The London School of Economics and Political Science

Realising Cosmopolitanism: The Role of a World State

Luke Ulaş

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<u>Declaration</u>

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Abstract

The central claim of this work is straightforward: if one endorses cosmopolitan principles of distributive justice, then one ought also to be a world statist. This is not the generally held view. Institutionally, cosmopolitans have tended to endorse – when they have endorsed any particular institutions at all – either modified and enhanced versions of today's domestic state system, or 'intermediary' institutional constructs that are conceptualised as sitting apart from both the domestic state system and a world state. I aim to demonstrate that, from a cosmopolitan perspective, these are inferior alternatives, and to make the case for a federal world state. The point of such a project is to confront cosmopolitan moral theory with its radical institutional implications, which its proponents have often ignored or resisted.

In making this argument, after underlining conceptual and empirical difficulties for the idea of 'cosmopolitan law' without strong central government, I pay extended attention to what has been described as cosmopolitanism's 'solidarity problem', which recognises that there is currently little appetite among the global population for distributing resources or otherwise changing behaviours and practices so as to realise cosmopolitan distributive principles. I consider three approaches to this problem: the possibility of the principled transformation of domestic states; the development of a sense of global community; and an emphasis upon the harnessing of self-interested motivations. In each case I demonstrate the importance of the transcendence of the domestic state system, and global political integration. Thereafter, I directly address various 'intermediary' institutional prescriptions, arguing that in many respects they are less clearly distinguishable from a world state than their authors believe, and that where they are distinguishable this represents a disadvantage with respect to the realisation of cosmopolitan ends when compared to a world state. Finally, I consider and reject a range of common critiques of the world state itself, while emphasising that many of these critiques in fact function as critiques of cosmopolitan distributive theory, rendering them unavailable to the cosmopolitan theorists who are my intended audience.

<u>Acknowledgements</u>

It is a pleasure to be writing these acknowledgements, both because to be doing so means that I am at the end of a long hard journey, and because it gives me the opportunity to thank those who have helped me get here.

Firstly I must thank my supervisor, Chandran Kukathas. Chandran showed great patience with me in the early stages of my research, reading and commenting upon numerous pieces of writing that were destined never to make it into the final draft, and guiding me gently toward my eventual research project. He offered consistently challenging criticism while always remaining supportive, and in the closing stages he gave great encouragement as to the value of the project as a whole. All of this was done with famous good humour.

As far as I'm aware, I was never assigned an official adviser by the LSE. Fortunately, however, two members of the Department of Government in effect voluntarily assumed this role. I met Mathias Koenig-Archibugi through taking his Globalisation and Democracy course during my MRes year. Mathias showed great interest in my research plans, and over the years read and commented upon various pieces of work. He was always willing to respond to emails picking his brain on various matters, and even offered me employment helping to organise a conference he was hosting. I learnt that Lea Ypi was to join the department shortly after I began engaging with her work. This proved to be a blessing, since Lea has shown great generosity with her time, discussing her work with me, reading drafts of various chapters, and offering advice on academic publishing. I thank Mathias and Lea for all their help.

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Maffetone, Alison Mallard, Yehonathan Reshef, Rikke Wagner and Baldwin Wong. In particular, Ed, Yehonathan and Pietro have become good friends with whom it has been a pleasure to share the experience of completing a PhD.

Prior to joining the LSE I completed an MA in Global Ethics at King's College London, where I first started thinking about the issues raised in this thesis. I would like to thank Jonathan Glover and Patricia Walsh for their teaching and guidance during that year.

Away from academia, I owe my mother, Elizabeth Ulaș, great thanks for being endlessly supportive, both financially and emotionally, of my decision to continually return to further education. She will be pleased to know that there is now nowhere left for me to turn, and it is finally time to start earning a living.

At times, writing a PhD has felt akin to attempting to swim the English Channel; there were various points when I felt that I was not going to make it to the other side, yet also that I was too far from shore to turn back. During those moments, Rachael Lonsdale kept me buoyant, offering all the support and encouragement I could ask for. She discussed the project with me at all stages from inception to completion, and even copy-edited the final version. In the brief period of time between my completing the thesis and writing these acknowledgements, she has done me an even greater kindness, and agreed to become my fiancée.

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__Introduction__

Most analysts of global governance see world government as atavistic idealism that is beyond the pale. To investigate or support such a policy is seen as naïveté at best, and lunacy at worst. And certainly no younger scholar would wish to cut short her career by exploring such a thought for a dissertation.
– Thomas Weiss, 'What Happened to the Idea of World Government'

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.
– Universal Declaration of Human Rights, Article 28

The central claim of this work is simply stated: if one is a cosmopolitan, then one ought also to be a world statist. This is not the generally-held view. Not only is the idea of the world state regarded today as something of an eccentricity (as the above quote from Thomas Weiss colourfully demonstrates), contemporary cosmopolitan theorists have largely been minded to reject it, or indeed to ignore it completely, when thinking about which institutional form will best realise their principles. Instead, cosmopolitans have tended to endorse – when they have endorsed any particular institutions at all – either a modified and enhanced version of today's domestic state system, or an intermediary institutional position that still falls shy of a world state. In what follows, I will aim to demonstrate that these are inferior alternatives from a cosmopolitan perspective, and will make the case for a federal world state. The point of such a project is to confront cosmopolitan moral theory with its radical institutional implications, which its proponents have often ignored or resisted.

To be clear at the outset, this thesis does not present a short-term practical response to the global poverty and inequality that cosmopolitanism decries. I do not suppose that a world state will come to pass in any short order: it certainly seems highly unlikely that anyone alive today will live to see it. Nor, indeed, is there any guarantee that it will *ever* come to pass. But that is not a problem for my argument. Admittedly, it would be so *if* my argument were intended to be understood as a piece of political

advocacy. But it is decidedly not my claim that cosmopolitans should single-mindedly endorse and agitate for the world state if their aim is to change the world in some small way for the better (from a cosmopolitan perspective). Where the latter is the aim, then clearly more modest, more immediately practical proposals – institutional or otherwise – are in order.

Such immediately practical work is however compatible with an intellectual recognition that a world state represents the most promising vehicle for the realisation of cosmopolitan principles. Yet such recognition is typically not forthcoming, because most cosmopolitan theorists in fact endorse the domestic state system or some other institutional innovation short of a world state as the *ideal* (and not just pragmatic) environment for the realisation of cosmopolitan ends. It is this that I contest. Since I do not offer any short-term practical proposals, my thought in this thesis stays firmly within the realms of the academic: I am concerned with the circumstances in which cosmopolitan distributive theory can best be realised, even if those circumstances themselves are unlikely to be realised for generations.

Cosmopolitan principles *themselves* do not contain a commitment to a world state (or any other political architecture). This much Charles Beitz made clear when he distinguished between political cosmopolitanism and moral cosmopolitanism. While political cosmopolitanism holds that "the world's political structure should be reshaped so that states and other political units are brought under the authority of supranational agencies of some kind", moral cosmopolitanism "concerns itself, not with political institutions themselves, but with the basis on which institutions, practices or courses of action should be justified or criticised" (Beitz, 1994: 120). In other words, moral cosmopolitanism is a value system by which we judge, *inter alia*, the morality of political institutions, but it does not in itself contain a commitment to any one political system. This distinction is entirely appropriate as a piece of conceptual housekeeping.

However, that moral and political cosmopolitanism are conceptually distinguishable does not prevent them from being intimately related, in a way that, so I argue, cosmopolitans have frequently overlooked. Consider the following remark from Brian Barry, importantly different from the purely conceptual distinction made by Beitz: "One may be a moral cosmopolitan *without believing that its precepts would be best satisfied by institutions of the kind commended by institutional cosmopolitanism*" (Barry, 1998: 144, my emphasis). Here we get to the heart of the argument that I will make in this thesis: it is in fact *not* the case that one can reasonably believe that cosmopolitan principles will be "best satisfied" (or, in the language I adopt here, 'realised'[1]) absent political cosmopolitanism, specifically political cosmopolitanism in the form of a world state. Hence, while in one sense one 'may' be a moral cosmopolitan without endorsing political cosmopolitanism – inasmuch as this would not be logically inconsistent or conceptually incoherent – one should not in fact actually hold these two views together. In my view, in the transition from the articulation of cosmopolitan principles to their enactment in the world, the *practical* separation of moral and political cosmopolitanism becomes improbable.

I begin my argument to this effect by offering, in Chapter 1, an extended introduction to the two key concepts in this thesis: cosmopolitanism and the world state. I explain that I am concerned specifically with cosmopolitan theories of distributive justice, offer a taxonomy of relevant distributive theories and their argumentative strategies, and introduce the debate between cosmopolitans and their opponents. I go on to distinguish the world state from two broad institutional alternatives: the domestic state

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[1] By 'realisation' I do not mean to refer to the perfect rendering of cosmopolitan principles in the world. Of course, such an outcome is just as improbable as a domestic theory of social justice ever being perfectly realised within today's states. One reason for this improbability is our concern for democratic freedom. This concern, coupled with recognition that persons will always inevitably disagree politically and philosophically, dictates that no one theory of justice will ever be perfectly realised anywhere. Bearing this in mind, my point is that the world state presents a social and structural atmosphere in which the best *approximation* of cosmopolitan principles can be achieved.

system by which most of today's world is organised, and an intermediary model which sits somewhere between a confederal and federal order.

Chapter 2 begins an assessment of the domestic state system by questioning the conceptual coherence of the Kantian idea of 'cosmopolitan law' when that system remains in place. Without central government hierarchically superior to and independent of domestic states, cosmopolitan law can call upon no plausible source of legal authority that would fundamentally distinguish it from international law. That this is the case is a practical problem for distributive cosmopolitanism, because international law, as a matter of fact, has not so far proven to be particularly effective.

Chapters 3, 4 and 5 deal with cosmopolitanism's 'solidarity problem' – an underdeveloped area of cosmopolitan research. The solidarity problem recognises that currently the global population has little appetite for redistributing resources or for otherwise changing behaviours and practices so as to realise cosmopolitan distributive principles. There are two different versions of this problem. In one, it is assumed that cosmopolitan principles are widely accepted and yet are not being acted upon; the problem is thus largely one of moral *motivation* (Dobson, 2006; Lenard, 2010). In another version, the problem is not simply one of motivation, but also that cosmopolitan principles are in fact not widely accepted in the first place (Miller, 2000).[2]

Chapter 3 asks whether domestic states are capable of becoming committed agents of cosmopolitan justice, and engages, *inter alia*, with Lea Ypi's theory of 'statist cosmopolitanism'. Ypi argues that states can make this change: their citizens can be turned towards a commitment to cosmopolitan principles and actions by moral entrepreneurs constituting a 'cosmopolitan avant-garde', and can be sustained in their commitment to those principles by their pre-existing attachment to the state as a political

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[2] In the global democracy literature, a very similar issue is characterised in terms of the pursuit of a 'global *demos*'. A *demos* is a group that, *inter alia*, understands itself as a collectivity and as an appropriate site for democratic politics; without such a collective self-understanding, democracy becomes implausible (see, for example, Miller, 2009). For an argument that a global *demos* is at least possible, see List and Koenig-Archibugi (2010).

community. Ypi presents the prospect of overcoming the solidarity problem and, resultantly, the inefficacy of international law highlighted in Chapter 2. My response is two-fold. First, I question the scale of the transformation that the cosmopolitan avant-garde can engender given the countervailing potency of the domestic state itself which reinforces particularistic attitudes in its citizens. And second, I argue that even if the cosmopolitan avant-garde were to be successful, domestic states would find it profitable and desirable to federally integrate in order to be better able to realise their mutual cosmopolitan goals. Such integration is compatible with statist cosmopolitanism's motivational theory (even if not its institutional vision).

Chapter 4 engages with another potential approach to the cosmopolitan solidarity problem. At the domestic level, nationalist theorists emphasise the importance of shared national community and identity to the plausibility of solidaristic welfare practices. Could the route to cosmopolitan solidarity be via the development of a sense of *global* community (and not just the principled transformation of pre-existing separate communities)? In considering this possibility I first subject the nationalist position to critique, making clear that it often unjustifiably welds 'state' and 'nation' too closely together; empirically speaking, there are examples of multinational and yet solidaristic states. In these cases, community is built around the idea of a shared *patriotism* rather than shared nationality. Bearing this in mind, and primarily via engagement with Jürgen Habermas' notion of constitutional patriotism, I develop a theory of 'global multinational patriotism' which anticipates that a sense of global community might arise in tandem with the construction of a global polity. Against Habermas, I argue that there is no convincing reason to limit the potential scope of constitutional patriotism to the regional (specifically European) level. When compared with alternative theories of global community building, global multinational patriotism appears more promising.

In Chapter 5, I approach the solidarity problem from another angle: what if cosmopolitan ends can be realised via self-interested motivations rather than (or as well

as) those that are other-directed? After elucidating the way that self-interest operates to the benefit of solidaristic outcomes in the domestic context, this chapter considers three self-interested motivations that might be harnessed profitably at the global level: economic self-interest, prudential self-interest, and democratic self-interest. My claim is that in each case, global political integration is important if these self-interested motivations are to find proper expression globally.

Moving away from the solidarity problem, Chapter 6 directly addresses and critiques what I call intermediary institutional proposals, which, unlike the idea of a world state, are widely popular among cosmopolitan theorists. The chapter concentrates upon four proposals in particular: Thomas Pogge's 'dispersed sovereignty'; Daniele Archibugi and David Held's respective developments of the 'cosmopolitan democracy' research school; and Jürgen Habermas' 'world domestic politics without a world government'. My critique of these proposals is two-fold. First, I argue that they are far less obviously distinguishable from a world state than their authors claim – indeed, in Pogge's and Held's cases, there seems to be no unambiguous distinction at all. Rather than fight against the world state descriptor, however, these authors should in fact embrace it because (and second) where intermediary proposals *are* conceptually distinguishable from a world state, this is in fact a weakness as far as their cosmopolitan potential is concerned.

Finally, in Chapter 7, I set about engaging with a range of critiques of the world state itself. I contend that the arguments against a world state are not as strong as they are often assumed to be, at least not when we are not thinking of the world state as an immediately practical goal. But I also consider which of the arguments against the world state are available to *cosmopolitan* critics. And in fact, many of the critiques of the world state also function, directly or indirectly, as critiques of cosmopolitanism itself. Therefore, cosmopolitans have less weaponry available with which to attack the idea of the world state than non-cosmopolitan critics. What's more, given the preceding six

chapters, if there are any irresistible arguments against the world state, then this has repercussions for the feasibility of cosmopolitan distributive theory itself.

Although, since the rise to prominence of cosmopolitan theorising in the last decades of the previous century, there have occasionally been other arguments made for some form of world state, the argument in this thesis claims to represent an original contribution to the global justice literature. First, it is distinguished from most other recent arguments for a world state (e.g. Höffe, 2007; Marchetti, 2008; Tännsjö, 2008) on account of its primary focus upon distributive justice rather than democracy. Second, it foregrounds the way in which a world state can help solve cosmopolitanism's solidarity problem. Third, it seeks to demonstrate the inferiority, from a cosmopolitan perspective, of the world state's two main institutional competitors.[3] Ultimately, I suggest not just that a cosmopolitan case for the world state can be made, but more strongly, that all cosmopolitans ought to be world statists if they are interested in their moral commitments being realised. The world state is regularly dismissed as utopian, but I claim here that cosmopolitans who reject the world state are the real utopian theorists.

A word on the ubiquity of the 'domestic analogy' in cosmopolitan theory

Before I go further, it is worth addressing one issue in particular. My thinking in this thesis proceeds on the basis of the 'domestic analogy', a form of reasoning which holds that "there are certain similarities between domestic and international phenomena; that, in particular, the conditions of order [understood in wide terms to include peace and justice] within states are similar to those of order between them; and that therefore those institutions which sustain order domestically should be reproduced at the international level" (Suganami, 1989: 1). To this definition I would add, in a more cosmopolitan spirit,

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[3] These latter two points distinguish my argument from the case for a world state made by Luis Cabrera (2004). While Cabrera offers some reasons to be sceptical of the domestic state system as a promising environment for the realisation of cosmopolitan justice, he does not clearly distinguish the world state from intermediary institutional alternatives, nor does he engage at any length with the cosmopolitan solidarity problem.

that the conditions of order between individuals within states are the same as the conditions of order between *individuals* at the global level.

The domestic analogy is not universally endorsed by scholars of international relations, and so would seem to require justification. For one prominent rejection of the analogy we can turn to Hedley Bull, who takes the 'international' to be a *sui generis* context to which the domestic analogy is not germane. Claiming that an 'anarchical society' is possible between states even if not between individuals (since the international 'state of nature' is nowhere near as 'nasty, brutish and short' as the individual version portrayed by Hobbes), Bull emphasises the role of a combination of occasional warfare, international law, the balance of power and international diplomacy in delivering international order (Bull, 2002 [1977]). However, what is important to note is that Bull understands 'order' narrowly, to the exclusion of permanent peace and justice; for Bull, 'international order' simply refers to the circumstances in which the domestic state system itself can be maintained, and in which war can be avoided *as the normal condition*. Bull was clear, in fact, that for him order and justice were alternative concepts, and could have differing institutional prerequisites (ibid: Ch. 4).

No cosmopolitan worthy of the name can be happy with a world that accords to Bull's vision of 'order'. Indeed, that there are theorists generally who reject the domestic analogy is less important to us than the question of whether there are *cosmopolitans* who reject the domestic analogy. It might well seem that there must be, given that (as I have already emphasised) most cosmopolitans reject the idea of the world state. But to take this as evidence for the idea that most cosmopolitans reject the domestic analogy is to understand the latter far too narrowly. Hidemi Suganami notes that the domestic analogy takes two forms, which he calls (confusingly for us) 'cosmopolitanist' and 'internationalist' (Suganami, 1989: 14). While the former indeed involves the postulation of a world state, the latter leaves domestic states' sovereignty intact, and yet is still an example of a domestic analogy since some feature(s) of the domestic context – most

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typically, a strong and effective body of law – are proposed to be replicated at the international level on account of their recognised efficacy in delivering certain desired outcomes at the domestic level. In this more expansive understanding, an institutional prescription proceeds on the basis of a domestic analogy just in case it identifies *some* feature(s) of the domestic context – e.g. a judiciary, an executive, a parliament, democratic relationships between parties – that should be re-created at higher levels: "a[n institutional] body proposed on the basis of the domestic analogy can therefore take a wide variety of forms" (ibid: 38).

The domestic analogy, then, admits of degrees, with the postulation of a world state only the most completely analogous version.[4] The domestic analogy is to some extent endorsed by *all* cosmopolitans considered in this thesis: even those who reject the 'cosmopolitanist' version do subscribe to an 'internationalist' version, since all – including those who endorse the domestic state system – recognise a role for a significantly strengthened body of international law, or the democratic reform of the UN and related agencies. So the debate to be staged herein cannot be interpreted as a debate between my support for the domestic analogy and other cosmopolitans' rejection of it. It is better characterised as a debate between different versions of the domestic analogy: my claim is that the 'cosmopolitanist' version is more convincing when it comes to the pursuit of cosmopolitan justice, and it is more convincing, in short, *because* it is most closely analogous.

This response highlights the contingent nature of my thesis: *if* one is a cosmopolitan, then one ought to be a world statist. Since all cosmopolitans endorse some form of the domestic analogy, and since this thesis is addressed to cosmopolitans, then the fact that some theorists who are not cosmopolitans reject the domestic analogy is of no direct concern.

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[4] In fact, given that Bull himself appeals to the role of international law as one of the drivers of international order, even he is in reality not *entirely* free of the domestic analogy.

Chapter 1

Distributive Cosmopolitanism and the World State

My focus in this thesis is the relationship between a particular interpretation of *moral* cosmopolitanism – namely distributive cosmopolitanism – and a particular form of *political* cosmopolitanism – namely a world state. Before we can proceed, we need to be clear on the content of both of these concepts. That is the purpose of this opening chapter. In the first section I distinguish distributive cosmopolitanism from alternative interpretations of moral cosmopolitanism, provide a taxonomy of distributive cosmopolitan theories, and introduce the debate between distributive cosmopolitans and their opponents. The second section offers a conceptual analysis of the world state by way of comparison with two other global institutional forms, and then goes on to give some further detail on the type of world state with which this thesis is concerned.

1.1   Clarifying the Goal: Distributive Cosmopolitanism

In the Introduction we heard from Charles Beitz that moral cosmopolitanism is a value system, but we did not learn the content of that system. Thomas Pogge has offered a now well-established account in that regard, consisting of three key principles:

> First, *individualism*: the ultimate units of concern are *human beings*, or *persons* – rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, *universality*: the status of ultimate concern attaches to *every* living human being equally – not merely to some subset, such as men, aristocrats, Aryans, whites or Muslims. Third, *generality*: this special status has global force. Persons are ultimate units of concern *for everyone* – not only their compatriots, fellow religionists, or suchlike.
>
> (Pogge, 1992: 48, original emphasis)

Missing from this description, however, is any substantive account of what it would mean for the world to live up to these principles. Indeed, Pogge's definition could be interpreted as nothing more than a statement of the moral equality of all persons around

the world – a simple recognition, for example, that an injury occurring to a foreigner is as bad as an injury occurring to a fellow citizen – with no consequences for moral *obligations* at all. But, as David Miller comments, "if that were all moral cosmopolitanism meant, we could safely say that we are all cosmopolitans now" (Miller, 2007: 28; cf. Blake, 2013).

As Miller well recognises, however, this is *not* all that moral cosmopolitanism is supposed to mean: from the fundamental moral equality of all individuals, cosmopolitans derive political principles intended to guide action. There are a number of broad theoretical interpretations. *Democratic* cosmopolitanism prioritises the notion that individuals worldwide should be politically enfranchised at the regional and global level on the grounds of political autonomy, or freedom of choice, or similar (Archibugi and Held, 1995; Archibugi, 2008; Held, 1995a; Marchetti, 2008). A variant of democratic cosmopolitanism is *dialogic* cosmopolitanism, which, influenced by Jürgen Habermas' theory of discourse ethics, focuses on entering all individuals worldwide into a cross-cultural deliberative process within which global moral questions can be collaboratively and consensually settled (Linklater, 1998). *Republican* cosmopolitanism places primary emphasis not on democracy but upon non-domination. On this interpretation, the main concern is that each individual worldwide be enabled to live free from others' exercise of arbitrary power – an aim that brings with it global institutional and distributive prerequisites (Bohman, 2004; Laborde, 2010; White, 2003). Finally, *distributive* cosmopolitanism argues that individuals worldwide are morally entitled to a certain level of a particular resource or 'good'. It is this last interpretation of moral cosmopolitanism that is the concern of this thesis.[1]

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[1] These differing translations of moral cosmopolitan cannot in reality be neatly separated from each other. For example, political rights to democratic participation can be described in distributive terms, in that those rights can be among the 'goods' to be distributed. Similarly, republican cosmopolitanism, as noted above, will involve political and distributive elements. Nevertheless, the approaches can be differentiated on account of their differing theoretical

The key feature that unites all variants of distributive cosmopolitanism is that principles of distributive justice (i.e. principles that determine the way in which given goods are to be rightfully distributed) should be applied evenly to all individuals in the world regardless of the existence of political, cultural or any other boundaries. Beyond this basic central characteristic, distributive cosmopolitan theories diverge from each other at a number of points, as we can observe by way of articulating a number of theoretical distinctions.[2]

1.1.1   Institutional or agent-centred?

The distinction between institutional and agent-centred theories is a distinction relating to who, or what, cosmopolitan principles apply *to:* in other words, it relates to the proper 'site' of principles of distributive justice, a subject that is familiar from debates focused on the domestic context (e.g. Cohen, 1997; Murphy, 1998; Pogge, 2000).

An institutional cosmopolitan account applies principles of distributive justice to political institutions, demanding the reform of existing institutions (such as, for example, international organisations like the UN, WTO and World Bank) and/or the creation of new political institutions so as to aid the realisation of cosmopolitan distributive principles. An agent-centred account, by contrast, focuses attention directly on the ethical behaviour of individuals and groups in their relationships with other human beings on the planet, and provides principles for those agents to act upon. Such an account is distinguished from an institutional account since, according to the latter, once appropriate institutions are in place individuals are free to act as they please, subject to the maintenance of those institutions. Peter Singer is the most prominent agent-centred

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emphases, and they will tend to lead to differing political prescriptions, even if they include elements of each other.

[2] To be clear, my aim in what follows is not to present a coherent picture of the way in which various terms are used in the vast literature on cosmopolitanism. To attempt such a task would be hopeless, since different theorists use different terms for the same concepts, and/or use the same terms for different concepts. Here, then, I simply offer up my own interpretations, noting distinctions from the work of others as I proceed.

theorist, famously arguing that "if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it" (Singer, 1972: 231).[3]

Singer, however, does not mean to deny the appropriateness of institutional cosmopolitanism. Indeed, more recently he has developed a cosmopolitan theory that pays heed to the need for institutional change (Singer, 2004). And while some theorists emphasise the need for individuals worldwide to act as 'global citizens' in order to help *bring about* institutional reform (e.g. Cabrera, 2010b), there are precious few cosmopolitans beyond Singer that foresee continuing and specific distributive demands being placed upon individuals after those institutions are in place. Consequently, our focus in this thesis will be upon institutional cosmopolitanism.[4]

1.1.2   Weak or strong?

The distinction between weak and strong cosmopolitanism relates to the *demandingness* of universal principles of global justice (Tan, 2004: 11). Put very broadly, weak cosmopolitan theories concern themselves with articulating a basis for a given, 'threshold' amount of the relevant good(s) to be distributed to all individuals worldwide. Such theories are understood to be 'non-comparative': in other words, what matters for weak cosmopolitanism is that an amount of the relevant good(s) *sufficient* for a given standard of living be available to all – past the point of sufficiency, inequality between individuals is not of concern. Strong cosmopolitan theories, by contrast, express a concern for equality and are resultantly comparative: the right amount of a good for an

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[3] I am using the term 'institutional' in a way distinguishable from Thomas Pogge (1992), who uses it to denote not just the site of principles of distributive justice but *also* part of the justification for those principles' appropriateness. I deal with the latter by way of the 'non-relational/relational' dichotomy shortly to be introduced.

[4] For a convincing theoretical defence of the institutional approach and critique of the agent-centred approach, see Tan (2012).

individual to hold as a matter of justice cannot be determined without reference to the amount of that good that others hold.

Many theorists make global sufficientarian arguments of one kind or another (e.g. Blake, 2001; Brock, 2005; O'Neill, 1986; Jones, 2001; Miller, 2007; Shue, 1996 [1980]; Rawls, 1999). However, it is not helpful to consider *all* those who make such arguments cosmopolitan theorists, even of a 'weak' variety, since some of these theorists claim that more demanding, comparative principles apply within (and only within) domestic states. To my mind, this type of global sufficientarianism is in fact *not* profitably described as any type of distributive cosmopolitanism. To consider such a position a form of cosmopolitanism is to cast one's net too widely, capturing as 'cosmopolitan' those theorists – such as Michael Blake (2001), David Miller (2007)[5] and John Rawls (1999) – who expressly argue against cosmopolitanism's typical argumentative strategies. Of course, one *could* accept a definition of weak cosmopolitan which incorporates these theorists within it: Simon Caney, for example, appears to do so when he maintains that weak cosmopolitanism simply affirms that there are *some* principles of justice that are global (Caney, 2001a: 975).[6] But one defines weak cosmopolitanism in this way at the cost of making the concept rather uninteresting (given that global sufficientarian principles are widely subscribed to), and, furthermore, obscuring an important distinction that can be made between those theorists who, like Miller and Rawls, assert that sufficientarian principles are the expressly defined *limit* of global justice, and others who

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[5] Note that Miller does not consider that members of one nation will necessarily *always* have a duty as a *matter of justice* to raise the members of another nation above the sufficiency threshold. The dependent factor is his concept of national responsibility. Where a nation is collectively responsible for its plight, there remains only a humanitarian duty of assistance, and this duty might be overridden by national-level duties of justice. While a cosmopolitan theory of justice is fully capable of incorporating the concept of responsibility within it, I do not believe that the concept of *national* responsibility can be so incorporated. In fact, I do not believe that the concept of national responsibility makes sense *simpliciter* – for my argument to this effect, see Ulaş (2011).

[6] Caney uses the terms 'radical' and 'mild' in place of 'strong' and 'weak', choosing to employ the strong/weak dichotomy to refer to, respectively, those theories that extend principles of justice globally and those that extend principles of justice beyond the borders of the domestic state but not globally.

concentrate upon making global sufficientarian arguments a matter of priority, ultimately desiring to see more demanding principles of global justice realised in the world (e.g. Jones, 1999).

A fully-fledged weak cosmopolitan, on my definition, explicitly limits their principles of global justice to sufficientarianism, *and* does not endorse stronger principles of distributive justice in the domestic context: in other words, the weak cosmopolitan is a sufficientarian everywhere. Not only does this disqualify theorists like Miller and Rawls as weak cosmopolitans, it also disqualifies those that make sufficientarian arguments simply as a matter of priority, since they do not expressly limit global justice to sufficientarian principles. Those remaining, unsurprisingly, set the threshold for 'sufficiency' at quite a high level. They are not content to consider the simple avoidance of severe suffering and poverty as 'sufficient' – rather, they are concerned to defend a global distributive scheme sufficient to ensure that each individual is in a position to, for example, "enjoy the prospects for a decent life" (Brock, 2009: 299).

Indeed, an important question is the extent to which significant inequalities are in fact compatible with the goals of global sufficientarianism. As Martha Nussbaum points out with respect to her capabilities-based threshold approach, "we must indicate where, and to what extent, equality is part of the very idea of the threshold itself" (Nussbaum, 2007: 292). Take, for instance, one of Nussbaum's capabilities which relates to self-respect and non-humiliation: this seems to link to a principle of non-discrimination, to which equality is intrinsic (for instance, political and civil liberties). The argument can also be made that where inequality in wealth widens, the relevant sufficiency threshold resultantly heightens – since, for example, inequality in wealth translates to inequality in purchasing power, meaning that those with less will in fact find it harder to procure the goods necessary for a decent standard of living. Indeed, for some theorists there is an instrumental argument for equality on grounds of sufficiency (Ypi, 2011). Whether or not one agrees with that conclusion, it is clear that we should not overemphasise the

'weakness' of 'weak cosmopolitanism': realising the sort of global sufficientarianism that weak cosmopolitans want to see is a demanding task and seems likely to require, in the end, a limited *range* of global inequality (meaning that it cannot ultimately avoid being comparative).[7]

As has already been mentioned, strong cosmopolitans develop theories of justice that support some principle of global equality. But this is not to say that strong cosmopolitanism, as I understand it, cannot leave room for *any* lower-level obligations of justice. In particular, strong cosmopolitans need not subscribe to what Samuel Scheffler has called 'extreme cosmopolitanism', in which "the devotion of special attention to some people rather than others is legitimate only if it can be justified with reference to the ideal of world citizenship itself" (Scheffler, 2001: 114). As Kok-Chor Tan has made clear, it is theoretically possible to be a strong cosmopolitan and yet recognise that sub-global attachments can have independent normative significance – that is, it is possible to be a strong and yet 'moderate' (as opposed to 'extreme') cosmopolitan: the key is to realise that those lower-level normative commitments must be compatible with a prior commitment to cosmopolitan justice (Tan, 2004; see also Pogge, 2002b).[8] Of course, this inevitably greatly restricts the possible content of those lower-level commitments, but it does not negate them entirely. For example, strong cosmopolitans might recognise "a class of special claims of justice that can be pressed by compatriots but not by non-compatriots", such as the duty to limit inequalities in order to establish a healthy democracy (Moellendorf, 2002: 48), at the same time recognising that there are *other*

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[7] Pablo Gilabert distinguishes between 'sufficientarian', 'egalitarian' and 'intermediate' principles of distributive justice: the latter, like sufficientarianism, stipulates that everyone should have enough, but is also, like egalitarianism, somewhat concerned with relative shares (Gilabert, 2012: 5).

[8] Some define strong cosmopolitanism in an extreme way. Thomas Pogge (2002b), for example, following David Miller (2002), defines strong cosmopolitanism (concerning morality generally rather than distributive justice specifically) as the view that all individuals must treat all other individuals – including family members – equally at all times, since cosmopolitanism is the only source of value. David Held also employs this definition, although he opts to speak of 'thick' and 'thin' instead of 'strong' and 'weak' (Held, 2010: 78).

justifications for limiting global inequalities between non-compatriots. They are also fully able to recognise the direct normative value of (some) cultural attachments.

This thesis takes both strong and weak cosmopolitan theories to be its target. Even weak cosmopolitan theories, as I have defined them here, are highly demanding – enough so that their principles face the best prospects of being realised within a world state.

1.1.3   Non-relational or relational?

The distinction between non-relational and relational cosmopolitanisms relates to the perceived relevance of contingent empirical circumstances to the justification of cosmopolitan distributive principles.[9] The non-relational cosmopolitan reaches his or her cosmopolitan conclusions without regard to any institutions, interactions or relationships that might (or might not) be extant globally; instead, cosmopolitan principles are arrived at because, so it is argued, persons worldwide naturally share some morally relevant quality that enjoins those principles. Simon Caney, for example, tells us that the appropriateness of cosmopolitan principles does not "depend on whether there is extensive economic globalization or not" (Caney, 2005: 264; see also Gilabert, 2012). Instead, such principles are appropriate simply because all human beings deserve the same rights and opportunities regardless of state borders.

Relational cosmopolitanism, by contrast, considers that cosmopolitan principles are appropriate if and only if some contingent circumstance holds. The contingent factor in question is typically the existence of significant interactions (or 'relations') between states and individuals worldwide. For example, according to some, a 'global basic structure' exists, and since it exists it is important that it be regulated in a way that shows appropriate concern for all individuals affected by it, which spurs more detailed

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[9] Raffaele Marchetti uses the alternative terms 'interaction-dependent' and 'interaction-independent' (Marchetti, 2008).

theoretical argument in support of cosmopolitan principles of one sort or another (Pogge, 2002a; Beitz, 1979; Buchanan, 2000; Moellendorf, 2002). If such a global structure did not pertain, there would be no need to articulate such argument and principles.

Both non-relational and relational approaches are used to make highly demanding distributive claims. Therefore, I do not address this thesis exclusively to one approach or the other: what follows is of relevance to both.[10]

1.1.4   The 'metric' or 'currency' of distributive justice

A question that has detained theorists working on theories of egalitarian justice is what exactly it is that egalitarian distributive schemes should seek to equalise (Sen, 1980). In this regard, some theorists focus upon "resources" (Dworkin, 2002), some upon "equal opportunity for welfare" (Arneson, 1989), some upon "capabilities" (Sen, 1999; Nussbaum, 2007), and still others upon "equality of access to advantage" (Cohen, 1989). We need not concern ourselves with the intricacies of this debate, however, since they are not relevant to my argument. While some cosmopolitans will at times expressly endorse equality of opportunity as the appropriate metric (Caney, 2001b) and others will defer to resources (e.g. Tan, 2004: 6–7), these two perspectives are unlikely to be entirely independent of each other: after all, delivering opportunities to individuals will inevitably first require delivering certain resources like wealth, income, education, healthcare and

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[10] Non-relational and relational cosmopolitanisms can potentially be distinguished, one might think, by their attitude toward the fate of isolated peoples, by which I mean those communities around the world that remain in essence untouched by the forces of globalisation. Admittedly such communities, peoples and tribes dwindle in number as time progresses, yet their continued existence should, one might presume, be treated differently by non-relational and relational cosmopolitans. Consider, however, that as Daryl Moellendorf says, "the distribution of pollutants in the atmosphere has also brought people into an unavoidable association affecting their highest order moral interests". Isolated peoples therefore, despite not being part of (e.g.) any economic association in the direct sense of trading and participating in international organisations, are nevertheless affected by the actions of others in such a way that Moellendorf wants to say that "the global economy has had a substantial impact on the moral interests of persons in virtually every corner of the world" (2002: 37). Furthermore and in any case, it is the case that all 'isolated' peoples in the world today do in fact reside within the boundaries of one domestic state or another, and so do in fact find themselves within a globally interactive political system.

so on. Thus it is in fact common to see cosmopolitans appeal to more than one metric at various junctures in their argumentation (e.g. Moellendorf, 2002; Caney, 2005). Furthermore, given the ongoing debate about appropriate metrics, it seems sensible to defer to a range of possibilities when attempting to determine the extent of real-world inequality (see Robeyns, 2005).

1.1.5   Cosmopolitanism's theoretical strategies

Various theoretical approaches can be distinguished that are used to arrive at cosmopolitan conclusions, and which cut across the relational/non-relational and weak/strong distinctions. One is a contractarian approach. Some of the earliest theories of cosmopolitan justice were developed via by extending Rawls' 'original position' device to the global level, arguing that principles of distributive justice should be settled by imagining how individuals *worldwide* would reason together behind a 'veil of ignorance' (Beitz, 1979; Pogge, 1989). Contractarianism has remained a popular cosmopolitan strategy (Brock, 2009; Held, 1995a; Gilabert, 2012; Moellendorf, 2002). Those who employ contractarian arguments have typically tended to do so from the perspective of relational cosmopolitanism, but contractarian arguments are also compatible with non-relational cosmopolitanism (e.g. Richards, 1982; Beitz, 1983).

Cosmopolitan arguments are also made, in whole or in part, via appeal to the idea of luck egalitarianism. In essence, luck egalitarianism holds that it is unjust if individuals are adversely affected (or indeed, positively affected) by circumstances for which they are not responsible. Among those circumstances for which individuals are not responsible is the part of the world where they happen to be born. It is unjust that those born in poorer parts of the world suffer the ill-effects of this bad luck: "people should not be penalised because of the vagaries of happenstance, and their fortunes should not be set by factors like nationality or citizenship" (Caney, 2001b: 115). Therefore, redistributive schemes from rich to poor are warranted to mitigate this bad luck (Tan, 2011).

A third type of approach is to develop a rights-based argument. For some theorists, global principles of distributive justice are dictated by the reality of legitimate claims that individuals worldwide have to a certain standard of living as a matter of *positive* human rights (Shue, 1996 [1980]; Jones, 2001). Alternatively, it has been argued that reformation of the global political system in order to minimise global inequalities is needed so as to respect the *negative* rights of the global poor (Pogge, 2002a; 2002b).

Closely related to a rights-based approach is a duty-based approach. Those endorsing such an approach are conscious that the postulation of a 'right' to certain goods or standards of living does not in itself explicitly locate an agent charged with corresponding obligations – this is important because without the identification of an agent bearing responsibility, the simple proclamation of a right to something becomes an empty 'manifesto right'. The duty-based approach resultantly pays specific attention to locating 'agents of justice' (O'Neill, 2000; 2001). Of course, rights-based and duty-based approaches are compatible, but reflect differing emphases.

The last main strand of cosmopolitan strategy is a consequentialist approach, which holds that cosmopolitan principles of justice are appropriate since such principles realise some predetermined desirable outcome. Obvious amongst these is a utilitarian consequentialism in which global principles of distributive justice are understood to maximise global utility (e.g. happiness or well-being). There are non-utilitarian consequentialist approaches as well, however. Indeed, any theory of distributive cosmopolitanism that is endorsed in order to fulfil some pre-identified 'good' – such as the fulfilment of basic needs and decent opportunities for all (Brock, 2009), or the development of human 'capabilities' (Nussbaum, 2007; Sen, 1999) – is a consequentialist cosmopolitanism.

These differing approaches are not necessarily mutually exclusive, and indeed theorists may endorse more than one at a time, construct positions that borrow from several, or make varying arguments at different times (as the references above should

demonstrate). However, again, we need not delve further into the intricacies of cosmopolitan argumentative strategies here, since they are of no direct relevance for what follows; the particular strategy employed by any one cosmopolitan theory is immaterial to my argument.

1.1.6   Cosmopolitanism's foes

Cosmopolitan theory's rise to prominence since the end of the previous century has not gone uncontested. Amongst others, cosmopolitan theorists have met resistance from two varieties of 'associationism' – namely 'statism' and 'nationalism' – as well as a 'society of states' approach exemplified by John Rawls.

The thrust of associationist opposition to cosmopolitanism is that there is something special about the state and/or the nation which dictates that norms of distributive justice are appropriate there but not outside those contexts, and therefore not at the global level; or that although sufficientarian norms of justice are appropriate in the global context, stronger and more egalitarian norms are only justified within the state and/or nation.[11] Various arguments are launched in support of these conclusions. For statists, there are certain features of a state which mean that citizens share a certain type of relationship with each other and with the institutions to which they are subject – whether it be mutual subjection to authority which demands reciprocity (Sangiovanni, 2007), mutual subjection to coercive power (Blake, 2001), coercion and co-authorship (Nagel, 2005), or the political and legal 'immediacy' and 'profundity' of the domestic state (Risse, 2006) – which 'world citizens' do not share with each other or with any

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[11] Associationists are relational theorists: they argue that state citizens and/or co-nationals are related in such a way that strong principles of justice hold at the domestic level but not globally. Relational cosmopolitans simply argue that the relevant features of that domestic relationship can in fact also be found at the global level.

existent international institutions, and which activate demands of egalitarian distributive justice.[12]

Nationalists, for their part, argue that shared national membership is an ethical relationship which brings about obligations of distributive justice that do not apply outside of this context (Miller, 1995). Nationalists also question the very coherence of the idea of cosmopolitan distributive justice: given that the value of certain goods is culturally specific, it is not possible to equalise the distribution of those goods across all of the national cultures in the world (Miller, 2007). Furthermore, nationalists make significant play of the supposed motivational infeasibility of cosmopolitan principles, which I referred to in the Introduction as cosmopolitanism's 'solidarity problem'. According to this argument, a nation is composed of individuals positively disposed towards entering into relationships of social justice with one another, whereas in the regional and/or global context there is no such equivalent motivation (Canovan, 1996; Kymlicka, 2001; Miller, 2000). Cosmopolitanism also faces an argument from national self-determination: to enforce cosmopolitan principles of justice would be to ignore the extent to which nation-states are responsible for their own economic policies and political culture, and are consequently responsible for the levels of global inequality. To seek to eradicate the effects of this self-determination is not justifiable (Miller, 2007; Rawls, 1999).

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[12] Recently, a number of theorists have sought to overcome what they see as the unhelpful dichotomy between statism and cosmopolitanism. For these theorists, it is not the case either that principles of distributive justice are simply global (as cosmopolitanism asserts) or that the state marks one distinct domain of justice and 'the global' another (as statism contends); instead, they emphasise a range of different principles of justice applying in differing international contexts. Richard Miller (2010), for example, understands the context of the state to justify some level of compatriot priority, but also recognises that states and individuals are involved in a range of international relationships each of which brings its own principles of responsibility and justice, which add up to "quasi-cosmopolitanism". Similarly, Laura Valentini develops a theory which she understands as "steering a middle course" between statism and cosmopolitanism by virtue of an articulation of differing conceptions of coercion to which principles of justice pertain (Valentini, 2011). Perhaps the first attempt to construct such a 'third way' comes from Joshua Cohen and Charles Sabel (2006).

John Rawls is undoubtedly the most renowned theorist of liberal egalitarian principles of justice in the domestic context (1971; 1993), and is also a prominent opponent of cosmopolitanism (1999). His approach to global theorising has been labelled the 'society of states' approach, in which "international justice requires that sovereign states respect other states' independence" (Caney, 2001a: 983). Such an approach has three key characteristics. First, it employs a methodological perspective from which 'peoples'[13] rather than individuals are taken to be the relevant units of analysis at the global level. Second, the principle of liberal toleration should be extended toward non-liberal, non-egalitarian but 'decent' peoples as legitimate political communities, and so there is no justification for overriding their political culture in order to extend egalitarian principles of justice worldwide. Third, according to Rawls, peoples as such are not interested in material inequalities – they are interested only in a sufficient amount of goods such that they can operate in a 'decent' fashion, and so there is no justification even for principles of egalitarian justice between states rather than individuals.

This brief survey is meant to be indicative, and makes no claims to be exhaustive (international 'realism' is notably absent here, and is to be introduced in Chapter 3). I do not, in general, seek to adjudicate in these debates, although we will meet with the proponents of various anti-cosmopolitan positions as we proceed, and I will have something to say about nationalist appeals to cosmopolitanism's apparent 'solidarity problem' in particular. I do believe, however, that cosmopolitan principles are defensible against their critics; indeed, it is this belief which motivates this work. My concern here is to take cosmopolitan distributive principles as axiomatic, and to proceed to consider the circumstances within which those principles might best be realised.

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[13] By 'peoples' Rawls means simply to refer to states operating under certain normative constraints: in particular, peoples do not retain the right to go to war, and they must meet internal standards of conduct that amount to a minimalist account of human rights (for those standards see Rawls, 1999: 71). One might question the need for Rawls to speak in terms of peoples rather than states here, since such a normatively constrained understanding of state practice is already part of global public discourse, and use of the word 'peoples' only muddies the waters unnecessarily (Buchanan, 2000).

1.2 Clarifying the Proposal: A Federal World State

I contend that distributive cosmopolitans of all stripes ought to be world statists. Before we proceed to my argument, however, I should make clear what I mean when I say 'world state'. I propose to do this by firstly, in Section 1.2.1, highlighting the key elements of *any* state. Proceeding in this way will allow me, in Section 1.2.2, to straightforwardly distinguish the world state from two conceptual alternatives, while adding some additional details regarding the specific form of a world state I envisage.

1.2.1 What is a state?

As Jeremy Waldron helpfully makes clear, when we speak of the state, we tend to mean one of two main things. We might mean to refer to "a body politic … considered as governed in a certain way. We say France is *a state*, rather than just a place or a population, because the French are governed by a certain kind of organisation" (Waldron, 2006a: 179). Alternatively, we might take a purely institutional perspective, in which the "certain kind of organisation" alone is understood to be 'the state', as separate from the collective it governs over. I take this purely institutional understanding to be the one employed in the anarchist imperative 'Smash the state' – that is, it is the institutional apparatus that the anarchist wishes to smash, not the collective of people who are currently governed by it. My primary aim here is to elucidate the former, composite understanding of 'state'. However, I will still have occasion to refer specifically to the political institutions, documents and official bodies of the state; when so doing, I will speak in terms of the state's 'political system'.

What are the key conceptual features of statehood? Below I note six elements, each of which is necessary if we are to speak of there being a state.

The state is an abstraction. The story of the birth of the modern state is one of a gradual shift from rule that was entirely personal – "*L'état c'est moi*", in Louis XIV's

purported words – to a conceptualisation of political authority as "a continuous public power *above both ruler and ruled*" (Vincent, 1987: 19, my emphasis). As modern polities became more complex, it began to make sense to speak not of the king carrying out actions, but of an increasingly professionalised and technocratic bureaucracy doing so. There resulted a conceptual separation of king from kingdom – the kingdom came to be understood not as the king's property but instead as a *corporate persona* that held property of its own (Van Creveld, 1999).[14] Ultimately, the constitutive members of this corporate entity became not just the members of the bureaucracy, but all who resided permanently within it. We can of course turn to Thomas Hobbes to give us, literally, a vivid depiction of this idea. The famous frontispiece of *Leviathan* displays Hobbes' 'artificial man', constructed from hundreds of individual persons, and looming back down over the land. The importance of Hobbes and other political philosophers like him should not be underestimated; since the state is at root an abstract idea, a crucial part of its very coming into existence is its invention in the mind.

It has a determinate territory. Unlike the political systems which preceded it, the state occupies a clearly defined territory. A state, unlike pre-modern empires, possesses borders, not frontiers. It claims the right to control these borders, thereby controlling the movement of capital, goods and people.

Some element of the state is sovereign. The "core meaning" of sovereignty is "supreme authority within a territory" (Philpott, 2010). This can be broken down into two conceptual parts: internal and external sovereignty. To hold *internal* sovereignty is to enjoy an absence of challenge to one's supremacy from competitors residing within the territory in question. A body that once challenged for this supremacy within the territory of early modern European states, but does not any longer, was the Catholic Church. To

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[14] As Martin van Creveld points out, although Louis XIV may have boasted that he *was* the state, "the very fact that he, unlike any of his royal predecessors at any other time and place, could make that claim itself shows that the two [i.e. the monarch and the state] were no longer the same" (Van Creveld, 1999: 183).

hold *external* sovereignty is for one's authority to be independent of outside control or interference by other parties. Colonised territories, for example, do not hold external sovereignty, since they are subject to the external rule of a metropole.[15]

Quite who, or what, within the state is the holder of sovereignty is a matter of some debate. It is not uncommon for it simply to be claimed that 'the state is sovereign'. Given the composite sense in which I understand the state, however, such a claim is not particularly illuminating or helpful, at least as far as internal sovereignty is concerned. Indeed, such a statement erodes the conceptual distinction between internal and external sovereignty. If 'the state' – that is, the composite of the body politic and its political system – is internally sovereign, then it can be sovereign *over* nothing but itself (or parts of itself). But this is simply an expression of the state's independence and collective self-autonomy, and is then indistinguishable from the notion of external sovereignty. In order to make sense of the idea of internal sovereignty, it seems to me that we in fact need to disaggregate the state, and look for some element of it to be sovereign over the rest of it.

Certainly for Hobbes, one of the earliest theorists of sovereignty, it was not the state as a whole that was sovereign, nor was it a particular individual or government, but rather the 'office' that a monarch or government held. The office of 'the sovereign' was sovereign *over* the state's population. While Hobbes rejected the possibility of the division of sovereignty across more than one 'office', we might today understand sovereignty as held jointly by a combination of the executive, legislative and judicial 'offices' – or to put it in the aggregate, we might say that the state's political system is sovereign over the people.[16] Rousseau's alternative was to reverse this theory, and locate sovereignty in 'the people', who were sovereign *over* the institutions of government. Notoriously, the

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[15] Given that the Catholic Church is an international body, it might also be understood as historically challenging states' external sovereignty.

[16] As John Dryzek and Patrick Dunleavy suggest, these three branches of the state's political system, though distinguishable from each other, also "work together to the degree that it makes sense to describe what they do in 'unitary' terms, as though the ensemble behaves as a single actor" (Dryzek and Dunleavy, 2009: 2).

perceived lack of constitutional protections for individuals from the 'tyranny of the majority' in Rousseau's work has been interpreted in collectivist, totalitarian terms, leading to a third possible possessor of internal sovereignty – the constitution itself – which we could conceptualise as sovereign *over* both the political system and the people. I do not wish to involve myself in this theoretical debate, but only to make clear that each of these theories locates sovereignty somewhere *within* the state, rather than just in 'the state' *simpliciter*. Of course, there is nothing wrong with ascribing internal sovereignty to some specific element within the state, and then, when considering *external* sovereignty, moving to understand the state considered in totality as sovereign.

Regardless of where specifically we locate the state's sovereignty, it surely is the case, *contra* Hobbes, that constitutionally entrenched political authority *can* be split between a number of 'offices' without disastrous consequences. Indeed it is possible, so history has taught us, not only to constitutionally split authority 'horizontally' in this way, but also 'vertically', as in a federal state: for example, in the United States, a range of competences are constitutionally reserved (via the Tenth Amendment) for the member units (themselves known, unhelpfully, as 'states'). As such, we cannot say that the federal level of government has supreme authority over all decisions within its territory, any more than we can say that the legislature, executive or judiciary alone do. Yet, just as we might amalgamate those branches of government and say that the political system is sovereign, so we can amalgamate the federal government and sub-units and say that the *federal* state's political system (or constitution, or people) is sovereign.

This may lead one to wonder: what's stopping us from using the same tactic to demonstrate that, for example, the European Union is a state? After all, the EU features a vertical dispersal of political authority: the various EU treaties (which, we might say, together form the basis of a European constitution) have established that certain competences are to be held at the European level, while most are retained by the member states. So why not, in an analogous manner, amalgamate these two levels and say that

there is a European state that possesses sovereignty? The answer is that the European 'constitution' is not of the right kind. Each member state reserves the right to unilaterally extract itself from the European Union – and because of this, each ultimately remains independently sovereign.[17] This is in stark contrast to the member units in a federal state: either they will have no formally recognised right to leave the federation at all, or their right to leave will be contingent upon a federal-level mechanism with highly demanding conditions.

