherited from the anthropologists who are our main source of narratives on otherness.

After asserting these premises, Appiah explicitly declares that his intention is to defend a cosmopolitanism that is not just a name to denote 'a dialogue among static closed cultures, each of which is internally homogenous and different from all the others . . . a celebration of the beauty of a collection of closed boxes'. His aim is rather to give plausibility to 'a form of universalism that is sensitive to the ways in which historical context may shape the significance of a practice', and, at the same time, to expand and deepen the intuition that 'we often don't need robust theoretical agreement in order to

secure shared practices' (Appiah 2005: 256). Therefore what in Appiah's view makes the cosmopolitan experience possible is not the sharing of beliefs and values by virtue of our common reasoning capacity, but rather the capacity to grasp a narrative logic, a capacity that may be found in every people and that itself derives from the capacity to give our lives sense by interpreting our actions and experiences as part of a story. It is this basic capacity that we share with the others. Therefore, cosmopolitan dialogue insists on the idea that it is possible to agree on the details rather than on the universals, as well as on the role of narrative imagination, which represents our response to the sequence of details – two elements that are customarily ignored in explanations of how we respond to persons who are different from us. Emphasizing these two aspects obviously does not mean denying that occasionally agreement is reached also on the universals. Appiah is convinced that all human beings have the same mental apparatus for understanding the same world. Far from implying a necessarily intolerant attitude he perceives this as a condition facilitating cosmopolitan conversation: 'if there is one world only, then it is also possible that *they* might be right. We can learn from each other's stories only if we share both human capacities and a single world: relativism about either is a reason not to converse but to fall silent' (257).¹⁹

In investigating the reasons that led moral relativism to fail in its attempt to promote conversation with others, Appiah reveals how the relativism championed by its professional propagandists, the anthropologists, made the mistake of glorifying the differences and of encouraging the practice of tolerance based on the logic of the double standard. In other words, it is not allowed to do certain things 'here' but it is all right to do them 'there', in another culture. The close proximity with foreigners in the western countries, he also points out, has however deprived us of that 'there' and has rendered insufficient the use of a suspended judgement. Hence for Appiah the problem is not whether elsewhere some capacity or other exists to guess the truth but to determine exactly where the truth lies *now*. Lack of confidence that there is any possibility of a 'conversation among civilizations' may also be detected in that version of relativism that accepts the concept of cultural authenticity and that discounts all non-indigenous influences. Appiah praises cosmopolitan contamination in contrast with any claim to cultural purity. Cultures must be acknowledged as having the freedom to change. Cultural purity is an oxymoron, and in clear contrast with the life lived in the contemporary world but which has also partly characterized lives in the past. This position leads him to engage in the debate on the topic of cultural property and to criticize the requests for the return of objects that are no longer to be found in their place of origin. A cosmopolitan takes seriously the idea that these assets are a patrimony of humankind, as declared by UNESCO, and that therefore every country or people must consider itself the custodian of these treasures to the benefit of all.

Homi Bhabha: vernacular cosmopolitanism

Between emancipatory nationalism and homologating universalism

Together with Edward Said and Gayatri Chakravorty Spivak, Homi Bhabha is considered one of the greatest thinkers in the field of postcolonial theory (Huddart 2006). In addressing the problem of what modernity is, Bhabha does not propose a version of the theory of multiple modernity in which one or more modernities are alternative to the known, existing, one. In a more radical fashion, he deems that an interpretation of modernity must imply a consideration of subaltern agency, that the paradigm of modernity is indeed questioned from the point of view of those Others that are usually marginalized if not completely excluded. These Others, constituted 'otherwise than modernity', are situated both in the South and the North of the planet (Bhabha 1994: 6), and embody a perspective that is absolutely central to our conceptual grasp of modernity. The Others, who have not been allowed to express themselves and be represented, become essential in the reconfiguring and recreation of present comprehensions adjusted for the past of which they are the bearers (7). One of these comprehensions is precisely cosmopolitanism, namely that – viewed both as theory and practice – which is reappraised by Bhabha precisely in the light of these theoretical premises. As far as an investigation of modernity is concerned, the individuals living in a cosmopolitan condition are considered as a community that is the product of modernity and, more specifically, of postcolonial history, which has given rise to the existence of economic immigrants, refugees, asylum seekers, temporary workers, whose cosmopolitanism is essentially linked to the past, to the present, to the colonial future. Modernity has given rise to claims to universal citizenship based on the success of enlightenment as a pedagogic and political project. However, contemporary cosmopolitanism does not stem from the virtues of rationality, universality or progress: 'cosmopolitans today are often the victims of modernity, failed by capitalism's upward mobility, and bereft of those comforts and customs of national belonging. Refugees, peoples of the diaspora, and migrants and exiles represent the spirit of cosmopolitical community' (Breckenridge *et al.* 2002: 6). Western cosmopolitanism must itself be acknowledged as the result of a history that was first colonial and then postcolonial, a history to which the Others have contributed willy-nilly.