The political system of the state has the ability to coerce, having monopoly control of the legitimate use of force. Here marks another distinction from the EU, as well as from more straightforwardly confederal political entities in which member units retain the use of force. This feature of the state is perhaps its most notorious; indeed, in one account Max Weber defines the state simply as "a human community that (successfully) claims the monopoly of legitimate use of physical force within a given territory" (Weber, 2009: 75).[18] While this feature is not sufficient to denote statehood, it is necessary, in my view.

On the other hand, although a state's political system having the ability to coerce is necessary if it is to be able to enforce adherence to law, or to punish transgressions of that law, such ability is not sufficient: ultimately no political system can remain stable over time without at least the acquiescence of its population, no matter what coercive capacity it wields. And of course, a government cannot *always* enforce adherence to laws, and it cannot *always* locate and punish transgressors. But it is able to do these things more often than not: indeed, where it fails to reliably enforce law and order, we speak of a 'failed state'. Similarly, although the state claims monopoly control of the *legitimate* use of physical force, it clearly does not have a genuine monopoly on the use of physical

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[17] British 'Eurosceptics' frequently bemoan the loss of British sovereignty, but they are wrong to do so. Britain has lost none of its sovereignty, since it retains the freedom to unilaterally leave the European Union. To say this is not to deny that, as things stand, Britain is subject to the delegated authority of the European Union (and indeed the Council of Europe) in various respects.

[18] Weber's statement does not seem to me quite correct: it is not obviously the whole human community, rather than the political system exclusively, that has a monopoly on the legitimate use of force.

force *simpliciter*: criminal groups use force, and domestic violence often evades control by the state (Pierson, 2004: 8). Nevertheless, it is clear that the political system of the state has an overwhelming preponderance of physical power in comparison to citizens and sub-state groups.

In a federal state, it is specifically the federal-level institutions that possess the monopoly of force over both citizens *and* sub-state units. While the sub-units will likely retain their own police force and perhaps a modest 'defence force', military forces are organised on a state-wide level and are answerable to the federal-level institutions.

States have citizens. Citizenship can be understood in various ways. For example, on a 'republican' interpretation, citizens are those who are politically active, playing their part in shaping their society. Alternatively, on a more passive 'liberal' interpretation, citizenship is understood in terms of a legal status which confers upon individuals certain rights: in a modern liberal democratic state, these will consist of civil, political and social rights (Marshall, 1950) and include the right to vote, the right to equal treatment under the law, the right of access to certain state benefits, and the right, under normal circumstances, to freedom of movement within state borders. Legal citizenship also brings with it certain duties, such as to obey the law, pay taxes, attend jury service and (perhaps) serve in the military. More minimally and perhaps more cynically, citizenship might just be understood as a status of subjection to political authority (Poggi, 2003, p. 40).

A feature common to each of these definitions of citizenship, and indeed to any credible definition, is that there is a direct, unmediated relationship between citizens and the institutions of government. In a democratic state, citizens are directly represented in the legislature. This is the case in unitary states, but also in federal states, where citizens directly elect representatives to the federal parliament, even if sub-units themselves are also represented. A contrast can again be drawn with a confederal order, where citizens of the member states are not directly represented: to the extent that individuals have any

sort of relationship at all with the institutions of a confederation (such as, for example, NATO), this is entirely mediated via their separate state governments. A confederal order, therefore, does not have citizens.

However, while states have citizens, not all institutional constructs that have citizens are states. The EU is not a federal state, but the citizens of its member states are also citizens of the European Union, who enjoy a direct relationship with at least some of its institutions. (This demonstrates to us that while the EU is not a federal state, it is not a simple confederation either.)

States tax and spend. One way in which a government and its citizens are directly related is via a system of taxation. Again, this is true both of federal states (in which both the federal government and the constituent units tax citizens) and unitary states. By contrast, a confederation does not enjoy this competence: to the extent that a confederation has the ability to raise funds, it does so via contributions from member governments rather than directly from individuals.

The modern state's ability to tax its citizens is fundamental to its operation. Indeed, according to Charles Tilly the ability to extract taxes is central to the state's very genesis, in that it funded early proto-states' war-making (Tilly, 1990). But although war may have once been the biggest expenditure of a state, this is no longer the case: as Christopher Pierson points out, "for most of the eighteenth century, military expenditure accounted for much more than half of all state expenditure in Britain. By 2000, this figure had fallen below 3 per cent". Furthermore, while this proportion has dramatically reduced, the total revenue accrued from taxation has hugely increased (Pierson, 2004: 25). By far the greatest expenditure for modern democratic states is now the various social services they provide, among them healthcare, pensions, welfare benefits and education. It is this change in spending priorities, coupled with the democratisation of states, which has led many citizens and theorists alike to understand the state's political

system as a potential agent of domestic distributive justice, rather than simply as an agent of domination.

Traditionally, alongside its fiscal policy (that is, decisions over taxation and expenditure), the modern state's 'central bank' has also controlled the supply of money within its borders via the manipulation of its own currency. This is not however a strictly necessary feature of statehood: after all, the member states of the 'eurozone' no longer enjoy such an ability, and we can still understand them as states.

1.2.2 The world state and its competitors

By keeping in mind the above features of a state, we can place global institutional proposals into three conceptual categories that will form the focus of our analysis hereafter: those that retain today's domestic state system and propose some form of international governance; those that offer up hybrid, intermediary proposals that sit somewhere between a confederal order and a federal world state; and those that propose a federal world state.[19] While a unitary world state is conceptually entirely possible (despite assertions to the contrary which will be considered in Chapter 7), historical world state proposals have been overwhelmingly federal in form. It is the federal form that is of interest to us too, and I will therefore say no more about the possibility of a unitary world state – henceforth, when I speak of a world state, the reader can assume I mean to refer to a federal world state.

An institutional proposal is a domestic state system proposal if: domestic states retain their external sovereignty; they retain control of the use of coercive power and are not subject

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[19] These are inevitably idealised models. Indeed, today's institutional reality does not fit neatly into any one of these categories. While the majority of the world is organised as a simple domestic state system (although innovations like the International Criminal Court begin to move the world beyond such a system), the European Union has already transitioned away from that system towards an intermediary model.

to the greater physical force of a higher entity; and no new polities are proposed within which individuals worldwide are incorporated as citizens.

Such a state of affairs is most obviously consistent with the classical 'Westphalian' system of international relations, in which the 'sovereign equality' of states is proclaimed, states retain the liberty to go to war to protect their own interests, and there is thought to be no justification whatsoever for intervention in the internal affairs of other states (Zolo, 1997: 95; Falk, 1969). But there is a range of 'global governance' (rather than govern*ment*) proposals that enable some intervention by states into each other's activities and yet do not amount to the transcendence of the domestic state system. For example, the development of the United Nations, and before it the League of Nations, did not signify the end of the domestic state system even though both organisations sought to place limits upon acceptable state action. Certain proposals to reform the UN Security Council (for example, by removing the permanent members' veto or even rejecting entirely the notion of permanent members) would also, if instituted, not in themselves take us beyond the domestic state system. The United Nations, though complex and with many sub-agencies, is essentially a confederal order, and such voting reforms would simply amount to an alteration of the terms of that confederation.[20]

Similarly, international regimes such as, amongst many others, the Bretton Woods institutions,[21] do not challenge the domestic state system itself. These institutions are also confederal in form: individuals have no direct relationship with them, and

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[20] There is some ambiguity regarding the possibility of state withdrawal from the United Nations. Although there is no explicit provision within the UN Charter for state withdrawal (as there was with the preceding League of Nations), there is also no article explicitly forbidding it. It seems to me, however, that if a state really wanted to cease engaging with the UN it is unlikely that it could be stopped (not least because of the lack of centralisation of power at the global level), meaning that states retain the ability to withdraw *de facto* even if not explicitly *de jure*.

[21] That is, the General Agreement on Tariffs and Trade/World Trade Organisation, the International Monetary Fund and the World Bank.

strictly speaking states retain the right to unilaterally withdraw from them.[22] Proposed reforms to these institutions (e.g. Hockett, 2005) do not move us beyond the domestic state system unless these features are altered. Equally, emphasis upon the existence of a growing multitude of cross-border 'government networks' (Slaughter, 2004) does not itself demonstrate the transcendence of the domestic state system, even if the idea of the 'disaggregated state' offers a unique perspective on that system.

As we shall see, cosmopolitans make various institutional proposals that, though innovative, do not move us beyond the domestic state system. To give just one example at this juncture: considered in abstraction from his other work, the enactment of Thomas Pogge's Global Resources Dividend (Pogge, 1994) would not mark a deviation from the domestic state system, since the scheme does not propose the creation of any new polities, or make any other direct demands on individuals (it envisages domestic states as the payers of resource extraction taxes and the receivers of those tax funds), and remains, in the final analysis, a voluntary proposal.

An institutional proposal is an 'intermediary proposal' if: a global level polity is postulated within which individuals are incorporated as citizens *but* domestic states ultimately retain their full sovereignty and/or global level institutions are denied predominant use of physical force.

The European Union is a real-world example of an intermediary institutional construct at the regional level. Via the mechanism of a directly elected European

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[22] Another of the UN's related agencies, the International Labour Organisation (ILO), is perhaps better evidence of the partial transcendence of the domestic state system, since it apparently upholds a direct relationship with 'workers' (as well as employees and governments). The extent of this relationship is hardly comparable with a citizen's relationship with his or her government, however, and indeed it is not clear that most persons worldwide have any sort of direct relationship with the ILO at all. Similarly, the International Criminal Court (ICC) seeks to maintain a direct relationship with all individuals worldwide (in that it aspires to be able to directly charge individuals with war crimes): however, the relationship between the ICC and individuals is too narrow for us to thereby conceive of the latter as 'citizens' (and, as we shall see below, the ICC in any case does not enjoy this direct relationship with all individuals worldwide).

Parliament and the establishment of European citizenship conferring upon individuals a range of legal rights, it has constructed a genuine European polity. And yet, as we have already made clear, the EU is not any type of state: its constituent members reserve the right to withdraw from the Union unilaterally, as well as retain their own militaries.

At least one theorist has understood themselves to be making a world-state proposal when they are in fact offering an intermediary proposal. James A. Yunker (2007; 2011) has set out an institutional proposal which he calls a 'Federal Union of Democratic Nations'. Yunker's proposal envisages a new global polity within which world citizens are directly incorporated: indeed, he expends considerable energy on designing an electoral system and global legislature, and makes clear that individuals worldwide would legally accrue certain rights and responsibilities. But Yunker also states that two "absolutely key" components of his construction are: "(1) the permanent and inalienable right of a member nation to withdraw peacefully from the Federal Union; and (2) the permanent and inalienable right of a member nation to maintain under its direct control whatever military forces and armaments it deems necessary, including nuclear weapons" (Yunker, 2011: 107). The insertion of these two caveats is incompatible with an understanding of Yunker's proposal as any type of state, despite his assertions to the contrary.[23]

It is unusual for someone making an intermediary proposal to actively seek to characterise it in world-state terms. It is far more common for those making such proposals to explicitly and firmly reject the 'world state' descriptor. In Chapter 6, we will engage with some of the most prominent intermediary proposals: ironically, we will find that at various points they are far less obviously distinguishable (indeed, in some cases not distinguishable at all) from a world state than Yunker's construction.

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[23] For another purported world state proposal which argues that the use of force would not need to be centralised, see Luis Cabrera (2004). For the worry that some supposed 'world state' proposals are so flexible with regards to key elements of statehood that they cease to be genuine state proposals at all, see Ronald Tinnevelt (2012).

An institutional proposal is a world state proposal if: domestic states are stripped of their sovereignty (with sovereignty being transferred to the world state as a whole); the global level political system enjoys predominant control of the use of coercive force; *and* we can speak of a global-level polity within which world citizens have a direct and wide-ranging relationship with the global-level political system.[24]

Various proposals that were developed in the so-called "world state heyday" (Cabrera, 2010a) after the devastation of the Second World War were overwhelmingly concerned, understandably, with peace and mutual protection from nuclear annihilation. But many of these envisage no direct relationship at all between individuals and the global-level government, and so were not in fact world state proposals at all. For example, Bertrand Russell, in his *Common Sense and Nuclear Warfare*, proposed "one World-wide federation" (2001 [1959]: 55) into which all states were incorporated. The federal government was to possess "an International Armed Force sufficiently powerful to be certain of victory over the armed forces of any nation or likely alliance of nations" (ibid: 57), and its remit was to be strictly limited to the prevention of war between states. No mention is made by Russell of *any* direct involvement for individuals in the global-level political system.

Other largely similar proposals envisaged only a highly limited relationship between individuals and the global-level system. An excellent example comes from the British Parliamentary Group for World Government, which in 1952 produced a pamphlet, 'The Case for World Government'.[25] This manifesto argued that:

> There is no world peace today precisely because there is no world Legislature to make the laws, no world Judiciary to interpret them, and no world Police to

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[24] For an excellent historical study of world state proposals from ancient times to the end of the twentieth century, see Derek Heater (1996). In 1944, Edith Wynner and Georgia Lloyd produced an exhaustive compendium of all world state proposals that had been offered up to that date (1944). For a more manageable present-day account, see Yunker (2011).

[25] Perhaps the most well-known member of this group was its vice-president, Lord Beveridge, who is popularly known as the 'father' of the British welfare state.

> enforce the laws upon the individual law breaker. These essential institutions of global peace are urgently required.

By 'individual' was meant individual *person* and not individual state: it is therefore clear that the Parliamentary Group foresaw *some* direct relationship between individuals worldwide and a global level political system. But this relationship was to be highly circumscribed; certainly individuals were not to be directly represented in the proposed world legislature. As with Russell, the Group was clear that "except for the transfer of powers necessary to prevent war all other powers should be reserved to the nation states". There was therefore to be no interference whatsoever in the internal affairs of domestic states; totalitarian governments were to be tolerated provided this totalitarianism had no global repercussions. Individuals are subject to only a very narrow body of world law here. They are not 'world citizens', and we therefore cannot say that a genuine world state is proposed.[26]

A world state as I understand it here would be democratically organised; not only would the global-level system be democratic, but all sub-level political systems would be democratically organised as well. Individuals would be directly represented in a global-level legislature, as well as in legislatures at regional and domestic levels, and would be ascribed a *range* of rights and duties; they would thus be fully-fledged world citizens. Among these rights would be the right, under normal circumstances, to the freedom of movement across the globe; although internal freedom of movement for citizens is not a necessary feature of statehood, it is a necessary feature of any aspiring liberal democratic state.

The federal-level political system I am envisioning would have the power to involve itself in an array of social and economic matters. It would be capable of developing a range of universally applicable laws regarding basic civil, political and

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[26] Although these proposals are not world state proposals, neither are they domestic state or intermediary proposals. However, no one today offers institutional proposals of this type, and so we do not need to worry about categorising them.

economic rights that are binding upon lower-level political units. Its government of the day would decide upon its own fiscal policy: it would have the power to raise taxes directly from world citizens (as well as corporations and political sub-units), and to decide how to spend those funds (of course, the lower-level units would retain their own fiscal systems too). It would have its own monetary policy: there would therefore be a single global currency, and resultantly lower-level governments would not maintain their own monetary policies (this is not to say that that currency could not feature different designs in different parts of the world, as with the Scottish pound sterling, for instance).[27]

Within a federal world state, as will now be entirely clear, the constituent units would not be able to unilaterally secede – they would no longer be sovereign. Provisions for member-unit secession, if any, would be detailed with the federation's constitutional document. It is not clear that there would be a global military if we conceive of the military as a body that protects a state against external threats, since of course for a world state there would be no external threats. Perhaps it is therefore better to speak in terms of a global security force or global police force. As with the domestic federal context, while sub-units would retain their own police force and perhaps a modest 'home guard', the federal-level system would enjoy a preponderance of force in comparison to those lower-level units.

Beyond this basic outline, I resist specific blueprints. I will not, for instance, develop a proposal for the number of seats in a global legislature, or say anything about how those seats should be distributed across global constituencies, or advocate a particular electoral system. While some, like Yunker, have gone to extreme lengths in detailing the imagined shape of a world parliament, the frequency of elections, the number of justices of the global court, and even the location of a global capital city (Athens), it doesn't seem to me that anything is gained in doing so, since it is rather

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[27] Again, a single currency is not a strictly necessary prerequisite for statehood (China's 'special administrative region' of Hong Kong has its own currency, for example), but the world state I am imagining *would* have a single global currency.

unlikely that any eventual institutional form would correlate with any theorist's blueprint. One might suggest that it is important to construct such blueprints in order to respond to the potential criticism that, for example, *any* prescription for the distribution of seats in a global parliament will be opposed by at least some nation-states, rendering a world state infeasible – and if one is proposing a world state as an immediate or near-term solution to the world's problems, then it does indeed seem that this is a challenge that needs to be met. But as I made clear at the very outset of this work, such short-term world state advocacy is not my purpose here. Therefore, to attempt to develop a parliamentary blueprint that can be immediately and universally accepted by *today's* global population with their particular attachments and concerns is only to make a strategic error. (I return to this point in Section 7.1.3.)

Conclusion

The purpose of this opening chapter has been clarificatory. I have sought, firstly, to elucidate the concept of distributive cosmopolitanism, locating it within the wider context of moral cosmopolitanism and surveying the range of differing theories that travel under its banner. Secondly, I have endeavoured to define a federal world state by way of a distinction from two alternative global institutional models.

We are now armed with an understanding of these central concepts that allows us to proceed to my substantive argument. This begins in the following chapter by questioning the notion of the legal enactment of cosmopolitan principles while the domestic state system remains.

Chapter 2

Two Problems for 'Cosmopolitan Law'

How can cosmopolitan principles be realised in the world? I begin with the assumption that fundamental to the realisation of distributive principles is a system of law. This is not a controversial suggestion: when cosmopolitan theorists make the case for their principles, they will often concurrently make suggestions for some new body of law intended to aid the realisation of those principles (and I will refer to some of these as we progress through this chapter). It is not difficult to understand why theorists are keen to appeal to law as the appropriate vehicle for the realisation of their principles – as Sarah Sorial puts it, "legal norms offset the weaknesses of morality by unburdening the individual [or collective] from the cognitive, motivational and organisational demands required to act on moral principles" (Sorial, 2008: 248). Also, of course, cosmopolitans are often looking to undo and alter those international legal regimes that currently exist and that are claimed to be part of the cause of the perceived global injustice that pertains today.

However, those who seek to realise cosmopolitan principles via legal means while also broadly endorsing the domestic state system face both a conceptual and practical difficulty. In the first section of this chapter, I begin by asking how cosmopolitan norms can find legal enactment from within the domestic state system, and as an answer to this question I introduce the Kantian-inspired notion of 'cosmopolitan law'. In Section 2.2 I conduct a conceptual analysis of this idea, and conclude that despite the fact that cosmopolitan law can be distinguished from international law traditionally conceived, it should nevertheless be understood as a particular (albeit new) branch of international law, given its only possible source of legitimacy in a domestic state system (i.e. states themselves). In Section 2.3 I illustrate why this conclusion is significant for our purposes in this thesis. In short, international law has proven to so far

be largely ineffective, and so if cosmopolitan law is in the end nothing other than a type of international law, this is something that cosmopolitans should be worried about.

2.1   Cosmopolitan Law

Recall the three central tenets of cosmopolitan moral theory: individuals are the relevant units of moral concern; principles of distributive justice are universal; and those principles apply generally (i.e. to everyone). How can these cosmopolitan tenets find legal enactment from within a domestic state system? One might initially suppose that they could do so if each separate state internally enacted laws aimed at, say, the protection of a particular catalogue of social, political and economic rights. However, this would not actually be sufficient, because states also need to be held to cosmopolitan obligations externally. They must act so as to limit or eradicate inequalities globally, which a series of discrete legal systems will not by itself achieve. As part of this duty they must adhere to cosmopolitan norms of conduct in their interactions with other states and individual non-citizens. States must also be prepared to step in where other states are unable (or unwilling) to protect the interests of their own citizens; the concomitant of this last point is that states need to be legally sanctioned for failing to fulfil cosmopolitan duties owed to their own citizens. What's more, *individuals* have cosmopolitan obligations to citizens of states other than their own, and these obligations are not obviously captured by a domestic system of law either.

We do think we know how to create laws outside of the domestic context, of course. *International* law applies between states, and in the most obvious case is produced as a result of bilateral or multilateral treaties between state governments.[1] The idea is that these treaties operate in the same way as a legally binding contract between individuals in

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[1] The other form of international law is 'customary international law', which understands the source of law to be a combination of established state practice and states' sense of legal obligation (*opinio juris*).

the domestic context. International laws aim to regulate all manner of interactions between states, including, amongst many others, trade, war, and maritime and airspace coordination. Theorists often appeal to the potential of international law as a means of aiding the realisation of cosmopolitan ends: proposals include changes to international trade agreements and property rights regulations (Brock, 2009; Moellendorf, 2005; Pogge, 2002a); the postulation of new global taxes levied upon states, such as a Global Resources Dividend (Pogge, 1994; 2001); other "charges for the use of the global commons" levied upon states, such as carbon emissions taxes (Caney, 2006a); and the development of an institutional framework for "preventive war" (Buchanan and Koehane, 2004).

I will return in Section 2.3 to an examination of the status and effectiveness of international law. For now, note that, even granting the existence of international law, the question of how to legally enact cosmopolitan principles without a global-level government is not overcome. International law goes some way towards answering that question since it allows a system of law to be generated the purpose of which is to regulate interactions between states. But international law is not sufficient, because if we are cosmopolitans, we cannot be content to view states simply as aggregated wholes and limit the application of law above the state to interstate relations. We are still in need of a body of law that directly addresses interactions between domestic states and the individual citizens of other states, as well as interactions and inequalities between *individuals* across states. Regulations restricted to governing interactions between states also say nothing about how any one state treats its own citizens, and this is clearly something that cosmopolitans ought to be concerned about.

According to various cosmopolitans, this legal gap can be filled by way of appeal to a third sphere of law. This third sphere of law is called cosmopolitan law, a concept which was introduced by Immanuel Kant. In contrast to international law, which is understood to address state governments exclusively, cosmopolitan law takes both

individuals *and* states as its addressees. The domain of this sphere of law, as far as Kant himself was concerned, was limited to the principle of 'hospitality', which details the ways in which states and individuals should react to non-citizen visitors who arrive within their territory, as well as the manner in which states and individuals should conduct themselves when visitors to other shores (in particular, colonialism flouts cosmopolitan law). Modern cosmopolitans, however, have offered a more expansive interpretation. For example, Daniele Archibugi interprets Kant's cosmopolitan law as a concept that opens up a "channel of 'interference' in the domestic affairs of a state" (Archibugi, 1995: 447). Specifically, Archibugi sees Kant's cosmopolitan law as dictating to states how they should treat their *own* citizens.[2] In this regard, the cosmopolitan suggestion of a legal right (or, indeed, perhaps a legal obligation) to humanitarian intervention by one state or a collective of states in the affairs of others in order to secure the human rights of the latter state's citizens might well be understood as the postulation of cosmopolitan law (see Caney, 2005).

Pavlos Eleftheriadis has explicitly suggested that "nothing in Kant's short text [i.e. 'Toward Perpetual Peace'] suggests that the right of hospitality exhausts the content of cosmopolitan law … There is nothing stopping us fleshing out the idea that states owe duties to non-citizens and enriching it with new content in the process of constituting our own conception of cosmopolitan law" (Eleftheriadis, 2003: 246). Eleftheriadis, like many cosmopolitan theorists, interprets modern-day human rights doctrine as being essentially consistent with the idea of cosmopolitan law. On this account, states are obligated by cosmopolitan law to respect the human rights of their citizens and non-citizens alike.

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[2] In fact, it is not clear to me that such a channel of interference can be read into Kant's own version of cosmopolitan law, as Archibugi claims. Certainly Kant believes that a prerequisite for perpetual peace is that all states be republican in form, but it does not follow that he therefore must imbue cosmopolitan law itself with the power to dictate that all states be republican; one might instead interpret the demand for a republican constitution as an aspect of Kant's 'domestic right' (see e.g. Brown, 2009: 95). Nevertheless, there is no harm in us here assuming that cosmopolitan law does or could contain such a principle, since ultimately we are interested in the wider idea of cosmopolitan law and not with clarifying Kant's original version of it.

Garrett Wallace Brown understands the idea of hospitality to include the principle that asylum-seekers whose lives are imperilled should be granted the right to remain in the states they arrive at (2008: 437), and he also moves to include principles of cosmopolitan distributive justice within the domain of cosmopolitan law (2009: Ch. 5). In this regard, a global 'Tobin tax' on financial transactions, greater regulation of the actions of multinational corporations and universal labour standards (Held, 2004), a progressive global income tax levied directly upon high-earning individuals (Moellendorf, 2009; Frankman, 2004), and the idea of a universal basic income (Van Parijs, 1997; Frankman, 2004; Steiner, 1999), might all be understood as appeals to cosmopolitan law: each of these proposals reaches into the domain of domestic states in order to attempt to structure relations between non-state parties and individuals within and across state boundaries. Similarly, the International Criminal Court (ICC), it might be said, stands as a real-world example of supra-state law which applies directly to the actions of individuals in the world, and as such as an example of cosmopolitan law.

Is the fact that 'cosmopolitan law' takes states *and* individuals (as well as other non-state parties like corporations) as its addressees sufficient for it to be deemed fundamentally distinct from international law? It is sometimes suggested that this is the case: for example, Pauline Kleingeld states that this fact "warrants drawing a distinction between international law and cosmopolitan law" rather than subsuming the latter within the former (Kleingeld, 1998: 74). However, I do not believe that this difference can in itself entail a fundamentally new sphere of law rather than just an amendment and expansion of international law. Consider, for example, that within any one domestic state there are laws that take individuals as their addressees, laws that take corporations as their addressees, and laws that take both individuals and corporations as their addressees. Nevertheless, all of these laws fall within one 'sphere', namely that of domestic law.

What ultimately determines the existence of a unique sphere of law is not a particular set of addressees, but a unique *source of legal authority and legitimacy*. In the domestic case the source of authority is the legislative process of any one state, and in the international case it is the agreements between state governments, as well as (more controversially) their customary actions. For cosmopolitan law to be understood as a new sphere of law rather than just an expansion of international law, it must also involve a unique source of legal authority and legitimacy. In particular, so I suggest, this source of legitimacy must be conceptualised as being 'outside of' (i.e. independent of) and 'above' (i.e. hierarchically superior to) domestic states in the way that international law is not: after all, as Garrett Wallace Brown puts it, Kant advocates "a *new level* of cosmopolitan law which holds supremacy over the idea of absolute state sovereignty" (Brown, 2009: 89, my emphasis). International law, being created primarily via interstate deliberation and the resultant signing of treaties between state governments, is dependent upon the agreement of states and as such fully respects state sovereignty.[3] Cosmopolitan law, if it is to truly be a different 'sphere' or 'level' of law, cannot rely upon states for its authority in this way – rather, the idea of cosmopolitan law implies that states (along with individuals) are to be the subjects of a hierarchically superior and independent body of law that is to constrain their actions whether or not they have explicitly agreed to be so constrained.

2.2   The Conceptual Problem

If we assume the continued existence of the domestic state system, however, we are presented with a conceptual problem, which we can turn to Kant again to help illustrate.

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[3] The idea of customary international law is that states can be held to a law even if they have not signed up to a treaty that expressly commits them to it, which would seem to be an infringement upon state sovereignty. But given that customary international law nevertheless depends on the actions of states for its source of authority (this time, the customary actions of most states) it clearly still does not represent a source of authority separate from and above states.

Alongside the idea of cosmopolitan law, Kant endorsed the idea of a "federalism of free states" (2006a [1795]: 78). By 'federalism' Kant did not mean a federal *state*, but in fact something confederal in design: essentially a type of multilateral treaty from which states remained free to extract themselves.[4] However, if one endorses a 'federalism of free states', or indeed any institutional design that retains the domestic state system featuring separate sovereign state authorities, then one is confronted by a puzzle: how can cosmopolitan law, independent of and hierarchically superior to states, be grounded? Here, I consider three responses to that question.

2.2.1   Feldman's universal jurisdiction

Noah Feldman seeks to solve this problem by demonstrating that cosmopolitan law can be grounded in a way other than via appeal to what he calls a political conception of law. According to the political conception of law, "in the absence of political membership, there can be no justified legal duty" (Feldman, 2007: 1050). Domestic law accords to a political conception of law, as does – insofar as 'international society', with its institutions and treaties, is a political association of sorts – international law. Now, a fully inclusive international treaty can globally extend a given law, and this would be consistent with the political conception of law, but it would also be *international* not cosmopolitan law (since it is derived from state agreement). Alternatively, a global-level government could create legal rights and duties amounting to cosmopolitan law: this too would be consistent with the political conception of law, but would also represent the end of the domestic state system. Feldman recognises that we cannot derive cosmopolitan law from a political conception of law while the domestic state system remains in place, and so seeks an alternative.

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[4] At times Kant also appears to endorse the idea of a 'world republic', i.e. a world state. For now I understand him straightforwardly to be a proponent of a confederal institutional model. We return to his vacillation between this model and a world state in Chapters 6 and 7.

His first move in attempting to find this alternative is to appeal to the idea of 'natural law'. He suggests that it is possible that "legal duty is justified insofar as it may be understood as a species of natural duty" (Feldman, 2007: 1058), and argues that "there may be a natural duty to obey a truly just law" regardless of whether or not that law is promulgated by a political authority with which we are associated: as long as it is promulgated *somewhere* by some agent that is capable of administering the law in question, then there might be a natural duty to obey that law (ibid: 1059). Thus, for example, 'outlaw states', or stateless persons like pirates, could be brought within the domain of cosmopolitan law despite the fact that these agents are not members of the political association of 'international society'. However, although cosmopolitans believe that their principles are the correct principles to endorse (and so believe in discoverable objectively correct principles in that sense), it is highly controversial to suppose that this belief imbues cosmopolitan principles with legal authority; in a 'post-metaphysical' age, such an argument is unlikely to convince.

Conscious of the fact that "it is at the very least unfashionable – and given the great difficulty in identifying the laws of nature, very possibly irresponsible – to subscribe to the notion of natural laws" (ibid: 1058), Feldman then approaches the problem from the perspective of the agent capable of administering a law rather than those who have a supposed natural duty to obey it. He suggests that "a legal system, to qualify as legitimate, must satisfy certain moral requirements" (ibid: 1062). Feldman offers three such requirements: that a legal system must not make morally arbitrary judgements between persons; that "heinous crimes" like genocide must not be left unpunished when the system has the capacity to punish them at reasonable cost; and that "basic human rights must be protected" (ibid: 1063). Feldman derives from these requirements the claim that where human rights violations are being perpetrated *anywhere* in the world, domestic states have a duty to rectify those wrongs, on pain of making 'morally arbitrary

judgements' between their own citizens and non-citizens.[5] Noting the chaos such a principle might leave in its wake, with each state committed to applying its particular version of human rights law to a given situation, and numerous courts all over the world attempting to try the same people, Feldman offers an alternative: the *total set* of global legal systems (i.e. the totality of state laws and international laws) would be illegitimate if there were parts of the world where human rights violations were carried out with impunity. There would then be a duty for *at least one* legal system to rectify the situation, whether that be a state or an international entity like the ICC.

Cosmopolitan law, according to this argument, derives its authority from the fact of the existence of systems of law at domestic and international levels and their prerequisites for legitimacy. Given that this is the case, the first and most obvious thing to note is that cosmopolitan law is here still dependent upon states, albeit in an unusual way: if there were no domestic or international legal systems, then there would necessarily be no cosmopolitan law either.

In any case, Feldman's line of thought does not seem to me to in fact derive a basis for cosmopolitan *law* as such. It might be accepted that there is a duty on the part of a set of legal systems to ensure that human rights violations are stopped *everywhere*, and that this duty flows from a concern to render that set of systems legitimate (although that in itself is a rather controversial contention). However, it does not follow, first, that that duty is itself a legal rather than a moral duty; indeed, Feldman himself states that where there is an absence of law there would exist "a general *moral duty* that at least one legal system extend itself" to fill the gap (ibid: 1067, my emphasis). And second, where such a legal system does indeed 'extend itself' beyond its own territory it does not necessarily

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[5] At one point Feldman characterises his argument as one that impresses upon each legal system a duty to apply the relevant laws "to everyone with whom it comes into contact" (Feldman, 2007: 1064). It is not entirely clear, however, what constitutes 'coming into contact' with others. On the other hand, Feldman states that "human rights violations anywhere are the business of good persons – and good legal systems – everywhere" (ibid: 1064), without any mention of any prerequisite of 'coming into contact'.

follow that it is in fact extending *law* when it does so: once a state's coercive powers extend beyond its own borders, its actions might become moral rather than genuinely juridical *precisely because* law depends for its legitimacy upon political association in the way that the political conception of law supposes.

Consider in this regard the work of Michael Walzer. Although not a cosmopolitan, Walzer believes in a 'reiterative minimal universalism', "a set of standards to which all societies can be held – negative injunctions, most likely, rules against murder, deceit, torture, oppression and tyranny" (Walzer, 1994: 10). Where a government engages in genocide it is resultantly morally condemnable; similarly, where opposition groups in a civil war carry out atrocities against each other, this too is morally condemnable. Walzer argues that humanitarian interventions by other states "can be justified whenever a government is engaged in the massacre or enslavement of its own citizens or subjects" (Walzer, 1980: 217). But notice that Walzer frames his arguments by way of reference to rights and justice rather than in juridical terms: he does not feel the need to claim that this justification of the intervention by one state in the territory of another should be understood as expressive of a legal relationship.

Furthermore, a legal system only applying to those who share a political association is not obviously arbitrary in the way that Feldman's argument supposes (but doesn't argue for). Indeed, one convinced of the political conception of law might simply accuse Feldman of begging the question in assuming that political association is not something that is of fundamental relevance to the rightful extension of law. True, cosmopolitans believe in the *morally* arbitrary nature of borders, but this does not mean they believe that borders are arbitrary in every sense: a cosmopolitan can coherently hold to a political conception of law while maintaining that rightful action to rectify immorality is not restricted in the same way. In the end, then, whilst inventive, Feldman's argument does not seem to me to succeed in deriving a non-political basis for

cosmopolitan law – rather, Feldman simply offers a novel argument for a modest set of cosmopolitan moral obligations.

2.2.2 Waldron's mundane norms

Jeremy Waldron says of the "many norms in the world that operate at a cosmopolitan level" that they "are not positive law in at least the following sense: they don't exist as sovereign commands upheld with steel or institutionalised in a Hobbesian way" (Waldron, 2006b: 83). However, so he argues, although cosmopolitan norms are not positive law in this strict sense it does not mean that they should not be understood as such on a broader reading of positive law, which includes not just commands and sanctions, but also "customs and practices". On this understanding, cosmopolitan norms can take on the quality of law as they "reflect a worldly reality that involves more than just individuals' moralising in an objectivist mood" (ibid: 93). In other words, the authority of cosmopolitan norms is proposed to come not from an appeal to natural law or the philosopher's access to moral objectivity, but rather from their existence as actually existing and adhered-to customs.

To demonstrate this, Waldron appeals, *inter alia*, to the *lex mercatoria*, a set of rules applying between and developed by international traders in the medieval and early modern periods (but still existing in some form today). Waldron argues that these trading norms, while not authored and enforced by any one power centre or backed up with sanctions, nevertheless had a "positive rather than a purely notional or moralistic existence" (ibid: 94). Waldron elects to use this particular example because he wants to redirect "attention away from the high-profile issues where cosmopolitanism seems at its most spectacular and challenging", and to highlight "the dense detail of ordinary life in which people routinely act and interact as though their dealings were conducted within some sort of ordered framework, even though that framework has not been imposed or laid down by anything like a state" (ibid: 94). Indeed, to this end Waldron emphasises

the cosmopolitan significance of "some of the most mundane things imaginable: postal and telephone conventions, airline safety and navigation standards, the law of international trade, the practices that define the convertibility of currencies, transnational banking arrangements, weights and measures, times zones, international quarantine arrangements, and so on" (ibid: 83).[6]

These 'mundane norms' are very distantly related to the sorts of issues cosmopolitan theorists are actually concerned about. Nevertheless, even mundane cosmopolitan laws would show that the idea of cosmopolitan law within a domestic state system is conceptually plausible. Yet it is not at all clear that even this mundane selection should be understood as cosmopolitan law. First, many of the norms to which Waldron makes reference are clearly *international*, both in terms of their source of legitimacy and their addressees: they were decided upon at international conferences (e.g. time zone standardisation), and they determine the ways in which states will operate (individuals do not set the time). It is not clear, then, why many of these regulations should not simply be conceptualised as international law, be it customary or positive. Second, even where we can apparently distinguish a body of law conceptually from both state and international law, it does not follow that this is evidence for the reality of *cosmopolitan* law. *Lex mercatoria* itself demonstrates this well: this body of law does not understand itself as hierarchically superior to states – indeed, it says nothing whatsoever regarding how states should act, nor does it make any pronouncements on how peoples *generally* should treat each other. In fact, *lex mercatoria* is best understood as a body of private law which applies between a particular class of people. It is indeed understandable as separate from domestic and international law – but this does not make it cosmopolitan law. Cosmopolitan law is to apply to all 'world citizens', not just a subsection of them.

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[6] It will become clear that Waldron's desire to redirect our attention away from the 'spectacular' and toward the 'mundane' is a matter of necessity as much as it is argumentative strategy: his point is that customs take on a juridical quality when they are routinely followed, but as we shall see later, substantive cosmopolitan norms are not routinely followed at all.

2.2.3 Eleftheriadis' global consensus

An alternative approach to the search for a conceptual space for cosmopolitan law within the domestic state system is to appeal to "a broad consensus on substantive principles of political justice" (Eleftheriadis, 2003: 255). This approach differs from Waldron's in that it remains in the domain of the 'spectacular' and argues for the worldly reality of norms that do actually have something to do with distributive cosmopolitanism. In particular, appeal is made to the reality of the practice of human rights.

To consider this argument it will be useful to make direct reference to the global human rights regime spread across 'Charter-based' and 'Treaty-based' elements of the United Nations. The original UN Charter itself contains as Article 1 reference to "promoting and encouraging respect for human rights", and the UN General Assembly (established by the Charter) is competent to pronounce on any matters within the scope of the Charter. Most notably the General Assembly has produced the Universal Declaration of Human Rights (UDHR, 1948). The UDHR, together with two Treaty-based documents – the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and the International Covenant on Civil and Political Rights (ICCPR, 1966) – are said to comprise the International Bill of Human Rights.[7] Much of the Bill is explicitly cosmopolitan in intent. Article 2 of the UDHR, for example, states:

> Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.   (UDHR, 1948)

This short paragraph conveys that the rights and freedoms to be set forth in the document are individualist (every*one* is entitled to them), general (*every*one is entitled to them) and universal (they apply everywhere). This is a distinctly cosmopolitan statement. Article 25(1) of the UDHR then states:

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[7] I will refer to the ICESCR and the ICCPR together as the Covenants.

> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.   (UDHR, 1948)

This article in effect declares the right of all individuals worldwide to a standard of living offered by a modern-day welfare state. Where such an aspiration was realised, we would have essentially achieved the realisation of 'weak' cosmopolitanism (see Section 1.1.2).

To be clear, the claim under consideration here is not that the Bill itself, or any other elements of the UN human rights regime, are examples of cosmopolitan law. Such a claim could be rejected quickly, for two reasons. First, the UDHR is a non-binding General Assembly resolution, rather than a treaty instrument which states have ratified and to which they are subsequently legally bound. Similarly, the original UN Charter is full of various 'pledges' and undertakings to 'promote' and 'make recommendations', but no binding legal commitments as regards human rights. Second, although the two Covenants *are* treaties that were created and signed by states and are thus instruments of law, and although they detail the ways in which states are to treat their own citizens, we have already made clear that a law's addressees do not in themselves determine to which 'sphere' a body of law belongs. The two Covenants, precisely because they are treaties between states, remain international in character. The same is in fact true of the International Criminal Court: it prosecutes individuals, but has jurisdiction over an individual only when he or she is a citizen of a state that is party to the treaty founding the Court. To repeat, cosmopolitan law should be hierarchically superior to states, and not depend upon those states for its articulation and authority.

The claim under consideration here is crucially different, and is as follows. Since the documents and treaties that make up the global human rights regime first came into existence, the idea of 'human rights' more generally has entered our lives as a body of norms that are universally recognised as having moral authority. The International Bill and similar documents were instrumental in ushering in a global consensus surrounding

human rights, but now that there *is* such a consensus the idea of human rights law has transcended its international origin and reflects critically upon the actions of state governments, regardless of whether or not those states authorise it to do so. It is for this reason that the actions of states are often critiqued and judged by the standards of the UHDR even though it is not legally binding, and states that are not party to the two Covenants are nevertheless often said to be contravening human rights law when they fail to live up to the Covenants' contents.[8] Those states that are parties to the two Covenants could not avoid being charged with cosmopolitan obligations by extracting themselves from the legal documents in question.[9] The source of human rights law is no longer states themselves, even if it once was: indeed, the idea of human rights today stands separate from and 'above' states in precisely the way that cosmopolitan law is hypothesised to do.

Unfortunately, however, there are various problems with the idea that a human rights consensus could ground cosmopolitan law. The first and most obvious is that the extent of any moral consensus regarding human rights norms is in reality distinctly limited. It is simply a fact, for example, that democratic participation, sexual equality and the right to freely choose one's marriage partner, are not rights that are uniformly recognised in all places, even if they are contained within the International Bill (Beitz, 2009: 75). Still less is it clear that there is unambiguous consensus in any one domestic state regarding the economic rights set out in, for instance, Article 25 of the UDHR, once we attempt to work those principles through fully. Admittedly, it might well be that there exists a global consensus on the content of Article 25 if we understand it simply as a statement to the effect that it would be a good thing if everyone had the means necessary to live a decent standard of life. But if we interpret its contents in a more demanding

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[8] Another interpretation of why states that are not party to the Covenants are nevertheless criticised for flouting those Covenants is that the latter have taken on the status of customary international law. But such an interpretation would not be of any use in our search for the authority of *cosmopolitan* law.

[9] The Covenants in any case contain no provisions for withdrawal. See footnote 14 below.

sense, a sense in which we attempt to determine particular agent(s) who have the *obligation to realise* such a state of affairs, then we cannot claim any such consensus, since the document is remarkably indeterminate on this score. Yet such determinacy is surely required if we are to consider the Article law-like in character.

The two Covenants make it clearer that it is states which are to be charged with realising these rights for individuals. But we surely cannot say that there is a clear global consensus that each individual should receive from their state government the means, say, to all the healthcare necessary for their well-being. This can in fact be a matter of philosophical debate and fierce political contestation (as in the US,[10] to take one obvious example). Indeed, if there were a genuinely settled, unambiguous consensus anywhere about these issues, then one might expect that the rights in question would be constitutionalised or otherwise enshrined in law. But these types of moral principles remain instead in the realm of political contestation. It therefore does not seem that the appeal to moral consensus surrounding many of the more ambitious elements of global human rights discourse can successfully ground it as cosmopolitan law.

We are perhaps on safer ground in postulating a global moral consensus around negative rights, such as the principle that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment", as per Article 5 of the UDHR, and this therefore might be thought to provide a legal basis upon which individuals and state governments can be externally sanctioned if they carry out such violations.[11] Yet it

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[10] Indeed, the US has never ratified the ICESCR.

[11] Can we assume that there is a moral consensus even in these seemingly stark cases? Presumably it strikes the reader that the amputation of limbs, flogging and beheading fall within the remit of cruel and inhuman punishment. All of these are institutionally carried out in Saudi Arabia, however, and are defended on account of their supposed accordance with a particular interpretation of Sharia law. Can we say, therefore, that there exists a moral consensus inside Saudi Arabia that such actions represent an unjustifiable infringement upon a human right? It does not seem entirely clear to me that we can, since presumably a significant portion of the population supports these punishments. If there is a consensus surrounding Article 5, then that is likely because the Article itself contains no specific content regarding what actually constitutes cruel and inhuman punishment, allowing all to fill in the content according to their own understanding of 'cruel', for example.

remains difficult to see this consensus as law-like, because such a moral consensus does not provide any clear instructions with respect to (a) who will enforce these rights and correspondent duties, or (b) what will happen to violators of those rights.[12]

The temptation at this point might be to appeal to specific implementation mechanisms that are contained within the detail of the two Covenants and similar UN instruments. Part IV (Article 40) of the ICCPR, for example, details the creation of a Human Rights Committee, to which those states party to the treaty are obliged to submit regular reports "on the measures they have adopted which give effect to the rights recognised herein and on the progress made in the enjoyment of those rights". Further, states may be the subject of other states' complaints to the Committee to the effect that they are not meeting their obligations under the Covenant. The accused state must, within three months, offer an "explanation" to the accusing state. If the two states are independently unable to reach a resolution of the disagreement that is to the satisfaction of each, they can refer back to the Committee, which ultimately has the power to set up a Conciliation Commission, which in turn will produce a report proposing a settlement. However, in appealing to the detail of human rights treaties in this way, one makes the move away from appeal to a human rights consensus itself as the source and content of cosmopolitan law, and back toward to the specific and existing legal documents. But then it is no longer clear in what sense we are delineating a *cosmopolitan* form of law, rather than just appealing to the detail of actually existing *international* law. If we need to fall back upon the detail of international law to provide the necessary information regarding the implementation of sanctions in the case of the violation of human rights principles, then this reveals that there is in reality no fully-fledged cosmopolitan law contained within a purported human rights consensus.

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[12] It is on account of the absence of detail with respect to these sorts of questions that some theorists have taken a sceptical stance towards the entire rhetoric of human rights, characterising them as 'manifesto rights' – that is, rights that have little prospect of actually being realised (O'Neill, 2000).

One might gamely attempt to claim that the existing global human rights consensus details not only the particular rights that are to be protected, but also universal agreement concerning the institutional processes that should be implemented in order to protect those rights for individuals worldwide, and that for this reason the processes enjoy the status of cosmopolitan law. But this is simply not credible: I would wager that most people in the world are entirely unaware of the existence and the workings of, say, the committees intended to oversee the two Covenants, even if they are supporters of the idea of human rights in the abstract, and so it hardly seems likely that we can say there is a global consensus on those processes being the ones that should be used. Even among those who are aware of these processes it is not the case that there is universal support for them, and nor is there any obvious alternative institutional proposition that has universal support.

The puzzle with which we are grappling here, therefore – namely, how to conceptualise the idea of cosmopolitan law from within the domestic state system – remains unsolved.

2.3 The Empirical Problem

My purpose in the preceding section was to demonstrate that the puzzle *cannot* be solved: given the reality of the domestic state system, the idea of cosmopolitan law either collapses into international law or necessitates the usurpation of the domestic state system and the creation of a world government.[13] However, one might respond to the above by alleging that it represents nothing other than a longwinded exercise in irrelevant pedantry. Am I not taking the idea of a separate cosmopolitan sphere of law far too

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[13] Note that a global-level or world government does not translate straightforwardly to a world state, since intermediary proposals also feature a government at the global level without possessing sovereign statehood. The argument in this chapter is therefore directed primarily at the domestic state system, although some of the empirical worries in this section will be of relevance to intermediary proposals too, as I will make clear in Chapter 6.

literally? Perhaps technically cosmopolitan law is just a branch of international law – but so what? After all, whether or not there really is a separate sphere of law that we can rightfully describe as cosmopolitan is not ultimately what is important; what really matters is the realisation of cosmopolitan principles. Even if cosmopolitan law as I have defined it does not make sense conceptually under current institutional conditions, nothing of central importance follows from this fact in and of itself. There is no philosophical reason for a cosmopolitan to have a problem with employing domestic and international law to realise cosmopolitan distributive principles. So why make an issue of it?

I agree that there is no philosophical reason to have a problem with this: if we can realise cosmopolitan principles from within the domestic state system, with the aid of only domestic and international law, then that is to the good. Indeed, this would clearly be preferable to the need to postulate an entirely new sphere of law that requires ambitious new global institutions in order to be feasible. Unfortunately, however, although there is no *philosophical* problem with the idea of using international law to realise cosmopolitan goals, it looks very much like there is an *empirical* problem. Once we note the empirical problem, we find that in fact a body of genuinely cosmopolitan law does seem necessary, and the conceptual problem identified above becomes directly relevant to the goal of realising distributive cosmopolitanism.

In the previous section I introduced international law as deriving its authority primarily from agreement between state governments. The status of international law as genuine law, however, is often questioned. Critics point to the absence of three key elements which make international law importantly different to domestic state law: an international legislature; centrally-organised sanctions; and courts with compulsory jurisdiction. For some, the lack of a global legislature coupled with the lack of central enforcement mean that the supposed analogy between international law and intra-state contracts is in fact significantly *dis*analogous: in the international case, the contracting

parties do not draw up their contract within the jurisdiction of a third party which (a) gives the contract its binding force in the first place, and (b) has the power to enforce sanctions when that contract is breached. For this reason it has been argued that a better analogy for international law is "the non-binding letter of intent, in which individuals exchange promises without consenting to legal enforcement" (Goldsmith and Posner, 2005: 90). It is also argued that the lack of a global legislature means that international law is not democratically generated: agreements between representatives of domestic executives supposedly bind whole states to new international regulations while bypassing domestic legislatures (Rabkin, 2007: 41).The lack of compulsory jurisdiction appears to make international law a voluntary matter, in that states can decide whether or not they want to be bound by it. But this is not how we understand law at the domestic level – individuals do not have the luxury of choice regarding whether or not they wish to be bound by a state's law (Posner, 2009: 33).

It is clear enough that there are disanalogies between state law and international law, but perhaps less clear what these disanalogies should mean. H.L.A Hart, for example, argues that we should understand international law as a different *form* of law, rather than deny its status as law altogether (Hart, 1961: Ch. 10). I do not take a view on the status of international law here – we can assume for the sake of argument that international law deserves to be understood as a type of law. But we can also reframe these disanalogies such that they are introduced not as critiques of the *concept* of international law, but rather as critiques of international law's *effectiveness*. In what follows I will attempt to illustrate how these disanalogies between domestic and international law render the latter inadequate for the task of realising distributive cosmopolitanism. Notice that each of these disanalogies arises on account of domestic states holding on to their sovereignty: states will not sign up to the majority voting processes in the General Assembly (be it populated by states alone or by states and individuals) that would enable the construction of a global legislature, since this would

mean that they would be forced to accept the global 'general will' rather than fully determine by themselves the laws they are bound to observe; nor can sovereign states accept a global enforcer with compulsory jurisdiction.

Let us return to the United Nations human rights instruments, to see how they operate in reality. According to the United Nations, when the two Covenants came into force, they "made many of the provisions of the Universal Declaration effectively binding for those states that ratified them" (United Nations, 2000). Here we encounter our first problem: the Covenants, being multilateral treaties, are *prima facie* binding *only* upon those states that sign and ratify them. While most states have in fact ratified both Covenants since they first entered into force in 1976, there still remain a significant number who have not: in the case of the ICESCR this includes the US, South Africa and Saudi Arabia; in the case of the ICCPR it includes China, Cuba, Malaysia and Saudi Arabia. Thus, there remains a significant portion of the world's population who cannot obviously be said to receive the protections contained within the Covenants, and a significant group of governments which cannot obviously be said to be obliged by international law to provide them.

One might think, nevertheless, that the fact that so many states *have* signed up to these treaties represents a great success, and that if those states who have not yet signed up to the Covenants do so in the future, which they may do, then human rights will be universally protected. Alternatively, one could appeal to the idea of customary international law in order to claim universal jurisdiction of human rights norms. But both lines of thought presume that the international law in question is effective – and, regrettably, this is a false presumption. The agents with primary responsibility for the implementation of the Covenants are state governments themselves. Yet in many cases they are simply not living up to their obligations. Consider, to take just a few examples,

that among the signatories of the ICCPR sit Azerbaijan, Belarus, Iran, North Korea,[14] Syria, Turkmenistan and Uzbekistan. It is entirely clear that none of these states can be said to be discharging their obligations as detailed in the ICCPR.[15] In many cases, therefore, the primary mechanism by which the Covenants are to be implemented is proving ineffectual.