Homi Bhabha (2001) levels direct criticism against several theoreticians of contemporary cosmopolitanism. As we have seen, Martha Nussbaum, in her essay 'Patriotism and Cosmopolitanism', developed a form of cosmopolitanism based on the idea of a *self* that is duty bound to expand the circle of its

affiliations to take into account the whole of humankind. The task of the citizen of the world consists in rendering human beings 'fellow city dwellers' and in basing its decisions on 'that interlocking commonality'. Bhabha reproaches Nussbaum for having subscribed to a profoundly provincial universalism, having taken for granted the givenness of a commonality focused on a particular image of self. The empathic self embodies universal liberal values, and giving them priority over the family, the ethnic group and the nation (Nussbaum 2002a), is capable of generating concentric cosmopolitan circles of equal size and commensurable value. If our 'fellow city dwellers' are examined concretely and not abstractly, Bhabha points out, the image of a *self* that is comparatively free of those feelings that allow for social identification and affiliation, it is found to be inadequate to represent the millions of refugees and immigrants fleeing violence and poverty, whose identity is the outcome of splits, injustice and contradictions (Bhabha 2001: 41). Also David Held, in proposing the creation of a civil sphere subject to democratic restraint and a common structure of action (1995) makes an assumption that in an age of global interconnectedness cannot be taken for granted, namely the existence at local community level of 'a *common, non contingent*, structure of action' (Bhabha 2001: 42). Accordingly Held sidesteps the problem of the 'culture' of a community which is the result of a transnational flow of cultures and people who, by their very presence, have broken down and fragmented the mechanism of the national imaginary. In general, western cosmopolitanism needs to be cured of two vices: prejudice against nationalism and homologating universalism. For the peoples who bore the brunt of European colonialism and suffered a violent physical and cultural uprooting, the emphasis on those ideas that link identity to the imagination of places (home, borders, territory, roots) was much needed to marshal resources and to unite peoples during the fight for liberation.²⁰ A conception of cosmopolitanism from the standpoint of the subaltern others must accord legitimacy to nationalism without for this reason accepting a type of nationalism linked to a retrograde ideology. Rather than on the idea of a global community opposed to national communities he prefers to focus, like Anthony Appiah whose proposal he appreciates, on a 'cosmopolitan community envisaged in a *marginality*'. This narrower area of the human horizon is a space that 'stops short (not falls short) of the transcendental human universal' and that for this very reason 'provides an ethical entitlement, and enactment of, the sense of community' (42). This space corresponds to the space occupied by 'vernacular cosmopolitanism'. The term 'vernacular' combines respect for the local and the desire for a post-universality dimension: it shares with 'domestic' an etymological root but is not just a simple being in a dialogical relation with the native or the domestic because 'to vernacularize is to "dialectize" as a process: . . . it is to be on the border, *in between*, introducing the global-cosmopolitan "action at a distance"

into the very grounds – now displaced – of the domestic’ (48).²¹ This is not an abstract process but one that is embodied in the immigrants daily routine: ‘It is this double life of British minorities that makes them “vernacular cosmopolitans”; translating between cultures, renegotiating traditions from a position where “locality” insists on its own terms, while entering into larger national and societal conversations’ (Bhabha 2000: 139).

Post-universalist cosmopolitanism

In the introduction written by several authors to the book *Cosmopolitanism*, no definition is given of cosmopolitanism as this would be inconsistent with the open nature of cosmopolitanism, that is, of ‘a project whose conceptual content and pragmatic character are not as yet unspecified but also must always escape positive and definite specification, precisely because specifying cosmopolitanism positively and definitely is an uncosmopolitan thing to do’. It is a project that ‘is yet to come, something awaiting realization’ (Breckleridge *et al.* 2002: 1). The condition that will allow it to be realized, and to be realized as an open project, is a process of vernacularization of Europe to occur, namely a decentring of Europe in our perception and one that opens the way to the acknowledgement of the contributions made by the others. In order to decentre the dominant comprehensions of cosmopolitanism and at the same time acknowledge comprehensions lying outside the canonical reference framework exemplified by European-style thinking and practice, it is necessary to investigate the global histories, the interrelated experiences, the cosmopolitan practices that have existed in history with a view to indicating how these new archives managed to make and still make a contribution to the analysis and definition of the new cosmopolitanism: ‘For it is only through such procedures – adducing new empirical data on the variety of cosmopolitanisms and the new problematics that accompany them, decentering the conventional locus, and investigating from a wide range of scholarly perspectives – that the new and post-universalist cosmopolitanism . . . have the potential to come in being’ (Breckleridge *et al.* 2002: 9–10). Cosmopolitan lessons must be sought in the various cultural contexts; the new archives, the new geographies and practices of different cosmopolitanisms can help us understand two things: that cosmopolitanism is not a circle created by a culture having radiated from a single centre but rather one whose ‘centers are everywhere and circumferences nowhere’, and that moreover ‘cosmopolitanism is not just – or perhaps not at all – an idea. Cosmopolitanism is infinite ways of being’ (12).

Notes

Preface

- 1 For instance, Ulrich Beck, who made an assuredly worthwhile contribution to the development of cosmopolitanism which materialized in the proposal to introduce a methodological turning point in a cosmopolitan sense in the social sciences (2004), which was taken up again and applied by Robert Fine, in particular in the field of human rights (2007).
- 2 Steven Vertovec and Robin Cohen identify six different meanings of the cosmopolitan ideal, which may be viewed or invoked as a social-cultural condition; as a kind of philosophy or world vision; as a political project aimed at establishing transnational institutions; as a political project aimed at acknowledging multiple identities; as an orientation or an attitude; and/or, finally, as a practice and a skill (2002: 9).

1 Moral cosmopolitanism

- 1 Charles Beitz defined his conception of cosmopolitanism 'moral' and 'interactional'. 'Moral' in that it is a perspective on the justification of certain practical choices starting from the fundamental idea that 'every human being has a global stature as an ultimate unit of moral concern' (Pogge 2008: 175); 'interactional' in that he is interested in cooperation relations rather than in the individuals as such.
- 2 The theoreticians of the European area, in the wake of the expectations aroused by the fall of the Berlin Wall, the dissolution of the Soviet Union and the consequent expansion of democracy under the institutional experiment of the European Union, and driven by the desire to take up the challenges posed to national democracies by globalization processes, have applied the cosmopolitical ideal to schemes for a world political-legal order and have developed institutional engineering and a reform project to sidestep any or the already known democracy deficits at the state, regional and global level.
- 3 The theses developed and defended in this book are already to be found in his article 'Famine, Affluence, and Morality' which dates to 1972.
- 4 See Anthony K. Appiah: 'If so many people in the world are not doing their share – and they clearly are not – it seems to me I cannot be required to derail my life to take up the slack' (2006: 165).

- 5 As Rawls writes: 'First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong' (1971: 118).
- 6 The eight principles are: '1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples; 2. Peoples are to observe treaties and undertakings; 3. Peoples are equal and are parties to the agreements that bind them; 4. Peoples are to observe the duty of nonintervention (except to address grave violations of human rights); 5. Peoples have a right of self-defense, but no right to instigate war for reasons other than self-defense; 6. Peoples are to honor human rights; 7. Peoples are to observe certain specified restrictions in the conduct of war; 8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime' (Rawls 2002: 37).
- 7 As Barry states, 'I can see no reason why within Rawls's theory the representatives of different countries should not, meeting under the conditions specified, agree on some sort of international maximin'. In *Theory of Justice*, Rawls links the difference principle to the maximin rule (abbreviation of *maximum minimorum*) according to which it is necessary to improve as far as possible the condition of those who are worse off, or, expressed differently, inequalities are admitted whenever they maximize, or at least generally contribute to improving, the long-term expectations of the least fortunate group in society. According to Rawls, individuals in the original position stick to the maximin rule whenever, uncertain about their future social conditions (they do not know whether they will be among the more or the less advantaged), they rationally choose the morally fairest solution.
- 8 This proved to be a rather new topic for the time. Some works had been written on human and natural rights which may be classified under the heading of *global justice*; studies were published on the morality of war, the appendix dedicated to international relations in the important political philosophy handbook by Stanley Benn and Richard Peters (1959), and the chapter on international law by Herbert L.A. Hart (1961); except for these cases, political philosophers dedicated only scant attention to this issue.
- 9 As Beitz says: 'a global resource redistribution principle seems to be the strongest distributive principle applicable to a world of self-sufficient states' (1999: 143).
- 10 Compared with the global difference principle, the redistribution of resources between states is a surrogate for the global difference principle: 'Perhaps intercountry redistribution should be viewed as a second-best

solution in the absence of a better strategy for satisfying a global difference principle' (Beitz 1999: 153).

- 11** Pogge's theory stems from a particular interpretation of Article 28 of the 1948 Declaration to the effect that it contains a clear indication of the duties and responsibilities of the rich countries vis-à-vis the poor countries where it asserts that 'Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized'. Pogge perceives two implications in this article, namely that all institutions must be designed for the purpose of realizing everyone's human rights and that human rights should be moral claims addressed to any coercively imposed international order. In this interpretation the Article allows the philosopher to gauge international systems as the moral fairness or the justice of every international order is to depend primarily on its capacity to offer all participants guaranteed access to the objects of human rights.
- 12** For Rawls, a country's prosperity does not depend in the first instance on natural resources: 'A society with few natural resources and little wealth can be well-ordered if its political traditions, law, and property and class structure with their underlying religious and moral beliefs and culture are such as to sustain a liberal or decent society' (Rawls 2002: 106). In support of his view, Rawls cites Amartya Sen's study of famine, *Poverty and Famines* (1981), which amply describes how the main causes of famine are the democratic deficit of the institutions, on the one hand, and on the other the incapacity of the autocratic governments to distribute and supplement the available food resources. The causes of famine could thus be ascribed to shortcomings within the social and political structure itself.
- 13** In response to those who object that sovereignty cannot be divided and that a supreme and unfettered agency of final instance is required, he replies that coexistence governed by law is possible even without a supreme and uncontrolled agency. While there is theoretically no guarantee against constitutional crises, in practical terms we know that constitutional democracy can support and guarantee a solid legal condition. As demonstrated by the history of federal systems, a vertical division of sovereignty can work well in practice even though it leaves room for disputes over the apportionment of constitutional powers.
- 14** The article originated from a comment made at the presentation entitled 'Multiculturalism and Democratic Education' held in March 1994 by Amy Gutmann at Brown University. It should be noted that at the time Nussbaum was still involved in Hackney's project, and with him she shared the aim of replacing a policy based on differences (ethnic, racial, religious) with one grounded in a shared national identity. However, she considered as a limit of the project the lack of attention paid to what links the individuals of a community with those living outside it, as well as the obligations they have towards them.
- 15** The book featured essays by Anthony K. Appiah, Benjamin R. Barber, Sissela Bok, Judith Butler, Richard Falk, Nathan Glazer, Amy Gutmann, Gertrude Himmelfarb, Michael W. McConnell, Robert Pinsky, Hilary Putnam, Elaine Scarry, Amartya Sen, Charles Taylor, Immanuel Wallerstein and Michael Walzer.