Where state governments do not – or indeed *cannot* – discharge their obligations, it falls to other states to attempt to rectify matters. As we saw in the previous section, states have a range of legal options that they can employ in an attempt to improve the human rights record of other states that are not fulfilling their legal obligations. However, none seem reliably capable of producing the desired result. First, recall that attached to each treaty is a specific oversight committee, designed to hold states accountable for their treaty commitments.[16] We saw that states are obliged to submit regular reports to these committees. However, it turns out to be the case that "up to 80 per cent of states which are party to the human rights treaties have overdue reports. Eighty-one states, or an average of 60 per cent of States Parties to all the treaties, have five or more overdue reports" (Mertus, 2009: 94).[17] With respect to the ICCPR, and as we saw previously, if two states find themselves in a dispute concerning human rights, the Human Rights Committee may set up a Conciliation Commission which will ultimately propose a

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[14] North Korea sought withdrawal from the ICCPR in 1997, but was told that since the Covenant contained no specific provision for withdrawal, it could only do so on the basis of unanimous agreement between the co-signatories, which was not forthcoming. Regardless of whether or not it has formally been able to withdraw, however, it clearly is not being held to the Covenant.

[15] The NGO Freedom House, in its 2013 'Freedom in the World' report, rates each of these states as "not free", meaning that each scores particularly poorly on an assessment of the political rights and civil liberties available to citizens. See www.freedomhouse.org

[16] In the case of the ICCPR this is the Human Rights Committee, and in the case of the ICESCR it is the Committee on Economic, Social and Cultural Rights.

[17] The full list of treaties referred to here is: the ICCPR; the ICESCR; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of Discrimination Against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities; and the Convention for the Protection of All Persons from Enforced Disappearance.

settlement. But (a) the Commission can only be created in the first place with the consent of the states involved, and (b) those states are in any case not bound to accept its conclusions. If they do not do so, the Human Rights Committee's formal mechanisms simply run aground – it has nothing more to offer.

Recall that the UN also houses 'Charter-based' (i.e. provided for in the Charter of the United Nations itself) bodies that seek to advance the human rights cause. Until 2006, one of these was the Commission on Human Rights. The Commission ultimately lost all credibility with respect to its purpose, however. It placed no restrictions on which states could be elected to membership (or even to the position of Chair), and resultantly it included "countries with horrendous human rights records" (Mertus, 2009: 41). The problem with this was not just the embarrassment of the Commission being part-constituted by states with dubious human rights records, but also the consequences that this had for the Commission's stated goals. States with blemished human rights records began "to use either their membership on the Commission or their influence to deflect any outside scrutiny or criticism of their abuses of human rights, to arrange for the election of similarly-minded governments to the Commission, or to utilize double standards by selectively focusing attention on the practices and problems of others while ignoring their own or those of their friends" (Lauren, 2007: 327). The Commission has now been replaced by the Human Rights Council, and some changes have been made in respect of, *inter alia*, voting procedures and membership size, but still no state is formally barred from membership, regardless of its own human rights record: current members include Gabon, Kazakhstan, Venezuela, Qatar and the United Arab Emirates.

Why are all states eligible for inclusion in the Human Rights Council and other bodies? For the same reason that states get to choose which Covenants they sign up to, and for the same reason that the Covenants ultimately run aground when it comes to their enforcement: mutual respect for state sovereignty. There exists an undeniable contradiction at the heart of the United Nations, demonstrated in the first two Articles of

its Charter. Article 1 affirms the organisation's goal of "solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". Yet Article 2 opens with the statement that "the organisation is based on the principle of the sovereign equality of all its members". Similarly, the UDHR opens with the statement that "All human beings are born free with equal and inalienable rights and fundamental freedoms". But in the attempted transition to the legal enactment of the Declaration's principles in the ICCPR and ICESCR, both Covenants contain as Article 1(1), "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".[18] Awkwardly, then, the UN affirms the rights of all individuals regardless of state membership while at the same time reinforcing the theoretical idea best placed to hinder such aspirations, namely state sovereignty.

In an apparent attempt to square this circle, there is much talk among theorists regarding a change in the meaning of sovereignty in the twentieth century, from 'classical sovereignty' to 'liberal international sovereignty'. The former is characterised by the idea of sovereign equality, non-intervention, and state consent as the basis of international obligation, whereas the latter is claimed to have entailed the transformation of "the meaning of legitimate political authority from effective control to the maintenance of basic standards or values that no political agent, whether a representative of a

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[18] While the reference to 'peoples' in Article 1(1) might lead us to believe that the two Covenants provide explicitly for the rights of minority nations to secede from the state within which they are contained, "the authoritative interpretation of the self-determination right that emerges from United Nations pronouncement and practice reduces almost entirely to a prohibition on coercive interference in the internal affairs of existing states" (Roth, 2011: 81). So, in the supposed movement toward the enactment of cosmopolitan norms, states have inserted clauses re-emphasising their sovereignty and explicitly rejecting the idea that there may exist a body of law with authority to interfere in their territories.

government or state, should, in principle, be able to abrogate" (Held, 2002: 5).[19] Among these basic standards and values, it is supposed, is the protection of the individual rights set out by the International Bill of Rights and elsewhere, for example in the United Nations' 'Responsibility to Protect' initiative. However, while the prevalent philosophical *theories* of state sovereignty and legitimacy may have altered (and, indeed, the political discourse may have followed), any supposed transformation in the *practice* of state sovereignty has in reality been less obvious: state governments do in fact continue to be recognised by other states as legitimate rulers simply by virtue of their effective control of their people, regardless of whether or not they live up to any human rights commitments that they might (or might not) have signed up to.

To this point I have focused upon states with poor human rights records and their ill-treatment of their own citizens, and in this chapter more widely I have focused largely on the idea of human rights within the United Nations. But it is not only these states, and these issues, that undermine hopes for the realisation of cosmopolitan norms via international law. States with better human rights records (at least as far as the treatment of their *own* citizens is concerned) are far from averse to using international law and agreements to their own advantage rather than in the best interests of all. The US, for example, often sought to protect its own strategic allies from criticism by the Commission (Lauren, 2007: 330). And in fact, the US provides ample examples of the impotency of international law in the face of a powerful state which refuses to sign up to international agreements that are perceived to harm national interests (such as the Kyoto Protocol and other climate change-related accords) and/or infringe upon state sovereignty (such as the International Criminal Court), or which simply ignores international law that it has signed up to (as with the most recent invasion of Iraq).

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[19] Held adds a third form of sovereignty, 'cosmopolitan sovereignty', which characterises his preferred institutional prescription. I will return to Held and proponents of other 'intermediary proposals' in Chapter 6.

Consider also the workings of the World Trade Organisation. While the WTO is a formally egalitarian institution, in that it theoretically operates on the basis of decision by consensus, in reality richer, more powerful states are able to manipulate the trade agenda in line with their own interests.[20] For example, consensus is understood to have been reached when no delegates present at the relevant meeting voice their dissent, but the poorest states often find it difficult even to send delegates to all the relevant meetings. From the perspective of cosmopolitan justice the appropriate response would be for these delegates to be funded centrally, but this does not occur (Moellendorf, 2005; Held, 2004: 61). Furthermore, states with larger markets possess leverage when it comes to trade negotiations, because "the proportionate domestic economic and political impact of a given absolute change in trade access varies inversely with the size of a national economy"; what's more, the larger economies of bigger states provide them with "better internal trade possibilities" (Steinberg, 2002: 347). In other words, bigger states with bigger markets have a stronger hand at the negotiating table, which they aim to capitalise on by delivering trade 'consensuses' that are weighted to their own advantage. Developed states are also the ones that push for the construction of multilateral trade agreement proposals in the first place, often behind closed doors and to the exclusion of other states.

These sorts of criticisms are entirely familiar to cosmopolitan theorists. What is surprising, therefore, is how many offer up institutional proposals that remain essentially within the international law paradigm (be they characterised in terms of international law or 'cosmopolitan law'). If my arguments here are sound, it seems, *prima facie*, that there is reason for cosmopolitans to think more seriously about how to properly ground the idea of cosmopolitan law, in order to deliver the results they want to see. A hierarchically

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[20] Neither the World Bank nor the IMF even offers the pretence of formally democratic procedures.

superior, independent and robust body of law seems required – a body of law that could seemingly only be delivered by a world government.

It should be noted, in closing, that such a conclusion is less controversial to legal theorists than it seems to be to political theorists. As Başak Çali points out, while political theorists often argue for the possibility of the conceptual *and practical* separation of moral and political cosmopolitanism, international law theorists "take the principles of impartiality and universality embedded in moral cosmopolitanism – incidentally also embedded in the ideal of law – as necessitating the creation of impartial and universal forms of law" (Çali, 2006: 1156). In other words, they are far less willing than political theorists to recognise the distinction in anything other than conceptual terms. For cosmopolitan legal theorists, it simply does not make sense to entertain the idea of cosmopolitan principles being realised from within the domestic state system, because "international law that is made via the consent of states does not satisfy conditions of impartiality … The principle of impartial treatment brings together a further structural principle to create impartial and independent law and institutions with final coercive authority that can act on behalf of humanity" (ibid: 1156). International law proceeds on the basis of contractualism between states, but "contractualism compromises the cosmopolitan vision of international law, since it signals a move away from public regulation in the common interest of all humanity" (ibid: 1157). Çali in fact refers directly to the international human rights regime to demonstrate the problems inherent in voluntaristic international law, pointing out many of the same deficiencies that I highlight above.[21]

Consequently, cosmopolitan legal theory "exhibits a strong bias against [domestic] state authority" (ibid: 158). Indeed, from this perspective, a world state would seem to be unavoidably implied by the very premises of moral cosmopolitanism.

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[21] For the cosmopolitan legal theorist, even if these problems were not evidenced in reality, the domestic state system would still present a problem from a theoretical perspective, since it would still be a contractualist legal order that remained *susceptible* to partiality and bias.

Cosmopolitan political theory has emphatically and repeatedly refused this implication. Yet the empirical evidence so far does not give us confidence that cosmopolitan moral theory can be realised from within the domestic state system in reality.

Conclusion

This chapter has struck a sceptical tone. I sought to reject the conceptual coherence of the often-appealed-to idea of 'cosmopolitan law' when the domestic state system pertains. Cosmopolitan law is theorised as being a sphere of law hierarchically superior to domestic states, yet we failed to locate a plausible source of legal legitimacy above the level of the state. Thus it transpires that cosmopolitan law is in reality just a branch of international law, even if it is distinguishable in terms of its addressees from international law as the latter is traditionally understood. The reason this is significant is that international law proves to be an inconsistent and ineffective instrument in comparison with its domestic counterpart. States in essence retain their full sovereignty, meaning that international law is difficult to create in the first place, is feebly enforced, and is liable to be manipulated to serve the interests of particular states rather than cosmopolitan ends.

We would be hasty, however, to proceed from this analysis directly to supporting the usurpation of the domestic state system. We need to ask whether, despite today's empirical reality, domestic states might in fact be able to change their behaviour over time and act in a manner more consistent with cosmopolitan ends. It is to this issue that I turn in the next chapter.

Chapter 3

Transforming (but not Transcending) the Domestic State System?

The case against the domestic state system as a promising context for the realisation of distributive cosmopolitanism has so far amounted to the setting out of some empirical observations about the way 'international society' has tended to operate to date. But what's to say that this empirical reality can't be changed? In this chapter I consider the idea that domestic states and their citizens can be transformed into willing and effective agents of cosmopolitan justice.

The chapter takes the following path. In Section 3.1 I set out an initial theoretical case against the domestic state as an agent of cosmopolitan justice. Section 3.2 introduces, among others theories, Lea Ypi's 'statist cosmopolitanism' as a strong challenge to the initial argument. Ypi's theory provides one response to moral cosmopolitanism's 'solidarity problem'. That problem, succinctly stated, is that there currently seems little appetite among 'world citizens' to distribute resources or otherwise change behaviours and practices so as to realise cosmopolitan distributive principles. As we shall see, Ypi suggests that the domestic state is of a quality such that it is potentially well placed to provide a solution to this problem. Of central importance in this regard are the agents that Ypi refers to as the 'cosmopolitan avant-garde'. Section 3.3 claims that these agents will in all likelihood be overwhelmed in their attempts to stimulate a cosmopolitan transformation of domestic states by the countervailing particularistic force of domestic states themselves; thus, while the types of 'bottom-up' social movements that the cosmopolitan avant-garde represent are vitally important, we cannot ignore the need for 'top-down' institutional reorganisation. Section 3.4 argues that even if widespread cosmopolitan distributive sentiment were to arise from within the domestic state system, such a transformation would ultimately lead on to global political integration in the form of a global federal state, since it would be recognised that the latter represents a more

promising environment than the domestic state order for the efficient achievement of cosmopolitan distributive justice.

3.1   Theoretical Arguments Against the Domestic State System

 The second section of the previous chapter painted a picture of international relations as plagued by the self-serving actions of sovereign states. Such actions undermine the credibility of international law and thus lead to cynicism about a cosmopolitan future being realisable from within the domestic state system. But as it stands this is simply an appeal to a possibly contingent reality, and does not function as an argument against domestic states being able to change their behaviour. So is there a theoretical basis for discounting the domestic state as a potential agent of cosmopolitan justice? Here I introduce some theoretical arguments.

3.1.1   Realist arguments

'Realist' theorising informs much opposition to the idea of the domestic state as an agent of cosmopolitan justice. Realism as a broad approach in international relations contends that states will *necessarily* operate for their own advantage on the international stage. Such a claim can either be made in positive normative terms (states do *and should* act in this way), in neutral descriptive terms (states act this way), or in negative normative terms (states, regrettably, act this way). Hence one might well be sympathetic to the aims of cosmopolitanism and still remain sceptical, on realist grounds, about the role that domestic states can play.[1] Two main kinds of argument underpin realist thinking, which can loosely be ascribed to 'neo-realist' and 'classical realist' accounts respectively (see Donnelly, 2000). First, the domestic state system is 'anarchic', meaning that there exists no final authority at the global level (i.e. no world government), and consequently that

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[1] For such a position, see William Scheuerman's 'progressive realism' (Scheuerman, 2011).

domestic states exist in a global 'state of nature'. The lack of an overarching authority which can ensure states' security, coupled with an uncertainty regarding the intentions of other states, dictates that each state is preoccupied with its own survival (e.g. Waltz, 2010 [1979]).[2] The best way to ensure one's survival in an anarchic system is to ensure one is sufficiently powerful, and being sufficiently powerful entails being relatively *more* powerful than others. This logic is clearly incompatible with the demands of cosmopolitan distributive justice, since the latter is concerned with eliminating inequalities in power (*inter alia*) between states. For this reason it has been argued that cosmopolitan distributive justice "cannot work" (Kamminga, 2006; see also Zolo, 1997: 69; for a general recapitulation of this type of argument, see Mason, 2000: 202–8).

Alongside this structural argument, there is an argument from the irreparably egoistic nature of humanity. Although the coercive authority of the state can hold the egoistic tendencies of individuals in check at the domestic level, the fact of international anarchy means that egoistic human nature is given full expression on the international stage. What exactly follows from this differs according to whether one considers humans to be 'glory seeking' or simply primarily self-interested. In the former case we are presented with a stark view of international politics which sees war and ongoing conflict as inevitable and unavoidable: a Hobbesian international state of nature.[3] In the latter case it is perfectly possible for there to exist a genuine international society in which moral action and cooperation are possible, but states will still ultimately seek to settle disputes in their own favour and promote their own advantage: a Lockean international

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[2] It is a mistake to overemphasise the 'anarchic' nature of international relations if by 'anarchy' is understood disorder or chaos. Hedley Bull has famously argued that 'order' does exist in anarchical international politics. But, importantly, 'order' (peace and security) is different from justice, as Bull himself makes clear, and indeed international order and cosmopolitan justice are considered by him to be incompatible (Bull, 2002 [1977]: Ch. 4).

[3] "[I]n 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, 1962 [1651]: 101).

state of nature. The Lockean option seems to me, for the most part, to better depict international politics as it actually confronts us today.[4] But even so, if this is the reality, it shows that we are wrong to suppose that distributive cosmopolitanism could be realised absent a centralised coercive power, given the egoistic motivations of humanity.

3.1.2   Collective action problems

The Lockean 'inconveniences' of egoistic state behaviour in an anarchic system are also in evidence in collective action problems with respect to the delivery of global public goods such as the avoidance of climate change, the preservation of fish stocks, combatting the spread of disease, 'cybersecurity' and international peace (Barrett, 2007; Goldin 2013).[5] To these we might add the realisation of global distributive justice: while this last addition is less obviously a global public good and is not often characterised as such – rich states might think they are perfectly capable of enjoying a decent level of welfare provision even if others are excluded from enjoying it – there is reason to think that in actuality, instability and poverty in poor countries do indeed threaten richer states (Weinstock, 2010).[6] Although global public goods "raise no new analytical issues [compared with domestic variants], they do encounter a unique political hurdle, which is the Westphalian dilemma" (Nordhaus, 2005). This dilemma is straightforward: whereas

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[4] Alexander Wendt distinguishes between three international "cultures of anarchy" – Hobbesian, Lockean and Kantian – and understands them as being respectively characterised by relationships of enmity, rivalry and friendship. He determines that the 'Westphalian system' represents a Lockean culture, in that it features international law and morality, and (bar occasional aberrations) limited aggression (Wendt, 1999). Wendt's cultures of anarchy are specifically related to the matter of international security, and in that regard a Kantian culture is one in which allies work as a team against security threats (he points to the EU as a transition from a Lockean to a Kantian culture). For our purposes a 'Kantian' culture would apply between states who had agreed to enter into a cosmopolitan distributive relationship with each other.

[5] Public goods are definable as goods that are 'non-rival' (my using the good doesn't limit your ability to do so) and non-excludable (if it's available for me it's available for everyone). Two examples at a local level are a flood defence system and street signage. Given the nature of public goods, it is possible to benefit from them without paying towards their provision (a practice known as 'free riding'). Inevitably, if given the opportunity, some will seek to free-ride, and others who would be willing to pay their fair share might become reticent due to a concern to avoid being the 'sucker' who pays when others don't.

[6] I return to Weinstock's argument in Chapter 5.

in domestic contexts state governments can enforce compliance, thereby overcoming the 'free rider' problem, there is no global government capable of enforcing compliance amongst states. As a result, global public goods are frequently not provided. Theorists therefore tend to draw one of two conclusions: that global government is necessary and desirable (Lee, 2010), or, more depressingly, that it is necessary yet infeasible or undesirable (Posner, 2009).

3.1.3   Differing state sizes

The reality of differing state sizes presents an additional problem. When the cosmopolitan laments global inequality, we understand them to be ultimately concerned about what has been called 'world inequality' (i.e. inequality between *individuals* worldwide, with state borders of no import) rather than 'international inequality' (i.e. inequality between *states* measured in terms of GDP per capita) or even 'weighted international inequality' (i.e. inequality between states weighted by size of state population) (Milanovic, 2005). International inequality, in both its regular and weighted variants, makes the probably inaccurate and thus unhelpful assumption that 'within country' distribution is entirely equal.[7] But a problem with the attempt to narrow or eliminate world inequality from within the domestic state system is that, even where world equality is achieved, it would remain the case that larger states tend to have a much larger *aggregate* income (i.e. a larger Gross Domestic Product). The reason this is a problem is that larger states would still be more powerful players on the international stage: they would still have larger internal markets, giving them a stronger hand in trade talks; they would still have more money available to fund (and hence control) the proceedings of international institutions; and their more sizeable populations would still provide larger tax bases – meaning that those states will be relatively better placed to

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[7] Branko Milanovic points out that 'weighted international inequality' is only of interest as an approximation of 'world inequality'. Where data is available to produce the latter measurement, the former becomes "history" (Milanovic, 2005: 10).

undertake development projects than smaller states. These advantages would soon translate into greater levels of prosperity for the individuals who live within those countries, and dwindling fortunes for the citizens of states that are unable to flex their aggregate muscle on the world stage, meaning that world inequalities will open up again.

The simple point is that the power possessed by states cannot be neutralised by equalising the wealth and income levels of individuals worldwide – indeed, due to the differing sizes of states, narrowing inequalities between individuals will necessarily mean that the relation between states is unequal in terms of wealth and power. And in order to equalise *aggregate* income and wealth, it would in fact be necessary for levels of individual income and wealth to be hugely divergent: Eritreans would need to be many times richer than Americans in order for Eritrea and the US to be equal, aggregately speaking. This cannot, of course, be acceptable to the cosmopolitan, as it would be a clear instance of world inequality.

In any case, not even an equalisation of aggregate wealth and income would mean that state power had been properly equalised, since population size itself is a factor: a country with a population of 1 billion is always likely to be physically superior to a country with a population of 10 million, even if both countries possess the same aggregate income and wealth. That physical superiority translates into superior power. The problem, then, is that it is not clear how the continued existence of differently-sized states can be reconciled with the realisation of cosmopolitan equality, given the way in which states tend to operate.[8]

Of course, the analysis is somewhat simplistic here. After all, many of the smallest countries in the world today enjoy some of the highest levels of welfare, even though their aggregate income is comparatively small. How could this be the case if they

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[8] For a similar argument which questions the idea of equality *within* any one state by pointing out the existence of different cultural groups and highlighting the tension between individual equality and group equality, see Chandran Kukathas (2003: 216ff). Kukathas' argument functions as an argument against the very coherence of the idea of egalitarian justice, be it domestic or global.

are liable to be on the receiving end of larger states' exercise of power? The answer is that that there are many other variables involved – for example, a small state's natural resource level, or its alliance with certain larger states, or the extent to which it has opened up to the global economy – which enable some smaller states to prosper and to avoid being adversely affected by the self-interested actions of more powerful states. It is nevertheless obvious that not all states with smaller aggregate GDPs are prospering, and many of them can be understood to be suffering the effects of the types of power-processes I have been outlining. This is clearly a problem from the perspective of distributive cosmopolitanism. Furthermore, even if some smaller, less powerful states are managing to do well within the current international system, they can still be said to lack genuine influence over the institutional conditions within which they operate, and this is troubling from the perspective of non-domination; as Phillip Petitt suggests in relation to the institution of slavery, even benign masters dominate their slaves (Petitt, 1997).

3.1.4 An appeal to the 'proper purpose' of states

Are states sensibly criticisable for pursuing their own self-interest on the international stage? Of course, 'statists' make the argument that states are not chargeable with cosmopolitan egalitarian duties because egalitarian principles only apply between individuals who share a certain type of relationship with each other; citizens of domestic states enjoy that type of relationship, whereas individuals worldwide do not. However, even if one rejects statist arguments and reaffirms cosmopolitan principles, it is still possible to construct an argument that denies that the domestic state is usefully chargeable with obligations to realise those principles, on account of there being something about the character of domestic states which makes them inappropriate agents of cosmopolitan justice. Such an argument would begin by asking: what is the purpose – the *ideal* purpose – of the modern democratic state? The state is a type of association, and it seems to me that the best way to determine the proper purpose of an association is to

ask its members what they see as its purpose (it would be a bizarre move to tell the members of an association that actually their association is for something other than what they all thought it was for). Another way of putting this is that the state should operate according to the self-expressed will of its people, as discovered via ordinary democratic politics. We cannot say anything more substantive than this, in advance of observation, about the proper purpose of any state, since we cannot anticipate what that self-expressed will might be.

Upon conducting that observation, however, we swiftly note that up until this point in time, the expectation of a domestic *demos* has always been that the state's government should pursue the interests of its own citizens; the 'national interest'. Put very simply, the state is expected by its citizens to do more for them than for outsiders: there has never, after all, been an electorally successful Cosmopolitan Party. The 'national interest' is typically translated by politicians into a demand for economic growth – the pursuit of an ever-increasing Gross Domestic Product.[9] The demand is not for *globally* increasing GDP, but for increasing GDP *in this state*.[10] States are often involved in competition with other states to this end, and politicians talk of 'winning the global race'. Increasing the GDP of one state frequently involves, for example, making exports globally competitive, attracting businesses that may have built plants elsewhere,

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[9] One might wish to make the case for a national happiness index or some such as a better measure of the national interest. While these arguments are potentially convincing from a philosophical perspective, the much more prevalent reference to GDP in public discourse tends to make this the more realistic content of the national interest today. Bhutan is a conspicuous and famous exception, in that it purportedly attempts to use happiness, instead of GDP, as the primary metric of the national interest. Different theorists have of course understood the purpose of political community differently in different times: Aristotle saw the purpose of the *polis* as enabling the flourishing of the individual; Locke the preservation of man's natural rights. Both of these are still examples, of a kind, of the idea of the 'national interest' – rare is the justification of the state that appeals to benefits for non-citizens as much as benefits to citizens.

[10] Given the interconnected nature of state economies, dwindling fortunes in other countries may well have a detrimental effect on the pursuit of the national interest, and so states may well be concerned that other states, most notably their biggest trading partners, are in good economic health. But this is a purely instrumental reason for being concerned with the fortunes of other states, and does not alter the fact that the furthering of the interests of a state's own citizens is taken to be its proper purpose.

and so on. It has also tended to involve, on the part of the 'global rich', more exploitative interstate practices that are by and large consented to, at least tacitly, by benefiting populations (Pogge, 2002a). Citizens, then, do not currently understand their states as agents of distributive cosmopolitanism – rather, they are more likely to conceive of their state as in competition with other states, and thus understand part of its purpose as the seeking of advantage over those other states.

What follows from this is that it is possible to argue that it would be democratically illegitimate for state governments to seek to realise cosmopolitan principles, *even if* doing so is a demand of justice. More strongly, one might argue that the domestic state cannot realise cosmopolitan justice without overreaching, if not betraying its very purpose. We might, given domestic states' preoccupation with the national interest, characterise them as an inherently unjust institutions from a cosmopolitan perspective, but it is precisely because of this fact that the domestic state is an inappropriate agent of cosmopolitan justice: as things stand, it just *cannot* take on the role the cosmopolitan wants to assign to it without betraying itself.

An analogy might help. Is a crime syndicate appropriately chargeable with duties to obey the law? In one sense, of course, yes it is: it is chargeable, morally speaking, with having the duty not to break the law, as everyone is. But in another sense, the assignment of this duty just doesn't make sense given that the very reason that that corporate agent exists *is to benefit by breaking the law.* Expecting a crime syndicate not to break the law is in fact simply to expect the impossible – the only way it can comply is by terminating its existence. If domestic states exist in order to pursue the national interest, then anyone who hopes that cosmopolitan goals can be achieved via the agency of domestic states hopes that those states can be put to work for ends directly counter to their own purpose in existing, and thus makes a comparable error. If domestic states will predictably pursue the national interest at the expense of cosmopolitan ends, then the best a cosmopolitan can hope for is that the domestic state system ceases to exist.

3.2   Transforming the State?

The preceding section has outlined some theoretical arguments against the notion of the domestic state as an agent of cosmopolitan justice. However, the assumptions of those arguments can be questioned. For example, although one might recognise that international politics currently seems to operate along lines consistent, at least in part, with realist theory, it might still be possible to deny that states must *always* operate in this way. Some have argued, for instance, that the anarchical international order need not necessarily determine self-interested and antagonistic state behaviour: perhaps, to use Alexander Wendt's phrase, "anarchy is what states make of it" (1992).[11] Similarly, perhaps the very purpose of the state can be steered away from 'the national interest'. In this section I will introduce some cosmopolitan arguments to the effect that the domestic state system could become a fruitful site for the realisation of distributive justice, despite the theoretical case constructed above.

One such suggestion is that a world of *democratic* states would fare much better with respect to the realisation of cosmopolitan ends than does the current domestic state system, comprised as it is of both democracies and many non-democracies. The potential wider benefits of a world of democratic states (wider, that is, than the interest each individual citizen has in their 'democratic freedom') have long been asserted. Kant considered it necessary for the realisation of 'perpetual peace' that each component state in his federation be 'republican' in character. He supposed that a state government is far less likely to act belligerently when the consent of its citizens is required than where the decision to go to war is made by a monarch alone, since the citizens will realise that it is they who will suffer the hardships of war, whereas a monarch "forfeits nothing of his feasts, hunts, summer residences, court festivals and such things due to war" (Kant,

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[11] As mentioned previously, Wendt writes with primary reference to global security rather than global distributive justice.

2006a [1795]: 75). Kant's theory has also been defended in more recent times (e.g. Doyle, 1983).

As well as benefits to the international peace, a world of democracies is claimed to be beneficial to the realisation of individuals' basic human rights. Thomas Christiano, for instance, argues for a universal human right to democracy on the basis of a statistically significant empirical link between democracies and the protection of "personal integrity rights", such as the right not to be tortured, arbitrarily imprisoned or 'disappeared' (Christiano, 2011). It is of course clear enough that a world of properly functioning democracies would also amount to the universal realisation of certain other basic civil and political rights which cosmopolitans endorse (e.g. free speech and the right to vote). Furthermore, important claims are also made about the relationship between democracy and basic *economic* rights. Amartya Sen has notably argued "that there has never been a famine in a functioning multiparty democracy" (Sen, 1999: 178). Sen, like Christiano, is not simply remarking upon a correlation; he is making the causal claim that democracy prevents famine. With democracy comes the possibility of the removal of sitting power (and the resultant incentive for that power to act swiftly to avoid things like famines), a free media and open discussion.

However, although from a cosmopolitan perspective (and indeed from various anti-cosmopolitan perspectives)[12] a world of democratic states would undeniably be a substantial move in the right direction, we should be wary of overstating its significance. First, the empirical support for democratic peace theory is often challenged (Rosato, 2003; Glossop, 1993; Höffe, 2007). And with respect to Sen's claim, it is important to note the distinction between famines ("sudden, severe destitution") and endemic deprivation – including hunger – more generally. For example, although India has managed since independence to avoid suffering a famine – a fact that Sen attributes in

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[12] One need not be a cosmopolitan to believe that it is a matter of justice that each individual worldwide should have a right to democratic participation – that belief is consistent with statism, for example.

part to its democratic status – we should still recognise its poor life-expectancy and child mortality statistics (Sen, 1999: 186). Simply creating a world of democracies will not automatically ensure the realisation of any cosmopolitan theory of justice worthy of the name.

A response to this is to make a distinction between the idea that a world of democracies will enable each state to help *itself* to a standard of living consonant with a picture of cosmopolitan justice, and the idea that being a democracy can make better-off states inclined to a more cosmopolitan attitude toward non-citizens. It is the latter that various cosmopolitans seem to endorse. For example, Patti Lenard speculates that:

> Democratic citizens may eventually be persuaded that the equality and freedom to which they are committed internally are values that must, also, be pursued beyond boundaries … Indeed, historically, something like this has transpired across Western democratic nation-states, where we have witnessed a steady inclusion [*sic*] in the set of people who are included in the demos, as members entitled to the full range of rights and privileges associated with membership status. Expanding the set of people who compose the demos expanded, as well, the set of people to whom obligations of justice (rather than, simply, obligations of charity or protection – as was the case for example with respect to women) were owed. (Lenard, 2012: 626)

Seyla Benhabib has developed a more detailed theoretical account of this type of process. She outlines what she calls a theory of 'democratic iteration', in which democratic communities progressively reinterpret and revisit liberal democratic principles, offering new articulations in accordance with changing circumstances in order to "retain and enrich their original meaning" (Benhabib, 2006: 60). In particular, "the democratic people can *reconstitute itself* through such acts of democratic iteration so as to enable the extension of democratic voice" (ibid: 68, my emphasis). Benhabib gives the examples of the German redefinition of citizenship "in order to accommodate the changing composition of the population", and EU member states' extension of voting rights to the citizens of other member states residing within their borders. These cases demonstrate that "peoplehood is dynamic and not a static reality": democracies can reinterpret themselves through the democratic process itself, opening themselves up to those who were formerly excluded (ibid: 69).

Even setting aside the worry that many of the injustices that cosmopolitans are concerned to rectify are in fact perpetrated by the world's powerful democracies (Honig, 2006), the types of processes appealed to by Benhabib and Lenard appear to have distinctly limited cosmopolitan potential. In an attempt to demonstrate the possibility that democratic states might become interested in extending 'equality and freedom' to those *outside* of their borders, Lenard defers to historical examples in which individuals have become concerned to do so for others *inside* their state's borders. Similarly, Benhabib, although framing her theory of 'democratic iteration' as directly relevant to cosmopolitan considerations, notably only applies it to the extension of democratic rights to those formerly excluded from the *demos* who reside *within* the borders of the state in question. But it is surely possible that the extension of the democratic franchise *within* states (first to those without property, later to women, and now to 'resident aliens') operates on a different rationale to that which underpins the idea of extending equivalent attitudes of equality and freedom uniformly beyond borders.

For example, the rationale for universal suffrage within any one state might well be recognition that all those living within a state are part of the same collective cooperative enterprise and thus all deserve a say in how that enterprise is managed. But if this is the rationale, then the demand for 'equality and freedom' is not obviously directly transferable to the global realm, even if – as cosmopolitans often assert – there is a sense in which the world's institutional system as a whole now amounts to a 'global basic structure'. This is because individuals residing in democratic states would need to be convinced that there actually is a global basic structure *of the appropriate cooperative form* to activate egalitarian demands of justice. The bare fact of the modern constellation of transnational institutions and interconnections does not establish this, since those institutions may be understood simply as enablers of *interaction* rather than *cooperation*.[13]

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[13] To be clear, my point is not that the way in which the global institutional system is publically interpreted should rightly have bearing upon principles of distributive justice, but rather that that

Therefore, in order for us to see how states might become good agents of cosmopolitanism, we need to be offered something more. What we need to know is how individuals worldwide might come to reinterpret the very purpose of the global system (including the purpose of domestic states), and how the continuing existence of separate domestic states is useful in aiding this reinterpretation. Recently such a theory has been articulated by Lea Ypi, which she calls the theory of 'statist cosmopolitanism' (Ypi, 2008; 2011). For Ypi, the state does indeed represent the most plausible agent of cosmopolitan justice, since the domestic state, understood as an established political community, has various resources at its disposal that are absent elsewhere and that can potentially be harnessed in service of cosmopolitan goals.

Ypi, with Alasdair MacIntyre (1995), Michael Walzer (1980) and others, understands the ideal of the state as comprising a cohesive historical community, featuring shared cultural reference points and "schemes of understanding", to which individuals are emotionally attached, and which generates "feelings of mutual trust" (Ypi, 2011: 138).[14] As with state communitarian thinking, it is understood to be within this context that moral norms are learnt and that moral action is motivationally sustainable. But against state communitarian theorists, Ypi denies that this need necessarily mean that moral principles remain inwardly focused, privileging the national interest over more cosmopolitan concerns. Similarly to Benhabib, Ypi remarks that the political community of the state is best understood as a "unique social entity in dynamic development" (2008: 59), rather than as a static entity with a static self-understanding. It is an entity that collaboratively and deliberatively builds upon its historical experiences

interpretation will nevertheless have bearing upon personal *motivation to realise* given principles. For a rejection of an 'interpretative' approach to the development of principles of distributive justice, see Valentini (2011: Ch. 5).

[14] These theorists do not assume that there will *always* be, in Walzer's words, a "historic fit" between state and cultural group, but such fit is presumed to occur frequently enough that the idea serves as a useful practical notion. One might suggest that in fact significant cultural groups frequently or inevitably exist at sub-state levels (Kymlicka, 1995; Kukathas, 2003), or that viable transnational communities are being built (Erskine, 2002; Gould, 2007). I return to these types of critique in the next chapter.

and shared understandings to reach new interpretations of itself. On account of pre-existing attachments, radical change is possible, potentially in a cosmopolitan direction:

> Imperatives flowing from the new interpretations of the point and purpose of shared institutions would in this case not appear over-demanding and citizens would not comply simply out of fear of coercive mechanisms. They would do so as part of their allegiance to political institutions to whose development they have contributed. (Ypi, 2011:152)

Ypi's statist cosmopolitanism thus avoids the charge often levelled at cosmopolitan theories, namely that they require an implausible, impartialist 'view from nowhere'. But at the same time she suggests that recognising our political particularity says nothing in itself about our moral obligations – and indeed, the resources of particularist political communities represent potentially fertile ground for a motivationally plausible cosmopolitanism. Where cosmopolitan transformation occurs, it will be recognised as a collective reinterpretation of the very purpose of the political community to which one is already emotionally attached, and will thus contain its own source of motivational stability, in contrast to an alternative cosmopolitanism which postulates the necessity of some new global political architecture that overrides the domestic state and rejects the related attachments, subsequently losing this potent motivational force. Ypi thus provides a response to one version of the cosmopolitan solidarity problem which highlights a lack of cosmopolitan motivation: where political communities reorient themselves toward cosmopolitan goals, such behaviour will be motivationally sustainable on account of citizens' pre-existing attachment to those communities and the role they have played in those communities' transformations.

Why should we expect that a political community might actually ever reorient itself toward cosmopolitan goals, though? Is it not more reasonable to expect that particularist political communities will continue to deliver ethically particular outcomes as they have always done? To ask this is to appeal to a second version of the cosmopolitan solidarity problem which points out that the problem is not just a lack of motivation to abide by cosmopolitan principles, but rather that those principles are not

widely accepted in the first place. Ypi's answer here is to turn to the role activists can play in alerting citizens to global injustice, "challenging consent about the function and purpose of existing political institutions and … drawing attention to the need for a new interpretation of their role" (Ypi, 2011: 169). The groups in question here are diverse, including large international non-governmental organisations, religious groups, trade unions, and smaller, more amorphous, localised social movements (Keck and Sikkink, 1998; Carter, 2001). Rather than be fazed by the apparently mammoth task these groups have ahead of them, Ypi, like Lenard, draws an analogy with historically successful activist campaigns such as the abolitionist and women's suffrage movements:

> Owing to the activity of political avant-gardes what initially appeared unacceptable to consolidated elites or was considered over-demanding by the larger mass of citizens progressively matured into a persistent popular request for modifying the scope and franchise of democratic citizenship. It is through the construction of similar political initiatives that other fellow-citizens came to progressively sympathise with the suffering of vulnerable subjects and that initially weak moral motives obtained political agency.[15]   (Ypi, 2010: 123)

The claim is that the global activists we see today represent a 'cosmopolitan avant-garde' who can spark debate and ultimately enable a cosmopolitan reinterpretation of the purpose of the domestic state and the international political system at large, reiteratively across different political communities, via their pioneering agenda-setting and advocacy.

In sum, while Benhabib offers a theory regarding how a state can come to reinterpret and expand its idea of citizenship, including those within its borders who were formally excluded, Ypi offers a more ambitious theory regarding how a state can reinterpret its very purpose in the world. By asserting the possibility of the internal self-reinterpretation of political community, Ypi raises the apparent possibility of overcoming the thrust of the critique of the domestic state system outlined in Section 3.1: perhaps, with the appropriate cosmopolitan self-understanding and related motivation, an

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[15] Such appeals are not uncommon in cosmopolitan theorising. Thomas Pogge also makes reference to the abolitionist movement in support of his belief that "moral convictions can have real effects even in international politics … provided the citizens of the more powerful states can be convinced of a moral conclusion that really can be soundly supported" (Pogge, 2002a: 211).

anarchical state system no longer presents the same difficulties, since states will not seek advantage at the expense of others and will not use their sovereign status to avoid cosmopolitan obligations. Perhaps collective action problems will be more readily solvable, since states will not seek to free-ride and will be actively willing to contribute their fair share to the realisation of distributive cosmopolitanism. State size would be of less import since larger states would no longer seek to take advantage of their greater power. Finally, since states will have collectively reinterpreted their purpose in a cosmopolitan direction, there would no longer be a discord between the will of domestic state citizens and cosmopolitan goals; the self-understood purpose of the state would no longer be counter to cosmopolitan ends. Just as the members of a crime syndicate might collectively reject a life of crime and instead direct their energies to setting up a charity, it might be possible that the citizens of a state come to democratically decide that they wish their association and the wider international political system to devote itself to reducing global inequalities and improving the living standards of the globally worst-off – they might decide, that is, that their state should work for the collective benefit of all, and not simply the 'national interest'.

The idea of statist cosmopolitanism demands a response from me, since if it is plausible, then clearly the claim that cosmopolitans ought to be world statists loses its power. To defend my claim, I will explore the relationship between the cosmopolitan avant-garde and the stability of the domestic state system. In particular, I want firstly to raise some doubts concerning the prospects of success for the avant-garde if we assume the continued existence of the domestic state system, and secondly to consider the consequences were the avant-garde to prove successful.

3.3   The Prospects for Avant-Garde Success

There are, I believe, a number of reasons to be sceptical about the extent of the transformation that the cosmopolitan avant-garde can stimulate, if we assume the continued existence of the domestic state system.

3.3.1   The invisibility of causal chains

When are activist campaigns successful? Margaret Keck and Kathryn Sikkink's instructive study of transnational activist networks tells us that two factors are most potent in delivering positive outcomes for activists: clear and direct physical harm to vulnerable people, "especially where there is a short and clear causal chain (or story) assigning responsibility"; and the fact of legal inequality (Keck and Sikkink, 1998: 26). Recall that in support of the idea of the cosmopolitan avant-garde, Ypi points to the historical precedents of abolitionist and women's suffrage movements. These two cases conform to Keck and Sikkink's analysis: in the case of slavery, there existed both direct physical harm and legal inequality, and in the case of women's suffrage the issue was one of clear legal inequality. The campaigns Ypi offers as examples of the cosmopolitan avant-garde in action – campaigns against the mistreatment of children by multinational corporations and others working in sweatshops, and pro-migration movements – also both seem to fit this framework. In the former case there exists a clearly responsible agent (the corporate employer) and a sense in which vulnerable people are being actively exploited (and arguably physically harmed). In the latter case there is again a clear legal inequality in evidence (between citizens of a state and the excluded).

However, as we move beyond certain identifiable 'bad things' being visited upon some by others – slavery, child labour, political violence, the displacement of communities, etc. – towards a thoroughgoing vision of global distributive justice, specific perpetrators of injustice become less easy to locate, and causal chains unavoidably

become less clear. And when causal chains become less clear, alternative narratives become available. For example, in contrast to those who rally against the perceived injustices visited upon poorer states by richer states, it can be – and is – claimed that in actual fact, the poverty of the latter is largely attributable to internal factors. Perhaps the problem is corrupt political elites in poor countries. Maybe poor nations, through political and economic mismanagement and/or a certain socio-political public culture, are collectively responsible for their own plight. After all, there was a time when the standards of living in, for example, Malaysia and Singapore were comparable, but (so one might argue) through judicious management, the latter has prospered whilst the former has not (for this type of argument see Miller, 2007). Regardless of whether or not such an argument ultimately has merit as a basis for the rejection of distributive cosmopolitanism, it may present a compelling narrative for individuals in richer countries who will not be keen to accept a remedial responsibility to alleviate global inequality as a matter of justice if there is a seemingly viable alternative position to endorse.[16]

Keck and Sikkink themselves provide a relevant example of the difficulty that arises when causal chains are not obvious:

> Activists have been able to convince people that the World Bank bears responsibility for the human and environmental impact of projects it directly funds, but have had a harder time convincingly making the IMF responsible for hunger or food riots in the developing world. In the latter case the causal chain is longer, more complex, and much less visible.   (Keck and Sikkink, 1998: 28)

To be entirely clear, it is not my claim that the truth of the matter regarding the empirical bases of global poverty cannot ultimately be determined. My point is that even if it can, the complex nature of the situation allows space for alternative narratives to be developed which compete for our attention. We should not overlook the interest those of us living

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[16] "Frequently the reaction of people being blamed for a wrong is defensive – to look for other agents who should be blamed instead of them, or to find excuses that mitigate their liability in those cases where they must agree that their actions do causally contribute to the harm" (Young, 2004: 318).

in richer states have in rejecting causal stories that imply the need for a change in our behaviour.

It is also worth noting that Keck and Sikkink's findings make grim reading for *non-relational* cosmopolitan theory, i.e. theory that arrives at cosmopolitan principles without necessarily making reference to a causal or relational link between rich and poor at all. Global luck egalitarianism for example, has very little potent fodder to offer activists according to Keck and Sikkink's findings, because the luck egalitarian's problem with inequality is distaste for moral *arbitrariness* rather than a belief in a morally unjustifiable *causal* story that explains inequality.

3.3.2   The domestic state's reinforcement of anti-cosmopolitan arguments

The job of those wishing to convince us of cosmopolitan distributive principles is to win the argument against alternative attitudes and beliefs (whether those alternatives be clearly theoretically articulated or not); most obviously, cosmopolitan activists must overcome associationist arguments that are articulated by various theorists and which appear to accord with the beliefs of the majority of individuals in richer states today. But in this battle of the arguments cosmopolitans are at a distinct disadvantage. The 'strength of the better argument' will not always win out – a lot depends on the circumstances in which the argument is being made. Even if we suppose that associationist arguments are ultimately wrong, it is clear that the associationist point of view enjoys high levels of support. This is because – contrary to cosmopolitanism – the thrust of an associationist point of view does not have to be actively presented to individuals (by activists or whoever) for their consideration: it is already internalised by individuals simply by virtue of their everyday lived experience as members of different nations and/or as citizens of different states. What's more, the domestic state itself is fundamental in engendering and reinforcing such beliefs.

For example, consider that David Miller explicitly articulates a methodology that begins from the facts of actually existing sentiments and beliefs and thereafter attempts to construct a theory that incorporates those attitudes; this methodology is contrasted with theorising that pays no heed to 'what the people think' and as such is liable to be viewed negatively as a philosopher's "external imposition" (Miller, 1999a: 51).[17] According to Miller, one thing people currently tend to believe is that nations are of moral relevance (Miller, 2000: 25). Moral cosmopolitanism, by contrast, will tend to be viewed as precisely this type of external imposition. The value of national 'special relationships' is not exogenously proposed to individuals by Miller; rather, the sociological reality of the way those relationships are experienced informs Miller's theorising.

That sociological reality, many cosmopolitans contend, is related to the birth of the modern state, and should not be understood as a fundamental or unchangeable fact about the world (Axelsen, 2012; Weinstock, 2001). In the next chapter, I will warn cosmopolitans against buying into the mistake of too closely aligning 'state' and 'nation'. Nevertheless, it does indeed seem to be the case that the domestic state tends to create *a* collective identity among citizens, which those citizens will understand as expressive of a special relationship that is of moral relevance. It is true that these relationships should not be seen as natural or unchangeable facts; but it is also true that as long as the domestic state system pertains, these relationships will be reinforced in a way unhelpful to the achievement of distributive cosmopolitanism.

Statist theorising, while not proceeding via direct reference to what the people already think and feel, similarly puts forward arguments that are readily internalised – at least in their broad thrust – by individuals without any need for exogenous and explicit presentation of the argument. Members of a state are inevitably keenly aware, every day, of their relationship to their state: they are aware of their status as citizens and of the benefits and burdens that status brings (they get taxed, they must abide by certain laws,

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[17] For a critique of Miller's approach, see Swift (2003).

they receive various goods, they involve themselves in a collaborative democratic process) and these features of their lives will often *seem* like morally salient objections to distributive cosmopolitanism even if in reality they are not. Consider, for example, objections to overseas aid voiced in public debates. These objections are often framed by appeal to the normative import of the state: *we* all pay taxes and participate in the same institutional scheme, foreigners don't, so why should our money be sent there rather than spent on problems at home?[18] These sorts of intuitive, reflex reactions implicitly hit upon issues such as reciprocity, co-authorship and institutional coercion that are articulated explicitly by statist theorists. As long as separate domestic states exist, then individuals in different states seem likely to continue to settle upon these statist arguments of their own accord – again, without the need for those arguments' exogenous presentation by philosophers or activists.

Cosmopolitan arguments *do* tend to have to be explicitly presented to people in order that they be internalised. It is of course true that the type of cosmopolitan argument that appeals simply to our shared humanity as a reason for limiting global inequalities is something that one may autonomously come to reflect upon in a moment of quiet contemplation (although it is also true that in the end this type of argument is not particularly motivationally efficacious). But more complex causal arguments that appeal to unseen and unfelt (by the globally better off, at least) global processes *do* need to be actively presented to us – and it is this presentation that cosmopolitan theorists and the cosmopolitan avant-garde attempt. But these cosmopolitan arguments will be at the forefront of an individual's consciousness only when they are being presented to him or her (if they are presented at all). Associationist arguments are felt and lived rather than learnt. What's more, they are felt and lived *constantly*. These felt and lived attitudes will,

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[18] I do not mean to suggest that either nationalist or statist theorists actually object to foreign aid. Indeed, both tend to believe that there are obligations of justice to relieve severe poverty abroad. My point is that the broad thrust of the positions – the moral relevance of the nation and/or the state to global distributive justice – are discovered and internalised autonomously. This is true even if the nuanced specifics of those philosophical positions are not grasped in the same way.

for most of us, overcome the 'external imposition' that is irregularly and fleetingly presented by cosmopolitan activists.

Ypi claims that the domestic state can potentially be harnessed for cosmopolitan ends because our attachment to our state as a community can enable a radical reinterpretation of its purpose. But although it may well be true that this attachment would be a potent force *if* domestic states came to reinterpret themselves in a cosmopolitan direction, my point here is that (a) those same domestic states tend to engender affinities and beliefs that in fact often function in individuals' minds as arguments *against* moral cosmopolitanism, and (b) those anti-cosmopolitan sentiments and beliefs, being constantly felt and lived rather than occasionally considered, are more potent than the arguments of the cosmopolitan avant-garde. Thus, domestic states in fact seem to stand in the way of their own reinterpretation being successfully executed in the first place.

3.3.3   Domestic states and the funnelling of universalism

Domestic states inspire potent associationist sentiments in their citizens which seem liable to overwhelm the cosmopolitan avant-garde's attempt to bring about cosmopolitan transformations. As well as this, domestic states in fact also misdirect the *universalist* sentiment that we already hold, 'funnelling' that sentiment into a particularist shape.

Suppose my government announces a policy of social spending cuts that will adversely affect the poorest members of society; I go on a march to protest against this policy, even though I do not foresee that I will personally be affected by it. Yet while I am prepared to actively protest on behalf of the poorest members of my own state, I am not so engaged with respect to the poorest members of other states, or indeed the least well-off globally speaking. Why should this be? One answer of course is that the difference is explained by nationalist and/or statist commitments that I may hold. But let us further assume that I see no special value in my own state or nation. Indeed, we can

go even further and assume that I am explicitly intellectually convinced of cosmopolitan moral principles. What reasons might there then be for my acting in a manner apparently inconsistent with my own beliefs?

In beginning to answer this question we can note, first, that I am necessarily driven to particularistic expressions by the very existence of separate states. Since separate states with separate distributive systems exist, it is possible for injustice to pertain in any one of them and for me to recognise that injustice, even if ultimately I believe that principles of justice are universal.[19] If I then voice a concern with what I perceive as injustice in any one state, my voicing that concern is of course *necessarily* particularistic; I clearly cannot 'universalise' (i.e. globalise) the principle that, for example, the United Kingdom should adopt John Rawls' difference principle – such a suggestion would be meaningless. Still, the reality of separate states does not in itself tell us why I do in fact focus my energies primarily on perceived injustice in the UK rather than (a) the world as a whole, or (b) other states. My suggestion is that my status as a citizen of a specific state motivates and enables me to act *here* and not in other places (including the world at large) where the same circumstances may exist and where intellectually I would wish for the same outcome. In other words, my citizenship within a given state funnels a latently universalistic sentiment into a particularistic shape.

There are at least three ways in which my status as a citizen of a specific state performs this funnelling function. First, my government stands in a particular relation of power to me that other governments do not. Hence, when my government enacts policies that offend my sense of justice, this feels like more of an infringement upon my desire to live my life freely according to my own vision of justice than does the same policy being enacted elsewhere. Were, for example, the British government to introduce a ban on religious dress in public, it is likely that I would feel much more strongly about it than I

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[19] Surely it would be nonsense for a cosmopolitan to say that inequality within, say, the UK does not matter because what matters is *global* equality. Distributive injustice is of concern locally regardless of whether ultimately we see distributive principles as universal.

do about the French government having done the same, despite the fact that I understand the moral issue at stake to be identical, and despite the fact that I feel no differently about the rights of British Muslims than I do about those of French Muslims.[20] Similarly, I find the use of capital punishment in some American states to be morally troubling – but I would feel a lot more strongly about the issue (emotionally, not intellectually) were the British government to reinstitute the practice. I assert that this is not because I care more about British convicts than their American counterparts, but rather because the British government is *my* government, and its decisions offend my freedom and my conscience more strongly than those of the American government. If Britain reinstituted capital punishment, I would be forced to live in a political arena in which capital punishment is practiced. I am not so directly implicated in the same practice occurring in America, however, and as a result, am less forcefully troubled by it. If I were to settle in America, it is likely that my emotional response to the practice occurring there would change accordingly.

Second, it will in all likelihood be the case that I am simply more knowledgeable about the political goings on in my own state than those occurring elsewhere, or at least that I am more regularly confronted with those goings on, on account of the extensive coverage given to such matters in the media in comparison to news from elsewhere. The French decision to ban religious dress in public was reported and commented upon in Britain, but with nothing like the level of coverage and media debate that would have taken place were the British government considering the same decision. There is, of

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[20] This is a particularly pertinent example, I feel. The right of Muslim groups to wear headscarves is in part a matter of the extent to which these groups should have the freedom to resist being assimilated into the cultural norms of the majority nation. Thus, if I were to respond more negatively to the banning of such religious dress in Britain than in France this could not obviously be motivated by (cultural) national affinity with those minorities – another explanation would be needed. Admittedly, the issue might still be how Britain as a nation (if it is a nation) responds to multiculturalism, and perhaps I am more invested in that debate than its French equivalent because I care more about how 'we' as a majority nation respond to these things than I do France. There is potentially some truth in this. But I think there is also a more individualist explanation available, and that is that *I* don't want to be associated with a government that acts in this way.

course, a whole range of social policies being enacted by different states across the globe without any coverage in one's domestic media at all. Notoriously, the reality of global poverty also regularly goes without media focus. If I am repeatedly reminded of some things that I consider unjust, or if I am made aware of campaigns that align with my beliefs and interests, and less regularly (or indeed, not at all) reminded or made aware of things happening elsewhere that I would find equally morally troubling, I am of course more likely to respond to the former category of unjust things than the latter. The former category tends to consist of things that are happening in my own state, and so I am more likely to act there. But this need not mean that at root I believe I owe anything more to my fellow citizens that I do to outsiders; indeed, my thought is that a latent universalistic inclination towards a concern for all, wherever they may reside, can be harnessed and redirected toward our fellow citizens on account of our greater knowledge of their lives.

Finally, I am in much more of a position to actually effect change in my state than I am elsewhere. Not only I am actually geographically present here and not there, making it much easier to protest and engage in ongoing debate, for instance, but also as a *citizen* there are specific institutional channels open to me: I can contact my parliamentary representative to express my point of view, and I can vote. These channels provide me with a route to make my voice heard, and the more confident I am that my action may have some effect, the more motivated I will be to carry out that action.[21] By contrast, I am not a citizen of other states, and *no one* is a global citizen. It is surely not surprising that our inclination to involve ourselves in political matters is directly connected to the institutional opportunity to do so.

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[21] The age of the internet has in fact effected some changes as regards the second and third points mentioned here. Not only does the internet provide a wide source of news coverage, allowing one, if so inclined, to investigate beyond 'home' news in some depth, it has also opened some international channels of dialogue that were not available previously. I am able, for example, to sign petitions concerning the treatment of Private Bradley Manning in military prison in America, or register my disgust at a proposed 'anti-gay' bill in the Ugandan parliament. Whether or not politicians from those states feel at all compelled to listen to me is, of course, another matter entirely. After all, I cannot do anything to remove those politicians from office.

Perhaps, therefore, many of us are at times in fact already minded to think like cosmopolitans, but those thoughts are ultimately funnelled into particularistic sentiments and actions by the reality of the domestic state system. If this is the case, then urging a cosmopolitan transformation of domestic states *while retaining the domestic state system itself* misses something important. If a system of separate states unhelpfully (from a cosmopolitan perspective) funnels latent universalism into particularist sentiment and action, then in fact what is needed is to overcome that system and build a larger, more inclusive framework within which latent universalism can flourish.

Where agencies at domestic state level gradually lose some of their competences in favour of transference up to regional and global levels, those domestic states will no longer be able to act as funnels in the same way. For example, first, where the domestic state ceases to be the primary political authority in our lives, it ceases to be the only agent capable of infringing upon our desire to live according to our own notion of right. Where there arise new agencies at supranational and global levels which are imbued with certain economic and political powers, then our circle of 'particularity' correspondingly expands to encompass all those people who also find themselves subject to the same authority. Second, where political integration occurs, we will likely see media narratives expand and combine – we can perhaps see some evidence of this in the European Union, where election results and economic fortunes in one country are now routinely headline news in another. Third, where individuals become formal citizens of polities at supranational or global levels, they are thereby provided with paths via which they are able to express their views and potentially effect change, through elections and the opening up of channels of dialogue with their political representatives who have an obligation to listen and react.[22]

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[22] We should note that the state's role as a funnel of latent universalism does not straightforwardly equate to an advantage in the pursuit of egalitarian justice within the state, as it may seem that I have been suggesting. Consider the example of a British citizen who is philosophically opposed to a higher rate of tax for those earning over a certain threshold amount (he earns less than that

3.4   The Consequence of Avant-Garde Success

The intention of the previous section was to demonstrate that, while bottom-up social movements such as those represented by the cosmopolitan avant-garde are vitally important to the realisation of cosmopolitanism, they alone will not be enough; top-down institutional reorganisation will also be important. Or, to put it another way, we need *institutional* and not just *attitudinal* change. We can discern further evidence to support this conclusion by imagining what would follow were the avant-garde to in fact be successful in stimulating a cosmopolitan transformation of domestic states. My claim is that in this circumstance there would still be technical difficulties, as well as a residual motivational difficulty, which would lead the transformed global population to integrate politically at the global level.

3.4.1   Technical difficulties

Suppose that the cosmopolitan avant-garde, over a number of years, score successes globally such that domestic states progressively come to be minded to fulfil between them the demands of global egalitarianism. No economic advantage would be sought by one state over another – fair terms would be adhered to in international institutions and exploitation would be avoided. Each state would view itself as the bearer of what Robert

amount himself), yet does not appear to be concerned by the regrettable (as he would presumably deem it if asked) state of the tax system in Nordic countries. Why is this? I suggest that the reason he appears more troubled by the high taxes in Britain is simply because he lives in Britain: the state of the tax system in Britain is thus a direct infringement upon his desire to live under a political system that accords to his own sense of justice. Furthermore, as a citizen of Britain, he has clear and recognised channels open to him to register his position. In the same way that funnelled universalism does not straightforwardly equate to an advantage in the realisation of egalitarian ends at the domestic level, so it is the case that 'unfunnelled' universalism would not equate straightforwardly to a benefit to distributive cosmopolitanism. Cosmopolitans need to hope that the balance of unfunnelled global opinion would go in favour of the redistributivists and against the libertarians. Of course, if the appropriate 'cosmopolitan transformation' has taken place, there would be reason to expect that this would be the case. Another relevant factor here is the solidaristic potential of the development of a global collective identity, an issue to which we will turn in the next chapter.

Goodin calls "distributed general duties": it would be accepted that a universal duty to realise a cosmopolitan condition has been distributed to a number of agents (i.e. domestic state governments), each of which concentrates its efforts primarily on the individuals within its own domain (Goodin, 1988). While each state's purpose would be the fulfilment of those distributed general duties, they would retain freedom regarding precisely how they go about fulfilling those duties.

It is clear enough that when states operate in the way they currently do today – that is, each seeking the national interest and looking for advantage over their competitors – the domestic state system does not represent a successful distribution of even the very weakest cosmopolitan duty to provide for basic welfare (Vernon, 2012: 318). Yet even if a cosmopolitan transformation *does* occur it is unlikely that the collection of domestic states that exist today would represent the most efficient route to global equality. This is because, first, there remain various factors that would tend to push the world towards increasing interstate inequality in a way that would ultimately translate into individual inequality:[23] states will still possess differing levels of natural resources that can be utilised or sold for profit;[24] some states will still find it easier to attract businesses than others, perhaps because they represent a strategically useful location or hospitable climate; states will still be vulnerable to the unpredictable nature of global markets, and will still be indirectly affected by the reasonable economic decisions

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[23] I remarked in Section 3.1.3 that individual equality entails interstate inequality, but that does not mean that interstate inequality always entails individual equality. My thought here is that we will see interstate inequalities arise in a pattern that is *not* compatible with individual equality.

[24] It is true that natural resources are often said to be a 'curse', as countries that depend on the export of natural resources often have authoritarian governments, are plagued by civil war, and suffer low levels of growth and high levels of inequality and poverty. But as Leif Wenar points out, "[t]he resource curse is not a curse that falls on poor countries because they have abundant resources. Natural resources are by definition valuable. The 'curse' results from a defect in the rules that allocate control over these resources" (Wenar, 2008: 8). In a world of cosmopolitan states, we can assume that these defective rules would be corrected such that it would not be possible for dictators to plunder a country's resources for their own personal benefit.

of other states[25] (for example, if one state decides that the best way to fulfil its distributed cosmopolitan duty is to produce more products of its own rather than import from elsewhere, or to cut business taxes, this may well have a knock-on effect on other states which harms their ability to fulfil their own duties); the larger population of some states will still provide a bigger tax base that allows for the undertaking of various projects unavailable to states with smaller populations; states with larger markets will still tend toward growth more quickly; agrarian states still may suffer a number of particularly bad years' harvest on account of natural disasters. And so on.

The statist cosmopolitan might accept all this, and claim that none of it is really problematic; we need not expect that states offering each other fair terms of cooperation, committing to avoid exploitation, and operating on the understanding that they are each administering distributed cosmopolitan duties, will thereby realise distributive cosmopolitanism in a stable and ongoing manner. All that follows is that those states which are, or become, richer than other states will have duties to redress the balance whenever inequality becomes normatively problematic – and, since we are assuming states have undergone their respective cosmopolitan transformations, they will be willing to take on that task.

With the best will in the world, however, it is not clear that separate domestic states have the *capacity* to do so, since much of the global economy is out of the direct control of domestic states. As Saladin Meckled-Garcia points out:

> Unless states can effectively control significant aspects of the world economy – such as price, exchange rates (the strength of each currency), capital flows and investment, which sectors of the economy get developed, speed of development, property ownership regimes, and employment patterns – they will not be able to continuously adjust for the consequences of global horizontal impact [i.e. the way that accumulated trade transactions, agreements, etc. affect global distribution].
> (Meckled-Garcia, 2008: 265)

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[25] By 'reasonable economic decisions', I mean those decisions that are simply a government's attempt to fulfil its distributed cosmopolitan duty, rather than a deliberate attempt to seek advantage over other states.

Without these pervasive controls, any attempts made by states to realise a globally just distribution will have unpredictable and imprecise results: it is not credible to believe that states could possess the epistemological capacity to foresee the indirect and complex results of market interactions and decisions and alter their own behaviour accordingly, not least because other states' attempts to do exactly the same thing would need to be factored into any calculation. *Within* domestic states, either these problems do not apply, or governments do have the appropriate control, or in any case they have "direct redistributive control on an on-going basis through the distribution of rights and duties" (ibid: 267).[26] Of course, no currently existing agent has these powers at the global level.[27] But given that we are assuming the motivation exists within each domestic state to realise and maintain distributive cosmopolitanism, the rational thing to do would then seem to be for those states to *create* the missing centralised agent. If motivated, states *can* effectively control, for example, exchange rates: they can do so by rejecting a system of separate currencies altogether and developing one global currency complete with the necessary accompanying institutions. After all, in a world in which cosmopolitanism has been universally internalised, what positive role do separate currencies and exchange rates play? Why would they be viewed as anything other than an inconvenience that tends towards economic turbulence and inequality (Frankman, 2002)?

The alternative of ongoing transfers of money from richer countries to poorer ones is at best an inefficient way to proceed. A common worry of those opposed to the practice of giving 'aid' is that it can foster dependency in the recipient states, leading to the stunting of genuine development and ultimately rendering the practice counterproductive. Others worry that movements of money into an economy over

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[26] A state's ability to distribute rights and duties is evident in its authority to decide upon property law, taxation levels, macro- and microeconomic policies, and so on.

[27] Meckled-Garcia alleges that this lack of global-level capacity undermines cosmopolitan principles themselves. This, however, is a mistake: while the capacity to realise principles is clearly instrumentally important, it is not the case that current capacity to realise given principles is fundamental to their justification (see Valentini, 2011: 103).

prolonged periods can "cause inflation and its associated problems" (Meckled-Garcia, 2008: 265). I cannot hope to comment on whether these difficulties are surmountable or not. But the fact is that even if they are theoretically surmountable, they present complex and unnecessary challenges. What would be the point of this indirect method of achieving the desired outcome? Why retain separate economies and continually struggle to reset the inequalities that inevitably arise between them via a voluntary transference of money, rather than develop an administrative system that has a more direct control over the welfare levels of individuals worldwide via its own social and economic policies?

3.4.2 A remaining motivational difficulty

These technical difficulties assume that domestic states and their citizens will always at least be *trying* to fulfil their cosmopolitan duties after the hypothetical cosmopolitan transformation has occurred. But is this in fact a reasonable assumption? Consider the domestic context. It would absurdly optimistic to expect the majority of individuals to voluntarily and consistently adhere to the moral precepts that they recognise intellectually; what Aristotle called *akratic* action, and which is often today called 'weakness of will' or 'backsliding', is a recognised feature of human experience (see Mele, 2012).[28] The coercive power of the state helps here: we don't have a choice, day-to-day, over whether or not we contribute to a redistributive welfare system, which means we cannot easily backslide or renege on our responsibilities even if in moments of moral weakness we want to. It is for this reason that Kurt Bayertz calls the modern welfare state an example of "quasi-solidarity" (Bayertz, 1999: 24). It does not require our active participation; nor does it allow us the opportunity to fail to live up to its requirements.

If the coercive power of the state plays this important role at the domestic level, is it reasonable to suppose that a similar agent is unnecessary at the global level? Lisa

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[28] Aristotle was referring to actions that seem to go against our recognised *personal* best interests. But if we are capable of acting contrary to our *own* recognised best interests, it only seems more likely that we are capable of acting contrary to the recognised rights and interests of *others*.

Fuller, directing her argument specifically toward Pogge's notion of a Global Resources Dividend, makes the point succinctly:

> [T]he power of moral consensus is always going to be tempered by considerations of national interest – and it does not seem realistic to presume that the citizens of affluent countries will be able to sustain a preference for morality over economic interest … I am sceptical that they could be convinced to cooperate, and importantly, to lend continued support to cooperation. (Fuller, 2012: 174)

Domestic states, even if they are constituted by individuals who accept cosmopolitan principles, are still liable to backslide and act in their own interests rather than the interests of cosmopolitan justice where the option remains for them to do so.

Fuller does not argue *for* centralised global enforcement. On the contrary, she simply states that it would be needed to enable the smooth running of Pogge's proposal, and seemingly considers this reason enough to reject the latter. She goes on to offer some comparatively modest proposals for the reform of NGOs, but admits that these proposals would not be sufficient to realise distributive cosmopolitanism. [29] Cosmopolitans who remain concerned with the full realisation of their distributive vision, so I assert, have reason to take the notion of centralised global authority more seriously. A world of cosmopolitan states is not enough to ensure the realisation of distributive cosmopolitanism.

3.4.3 The compatibility of statist cosmopolitanism and a federal world state

Recognising the difficulties presented by the domestic state system, the population of a hypothetical future world which had been convinced of the merits of cosmopolitan distributive justice could be expected to ask itself: what good are domestic states? Should they be abandoned? The statist cosmopolitan might reply that they shouldn't, because

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[29] The reforms involve such things as NGOs only accepting non-targeted (i.e. not aimed at strategically important countries) contributions from state governments, and NGOs agreeing to 'accountability for reasonableness' (involving transparency, the ability of stakeholders to appeal decisions, and third-party monitoring). What is curious about some of Fuller's suggestions is that they do not clearly overcome the problems she levels at Pogge: for example, why should we expect that states will be willing to offer only non-targeted aid in an ongoing fashion?

domestic states are not only potential agents of cosmopolitan justice – they are also communities to which people remain attached, even after a cosmopolitan reinterpretation of that community has occurred. Indeed, recall that it is this attachment to the state as a community that is hypothesised to make statist cosmopolitanism work in the first place. Thus, to suggest reconstituting states in new shapes or abandoning them altogether is to make an error.[30] However, a federal world order would potentially be able to preserve precisely those elements of a state that are claimed by the statist cosmopolitan to be motivationally efficacious. Furthermore, the advantage of a *federal* world order is that it entails no further curtailment of domestic state powers than is in any case demanded by cosmopolitan moral theory itself.

One way of characterising what has happened when states have effected a cosmopolitan transformation of themselves is to say that they have rejected the notion of domestic states as economically self-determining, where 'economic self-determination' relates to the idea that if one state becomes richer or poorer than another, it is the responsibility of the respective states, and the inequality that arises demands no redress.[31] Yet we can also point to two other main facets of self-determination, which I will term political and cultural self-determination. *Political* self-determination means the ability of a polity to structure relations between individuals in the public sphere as it sees fit, as well as the ability to follow any collective goals or purposes the community may have without outside interference or hindrance. Political self-determination in fact encompasses many economic decisions: how a political community spends its own money in a cosmopolitan world is a matter of its own political self-determination. *Cultural* self-determination refers

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[30] Similarly, Robert Goodin recognises that an argument against states being radically reconstituted in the pursuit of a more efficient distribution of universal duties, is that binding fellow nationals together within the same territory is in fact likely to be an efficient thing to do (1988: 682).

[31] For examples of arguments for the economic self-determination of states, see John Rawls (1999) and David Miller (1999b).

to the ability of a given polity to live according to its particular public culture(s) without external suppression, and may also involve certain protectionist policies to that end.[32]

It is the political and cultural aspects of the state which the statist cosmopolitan foresees being harnessed by the avant-garde in the pursuit of cosmopolitan transformations. And a federal global order can preserve for federal units (formerly states) some control over these elements. For example, a sensibly constructed federal order would allow domestic units to retain fully autonomous decision-making capability with respect to localised issues which affected only the residents of that unit (in accordance with a principle of subsidiarity). It could not be the case, of course, that these units retain autonomous decision-making power with respect to actions the effects of which extended beyond the borders of that unit, not least because allowing such a right would infringe upon the self-determination of *other* units, as global democracy theorists have made clear (e.g. Held, 1995a). Cosmopolitans, even *statist* cosmopolitans, should be committed to this restriction upon political autonomy; a federal world order need not place any further restriction upon political self-determination than cosmopolitan moral theory itself demands.

With respect to cultural self-determination, a federal state structure could leave decisions regarding official first languages, school curricula, unique public holidays and so on in the hands of domestic units. There would be a limit to the extent to which a federal world state would be willing to respect cultural autonomy: clearly, illiberal and hierarchical public cultures would not be tolerated. But again, such cultures are in any case not tolerated by cosmopolitan moral theory itself, and statist cosmopolitanism must assume that all domestic states will be transformed by the cosmopolitan avant-garde into liberal egalitarian domestic states, if the theory is to make sense.

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[32] Statist cosmopolitanism appears to assume that states typically contain a *singular* cohesive national cultural group. The next chapter questions this assumption.

A federal world state is therefore in one sense compatible with the tenets of statist cosmopolitanism. Clearly it is not compatible with statist cosmopolitanism's institutional vision, but it *is* compatible with statist cosmopolitanism's underlying motivational theory; indeed, the *continued* existence of separate states does not in the end appear to play a fundamental role in that theory.[33] In Chapter 7, I consider another way in which the theory of statist cosmopolitanism can be detached from its own institutional vision, focusing on an alternative interpretation of the cosmopolitan avant-garde which characterises such agents as agitators for the *usurpation* of the domestic state system rather than merely its transformation, and thereby understands them as forming part of the solution to how a federal world state might ever be instituted in the world.

Conclusion

In this chapter, after first setting out the familiar theoretical argument against the domestic state as an agent of cosmopolitan justice, I introduced, among others, the theory of statist cosmopolitanism in reply. I sounded a note of scepticism regarding the cosmopolitan avant-garde's prospects of success; my main point was that the domestic state system itself acts as a formidable countervailing force for the avant-garde to overcome, which appears to be another reason to consider that system part of the problem rather than the solution, and underlines the importance of top-down institutional change as well as bottom-up social movements. I then argued that even if the avant-garde *did* succeed in stimulating the cosmopolitan transformation of domestic

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[33] While in her *Global Justice and Avant-Garde Political Agency* (2011) Lea Ypi endorses the domestic state system as her institutional vision, in a more recent article she makes an explicit appeal to the need for "political cosmopolitanism", favourably referencing recent work on global democracy (Ypi, 2013). Here, the political vision of statist cosmopolitanism is explicitly rejected, and Ypi highlights many of the same problems with the idea of realising global justice through state "voluntarism" that were considered in Section 3.1.

states, there would seem to be ample reason for those states to seek to integrate in order to aid the smooth realisation of their principles.

Next, we turn to an alternative response to the cosmopolitan solidarity problem that, instead of postulating the possibility of harnessing existing communal attachments, considers the prospects of constructing a new *global* sense of community.

Chapter 4

Creating a Global Community?

In the previous chapter, we addressed the idea that cosmopolitan ends could be realised as a result of existing domestic states reinterpreting their purpose in the world. This reinterpretation was to follow from the widespread internalisation of cosmopolitan principles in separate sub-global communities. Such a proposal, we noted, represents one response to the cosmopolitan solidarity problem. In this chapter, we address an alternative response to that problem, which is the possibility of engendering a substantive sense of *global* community in persons worldwide. By 'community' is here understood "a group of people who share a range of values, a way of life, identify with the group and its practices and recognise each other as members of that group", where a 'way of life' refers to "a set of rule-governed practices, which are at least loosely woven together, and which constitute at least some central areas of social, political and economic activity" (Mason, 2000: 21–3).[1] This definition is broad, but necessarily so, since the content of a 'shared way of life' – in particular, its relationship to the idea of a shared *culture* – is variable.

The chapter proceeds as follows. First, in Section 4.1 I highlight how the importance of shared community to solidarity is frequently emphasised by liberal nationalist theorists, who appeal to the national community to explain why solidaristic welfare policies are plausible at domestic state level but not at transnational or global levels. In Section 4.2 I argue that while a sense of community does indeed appear important in the domestic context, the reality of solidaristic multinational polities shows that a *national* community, based around a shared culture, cannot be the only sense of

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[1] 'Identity' and 'solidarity' occasionally seem to be understood as synonymous. For example, we can note the title of Arash Abizadeh's article: 'Does Collective Identity Presuppose an Other? On the Alleged Incoherence of Global Solidarity' (2005). There, Abizadeh argues that a shared global identity is conceptually plausible, and thus that global solidarity is a feasible aspiration. In making this argument he apparently accepts the premise that if global identity were impossible, global solidarity would be too, ignoring the possibility of the type of approach considered in the previous chapter.

community capable of sustaining solidarity. Instead, in these cases it appears to be a sense of shared patriotism that is doing the work. Section 4.3, via engagement with the work of Daniel Weinstock and Jürgen Habermas, offers a vision of 'global multinational patriotism' which could arise in tandem with the construction of a global polity. Section 4.4 offers further support for this idea by demonstrating the link between the institutions of a global polity and what I call a globally prevalent interpersonal worldview, the latter being a prerequisite of global community. Section 4.5 surveys some non-integrationist cosmopolitan theories of global community formation, and considers them to be less promising than global multinational patriotism. Finally, in Section 4.6, I show that global community alone is not enough: strong central government will still be needed to realise cosmopolitan outcomes.

4.1   The Nationalist Challenge

Liberal nationalist theorists claim that it is only within the context of the nation that social solidarity and democracy are plausibly realised (Canovan, 1996; Kymlicka, 1995; Miller, 1989; 1995; 2000). For David Miller, for example, "nationality gives people the common identity that makes it possible for them to conceive of shaping their world together", where shaping a world together involves solidaristic practices (1989: 245). National identity is important, first, because the nation generates a 'we-feeling' among its members which moves them to recognise obligations of social justice to one another, and motivates them act upon those obligations; in other words, a sense of solidarity is internal to the very definition of national community. Second, national identity also "carries with it a shared loyalty", which aids the generation of trust between persons (Miller, 1995: 92). Trust is claimed to be of central importance to the smooth functioning of a redistributive system: if I am going to be willing to accept the redistribution of some of my resources to help you today, I need to be confident that you will be willing to do

the same for me in future if need be (ibid: 93). It follows from this line of reasoning that, absent a qualitatively comparable sense of community at the global level, global redistributive justice will be implausible.[2]

Liberal nationalists stress the central role of a shared culture – that is, certain shared practices, traditions, typically a shared language, and so on – in the definition of a nation. The emphasis on a shared culture rather than ethnicity is part of what makes liberal nationalism *liberal* and distinguishes it from ethnic nationalism: in a liberal nation, no individual is necessarily excluded from membership on the basis of descent, race or other such factor.[3] Instead, all that is required for one to be a member of a nation is that one should share in the relevant culture (which is responsive and adaptable to new members)[4] and be understood as sharing in that culture by other members.

A profound significance is attributed to a shared national culture, in that it is understood to enable individual autonomy. Will Kymlicka, for example, claims that what he calls a 'societal culture' provides the context of social choice, and moreover imbues those choices with meaning – thus, "it is only through having access to a societal

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[2] It is of course the case that nationalist theorists claim other reasons to reject cosmopolitan moral theory beyond the latter's supposed motivational implausibility (see Section 1.1.6). Among other things, for some it is the existence of national communities and the lack of a global community that in part determines the appropriate scope of principles of distributive justice in the first place; in other words, the role of community is normative and not merely instrumental. The thinking here is Humean in character: we should develop our principles of justice by reference to actually existing sentiments and beliefs (Miller, 2000; Heyd, 2007). Since this thesis assumes the veracity of cosmopolitan principles, I need not engage with this sort of argument here.

[3] However, Miller, though keen to distinguish liberal nationalism from ethnic nationalism, does also say that nations "invariably contain some ethnic ingredients" (1995: 122). The suspicion that liberal nationalism in fact never really escapes a reliance on the concept of ethnicity is voiced by Arash Abizadeh (2004).

[4] Tim Soutphommasane (2012), as a response to the potential tension between solidarity and multiculturalism, offers a version of liberal nationalism which places emphasis on the purported adaptability of the cultural nation to new members. However, his theory is explicitly limited to the question of what Will Kymlicka calls 'polyethnic' societies (which arise as the result of immigration) rather than multi*national* societies. Soutphommasane's restriction of his focus in this way seems questionable: he draws repeatedly upon the examples of Australia, Britain and the US, all of which might well be understood as multinational as well as polyethnic. Thus, his theory fails to avoid the liberal nationalist tendency to align state and nation too closely (which I highlight in the following section), even if it emphasises the malleability of the dominant nation.

culture that people have access to a range of meaningful options" (Kymlicka, 1995: 83). Similarly, Avishai Margalit and Joseph Raz claim that nations feature 'pervasive cultures' from within which our life goals are settled upon (Margalit and Raz, 1990). Miller can be understood to be suggesting the same when he argues that a common 'public culture' provides its bearers with "a background against which more individual choices about how to live can be made" (1995: 86).[5]

A long and illustrious pedigree is claimed for appeals to the role of the national community: John Stuart Mill famously emphasised the connection between nationality and the smooth functioning of representative government, and the nationalist emphasis on the importance of shared identity is also informed by the work of early sociologists like Ferdinand Tönnies and Émile Durkheim: Tönnies (2001 [1887]) understood characteristics of resemblance to be a key factor in his concept of Community (*Gemeinschaft*); and Durkheim emphasised the role of the "attraction of like to like" in his concept of 'mechanistic solidarity' (1984 [1893]: 77). Although these thinkers were not concerned with distributive justice as we understand it today, modern liberal nationalist theorists have utilised much of the same thought and extended it directly to the context of redistributive solidarity.[6]

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[5] For responses to the argument from liberal autonomy, see Waldron (1992) and Patten (1999).

[6] Neither Tönnies nor Durkheim supposed that their visions of a community of resemblance could adequately characterise any actually existing modern society; rather, they were ideal types, in reality mixed with alternative conceptions of how a particular society could remain cohesive in modern times. These alternative notions are Society (*Gesellschaft)* and 'organic solidarity', with the former being a somewhat more pessimistic vision than the latter. Characterising the former, Tönnies remarks that "nothing happens in *Gesellschaft* that is more important for the individual's wider group than it is for himself. On the contrary, everyone is out for himself alone and living in a state of tension against everyone else … Nobody wants to do anything for anyone else, nobody wants to yield or give anything unless he gets something in return that he regards as at least an *equal* trade-off" (2001 [1887]: 52, original emphasis). Society continues to operate cohesively to the extent that it is in individuals' self-interest for it to continue to do so, and to the extent that the state is strong enough to enforce contracts and agreements. But ultimately, as *Gemeinschaft* continues to erode, the prospects of continued cohesion become progressively bleaker. Durkheim, more positively, considered that "there is in our contemporary societies a genuinely collective activity which is just as natural as that of the less extended societies of earlier times" (quoted in Lukes, 1992: 146). The key notion is that of the division of labour: man's increasing specialisation and subsequent reliance on others gives each a reason to cling to the society in which they find

If nationalists are right that social solidarity depends upon a shared nation, and if the latter in turn depends upon a shared national culture, then the prospects for a motivationally plausible cosmopolitanism look bleak, for it would follow that global solidarity depends upon the coming into existence of a global cultural nation. Not only does such an idea strike us as implausible, but also as undesirable, since cultural variety might be said to have important aesthetic value. More than this, worldwide cultural homogeneity might be considered morally troubling from a liberal perspective: a central tenant of the liberal life is the ability to make choices – and a diversity of cultures is obviously a logical prerequisite if one is to have the ability to make wide cultural choices (see Tamir, 1995: Ch. 1). And of course, a singular global nation would necessarily mean the end of the idea of national self-determination for today's nations (since they would no longer exist). It is not just nationalist anti-cosmopolitans who emphasise the importance of national self-determination: in their own way, cosmopolitans often do too (e.g. Nielsen, 2000; Tan, 2004).

This nationalist argument also presents an additional challenge for the theory of statist cosmopolitanism we encountered in the previous chapter. There, we saw that the cosmopolitan avant-garde are to play the role of moral persuaders, and separate political communities are supposed to reorient themselves toward cosmopolitan goals on account of being progressively intellectually convinced of those goals. Yet according to the nationalist, part of the motivation to social justice arises not from being morally persuaded of things *per se*, but simply from a fund of 'fellow feeling' that pertains between members of a national community. In retaining the idea of separate political communities to which people are variously attached, statist cosmopolitanism retains the idea that individuals will still feel primary emotional attachment to their own community ahead of others. But if part of the motivation to solidaristic action comes via our

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themselves. I consider how cosmopolitans might seek to usefully harness such self-interested motivations in the following chapter.

identification with and emotional attachment to other members of our community, then the process outlined by statist cosmopolitanism is limited in its ability to effect cosmopolitan change.

4.2   Interrogating and Refining the Nationalist Challenge

The nationalist argument is employed to explain why social democratic practices are plausible within the domestic *state* but not elsewhere. For this argument to be empirically borne out, it must be the case that every state featuring an effective system of public welfare is essentially coterminous with a single nation. But, as Arash Abizadeh argues, such an empirical claim can only be rendered plausible if one departs substantially from a cultural understanding of nationality (Abizadeh, 2002). In this regard, Abizadeh accuses David Miller in particular of vacillating between two concepts of 'nationality' in order to deal with the example of states like Switzerland and Canada which are culturally diverse and yet, as Miller recognises, "sustain effective systems of public welfare" (1995: 94). According to Abizadeh, while Miller's "substantive thesis" is that social solidarity "presupposes a shared nationality understood in *cultural* terms", in order to classify Switzerland and Canada as nations Miller moves to an understanding of nationality as "*affective identity*". This affective identity cannot be based upon a "single, overarching national public culture", because in these societies none such is available (Abizadeh, 2002: 498, original emphasis).

There certainly seems to be evidence to support the argument that Miller employs an 'affective' understanding of nationality. For example, in the specific case of Switzerland, Miller comments that "the Swiss today share a common national identity as Swiss over and above their separate linguistic, religious, and cantonal identities" (1995: 94). Now, it is certainly clear that the Swiss share *an* identity as Swiss, but here nationality seems incompatible with the idea of a shared culture, since the Swiss nation is

characterised as something that sits "over and above" different cultural identities. Even more explicitly, when engaging with the literature on the relationship between 'multiculturalism' and social solidarity at domestic level, Miller has suggested that the potential problem of a lack of support for solidaristic policies in multicultural societies can be overcome given "the availability of an inclusive identity that is accessible to members of all cultural groups", which he believes needs to be a "national identity in the normal sense" (2004: 29). Again, this would seem to be clear evidence that whatever shared nationality consists in, it is not a singular shared cultural identity.[7]

Against the charge of inconsistency levelled by Abizadeh, Miller can stress the detail of his definition of national public culture, which he describes as "a set of understandings about how a group of people is to conduct its life together" (1995: 27), encompassing some basic political beliefs (e.g. a commitment to democracy) and certain social norms by which public life is structured. On Miller's definition, confusingly enough, a common public culture does not necessarily involve anything explicitly *cultural* (i.e. relating to language, traditions, etc.): Miller makes this abundantly clear when he remarks that a public culture "*may* also embrace certain cultural ideals, for instance religious beliefs or a commitment to preserve the purity of the national language" (1995: 27, my emphasis). In the case of Switzerland, it is clear that a public culture will *not* embrace these sorts of cultural concerns, since there are no such generally applying cultural attachments.

However, a shared 'public culture' of this kind, not based on shared language, traditions and so forth, seems unlikely to be playing the profound autonomy-grounding role in individuals' lives that, as we saw earlier, liberal nationalists want to claim for the nation. And as Abizadeh states, if in certain cases it transpires that this is all a shared national culture consists of, then this "completely deflates the concerns typically

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[7] For two collections dealing with the relationship between multiculturalism and social solidarity in the domestic context, see Banting and Kymlicka (2006) and Van Parijs (2004).

expressed by nationalists (including Miller) about a shared language, shared beliefs, shared rituals, etc." and their relevance to social solidarity (2002: 498n15). Actually, I am less clear than Abizadeh that Miller himself should be included among those nationalists who unambiguously emphasise the centrality to social solidarity of these types of features, since Miller is careful to hedge his bets concerning the thickness of a shared public culture in any one case (1995: 27). Nevertheless, Abizadeh is right to point out that Miller's theoretical perspective in fact "fully undermine[s] the basis for Miller's Euro-scepticism" (Abizadeh, 2002: 498n15), since the possibility is opened up that European community need not be based on a shared culture in any deep sense. Similarly, so we might add, since it turns out that social solidarity does not *necessarily* depend on shared cultural traits, we need not think that a sense of global solidarity will *necessarily* require a shared global cultural nation either.

One might of course still argue that there clearly are things that we can point to as evidence of a genuine shared Swiss culture, even if there is no shared language, religion, etc. Among these might be said to be: institutional traditions such as 'Swiss National Day'; 'national' symbols such a flag, anthem and currency design; the Swiss media; sporting competitions; and so forth. Note, however, that each of these features of a shared culture is created and/or shaped by the state.[8] This will be important for my argument in the following section.

Will Kymlicka is a nationalist theorist who openly recognises the possibility of stable, solidaristic states that are not 'nation-states'. For example, Kymlicka calls Miller's nationalist characterisation of Switzerland "misleading", and says that Switzerland "is best seen as a multination state, and the feelings of common loyalty it engenders reflects

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[8] The possible exception here might be thought to be the media. But even where the printed press is 'free' from the state, there are various factors that have historically tended towards the distribution of printed media being coextensive with the borders of a state. For example, newspapers were *once* typically under state control (even if they are not now), and states were (indeed often still are) typically keen to ensure a lack of foreign involvement in the printed media in their territory.

a shared patriotism, not a common national identity" (1995: 13). Kymlicka, as we have seen, emphasises the importance to individuals of access to a shared "societal culture", but does not suppose that a domestic state needs to exhibit a *single* such culture in order to be solidaristic or democratic. Recognition of the existence of multinational states, however, does recommend a goal of 'multinational federalism', which would enable sub-state cultural nations to "exercise some degree of self-government" (Kymlicka and Straehle, 2001: 234).[9]

What is interesting about Kymlicka's position is that, while he recognises the reality of solidaristic multinational domestic democracies, he is sceptical about the possibility of global democracy. This scepticism, however, is at times voiced in directly self-contradictory terms. For instance, Kymlicka worries that proponents of global democracy simply ignore liberal nationalist arguments regarding the basis of solidarity. In particular, he states that "there are good reasons to think that territorialised linguistic/national political units provide the best *and perhaps the only* sort of forum for genuinely participatory and deliberative politics" (Kymlicka, 2001: 324, my emphasis). Now, it is Kymlicka's qualified endorsement of the liberal nationalist position that leads him to suppose that multinational federalism should often be the goal at the domestic level. Yet these multinational federal states are presumably still to be *democratic* multinational federal states. While federal sub-units will have "some degree of self-government", they will by definition not be totally self-governing. The extent of sub-unit self-government will depend upon the specific constitution of any one federal state, but typically federal governments have control over various competences that are of central importance in individuals' lives (including taxation and involvement in welfare provision). How those competences that remain at the federal level are to be managed

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[9] Kymlicka and Straehle reject the alternative of attempting to encompass each nation within an independent state as "unrealistic" partly because nations are intermingled to the extent that this would be impossible (2001: 232). What is not clear is why they nevertheless think it should be possible to encompass each nation within its own federal unit.

will still need to be settled democratically at that level, meaning that Kymlicka in fact must, if his theory is to make sense, accept that cross-national, multilingual democracy is possible. But this is simply not consistent with his entertaining the idea that the nation is the "only" possible forum for democratic politics.[10]

How can Kymlicka's worries about global democracy be rendered consistent with his acceptance of cross-cultural democracy at the domestic level? The answer is by remaining true to his own critique of Miller. A shared nationality is *not* the only forum for democratic politics and not the only grounding of social solidarity. But *a* shared sense of communal identity is nevertheless required, even if that identity is not national-cultural in form and is instead based around something else – Kymlicka, as we have seen, suggests that patriotism, as distinct from nationalism, plays an important role. This, in the end, is the kernel of truth that emerges from the nationalist argument: all solidaristic states seem to be able to call upon *some* sense of shared community and identity, even if that community is not national in form.

The fact that cultural nationalism and solidaristic community are detachable is crucial to distributive cosmopolitanism's search for a sense of global community that could underpin global solidarity, because the possibility is opened up that a sense of global community could eventually arise that was *not* based around a global cultural nation.[11] But cosmopolitans still need to provide a theoretical account of how a non-

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[10] Kymlicka, keenly cognisant of the reality of multicultural polities when developing a domestic political theory, also seems quick to culturally homogenise and reify those same polities when moving to the question of global democracy. He tells us that "Danes wish to debate, in Danish, what the Danish position should be *vis-à-vis* Europe" (2001: 324). But could he say that the Swiss wish to debate, 'in Swiss', what the Swiss position should be on some matter of global import? Could Indians debate 'in Indian'?

[11] Notice also that the fact that multicultural solidaristic states exist means that at least one nationalist argument against global egalitarianism is rendered self-defeating. According to what Miller refers to as global egalitarianism's 'metric problem', different communities place different value upon various goods according to differing cultural understandings; this means that any theory which seeks an approximately egalitarian global distribution of given resources, or which seeks global 'equality of opportunity', is nonsensical because it is not possible to make inter-societal comparative judgements (Miller, 1999b; 2005). The societies to which Miller refers in his examples are domestic states; he thus assumes that there exists deep cultural consensus within

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national sense of global community could arise substantive enough to underpin globally solidaristic practices. My belief is that, as in the domestic case, the institution of the state is of central importance, although in this case the state in question will be globally extensive.[12]

4.3   Global Multinational Patriotism

In this section I wish to offer a vision of 'global multinational patriotism' by building upon the thought of Daniel Weinstock and Jürgen Habermas. Both theorists offer visions of community above the level of the domestic state to which political integration is fundamental. However, both, in their own ways, unnecessarily incorporate certain nationalist or otherwise strongly communitarian premises. Where these premises are rejected, and with a little clarification, we are presented with a vision of how global political integration might aid the development of a sense of global community.

4.3.1   Weinstock's simple (but messy) thought

Consider first Daniel Weinstock's response to nationalist scepticism regarding the prospects for transnational community (Weinstock, 2001). In essence, Weinstock's retort is that no problem is faced by the idea of transnational community that was not surmounted in the creation of nations themselves. What was crucial in the creation of the latter, says Weinstock, was the state: "nations, and thus national identities, are … products of history, sometimes of seemingly random concatenations of events (wars, conquests, decolonization, treaties, and the like) and sometimes of deliberate state

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each state. But as we have just established, this is not necessarily the case: "societies [i.e. domestic states] are often inhabited by many different cultural groups, who disagree fiercely about the value of different goods and opportunities" (Barry and Valentini, 2009: 505). Thus, if there is a metric problem at the global level then there is one at the domestic level as well.

[12] Given that statist cosmopolitanism buys into and appeals to the notion that states are cohesive cultural communities, it too is undermined by the argument in this section.

policy" (ibid: 56). In other words, nations are created by states, both as a result of the contingent nature of state borders and as a result of the purposeful 'nation-building' of political elites. Weinstock is not alone amongst cosmopolitans in subscribing to this point of view. Kwame Anthony Appiah, for example, tells us that "nations never pre-exist states", and that all nations "that are not coterminous with states are the legacy of older state arrangements" (Appiah, 1996: 27; see also Axelsen, 2012).[13] If cosmopolitans wish to see the development of a widespread sense of global identity, then they should take instruction from history, and recognise the role that political institutions could play in cosmopolitan identity formation:

> To the extent that people's identities are constructed through the habits born of participation in common practices and shared institutions, and at times also through the deliberate agency of political actors, there is no reason to think that transnational institutions might not ultimately give rise to transnational identities.
>
> (Weinstock, 2001: 59)

Weinstock's thought requires clarification, since he engages in the same equivocation as that of nationalist theorists like Miller. Weinstock appears to be postulating the possibility of institutionally constructing a global community qualitatively comparable to the nation as nationalists like Miller typically purport to understand the latter (Weinstock is replying directly to Miller). So, is Weinstock proposing the possibility of a global cultural nation? As we have already pointed out, there is ample reason to be wary of any such proposal. Fortunately it does not appear that this is in fact Weinstock's intention, since he also says that "modern nation-states are mass societies bringing together in one institutional 'home' people of often quite different languages, religions, and ethnicities,

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[13] Assertions of this type rest upon the socio-historical literature which takes a 'modernist' perspective on the origins of national communities. The modernist thesis, broadly stated, is that "nations and nationalism arose somewhere between the sixteenth and the late eighteenth centuries, in Europe in the first instance, largely caused by social structural transformations in that period" (Hearn, 2006: 67). Despite having been a dominant paradigm in the field, modernism is not unchallenged. Opposing it are the 'perennialists', convinced that the nation is immemorial, and therefore not explained by the unique circumstances of modernity. Somewhere between the modernist and perennial perspective sits the 'ethno-symbolic' theory of Anthony Smith. For Smith, "it is clear that the majority of nations, and nationalisms emerged in the modern world inaugurated by the French and American Revolutions". However, "modern nations may have pre-modern precursors and can form around recurrent ethnic antecedents" (Smith, 1999: 11).

who often engage in very different types of economic activity and other social practices" (ibid: 56). In other words, states are multicultural and, I take it, frequently multi*national*. But then how does this assertion correspond with Weinstock's claim that nations have been created by states? The two thoughts can only be rendered consistent if Weinstock is understanding 'nation' in a non-cultural sense. For the sake of clarity, what Weinstock should really be saying is that many modern 'nation-states' are often not really *nation-*states at all – instead they are multinational polities. Obviously, if Weinstock clarifies thus, then he *cannot* straightforwardly say to the nationalist theorist that states create nations, because if states reliably create (cultural) nations then there should not be any multinational states.[14]

Therefore, I propose the following amendment. Weinstock's argument would be more coherent if he refrained from beginning by claiming that states create nations, and instead made the claim that states can create substantive patriotic identities distinguishable from shared nationality. Living within the same state can encourage and enable a sense of shared community and identity between individuals and groups who are *not* in many respects culturally similar. So reframed, the argument opens up the theoretical possibility of a *global multinational patriotism*, brought about via the construction of new global political institutions. An argument so framed could not be misunderstood as committing one to the idea of a global nation (and related connotations of cultural homogenisation), and would also leave room to question one of the primary weaknesses of much nationalist theory, which, as we have seen, is precisely the idea that there is a straightforward 'fit' between the state and the cultural nation.

A further piece of clarification is required. What sort of transnational institutions is Weinstock talking about, precisely? He neglects to specify, but if he means not to reference something state-like, then we are owed an explanation as to why we should

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[14] Even an appeal to the "legacy of older state arrangements" (as per the quote above from Appiah) in explaining multinational states would not be of use here, since all this would show is that states cannot *now* reliably create nations even if they once did.

expect less extensive political institutions to be able to do the job. Consider that Weinstock appears to be leaning, *inter alia*, on an institutional model of identity change which contends that:

> Individuals come to identify with an institution (and the group that it represents) to the extent that the institution is salient in their personal lives. As individuals interact with the institution or its representatives or feel its effects in their daily experience, they are more likely to perceive it as a 'real' entity that provides meaning and structure for their own lives. They may even come to believe it is part of the natural order and indispensable. Institutions, and their rules and regulations, also provide for shared experiences and shared social norms that enhance group identity and sense of community.
>
> (Herrmann and Brewer, 2004: 14)

What this strongly suggests is that institutions have more capacity to create new identities the greater their involvement in our lives. It therefore seems to me that Weinstock must at least be endorsing a significant transference of political competences away from the level of the domestic state, which amounts to the transcendence of the domestic state system; he must be postulating global institutions possessing a wide range of competences and offering plenty of opportunity for individuals worldwide to interact directly with those institutions rather than simply indirectly via their separate state governments. If Weinstock does not mean to commit himself to such a move, then it is difficult to understand how his argument is supposed to work, since he heavily emphasises the state's role in creating communal identities at the domestic level.

4.3.2   Habermas and constitutional patriotism

Arash Abizadeh suggests that Miller's affective 'nationalism' – as deferred to when confronted with examples of culturally diverse states – is actually indistinguishable from what Abizadeh calls civic republicanism: shared attachment to "a patria understood as a community of shared political territory, institutions, and history, but not of shared national culture" (2002: 497n11). Missing from Abizadeh's definition of civic republicanism, however, is any explicit reference to republican political principles themselves, in particular a concern for the pursuit of individual liberty. By contrast,

Maurizio Viroli has offered a theory of patriotism that specifically understands it in terms of a collective commitment to liberal political institutions, thereby distinguishing the concept not just from nationalism but also from other theories of patriotism which stress loyalty to the king or otherwise promote attachment to the state regardless of that state's political record (Viroli, 1995). Proceeding in much the same vein as Viroli is the theory of 'constitutional patriotism' spearheaded by Jürgen Habermas. Constitutional patriotism asserts that "the idea of the state as a collective identity is logically independent of the idea of the nation" (Ingram, 1996: 11). In particular, instead of the idea of the cultural nation, "political attachment ought to centre on the norms, the values, and, more indirectly, the procedures of a liberal democratic constitution" (Müller and Scheppele, 2008: 67). Solidarity is thus to "be supplied by common recognition of ourselves as members of a historical political association committed to the constitution we made and continue to remake through the generations" (Ingram, 1996: 15).

Kymlicka has remarked that the basis for a shared identity that underwrites patriotism in multinational countries "often seems to be pride in certain historical achievements" (Kymlicka, 1995: 189), although he also notes that appealing to the wrong types of historical events is liable to in fact prove divisive rather than useful. Constitutional patriotism's specific focus upon liberal democratic 'constitutional' achievements and commitments can help avoid this potential pitfall. The idea, in essence, is that universal liberal democratic principles have been realised historically *here* amongst *these* people, and that this should be a source of pride and identity amongst *us*. As evidence for the plausibility of the theory, Habermas too appeals to Switzerland, telling us that:

> [M]ultinational states like Switzerland and the United States demonstrate that a political culture in the seedbed of which constitutional principles are rooted by no means has to be based on all citizens sharing the same language or the same ethnic and cultural origins. Rather, the political culture must serve as the common denominator for a constitutional patriotism which simultaneously shapes an awareness of the multiplicity and integrity of the different forms of life which coexist in a multicultural society.   (Habermas, 1992: 7)

Constitutional patriotism goes beyond Viroli's theory in its explicit intention to apply itself to the matter of solidarity beyond and across today's domestic state borders. While the theory was born of a concern to find a model of German civic solidarity that did not rely on dangerous nationalistic sentiment, it has since been developed by Habermas and others outside of that setting, and specifically in the European context.

Now, if constitutional patriotism works in a given political environment because people care about and are proud of the principles and values that are being secured by the 'constitution' in question, then it is obviously the case that for a fund of constitutional patriotism to be available to underpin solidarity in that context (be it domestic, regional or worldwide) there has to exist an institution at that level that is successfully delivering on those principles. For example, with respect to the EU, if it continues to be the case that the domestic state is in charge of delivering social welfare projects, and is the site at which democratic politics is by and large taking place, then it will clearly be the case that only a weak sense of constitutional patriotism can arise at the European level. It follows that the only way we could see a *global* constitutional patriotism would be if there were a global liberal democratic polity within which those principles would have application.

My point here is simply to reinforce the same argument I made with respect to Weinstock's theory – for Habermas' thought to work as a theory of identity formation and solidarity, radical institutional change must be endorsed. Habermas, unlike Weinstock, is in fact explicit (even if variable in his specific prescriptions) on this score, endorsing radical change at the European level, initially in the form of a federal 'United States of Europe', but more recently in terms of a unique intermediary model that sits somewhere between the domestic state system and a federal order, but nevertheless centralises a whole raft of social and economic policies (2012).[15]

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[15] I question the merits of this type of intermediary proposal in Chapter 6.

4.3.3   Defending global constitutional patriotism against Habermas

The criticism is occasionally made against the theory of constitutional patriotism that shared commitment to certain political principles is too abstract to ground communal solidarity.[16] However, constitutional patriots do not actually claim that mutual attachment to given political principles alone can ground a sense of community; the point, as has already been emphasised, is that such principles have been realised historically *here* amongst *us*. In this regard, Jan-Werner Müller appeals to the importance of 'supplements of particularity', such as memory of a shared past (Müller, 2007). Habermas, for his part, makes reference to the importance of a "common historical horizon" and a "collectively privileged and tacitly accepted form of life" (2006: 80).

Importantly for our purposes here, it is partly the acknowledgement of the role of these additional resources that leads Habermas to announce that the constitutional patriotism model is plausible at the European level but not globally: according to Habermas, there exists a European 'form of life' and shared history, but not a global analogue.[17] Cosmopolitans seeking to appeal to constitutional patriotism in their search for global community need to defend their use of the theory against its most prominent proponent, rather than simply appropriate it for use in a way Habermas himself rejects (as an example of the latter, see Cabrera, 2004). I believe such a defence is possible, as I will attempt to show here: the need for a 'common historical horizon' does not foreclose

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[16] For one such critique, consider Margaret Canovan's thought that if solidarity is sustained by shared political commitments alone, then there is no reason why, for instance, the offspring of any one existing European citizen should be given citizenship rights ahead of someone born in Sudan: shouldn't the issue of citizenship be settled "by taking a competitive examination at the age of 18 to determine which of the applicants showed greatest understanding of and devotion to the constitution?" (Canovan, 2000: 426). Canovan seems to think that our recoiling at such an idea demonstrates the fundamental role of nationalism. But this is not at all clear. First, much of our rejection of the examination idea arises, I contend, from considering the possibility of the expulsion of one's child from one's country: that this strikes us as awful is a measure of the strength of the *familial* and not the national bond. Second, Canovan is appealing to the fact that nations extend through history via descent – but of course, not only national communities do this; patriotic communities do too.