- 16** Charles Taylor (2002) claims that a cosmopolitan education would weaken democracy; in order for societies to be free, democratic and disposed to some measure of equality in the distribution of resources, a strong identification of citizens with the nation is necessary.
- 17** As has been observed, the debate between cosmopolitans and patriots was, for the most part, a debate within the liberal and democratic left and did not take the form of a clash between supporters of the universal principles of liberty and justice on the one hand, and advocates of the value of ethnic unity (as often happened in Europe), on the other; rather, it was between two ways of pursuing the values of democracy and social justice. The main point of disagreement between the two positions rests on the value attributed to the political community and to national borders, and on their capacity to achieve and effectively apply the principles of democracy and justice. Even admitting that national borders have no moral value, as Nussbaum maintains, they nevertheless have political value in that they define the area in which democratic citizenship operates. In essence, patriots seem to proclaim: if it is true that the cosmopolitan position is more consistent with constitutional democratic principles, it is equally true that patriotism is more consistent with the practice of democratic citizenship. Nussbaum and the American patriots disagree more generally also on the priority to be given to the particular and the universal, and which of the two depends on the other. The patriots are convinced that the interests of outsiders should be considered differently from those of compatriots, who are to be given priority in what is termed the 'patriotic priority thesis'.
- 18** Nussbaum, for example, has never called for the establishment of a World State as Michael Walzer (2002) claims she has.
- 19** Several factors contributed at that time to her drawing such a conclusion: a strenuous defence of universalism against moral relativism, an anti-utilitarian and Kant-like aprioristic ethics of principles, and the very logic of her argument based on the principle of non-contradiction.
- 20** In the *Reply*, the background to what may be considered the more radical version of Nussbaum's cosmopolitan impartiality is clarified. Her visit to Yad Vashem and to the avenue of trees dedicated to the Righteous, to those who saved the Jews even at the cost of their own lives, prompted the question: 'Would one, in similar circumstances, have the moral courage to risk one's life to save a human being, simply because he or she is human?' (Nussbaum 2002b: 132). The Righteous had recognized in the Jews nothing other than their own humanity, and had made this recognition their point of reference and the guiding norm of their conduct. Nussbaum considers it a duty not only to construct a society in which that norm becomes reality in the hearts and minds of the majority of individuals, but also one where it is promoted by legal and institutional arrangements. The example of the Righteous, in addition to being of value in itself, is presented by Nussbaum as a further demonstration of the fact that, despite the claims of patriots, it is the universal which is the condition for the particular, not vice versa. The Righteous were capable of acting as citizens of the world because 'they had not permitted the original awareness of common needs and vulnerabilities to be eclipsed by the local'. They had maintained from infancy the infant's

sense of the human face and the ability to respond to it, as they had also maintained their 'needy hungry humanity' (143–144) because they had not allowed themselves to become ensnared by the bonds of local ideologies.

- 21 According to which individuals, viewed as the ultimate unit of moral value, have the right to equal consideration irrespective of varying contingencies such as citizenship or nationality.
- 22 Three arguments for constraint and patriotic priority are usually put forward to defend the 'patriotic priority thesis': an argument from fair play, one from coercion, another from coercion and autonomy.
- 23 She now recognizes that in order for the temporary sense of solidarity due, for example, to catastrophic events, to be strengthened to create a strong and stable sense of 'us', the existence of a 'pattern of interaction' (2003: 238) is also necessary, which in fact does not exist in the case of those who live beyond our borders.
- 24 I use the distinctions proposed by Tan between 'anti-cosmopolitanism', 'restricted cosmopolitanism' and 'limited patriotism' (2005: 167) to indicate the various positions assumed in relation to cosmopolitan impartiality.
- 25 Cicero writes: 'But since the resources of individuals are limited and the number of the needy is infinite, this spirit of universal liberality must be regulated according to that test of Ennius – 'No less shines his' – in order that we may continue to have the means for being generous to our friends' (*De officiis*, I, 52).
- 26 Actually, she believes that Cicero was a pernicious influence on the topic of duties of material aid to poorer members of a larger world community. For Cicero, 'duties of justice are very strict and require high moral standards of all actors in their conduct across national boundaries. Duties of material aid, however, allow much elasticity, and give us a lot of room to prefer the near and dear. Indeed, Cicero thinks that we positively ought to prefer the near and dear, giving material aid to those outside our borders only when that can be done without any sacrifice to ourselves' (Nussbaum 2000b: 178).
- 27 Following Aristotle, Nussbaum places external goods among the conditions for *eudaimonia* or human flourishing. For Stoics the notion of human dignity is radically independent of fortune: all humans have it, no matter where they are born or how they are treated. If dignity went up or down with fortune, it would create ranks and orders of humans.
- 28 As she had already said in 'Compassion and Terror'.
- 29 In *Frontiers of Justice*, Nussbaum clearly states that for the capability approach the basis of the claim for rights is the existence of a person as a human being and not the effective possession of a set of rudimentary basic capacities that, however relevant, serve the sole purpose of providing a more precise outline of social obligations and not of allowing entry to the human community. An individual's rights are therefore not based solely on the basic capacity he actually possesses but on the basic capacities characteristics of the human species (2006: 304).
- 30 In 1986 Nussbaum was appointed research consultant at the World Institute for Development Economics Research, an institute of the United Nations

University in Helsinki. As a result of this experience, having already directed her interests towards issues related to social justice, she began to devote herself to problems of global justice. Her collaboration with the economist Amartya Sen resulted in the publication of the book *The Quality of Life* (1993), and in the subsequent development of the normative political theory of the *capabilities approach*. In 2004 Nussbaum, together with Sen and a group of young researchers, set up the Human Development and Capability Association.