[17] Habermas' concern with the notion of substantive global solidarity is in fact partly empirical and partly conceptual. We consider the empirical claim here and turn to the conceptual claim in Chapter 7.

the future possibility of a global community; and the content of Habermas' appeal to a shared 'form of life' is a mistake that ironically renders his theory more demanding of value consensus than the nationalism he purports to transcend.

With respect to the idea of a European 'common historical horizon', Habermas appeals to a "learning process" which "encompasses a series of specifically European experiences" and that can "lead toward European civil solidarity". For Habermas, Europe is historically characterised by a succession of tensions and violent conflict, "above all by ambition and war between nations" that is beyond compare. Eventually these conflicts acted as a spur "toward tolerance and the institutionalisation of disputes" and the internalisation of an "egalitarian universalism", and this successful social integration and overcoming of division now characterises modern Europe in a way that can smooth the way to post-national solidarity (Habermas, 2001: 103).[18]

What needs to be noted, however, is the central role that political integration *itself* has played in the European 'learning process'. Prior to and including two devastating world wars (which, as their names suggest, were hardly uniquely European experiences) it did not appear that much 'learning' was going on in Europe that was enabling the overcoming of nationalism or other particularist doctrines. But it is widely acknowledged that the slow and steady build-up of European political architecture since the 1950s has brought modern Europe to a place where war between the member states is almost inconceivable, not just because of integration itself, but also because of the change in attitudes that that integration has heralded.[19]

That we are living in an ever-more 'globalising' world is a commonplace. Surely it is then possible that new technologies and new global problems – among them climate

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[18] In fact, what Habermas seems to be pointing at here is a type of European exceptionalism: not only does there not exist a comparable historical horizon at the global level, but it appears that no other region of the world can learn from a history that so readily prepares it for solidarity on the constitutional patriotism model. For an analysis of this kind see Lupel (2004).

[19] In 2012 the European Union was awarded the Nobel Peace Prize, on account of its contribution "to the advancement of peace and reconciliation, democracy and human rights in Europe" (Nobel Peace Prize, 2012).

change, global economic instability, and potential nuclear outlaw states – are combining to place us in a distinctly global historical narrative, or at least will do over time. Nothing in Habermas' theory demonstrates that such a thing could not occur.[20] Furthermore, judging from the European experience, it seems likely that institutional integration will play a key role in steering our global shared history in an inclusive and egalitarian direction. The United Nations and the rhetoric of human rights offer a beginning in this respect: both the UN and its predecessor the League of Nations were reactions to elements of our global shared history.

What is Habermas talking about when he refers to a particular 'form of life'? The idea seems similar to that of a shared 'way of life' as defined at the beginning of this chapter, coupled with a particularly deep sense of value consensus. In an article entitled 'February 15, or: What Binds Europeans', Habermas offers up some apparent features of a specifically European form of life. These include: the separation of politics and religion, meaning that, "in Europe, a president who begins his official functions every day with a public prayer and connects his momentous political decisions with a divine mission is hard to imagine"; a "relatively high level of confidence in the organisational accomplishments and steering capacities of the state" coupled with a corresponding suspicion of the market (in other words, a commitment to the idea of universal welfare that "prevailed over an individualist ethos of performance-based justice"); and a "heightened sensitivity for violations of personal and bodily integrity" (meaning, *inter alia*, the abolition of the death penalty (Habermas and Derrida, 2006: 45–6).

These purported features of the European experience are intended to be thrown into relief by contrasting them with other areas of the world, and in particular the US. The 'February 15' of the article's title refers to the mass protests that occurred in 2003 in opposition to the Iraq war, which Habermas interprets as the coming into existence of a

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[20] At least not empirically speaking. As I say in footnote 17 above, Habermas also takes issue with the idea of substantive global community on conceptual grounds – analysis of that argument comes in Chapter 7.

European 'public sphere' and an embryonic European *demos* opposed to American unilateralism. Habermas also supposes that the examples of a European 'form of life' that I have highlighted in the previous paragraph can be contrasted straightforwardly with the American 'form of life'. However, it is far from clear (a) whether the attitudes that Habermas references are uniquely European, (b) whether they are even features of the European experience, and (c) most importantly for our purposes, whether such a substantive 'form of life' based around specific conceptions of the good is even a feature of today's domestic states.

Consider first the appeal to February 15 itself. Habermas is apparently keen to characterise this as a uniquely European happening, yet in so doing he overlooks the global span of protest on that day: there were in fact large protests in every continent (including the US itself). Iris Marion Young therefore suggests that February 15 is more accurately understood, if anything, in terms of an "emergence of a global public sphere" (Young, 2005: 154). Second, it is not clear that the features which Habermas supposes constitute a shared 'form of life' will be ones that all Europeans recognise. For example, Vivienne Boon argues that Habermas privileges a rationality that "developed on this [i.e. the Western] side of the Iron Curtain" in his characterisation of a European form of life (Boon, 2007: 302). Nor is it all that obvious that Europeans are as set on the separation of church and state as Habermas supposes: indeed, as Boon points out, "the US has no established state church, whilst the German, Swedish, Danish, Swiss and Austrian states actually charge church taxes for their established religions" (ibid: 298).

This second point might be taken to undermine the reality of a shared European 'form of life' that is damaging for the idea of European solidarity. And if even a shared European 'form of life' is a chimera, then what hope a global 'form of life' and *global* solidarity? In fact, however, Habermas is mistaken in deeming it necessary to locate deep value consensuses in the first place, because such agreement does not even exist at the level of the domestic state. Habermas ascribes attitudes to Europe and the US as if they

were homogenous wholes displaying singular attitudes, but in every European state, as in the US, there exists a range of attitudes: not everyone in the US is a neo-liberal or supports the death penalty; not everyone in Germany is a supporter of a welfare state. In each case these apparently settled 'forms of life' are the subject of intense political contestation.[21]

Indeed, it is rather odd for Habermas to in effect be supposing that a solidaristic community must demonstrate consensus upon conceptions of the good. Not even liberal nationalists make such a strong claim. Kymlicka, for example, when distinguishing his brand of nationalism from communitarianism, states that national identity "does not rest on shared values" – indeed, it is because of this that the nation is an appropriate site for liberal politics (1995: 92).[22] Habermas is wrong in believing that he needs to search for this type of deep consensus. Indeed, in his attempt to counter the criticism that constitutional patriotism represents too abstract a basis for solidarity, he ends up stipulating a need for communal homogeneity which outstrips the nationalism his theory purports to transcend. Since such a 'form of life' is not in fact required for the grounding of solidaristic relationships at the domestic level, it follows that there is no need for the cosmopolitan to search for a global 'form of life' to underpin a global community.

The possibility is therefore opened up of extending constitutional patriotism beyond the European limits that Habermas himself places upon it.

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[21] Notice that, even if one *were* to accept that there exists a shared 'form of life' in a particular society, this form of life might be institutionally generated among previously differentiated groups. Consider the US in particular: speaking very broadly (as the 'form of life' argument inevitably does), one might say that the US's integrationist history fused two groups (i.e. the federal and confederal states) that held to differing 'forms of life' (for example, differing attitudes toward centralised power and slavery) into a more or less cohesive whole.

[22] Kymlicka states, when attempting to distinguish liberal nationalism from communitarianism, that national identity does not rest upon shared values; but fewer than twenty pages earlier in the very same book, he also characterises a national culture as involving "not just shared memories or values, but also common institutions and practices" (1995: 76). One can only suppose that Kymlicka is referring to different 'depths' of value consensus in the two instances: *some* amount of value-sharing (e.g. over basic political principles) is fundamental to the very idea of community, as per the definition at the beginning of this chapter.

4.3.4   A thin global culture

The thought of Weinstock and Habermas, suitably clarified and refined, demonstrates the possibility of developing a sense of global community which could underpin global solidarity, and which dispenses with the need for the idea of the cultural nation. Recall, however, the potential response we considered in Section 4.2 with respect to Switzerland: while there might not be a singular cultural nation, there is nevertheless a 'thin' Swiss culture. Is the same thing possible at the global level?

The European experience provides our best indication here. Michael Bruter has conducted an analysis of the effect of various European institutional symbols on the development of a European identity (Bruter, 2005). These symbols include coordinated Europe-wide elections to the European parliament, a European passport, a single currency (which is more than just a symbol) and its design (which is not), alongside things like a European flag, a 'Day of Europe', and the adoption of the final movement of Beethoven's 9th Symphony as the European anthem, *Ode to Joy*. In his research, Bruter concludes that such symbols have had a statistically significant positive effect on the extent to which individuals identify as European. European integration has as yet been predominantly economic; political integration is nascent by comparison. But what Bruter's findings appear to demonstrate is that a thin European culture might *potentially* arise based around the same institutional stimuli as in today's domestic states.

Admittedly the huge number of different languages that would be housed within a common global identity makes it difficult to understand how, for example, a shared media could function. After all, it might be suggested that even in multilingual states like Switzerland, citizens are familiar with a range of languages and this allows a cohesive 'public sphere' to arise and function.[23] One response to this is simply to argue that

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[23] It is not clear, however, that such an assertion accurately tracks the facts. Amatai Etzioni, for example, highlights the "myth of the multilingual Swiss", and suggests that "most Swiss citizens have a rather limited command of other Swiss languages than the one used in their part of the country" (2011: 140).

although a lack of shared language makes public deliberation more difficult, it does not make it impossible; Abizadeh in fact takes this view (2002). Alternatively, one might admit the need for a linguistic solution. In this regard Weinstock suggests that, given the various languages that are already spoken by 100 million or more of the world's inhabitants – such as English, Spanish, Portuguese, Mandarin, Russian, Hindi, Bengali and German – then "if schools taught one of these languages to the people in the world who already spoke another one, and if those people who do not speak any of them were to learn one, this would increase the degree of linguistic overlap of the world's population considerably" (Weinstock, 2001: 65). Habermas too, despite critiques to the contrary (e.g. Cederman, 2001), recognises the benefits of shared language and has suggested in the European context that English could come to serve as a "second first language" (Habermas, 1995: 307).

This second suggestion accords with Amitai Etzioni's vision of English as a "global, community-building language" (2011). Etzioni is critical of the official EU policy in which citizens are encouraged simply to learn *a* second language. For Etzioni, given that English is *already* the world's *de facto* second language, explicit policy coordination around English as a second language makes the most sense.[24] Does such a suggestion mean that Etzioni is in fact proposing a global cultural nation? It does not seem so to me. As a communitarian theorist, Etzioni is keenly aware that "particularistic languages serve constitutive roles in communities; seeking to displace these languages would be subtractive". Hence, English as a global language is explicitly seen as "additive, rather than as a language that would replace particularistic ones" (ibid: 133). The idea is that a shared language enables discussions *across* cultural nations: it is anticipated that internally, nations and state communities will continue to use their own languages. Consider, for example, that today 89 per cent of Swedes speak English: this enables them

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[24] For work on the issue of 'linguistic justice', see Van Parijs (2011).

to converse easily with people from England and elsewhere, but it hardly means that Swedes and the English form a single cultural group.

It is of course nevertheless true that this shared second language has the potential over time to imperil the continued existence of various first languages. A global federal institutional structure could provide some protection against this, however, since federal unit governments could be invested with power to put in place some linguistic protections (as in the case of Quebec, for instance). Fears will remain; can it really be guaranteed that some languages will not be lost? Perhaps not. But it seems to me that cosmopolitans need to grasp the nettle here: distributive cosmopolitanism is a radical theory, and it therefore should not be surprising that its realisation will involve some radical social change, over time.

4.3.5   Conceptualising globally additive community

The idea of global multinational patriotism is that the sense of community that is generated is *additive* to, rather than a replacement for, lower-level communal identities: as Habermas says with respect to the European context, "it is neither possible nor desirable to level out the national identities of member nations, nor melt them down into a 'Nation of Europe'" (2001: 99). However, one might argue that, in order for it to be the case that a sense of global community is capable of grounding global solidarity, our global identity will in fact need to become hierarchically *superior* to our other identities: that is to say, 'the global' will need to become individuals' primary political identification in order to ensure that they will not prefer to remain solidaristic at sub-global levels on account of a stronger corresponding sense of identification. And while it might be conceded that the creation of an additional sense of communal identity at the global level is theoretically possible, it might be thought implausible that it should take on this hierarchically superior quality. There are two responses we can make here, however: the first suggests

that it might well be possible for 'the global' to assume this position in our lives; the second rejects the initial premise that identities are hierarchically related in this way.

Is it unreasonable to suppose that, over time, in an institutionally integrated world, currently existing communal identities would lose much of their *political* relevance for individuals even if they remained *culturally* significant? Consider the following from Gillian Brock and Quentin Atkinson:

> When salvation was held as the key desirable aim in life, religious identities were very important to people, as was the case during the Middle Ages in Europe. When class identity was the way to gain a sense of respect and self-worth, class identity was generally people's more salient social identity. The international system privileges nations and their self-determination as a way to gain international standing, so it should not be at all surprising that national identity can assume the kind of importance it currently does for people. One could predict that the less important the role of the nation is in our lives, the less significant any psychological effects will be.
>
> If the importance of national identity to people derives its significance in large part because of the way the world is structured – in particular, the importance we give nation-states in decision-making and general control over people's lives – then at least one of the features that promotes nationalism is subject to our control. We can choose to organise the world differently so that national identity does not have the kind of status it currently does.
>
> <div align="right">(Brock and Atkinson, 2008: 172)</div>

This argument needs a little tidying up. The authors suggest that the international system 'privileges nations', but it is of course states that are the main players on the international stage. This fact can encourage sub-state nations to seek secession in order to attempt to form their own 'nation-state'. Hence, one might conclude the following: in a politically integrated world, domestic states would no longer hold a position of privilege in the international order, since there would no longer *be* any such thing as domestic states. This, coupled with the fact that domestic states will have lost various competences to a world government, means that domestic state identities would be likely to significantly wither in their salience. Furthermore, since domestic states would no longer exist as a political reality, it might also be the case that the salience of sub-state national identities would be altered, because the idea of the nation could no longer form a pretext upon which to base a claim to political independence (in the form of a state).

This is not to say that national identities need become any less significant for individuals *culturally* speaking. Consider that for Yael Tamir, one of the foremost proponents of liberal nationalism, the right to national self-determination "stakes a cultural rather than a political claim, namely, it is the right to preserve the existence of a nation as a distinct cultural entity" (1995: 57). Tamir is particularly interesting as she has conceived of a world in which domestic states "wither away, surrendering their power to make economic, strategic, and ecological decisions to regional organisations and their power to structure cultural policies to local national communities" (ibid: 151). The construction of a world state could lead to a scenario in which individuals, while remaining culturally attached to different nations, come to see 'the global' as their primary *political* identity.[25]

The second response to the initial worry is to reject the vision of identities as separable and hierarchically related. Thomas Risse makes a distinction between two different ways of conceptualising multiple group identities (2003). The first is to see identities as 'nested within' each other, like Russian dolls. Here, identities are conceptualised as being neatly distinguishable from each other, which opens up the possibility that one of these identities can be straightforwardly hierarchically superior. But in an alternative conceptualisation, which Risse calls the 'marble cake' model, such a clear delineation of identities is not possible, since our various "identity components influence each other, mesh and blend into each other". As an example, Risse asks rhetorically, "what if self-understandings as German inherently contain aspects of Europeanness? To what extent can one separate a Catalan from a European identity?" (2003: 491).

Of course, thus far the extent to which a European component has been mixed in to the marble cake of personal identity is limited. I have been suggesting that the reason

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[25] Although a liberal nationalist, Tamir has argued that the nation is *not* the only ground of solidaristic community, and indeed has done so while considering the idea of a world state (see Tamir, 2000: 245).

for this could be directly related to the similarly limited extent of European political integration. The 'marble cake' model shows that we do not need to assume that our global identity must be separate from and stronger than lower-level identities; rather, in a politically integrated world these different aspects of our personal identity could be intermingled in a way such that the very question of hierarchical superiority is inappropriate. Indeed, to return to the idea of the distinction between cultural and political identities, part of the reason that an attachment to 'the global' as a political identity might become plausible is precisely the advantages political integration can bring to national groups. The global and the local can be mutually beneficial and supporting, rather than conceptualised as being in competition for our loyalty. I return to this point in Section 7.1.2.

4.4   A Globally Prevalent Interpersonal Worldview

I argued in the previous section that an integrationist theory presents a potential route to the creation of a sense of global community. In this section I want to further support this conclusion by showing how the usurpation of the domestic state system and movement toward a global polity is related to widespread cosmopolitan self-identification in one specific way. Conceiving of oneself as a member of a global community entails a specific ontological worldview: rather than conceive of the world as essentially split into a number of separate collectives, one will instead relate to the world in terms of individuals constituting one global collective (even if those individuals are also members of various different sub-global groups). Where this ontological perspective is widespread, I want to say that there pertains a globally prevalent 'interpersonal' worldview rather than a globally prevalent 'intercollective' worldview. Such an ontological perspective can be seen as directly related to the realisation of cosmopolitan moral theory: where individuals

do not recognise an interpersonal perspective, they are far less likely to accept cosmopolitan theory's interpersonal methodology.

The paradigmatic rejection of cosmopolitanism's interpersonal methodology comes from John Rawls (1999). Rawls' global theorising has been roundly criticised by cosmopolitans (e.g. Ackerman, 1994; Buchanan, 2000; Kuper, 2000; Pogge, 1994), and I too am unconvinced by Rawls' position if we understand him to have been developing a theory of global justice when writing on international matters.[26] But a focus on his work provides us with a way of clarifying the fact that a prevalent interpersonal worldview is not currently extant, explains to us why that should be, and aids us in coming to an understanding of what a prevalent interpersonal worldview would entail institutionally.

To see this, consider Leif Wenar's interpretation of Rawls' global theorising which emphasises the link between global public opinion and legitimate authority (Wenar, 2006). For Wenar, Rawls begins from the belief that "legitimate coercion must accord with principles that are acceptable to the citizens of [a] particular society" (ibid: 101). How can we establish whether a potential set of political principles meets this condition? At the domestic level we have two options, depending on the type of society we are dealing with. In the case of non-liberal but 'decent' societies with a "common aim or end" (that is, a common understanding of the good, based for example on religious premises), we check to see if the principles at hand speak to the realisation of that end, subject to certain constraints to which any society must adhere if it is to be considered decent (for those constraints see Rawls, 1999: 71). But in societies that are characterised by a plurality of different understandings of the good – such as the liberal democratic societies that are the focus of Rawls' work in *A Theory of Justice* and *Political Liberalism* –

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[26] Rawls says that the concern of his *The Law of Peoples* is "what the foreign policy of a reasonably just liberal people should be" (1999: 83), which is very different from working out what the ideal principles of global distributive justice are. Cosmopolitans could agree with the thrust of *The Law of Peoples* if it was simply about judicious foreign policy and not about ultimate principles (Tan, 2006). However, since Rawls does also take the time to reject the cosmopolitan methodology of a global original position, it is clear that his book is not in reality *solely* concerned with the real-world foreign policy of a liberal state.

there is no such common aim or end to which to refer. In these cases, we must instead consult the society's 'public political culture'. The public political culture is a "shared fund of implicitly recognised basic ideas and principles" (Rawls, 1993: 8), a catalogue of notions to which all persons subscribe, regardless of their particular understanding of the good. We identify the ideas implicit in the public political culture of any one society via reference to its public institutions "and the public traditions of their interpretation … as well as historic texts and documents that are common knowledge" (ibid: 13–14). Upon consulting the public political culture of a liberal democratic society, we see that an implicitly shared idea is that society should be a fair system of cooperation in which citizens are considered free and equal. Political power is legitimate when it is exercised in a way compatible with this shared fund of understandings.

What happens when we apply this thought process to the global level? Firstly, we are confronted with the world's diversity: we will search in vain for a globally shared vision of the good which could form the basis of legitimate coercion. Tracing the process in the domestic case, we are then required to look to the *global* public political culture. Upon so doing, we note that global institutions (and their related documents) are concerned, in the main, with relations between *states*, and not between individuals:

> This can be seen not only in the structure of the major political and economic institutions such as the United Nations and the World Trade Organisation, but also in the laws that regulate global cooperation in nearly all areas (trade, law enforcement, the environment, and so on). Even those documents within the global public political culture which do proclaim the freedom and equality of all individuals, such as the *Universal Declaration of Human Rights*, are almost exclusively concerned to establish limits on how domestic governments may treat individuals within their territories. These documents do not set out any substantive conception of how "citizens of the world" should relate directly to one another. (Wenar, 2006: 103)

Observation of global public institutions confirms to us that the global public political culture is not interpersonal, but intercollective (in particular, inter-*statist*). For Rawls, this means it could not be legitimate to enforce cosmopolitan ideals, since "humans should be

coerced only according to a self-image that is acceptable to them" (Wenar, 2006: 103).[27]

Cosmopolitans too can accept that there exists a legitimacy constraint here without needing to betray cosmopolitanism as a theory of *justice*. Alternatively, they might wish to take the view that justice and legitimacy are in fact related such that political authority is legitimate wherever it realises the right conception of justice. But in that case, they should nevertheless still recognise that the present global public political culture represents a formidable feasibility constraint. What I am concerned with here, however, is not what type of constraint is presented by the current shape of the global public political culture, but rather the intimacy of the link between a public political culture and existent political architecture. Once we note the link, something becomes obvious, or so I contend: a global public political culture could only be an *interpersonal* public culture where there existed a single global polity and not multiple separate states.

Here's why. We establish the content of a public political culture via reference, *inter alia*, to public institutions. In that regard, Wenar makes mention of organisations like the World Trade Organisation and the United Nations, but does not directly mention the domestic state system itself. Yet if a public political culture is determined in large part by the institutions that exist in a given context, then the main reason we have an intercollective rather than an interpersonal global political culture is simply that

[27] Rawls' rejection of the enforcement of cosmopolitan principles on grounds of illegitimacy does not in itself tell us whether or not he in fact considers those principles to detail the correct vision of global justice. In his domestic theory, legitimacy and justice are tied closely together such that, although they are distinct concepts, it would be impossible to say that a principle is just but illegitimately enforced: the two concepts have the "same basis", namely the notion of individuals as free and equal citizens and society as a fair system of cooperation (Rawls, 1999: 225; see Peter, 2009: 59–60). But this close relationship between justice and legitimacy may only stand when the resources found in the public political culture are actually ones that understand individuals as free and equal (Mulhall and Swift, 2002: 479ff). Where this is not the case, the possibility is opened up that liberal egalitarian principles could be just but not legitimate. For example, Rawls says that Kazanistan, the 'people' he invents as an idealised decent hierarchical society, is "not perfectly just" (Rawls, 1999: 78). What, then, does perfect justice look like in Kazanistan? Similarly, at the global level, Wenar states that "Rawls doubtless believes as much as anyone that all humans should be regarded as free and equal" (Wenar, 2006: 103). I take this to ultimately be saying that Rawls understands the cosmopolitan position to be the right one. If this is the case, then it could not be the case that Rawls' global theory details a 'perfectly just' state of affairs any more than it is the case that Kazanistan does.

domestic states exist. We look at the political institutions that constitute our world, we take note of the domestic state system, and for this reason we must conclude that the global culture is intercollective rather than interpersonal. This is obvious to the point of tautology.

The fact that the domestic state system exists also determines the structure of the global institutions mentioned by Wenar. The United Nations was created by states, is funded by states, and it is therefore state delegates who populate the General Assembly. In the World Trade Organisation's own words, it is "essentially a meeting place for governments to sort out the trade problems they face with each other" (World Trade Organisation, 2013). There is no point trying to work out what an interpersonal WTO would look like: the very idea is nonsensical. So too an interpersonal NATO, or an interpersonal IMF. These institutions only exist because separate states exist. Given that domestic states exist, it is no wonder that "the ideas that regulate the institutions of global society are concerned primarily with the nature of nations [states] and their proper relations" (Wenar, 2006: 103).

We can then ask ourselves, what would a world with an interpersonal global public political culture have to look like? The answer is that it would be a world in which existed a significant number of global institutions which took as their direct addressees all individuals worldwide. It would be a world in which this type of institution outweighed both domestic state and interstate institutions in salience. It would thus be a world in which representatives of individuals rather than (or at least as well as) state governments populated the UN General Assembly (or some comparable global congress), and in which individuals rather than states were the primary legal bearers of rights and duties with respect to one another, which could be claimed and enforced. That is, individuals

would be the primary subject of global law; those individuals would be genuine political-legal citizens of the world.[28]

This could not be a world in which the domestic state system survived, since in the very act of imagining an institutional form that would correspond to an interpersonal global political culture we are driven to create institutions that usurp that system. In sum, if the ideas extant in a public political culture are revealed in large part by an analysis of the public institutions that exist in a given context, then an interpersonal global public political culture is clearly incompatible with the domestic state system, and indeed seems necessarily tied to some kind of global polity. Only in the latter scenario would there exist global public institutions which expressed interpersonal 'basic ideas and principles'.

A response one may wish to make to this assertion is to reject the initial Rawlsian premise that the implicitly shared fund of ideas which constitutes the public political culture must necessarily be discovered by looking to public institutions in the relevant context. Successfully rejecting the premise would leave open the possibility that a global interpersonal culture could be internalised in the population worldwide despite the fact that this was not evidenced in the existing political architecture. One could then reject the apparently necessary connection between a global polity and a prevalent interpersonal worldview. But this rejection is not sustainable. For we can ask why, if a cosmopolitan culture had in fact been internalised by the global population, such an internalisation would not find expression in global institutions, especially given the technical difficulties presented by the continued existence of the domestic state system as highlighted in Section 3.4. More fundamentally, however, the response underestimates the intimacy and co-determinacy of the link between institutions and political culture. Public institutions are not just an approximate and passive reflection of a public political culture;

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[28] It is true that organised religions, for example the Catholic Church, already transcend states and speak directly to individuals across the world. But such organisations are neither overtly political, nor could they be inclusive of all individuals worldwide, given the reality of the diversity of religions in the world.

rather, they play a direct educative role in determining that culture in the first place.[29] Individuals raised in liberal democratic societies come to see themselves as free and equal partly because living in those societies under those institutions and practices instils those attitudes in them. Similarly, individuals raised within a hierarchical and religious political system such as Rawls' hypothetical Kazanistan are rather more likely to internalise the concept of class and/or gender inequality. It is not only that a public political culture is evident in political institutions; those institutions in fact help to determine the public culture as it is internalised in the individual.

The global public political culture at present is, we can agree, intercollective and not interpersonal. But as with the domestic case, the global public political culture is not just a passive and approximate reflection of what people happen to feel. Rather, global political institutions contribute toward determining that culture in the first place. If anything this becomes even clearer in discussing global political culture, since global institutions perform their 'educative' role on us at two levels. First, as we noted in the previous chapter, our existence as members of specific states is clarified and 'reinforced' in us on a daily basis. The state's administrative institutions, politicians, media and various state symbols 'flag' our state-level identity in a way which encourages the view that we exist as members of one state in a world of states (Billig, 1995). Second, the existence of the domestic state *system* encourages us to view global reality in this way. We hear of other states – of 'Germany acting' in some such way, 'China reacting' to a particular circumstance, of a number of different states 'reaching agreements', and so on.[30] Often the 'actions' of states are occurring within global and transnational institutions such as the United Nations, the European Union, the WTO and NATO – but in fact even sporting events like the Olympic Games and the World Cup, as international

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[29] On the role of the public political culture as educator in Rawls' theory, see Bøyum (2013).

[30] We rarely hear however of, for example, cities 'saying' or 'doing' things (unless the city is a synecdoche for the country as a whole or its government, as when 'Washington' pronounces on some matter of global import).

institutions themselves, encourage the same statist view of global life on the part of individuals worldwide. The ongoing existence of these institutions and our awareness of them educate us to conceive of the global setting in intercollective rather than interpersonal terms.[31]

There is, then, a causal link between institutions and the public political culture such that it would be implausible to expect that there could be a globally prevalent interpersonal worldview while an intercollective (statist) political reality pertains. If there is to be an interpersonal public political culture which can help engender a sense of global community, there will also need to be a global polity.

4.5   Non-Integrationist Approaches

Over the previous two sections I have attempted to demonstrate that the construction of a sense of global community could be greatly aided by a process of global political integration. It is entirely possible that the reader will remain intensely sceptical. However, while non-cosmopolitans can simply voice their scepticism and leave it at that, cosmopolitans, if they reject the theory of global community formation as set out above, should seek to offer a more credible alternative. Here I consider some alternative visions of how to build a global community, and judge them to be less promising than the integrationist approach I have detailed.

4.5.1   Appeal to the 'human community'

When we considered the nationalist challenge above, we saw that a cohesive community need not be based around a shared national culture. But could it be based around nothing

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[31] In the case of, for example, Kazanistan, the population's commitment to hierarchical ideals might be weakened by knowledge of liberal democratic societies. But there is no global analogue here: the world's population has no access to experience of an interpersonal world with which to contrast its own.

more than our shared humanity – that is, the recognition of our common identity as human beings? It does not appear promising that it could. While non-relational cosmopolitanism implores us to recognise responsibilities to others worldwide on the basis of our shared humanity alone, cosmopolitanism's recognised solidarity problem arises precisely from the fact that this appeal to our shared humanity has not so far proven motivationally efficacious. The charge that humanity is the "grandest but flimsiest of contemporary imagined communities" (Canovan, 2001: 212) seems apposite. So in what way could the appeal to our common humanity be reframed such that it would prove more potent?

Lawrence Wilde offers a theory of global solidarity that builds on what we share as humans, which he calls 'radical humanism' (Wilde, 2013). Arguing, against the notion of the global extension of constitutional patriotism, that "it may well be better for the development of global solidarity if we move away from all political identities based on territorial political units at all levels" (ibid: 87), Wilde constructs an argument for the human essence as constituted by four 'core potentials', namely rationality, compassion, social productiveness, and cooperation. Where these universal normative potentials are realised, global solidarity becomes possible.

However, even if we accept Wilde's four potentials as genuinely expressive of a universal human *telos*, his theory is troublingly circular. Wilde repeatedly states that the positive development of his four potentials "can be seen as ethical preconditions of global solidarity" (ibid: 118). Thus, we need to know how these latent potentials can be stimulated. Wilde claims that the major factor stunting these potentials is the present neo-liberal economic order and related individualistic ideology. What is therefore required is the taming of this order. Indeed, in one article Wilde states that radical humanism "requires the wholesale transformation of human relations" and the construction of "some form of human socialism" (Wilde, 2004: 167, 172). More recently he has toned down his demands, making more pragmatic and familiar suggestions: for

example, a Tobin tax, the democratisation of international institutions, the narrowing of global inequalities and overcoming of poverty, and the regulation rather than the toppling of global capitalism. These are of course familiar cosmopolitan proposals. But this should only lead us to ask: if the flourishing of our human potentials is a *precondition* for global solidarity, how can we reasonably postulate ambitious global reforms in order to enable that flourishing, given that the very problem at issue is that such reforms appear entirely implausible without an already existent sense of cosmopolitan solidarity to motivate them?[32]

Wilde himself actually points out "three major obstacles" to his proposed reforms, the first of which being the "self-interest of states in a competitive world system", the second "the power possessed by neoliberal ideologists", and the third "the relative weakness of the social and political forces needed to secure the change of direction" he seeks (2013: 235–6). On this last point Wilde sees future potential in activist groups, but paradoxically, by the lights of his own theory these groups will be unable to engender a widespread solidarity which could motivate cosmopolitan transformation until that transformation has already happened. And as I argued in the previous chapter, these groups are in all likelihood constrained by the force of the domestic state system itself.

Wilde defines solidarity as "a feeling of sympathy shared by subjects … impelling supportive action and pursuing social inclusion" (ibid: 1). But he then goes on to argue that social inclusion is to be achieved as a *precondition* of solidarity, which is not consistent with that original definition. It seems to me, in fact, that in large part Wilde's theory of solidarity simply collapses into another cosmopolitan moral argument, where

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[32] It might be thought that one could make the same criticism of the position I have been defending: why should global political integration arise if there does not already exist a sense of cosmopolitan solidarity? But in fact there are other reasons why such integration might occur, and we will encounter these in the following chapters. What is more, I do not claim that the world state is a *precondition* of global community and solidarity, but rather that the two might grow up together.

'global solidarity' becomes the economic and social goal to be aimed at, rather than the motivational, sociological force that aids the realisation of that goal.

4.5.2 Erskine's embedded cosmopolitanism and Gould's transnational solidarity

Directly referencing Alasdair MacIntyre's (1995) critique of the impartialist perspective to which he believes cosmopolitanism is committed, Toni Erskine conceives of modern individuals as members of numerous different cross-border communities, not simply as members of 'nation-states'. Some of these are 'communities of place', that is, territorially based: I can, for example, plausibly identify myself as European as well as British and English. Some are non-territorial: Erskine gestures to the reality of organisations like Amnesty International or international 'communities' of scientists and other interest groups, as examples of this latter group. Given the reality and multiplicity of these relationships, it transpires that each of us in fact have a multiplicity of differing communal identities, none of which is on its own fundamentally definitional of any individual. Since non-territorial identities cut across territorial identities (in Erskine's words, the two overlap), there is potential to provide a 'socially constituted' account of the moral agent (as communitarians like MacIntyre emphasise) while still postulating a motivationally plausible cosmopolitanism. The idea is that, rather than a genuine singular global community, there would instead pertain a "web of intersecting and overlapping morally relevant ties" that could provide an equivalent grounding for global solidarity (Erskine, 2002: 474). Erskine calls this theory 'embedded cosmopolitanism'; it takes on board MacIntyre's rejection of the impartial point of view, but denies his assumption that we are morally and socially 'embedded' only within the community of the nation-state.

Erskine is right to point out to MacIntyre that the nation-state is not the only possible site of community. But she is wrong to attempt to construct an argument in a form McIntyre might be able to accept. For MacIntyre, the nation-state is a community

of a particular quality: not only does it ground our solidaristic motivation, it also teaches us our morality in the first place, and that morality is *specific* to that particular community. There is, therefore, no impartial perspective from which to critique any one system of morality. Cosmopolitans need to reject this moral relativism. Yet Erskine seemingly grants it, and in doing so puts the very foundations of cosmopolitan principles at risk, rendering them contingent upon their internalisation and acceptance.[33] For if Erskine grants MacIntyre's premise that we are morally constituted by our communities, then she can have nothing to say to one who has been morally constituted such that they do not recognise cosmopolitan principles. Since it seems fair to suppose that most people in the world today do not in fact recognise cosmopolitan distributive principles, and since the impartialist perspective is being rejected, it is not clear how Erskine is even grounding her cosmopolitanism.

Why *should* our respective catalogues of communities reliably teach us a globally inclusive, cosmopolitan morality? Why is it not just as likely that, for example, my catalogue of communities teaches me one particular system of morality and limits my scope of moral concern to those communities, and your different catalogue of communities teaches you another system of morality and limits your scope of moral concern to those different communities? This can be the case even where we in fact share some communities between us. Consider: I am socially constituted by communities A, B, C and D. You are socially constituted by communities C, D, E and F. Because of our sharing communities C and D, we are partially morally constituted in the same way – but only partially. The respective effects of communities A, B and E, F on our overall moral learning mean that ultimately we will be morally constituted in differing ways. And there is no guarantee that either of us will learn a cosmopolitan ethic. Erskine in fact admits

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[33] For this reason Lea Ypi's theory, which we encountered in the previous chapter, is superior to Erskine's, because it specifically seeks to appeal *only* to the motivational value of political communities while asserting that moral principles themselves are derived independently of those communities.

that embedded cosmopolitanism "cannot claim a necessarily inclusive moral purview" (2002: 475). But if our communities do not in fact generate in all of us an inclusive moral purview, the logic of the argument (given the incorporation of MacIntyre's premises) simply leads to the restatement of moral relativism, albeit in a different form.

Thus it is clear that the initial acceptance of MacIntyre's communitarian premise that we are morally constituted by our communities is a strategic error. Such an acceptance takes us beyond the realm of conceiving of community as relevant for *motivational* purposes and imperils the very foundational basis of cosmopolitan principles themselves. Cosmopolitans need to deny that moral principles are relational to particular communities, whatever shape those communities take, and however many of them we are members of. But even if we reframe Erskine's argument as one that is only interested in community for its motivational value, I still do not see that the transnational communities she references will be potent. With respect to 'communities of place' – and to return to a point I made in section 4.3 – the idea of, for example, Europe will be unlikely to inspire a strong sense of community so long as its institutional competences remain as circumscribed as they now are (and while most competences remain the preserve of the domestic state). And as for non-territorial communities, though it clearly is the case that many individuals are members of various associations and networks that extend past the borders of their own state, it is not at all clear that the members of these associations identify with them in the appropriate way.[34] In what way do the members of a transnational 'community' of scientists who correspond for work and network at conferences identify with the group, for example? It seems to me likely that the individuals in question will view the association in instrumental terms (as a means to

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[34] An exception here might be religious communities.

facilitate shared goals and interests, for example) rather than as a relationship that motivates adherence to principles of justice between scientists (or anyone else).[35]

Amnesty International and other similar organisations are of course examples of global networks of people which are concerned with the fate of those who are politically persecuted worldwide, and are thus explicitly cosmopolitan in character (as most transnational organisations will not be). But these organisations tend to be based around a single given issue of concern to the members, which limits their solidaristic potential. As Kymlicka states, "the emergence of issue-specific transnational identities may explain why Greenpeace members are willing to make sacrifices for the environment around the world, but it doesn't explain why Greenpeace members are willing to make sacrifices for, say, ethnocultural minorities around the world, particularly those who may demand the right to engage in practices harmful to the environment" (Kymlicka, 2001: 239).

Furthermore, and in any case, it seems to me that these types of organisations are better understood as members of the 'cosmopolitan avant-garde' (which we encountered in the previous chapter) rather than as genuine communities. I have of course already voiced scepticism over how much cosmopolitan potential the avant-garde has if we assume a scenario in which the domestic state system continues to exist, partly because the domestic state will continue to reinforce itself as the primary sense of political identification in individuals' lives.

Similar to Erskine's theory is Carol Gould's 'transnational solidarity', which emphasises "the interconnections that are being established through work or other economic ties, through participation in Internet forums and other new media, or indirectly through environmental impacts" (Gould, 2007: 148). Like Erskine, Gould

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[35] "It is not clear … that the existence of transnational associations necessarily means that those involved are acting as global citizens. In many cases they are primarily promoting their own particular concerns. Authors meet in international conferences to share their ideas and to call for states and international law to respect their rights to copyright and to an income from their writing; psychiatrists to debate the latest approaches to mental illness. In neither of these cases are the participants meeting for political purposes" (Carter, 2001: 77).

supposes that a catalogue of crisscrossing networks within which participants are solidaristic could realise the ends of global justice: the hope seems to be that the networks in question will form in such a way that they provide the motivational resources necessary for action to secure decent standards of welfare for individuals worldwide in a manner consistent with cosmopolitan justice.

However, as with Erskine, this network theory first needs to be able to show that members of international associations will not often simply conceive of those associations in instrumental terms. Second, there appears to be an overestimation of the number of people worldwide who are or might plausibly become involved in such networks. The majority of the global population is not plugged into many, or indeed any, transnational communities at all (beyond imagined religious communities, which of course are not entirely inclusive given the reality of differing religions). Even within the most economically developed countries, most people do not maintain regular contact with others outside the borders of their own state. This is even more evident with respect to the global poor, precisely because they lack the resources that would enable them to join such networks in the first place. On this network model there is, then, a great risk that even if solidarity did arise between members of international networks, which motivated those members to enter into egalitarian relationships with one another, this would not be of any benefit to the pursuit of cosmopolitan distributive justice.

4.5.3   Tan's missing theory

I have found reason to be sceptical about the non-integrationist theories of community surveyed so far, but they at least stand as theories that can be assessed. This is in marked contrast to the position adopted by some cosmopolitans who are reticent to entertain the possibility of global political integration, recognise the motivational role of shared community, and yet are bereft of any alternative proposals for the latter's development. Take, for example, the 'egalitarian liberal nationalism' of Kok-Chor Tan (2004).

Conceiving of nationalism as an "expansionary moral project" (ibid: 104) which enabled individuals to extend their moral spheres to include persons who would previously have simply been considered strangers, Tan supposes that what is needed is to continue to expand outwards, and develop new affinities at the global level.

While Tan recognises this need, he also seemingly wants to remain entirely neutral as regards the need (or not) for global institutional change, beyond rejecting outright the idea of a world state (ibid: 93–6).[36] Uncomfortably however, the only time Tan does provide any detail regarding how a sense of transnational affinity might arise, he does so by appealing to possibly emergent solidarities within the European Union – which, to the extent that solidarity is emerging there at all, is presumably on account of nascent institutional change away from a domestic state system.

Tan believes that nationalism – understood in terms of nation-*states* – and global egalitarianism are in fact conceptually compatible.[37] He states that "a cosmopolitan commitment to global distributive equality need not deny the independent moral significance of patriotism and shared nationality" (2004: 12). The key is to understand that the rightful extent of these special obligations is limited and framed by our global egalitarian obligations, rather than the other way around. But although it might be the case that Tan can demonstrate the conceptual compatibility of nationalism and cosmopolitanism, he does nothing to convince us that his theory is in fact practically plausible, because he does not offer anything that tells us where the commitment to cosmopolitan principles will come from which would turn this conceptual compatibility into practical reality.

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[36] In an earlier book Tan in fact appears to endorse the 'dispersed sovereignty' model put forward by Thomas Pogge (Tan, 2000: 101), to which we turn in Chapter 6.

[37] Tan tells us that he "will take 'nation' to mean the ideal of the nation state" (2004: 89).

4.6   Community is Not Enough

The preceding sections have been concerned with the idea of the development of global community, on account of the latter's assumed role in making distributive cosmopolitanism motivationally plausible. Before concluding, however, it should be noted that a sense of global community alone – abstracted from the power of coercive government – is unlikely to be able to render cosmopolitanism a plausible goal. Political integration will be needed *even if* global community could be generated without it.

Suppose there were to exist an anarchical political community – that is, a group whose members mutually recognised each other as members of that community and who shared a collective identity, but who did not live under any coercive authority (perhaps as a result of an anarchical revolution). Could we realistically expect that a regime of social justice, either egalitarian or sufficientarian, would arise between the members of that group?[38] Of course, the community in question could in principle agree to construct a voluntary Justice Agency: willing individuals could, for example, submit details of their wealth, income and all other relevant information, and the Justice Agency would thereafter produce recommendations regarding the payments that individuals should make into a central fund which would be utilised to realise social justice. There is thus no insurmountable *theoretical* problem with the idea of a redistributive regime in an anarchical society. The question is whether, absent coercive governmental apparatus, a sense of community and collective identity would be a sufficient condition for the realisation of social justice. And it seems to me that this is incredibly unlikely. As Brian Barry remarks, "if contributions to the government coffers had to be raised by voluntary subscription, even tax rates of 10 per cent would no doubt be regarded as quite visionary and utopian, in the same way as they are in the international context" (Barry, 1986: 70).

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[38] I am assuming here, *contra* some statists, that principles of social justice would still apply where coercive authority did not exist.

Let's assume for the sake of argument that some form of substantive world community could be realised from within the domestic state system. Here too, states could develop some form of voluntary Global Justice Agency designed to realise the goals of cosmopolitan justice: indeed, when cosmopolitan theorists offer up proposals for distributive schemes while denying the need for coercive world government, they are in effect endorsing precisely this type of idea. But if social justice in an anarchical community is implausible, it needs to be explained why it should not be equally implausible at the global level, even where a sense of community has been generated. Just as rich individuals in an anarchical society will often be tempted to pursue their own interests rather than voluntarily contribute their share to social justice efforts, so we can surely assume that at the global level a sense of global identity would not ensure that states acted in accordance with the demands of distributive justice if they retained the option to do otherwise.

Global community is not a panacea; it might be necessary but it is certainly not sufficient for the realisation of global justice. Coercive government will also be important, just as it is in the domestic context.

Conclusion

Nationalist theorists often make the claim that a sense of community is necessary for solidaristic redistributive schemes to be plausible between a given collection of individuals, and they point in particular to the importance of the nation. These theorists reject the possibility of redistributive schemes above the level of the domestic state on account of the absence of any corresponding sense of community. However, it was my contention that various *multi*national states appear to be rendered solidaristic on account of an overarching sense of community that is *patriotic* (not national) in form. I then applied these findings to the global level and considered the work of two theorists that,

when suitably clarified and adapted, provide a theory of 'global multinational patriotism'. The direct relationship between the institutions of a global polity and a prevalent 'interpersonal' ontological perspective provide further reason to support a politically integrationist theory of global community formation. This theory is, to say the least, ambitious, but cosmopolitans cannot simply react with cynicism and leave it at that; if they don't like the theory, then they have to provide a more credible alternative. We surveyed some non-integrationist alternatives, and found them to be wanting by comparison.

In the final section I pointed out that a sense of global community alone is not enough to enable the realisation of distributive cosmopolitanism: distributive schemes will always ultimately require coercive government to render them plausible. A similar conclusion was reached with respect to the theory of statist cosmopolitanism in the previous chapter (Section 3.4.2). To acknowledge that other factors beyond moral motivation are important leads to a thought: might it also be the case that *self-interested* motivations play a role in making redistributive schemes plausible? It is to this issue that we turn next.

Chapter 5

Selfish Cosmopolitanism

The previous two chapters have engaged with different approaches to the cosmopolitan solidarity problem, both of which emphasise the importance of changing human attitudes and behaviour in order to make individuals more interested in the fate of others worldwide. In this chapter I want to change tack, and ask if there are ways in which *self-interested* motivations (as opposed to the 'other-directed' motivations we have been considering thus far) might be harnessed in the service of cosmopolitan goals. My argument will be that various self-interested motivations can best be harnessed in a politically integrated world (in two instances specifically in the form of a world state).

In the first section, I focus on the domestic state context, and highlight three types of self-interested motivation for redistributive schemes within today's welfare states. Across the next three sections I offer some self-interested motivations that might potentially be positively harnessed at the global level, which I call economic self-interest, prudent self-interest and democratic self-interest. The cosmopolitan potential of each of these self-interested motivations is recognised by other thinkers, and yet in each case they fail to endorse radical political integration. I believe that this is a mistake: in an attempt to render their theories institutionally 'credible' and avoid a charge of utopianism, these theorists dramatically stunt the extent to which the motivations they highlight can be usefully activated at the global level.

5.1   The Domestic State Context

Self-interest is relevant to the coming into existence of modern welfare states in three main ways. First, a large number of welfare policies are not only of benefit to the worst-off in society, but are in fact of majority or universal benefit. Second, those elements of

the welfare state package that *are* of benefit specifically to the worst-off may be supported by better-off members of society on account of calculations of uncertainty about the future. Lastly, better-off citizens have reason to be concerned with the fate of the worst-off on account of their desire to live in a stable and peaceful society. Let's briefly look at each of these motivations in turn.

In many circumstances, welfare state policies are not best conceived as a standing-order payment from rich to poor. In his historical analysis of the birth of the welfare state in differing European countries Peter Baldwin rejects altruistic explanations, and instead makes reference to differently aligned class interests: for Baldwin, where there arose a large enough cross-class mutual interest in the state making certain provisions, those provisions would be made; otherwise, they would not be (Baldwin, 1990). Indeed, many modern welfare policies are of universal benefit, being available to all regardless of individual economic situation; some historical examples in the British context are the National Health Service, child benefit payments and winter fuel payments for the over 60s.[1]

That various aspects of the welfare state are in fact of universal benefit explains the wide support for them – but, of course, not all welfare benefits are universal. David Miller highlights this point by distinguishing between universal 'insurance' aspects of the welfare system (such as a public health service) and properly redistributive elements, and considering the difference between them from the perspective of the better-off:

> Given sufficient uncertainty about the future, it makes sense to authorise the state
> to protect you against the risks of accident or illness and to pay taxes to cover
> those risks. But the same does not apply to benefits that predictably go to worse-

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[1] It has been argued, in fact, that the National Health Service represents a good that disproportionately benefits the better-off, because the better-off tend to live longer and will thus make greater use of its services in old age (Goodin, 1992). Other public goods that are more heavily used by the better-off include education and transport subsidies (Goodin and Le Grand, 1987: 94). At the time of writing, the current British government has just terminated the universal provision of child benefit payments, and the Labour opposition party has signalled its intention to end winter fuel payments for wealthy pensioners if it wins the next election. What remains to be seen is how secure the provision of these benefits to the least well-off remains when the benefits are no longer universal.

off groups, such as housing subsidies, income supplements or long-term
unemployment benefits.   (Miller, 2006: 328)

Miller supposes that for "better-off people – skilled workers and the middle class as well as the rich – to support these policies, they must see this as a matter of social justice", and that to see it as a matter of social justice, they must see those worse-off groups as 'one of us', which for him means co-nationals.

However, *contra* Miller, it is not the case that the explanation for widespread support of such policies must be recognition of social justice, since there *is* a way that self-interest might motivate support for the properly redistributive aspects of the welfare state, and it too is grounded upon uncertainty. Robert Goodin presents the idea in his *Motivating Political Morality* (1992): those who might be considered 'losers' (i.e. net contributors) with respect to welfare policies nevertheless have a good reason to support such policies, namely the thought that tomorrow is another day, and most of us cannot be certain of our ongoing ability to meet future needs. At least, *enough* of us are in an uncertain enough position over the long term for this to have an effect on policy outcomes. Goodin imagines further that in this future scenario, it might be those who are *currently* in need who will be the ones in a position to help us (i.e. today's 'losers' will be tomorrow's 'winners', and *vice versa*). In this case, the relevant consideration is a self-interested calculation of uncertainty *coupled with* a fear that others will 'do unto us as we have done unto them' if we ever do indeed find ourselves in similar need.[2] This second premise is not in fact necessary to get to get the motivation off the ground – all that is needed is for each of us who is currently well-off to imagine ourselves as potentially

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[2] Miller would suggest that trust is an essential part of this process: not only do I need to recognise my prudent interest in these benefits being available, but I also need to trust that others will actually be willing to provide those benefits if and when I am in need. For Miller, of course, it is national community that engenders this trust (see Section 4.1), but we have also already made the case that it is not only national community that can provide a sense of community relevant to social solidarity. In any case, it seems to me that Miller greatly overemphasises the role of communal 'trust' and diminishes the role of the state in this type of scenario; after all, it's not obviously my fellow citizens in whom I need to trust, but rather the capacity and intention of my state's political institutions to function effectively.

among those in need in the future, regardless of who the well-off would be at that point –
but it adds an additional dimension.

In response, it might be said that this type of self-interested motivation for welfare
provision has limited potency, on account of its exaggerated picture of social mobility.
The logic of the argument is that I should support welfare policies because I do not know
what tomorrow may bring for me, and additionally, I may find that others will treat me
in the same way in the future that I treat them today. But in reality many people are well-
off enough that they can feel pretty certain of what tomorrow will bring, namely
continuing prosperity. Thus, they have no self-interested reason to care about, say, the
provision of unemployment benefits, and they have little need to worry that others will
revisit their actions upon them. Therefore, so this argument runs, if these people *do*
support properly redistributive policies this is due to recognising that it is the socially just
thing to do.

We can question this analysis. The genuinely rich – depending on how we define
them – are indeed, in all likelihood, safe from finding themselves in a position in which
they require state benefits. But the extent to which large swathes of middle-income
workers can be confident of not finding themselves in need of state aid surely differs
according to the length of time under consideration. Can most people be genuinely sure
of their job security over the medium-to-long term? Or that some personal financial
disaster will not befall them? Is it sensible to remove all safety nets just because we don't
appear to need them at the moment?

A currently well-off citizen considering whether or not to support a particular
welfare policy might proceed by weighing up the potential costs and benefits in two
future scenarios. In Scenario A, it transpires that I remain sufficiently well-off not to
personally need the benefit in question at any point in the future: in that case, if the
benefit is available for those in need, then I have lost the small amount of money that I
personally contributed to enable that benefit to be provided to others; if the benefit is not

available, then I have retained that small amount of money that I would have otherwise lost. Either way, not a great deal of difference is made to my life. In Scenario B, it turns out that my personal circumstances become such that I am in need of the benefit: if the benefit is not available, then my losses are large, and I am plunged into a rather dire situation; on the other hand, if the benefit is available, then my gains are vast – I am saved from that very same dire situation. Thus, even if Scenario B is far less likely than Scenario A, it seems rational for risk-averse individuals to insure themselves against it.

Of course, some individuals might be happy to take the risk, or might consider the chances of Scenario B occurring to be so vanishingly small as to be non-existent. But even if this appeal to self-interest does not motivate support for welfare benefits, a third appeal to self-interest might. To say that there is no self-interested reason for the rich and middle class to want to preserve benefits that go predictably to the poor, simply because they are not going to be poor themselves, is to take a somewhat narrow understanding of self-interest. One might suggest instead that there is every reason for the rich to be keen to avoid a situation in which there exists a significant portion of society that has no job, no home, no income, and no benefits to help ameliorate these problems – in other words, nothing to lose. The provision to the poor of a selection of benefits sufficient to stem support for an imminent revolt could well be understood as a self-interested move on the part of the well-off.[3] An individual does not exist in isolation: each of us has an interest in the society in which we live remaining stable and peaceful so that we might go about our own lives and pursue our own interests. If redistributing to the poorer members of society is a way to achieve this, then we will be motivated to do it. A belief that this is the socially just thing to do, however, might not come into it.

What should cosmopolitans take from this analysis? They should consider ways in which self-interested motivations might be harnessed toward cosmopolitan ends at the

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[3] Peter Baldwin interprets Bismarck's early version of the welfare state in Prussia as being motivated by a concern for "the smooth functioning of the capitalist system" (1990: 57).

global level. Clearly, there will not be a straightforward analogy to be found between the domestic context and current global circumstances. Nevertheless, there are a number of potential ways that self-interest might be usefully harnessed to cosmopolitan ends that we should consider here. My claim is that in each case global political integration is of central importance.

5.2   Economic Self-Interest

One way in which self-interest might be conceptualised at the global level is in terms of the construction of a truly global, integrated economy, which I will refer to here as global economic integration, or economic globalisation. According to proponents of global economic integration, the best way to lift millions of people out of poverty and reduce global inequalities is to progressively lower trade tariffs, end domestic states' protectionist trade policies (such as subsidies for domestic industries), and free up the movement of capital and labour, thereby creating a truly global marketplace and giving maximum expression to self-interested economic rationality on a global scale (Bhagwati, 2004; Wolf, 2005). For Martin Wolf, the potential of this type of process is clear: "as a way of satisfying the material wants of mankind, self-interest exceeds the power of charity as the Amazon exceeds a rivulet" (Wolf, 2005: 46).

Importantly for our purposes here, global economic integration is often claimed to be in every state's self-interest. Consider the following argument for global free trade. The lowering of trade tariffs (i.e. taxes levied by domestic states upon imported goods) and the resultant opening up of global markets allows states to enjoy the gains from what is called their comparative advantage. In different areas of the world, different conditions prevail (e.g. differing climates, differing natural resources, differing availability of labour and hence differing labour costs, etc.) meaning that different products or services can be produced or provided at different costs and thus sold at differing prices. When states in

these differing areas of the world concentrate on providing those products and services that they can produce most efficiently, they will be able to sell those products and services to those other states. This should be attractive for the purchasing state too, since it makes sense to import goods whenever it costs less to produce and sell the exports that will provide the money to pay for those goods than it does to produce those goods oneself. The argument from comparative advantage can be conceptualised as analogous to the first type of self-interested motivation highlighted in Section 5.1, since economic integration is theorised as being of *universal* benefit (to use economic language, the benefits are 'non zero sum'): free trade allows each state to exploit its competitive edge while purchasing other goods at a price less than the cost of producing those goods themselves.

According to the proponents of global economic integration, the effect over time of removing trade tariffs should be, *inter alia*, to give greater expression to the comparative advantage of poorer states, thereby reducing the extent of global poverty as well as limiting global inequality. Indeed, so it is argued, this is what has *already* been happening: "globalization has not increased inequality. It has reduced it, just as it has reduced the incidence of poverty" (Wolf, 2005: 142). Where states, such as Singapore or South Korea, have opened themselves up to global markets, they have seen remarkable levels of growth in a short amount of time. China too, since making market reforms, is seeing the same. By contrast, states that maintained their tariffs and remained cut off from global trade have floundered.[4] For this reason, Wolf says that "the pity is not that there has been too much [economic] globalization, but that there is too little" (ibid: 95). Further global economic integration represents an untapped resource that contains significant cosmopolitan potential.

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[4] This argument is consistent with David Miller's (2007) appeal to 'national responsibility' as a partial explicator of global inequality.

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The comparative advantage thesis recognises the economic value in the division of labour. But it might also be that there are social benefits to this division. Recall that in the previous chapter (Section 4.1) I referenced Émile Durkheim's concept of 'mechanistic solidarity' as an intellectual influence on the sorts of arguments being made by liberal nationalists with respect to the feasibility of redistributive schemes. Alongside that concept, Durkheim also offers the notion of 'organic solidarity', which is grounded precisely in the idea of a division of labour between parts of the whole. In circumstances of a division of labour, individuals or groups within any given society come to see that they have a vested interest in the well-being of that society, given their reliance on other sections of that society to provide the goods that they want or need.[5] Why and when does this division of labour occur? Durkheim references the increasing density and volume of populations, as well as "the number and rapidity of means of communication and transportation" (quoted in Lukes, 1992: 169), two issues that are in fact regularly referenced in contemporary discussions of globalisation. Under these circumstances, mutual specialisation avoids direct competition among different elements of society.

There exists a lively debate regarding the empirical bases of the link between global economic integration and reductions in global poverty and inequality, which I clearly cannot hope to settle here.[6] Nevertheless, cosmopolitans should hope that the economic globalisation argument has potential, because if it does, then the goals of at least a sufficientarian theory of global justice can apparently be realised even without appealing to the sorts of moralistic motivations we have considered over the previous two chapters. Similarly, a more demanding theory of cosmopolitan distributive justice that

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[5] "Because no individual is sufficient unto himself, it is from society that he receives all that is needful, just as it is for society that he labours. Thus there is formed a very strong feeling of the state of dependence in which he finds himself: he grows accustomed to valuing himself at his true worth, viz., to look upon himself only as a part of the whole, the organ of an organism" (Durkheim, 1984 [1893]: 172).

[6] For an overview of some of the key points of contestation in this debate, see Luke Martell (2010: Ch. 8). For a detailed analysis of the contemporary shape and extent of economic globalisation, see Held and McGrew (2007: Ch. 5). For scepticism regarding the extent to which global inequality and poverty have been reduced in recent years, see Pogge (2010a).

seeks to restrict or eradicate global inequalities appears less of a daunting task from a position at which the most severe cases of absolute poverty have already been ameliorated.

It also seems to me that global democracy theorists should hope that the theory has potential, because global democracy is itself likely to be a more plausible prospect where global inequalities have been reduced prior to its institution.[7] After all, where global inequalities are vast, it seems unlikely that the global rich would be willing to enter into a political system in which "the poor could become a majority, pressing demands so steep as to ruin affluent states" (Cabrera, 2004: 100). What's more, it is common for theorists of democracy to argue that where individuals do not have a certain minimal level of resources at their disposal they will be unable to properly take part in democratic politics even if the formal institutions are in place (Held, 1995a). The economic globalisation theory provides one answer as to how these economic prerequisites of global democracy might actually ever come to pass.

Let us here assume for the sake of argument that the theory of global economic integration has some potential – even if, in reality, "global economic integration alone cannot be adequate medicine for low income countries" (Held, 2004: 48) – and ask what follows from this. One might think that a major consequence is that my overarching argument in this thesis is weakened. After all, if liberalising and integrating the global economy has the potential to do much useful work with respect to the realisation of cosmopolitan ends, then what purpose the world state? My answer is that if the deepening of global economic integration is to be plausible, efficient and defensible from a cosmopolitan perspective, then it seems to require the negation of much of the power of domestic states, and the involvement of a competent global government.

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[7] Mathias Koenig-Archibugi rejects the claim that limited economic inequality is a *necessary* condition for global democracy by way of domestic analogy, pointing out that various democratic domestic states, such as India, sustain high levels of inequality (Koenig-Archibugi, 2011). It nevertheless seems highly likely that global democracy will be more plausible to the extent that global inequalities have been somewhat diminished.

5.2.1 Hayek and domestic states

To attempt to show this I want to begin with Friedrich Hayek. Global economic integrationists' faith in the market as the most efficient route to the abolition of poverty and the reduction of inequality draws obvious inspiration from Hayek, who defends his theory of social order "as the order in which the well-being of the poorest is most likely to rise … [R]edistributive intervention is criticized as an ineffective method of reducing inequality and abolishing poverty" (Kukathas, 1989: 193). And just as Hayek believed the market to be the most efficient method of improving the lot of the poor at the domestic level, so he seemingly believed the same to hold at the global level, remarking, in a turn of phrase that might easily issue from the lips of any modern day cosmopolitan theorist, that "it is neither necessary nor desirable that national boundaries should mark sharp differences in standards of living, that membership of a national group should entitle to a share in a cake altogether different from that in which members of other groups share" (Hayek, 2001 [1944]: 226).

Without personally endorsing Hayek's political and economic theory, it is interesting to reflect upon his international institutional prescriptions. In this regard, disentangling liberalism from nationalism and the domestic state was imperative: "the abrogation of national sovereignties and the creation of an effective international order of law is a necessary complement and the logical consummation of the [economic] liberal program" (Hayek, 1948: 269). By appeal to an 'effective international order of law', Hayek in fact means a federal order with coercive central power, i.e. a federal state. An international federal order is "the only way in which the ideal of international law can be made a reality. We must not deceive ourselves that in calling in the past the rules of international behaviour international law we were doing more than expressing a pious wish" (Hayek, 2001 [1944]: 239).

For Hayek, the type of coercive power that the federal government is to wield is largely negative: "The need is for an international political authority which, without

power to direct the different people what they must do, must be able to restrain them from action which will damage others" (ibid: 238). Such damaging action comprises more than acts of explicit aggression: it also includes 'economic planning' on the part of domestic units. The latter is to be rejected not only because of its internal threat to the liberty of citizens, but also because of its indirect threat to international relations: "If the resources of different nations are treated as exclusive properties of these nations as wholes, if international economic relations, instead of being relations between individuals, become increasingly relations between whole nations organised as trading bodies, they inevitably become the source of friction and envy between whole nations" (ibid: 226).

In a federal order, the potential for such aggregation ('nations organised as trading bodies') is greatly reduced. Full economic integration as I am understanding it here would involve the free movement of goods, capital and persons across borders, the removal of trade tariffs and a singular monetary system: each of these principles, where adhered to, vastly limits the opportunities for domestic units to, for example, artificially protect domestic industries in the name of the aggregated national interest.[8] *Political* integration ensures that these principles of economic integration are actually adhered to. Hayek clearly understood it to be crucial to the idea of effective economic integration that there existed a political authority capable of ensuring that the tenets of global free market economics were consistently respected, and that states did not deviate from those tenets where they judged doing so to be in their 'national interest'. For Hayek, then, the global extension of his theory of liberalism requires something that looks very much like a global federal state, albeit in a minimalist form.[9]

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[8] Hayek himself was not in favour of a single monetary system.

[9] Hayek in fact held a somewhat ambiguous attitude toward the potential for a truly global federal order. Much like Kant (as we shall see later), Hayek seems to vacillate between support for a federal world state and the endorsement of a 'surrogate' alternative – in Hayek's case this alternative is a series of separate, regional federal orders. The reason for this surrogate was recognition of the extent of diversity in the world. It is not clear, however, how Hayek can

Now let us suppose that extensive global economic integration is to occur while the domestic state system remains in place. It seems to me that this is a significantly less promising route to global economic integration, because where a federal order is not in place, the potential remains for states to act in the aggregate terms that Hayek feared. The supposed mutually beneficial quality of global economic integration will not be obviously recognisable to all people at all times; international trade on the basis of comparative advantage might always serve the *general* good, or might always be the rational policy for states considered simply as collective entities, but it will also necessarily adversely affect certain industries and individuals within domestic states at certain points in time. For example, if opening up the world to free trade allows steel workers in Japan to realise a comparative advantage in steel, then this will adversely affect the prospects of the existing steel industry in the US, leading to the diminishing of the latter and resultantly to the loss of US jobs in steel. This reality does not undermine the theory of comparative advantage – it is, rather, *part* of the theory: if US steelworkers are no longer competitive under the circumstances of free trade, they should move over into an industry in which the US, or their particular sub-state region, or they as individuals, have greatest comparative advantage.[10] However, this kind of economic rationality is not as easily internalised by workers as it is outlined in economic textbooks. Individuals often relate to their jobs in more than simply instrumental terms. One's profession can often form a central part of an individual's or indeed a *region's* identity: British miners in the 1980s would not have been more accepting of the closure of British pits and the loss of their jobs if only someone had explained to them the economic theory of comparative advantage. And even when individuals do not relate to their jobs in

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consider diversity as an argument *against* the plausibility of a federal order in one instance (as in *The Road to Serfdom*), but then also favourably cite diversity as a reason why a federal order would be likely to successfully deliver the free-market policies he supports (as in his 1948 article).

[10] This example is from Milton and Rose Friedman's 'The Case for Free Trade' (1997).

anything other than instrumental terms, this does not mean that moving over into a new industry is straightforward and painless.

For these reasons, domestic industries and workers will reliably resist economic policies that are likely to adversely affect their particular industry and their particular jobs. And these groups can often be politically powerful – powerful enough to ensure that governments react and resist instituting free-trade policies. European farmers, for example, are aware that agriculture is an area of comparative advantage for many developing countries. If the EU opened up to free global trade in agriculture, it would inevitably lead to an increase in exports for those developing countries, but would also imperil the livelihood of Europe's farmers. However, the farming lobby in Europe (as in the US) is politically powerful, and resultantly European farmers benefit from huge subsidies that artificially buoy European farming: potential huge gains to the economies of poor states and the reduction of global poverty are thereby precluded. Martin Wolf calls the actions of the EU in this regard a "grotesquerie" (2005: 215). But at the same time, he accepts that "rich sovereign democracies will always use the bulk of their resources to tackle the problems of their own citizens and protect themselves against disruption from abroad" (ibid: 316). This is seemingly the case *even when* doing so contradicts the economic logic of the theory of comparative advantage and the mutual benefit of free trade.

Where separate states or trading blocs like the EU retain the ability to construct tariff walls and pay subsidies to industries which protect those industries from foreign competition, they are likely to do so whenever they are under enough political pressure. But, of course, in a properly economically and *politically* integrated world the very ability to employ these sorts of protectionist policies is almost entirely diminished. A federal order could guarantee, as Hayek foresaw, that the power to raise such barriers was constitutionally removed from the federal sub-units (i.e. former domestic states).

To be clear, we need not endorse Hayek's entire non-interventionist economic philosophy in order to take something from his line of reasoning: cosmopolitans can, for example, accept that separate state governments are likely, when able, to raise tariff barriers and the like in a counterproductive manner, while also postulating the need for *global-level* regulation of markets in order better realise a cosmopolitan distributive outcome.

5.2.2   The depth of markets and Rodrik's trilemma

Another reason to expect that global government and extensive economic integration go hand-in-hand is offered by Dani Rodrik (2011a; 2011b). Rodrik notes that domestic state borders have a stunting effect on the extent of international economic activity, and that this is true *even when* trade tariffs and subsidies are not in place: international commerce is significantly depressed simply by the reality of states' separate legal jurisdictions and differing regulations. The fact of separate legal jurisdictions means that when two parties trade across borders, or when one party invests capital in another overseas, there often exists no authoritative and competent body of law that pertains to those transactions and, for instance, enforces contracts, protecting against potential malpractice. As Rodrik states, "where one of the parties reneges on a written contract, local courts may be unwilling – and international courts unable – to enforce a contract signed between residents of two different countries" (2011a: 67). The obvious way to reduce this 'transaction cost' inhibiting economic integration is to create a competent global system of commercial law that reliably oversees economic integrations and enforces international contracts. What is required for this is proper global government, and not just global governance: international law is insufficient for the sorts of reasons set out in Chapter 2.[11]

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[11] Whilst the *lex mercatoria* (as introduced in Chapter 2) enabled smooth trading between a medieval international merchant class, it seems to me unlikely that deep economic integration as

Similarly, and from the perspective of multinational corporations, "many domestic regulations and standards discourage cross-border transactions, even when they are not primarily aimed at raising barriers to trade. Differences in national currencies, legal practices, banking regulations, labour market rules, food safety standards, and many other areas raise the costs of doing business internationally" (Rodrik, 2011b: 20). Again, an obvious way to overcome this problem is to harmonise domestic state regulations and standards. As Rodrik points out, there are two ways to achieve this, but whichever of the two we choose, we find ourselves caught on the horns of what he calls the political trilemma of the world economy. According to this trilemma, only two of three things – that is, domestic states; global economic integration; and democratic politics – can be available to us at any one time. If we choose global economic integration, and want to retain domestic states, then – because deep economic integration requires harmonised domestic standards – we must be committed to the shrinking scope of democratic politics, since the *demos* in any one state cannot be empowered to select policies that diverge from international standards. Here, state governments don a 'golden straightjacket' in order to be business-friendly and attract capital investment.[12]

It seems unlikely that cosmopolitans should want to endorse a scenario that restricts democratic participation. On the basis of Rodrik's trilemma, they then have two options available to them. They can either, in order to retain democratic domestic states and democratic politics, give up on the idea of extensive international economic integration, consequently blunting the extent to which self-interested economic rationality might aid the realisation of cosmopolitan ends, or they can endorse both economic integration and democratic politics by sacrificing the domestic state system and

urged by Wolf et al could be sustained by an equivalent body of privately funded and administered law. In a system of deep economic integration it is not just professional merchants that trade across borders, but potentially everyone. It is also unlikely that large multinationals would be happy to fund a legal system that was liable to find against them.

[12] Indeed, it can be argued that the primary push for regulation standardisation comes from states seeking to increase revenue rather than corporations seeking a simplified business environment.

"instituting federalism on a global scale" (Rodrik, 2011a: 68). Either way, it must be recognised that an appeal for further integration of the world economy and the institution of global free trade as a means of advancing cosmopolitan ends must at the same time be an appeal for further political integration, ultimately in the form of a world government.

5.2.3 Free movement of capital, goods *and* labour?

State borders have another restricting effect on the notion of a truly global economy, an effect that remains even where jurisdictions are harmonised. It will not have escaped the reader's notice that when I introduced the idea of global economic integration I referenced not only free trade and the free movement of capital, but also the free movement of *labour*. Such movement is an important part of a free market economy, because it allows individuals to go where their labour is needed. On a global scale, migration allows individuals to seek work abroad, improve their standard of living and send remittances back to their home country – according to the World Bank, such processes have already played a significant part in global poverty reduction (World Bank, 2006).

However, further progress is stunted by the immigration restrictions put in place by developed states. Michael Clemens estimates that opening borders worldwide could have the effect of doubling the world GDP, an effect that would be "one or two orders of magnitude larger than the gains from dropping all remaining restrictions on international flows of goods and capital" (Clemens, 2011: 84). Hence, one potential positive effect – perhaps *the* most positive effect – that an integrated global economy could have on levels of inequality is precluded by the fact of state border controls.

Of course, freedom of movement is not conceptually incompatible with the domestic state system: it is theoretically possible that all domestic states could commit to a policy of 'open borders'. But there are different ways in which they could make this commitment. One is that each state makes a unilateral commitment in its own

parliament to progressively open its own borders. However, this seems an unlikely way to deliver global freedom of movement: not only will each state be wary of making such a commitment without at least some other states doing the same (meaning that a unilateral decision is a doubtful route to global freedom of movement in the first place), but a series of discrete, unilateral commitments is unlikely to remain stable over time, since each state can reverse its decision without being answerable to any other and without anything else riding on it.

By contrast, the only extensive system of open borders extant in the world today – the EU – arose only *after* political and economic integration had occurred. The agreement that sustains European freedom of movement is not a series of unilateral commitments, nor even a simple multilateral treaty, but rather an EU-level directive that involves the European parliament. The gradual elaboration of European institutions, including the development of its parliament and the birth of European-level citizenship, rendered the idea of freedom of movement itself more plausible – less of a leap – and also represented the beginnings of the transcendence of the domestic state system. Where that transcendence has not already begun, as at the global level, freedom of movement looks a lot less likely. Equally, the economic benefits that European inclusion brings to member states renders the agreement about freedom of movement somewhat more stable, since those states cannot obviously extract themselves from the directive's demands without putting their wider Union membership in question (although European freedom of movement is still not as stable as it would be in a federal state from which member units could not unilaterally secede).

Consider also that a policy of open borders is only likely to be feasible given a certain sense of community, which, as I argued in the last chapter, is most likely to be developed in combination with political integration (as the EU has perhaps demonstrated). Bearing these points in mind, it seems to me that policies enabling greater global freedom of movement are unlikely to develop before further economic and

political integration amounting to the transcendence of the domestic state system (even if not a world state) occurs. One can imagine a scenario, for example, in which trade tariffs and subsidies continue to be lowered, somewhat narrowing global inequalities and thereby rendering global political institutions more plausible, which in turn renders global freedom of movement more plausible, which itself reflects back positively upon the narrowing of global inequality, and so on: an image of a 'virtuous circle', to which political integration is integral.

5.2.4 Negative externalities and the market as public good

In the domestic context, governments are able to mitigate negative externalities. Externalities are the effects of market transactions between two agents on a third party, the price of which is not attended to by the transacting agents. A classic example of a negative externality is environmental damage. In manufacturing a particular product, a business might cause a certain amount of pollution to the local area which affects third parties, but when selling that product the business is unlikely to voluntarily incorporate that cost into the retail price of the product in order to remedy the pollution, and equally, those buying the product are unlikely to voluntarily offer to pay more. Governments, however, can outlaw the polluting practice, order its rectification, or levy a cost against the producer commensurate with the damage caused.[13]

Now consider the problem of environmental externalities at the global level, in particular the problem of man-made climate change. Here market transactions are having considerable effect on the environment, with severe consequences for cosmopolitan justice, and yet those effects are not being widely incorporated into the calculations and behaviours of those involved in the transactions. However, at the global level there is no

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[13] Another negative externality from an egalitarian perspective could be the severe economic inequalities that can arise. Centralised government is needed to control and rectify these inequalities via a process of redistribution and/or market regulation. I do not emphasise this point here however, as we are assuming for the sake of argument that the free market generally reduces inequalities and provides positive social outcomes, as its proponents contend.

comparable agency that can outlaw practices, set authoritative environmental guidelines or ensure that the proper price of an externality is factored into the transaction. Instead, what we get are intergovernmental forums intended to reach agreement on these issues, which are typically underwhelming and ineffective on account of differing states' perspectives and priorities. A deepening of global economic integration absent central government would only be liable to exacerbate this problem.

How to deal with the global environment effectively and deliver the public good of a clean and safe global environment is the archetypal global collective action problem (to which we will return in the next section). And in fact, what is demonstrated by the need for the provision of a uniform legal system and means for mitigating externalities, is that the provision of a smoothly functioning and morally defensible market is *itself* a public good, which at the domestic level is provided by state governments. Where government is absent – as at the global level – that public good can only be partially and falteringly provided. In current international circumstances, the Bretton Woods institutions might be said to be the agents charged with providing the global public good of international markets. But of course, as intergovernmental rather than truly global entities, they have limited powers at their disposal to perform their function adequately. Furthermore – and to repeat once more the cosmopolitan criticism of these institutions – they are adjudged to operate primarily in the interests of certain more powerful states rather than in the even-handed interest of all. Indeed, when beneficial to those powerful parties, the public good of the global market is in fact restricted rather than opened up (as, for example, with asymmetrical trade tariffs).

Taking all of these issues into consideration, we should find it curious that proponents of global economic integration do not consider global *political* integration more seriously, or at least spend a little more time criticising the idea. Wolf himself remarks that, historically, government has expanded up to the level necessary to deal with collective action problems (2005: 97). Why then restrain oneself at the global level,

as Wolf does, to support for 'global governance' of an essentially intergovernmental form? Wolf's idea is that domestic states should participate more fully in international treaty regimes to deliver public goods (among them global markets). These regimes, he says, should be "enforceable" (ibid: 319). But this is less than convincing: the lack of central government dictates that they will *not* be enforceable in any strict sense.

Wolf is clearly cognisant of the problems the domestic state system presents for his economic theory. He himself highlights what he calls "one of the most obvious facts about the world: markets want to be cosmopolitan; states do not" (ibid: 78). Consequently, he flirts with the idea of a federal global order, remarking upon its theoretical advantages (ibid: 315). And yet, ultimately, the domestic state is to remain the central player in his theory, and he repeatedly underscores the fact that his thought "is not an argument for world government" (ibid: 313).[14]

Like many distributive cosmopolitans, global economic integrationists often seem keen to avoid talk of global government in order to avoid coming across as 'utopian'. Yet just as those same cosmopolitans, the end result is the proffering of proposals that are in fact far more utopian than that which they seek to avoid.

5.3   Prudent Self-Interest

In Section 5.1, I highlighted how even those properly redistributive elements of a welfare state system need not be supported solely by solidaristic considerations on the part of the better-off. Instead, part of the reason to support these policies might be prudential, in two different ways: first, a worry that the better-off might themselves need to take advantage of those welfare policies in future; and second, a concern that the absence of such policies

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[14] Wolf's argument against the world state is that a global 'Leviathan' would crush enterprise and economic competition. He does not say why he believes a world state would necessarily be compelled to act in this way. He also briefly mentions what he sees as the problems inherent to democracy on such a large scale, given the range of cultures and identities in the world. I return to typical critiques of the world state in Chapter 7.

leads to instability in society which would be damaging to one's own interests. How might prudential self-interest be activated usefully in the global context in service of distributive cosmopolitanism?

Daniel Weinstock characterises Robert Goodin's argument that we encountered in Section 5.1 as one that recognises the motivational power of artificially constructing 'Hobbesian' situations, by which is meant situations in which each individual is potentially vulnerable to every other (for Hobbes, this is of course the situation in our pre-political 'state of nature'). For Goodin, in this circumstance each individual who is currently faring well has prudential reason to be concerned with the fate of the less well-off, because the tables could be turned in future. Weinstock recognises that it is the democratic state that creates these situations, not merely by extending the democratic franchise to all, but also via "any number of institutional devices that can be used to offset politically the impact of economic power and social status". Indeed, "states have many institutional mechanisms at their disposal with which to 'engineer' Hobbesian situations where none spontaneously emerges" (Weinstock, 2010: 182).[15]

Weinstock remarks that "there is clearly no agent at the global level comparable to the state that might create Hobbesian situations". This is of course true. Happily, however, "the global context may already constitute a Hobbesian context of the kind that in Goodin's view tends to generate prudential grounds for basic moral dealings among persons" (ibid: 182).[16] There are, Weinstock says, at least three prudential reasons for the global rich to seek to limit global inequality. These are:

> the spread of infectious disease …, the development of networks of global terrorists increasingly emboldened to carry out destructive actions in affluent countries, and … the degradation of the natural environment and the depletion of global natural resources. There are, in other words, "global public goods" – that

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[15] There is of course a great irony in the idea that the state can create a 'Hobbesian' state of nature, when for Hobbes the state was necessary precisely in order to remove us from such a scenario. The description of the potentially reciprocal nature of the democratic state as 'Hobbesian' is Weinstock's; Goodin does not use it.

[16] Given the *lack* of a global state, the 'Hobbesian' situation in question is now closer to one that Hobbes himself would recognise.

is, goods that the world's richest countries cannot obtain unless the needs of the global poor are catered to as well. (ibid: 183)

For Weinstock, we have reason to eradicate global poverty because "there is a high correlation between poverty and poor hygienic conditions, and poor hygienic conditions are efficient breeding grounds for the proliferation of infectious diseases" (ibid: 183). Similarly, "it has been fairly well established that poverty and poor environmental practices co-exist in many countries in a vicious cycle, the impacts of which are impossible to contain within national boundaries" (ibid: 184). Finally, Weinstock suggests that there might be a causal link between poverty and political extremism which would give affluent states reason to be concerned to alleviate that poverty (see also Held, 2004: 144). As far as these arguments go, it could theoretically be the case that there is nothing directly morally criticisable about global poverty and inequality. The claim is rather that there are prudential and pragmatic reasons for rich states to be concerned about these issues.

Yet, as Weinstock recognises, the global rich are not concertedly acting upon the logic these prudential arguments. For example, as regards the potential spread of infectious diseases, it seems that affluent states are for the most part stockpiling antiviral drugs to protect their own citizens, rather than seeking to eradicate disease in poor countries. Weinstock tells us that the reason states have taken this route is that pharmaceutical companies have "convinced (gulled?)" them into doing so (2010: 183). But it seems to me that there are two, more convincing reasons why richer states act in the way they do, and the existence of the domestic state system is fundamental to both of them.

Weinstock believes that "would-be global demos builders" should make these prudential arguments explicit and "draw up policy proposals that speak to them" (ibid: 190). Which agents does Weinstock have in mind as global *demos* builders? He neglects to specify. Let's assume that the most plausible agents are the governments of rich states. If the prudential arguments do have any merit then this should not be an entirely absurd

suggestion, since it should be in governments' enlightened self-interest to convince their populations of the benefits that will accrue domestically on account of overseas aid. These governments are also in a privileged position materially: the resources of other potential articulators of the prudential message pale in comparison. The problem, however, is that publicly articulating Weinstock's prudential arguments is highly risky, politically speaking, for a governing power: the message can easily be manipulated by political opponents to stir up outrage over 'our money being sent overseas'. An example from Britain illustrates this perfectly. The British government recently received considerable criticism with regards to its decision to maintain its modest overseas aid commitments in times of 'domestic austerity', despite its explicit attempts to make prudential arguments of precisely the type suggested by Weinstock. Indeed, the former International Development Secretary Andrew Mitchell could not have articulated Weinstock's argument any more clearly:

> If we had tackled the deep causes of poverty and dysfunctionality in Somalia and Afghanistan, we would not have to grapple with the symptoms today. These problems affect us here – terrorism, the drugs trade and illegal migration. If we want to tackle these problems at home, we have to understand and address their root causes abroad. Some people say we can't afford to engage in international development, but we can't afford not to.   (quoted in Grice, 2011)

The subheading of the newspaper article from which this quote is drawn states that Mitchell will be "the most unpopular minister" at the Conservative Party annual conference on account of his stance, and the body of the article goes on to say that "Surveys of Tory activists and the public show hostility to the decision to raise the Department for International Development's budget to the global target of 0.7 per cent of gross national income". Clearly, the prudential message is either not getting through, or is not being believed. To recall the argument I made in Chapter 3 with respect to the potential efficacy of a cosmopolitan avant-garde (who, of course, are the most obvious other 'would-be global *demos* builders'), alternative messages of aid inefficiency, donor country corruption and the general counterproductive nature of aid, percolate through the public sphere, and are liable to severely hinder the extent to which the prudential

message is internalised.[17] Were overseas aid commitments increased to a level at which global poverty might actually be effectively dealt with, the political fallout would likely be enormous, and almost certainly an important electoral issue. One problem faced by Weinstock's argument, therefore, is that domestic level politics acts so as to hinder the resolution of global problems, even when resolution of those problems might be in everyone's enlightened self-interest.

As well as this internal political difficulty, Weinstock's reference to a clean and safe global environment, the absence of global terrorism and the curtailment of the spread of infectious disease as global public goods, indicates another key problem. For, as we have already emphasised in this chapter and indeed at various other points in the thesis, the provision of public goods faces a well-recognised collective action problem in conditions of anarchy. The global eradication of a given disease is a 'weakest-link public good': that is to say, the disease can only be globally eradicated when it is eliminated in the state with the weakest infrastructure and the least ability to vaccinate its citizens. Similarly, global nuclear security depends upon plutonium stocks being under control in 'failed states'. Therefore, Weinstock is right that economically strengthening the most fragile states would facilitate the provision of these types of global public goods. But this means that improving the economic and infrastructural circumstances of the weak links "is *itself* a global public good; and one that, because it requires financing, is open to free riding" (Barrett, 2007: 12).

An empirical analysis of the problem of delivering global public goods with specific reference to international aid contributions is provided by Martin Steinwand. He describes the alleviation of global poverty as having classic public good characteristics, in that all states in the world can benefit from the successful development of poor states (for

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[17] Andrew Darnton and Martin Kirk's 'Finding Frames' report, which seeks "new ways to engage the UK public in global poverty", concludes that the UK public believes "that some, if not most of the money does not get through to those in need; Africa in particular is described as 'a bottomless pit'" (Darnton and Kirk, 2011). For an argument for aid inefficiency, see Easterly (2007).

precisely the sorts of reasons Weinstock mentions), regardless of whether or not they in fact contributed to that development. Perversely, the better placed a recipient country is to make use of donor funds – and thus aid the delivery of the public goods sought by the donor countries – the more those recipient states "are systematically undersupplied with aid because of collective action problems between donors" (Steinwand, 2011: 8; for a similar analysis, see Mascarenhas and Sandler, 2006).[18] We should thus remain sceptical concerning the extent to which Weinstock's attempt to motivate redistributive action by appeal to global public goods is liable to succeed. The provision of such public goods will suffer from a collective action problem to which centralised authority is the widely recognised solution.

In sum, and as with the appeal to economic self-interest, the attempt to appeal to prudential self-interest is hindered by the reality of the existence of separate political entities, and the corresponding lack of a central global authority. The types of prudential motivations referenced by Weinstock look to be most effectively activated from within a politically integrated world order.

5.4   Democratic Self-Interest

I want to offer here one more vision of a way in which self-interested motivations can be usefully activated in realising cosmopolitan goals, one that again entails global political integration. Indeed, it does so far more clearly than in the other two cases we examined above, since political integration is intrinsic to it. I am referring to global democracy.

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[18] These studies suggest that aid contribution rates are more stable when donor states have 'private' reasons for giving aid, and that these private reasons can to some extent attenuate the free-riding problem. These private reasons include a colonial link between the donor and aid country, or physical proximity. Nevertheless, there will be many occasions in which neither of these circumstances holds for potential donors, or the private reasons will not be strong enough to overcome the problem.

Three preliminary remarks are in order. First, it bears repeating that global democracy would in all likelihood only ever be plausible if global inequality had already been reduced to a significant degree. Second, I do not mean to reference the efficacious role of democracy in the same way that Goodin does. My point is not that global democratic inclusion would impress upon richer individuals the need to 'do unto others as they would have done unto them'. Rather, the act of global enfranchisement would give all individuals a voice in global affairs that would enable them to fight for their own interests.

Third, by offering up the idea of the institution of global democracy as a potential conduit for the expression of self-interest, I do not mean to suggest that the practice of democracy should or could ever be understood *solely* in terms of the mutual seeking of self-interest. Rousseau suggested that when engaging in the democratic process, persons ought to use their vote to express their understanding of the 'general will' rather than to give expression to their own particular wills (2002 [1762]: Bk 4 Ch. 2). While this is an admirable sentiment, it surely does not accord with our understanding of the way in which democracies actually operate; we do enter the democratic process bearing our own self-interest in mind. But this is not to say that a democracy can operate on the basis of each citizen seeking their own self-interest *exclusively*. Such a political system would be inherently unstable since those on the 'losing side' of any one democratic decision would have no reason to accept the result. In other words, that individuals do not take an *entirely* self-interested approach to the democratic process is an essential prerequisite for the existence of a *demos* and a stable democratic system.[19] Nevertheless, individuals can and do take a *partially* self-interested attitude toward democratic engagement, and this truth, so I suggest, can be of use in the realisation of cosmopolitan ends.

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[19] In what follows I am therefore making the assumption that a global *demos* could actually come into existence. As I argued in Chapter 4, global political integration is in fact the most promising explanation of how this could occur.

We begin with a very simple premise: governments react to those who have an effective political voice. Most obviously, governments react to those who can vote. The reason for this is clear: those with a political voice will vote against a government if it is not thought to be looking after them. But those without a political voice have no such power. Bearing this very simple thought in mind, it should not be hard to understand why rich states have frequently failed to live up to their apparent commitment to improving the life circumstances of the global poor: it is because little of consequence follows politically when they do not do so. Note that the same applies in the domestic context. As we saw in Chapter 3, being a democracy is claimed to reliably insure a population against suffering severe famines.

The inference I wish to draw out is also simple: where there exists global democracy and a global electorate, each individual is given a political voice on the global stage, and global politicians thus have reason to react to those voices if they are interested in remaining in their posts. The inclusion of all within the same democratic institutions enables each to pursue their self-interest in a way that is constructive to the realisation of distributive cosmopolitanism. This thought is no more original than it is complex: it is the main charge of global democracy theorists that large swathes of the global population have no say over the decisions taken that can negatively affect their lives.

Enabling each individual to democratically pursue their self-interest in this way is useful for cosmopolitanism not only because it encourages authorities to react reflexively and swiftly to the needs of the citizenry, but also because self-interest is almost always a more potent sentiment than interest in others. To see this, consider the distinction Elaine Scarry has made between 'imagining' and 'including' others, which she raises with specific reference to Martha Nussbaum's appeal for a widespread cosmopolitan ethic (Scarry, 1996; Nussbuam, 1996). Scarry characterises Nussbaum's appeal as an attempt to persuade us to extend our imagination to include distant others, to bear in mind their "full weight" and "solidity", by which is meant to keep fully in mind the reality of their

existence – the fact that they are real agents, have life goals, have loves, feel injury, *suffer* – when making decisions that are likely to affect them. While these are worthy goals, the problem is that 'imagining' or 'remembering' the reality of others in this ongoing manner is incredibly difficult. To demonstrate this, Scarry first defers to Jean-Paul Sartre's study of the imagination, in which he asks the reader to close their eyes and attempt to conjure up in their imagination the face of a loved one. Upon comparing the image we create with the reality, we inevitably find the former to be a pale imitation. Scarry then asks us to:

> Transport the problems of trying to imagine a single friend to the imaginative labor of knowing the other – not an intimate friend, not any single person at all, but instead five, or ten, or one hundred, or one hundred thousand; or x, the number of Turks residing in Germany; or y, the number of illegal aliens living in the United States; or z, the estimated number of Iraqi citizens killed in our bombing raids; or 70 million, the scale of population that stands to suffer should the United States fire a nuclear missile[.]   (Scarry, 1996: 103)

Clearly, the 'imagining' that is required here is different to that in the case of bringing to mind the face of a friend. But just as the face of a friend is inevitably faded and two-dimensional in our mind's eye, so it proves difficult to empathetically and consistently 'imagine' the lives of millions of others when we do not interact with them in a personal capacity. Where our imagination falters, we are liable to neglect the effects on others of both our actions and our omissions.

This difficulty in 'remembering' and 'imagining' others is surely something that we all can relate to. When one is directly confronted with the suffering of others an emotional reaction is elicited that inevitably fades when one returns to busying oneself with one's own life and one's own circle of acquaintance. Personal interaction with a homeless person will bring forth to us starkly and temporarily the tragedy of another human being's existence and will likely engender in us sadness, regret and resolve to act – but it is a rare individual who maintains the potency of this feeling for long after the interaction has ended. Typically, the experience is quickly 'forgotten' as we return to the pursuit of our own projects, however frivolous they may be in comparison. The same is

true when we are confronted with the desperate situation of the world's poor on our television screens. In that moment, we may well be moved to donate money to a relief fund and will lament, sincerely, the fact of such extreme suffering in the world. But it is unlikely that the next day, whilst watching something completely different on the television, the same level of sorrow remains.[20]

Such thoughts call to mind Adam Smith's infamous statement that a "man of humanity in Europe" is more readily upset by a "paltry misfortune" to himself than the "ruin of a hundred million of his brethren" in China (2002 [1759]: 157–8). Smith did not mean to suggest that anyone would explicitly sanction the death of thousands of foreigners in order to save their own little finger ("the world … never produced such a villain"), but rather, as Fonna Forman-Barzilai put it, that "we are sentimentally near-sighted" (Forman-Barzilai, 2010: 50). This near-sightedness (which applies *within* countries as well as across them)[21] makes it incredible that the suffering of others, even great suffering, could affect us with the same intensity as our own suffering, or even our own worries, concerns and preoccupations. That is particularly so of those others with whom we have little interaction and are thus rarely 'reminded' of in the first place.[22]

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[20] It seems to me that part of the reason that something often feels wrong to people (if indeed it does feel wrong) about Peter Singer's famous 'drowning child' thought experiment (1972) can be explained by this difficulty in 'imagining'. It is possible to imagine that a specific drowning child is directly in front of us. But when we extend our moral conclusion from that scenario (i.e. that we should save the child) to the wider question of what we should do with respect to the alleviation of the comparable suffering of millions, perhaps billions of children worldwide, we move to a situation in which our 'imagination' is sorely tested; we are asked to imagine the reality and the immediacy of the suffering of millions of unspecified people living out of sight. Interestingly, Singer himself has recently commented on the relevance of this difference, stating that one of the problems of persuading people to act to alleviate global poverty is that it is "an unidentified mass of people that we're trying to help" (Singer, 2011).

[21] Forman-Barzilai claims that Smith chooses the example of China only to make his point as clearly as possible.

[22] For Smith, the reason why humanity "never produced such a villain" who would be prepared to sacrifice the lives of others for the preservation of one's own little finger is "reason, principle, conscience, the inhabitant of the breast, the man within, the great judge and arbiter of our conduct" (2002 [1759]: 158). But while moral principle can sustain one when it comes to deciding whether or not to sanction the death of 100 million people in order to save one's own finger, far less clear is that it is an equally powerful force when it comes to distributive cosmopolitanism.

It follows from this line of thought that we are ill-advised to leave "the fate of another person to be contingent on the generosity and wisdom of the imaginer" (Scarry, 1996: 106). Or to put it in terms consistent with those used in this thesis, we are ill-advised to rely upon commitment to moral principle to underpin cosmopolitan solidarity. Scarry asks us to imagine two societies. In the first, light-skinned people can vote and dark-skinned people can't. However, the light-skinned people resolve to "take into consideration, before they vote, the position of the dark-skinned residents" (ibid: 106). In the second society, both light- and dark-skinned residents are able to vote. Scarry's first point is that, given the difficulty of imagining other people, the light-skinned people in the first society will fail to adequately incorporate the interests of disenfranchised dark-skinned people into their decision-making.[23] Her second point is that even if they were to manage this, the situation would clearly remain unjust because there would still exist inequality in power between the two groups: the situation would be, at very best, unjustifiably paternalistic. Clearly, then, the second society is preferable. Here, "no group any longer occupies the position of legal other". Scarry is explicit: "what differentiates the first and second strategies of inclusion [i.e. that of the first society and that of the second society] is the principle of self-representation" (ibid: 107). Democratic inclusion negates the need for over-optimistic sole reliance on the successful imagining of one group by another.

It would seem that the lesson for cosmopolitans is obvious: if the global poor are to be adequately aided, they would need to be politically included rather than falteringly imagined. But Scarry – like Wolf, and like Weinstock – does not follow her own argument through as one might reasonably expect to be demanded by its premises. Instead, she limits herself to the entirely modest idea of constitutional change *within*

Here, humanity has indeed produced many millions of 'villains', whether culpable of infringing upon the negative rights of the global poor or of refraining from acting upon positive duties.

[23] There are also reasons to expect that the light-skinned group just would not possess the appropriate epistemic capabilities to adequately represent the dark-skinned group on their behalf.

separate domestic states, offering the example of ensuring that the US president does not have sole decision-making power (and is therefore not the sole 'imaginer') with respect to the launching of nuclear missiles, by requiring the consent of Congress. Scarry also speaks more generally of the "self-revision" of states in order to "prepare for a more generous [i.e. more cosmopolitan] future" (1996: 110), a turn of phrase that will surely bring to mind Lea Ypi's vision of the self-transformation of states that we encountered in Chapter 3. But this similarity only emphasises the extent to which Scarry fails to live up to her own line of thought. Here, she jettisons the idea of *self-representation* which was fundamental to her earlier argument and in essence falls back upon the idea of imagining others, which she had previously emphasised the weakness of. Relying on this motivation remains as problematic at the global level as Scarry herself shows us it is at the domestic level. After all, presumably members of Congress are as liable as the president to suffer from a faulty imagination. While congressional consent provides something of a safety-catch, the fact is that the US *as a whole* will find it hard to imagine others. And the avoidance of nuclear war is only the starkest example: the less striking components of cosmopolitan distributive justice will be even more likely to be 'forgotten'.

Why does Scarry decline to consider the possibility of *global* self-representation in order to render her argument more consistent? The answer, it seems to me, is that she is engaged in a failure of imagination of her own – namely the failure to imagine the possibility of future global institutional change. She claims that:

> While it is possible to eliminate the legal position of the Other within a country, it is not possible to do so for people outside its borders. Here the problem of otherness, with its steady danger of injury, cannot be addressed through voting rights but might seem dependent on the largesse of the imagination alone. (Scarry, 1996: 108)

But it is only true that the position of legal other is ineradicable if we assume that borders (circumscribing differing legal regimes) are themselves ineradicable, which would be an assumption that is entirely unwarranted; state borders are not natural facts about the world that cannot be changed. It is simply not the case that it is impossible to eliminate

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the position of legal other; the institution of global democracy could achieve just such an elimination. (This is not to say, of course, that there could not remain differing legal jurisdictions below the global level, as there are in federal units in a domestic federal state.)

Cosmopolitans should take heed of Scarry's demonstration of the problems inherent in imagining other people, as well as the benefit to just relations that can come from including those others in democratic institutions. But they should also be bolder than Scarry in thinking this line of thought through to its proper conclusion at the global level. Global democracy can enable groups and individuals to lobby for their own interests on the global stage in a way that could prove beneficial for the realisation of distributive cosmopolitanism. By contrast, any cosmopolitan theory that rejects the need for global democracy in order to bring cosmopolitan distributive principles to fruition proceeds precisely with the unrealistic expectations of 'generous imagining' and 'cosmopolitan largesse' highlighted by Scarry.

Of course, to make an argument for global democracy is not at one and the same time to make an argument for the world state.[24] Yet an argument for any substantive vision of global democracy clearly *is* an argument for radical global political integration and the resultant usurpation of the domestic state system. My argument against the viability of the intermediary institutional models most often endorsed by global democracy theorists comes in the next chapter.

Conclusion

The shape of my argument in this chapter has been straightforward. I suggested first that solidaristic outcomes at the level of the domestic state are realised partly in virtue of self-

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[24] Although some theorists do make the argument that global democracy requires a world state – see Marchetti (2008), Höffe (2007) and Tännsjö (2008).

interested motivations. I then considered three ways in which self-interest might be conceptualised at the global level, and argued that in each case political cosmopolitanism is implied. What's more, in each case other theorists have already recognised the cosmopolitan potential of these self-interested motivations, and yet have failed to endorse the institutional prescription that would allow that potential to be realised. The failure to do so, I contend, is born of a desire to remain 'credible' and not seem too radical or utopian. But it is in fact those who reject the idea of the world state while endorsing cosmopolitan principles who maintain an incredible and utopian position.

My argument to that effect is not yet complete, however, for I first need to directly assess intermediary institutional proposals. This is the task of the next chapter.

Chapter 6
Against Intermediary Proposals

My argument thus far has proceeded largely in dichotomous terms. I have contrasted the domestic state system with a world state and suggested that the latter possesses advantages over the former with respect to its potential to realise distributive cosmopolitanism – either that, or I have appealed more vaguely to the merits of 'global political integration'. But to present the domestic state system and the world state as the only institutional possibilities (equating global political integration straightforwardly with the latter) would be to present a false dilemma. There is in fact a third type of proposal that needs to be assessed, namely the intermediary proposal.[1]

As set out in Chapter 1, by 'intermediary proposals' I mean to capture all those global institutional conceptions that are intended to be understood as sitting somewhere between a confederal order and a federal world state. Intermediary proposals postulate new polities into which individuals are directly incorporated as citizens, including at the global level, and they accept the need for some amount of global centralisation of authority. But an intermediary proposal also reserves domestic states' external sovereignty by allowing for unilateral withdrawal, and/or rejects the ultimate centralisation of coercive force.

In this chapter, I introduce and analyse four institutional proposals that their authors intend to be understood as sitting apart from both the domestic state system and a federal world state: Thomas Pogge's 'dispersed sovereignty' model; Daniele Archibugi's and David Held's respective derivations of the 'cosmopolitan democracy'

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[1] Indeed there are more than three options. What about global anarchy? Or the possibility of there being different institutional forms in different parts of the world? What about polities formed non-territorially (Caney, 2005: Ch. 5)? Each of these is a conceptual possibility, but none garner wide support from cosmopolitans. Intermediary proposals, on the other hand, do: so I concentrate my efforts upon assessing these models.

research school; and Jürgen Habermas' 'global domestic politics without a world government'. My argument in what follows has two facets. On the one hand, I seek to show that in many respects the supposed non-statist quality of these proposals is suspect; upon analysis, the institutional proposals considered here are not so far removed from a world state order as their authors wish to claim. Indeed, in the cases of Pogge and Held, I find no definitive distinction from a world state at all. On the other hand, although Archibugi and Habermas successfully demonstrate such a distinction, the intermediary nature of their proposals only marks a weakness as far as the realisation of cosmopolitan goals is concerned.

The chapter takes the following form. First, in Section 6.1 I give an initial introduction to the intermediary proposals under consideration and clarify their distributive credentials. Section 6.2 undertakes a conceptual analysis of the four proposals, and questions the extent of their divergence from a federal world state. Section 6.3 offers further support for my conceptual analysis by respectively considering the possibility of detaching sovereignty and constitutionalism from the state. In Section 6.4 I take genuine intermediary proposals to task, arguing that they represent inferior institutional proposals to a world state. Finally, in Section 6.5 I consider the case of the European Union, and deny that it offers support to intermediary theorists.

6.1   The Proposals

6.1.1   Pogge's dispersed sovereignty

In his article 'Cosmopolitanism and Sovereignty', Thomas Pogge articulates an institutional proposal intended to service the realisation of cosmopolitan ends he labels a "vertical dispersal of sovereignty" (1992: 61). Pogge says that in our world as it stands, there exists, in nearly every territory of the globe, one government with pre-eminent sovereign authority. Yet "from the standpoint of cosmopolitan morality … this

concentration of sovereignty at one level is no longer defensible". However, the solution to this problem is for Pogge "not the idea of a centralised world state, which is really a variant of the pre-eminent state idea" (ibid: 58). Instead, his idea is that:

> governmental authority – or sovereignty – be widely dispersed in the vertical dimension. What we need is *both* centralisation *and* decentralisation – a kind of second-order decentralisation away from the now dominant level of the state. Thus, 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. And their political allegiance and loyalties should be widely dispersed over these units: neighbourhood, town, county, province, state, region and world at large. (ibid: 58)

Within Pogge's institutional scheme, 'state' apparently ceases to be a relevant concept: today's states will no longer be understood as such in Pogge's future order given the extent of their sovereignty that will be 'dispersed'; and no other new state forms are created as a result of the institutional change.