- 31** The ten capabilities Nussbaum argues should be supported by all democracies are: (1) life; (2) bodily health; (3) bodily integrity; (4) senses, imagination, and thought; (5) emotions; (6) practical reason; (7) affiliation; (8) other species; (9) play; (10) control over one's environment (political and material).
- 32** Nussbaum does not recommend the creation of a World State but rather a light system of global governance, with at least a few powers of coercion. This system would include a world criminal court like the one already in existence to deal with serious violations of human rights; a set of environmental rules embodying mechanisms for imposing a tax on the industrial nations of the North in order to gain control over pollution in the South; a set of economic rules to direct globalization towards a system of moral objectives aimed at human development (as underlined in the list of capabilities); a set of labour standards combined with penalties imposed on companies that fail to comply with them; several limited forms of taxation that would lead to a transfer of wealth from the richer countries to the poorer ones (such as the world tax on resources proposed by Pogge), and lastly a wide variety of international accords and treaties that, after ratification by the nations, could be incorporated in domestic legal systems through judicial and legislative action.
- 33** In this interview Nussbaum stresses that 'Compassion and Terror' contains the only academic presentation of cosmopolitanism as a comprehensive ethical doctrine; while 'Patriotism and Cosmopolitanism' represents a journalistic contribution addressed to a wider audience.
- 34** As he puts it: 'Nussbaum's concern that an adequate theory of justice must apply to all persons everywhere flows naturally from her cosmopolitan view that national boundaries are morally arbitrary' (Feldman 2007: 1037).
- 35** As is known, John Rawls (1993) maintained that political principles should not be justified by an argument which presupposes the acceptance of a particular comprehensive ethical doctrine.
- 36** In comparing her own theory with that of Amartya Sen, she says: 'My goal in this book is to go beyond the merely comparative use of capability space to articulate an account of how capabilities, together with the idea of a threshold level of capabilities, can provide a basis for central constitutional principles that citizens have a right to demand from their governments. The notion of a threshold is more important in my account than the notion of full capability equality . . . we may reasonably defer questions about what we shall do when all citizens are above the threshold, given that this already imposes a taxing and nowhere-realized standard. Thus my proposal is intended to be compatible with several different accounts of distribution

above the threshold; it is consequently a partial, rather than a complete, theory of just distribution' (Nussbaum 2000a: 12).

- 37** For example, Walter Mignolo views Christian cosmopolitanism as promoting a worldview and the colonial/imperial project that began after the discovery of America as a cosmopolitan project to bring the world under a system of western values and under its economic and political sphere of influence (Mignolo 2012).
- 38** 'Pathological patriotism can be cured only by healthy patriotism, jingoism only by a pacific constitutional faith, destructive nationalism only by liberal nationalism (in the title of Yael Tamir's book), separatist, exclusionary ethnicity only by multicultural ethnicity. If the tribes of traditional community are dangerous, then we need to find forms of egalitarian, democratic, and voluntarist communities that render tribalism safe. Cosmopolitanism as an attitude may help us in that effort, but cosmopolitanism as a political destination is more likely to rob us of our concreteness and our immediacy . . .' (Barber 2002: 36).
- 39** He complains that, among other things, with a global egalitarian principle without target, 'There would be a flow of taxes as long as the wealth of one people was less than that of the order' (2002: 117) and this would be unacceptable.
- 40** 'Is there really no equivalent to such a coercive network of law at the international level? Coercion can, after all, occur both between nations as well as within them. What I think is true, however, is that only the sorts of coercion practiced by the state are likely to be justified through an appeal to distributive shares. Only the state is both coercive of individuals and required for individuals to live autonomous lives. Without some sort of state coercion, the very ability to autonomously pursue our projects and plans seems impossible; settled rules of coercive adjudication seem necessary for the settled expectations without which autonomy is denied. International legal institutions, in contrast, do not engage in coercive practices against individual human agents. Other forms of coercion in the international arena, by contrast, are generally indefensible – or, if they are defensible, do not find their justification in a consideration of their distributive consequences. At present, I want only to point out the difference between domestic and international legal institutions; only the former engage in direct coercion against individuals, of the sort discussed above in connection with the criminal and civil law. There is no ongoing coercion of the sort observed in the domestic arena in the international legal arena. It is, I have suggested, only this form of coercion that makes a concern for relative deprivation relevant for a liberal political theory' (Blake 2001: 280).

2 Political-legal cosmopolitanism

- 1** To the former group belong, for instance, Gallie (1978), Geismann (1983), Goyard-Fabre (1975), Kleingeld (2012); to the latter Höffe (2006) and Vlachos (1962).

- 2 A contribution was made to the development of 'legal globalism' by the approval in Rome in June 1998 of the Statute of the new International Criminal Court and its ratification in 2003.
- 3 Benhabib envisages 'different modalities of non-national citizenship arising *along with* rather than *in place of* national citizenship'. Non-national modes of belonging, 'such as long-term residency or denizenship, binationality, and transnationality are among some of the alternatives currently evolving, not only in Europe, but throughout the world as well' (2006: 172).
- 4 The birth of the nation-states developed in parallel with the progressive attainment of six monopolies: the monopoly of force, of levying taxes, of shaping political identities, of demanding citizens' loyalty and guaranteeing their support in time of war, of settling the controversies between citizens, and lastly of the exclusive right of representation in international society, binding the entire national community to the state's decisions.
- 5 Held lists the following disjunctures: (1) rules of warfare and weaponry; (2) war crimes and the role of the individual; (3) human rights, democracy and minority groups; (4) environmental law.
- 6 To justify the eight principles, Held makes use of two meta-principles: the meta-principle of autonomy (MPA) according to which each person must be equally free and enjoy equal freedom in pursuing his/her own activities; and the meta-principle of impartialist reasoning (MPIR) which is 'a moral frame of reference for specifying rules and principles that can be universally shared; and, concomitantly, it rejects as unjust all those practices, rules, and institutions anchored in principles not all could adopt' (Held 2010: 86).
- 7 Archibugi claims that these levels correspond to what Michael Mann defined as 'socio-spatial networks of social interaction' (1997: 475).
- 8 See, for instance, Thompson's critique (1999).
- 9 Bobbio had raised the following questions: 'Is an international democratic system possible among solely autocratic states?' and 'Is an international autocratic system possible among solely democratic states?', asserting that a negative answer could be taken for granted (1995: 17). Archibugi shares Bobbio's thesis that it is not possible to be democratic in a non-democratic universe; however, he does challenge the idea that it is not possible to take for granted that the presence of democratic states would make the international scene more democratic.
- 10 The expression alludes to Hobbes' well-known statement: 'But though there had never been any time wherein particular men were in a condition of war one against another, yet in all times kings and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators, having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms, and continual spies upon their neighbours, which is a posture of war' (Hobbes 1651, XIII). In Archibugi's view the historical justification of such a behaviour no longer exists as the western democracies would dominate the world and would not have any enemies capable of representing a real danger for them.

- 11 Cosmopolitan democracy champions the idea of world citizenship interpreted as a true legal status and not simply as an ethical one and coherently defends the right of refugees and stateless persons to carry a cosmopolitan passport, to travel at the international level and to receive aid. The proposal is not intended to replace national citizenship with cosmopolitan citizenship but rather to reinforce it in order to avoid the risk that the countries of origin consider themselves relieved of the obligations they have vis-à-vis their own nationals.
- 12 In 2007 a supplement to the *Canadian Journal of Philosophy, Global justice, Global institutions*, was published, the aim of which was precisely to encourage the dialogue between the theoreticians of global democracy and those of global distributive justice.
- 13 Caney's model draws on several proposals presented in *The United Nations Development Report of 2002*, as well as on several studies devoted to coming up with measures to render international institutions such as the World Trade Organization, the International Monetary Fund and the World Bank more accountable. See, for example, Woods (2001) and Keohane (2003).
- 14 The structure that is constitutively characteristic of democracies is doubly paradoxical: on the one hand there is the paradox between liberalism and democracy, that is, between the promise to defend human rights and the will of democratic majorities; on the other, there is a paradox inside democracies, namely that 'democracies cannot choose the boundaries of their own membership democratically' (Benhabib 2006: 35) since those who are excluded cannot participate in the decision making regarding the rules governing exclusion and inclusion.
- 15 For Benhabib it is impossible to cut the Gordian knot binding together territoriality, representation and democratic expression: 'Empires have frontiers, while democracies have borders' (2004: 45).
- 16 'Iteration' is borrowed from Jacques Derrida (1998).
- 17 Santos considers the World Social Forum to be an expression of counter-hegemonic globalization in which subaltern cosmopolitan politics and legality are hammered out.
- 18 Antonio Gramsci asserts that the dominant class retains control not only through violence and political and economic coercion, but also through ideology. The bourgeoisie produces a cultural hegemonic culture that is spread through norms and values that become common sense. The other classes identify their own good in the good of the bourgeoisie and help preserve the status quo rather than question and undermine it.
- 19 The idea of human dignity must be re-expressed using different languages; an equilibrium must be found between individual and collective rights. Further, the work must be democratically shared. The agenda of cosmopolitan legality envisages that the following objectives are globally pursued: (1) reduction of working hours; (2) implementation of international labour standards; (3) anti-sweatshop movement.
- 20 There are citizens who belong to the intimate civil society; those who belong to the stranger civil society and non-citizens, who receive help and support according to a paternalistic and solidaristic logic. The 'inner Third

World' (made up of factory workers, immigrants, informal workers) produces cosmopolitan identities and legal norms that clash with excluding ideologies and immigration laws. Citizenship must be separated from territorial sovereignty.