6.1.2   Cosmopolitan democracy

Pogge's proposal shares similarities with the research school known as 'cosmopolitan democracy', the most notable proponents of which are Daniele Archibugi and David Held (Archibugi and Held, 1995; Archibugi and Held, 2011; Archibugi, 2004; 2008; Held, 1995a; 2004). These theorists, like Pogge, are concerned that the domestic state is an outmoded institutional construct that is unable to respond sufficiently to the challenges brought by the cross-border processes of 'globalisation' (Held and McGrew, 2003; 2007). In particular, and as the name indicates, advocates of cosmopolitan democracy are concerned with establishing the conditions for political autonomy in a world in which various issues that affect individuals are international or global in nature: to that end they envisage a number of different levels of governance from the local to the global in which individuals will participate (as well as *ad hoc* cross-border referenda). These different levels of governance are purportedly "not bound so much to a hierarchical relationship, as much as to a set of functional relations" (Archibugi, 2004: 446); they are "mutually autonomous but complementary" (Archibugi, 2008: 97), and

are to "act within their own sphere of competence" (Held, 1995a: 234). The global unit, for example, is to deal with those matters – and *solely* those matters – that can only be dealt with efficiently and justly at the global level: "those involving levels of interconnectedness and interdependence which are unresolvable by local, national or regional authorities acting alone" (ibid: 235). The same goes for the regional level, and indeed for the traditional domestic state level itself.

Whereas Pogge makes no reference to the direct involvement of domestic state governments in the political processes of 'higher' level political units, the cosmopolitan democrats declare that both individuals *and* state governments are to have their own representatives at the global level. This could be achieved by adding a second chamber to the United Nations General Assembly consisting of representatives elected directly by individuals (Falk and Strauss, 2001), and similar provisions could be made at regional levels, as with the EU today. The cosmopolitan democracy model, as compared with Pogge's, is geared towards developing democratic relations between states as well as between individuals worldwide. Energy is therefore expended on proposing reforms to intergovernmental forums like the currently existing 'first chamber' of the UN, as well as the Bretton Woods institutions.

Cosmopolitan democrats are adamant that their institutional proposals do not amount to a world state, and instead understand them as "intermediate between the confederal model and the federalist one" (Archibugi, 2008: 109). Archibugi tells us that "cosmopolitan democracy is not to be identified with the project of a global government" (2004: 454), and Held remarks that a "single, unified international state structure ought not to be regarded as an aim; it is impractical and undesirable for many of the reasons Kant gave" (Held, 1995: 230).[2] There are, however, distinctions to be made between Archibugi and Held's respective elaboration of the cosmopolitan democracy model, which we will draw out across the next two sections.

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[2] We come to those 'reasons Kant gave' in the final chapter.

6.1.3 Habermas' 'world domestic politics without world government'

Whereas Pogge and the cosmopolitan democrats envision numerous and somewhat indeterminate political units within their institutional schemes, Jürgen Habermas' institutional proposal is split specifically across three levels, which he calls the supranational, the transnational and the national. The *supranational* level consists of a suitably reformed United Nations charged with the "vital but clearly circumscribed tasks of securing peace and promoting human rights" (2006: 136), as well as an International Criminal Court. Habermas' position with respect to the idea of direct individual representation at the global level has wavered over time, but he has more recently come (back) around to the idea of a world parliament as a feature of his global-level political system (2008b). Reference to the 'promotion' of human rights might give the impression that the UN will be involved in the positive provision of socio-economic rights, but actually what Habermas appears to have in mind at the supranational level is the enforcement of negative rights only: the UN will intervene militarily where necessary to prevent crimes being perpetrated by domestic states against their own citizens or against the citizens of other states. We might note that the tasks attributed to the UN by Habermas are in fact tasks that it is already supposed to carry out today.

The *transnational* level is somewhat more complex, involving a much greater change from where we are now. It is at the transnational level that Habermas foresees most of those issues that transcend domestic state boundaries being dealt with and resolved. The agents of the transnational level are to be sizeable "regional or continental regimes" (2008a: 324) – these might be large existing states, like the US and China, or suitably reformed regional institutions like the EU. Where such regimes are missing, they must be created via domestic state integration. These units are to perform two tasks: internally, due to their size and power, they are understood to be capable of meeting the pernicious force of globalising capitalism and implementing social welfare policies in a way that many domestic states no longer are. In order to play this role, these continental

regimes will need to take on many of the social policy tasks currently reserved for domestic states, and in order for *this* to be legitimate these regimes will also need to be thoroughly democratic. Externally, these continental regimes are together to comprise a 'transnational negotiation system' in which the content of 'global domestic politics' – "the environment and climate change … [regulation of] financial market-driven capitalism, and especially the distributional problems that arise in the trade, labour, health and transportation regimes of a highly stratified world society" (2012: 57) – is to be agreed upon "within the framework of permanent conferences and negotiating forums" (2006: 138).

The *national* level consists of the domestic states that populate the United Nations today. Domestic states are to continue to assume responsibility for their own genuinely internal matters (whatever of them is left), and are to retain their militaries – although they forego the right to go to war, and must be prepared to 'lend' their militaries to the UN when required. Habermas is clear that his three-tiered institutional proposal does not amount to a world state. He calls his construction 'global domestic politics without a world government' and tells us that "the democratic federal state writ large – the global state of nations or world republic – is the wrong model" (2006: 134).

6.1.4 The distributive credentials of the proposals

In this thesis I am concerned with the realisation of distributive cosmopolitanism, and so it is incumbent upon me to show that the institutional models to be considered in this chapter are in fact intended to speak to that goal. This is not necessarily immediately clear in all cases. Pogge is of course a theorist who has demonstrated a distinct and ongoing concern with questions of global distributive justice, thus it would be bizarre if his institutional proposal were unrelated to that preoccupation. And indeed, he outlines clearly that the pursuit of 'global economic justice' is one of the motivating factors behind his proposal. But the cosmopolitan democrats, as their name suggests, are primarily

concerned with global democracy, and it is not immediately obvious what the relationship between global democracy and global justice is. Habermas' institutional proposal might appear at first blush to be a rather modest edifice from the perspective of cosmopolitan distributive justice, given that he wishes to restrict global institutions to the realisation of peace and prevention of human rights violations.

With respect to cosmopolitan democracy, one compelling reason for analysis here is that some version of the model is actually endorsed by distributive cosmopolitans. Simon Caney, for example, essentially throws his weight behind the broad cosmopolitan democracy model when considering the question of global institutional forms (Caney, 2005: 161–3). Caney also attributes to David Held the notion that cosmopolitan distributive justice is *entailed* by cosmopolitan democracy: that is to say, it is impossible for true democracy to be realised if there does not feature a just distribution of resources (Caney, 2006b). Thus, even if Held's primary concern is democracy, he has an instrumental reason to care that his model will aid the realisation of global economic justice. And indeed, we can certainly find in Held's work a preoccupation with the regulation of global markets, and the belief that his system of 'cosmopolitan public law' will insure against "asymmetries of life-chances" (Held, 1995a: 170).

As for Habermas, several of his comments reveal to us his egalitarian hopes and expectations. He tells us that global problems such as the environment and the global economy "involve issues of equitable distribution" (2008a: 324) and that his 'global domestic politics' is "designed to overcome the extreme disparities in wealth within the stratified world society" (ibid: 333). He speaks of his proposal in relation to the goal of "promoting actively a rebalanced world order" (2006: 138), and he seeks a "more or less fair global domestic politics" (2008b: 452). He states that "the inclusion of all persons in a cosmopolitan political order would demand not only that everyone should be accorded political and civil basic rights but also that the 'fair value' of these rights should be guaranteed" (ibid: 450); if we are to understand 'fair value' as Rawls uses the phrase,

then this is a clear sign that Habermas' political structure is intended to aid the limiting of global inequalities.

6.2   Intermediary or Not? A Conceptual Analysis

We have seen that the authors under scrutiny here are sure that they are not offering world state proposals. Now we need to determine the extent to which this contention can in fact be sustained. I propose to approach this task via engagement with Pogge's assertion that what distinguishes his model from a world state is that no one level of his institutional scheme is 'dominant' in comparison to the others – and of particular interest to us is whether the *global* level of these intermediary proposals is dominant or not. Proceeding in this way is profitable because the idea of 'dominance' can be interpreted in a number of ways consistent with criteria definitional of intermediary proposals: the lack of centralisation of physical force and the retention of domestic states' sovereignty. An additional criterion offered by some of the intermediary theorists themselves is the limited nature of the competences to be transferred to the global level.

One further way we might understand 'dominance' is the ethically troubling sense which concerns 'republican' theorists like Philip Pettit: dominance as the exercise of arbitrary power by one agent over another (Pettit, 1997). Here, the relevant 'lack of dominance' claim would be that the global level of a federal world state would arbitrarily exercise power over the lower levels, while the equivalent governmental level in an intermediary proposal would not. But we could quickly reject any such line of argument: the very essence of a federal order is that the central government cannot wield arbitrary power with respect to the lower-level governments, since it is restricted in its actions by the terms of the federal constitution. On this rendering of dominance, then, there is no distinction to be made between a federal world state and intermediary proposals.

Three other possible understandings of 'dominance' remain, and I now take these in turn.

6.2.1 Pre-eminent competence

'Dominant' might just mean one unit having more responsibilities than the other units. Perhaps this is what Pogge is pointing towards when he uses the alternative term "pre-eminent" (1992: 58). However, first of all, this type of dominance need not necessarily be true of the federal level in a federal state. A distinction can be drawn between 'peripheral' and 'centralised' federations: in a peripheral federation, the functions over which the federal government has authority are limited in comparison to the functions controlled by the constituent units (although the federal government will still enjoy a direct relationship with individuals substantive enough that the latter can be reasonably understood as citizens). In a centralised federation, the federal government has a wide scheme of responsibilities which it exercises unilaterally relative to the constituent units (Riker, 2007: 613). So if this is what dominance means, then a federal state can plausibly claim the lack of dominance of any one governmental 'level' too, given the appropriate distribution of competences.

Second, and in any case, it is not clear that any of the theorists in question here can readily demonstrate that their own proposals do not feature global-level dominance of this type. For Pogge, the global-level government is to take charge of settling all those matters that cannot be competently or justly settled at lower levels: these matters turn out to be wide-ranging, including peace and security, environmental protection, economic justice, and even issues such as modifications to the human gene pool, treatment of the cultural heritage of mankind, and ventures into outer space (Pogge, 1992).

Archibugi speaks of his proposal's relevance to a "minimal list of substantial objectives, the responsibility for which is to be entrusted … to the global institutions" (2008: 88). But as William Scheuerman points out, this list is in fact "*anything but*

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minimal … Global institutions would be given authority to regulate the use of force, strengthen the self-determination of peoples, secure cultural diversity, [and] monitor the internal affairs of states to ensure fidelity to democracy and human rights" (2011: 116, original emphasis). And for the cosmopolitan democrat, human rights are not to be understood minimally – indeed, for Held in particular, they are constituted of a whole tranche of positive rights in seven different categories (health, social, cultural, civic, economic, pacific and political), including (but not limited to) specific rights such as universal childcare, control over fertility, freedom of information, guaranteed minimum income and the right to expect that political leaders will be held accountable for civil and criminal crimes (Held, 1995a: 192–3). It follows, then, that *ultimate* responsibility for the realisation of this wide array of human rights is to rest with the global-level institutions, since if domestic states fail in their responsibilities, or are simply unable to meet the demands of human rights on their own given the effects of globalisation, it falls to global institutions to redress the problem and enforce the rights in question.

As well as this role of ultimate responsibility, the global level of the cosmopolitan democracy model is to be given direct responsibility for the development of authoritative law on a wide array of issues, "for example, health and disease, food supply and distribution, the debt burden of the Third World, the instability of the hundreds of billions of dollars that circulate the globe daily, ozone depletion and the reduction of the risks of nuclear war" (Held, 1995b: 109). These responsibilities considered together surely constitute an undeniably wide remit, and call into question any supposition that the global level would not be 'dominant'.

Habermas considers one of the key distinctions between his institutional proposal and a state-like order to be that the competences of the supranational unit are heavily circumscribed, being limited to the securing of peace between domestic states and the prevention of human rights violations (Habermas, 2006: 134). But it transpires, upon probing, that he ends up placing many more competences in the hands of the United

Nations than he is willing to explicitly admit. As we have seen, Habermas intends to reserve the settlement of all manner of issues – "for example, questions of global energy and of environmental, financial and economic policy" (2008a: 324) – to the domain of the transnational negotiation system. But if this negotiated system of global domestic politics is not simply to be a repeat of domestic state power politics on a continental scale – which we might worriedly infer given his assertion that "international relations would continue to exist in a modified form at this intermediate level" (2006: 136) – these negotiations will need to be managed and overseen.

In an article written in 2008, Habermas foresees the United Nations General Assembly playing such a management role. It will be the "institutional locus for inclusive processes of opinion- and will-formation concerning the principles of transnational justice from which global domestic politics should take its orientation" (2008b: 449). The 'should' is ambiguous. Is that simply a normative desideratum or something that *will* happen in Habermas' proposal? If the former, then we have no reason to expect that the General Assembly's frame-setting will actually be adhered to in the transnational realm. If the latter is the case, then the General Assembly is to have authority to enforce its pronouncements; thus, we have clearly progressed to a situation in which the supranational level does far more than simply enforce negative human rights and keep the international peace. It is instead to be involved in setting the parameters of acceptability for all manner of social and economic policies worldwide.

6.2.2 Physical superiority

A third type of dominance might be straightforward physical or military dominance – a preponderance of force in comparison to lower levels. Here, Pogge's model seems to feature the same centralisation of coercive force as that of a federal state. Pogge states that "non-proliferation and gradual abolition of weapons of mass destruction presuppose a substantial centralisation of authority and power at the global level" (2010b: 123). But

how substantial is 'substantial'? It seems to me likely that in order to be able to ensure the outcomes Pogge seeks, the global-level political system is ultimately going to need to be *more* powerful than any lower-level government. It is therefore difficult to see how the world government would not in fact be 'dominant' here.[3]

David Held's proposal appears to be similar in its approach with regards to the appropriate constellation of armed forces. In response to the concern that the legal pronouncements of the global institutions will be toothless without coercive power – or, as Hobbes has it, the concern that 'covenants without the sword are but words' (a phrase which Held repeatedly refers to directly: 1995a: 276; 2004: 113) – Held floats the idea that "a proportion of a nation-state's military (perhaps a growing proportion over time) could be 'seconded' to the new international authorities and placed at their disposal on a routine basis. Or, better still, these authorities could increase enforcement capabilities by creating a permanent independent force recruited directly from among individuals who volunteer from all countries" (Held, 1995b: 109; see also Held, 2004: 113[4]). Although he does not say so explicitly, it is not difficult to discern the reason why Held considers this second option to be the better one. Where the global authorities require domestic states to allow the 'secondment' of their troops, there is surely a danger that these secondment requests will be denied if, for example, a state is worried that those troops will be used in

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[3] In modern circumstances, for the global level to be physically dominant over lower-level units, it must surely be the case that nuclear weapons must be held, if anywhere, only at the global level. Domestic state nuclear disarmament is therefore a prerequisite for the possibility of centralising power. The question Pogge then needs to answer is: how could it be the case that there came to be a centralisation of physical power while domestic states still held their nuclear weaponry? Is such a thing even theoretically conceivable? And if so, how would it occur? Presumably only by voluntary state consent – but the centralisation of power is supposed by Pogge to be necessary in the first place because states will not voluntarily disarm. To my mind, it seems likely that if a centralised power came about, it would do so gradually and in tandem with the gradual disarmament of domestic states, which would mean that the global centralisation of power would technically not be important in order to *enforce* disarmament. Instead, it would be the *culmination* of domestic state disarmament. I don't see how centralisation of power can be a 'presupposition' of state disarmament, as Pogge claims.

[4] In this latter text, Held's institutional prescriptions are in some respects toned down: for example, he remains noncommittal regarding whether or not there should be a global parliament populated by representatives of individuals (2004: 111n6).

ways counter to its own strategic interests. But if the UN were to have its own independent military force, then it need not rely on 'secondments'.[5] Ultimately, Held wishes to see the transference of coercive authority up to the global level alongside the demilitarisation of states (1995b: 111). This is important since global democracy is impossible "unless there is a general check on the right to go to war" (Held, 1995a: 276) – this 'check' needs be credible and not simply a hopeful pronouncement. This, again, sounds consistent with the idea that the global level should eventually be physically dominant. If so, then Held, like Pogge, fails to meet one of the criteria we set out above as definitional of an intermediary proposal, and instead seems to be offering an institutional vision consistent with a world state.

Archibugi, however, tells us straightforwardly that domestic states are to "retain their own armed forces" (Archibugi, 2008: 95; see also 2004: 454). And Habermas is similarly clear that there will be no centralisation of power, suggesting simply that if the global-level polity needs to employ force it "would draw upon the sanctioning capacities 'lent' to it by the able and willing members' (Habermas, 2008: 450), and declining – unlike Held – to offer a 'better still' alternative. This undoubtedly draws a distinction between their proposals and a world state as I have defined the latter.

6.2.3   Hierarchically superior authority

Finally, we might interpret dominance as superior juridical authority. Understood in this way, the claim to a lack of dominance would entail that the global political system is not juridically privileged with respect to lower levels.

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[5] An interesting question is whether domestic states will even allow their citizens to volunteer for the global military force. It seems fair to expect that they would not, for the same types of strategic reasons. What would be needed then is a global system such that domestic states would not have the power to prevent their citizens from volunteering.

Pogge cannot obviously succeed in making this claim for his model. To see this, we can start by considering Pogge's thought that it might be advisable, on human rights grounds:

> to make the political process of smaller units subject to regulation and/or review by the political process of the next more inclusive one. Such authority would allow the larger political unit, solely on human rights grounds, to require revisions in the political process of the subunit and/or to invalidate its political decisions, and perhaps also to enforce such revisions and invalidations.   (Pogge, 1992: 67)[6]

A regulation system based simply around this idea would lead quickly to the idea of the global-level 'political process' as the ultimate regulator. However, Pogge avoids this straightforward ascription of juridical dominance to the global-level political process, since he does not envisage a unidirectional system of review and regulation. He says that it might also be desirable to give lower-level units review authority over the decisions of higher-level units: "Such an authority might, for instance, allow provincial governments, on human rights grounds, to block the application of national laws in their province" (Pogge, 2010b: 127). It would therefore also follow that the decisions of the global-level government might be subject to review and revision, even outright rejection, by regional or domestic sub-units.

Where this bidirectional process of review is in place, it does indeed seem that no one level is automatically dominant over any other. But in such a fluid system, and given that governments at all levels are likely to be interested in determining as much as possible for themselves, we will inevitably see disputes between units concerning jurisdiction, and will require a third-party adjudicator to settle them. That third party can settle, for example, whether or not a sub-unit is right to block a particular piece of higher-level legislation, or whether a higher-level unit is right to attempt to review and overrule a decision made by the lower-level unit against that lower unit's wishes. The question

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[6] This sort of suggestion confirms that Pogge's proposal is to be an integrated system: it is, just like a federation, a 'compound polity' rather than a collection of independent political units operating at different levels in abstraction from one another.

then becomes, as Pogge recognises, where this third party should be located. Pogge says that the settlement of *this* question "must be justified by showing that it [i.e. the third-party decision-maker] is likely to be more reliable in terms of human-rights fulfilment than its alternatives" (2010b: 128). But the crucial question that Pogge does not consider is: *justified by whom?* We need a fourth party to determine who the appropriate third party is!

Does this fourth party in itself need to be reconsidered for every new dispute that arises, or is it to be a permanent agency? The former seems an entirely impractical suggestion, and also leads to the need to postulate a permanent fifth agency that can decide upon the appropriate fourth agency in each case, which is absurd. The better move, and one I assume Pogge would in fact endorse, seems to be to declare a permanent fourth-party agency that determines the appropriate third party in any one case, and it seems likely that the global-level 'political process' is going to be best placed to fulfil this role. More specifically, a global constitutional court represents the most appropriate site of an agency that would be empowered to decide upon jurisdictional disputes. In some cases the court may decide that it is best placed to settle the dispute, and in others it may delegate down to lower levels. Indeed, it may not even need to do any active delegating: there can be a presumption such that the appropriate third party is the lowest-level unit that encompasses both of the disputing units unless additional difficulties arise, at which point the global level will be deferred to. The global court being distinguishable from the global legislature and executive means that it can make rulings in favour of lower-level units and against the global-level political process when deemed appropriate, just as occurs within federal state orders today. But the court is nevertheless part of the global-level political process – it has global authority over the constituted world order.

The alternative is to have a sub-global unit functioning as a dispute resolution mechanism. This would be a curious decision, however. Why should, say, a European

court be the ultimate authority in a dispute between Africa and the Ivory Coast, or between Buenos Aires and Argentina? What reasons could be given to the disputing parties to convince them to accept its authority? The global-level court would receive its legitimacy from its all-inclusive nature; each individual worldwide could claim to have played a part in its formation, and so it has greater legitimacy as a permanent dispute resolution agency than any other potential unit (Marchetti, 2012). Of course, once we have determined the need for a permanent dispute resolution agency and located it at the global level, we have in effect underscored the global level as dominant over the others.

If one wished to avoid this conclusion, one could entirely reject the need for a final dispute resolution authority or clearly demarcated jurisdictions. The claim would then be that a global system featuring overlapping or indeterminate jurisdictional authority would be unproblematic. Such a world order would look like Hedley Bull's 'neo-mediaevalism', and indeed Pogge's model has been understood in precisely these terms (see, for example, Kamminga, 2006: 34). It is not hard to see why: consider the similarity between the following from Bull, and Pogge's proposal as described above:

> We might imagine … that the government of the United Kingdom had to share its authority on the one hand with authorities in Scotland, Wales, Wessex and elsewhere, and on the other hand with a European authority in Brussels and world authorities in New York and Geneva, to such an extent that the notion of its supremacy over the territory and people of the United Kingdom had no force … We might imagine that the political loyalties of the inhabitants of, say, Glasgow, were so uncertain as between the authorities in Edinburgh, London, Brussels and New York that the government of the United Kingdom could not be assumed to enjoy any kind of primacy over the others, such as it possesses now. If such a state of affairs prevailed all over the globe, this is what we may call, for want of a better term, a neo-mediaeval order. (Bull, 2002 [1977]: 246)

The problem for Pogge and others like him is that, for Bull, a neo-mediaeval order is rather unlikely to be a good thing: "if it were anything like the precedent of Western Christendom, it would contain more ubiquitous and continuous violence and insecurity than does the modern states system" (ibid: 246). Given this, it seems to me that the onus is very much on anyone proposing a neo-mediaeval order to show why it can be expected

to be a stable order.[7] Although he does not make it clear either way, I assume that Pogge in fact recognises the need for a final and settled juridical authority, rather than that he endorses the neo-mediaeval vision.

David Held accepts the same conclusion. In his construction, each political unit handles only those tasks that are most appropriate to it, functionally speaking. In order to determine which policy task is most appropriate to which level, Held proposes a catalogue of three tests:

> The test of extensiveness examines the range of peoples within and across delimited territories who are significantly affected by a collective problem and policy question. The test of intensity assesses the degree to which the latter impinges on a group of people(s) and, therefore, the degree to which national, regional or global legislation or other types of intervention are justified. The third test, the assessment of comparative efficiency, is concerned to provide a means of examining whether any proposed national, regional or global initiative is necessary in so far as the objectives it seeks to meet cannot be realised in an adequate way by those operating at 'lower' levels of decision-making.
>
> (Held, 1995a: 236)

These look like good tests for deciding where best to allocate a particular policy issue. But again: who is it administering these tests? I assume that there does indeed need to be a specific agency that is responsible for running the tests regarding each issue and formally declaring the outcome of such a test. One very much doubts that it could be the case that no such agency is needed, since there will inevitably be differing interpretations of the appropriate outcome of those tests. Held recognises that this is the case, stating that "'issue-boundary' forums or courts will have to be created" in order to settle disputes concerning appropriate jurisdictions (1995a: 237n6). Presumably, again, these courts will be situated at the global level – Held also offers the idea of compulsory UN jurisdiction "in the case of disputes falling under the UN rubric" (ibid: 269) – and so we can again recognise the global level as possessing final juridical authority.

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[7] It is also worth noting that Bull says that in a neo-mediaeval order, the concept of sovereignty "cease[s] to be applicable" (2002 [1977]: 246). But Pogge wishes to retain the concept, even if it is to be 'dispersed'. I return to this in the next section.

Archibugi similarly states that "conflicts concerning the issue of competence arising as a result of the different levels of governance, must be solved within the domain of a global constitutionalism, and referred to jurisdictional bodies, which in turn must act upon the basis of an explicit constitutional mandate" (Archibugi, 2004: 452). However, while Held stipulates that, following states' initial election to join his institutional proposal, their continued commitment to the global political system becomes "non-voluntary" subject to the proper working of that system (Held, 1995a: 231),[8] Archibugi makes clear that domestic states' inclusion in the global political system remains "voluntary and revocable" (Archibugi, 2008: 106). Therefore, for Archibugi, although the global-level political process appears to hold superior juridical authority, it ultimately does so only contingently, with the consent of domestic states. Another way of putting this is to say that domestic states ultimately retain their full sovereignty. As I have made clear, this is a key distinguishing feature of an intermediary proposal.

According to Habermas, within his proposal "states remain the most important actors and the final arbiters on the global political stage" (2006: 176). This would seem to be a clear rejection of the idea of the superior final juridical authority of the 'transnational' and 'supranational' levels of his institutional construction. In his recent writing on Europe, Habermas approvingly notes that the European-level political system lacks the authority to amend the European constitution, or "the competence to decide about its own competence" (2012: 26). This marks a distinction from a federal state order: while amendments of, say, the US constitution are "contingent on the agreement of the legislative bodies of a qualified *majority* of the states, amendments to the European treaties require … *unanimity* among the member states" (ibid: 40). For Habermas, this difference, which in the case of a federal order removes the possibility of vetoing

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[8] It is not clear who Held foresees as being charged with deciding whether or not the global political system is continuing to meet the normative demands of his 'cosmopolitan democratic law'. Again, there does presumably need to be a definitive decision-maker here who can, for example, adjudicate between legitimate and illegitimate rejections of global-level decision-making.

constitutional change from federative units, can be conceptualised as the difference between the federal level of the US holding the power to amend the Constitution, and the European political system not doing so. Habermas states that the 'supranational' level of his global institutional proposal will similarly lack this power:

> No structural analogy exists between the constitution of a state that can determine what political competences it claims for itself (and hence possesses supreme constitutional authority), on the one hand, and the constitution of an inclusive world organisation that is nevertheless restricted to a few, carefully circumscribed functions, on the other. (Habermas, 2006: 134)

I take Habermas here to be proposing that domestic states would retain a veto over any proposed alteration to the UN body of law, and thus, as with Archibugi's proposal, they would ultimately retain their sovereignty (this is presumably the reason that Habermas thinks the role of the UN will remain "carefully circumscribed").

Therefore, Habermas, like Archibugi, but unlike Held (who appears to foreclose the possibility of domestic states unilaterally removing themselves from the authority of the global polity) or Pogge (who is not definitive either way), again successfully demonstrates a clear conceptual distinction from a federal state order. A requirement of consensus of the constituent units for any supranational law change marks a deviation from a federal world state order and shifts it into the realm of an intermediary proposal.

6.3   Sovereignty, Constitutionalism and the State

Having conducted a conceptual analysis of these four theorists' institutional proposals, therefore, it seems to me that we can split them into two groups. David Held and Thomas Pogge can plausibly be interpreted, despite their protestations to the contrary, as in fact offering federal world state proposals (albeit federal states with more than two 'levels'), whereas Jürgen Habermas and Daniele Archibugi can stake a stronger claim to

the 'intermediary' nature of their models.[9] This section offers further support for this analysis. First, I reject Pogge's and Held's respective attempts to globalise sovereignty while seeking to affirm the non-statist form of their proposals. I then note that Archibugi and Habermas prefer to speak in terms of global constitutionalism rather than globalised sovereignty, and ultimately accept that, due to their alternative constructions, they are able to demonstrate the possibility of a non-statist global constitutional order.

6.3.1 Sovereignty without a state?

In their works, both Pogge and Held seek to retain the notion of sovereignty: Pogge describes his model as a 'vertical dispersal of sovereignty', and Held refers to 'cosmopolitan sovereignty'. But given that – as Robert Jackson points out in tracing the term's usage from its origin to the present day – 'sovereignty' has come "to be applied, almost exclusively, to the special authority of the state" (Jackson, 2007: 20), we are due an explanation as to how it could be reasonable to affirm the non-statist form of one's institutional proposal while nevertheless retaining reference to sovereignty.

In making his case to this effect, Pogge begins with what he calls a "somewhat unusual" definition of sovereignty, in which an agent is considered sovereign with respect to specific competences rather than sovereign *simpliciter*. He considers an agent A, sovereign over a people P with respect to a given competence, where A has "unsupervised and irrevocable authority" over P regarding that issue. This definition of sovereignty, notably, does not entail the idea of exclusive authority within a territory. He then defines an agent A as having "absolute sovereignty" where no other agent B (internal or external) has authority over A or the people P "which is not supervised and

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[9] It is interesting to note that Habermas himself understands Archibugi and Held (1995) and Held (1995) as advocating a "state model of cosmopolitan democracy" (Habermas, 2008b: 454n3).

revocable by A" (1992: 57).[10] It follows from these definitions that sovereignty over different competences can be dispersed across a number of different agents.

In his article, Pogge pre-empts two objections to the idea of the dispersal of sovereignty. The first of these is essentially the Hobbesian idea that unless there exists *a final authority* that sits above all others in a territory, jurisdictional disagreements cannot be settled and peace cannot be ensured. Here, Pogge points out, as we did in Chapter 1, that in actual fact recent history demonstrates that both 'horizontal' and 'vertical' dispersals of sovereign authority can occur without being destabilising. In the former case Pogge simply defers to the reality of modern constitutional democracies in which sovereignty can be dispersed between the judiciary, the legislature and the executive. Similarly, in the vertical case, Pogge remarks that, "[a]s the history of federalist regimes clearly shows", vertical dispersal of sovereignty across different levels of governance is perfectly possible. Pogge resultantly dismisses the Hobbesian argument, since the historical record demonstrates that "what cannot work in theory works quite well in practice" (1992: 59).

The problem for Pogge, however, is that pointing out these truths in no way helps establish the conceptual coherence of his own institutional model, since in both cases he is appealing to a dispersal of sovereignty *within states*. It is true that in modern constitutional democracies no one branch of government can be understood unilaterally to be the supreme authority. But, as I argued in Chapter 1, although we can disaggregate the institutional elements of the state in order to show that no one of them is alone the sovereign, we also tend to aggregate them in order to say, for instance, that *the political system of the state is sovereign* – indeed 'absolutely' sovereign in a Poggean sense. Similarly, while it is possible to conceive of a federal government and a sub-unit as two separate entities, it is also the case that they are constituent elements of a coherent whole, and that

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[10] Pogge admits in a footnote that "it is quite possible, and not without historical justification, to define sovereignty the way I have defined absolute sovereignty. In that case the expression 'distribution of sovereignty' would be an oxymoron" (1992: 57n16).

that whole is sovereign 'absolutely', even if authority is constitutionally divided (indeed, it is often said that the constitution *itself* is the absolute sovereign). So, for example, the US federal government is sovereign over some matters, and the state of Massachusetts sovereign over others, but the complete political system of the United States is a Poggean absolute sovereign.

My point is that 'federalist regimes' are federalist *states*, and so an appeal to them does not help demonstrate that a vertical dispersal of sovereignty is possible *outside of a statist model*. Or perhaps Pogge does not in fact mean to appeal to federal states. Perhaps when he refers to 'federalist regimes', he means to denote a "broad genus of federal arrangements", including confederations, with 'federation' (i.e. federal state) itself just one of the forms compatible with that genus (Watts, 1998: 117). If this were the case then he could say that 'federalist regimes' need not necessarily mean federal *states* after all. But in fact, Pogge *must* be referring specifically to a federal state when he gives 'federalist regimes' as examples of dispersed sovereignty, as it is only federal states that can actually be understood to meet his definition: only they feature 'irrevocable' distributed authority. *Con*federations, after all, are distinguished from federations in part by the notion that their constituent states (for we can still call them states) ultimately retain their ('absolute') external sovereignty, only handing over power to agents above them that is subsequently revocable at will.

The second critique of dispersed sovereignty Pogge seeks to refute is the claim that "there are certain vertically indivisible governmental functions that constitute the core of sovereignty" (1992: 60). In another words, even if political authority can be dispersed vertically (which it obviously can), there are certain key competences that are definitional of sovereignty and that must be the preserve of one particular agent. Pogge's response here is again to appeal to political reality, but again this response does not lend any support to the conceptual coherence of his particular institutional vision. Pogge states that all manner of government functions that one can imagine can "be handled at

various levels and indeed *are* so handled in existing federal regimes and confederations"

(ibid: 60). But again, the federal regimes of which he must be speaking are *states*:

confederations are not state entities, and they are also not examples of a dispersal of

sovereignty since, again, one of the central defining features of a confederation that marks

it as distinct from a federation is that any authority that has been transferred to the

central unit can be revoked at will by the constituent units unilaterally. Pogge is thus not

entitled to appeal to either confederations or federations (i.e. federal states) as evidence of

the plausibility of his idea of dispersed sovereignty; although it is clearly the case that a

dispersal of sovereignty as he defines it is possible, his appeals do nothing to convince us

that such a thing is possible outside of a state context.

Of course, that these appeals fail does not in itself tell conclusively against the

conceptual possibility that Pogge seeks to demonstrate, but Pogge does not advance

anything else in its defence. Moreover, it seems to me that there are reasons to think that

dispersed sovereignty relies conceptually on the existence of a state. What secures the

'irrevocable' authority of the constituent units in Pogge's model? And indeed, how are

we to understand 'irrevocable'? To answer the second question first, I contend that Pogge

cannot sensibly mean *literally* irrevocable, i.e. irremovable by human agency in any

circumstances. The only way authority could be genuinely irrevocable is if that authority

derived in the first place from some otherworldly source – which I assume Pogge is not

committed to. The term 'irrevocable', I submit, is being used to distinguish the authority

these units are to have from the delegated authority which can be revoked at will and

unilaterally by another agency: for example, a town council may have certain powers,

but these powers are revocable (indeed the council itself can be dissolved) if a state

parliament decides upon such an action. Pogge wants to say that the authority of any

unit in his model will not be revocable by any 'higher' authority in this way.

So what secures this status? Pogge himself, as we have seen, makes reference to

federal sub-units as examples of the division of sovereignty he is talking about. But of

course, the authority of sub-units *is* revocable under certain circumstances; it is revocable when the conditions are met – whatever they may be – for the amendment of the federal constitution. 'Irrevocable' authority, then, is secured via constitutional enshrinement; such must therefore be implied (even if not stated) in Pogge's model. But now we need to be told, once again, where the distinction from a federal state is to be found. If the dispersal of sovereignty is guaranteed by a global constitution, then why should we not consider the global constitution – or the global people – the 'absolute' sovereign? Why should we not be able, as with a federal order, to aggregate the different units and conceive of a sovereign whole? Pogge surely needs an argument that prevents this move and thereby avoids his proposal from actually being a world state. But no such argument is forthcoming.

David Held, in his explication of the notion of cosmopolitan sovereignty, says that "[c]osmopolitan law demands the subordination of regional, national, and local 'sovereignties' to an overarching legal framework" (2002: 32). What is to be the origin or basis of this cosmopolitan sovereignty? It is to be the original consent of those to whom it will thereafter apply (Held, 1995a: 231). What Held is offering is a blueprint for a global constitution that will need to be initially accepted by the relevant constituent assembly, but will thereafter rule as the fundamental law of the globe to which all other lower-level laws are subject. And as we have already seen, Held states that after separate domestic states have incorporated themselves within the cosmopolitan democracy model, ongoing adherence to 'cosmopolitan public law' becomes non-voluntary. Held is therefore explicit that states are to lose their external sovereignty (note his use of inverted commas in the quotation cited at the beginning of this paragraph), and, as with Pogge, there seems no reason why we should not conceptualise his global institutional model as a fully integrated political system that holds sovereignty somewhere within itself as a global state (Nakano, 2006).

6.3.2   Constitutions without states?

Wary of the use of the word 'sovereignty', perhaps for the reasons I have articulated, Daniele Archibugi prefers to drop it altogether, and speaks instead in terms of global constitutionalism (2008: 97). So too does Habermas (2006) speak explicitly in terms of a 'constitutionalisation of international law'. But can there be a proper constitution without a state? It might not initially seem so, because our reason for rejecting the possibility of dispersed sovereignty outside a statist model was that the dispersion of irrevocable authority among units ultimately depends upon a constitution. But it does not follow that *every* constitution must amount to a state constitution.

We should not be too flexible with the theoretical use of the term 'constitution'. [11] Central to the idea of the normative constitution is that legitimate political authority (the 'constituted power') proceeds from and is constrained by those who are subject to it (the 'constituting power'). [12] The democratic origin of power is thus, as Dieter Grimm argues, "essential" and "an element of any somewhat meaningful notion of a constitution" (2005: 459). This provision renders unconvincing one attempt by Habermas – made *before* he had (re-)added a world parliament to his institutional proposal – to demonstrate the separability of state and constitution: namely, his distinction between 'republican' and 'liberal' forms of constitutionalism. According to Habermas, when Kant considered the

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[11] In an essay on the issue of international constitutionalism, Hauke Brunkhorst references the "constitution of the internet" and "a constitution for every functionally specialised global subsystem (sport, science, health etc.)" (2006: 183). Brunkhorst is right to recognise that these are "inflationary" uses of the idea of constitutionalism, but perhaps wrong to even bother bringing them up in the first place. After all, even amateur football clubs feature a 'constitution' that formally details how they are to be run, what the process is for club dissolution, and so on. If these inflationary uses of 'constitution' are to be considered even potentially worthy of the name, then Brunkhorst, together with Habermas, need not have expended energy repeatedly arguing for the possibility of the separation of state and constitution (Brunkhorst, 2002; 2006; 2008; 2009; Habermas, 2006): such a possibility would be entirely obvious to everyone. When we talk about constitutions in political theory, we are obviously talking about something qualitatively different from the constitution of a football club.

[12] The normative use of 'constitution' refers to a document or set of principles setting the parameters of the legitimate use of power. This can be contrasted with an empirical usage that understands constitutions simply to outline how a political entity happens to be structured. In the latter sense, a tyranny is as much a constituted order as a democracy.

notion of the constitutionalisation of the international sphere, he did so from a 'republican' perspective which understands constitutionalisation as the "subjection of political power to law in terms of a constitutive popular will that reconfigures political authority from the ground up" (2008a: 315). From this perspective, "a constitution for the international community was conceivable only in the form of a republic of republics, that is, as a 'republicanism of all states', or as a 'world republic'" (2006: 123).

In the tradition of 'liberal' constitutionalism, however, "the constitution does not have the function of constituting authority but only that of constraining power" (2008a: 316). A liberal constitution "primarily geared to setting limits to power founds a 'rule of law' that can normatively shape existing power relations … and direct the exercise of political power into legal channels" (2008a: 316). The liberal constitutionalisation of the world entails that separate powers (i.e. domestic states) are incorporated into and constrained by a system of law that they themselves construct: no new overarching authority constituted by a global *demos* is implied. Therefore, when we understand the idea of a constitution in these more expansive terms, there is no reason to limit it in application to statist forms only.

This argument fails for two reasons. First, if the "constitutionalisation of international law" (to use Habermas' words) is to remain clearly conceptually distinguishable from international law *simpliciter*, it must include democratic origin – constitutionalism connotes a certain *standard* of juridification which necessarily includes this element. Without this, the suspicion is raised that referring to constitutionalisation is simply an attempt to "exploit the aura of the term" (Preuss, 2010: 43). Thus, the institutional form that Habermas was committed to at the time he made this argument, which gave no direct role to individuals in the development of international law, would not demonstrate a proper constitutionalisation of the global sphere.

Second, and in any case, Habermas' appeal to liberal constitutionalism is now redundant. He rendered this line of argument inapplicable to his own theory when, in

2008, he altered his institutional proposal to include direct representation of individuals at the global level, alongside representatives of states. These representatives would convene as a "Constituent Assembly and subsequently assume a permanent form … as a World Parliament" (2008b: 449). This alteration means that Habermas' global constitutionalism will no longer involve only the constraining of currently existing powers (i.e. domestic states), as liberal constitutionalism assumes, but also the genuine *constituting* of a new power: "the *political empowerment* of a pre-political global civil society composed of citizens from different nations (ibid: 448).[13] The argument from liberal constitutionalism cannot be employed by Archibugi, given the latter's concern with thoroughgoing democracy at all levels.

In arguing for the separability of constitution from state, Habermas now places primary emphasis on the fact that *both* states *and* individuals are to be founding members of the global order. The reason that Habermas considers it important to include domestic states as contracting parties is that (reminiscent of Lea Ypi's theory) states are historical achievements, and their citizens have a "justified interest in their respective nation states *continuing* to perform their proven role as *guarantors of law and freedom*" (Habermas, 2012: 41, original emphasis). Here, Habermas emphasises the political rather than the cultural achievements of the state, although he appears conscious of the cultural benefits too (2008: 449).[14] These benefits brought by domestic states justify their inclusion as members in any global constituent assembly.

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[13] Habermas' introduction of a world parliament and continued assertion that he is offering a non-statist order sits rather uncomfortably, to say the least, with his earlier assertion that "there cannot be a world parliament, however modest, without a world republic" (Habermas, 2008a: 323, originally published in German in 2005). Clearly it is simply impossible to consistently hold that a world parliament can feature in a non-state order alongside the claim that a world parliament entails a state order, so we must simply assume that Habermas no longer believes the latter.

[14] It's not clear to me, however, that Habermas is entitled on the one hand to refer to the importance of "preserving and improving … national forms of life" as a reason for states to remain (2008b: 449), and on the other hand to point to the necessity of detaching state and nation in modern 'globalising' conditions, as he does when defending his theory of constitutional patriotism (1998; 2001).

Habermas might be taken to be suggesting that the simple fact of this twin-track constitutional process itself ensures a non-statist outcome. But this would not be right. One can easily imagine a scenario in which representatives of states and peoples collaboratively agree to a constitution, the details of which thereafter effectively dissolve domestic states (Tinnevelt and Mertens, 2009; for an example of such a twin-track theory, see Höffe, 2007: Ch. 10). Instead, it is the fact that both states and individuals are included in the constituent assembly, *and* that the details of the resultant constitution are to dictate that states *continue to exist* as separate, ultimately autonomous personas, which entails that the resultant constitution is not a state constitution. It is only by stipulating that domestic states retain the right of veto and/or unilateral exit that the twin-track constitutional process succeeds in delivering a non-statist constitution.

6.4 Against Genuinely Intermediary Proposals

We have demonstrated, then, that the models offered by Pogge and Held cannot establish a relevant distinction from a world state order, whereas those offered by Archibugi and Habermas can. Pogge and Held could no doubt respond in such a way as to eschew this conclusion, by jettisoning any reference to globalised sovereignty, by making it entirely clear that they do not wish to centralise force in the way they seem to suggest, and/or by explicitly maintaining the right of domestic states to unilaterally secede. However, my contention is that they should not do so, because the fact that their proposals come closer to a federal world state than those of Archibugi and Habermas actually represents an *advantage* over the latter. Indeed, my claim is that all of these theorists should in fact embrace the statist form, for three main reasons: problems with the right of veto and/or secession; problems with a lack of centralised force; and the difficulty of instituting democracy without a state.

6.4.1 Constitutions and the right of veto and/or secession

Why do Archibugi and Habermas consider it so important for domestic states to retain their veto and/or right to remove themselves entirely from the institutional models they endorse? One prominent argument against the world state is that a lack of a right of exit amounts to the lack of ability to withdraw one's consent to be governed, and that the ability to withdraw consent is the necessary counterpoint to being able to give consent; typically coupled with this is the worry that a world state might turn out to be a global despotism. However, the sub-unit consent issue is not obviously germane here since in Habermas' and Archibugi's proposals original consent to a constitutional order is to be given at the initial constituent assembly.

One might argue that this consent does not bind future generations, but of course this is precisely what happens in any domestic-level federal state: the province of Ontario, for example, cannot unilaterally secede from Canada, because in the nineteenth century its contemporary inhabitants (or a subsection of them) elected to join the Canadian federation. One wishing to reject the idea of a federal world state on the grounds of the consent of the constituent units is therefore seemingly committed also to the rejection of all domestic federal states, which is a large bullet to bite, and not one in which Habermas and Archibugi show any interest. (Of course, it is true that in a domestic federation *individuals* theoretically have the option to leave the federation entirely, but they would not in a federal world state – I engage with this worry in the next chapter.) Furthermore, since Archibugi and Habermas neglect to transfer control over the use of force to the global level, their desire to preserve a right of exit/veto for the sub-units cannot plausibly be motivated by fear of global despotism. (Again, I engage with the tyranny objection to a world state directly in the next chapter.)

Setting these matters aside, then, why else might a domestic state be concerned to retain the right of veto and/or secession? One reason that comes readily to mind is that it enables states to avoid being bound by laws to which they don't want to be subject; and

the content that comes to mind for a type of law that a state wouldn't want to be subject to is a law that would go against its own interests. But if this is the reason, it hardly stands as a justification, from a cosmopolitan perspective, of Habermas' unanimity provision, or Archibugi's voluntarism.

What is the purpose of a constitution? Cass Sunstein interprets a constitution as a series of "precommitment strategies", by which he means commitments designed to take certain issues 'off the table', politically speaking (Sunstein, 1991). There are various reasons why we might want to remove certain issues from political contestation. First, many rights are constitutionalised because they are thought to be 'pre-political' and therefore rightly outside of the realm of politics (e.g. a right not to be tortured, or a right to a fair trial). Second, certain rights might be constitutionalised not (or not just) because they are pre-political rights, but because "the removal of the issue from politics serves, perhaps ironically, to ensure that politics can continue" (Sunstein, 1991: 639). For example, regardless of whether or not there is a pre-political right to private property, constitutionalising such a right might be understood as a strategy for limiting factional conflict in (and hence stabilising) government. Third, another type of pre-commitment strategy is that which is "designed to solve collective action problems or prisoners' dilemmas" (ibid: 641). Here the thinking is that members of a constituent assembly will voluntarily agree to waive a right the existence of which would hinder the realisation of a goal that is in the enlightened interests of most or all who are involved. As one example, Sunstein refers to the American constitution's disabling of the possibility of raising interstate trade tariffs or other regulations on country-wide trade (this recalls the argument we made in Section 5.2.1). Finally, "constitutional precommitment strategies might serve to overcome myopia or weakness of will on the part of the collectivity" (ibid: 642).

Bearing this analysis in mind, should federal constitutions contain a right to secede? Sunstein argues not. Relinquishing a right to secede is itself a precommitment

strategy. Sub-units mutually agreeing to foreclose the opportunity for secession can help enable stable and sincere politics, the resolution of collective action problems and the overcoming of weakness of will. By contrast, if a right of secession is contained within a constitution, then "rather than working to achieve compromise, or solve common problems, subunits holding a right to secede might well succumb to the temptation of self-dealing [i.e. acting in their own interest], and hold out for whatever they can get" (ibid: 648). Ultimately, "a constitutional system that recognises and is prepared to respect the right to secede will find its very existence at issue in every case in which a subunit's interests are seriously at stake" (ibid: 649).

Imagine, for example, in a future in which an intermediary global order has been established that some new danger faces the planet as a whole, as climate change does today, and as a result it is necessary to develop new global laws. Imagine further that the danger, as with climate change, is liable to adversely affect some states far more than others, and that those states best able to unilaterally protect themselves against the danger are those whose interests will be most heavily hit by the proposed new law. In this circumstance, a veto and/or secession provision is nothing other than a hindrance to the effective resolution of the problem, since those states that face higher costs than benefits from the law will use their veto. In other words, allowing states to retain these sorts of provisions only has the effect of ultimately rendering intermediary models incapable of overcoming the dynamics of the domestic state system that I have criticised throughout this thesis.

6.4.2   Decentralised force

Are the intermediary proposals exemplified by Archibugi and Habermas capable of realising the goals set for them without centralised force that truly belongs to the global-level political system, instead making use of force graciously 'lent' by domestic states? Confusingly, Habermas has written that, "given the decentralised monopolies on the use

of violence enjoyed by individual states, the [global-level] executive must be reinforced to the point where it can *guarantee* the effective implementation of resolutions of the Security Council" (2006: 173, my emphasis). It is not even clear what this is supposed to mean – how can the executive be reinforced such that implementation is guaranteed *without* centralised force? The idea seems to be that the Security Council should be better financed and given greater access to the troops of the respective states. And yet at the same time, the Security Council "must be able to operate independently of national interests in its choice of agenda and its resolutions" (ibid: 173).

It is easy, and furthermore sensible, to remain intensely sceptical about this. Even if we restrict ourselves to a consideration of the prevention of severe violations of basic human rights, Habermas' stipulation that means of coercive force should remain with domestic states sits uneasily, to say the least, with his assertion that a reformed UN should be capable of "effective, and above all non-selective" fulfilment of that task (2008a: 322). In an intermediary global order, will human rights abuses arising in China or the US be resolved as quickly as those in Lichtenstein or Andorra (Scheuerman, 2008a; 2008b)? Which other states will be willing to 'lend' their own citizens to a world army in order to deal with powerful belligerents or costly foreign problems, or indeed in support of causes directly counter to their own strategic interests? Consider, for example, the assessment made by Jack Goldsmith and Eric Posner of the variable US attitude to the enforcement of human rights to date, in which they point out that the US involved itself in Yugoslavia (where it had a strategic interest in avoiding Central European conflict "and resolving NATO's crisis of credibility and purpose"), Haiti ("where turmoil was threatening a domestic crisis in Florida"), and Iraq ("where it had obvious strategic interests"), but not in Africa (no strong strategic interest), nor China and Saudi Arabia

(where strategic interests are in direct conflict with the human rights agenda, and the costs of enforcement are high) (Goldsmith and Posner, 2005: 117).[15]

Habermas might hope that 'learning processes' – another way of referring to the possibility of the gradual cosmopolitan transformation of states – would overcome some of these problems, which they might. But as I have tried to argue, even when individuals and collectives approach an issue with an initial cosmopolitan spirit, they remain liable to backsliding and self-seeking behaviour. And as Sunstein points out, a particularly good way to aid changes in group behaviour is to incorporate into a state order: "the difficulty or impossibility of exit … will encourage cooperation for the long term, providing an incentive to adapt conduct and even preferences to that goal" (1991: 650).

6.4.3   Democracy without a state?

Is thoroughgoing democracy possible outside of a state order? This is certainly an important question for Pogge and the cosmopolitan democrats, as also for Habermas, despite the latter's claim that his proposed order does not entail wide-ranging global-level democracy. Indeed, it is an important question for all global democracy theorists who eschew the idea of a world state.

Habermas is generally sceptical about the plausibility of democracy beyond the regional level. When he does not include the idea of a world parliament in his proposals, the democratic legitimacy of decision-making at the global level is to proceed from two sources. First, global-level decisions are "tied indirectly to a process of legitimation within constitutional [republican] states" (2006: 140). There seems to be two ways in which this 'tying' occurs: by ensuring that each domestic state is democratically constituted; and on account of the fact that "supranational constitutions rest at any rate on basic rights, legal principles, and criminal codes which are the product of prior

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[15] Indeed, at an earlier point in time Habermas himself appeared conscious of these types of problems (see Habermas, 1997: 127–8).

learning processes and have been tried and tested within democratic nation-states" (ibid: 140). Thus, "confidence in the normative power of judicial procedures is nourished by a 'credit' of legitimation that is extended to the collective memory of humankind by the exemplary histories of proven democracies" (2008: 452). A second form of legitimation is to come from the development of a global public sphere that can deliver a "robust, *if indirect*, form of legitimation from a well-informed global public opinion" (2006: 174, my emphasis). These sources of legitimation are sufficient, says Habermas, given the purportedly highly restricted remit of the global level in his proposal. Since it concerns itself only with securing peace and protecting human rights, the apparent universal moral consensus that exists globally regarding these matters suffices to provide legitimacy.