- 21 This is an important objection given that cosmopolitan democracy accords priority to a discursive or deliberative conception of democracy, the essence of which lies precisely in dialogue and interaction. Archibugi attempted a response in the concluding chapter of his book *The Global Commonwealth of Citizens* (2008), in which he proposed to institutionalize a kind of bilingualism aimed at ensuring that everyone could master a *lingua franca* through which to participate in political life in a cosmopolitan dimension.
- 22 Archibugi agrees with those desirous of strengthening the rule of law, in both its legislative and its legal components, although he deems it necessary for the institutions promoting and applying it – whether the UN General Assembly or the International Court of Justice – to be legitimized also by a direct popular mandate (world parliament): only if 'legitimacy of the rules is enhanced will it be possible to ensure that the depositaries of force will "voluntarily" obey them' (Archibugi 2008: 146).

3 Cultural cosmopolitanism

- 1 It is worth noting that in both pre-Enlightenment and Enlightenment European culture, the concept of 'cosmopolitan' was associated with an open mentality, with a person who enjoyed travelling, was curious about other peoples and cultures and, in a certain sense, was also prepared to learn from them. See, for example, how Lord Shaftesbury describes the cosmopolitan attitudes of the *virtuosi* in the *Characteristics* (Taraborrelli 2014) or how Immanuel Kant defines the cosmopolitan outlook and the cosmopolitan character of the German people (Kant 1923).
- 2 Waldron quotes Salman Rushdie who, with reference to his *Satanic Verses*, explains how in his book is celebrated 'hybridity, impurity, intermingling', the transformation that stems from the unexpected combination of human beings, cultures, ideas, policies, movies, songs; he adds that it 'rejoices in mongrelization and fears the absolutism of the Pure. *Mélange*, hotchpotch, a bit of this and a bit of that is *how newness enters in the world*. It is the great possibility that mass migration gives the world . . .'. The book is concisely described as 'a love song to our mongrel selves' (1992: 751). Of himself Salman Rushdie claims to have been a 'mongrel self' even before arriving in London as he was born in Bombay, 'the most cosmopolitan, most hybrid, most hotchpotch of Indian cities' (752).
- 3 For Waldron: (1) some cultures are already cosmopolitan; (2) cultures are always the outcome of contaminations; a pure culture is a unique, exceptional event and in any case the purist view cannot be normative; (3) the essence of a culture does not necessarily consist of its distinctiveness (e.g. for Guatemaltecan culture faith in the Catholic Church which links it to other countries can be more important than other cultural traits); (4) since

membership of a community is based on underlying reasons (Waldron 2000), the latter may be evaluated and compared with other reasons, and so there is always room for an intercultural interaction and change.

- 4 As Kaldor contends: 'By cosmopolitanism, I do not mean a denial of identity. Rather, I mean a celebration of the diversity of global identities, acceptance, and indeed, enthusiasm for multiple overlapping identities, and, at the same time, a commitment to the equality of all human beings and to respect for human dignity' (2006: 92). Also O'Neill affirms that an individual's sense of identity 'is not an unquestionable, singular and non-negotiable given' (1996: 297).
- 5 Other authors denounce the 'humanist myopia' of cosmopolitanism, which is believed to stem from the 'belief that "deep down" all human beings are oriented primarily toward benevolent, empathic, and dialogical forms of bonding with others', which leads to the systematic ignoring of the propension and capacity of human beings for forms of relations with others that are indifferent, evil and violent. This myopia is linked to 'a view on politics as a dialogical and deliberative endeavour and with a perspective on science and technology as neutral and objective resources' (Kunnenman and Suransky 2011: 387) that leads to ignoring the crucial function performed by political institutions and technological practices in organizing and legitimizing networks of economic exploitation and political subjugation. Far from rejecting the humanist tradition, they aim to renew the cosmopolitan project by making it fairer and more sustainable with the help of a 'critical humanism', careful to unmask the effects of humanist utopia and not to reproduce them. Also Appiah is critical of 'essentialist humanism' (2005: 145), namely of a monological form of humanism. Elsewhere he speaks of an inclusive 'humanism', that is 'provisional, historically contingent, anti-essentialist (in other words postmodern)', and yet sufficiently vital as to animate our 'concern to avoid cruelty and pain while nevertheless recognizing the contingency of that concern' (1992: 155).
- 6 Bhabha claims to have found this way of conceiving of community 'in Anthony Appiah's vision of a certain postcolonial translation of the relation between the patriotic and the cosmopolitan, the home and the world' (2001: 42, note 21).
- 7 As Bhambra sums up in a very effective formula, it is necessary to recognize 'the Other as already constitutive of, if marginalized within, the frameworks of understanding' (Bhambra 2011: 325).
- 8 Many anthropology specialists have focused on investigating these new and different forms of cosmopolitanism. In his much cited article 'Traveling Cultures', James Clifford coined the expression 'discrepant cosmopolitanisms': 'Such cultures of displacement and transplantation are inseparable from specific, often violent, histories of economic, political, and cultural interaction, histories that generate what might be called discrepant cosmopolitanisms. In this emphasis we avoid, at least, the excessive localism of particularist cultural relativism, as well as the overly global vision of a capitalist or technocratic monoculture. And in this perspective the notion that certain classes of people are cosmopolitan (travelers) while the rest are

local (natives) appears as the ideology of one (very powerful) traveling culture' (1992: 108).

- 9 Mention may be made here of the 'unsatisfaction' that Homi Bhabha suggests in his discussion of cosmopolitanism: 'Unsatisfied . . . because "unsatisfaction" is a sign of the movement or relocation of revision of the "universal" or the general, such that it is producing a process of "unanticipated transformation" of what is local and what is global' (Bhabha 2001: 48).
- 10 These considerations also contain a criticism of European cosmopolitanism that was not detected by Bhabha. Pagden actually complains that cosmopolitanism is inseparable from a kind of 'civilizing' mission as well as from the various imperial projects with which it was linked for so long (Pagden 2000: 4).
- 11 Bhabha acknowledges that the contributions of Muthu (2003), Jacob (2006) and Fine (2007) opened up the way to a reappraisal of the standard histories of cosmopolitanism; nevertheless, these histories, restricted as they are within a given geographical area and a particular intellectual tradition, reduce the likelihood 'of cosmopolitanism properly to be understood "cosmopolitan-ly" ' (2011: 315).
- 12 Partha Chatterjee remarks that for the colonial countries the only opportunity to achieve a supranational dimension, of proceeding beyond the nation, is sometimes to be *within* the nation, to act politically inside it. This is why it is not possible nor desirable to proclaim the end of the nation too soon: 'the journey that might take us beyond the nations must first pass through the currently disturbed zones within the nation-state, and that in fact a more satisfactory resolution of the problems within could give us some of the theoretical instruments we were looking for to tackle the questions beyond' (1998: 57).
- 13 Kurasaawa writes that to distinguish itself from the liberal model of multicultural appreciation, critical cosmopolitanism seeks a normatively more demanding path to intercultural involvement based on three components: 'an outward turn, characterized by a willingness to encounter different ways of doing and thinking that prompt a radical decentring of familiar or proximate cultural and ethical horizons; a moment of in-betweenness, whereby one negotiates and attempts to make different socio-cultural worldviews intelligible to oneself; and an outward turn, marked by an expanded viewpoint through which to denaturalize and radically put into question the doxa of one's own socio-cultural worldviews and practices . . . Particularly notable in demarcating a critical cosmopolitanism from its liberal multicultural counterpart is this third step, for the capacity for self-critique of habitual discourses, rituals and belief-systems via intercultural perspectivism demands a kind and degree of hermeneutical depth and relativizing interrogation that are beyond the purview of the tolerance for diversity' (2011: 282).
- 14 A kind of cosmopolitanism which owes a debt also to the lesson of the writer, philosopher and teacher Alain LeRoy Locke, who theorized 'pluralist cosmopolitanism' and is known as 'the Father of Harlem Renaissance'.

Appiah had participated in the debate between patriots and cosmopolitans in his article 'Cosmopolitan Patriots' (2002), and had declared he was favourable to the proposal put forward by Martha Nussbaum to promote cosmopolitan education in the United States. However he did not share Nussbaum's idea that nationality is a morally irrelevant characteristic.

- 15 Appiah takes as his model his father, a man who 'never saw a conflict between his cosmopolitan credo and the patriotism that quickened his spirit and defined his largest ambitions' (2005: 223).
- 16 As Appiah correctly points out, cosmopolitanism and nationalism basically have much in common because nationalism also encourages the development of abstract forms of loyalty that extend far beyond ourselves and our families. The accusations levelled against cosmopolitanism are very similar to those against nationalism, which has been charged with denying or diminishing the importance of local traditions and customs and of acting as a homogenizing force. On occasions, love for the nation has been justified as the first step in the progressive journey towards love for humankind in a purely instrumental view of patriotism that Appiah attributes to Nussbaum, Mazzini and Burke, but which he does not share.
- 17 It is well to remember that his book is concluded with the motto 'in a single polis there is no wisdom' (Appiah 2005: 271).
- 18 Appiah is against the idea of creating a world government and favourable to the creation of an institution like the European Union; the latter, by its existence and functioning, is considered to represent the possibility of constructing a large network composed of a number of centres of power and authority (some supranational, others infranational) based on the principle of subsidiarity (Appiah 2007).
- 19 This approach, as Appiah himself acknowledges, without doubt owes a debt to John Stuart Mill who summed up the cosmopolitan ideal as follows: we need the others, we have to interact with them and learn. He rejects a form of humanism in which we are asked to set aside the differences; 'the cosmopolitan believes . . . that sometimes it is the differences we bring to the table that make it rewarding to interact at all'. However, he would agree that what we share is equally important 'though the cosmopolitan will insist that what we share with others is not always ethno-national in character' (2005: 271). If any criticism is to be made of the Enlightenment, as Appiah points out correctly, 'it is not that the philosophers believed in human nature, or the universality of reason: it is rather that they were so dismally unimaginative about the range of what we have in common' (258).
- 20 Frantz Fanon, cited by Bhabha, writes: 'National consciousness, *which is not nationalism*, is the only thing that will give us an international dimension' (Fanon 1963: 247).
- 21 From the point of view of an analysis of modernity, vernacular cosmopolitanism is equivalent to 'cosmopolitanism of those who have been played' (Kristeva 1997: 274) and vernacular cosmopolitans are to be considered as 'the heirs of Walter Benjamin's view of modernity, that every act of civilization is also an act of barbarism' (Bhabha and Comaroff 2002: 24).

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