Even when Habermas *has* included the idea of a world parliament featuring representatives directly elected by world citizens, he still continues to emphasise its limited 'framing' role, claiming that the important decisions made at the global level within the Security Council are of a "judicial rather than political nature" – in other words, distinctly democratic legitimation is not necessary (2012: 65). We have already encountered reasons to expect that the global level would need to take on rather more competences than Habermas is comfortable admitting, and that this would also mean it would require a stronger (i.e. more clearly democratic) form of legitimation. But actually, I believe that the workings of the Security Council – *even if* restricted to the securing of peace and human rights – must be legitimated in a far stronger fashion than via the imprecise 'influence' of global public opinion and indirect 'credit'. For even if it is the case that there does exist a global consensus in the abstract concerning the good of peace and the bad of human rights violations, it is surely naïve to expect that there will be consensus in any one *specific situation* regarding the rights and wrongs of military action in order to enforce those norms, or regarding how that military action is carried out. As William Scheuerman remarks, "any institution that claims the authority to decide who will live and who will die requires far-reaching democratic legitimacy" (Scheuerman,

2008b: 487). To consider that the Security Council is making straightforwardly juridical rather than political decisions – or decisions that will inevitably be *seen* as political – in these cases does not seem credible.

My initial point here then is that *all* of the institutional models considered in this chapter – and more generally, all institutional models that are likely to be able to deliver distributive outcomes agreeable to cosmopolitanism – require thoroughgoing democratic participation up to the global level in order to claim legitimacy. The pertinent question then becomes whether thoroughgoing democracy is possible outside of a state order.

Habermas has an argument that he contends will help remove the "mental block" that mistakenly leads us to believe that democracy depends conceptually on state sovereignty. He introduces this argument when making the claim that although at the *regional* (specifically the European) level, democracy needs to be thoroughgoing, this need not entail a (European) state (2012: 13). The argument is as follows: democracy is a *collective* practice in the sense that (ideally) every citizen participates in determining the rules to which they are thereafter to be subject, but it should not be seen as a *collectivist* practice in which 'the people' is reified as a singular entity that authorises itself to act – the plurality of individual wills should be kept well in mind. It is only on the basis of an undue "reifying singularisation", says Habermas, that "popular sovereignty finds its fulfilment in the external sovereignty of the state" (ibid: 17). In the external actions of the state in the international arena, 'the people' as a whole can be seen to act. But if we do not hold to this reification of the people, then we need not look to external actions to understand popular sovereignty. While (external) state sovereignty is conceived in terms of freedom of action of a reified whole, democracy is expressed in a "form of law-making which guarantees all citizens equal liberties".[16] Democracy is thus extendable beyond the

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[16] Habermas also says that democracy requires that addressees of law are also its authors (2012: 14), but surely such an idea is only ever possible if we do indeed perform a fair amount of reification of 'the people' and ignore its inevitable plurality – ignore, for instance, the fact that

state and without constituting a new state as long as law-making by transnational authorities "leaves the democratic procedure intact" (ibid: 18).

The problem, however, is that the strongest argument against the separation of democracy and the state is not in fact the conceptual straw man that Habermas advances. In reality no one struggles to *conceive* of a democratic society that is not a state (I can comfortably conceive of democratic anarchy, for example).[17] The point rather is that, whether or not one can conceive of it, it is another matter as to whether it can reasonably be expected to occur. Here I am doubtful. Democratic procedures produce results that demand our adherence regardless of whether or not we personally agree with the decision that has been made. What enables this process to occur might partly be a shared identity and trust, but it is surely also the fact that within states there exists coercive force that will ensure our adherence to those decisions we personally do not like. (This repeats the point made across various of the preceding chapters.) It is also the existence of that coercive state apparatus that gives us confidence in the democratic process in the first place: "democratic deliberation and participation only make sense if we can reasonably expect that our voices will result in some course of action which is effectual and binding on others. State or at least state-like institutional devices necessarily have a constitutive role to play in this process" (Scheuerman, 2008b: 488). Or as Michael Goodhart puts it: "representative government contributes to democracy not just because it is representative but because it is government – because it exercises power: it rules" (2011: 193).

Habermas' best response to *this* type of claim is again to appeal to learning processes: states must learn to view themselves as members of a world community (2006: 140) and "adopt new orientations" (2008b: 453). Habermas points to the EU in support of the possibility of this type of reorientation, but it is not clear to me that doing so helps.

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those individuals who 'lost' the democratic vote do not in fact write the laws that bind them at all. Habermas therefore seems to be on dangerous ground as regards his own theoretical consistency.

[17] Habermas is wrong, however, to believe that he can continue to use the phrase 'popular sovereignty' outside of a state context. Sovereignty and a non-state context do not mix, as I argued in Section 6.3.1.

The adoption of new orientations at the European level, to the extent that such has occurred, has gone hand-in-hand with European institutional integration, and this integration has created a recognised *democratic legitimation* crisis, which Habermas himself has done more than most to point out. It remains to be shown that this legitimation crisis can be effectively overcome without creating a (European) state, which is precisely the issue at hand. Indeed, Habermas himself, at least at one point, seemed to suppose that movement toward a federal European state was important; he has spoken, with respect to his global institutional proposal, of "federal states on a continental scale" (2006: 141).

If one wishes nevertheless to assert the plausibility of a non-state democracy, to what hard evidence can one appeal? Hauke Brunkhorst repeatedly attempts to provide support for his idea that thoroughgoing democracies need not be states, via reference to historical examples – but I do not find that they convince. For example, Brunkhorst appears to claim that neither the US nor Switzerland is in fact a state (2008: 494–5). But this is an eccentric opinion at best, and surely should lead us to wonder whether, if there are no more definitive examples, the claim is in fact sustainable at all.

6.5   The Case of Europe

It is my contention that the types of proposals analysed in this chapter, where not in fact consistent with world state proposals, are the worse for it. An apparently plausible response to this type of position, however, is to point to the European experience. The European Union sits somewhere between the confederal and federal models (McCormick, 2011: 13–23). In other words, it is of an intermediary character. Authority over certain tasks has been shifted up to the European level, there exists a body of European law that appears to enjoy compliance from member state governments without the need for the centralisation of coercive power, and there exists a European polity of

sorts featuring European citizens. Does the EU's real-world existence then lend credibility to the sorts of intermediary proposals considered here?

Archibugi has cited the European Union is an "international example of cosmopolitan democracy", meaning that he at least sees some overlap between his theory and the European project (1998: 220). In a recent book, Habermas has explicitly characterised the European Union, even in the clearly imperfect form in which it currently stands, as an innovative and original institutional achievement that can be seen as a progression toward the type of institutional form he wishes to see at global and regional levels: it features law without a monopoly of force, and has co-founding subjects in European citizens and domestic states (2012).

Let's assume then that the European Union is a reasonable approximation of the intermediary proposals considered here. This in itself is a large concession to make, for as we noted at the end of the previous section, it is not at all clear that the European Union stands as a convincing example of a post-state *democracy*, and it remains to be seen whether it *can* be properly democratised without the creation of a European state. But even allowing that the EU evidences the possibility of the practical existence of the intermediary institutional form, the much more important question is whether the EU's existence lends any support to the idea that such an institutional form will be able to realise cosmopolitan distributive *goals*.

What needs considering is whether the European Union is in fact realising any outcomes comparable to those goals. It does not seem that this claim could really be defended. It is often said that the EU has historically been characterised largely by 'negative' rather than 'positive' integration: broadly speaking, its primary point has been to remove barriers to market integration, and where new Europe-wide standardisation and legislation has been taken on, these have often been because such measures "seemed necessary for the construction of the market" (Magnette, 2005: 17). Such a reality has led one theorist to claim that "the EU remains in key respects a paradigmatic case of

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primarily *neoliberal* supranational governance" (Scheuerman, 2011: 122). I find this statement to be rather too pessimistic. After all, the European Union *does* involve redistributive mechanisms in the form of various 'structural funds': the European Regional Development Fund, "which is spent mainly on underdeveloped areas (particularly those affected by the decline of traditional industries such as coal, steel, and textiles) and inner cities"; the European Social Fund, "which is designed to promote employment and worker mobility, combat long-term unemployment and help workers adapt to technological change"; and the Cohesion Fund, "which targets member states with a per capita GDP of less than 90 per cent of the EU average" (McCormick, 2011: 175–6). Admittedly, the primary motivation behind these funds might well be a concern for the smooth operation of the single European market rather than a yearning for European social justice, but that is irrelevant to our current consideration: indeed, we saw in the previous chapter that cosmopolitans should seek to take advantage of self-interested motivations.

However, while we should avoid being too pessimistic, we should also avoid unwarranted optimism. The Union ultimately has a highly limited budget, relatively speaking (despite the impression one might gather whenever the sensitive matter of budgetary increase is raised), "which in fact prevents the conduct of extensive policies on a European scale", and means that redistributive impact "does not exceed 3 per cent of their GDP for countries which benefit the most from the community budget" (Magnette, 2005: 36). What's more, recipients of these funds are rarely *individuals* (except in the case of subsidies to farmers, which itself has not necessarily been a great example of egalitarian redistribution), but are rather states or regions, meaning that the redistribution in question is not specifically cosmopolitan in character.

But perhaps the biggest challenge to one who wishes to make appeal to the European Union as evidence of the cosmopolitan potential of intermediary proposals is its current instability. It is striking that Archibugi remarks that, other than the EU, the

real-life examples that come closest to the cosmopolitan democracy blueprint have been transient affairs: "confederations that took on the essential characteristics of cosmopolitan democracy in the move toward federal arrangements" (2008: 110). We therefore might well ask: if all the previous examples of the cosmopolitan democracy model in action have proven to be transient affairs, is there something inherently unstable about the type of institutional model that sits somewhere between a confederation and a federation?

Certainly the current turbulence in the European Union lends credence to that idea. We appear to be in a position where no one thinks that the European *status quo* is a credible option. On the one side stand those keen to announce that they were right all along, that the European project was always bound to fail, and that it should be given up sooner rather than later. On the other side stand those contending that, on the contrary, what is needed is 'more Europe' – further integration. What both sides appear to agree on is that certain elements of the EU as it stands – such as monetary union without fiscal union – are untenable over the long term. Of course, more Europe does not necessarily need to mean a United States of Europe: Habermas is an advocate for more Europe but is not an advocate of a federal European state (at least, not now, though he once was). But such federal arguments are put forward, both by political theorists (Morgan, 2005) and by members of the European Parliament itself (Verhofstadt and Cohn-Bendit, 2012).

In sum, appealing to the European Union as evidence of the cosmopolitan potential of intermediary models is a somewhat risky strategy given the uncertainty that grips Europe at the present time. If this is what a non-state order means, one might ask, do we really want to globalise it? And in any case, if all other examples of an institutional form sitting somewhere between confederal and federal models proved to be transient affairs, isn't it likely that Europe too will follow suit, one way or the other?

Conclusion

Thomas Pogge's dispersed sovereignty model, David Held's and Daniele Archibugi's interpretations of the cosmopolitan democracy research school, and Jürgen Habermas' 'world domestic politics without world government', stand as four of the most prominent examples of what I have been calling 'intermediary proposals'. These proposals are intended to be consistent with – indeed, instrumentally important for – the realisation of distributive cosmopolitanism. In this chapter, I have argued that in two instances (Pogge's and Held's) the institutional proposals considered here are in fact far less clearly divergent from a world state than their authors claim, and furthermore that where there *is* a clear distinction (as with Archibugi and Habermas) this should be viewed negatively with respect to the realisation of cosmopolitan goals.

It is perhaps tempting for intermediary theorists to appeal to the European Union as an example of a real-life intermediary proposal in action. But even if the EU is sufficiently close in design to those proposals to lend empirical support to the practical possibility of their existence – which we can doubt – it fails to lend support to the idea that cosmopolitan goals are realisable in such orders. Furthermore, we should surely be wary of the instability that currently overshadows Europe, and ask whether this instability is not an inherent feature of institutional forms that sit somewhere between confederal and federal orders.

My analysis in this chapter is intended to provide further support for the notion that cosmopolitans ought to be world statists. Before this argument can be considered complete, we need to deal directly with the range of critiques that are commonly raised against the world state. This is the job of the final chapter.

Chapter 7

How Strong are the Arguments Against a World State? And Which Ones Can Cosmopolitans Use?

There are a number of famous opponents of the idea of a world state, who have voiced their opposition in no uncertain terms, and who are regularly appealed to by modern-day theorists. We are often told, for instance, that Hannah Arendt thought the world state a "forbidding nightmare of tyranny", and that Immanuel Kant considered that it would result in a "soulless despotism" that would mark "the graveyard of freedom". This emotive language, coupled with the scholarly authority of its sources, seems, unfortunately, to have significantly inhibited serious theoretical consideration of the idea: as Pauline Kleingeld remarks, "appeal to Kant's purported reasons for rejecting the ideal of a world government serves as a theoretical short-cut, relieving [one] of the task of discussing [its] desirability" (Kleingeld, 2004: 304). In spite of this tendency, various theoretical problems with the idea of a world state have been offered. The aim of this chapter is to engage with these arguments, and to make two main claims. First, I want to suggest that most critiques of the ideal of the world state are simply not as convincing as their proponents think they are, and that resultantly the world state does not deserve its current 'bogeyman' status. Second, I aim to show that many of the critiques of the world state ultimately function at the same time as critiques of cosmopolitan theory itself. Therefore, the arsenal available to *cosmopolitan* critics of the world state is in any case significantly limited.

Criticisms of the world state can be split into three main categories: those that suppose the world state is superfluous; those that argue it to be in some sense infeasible; and those that charge it with being undesirable. Whether or not a world state is superfluous depends of course upon what one is hoping that it will achieve. Our concern in this thesis has been with the realisation of distributive cosmopolitanism, and so the

relevant superfluity claim is therefore that the world state is superfluous for the realisation of distributive cosmopolitanism. That, of course, is the assertion that the thesis thus far has been attempting to dispel. The remaining two categories of opposition to the world state therefore need consideration and response, and I will here consider each in turn.

7.1 A World State is Infeasible

Infeasibility can be understood in both a 'hard' and a 'soft' sense (see Gilabert, 2012: Ch. 4). In its hard sense, infeasibility amounts to strict logical, physical or biological *impossibility*. In its soft sense, infeasibility expands to include factors that render a given goal merely highly improbable or impractical. The first two arguments to be considered in this section are of the soft variety; the second two come closer to staking a claim of hard infeasibility; and the last is a clear case of a claim of hard infeasibility. None of them, however, succeed in showing that a world state must *always* be infeasible.

7.1.1 A world state is infeasible because of a lack of global community

In Chapter 4 I offered a theory of global community, 'global multinational patriotism', to which global political integration is fundamental. One might find such a theory curious, however. For, so it might be supposed, there is no use appealing to the role of a world state in the construction of global community, since a world state is infeasible precisely because it depends upon a pre-existent sense of global community that does not exist. There exists, in other words, a circularity: we might need a world state for global community, but we also need global community for a world state.

This dilemma is more apparent than real, however. That there does not exist a substantive sense of global community today only marks a definitive objection to the idea of the world state if one assumes that the way in which such an entity must be formed is

via a 'big bang' constitutional moment in which the international system that confronts us now is transformed overnight via a global social contract. This is but one possible scenario, however, and indeed it is a particularly unlikely one. It is unfortunate therefore that many of the world state proposals that have been worked out over the years have specifically urged the importance of rapid political integration of this type. For just one revealing example, we can note the title of Errol Harris' book *Earth Federation Now! Tomorrow is Too Late* (2005). Given that a glut of twentieth-century world state proposals came in direct response to the two world wars, as well as the instability of the Cold War, and now – like Harris' – tend to come on account of, *inter alia*, their proponents' sense of impending ecological disaster, this sense of urgency is understandable. But, ironically, it is in the urging of a deliberate and rapid global union that the idea of the world state is at its least plausible, precisely because the global will to create it is not yet there.[18] Tomorrow might be 'too late', but today seems out of the question.

If we imagine *ourselves* – today's living population – as prospective world citizens, then we are likely to consider the world state incredible. But, in the way that I am imagining the idea of the world state, we are not the prospective constituency; *we* will never be world citizens. This does not mean that a world state might not be a plausible fit with *future* populations of the globe, however. Importantly, we need not think it the case that those future populations will have the same allegiances and prejudices that we have: if we take a more gradualist and interactive approach to the construction of a world state and world identity – one that downplays the idea of a 'big bang' moment – then we might find that in the gradual evolution of world politics toward greater global integration, the corresponding attitudinal change might progressively occur which supports and underpins the eventual idea of the world state, with the world state

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[18] This unfortunate circumstance was most clear during the Cold War: the greater the tensions between the two superpowers became, the more desperate the need for strong world government appeared. Of course, it was precisely these greater tensions that ensured world government was, at that point, least likely.

thereafter reinforcing and stabilising that sense of cosmopolitan belonging, and so on in a 'virtuous circle' (cf. Barry, 1982: 239–41).

Note also that this type of argument against the idea of the world state is not obviously available to the *cosmopolitan* critic. In emphasising the lack of a sense of global community, the cosmopolitan only underlines the reality of the global solidarity problem faced by cosmopolitan moral theory more generally.

7.1.2   A world state is infeasible because there is no route 'from here to there'

The idea of the constitutional big bang might be incredible, but this still leaves us seeking an explanation for why even gradual movement toward a world state might occur. Indeed, a closely related claim against the world state is that it is infeasible because there is no path from here (i.e. today's reality) to there. Clearly a pre-existent widespread sense of cosmopolitan solidarity cannot be appealed to as part of that explanation. What is required is some indication of why we might nevertheless progress toward the world state. And there are, in fact, numerous possibilities in this regard which appeal to a range of different processes and motivations. In Chapter 5 we surveyed some self-interested motivations that might in time usher us down the road toward a world state. I offer some further possibilities here, followed by a more general retort to this type of challenge.[19]

(i) Wendt and the 'logic of recognition'

Alexander Wendt (2003) has offered a renowned teleological argument for the inevitability of the world state.[20] Wendt claims that the 'logic of anarchy' dictates that, as states mutually seek "recognition" from other states, they are led inexorably toward

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[19] For a useful assessment of various different potential agents of global institutional change, specifically with reference to cosmopolitan democracy, see Archibugi and Held (2011).

[20] We need not endorse the strong teleological claim, however: that the path to a world state Wendt lays out might *possibly* form *part* of explanation of how a world state could be arrived at is good enough. For a critique of the inevitability claim, see Shannon (2005). For Wendt's response to that critique, see Wendt (2005).

greater and greater integration. Following Hegel, Wendt claims that being recognised by the 'Other' is essential not only because it entails being seen by the Other as a legitimately existing entity, which provides security, but also because recognition by the Other also goes toward constituting the 'Self'. What's more, in mutually recognising each other, the Self and the Other are also at the same time creating a collective identity:

> Consider the mutual recognition of sovereignty by European states in 1648. It constituted each as a distinct subject with certain rights, but also constituted them collectively as members of a 'society of states' bound by certain rules, and willing to defend those rules jointly against non-members like the Ottoman Empire.[21]
>
> (Wendt, 2003: 512)

From here Wendt's argument proceeds via reference to the inherent instability of successive stages of recognition short of a world state. The possibility of seeking recognition through violence (in which one state forces another to recognise their right to existence without reciprocating), coupled with the increasingly extreme nature of modern weaponry, dictates that states will ultimately look to take war off the menu, via progressive movement toward a 'world society' and ultimately toward the centralisation of weaponry in a world state. In these latter stages, Wendt says that *individuals* are mutually recognised directly, rather than that recognition being mediated via state boundaries. It is only in the final stage of a world state that full individual recognition is possible, since domestic state sovereignty "is by its very nature a structure of unequal recognition" (ibid: 515).

In each of these movements, new forms of collective identity are created even if these are not initially 'felt'. Wendt's argument is not that a global collective identity will be homogenising – on the contrary, the point is that a collective identity is formed on account of the mutual recognition of difference: "Universalism, in short, depends on recognition of particularism. World state formation is not only a cosmopolitan process, but a communitarian one as well" (ibid: 516). The claim, then, is that lower-level

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[21] Wendt here buys into the idea that the Treaty of Westphalia marks the birth of state sovereignty. But this may not be an accurate characterisation. On this, see Osiander (2001).

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identities and global collective identity are complementary: a shared identity as world citizens would sit atop the mutual recognition of one another's individual and group identities – and the institution of the world state is essential in allowing this to happen. Wendt's theory thus seems compatible with 'global multinational patriotism'.

(ii) Cram and the flourishing of lower-level attachments

Not all will be convinced that individuals or groups such as nations feel that they are not fully recognised where domestic state boundaries still exist. Indeed, one might argue that the ability to self-organise *as* a sovereign state is precisely what gives sub-global groups their recognition. However, consider the following from Laura Cram (2009), who suggests that nascent European integration has in fact facilitated the *flourishing* of diverse national identities. Cram sees reason to believe that, for example, German, Spanish and Italian identities have all benefited from being contextualised within the EU. Germany had particular reason to situate its national identity within a wider European framework following the Second World War, and German and European identities are now often seen as mutually reinforcing rather than as competitors for the same ground. For the Spanish, the concept of a 'European Spain' helped to construct a cohesive, liberal identity post-Franco. And in the Italian case, the EU has "helped resolve internal regional disputes" in a way that aids a sense of both Italian and European identity (Cram, 2009: 116). This line of argument recalls Thomas Risse's appeal to the 'marble cake' nature of transnational identities, which we encountered in Section 4.3.5.

Sub-state nationalities, or 'stateless nations', can also benefit from the nesting of identity within a European context. The Welsh and Scottish, for example, have both come to understand the EU to be broadly beneficial to their own collective identities, and "it is now largely accepted that any calls for 'independence' will be made within the context of membership of the European Union" (Cram, 2009: 118). That the EU plays

the role of 'facilitator' of these identities "encourages the *enhabitation*[22] of the EU at an everyday level and the reinforcement of a sense of banal Europeanism which is a crucial aspect of the European integration process" (ibid: 110). The upshot of this, importantly for our purposes here, is that the facilitating of this diversity may actually provide "a vital source of dynamism for the integration process" – in other words, the flourishing of sub-European identities aids the development of European identity, which itself then feeds back positively in furthering the integration process (ibid: 110). It does not seem entirely unreasonable to suggest that the same sorts of processes might be transferable to a global context.

(iii) Functionalism

Functionalist and neofunctionalist theories of political integration also begin with the idea of self-interest (Haas, 2008 [1964]; Groom and Taylor, 1975).[23] For the functionalist, the meeting of individual welfare needs in a globalising environment requires the creation of modest new international authorities, and since these are in everyone's interest, these will be (and have begun to be) created (cf. Wright, 2000: Ch. 15). But the unintended 'spill-over effects' of the creation of these initial authorities and institutions will act as drivers for further integration: while a new international authority might be set up in the first place to carry out some clearly demarcated function, tensions or 'contradictions' in the new international system will generate crises or otherwise forcefully present the need for more integration (Haas, 2008 [1964]).

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[22] The word is Michael Billig's: "thoughts, reactions and symbols become turned into routine habits and thus, they become enhabited" (Billig, 1995: 42).

[23] I understand the main points of difference between functionalism and neofunctionalism to be: the imagined end-point of integration (with neofunctionalists postulating eventual central authority and functionalists a more dispersed task-based model); the dynamics of the integration process (with functionalists referencing more gradual change and neofunctionalists expectant of more political bargaining and crises between integrating states); the greater emphasis placed by neofunctionalism on 'spill-over effects'; and the tendency of neofunctionalism to concentrate on regional rather than global integration. See Pentland (1975: 15).

Such theories fell out of favour when they were perceived to be unable to explain the stalling of the European integration process in the 1960s and 1970s. However, in the late 1980s neofunctionalist logic was rejuvenated following the swift integration that occurred as a result of the Single European Act, which was argued to be an example of the 'spill-over effect' in action: "it was plausible, for example, to argue that the removal of tariff barriers within the Common Market had generated pressure for harmonisation of product standards across the Community thereby prompting the move from a common to a single market" (Eilstrup-Sangiovanni, 2006: 183). After that, the Maastricht Treaty created the European Union and delivered a single currency. It seems plausible, then, that functionalist processes might well explain some of the European integration we have seen over the last sixty years.

Today it is not difficult to interpret recent calls for fiscal union, Euro bonds and indeed more extensive *political* union to be the perfect example of a reaction to 'contradictions' in the current system. It therefore also seems possible that, in time, functionalist logic might advance us down the road toward a world state (Goodin, 2013: 295).[24]

(iv) A re-characterised cosmopolitan avant-garde

I also believe that Lea Ypi's concept of the cosmopolitan avant-garde that we encountered in Chapter 3 can be re-appropriated as a potential driver of global political integration. Recall that in Ypi's theory, the avant-garde are to explain the cosmopolitan internal transformation (but not usurpation) of the domestic state system. However, it seems to me that the idea of the cosmopolitan avant-garde and the institutional vision of statist cosmopolitanism can be detached from each other such that a *suitably re-characterised* avant-garde can be appealed to as part of the catalogue of processes that

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[24] Functionalist thinking becomes much more controversial to the extent that it is couched in the terms of teleological inevitability. Yet it need not be understood this way; it can, like Wendt's theory, be understood simply as the outlining of a possibility.

might lead us toward a cosmopolitan future, without it following that the institutional vision must be endorsed. What's more, such a re-characterisation provides a more accurate picture of what these agents are really up to.

Ypi characterises the avant-garde as arguing for the cosmopolitan transformation of the domestic state via the invocation of a shared historical background and the "conceptual categories present in the public culture" of any one state (2011: 143); those resources are then "placed at the service of moral learning" (ibid: 145). In general, the idea is that:

> by appealing to familiar institutions, particular social allegiances, cultural frames of reference, and shared schemes of understanding that motivate imperfect moral agents, it might be possible for the collective in question to reach a new understanding regarding its purpose. (ibid: 152)

But it seems to me that the avant-garde are just as easily, if not better, characterised as a force urging the *transcendence* of the domestic state system. For one thing, many of the most plausible candidates for membership of the cosmopolitan avant-garde do not obviously refer back to state-level shared understandings in order to put their points across. Take, for instance, the 'Occupy' movement (of American origin) and its frequent rhetorical references to, for example, 'our brothers and sisters in Cairo'. Or consider the following from a 'Manifesto for Global Democracy':

> Inspired by our sisters and brothers in Tunisia, Egypt, Libya, Syria, Bahrain, New York, Palestine–Israel, Spain and Greece, we too call for a regime change: a global regime change … Today, like the Mexican Zapatistas, we say "*¡Ya basta! Aquí el pueblo manda y el gobierno obedece*": Enough! Here the people command and global institutions obey! Like the Spanish Tomalaplaza we say "*Democracia Real Ya*": True global democracy now! Today we call the citizens of the world: let us globalise Tahrir Square! Let us globalise Puerta del Sol!
> (quoted in Suarez and Zameret, 2011)

The aim seems to be precisely to speak to all individuals worldwide at once, and to characterise all as part of the *same* community (the same *demos*) at a global level.

Indeed, it is in any case not at all clear that all societies' shared understandings and wider cultural resources contain the sorts of ideas that will in fact aid a cosmopolitan transformation. Not all states are liberal-democratic; some are distinctly hierarchical. In

the latter type of state, it is the case that one of the main 'shared understandings' within the public political culture is the *inequality* of individuals. One wonders then how such a society's cultural resources can be harnessed in the service of egalitarianism, global or otherwise. For this reason, it seems that what the avant-garde must really be doing is attempting to weaken and ultimately overcome these traditional shared understandings and replace them with liberal egalitarian understandings.

The quotation from the 'Manifesto for Global Democracy' referenced above also provides clear evidence that many of those who could well be considered members of the cosmopolitan avant-garde are explicitly agitating for the creation of a new global polity, not just the transformation of currently existing states. Indeed, statist cosmopolitanism's characterisation of the avant-garde can be contrasted with an alternative approach in which these activists are understood to be practising "institutional global citizenship", where this involves advocating the *overcoming* of the domestic state system and the promotion of global political integration (Cabrera, 2010b). It seems to me that this conceptualisation of the work of cosmopolitan activists often fits the reality more accurately. This can be clearly seen, for instance, with respect to pro-immigration activists. Both Cabrera and Ypi reference these activists and their efforts to circumvent state immigration laws, yet it is surely the case that the work of these activists in attempting to weaken state borders is more comfortably conceptualised as an example of the attempted usurpation of the domestic state than as an attempt to reinterpret it, since it is presumably a fundamental feature of any state that it is able to discriminate between members and non-members and to control its own borders.[25]

When suitably re-characterised, therefore, the cosmopolitan avant-garde can be detached from the institutional vision of statist cosmopolitanism, and indeed can be co-opted by global political integrationists, including world statists.

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[25] Even the member states of the EU ultimately retain this power, since in the final analysis they retain the ability to withdraw from the EU.

(v) The motivation of elites

We can also highlight the role of political elites in the furthering of political integration. It is frequently suggested that a sense of global identity is felt much more keenly by political and social elites than by ordinary citizens.[26] It might well be the case, therefore, that if we are looking for an avant-garde that is to push forward a process of political integration, it is as likely to be found in the shape of political elites as it is the activists of global civil society. While this might give the impression of political elites striving boldly to realise high-minded universal principles, we should not overlook the possible role of rather more base motivations, as Robert Glossop points out with specific reference to the idea of a global federation:

> Most leaders of nations are motivated by a desire for fame. It is difficult to conceive of what could make a leader more famous or more endeared by posterity than to become one of the founding fathers of the democratic world federation which put an end to the war system which had dominated human society for thousands of years.   (Glossop, 1993: 142)

(vi) Disaster as catalyst

The League of Nations emerged from the wreckage of World War I. Where this institution proved inadequate to prevent a further World War, the United Nations was created, and is in many ways a large improvement. These institutions' "births were abrupt, and war was their midwife" (Mazower, 2012: xv). Would an institution like the United Nations have seemed 'feasible' to the global population 1910? They surely would have considered it unlikely – but then they lacked the hindsight brought by two devastating world wars. This leads us to an ugly thought: perhaps further political integration will be expedited if and when a future disaster befalls the globe (Chase-Dunn and Inoue, 2012)? We are not short on possible calamities – nuclear war, environmental catastrophe, global financial meltdown, pandemics. Any of these gruesome possibilities

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[26]In a study into 'Europeanisation' and collective identities, Risse and Maier (2003) confirm this belief, and suggest that one reason for this finding is that the European elites interact with Europe's institutions in a more immediate way that the European population at large. For an empirical analysis of the claim that cosmopolitanism is an elitist doctrine, see Furia (2005).

could usher in, in relatively short order, progressively more centralised institutions around which a substantive world state might ultimately then be built.

(vii) Empire

International 'realists' imagine that the only way we could arrive at a global state, given the structural imperatives to which domestic states must conform, is via an imperial project in which one state succeeds in subjugating all others: as Robert Gilpin remarks, realism "does not believe that the condition of anarchy can be transcended except through a universal imperium" (quoted in Koenig-Archibugi, 2011: 538n12). I do not accept this determinism: institutional change can occur as a result of political agency (be it self-interested or other-regarding) or on account of the sorts of logics already detailed here. Nor do I find it likely that the type of world state that arose as a result of imperial conquest would be stable and just. And in any case, in a nuclear age, the very possibility of any one state managing to conquer the rest of the world seems remote: therefore, those who offer up warfare as the "prime candidate" for a route to the world state (e.g. Carneiro, 2004: 162) seem misguided. But there might still be a way in which a type of 'empire' could play a role in the eventual development of a world state.

One suggestion in this regard comes from Torbjörn Tännsjö, who welcomes the fact that the US currently stands as the world's sole superpower, since he believes this presents the most favourable condition for the eventual construction of a world government (Tännsjö, 2008: 99ff; see also Etzioni, 2004). Tännsjö believes that since the US is clearly the world's predominant power, it is rational for all other powers to give up the arms race, and to largely demilitarise in return for guaranteed protection of borders by the UN (to which they will lend their remaining military resources). Once the US is the only remaining power funding its own military, it too will come to realise that this is irrational and cede military control to the UN as well, which will thereafter be better placed to ultimately transform itself into a proper world government. This dynamic is not

available where there exist regional players of essentially equal power levels (and so Tännsjö would reject the desirability of Habermas' model that we encountered in Chapter 6). However, it is not rational for any one state to be the first mover in such a process where that first move involves complete disarmament. An alternative is for all states to commit to disarm gradually on the understanding that all others make the same commitment – but such a process would be extremely difficult to pull off, with mistrust likely to stall proceedings. More importantly, the process outlined by Tännsjö assumes that all other states would be willing to trust the US to remain armed whilst all other states disarm, which is a big assumption to make.

Perhaps, though, empire need not be understood in terms of the predominant power of one domestic state. Michael Hardt and Antonio Negri suggest that today's 'empire' does not have a specific metropole ("The United States does not, and indeed no nation-state can today, form the centre of an imperialist project"). Rather, the process of globalisation itself constitutes a form of empire (Hardt and Negri, 2001: xiv). Today's global 'empire' is global capitalism, with its series of decentred power relationships. Hardt and Negri view such an empire positively, as the necessary precursor to eventual human emancipation: first the power structures are developed that usurp domestic states, and then those power structures themselves can be tamed by the global 'multitude' (the Marxist influence is clear).

Hardt and Negri do not themselves argue for the coming of a world state: theirs is more an image of global communism. But the same 'power first' theory might also form part of an explanation of how a democratic world state could come to pass. Consider the following from Thomas Nagel:

> Unjust and illegitimate regimes are the necessary precursors of the progress toward legitimacy and democracy, because they create the centralized power that can then be contested, and perhaps turned in other directions without being destroyed. For this reason, I believe the most likely path toward some version of global justice is through the creation of patently unjust and illegitimate global structures of power that are tolerable to the interests of the most powerful current nation-states.
>   (Nagel, 2005: 146)

Nagel makes this remark at the end of an article in which he defends a statist theory of justice. It therefore seems to follow, although he does not say so explicitly, that he is considering the possibility of a 'power first' route to a world state and eventual global justice. Consider similarly Robert Goodin's thoughts on the genesis of any one democracy: Goodin points out that the arbitrary exercise of power comes first, and thereafter, gradually, comes the demand for the curtailment of that power, in the beginning in terms of rule by law, then in terms of accountability to some, and eventually in terms of full democratic accountability to all. If we are to see global democracy, therefore, we will first need to see the global extension of power (Goodin, 2010). That power need not take the form of a global sovereign: but it might eventually add up to as much. Indeed, Goodin has since produced another article that acts as a companion to his thoughts on global democracy, in which he argues that, after a fashion, "world government is here": in the beginning, what later becomes a federal world state would look very much like the world as it stands today (Goodin, 2013).

(viii) A retort

Do any of these theories, individually or in combination, guarantee that the world will one day be governed as a single state? No. Despite Wendt's teleological claim, the world state is not inevitable. But so what? The proponent of the world state can go on the attack: can it be shown that the continued *absence* of a world state, always and forever, is itself inevitable? No, an argument of this form cannot succeed either. If a world state is not conceptually impossible, which – as I shall argue shortly – it is not, then one who wishes to suppose that the world state is inaccessible always and forever must claim for themselves superhuman powers of futurology: the claim would need to be, first, that there is currently no discernible path from here to there, and furthermore, that in the infinite expanse of future time it will *definitely* not be the case that any changes in global circumstances will occur that open up such a path. But who could credibly make such a

claim? The world's political architecture has been through various iterations and transformations, and it does not seem to me that we can discount the possibility of further future transformation.

Consider also that cosmopolitans who support intermediary institutional proposals are on dangerous ground: why is the route 'from here to there' a problem with respect to the idea of a world state but not with respect to, say, the types of institutional blueprints we encountered in the previous chapter? Many of the same claims concerning the lack of a route from here to there can also be made against intermediary proposals (see e.g. Buckinx, 2011). In response to infeasibility claims with respect to intermediary proposals, Pablo Gilabert states that "these may be inaccessible (or hardly accessible) now. But they may become (more) accessible as a result of other reforms that can be pursued now" (Gilabert, 2012: 148). The world statist can simply add that, in turn, a route to the world state itself would become more plausible, since the intermediary proposals can themselves be understood as staging posts on the way to the world state itself (recall, in particular, Daniele Archibugi's remark that the closest real-world example of the cosmopolitan democracy model in action is the historical transient moment between confederal and federal institutional forms).

More fundamentally, cosmopolitan distributive principles *themselves* are just as vulnerable to this type of infeasibility critique as the institutional prescriptions they inspire. Launching a critique against the world state or any other institutional proposal on account of its perceived distant feasibility seems an odd strategy to take while at the same time defending, for example, undeniably ambitious principles of global distributive egalitarianism that many reject as infeasible in the same way (for a similar point see Tamir, 2000). The committed cosmopolitan egalitarian will want to endorse Gilabert's thought that the process of achieving global distributive justice "could start with a sequence fulfilling a global sufficientarianism based on human rights, move toward deeper reforms along global intermediate inclusion, and conclude with global

egalitarianism" (Gilabert, 2012: 255). But then it is not clear how anyone endorsing such a process could reject a similar sequential process that could eventually render a world state feasible.

7.1.3   A democratic world state is infeasible

It has been argued by such notable figures as Rousseau and Montesquieu that when a polity exceeds a certain size, it will cease to be sufficiently democratic. For Rousseau, smaller polities, *inter alia*, maximise the opportunities for citizen participation; if a polity becomes too big, participatory democracy becomes impossible. For Montesquieu, "it is the natural property of small states to be governed as republics, of middling ones to be governed by monarchs, and of large empires to be ruled by despots" (quoted in Dahl and Tufte, 1973: 7). It is unwise, however, for any cosmopolitan – indeed any modern democratic theorist – to appeal to these thinkers in order to reject the possibility of a democratic world state. As a direct democrat, Rousseau would reject even today's representative parliamentary systems as undemocratic – so unless cosmopolitans are willing to endorse a series of discrete city-states practising direct democracy as their preferred global institutional system (which none are), Rousseau does not make a useful comrade. And Montesquieu's empirical claim, if we accept representative democracy as a form of democracy, is also shown to be empirically inaccurate: there are many examples of what Montesquieu would class as a 'medium'-sized democratic state, and there are also plenty of 'empire'-size democracies.

Lines of argument more relevant to our times are available, however. Robert Dahl has claimed that "international organisations, institutions or processes" cannot be democratic (Dahl, 1999), and his argument is based on three main inter-related premises. First, for Dahl, a political system can only be described as democratic when the extent of citizens' delegation of decision-making powers to political representatives and technocrats does not surpass a given (undefined) threshold (ibid: 21), and international

institutions do surpass that threshold. Second, individuals are simply not as informed about, nor as interested by, the complexities of 'international' issues as they are domestic matters, meaning that their ability to exercise genuine "popular control" is compromised (ibid: 23ff). Third, the larger the population, the less scope any given individual or sub-group has to influence governmental outcomes, and this is a problem democratically speaking (1999: 30; see also David Miller, 2010).

One way of responding to Dahl's challenge is to appeal to an 'interest-based' conception of democracy rather than the 'agency-based' conception Dahl emphasises. An interest-based conception foregrounds the importance of political institutions being responsive to individuals' fundamental interests – security, health, resources, opportunities and so on – and is less concerned with individuals' direct political participation or representation in those institutions (Goodhart, 2011; Kuper, 2004; Weinstock, 2006). I do not propose to rely upon such a response here, however. Although it clearly is the case that real-world democracies contain various interest-based elements,[27] it is also the case that some amount of direct participation for individuals in the political life of a polity is important if those interest-based elements are actually going to be accountable and responsive to individuals' interests, for the reasons we highlighted in Chapters 3 and 5 (cf. Weinstock, 2006: 12).

Given that this is the case, it is fortunate that none of Dahl's arguments demonstrate that a global democratic state must be infeasible, even if today's international institutions cannot be democratic. First, with respect to the delegation issue, Dahl claims that it is "very likely" that international institutions, "including the European Union", will surpass the delegation threshold (1999: 21). But the reason for

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[27] "[T]hings like forced saving (to counteract *akrasia* and ignorance of our long-term good), provision of public goods (to offset collective action problems), public insurance schemes, child protectors and environmental impact assessment mechanisms (to enact democracy's commitment to the interests of all concerned by a given policy, including future generations), expert panels, auditors general, and the like. These mechanisms complement democratic institutions' ability to realize citizens' interests, but they are not themselves democratic. In fact, many of them are overtly paternalistic in their rationale and in their operation" (Weinstock, 2006: 9).

this cannot be one of simple population size: according to the EuroStat website, the total population of the EU is just over 500 million, whereas India's 2011 census registered its population at 1.21 billion.[28] If delegation straightforwardly increases with the size of populations, then India is at greater risk of surpassing the relevant threshold (whatever it is) than the EU – and yet Dahl presumably does not want to deny that India is a democracy. Rather, the point must be that in the EU, too much control is ceded to the Commission and the Council (bodies within which European citizens are not represented at all), and too little power is delivered to the representatives in the European Parliament. But this is not an inevitable feature of the European Union: its institutions could be reformed so as to bring it closer to a traditional representative democracy.

Dahl's second point does not settle anything regarding the feasibility of global democracy. His claim is that individuals are generally less aware of or interested in 'international' matters than domestic matters. But even if this is true, part of the reason might well be precisely the fact that they have no say over these issues and/or that in many instances little of substance is actually being authoritatively decided at transnational or global levels (witness, for example, General Assembly 'resolutions' that have no legal force). In other words, perhaps this critique gets things the wrong way round: as substantive issues begin to be definitively and democratically settled at transnational and global levels, it is possible that individuals worldwide will begin to be more engaged. Certainly it does not follow that if individuals are largely uninterested in international matters under current institutional conditions this means that they must remain uninterested when those institutional conditions change.

Finally, as regards Dahl's last claim, even a vanishingly small individual influence on the decision of a global government would represent a gain over the current state of play in which individuals' direct influence is literally zero (Marchetti, 2008: 160).

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[28] See, respectively, http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/ and http://censusindia.gov.in/.

Dahl seems to also present his argument here in terms of collective influence; he asks rhetorically, "If Norway had joined the EU, would its citizens be able to exercise anything like the degree of influence and control over the decisions in Brussels and Strasbourg that they have over the decisions of their own parliament and cabinet?" (Dahl, 1999: 30). The answer of course is no, obviously not, since Norwegian citizens would no longer be coextensive with the *demos*. But Dahl is asking the wrong question.[29] Surely the appropriate measure of democracy is not how much influence any one individual or group has over a given outcome, but whether the appropriate population is given a *collective* opportunity to make decisions about issues that apply to them all. If a given issue is global in scope, then it is appropriately settled by a global *demos*; that any one unit's influence over the outcome is infinitesimally small is not directly relevant.[30]

It might, however, be indirectly relevant. If a particular minority group is consistently to be found on the 'losing side' of a democratic contest, defeated by a majority with competing interests and beliefs, it is reasonable to expect that minority's commitment to that democratic system to wane, putting the system itself under threat. David Miller (2010) proceeds from this thought to a critique of the possibility of democratic world government. A major worry for Miller is how the representatives in a

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[29] I take Dahl to be asking whether Norwegians can have as much influence over outcomes in the EU as they can over domestic outcomes, rather than to be asking whether the quality of democracy is the same at the European as at the domestic Norwegian level. The answer to the latter question would clearly currently be no – but need it always be? Dahl believes so for the reasons surveyed here, but those reasons do not definitively preculde the possibility of regional or global democracy.

[30] It is worth noting that Dahl's concern with the feasibility of democracy at international and global levels does not translate straightforwardly to a normative rejection of international authority: "to say that international organisations are not and are not likely to be democratic is not to say that they are undesirable" (1999: 32). Dahl recognises that authoritative decision-making power at transnational and global levels might be needed to deal effectively with the sorts of issues that cosmopolitans are concerned about, and so even to the extent that his critique of democracy above the level of the domestic state is successful, this does not foreclose the normative defence of global political integration. If, for example, the extent of decision-making delegation necessary in a global political system means that we cannot call this system democratic, then perhaps all this amounts to is an argument for elite guardianship of international and global institutions (ibid: 33).

global parliament would be apportioned. He says that, assuming there were 1,000 representatives, each constituency, if equally sized, would consist of roughly 6.7 million people, meaning that "over half the world's peoples would not get a seat all to themselves" (2010: 149). By contrast, there would be certain large states with numerous representatives. The question then is whether many of those smaller peoples "would be prepared to put themselves under the authority of a body that was composed in this way. They might well think that they were exposing themselves to the risk of domination by a coalition of delegates from different places that might form along lines of economic interest of political ideology" (ibid: 150).

Given Miller's nationalist theoretical commitments it is not surprising to find that he is doubtful of the feasibility and desirability of democratic world government. An assumption of his critique is that, in the imagined democratic world state, individuals worldwide still retain the same national identities and attachments that they hold today. Given this assumption, it is not difficult to see how he derives his worry: if all persons worldwide approached the idea of global democracy with the goal of maximising their own nation's interests, then obviously it would be very difficult to apportion constituencies in a way agreeable to all. But is this the fairest perspective from which to discount entirely the feasibility of a democratic world state? If Miller is considering the latter as a proposal specifically for today's world (as indeed he seems to be), then his assumption is only sensible. But I have been arguing in this thesis that our current collective identities are changeable over time, and indeed that gradual political integration can play a part in the construction of a new, global political identity. If that is the case, and if full democratic world government only arose gradually in parallel with the gradual development of a global identity, then the problem of constituency apportionment looks less severe – indeed, constituencies would not obviously need to be based around nations or domestic states at all. In fact, why should we even imagine that

by the time a world state becomes politically feasible the domestic states that populate the world will be the same ones that populate the world today?

For the sake of argument, however, let us concede that Miller's assumption is in fact appropriate, and that the construction, even over the very long term, of a substantive global identity that could render democratic global politics possible is a pipe dream. Is such an assumption of any use to a *cosmopolitan* critic of the democratic world state? It is not. Borrowing arguments from anti-cosmopolitans is a dangerous game, and in this case it seems to me impossible for cosmopolitan theorists to incorporate the premises of Miller's argument into a critique of a democratic world state and yet maintain that their cosmopolitan distributive commitments are themselves feasible. If one accepts, for example, that a democratic world state is infeasible because a particular nation would not want to be vulnerable to opposed economic interests and political ideologies, then how does this square with a belief in the plausibility of cosmopolitan distributive justice even *outside* of a world state model? A world split into competing national groups hardly seems conducive to the realisation of cosmopolitan norms even if we drop the idea of the world state.

It seems to me, finally, that there is room again for the world state proponent to go on the attack here, this time against global democrats who do not endorse a world state (hoping that, for example, a democratic world parliament could operate without centralised coercive authority). Consider Mathias Koenig-Archibugi's (2011) empirical analysis of frequently supposed prerequisites for democracy: these include a limited level of economic inequality, a significant level of economic prosperity in the polity as a whole, limited cultural heterogeneity and limited size. Each of these, if a genuine prerequisite, would discount the feasibility of global democracy under current conditions. Koenig-Archibugi, however, submits each of these supposed prerequisites to empirical analysis and demonstrates that none is strictly necessary. Indeed, the example of India "contradicts all these hypotheses, as it emerged and survived in the context of high levels

of cultural heterogeneity, low per capita incomes, high levels of inequality and huge population sizes" (Koenig-Archibugi, 2011: 531).[31] But there is one more prerequisite that Koenig-Archibugi considers, namely the presence of centralised coercive authority (or "stateness"), which in the previous chapter (Section 6.4.3) I essentially endorsed. Koenig-Archibugi offers some examples intended to contradict the reality of this prerequisite, but they are not as convincing as his other empirical responses. The examples in question are the ante-bellum US and the European Union, to which Koenig-Archibugi appeals in order to claim that stateness "is not necessary for ensuring compliance with political decisions and protecting citizen rights" (ibid: 531). This, however, is different from demonstrating the possibility of *democracy* outside of a state order*:* as Koenig-Archibugi himself points out, the United States cannot be understood as a full democracy until "the Voting Rights act of 1965" (ibid: 526), at which point it was definitely already a state. (Furthermore, if the US of 1861 was doing a good job of protecting citizens' rights, this is only because those individuals whose rights it was not protecting – i.e. slaves – were denied the status of citizens.)

The EU is not a state, and it does have an elected parliament, but again, that parliament's power pales in comparison with the European Commission and the European Council. As I stated in the previous chapter, it is not at all obvious that the current extent of democracy in the EU is evidence for the possibility of *the sort of democracy global democrats want to see* without a state. Therefore it would seem that there are in reality no convincing examples of substantive democracy without a state, lending *prima facie* support to the thought that if there is to be global democracy there will need to be a global state.

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[31] Of course, the population of India is seven or so times smaller than the population of the world, and yet the fact remains that there is no settled statistical picture that can demonstrate a link between population size and the feasibility of electoral democracy.

7.1.4 A world state would be an infeasible size

In *Metaphysics of Morals*, Kant states that a world state is infeasible because "too great an expansion of such a state of peoples over vast regions would ultimately make governance of the same, and hence the protection of each member, impossible" (Kant, 2006b [1797]: 145). Similarly, in 'Toward Perpetual Peace' we are told that a world state is infeasible because "laws increasingly lose their force as the borders of government are extended" (Kant, 2006a [1795]: 91). Entirely missing in both instances is any actual argument to back up these bare assertions. Given this, it is remarkable that Kant is so often appealed to by modern day theorists in order to quickly disregard the idea of the world state.

Perhaps Kant felt no need to provide any argument because for him, writing in the eighteenth century, the implausibility of governance over such wide scope was felt to be so plainly obvious. We, however, over two hundred years later and benefiting from all the technological innovation that has occurred in that space of time, cannot so quickly draw the same conclusions. Thus, some sort of argument is needed. Kant's claim appears to be one of administrative capacity: there is only so great a distance, or so many people, over which or whom a government can have authority before it overstretches itself. Why might distance be a worry? In Kant's day, it could take days for governmental decisions to reach all corners of a large territory, or for rulers to find out about crises occurring within their territory. But modern technology has entirely eradicated distance in this respect: I can find out about something happening on the other side of the world more quickly than I can something happening at the end of my street. To continue to suggest, in these circumstances, that distance is a constraint on government is not credible.

What about population? By the time of Kant's death, the entire population of the world was just reaching 1 billion people. That is less than the populations of both India and China today. Hence, if Kant's rejection of the feasibility of the world state in his day was motivated by a worry about the maximum number of people that a government can successfully administer, then that worry has been shown to be empty simply by the

march of history – as has, for that matter, the American anti-federalists' claim that the idea of a federal America was "an absurdity, and contrary to the whole experience of mankind" (quoted in Dahl and Tufte, 1973: 10). Of course, one might suggest that even if the number of people in the world in Kant's day turned out to be governable by a single state, the number of people in the world today would not be. But this is simply an *ad hoc* stipulation, and we are again provided with no actual argument that explains why this must be the case.

Perhaps the issue is one of an assumed link between increasing state size and citizenry heterogeneity. However, if the worry is that the world's diversity renders a global polity infeasible on account of, for example, the lack of a global 'overlapping consensus' that could enable global politics, then it is hard to understand why that same diversity does not at the same time doom the cosmopolitan project more generally.[32] Cosmopolitans, furthermore, must be committed to the restriction of cultural diversity regardless of their institutional commitments – I point to which I return in Section 7.2.4.

7.1.5   A world state is conceptually impossible

Carl Schmitt has made the following claim: "As long as a state exists, there will always be in the world more than just one state. A world state which embraces the entire globe and all of humanity cannot exist. The political world is a pluriverse, not a universe" (2007 [1932]: 53; cf. Arendt, 1970: 81). This claim is grounded upon Schmitt's conception of 'the political'. For Schmitt, political action reduces to the distinction

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[32] In *The Size of Nations* (2003), Alberto Alesina and Enrico Spolaore argue that the optimal size of states (measured in terms of population), and therefore the optimal total number of states, is a function of the trade-off between the economies of scale in the provision of public goods that large states can take advantage of, and the costs associated with increasing levels of heterogeneity. The implication is that the optimum number of states will be more than one. Missing from this analysis however is any recognition that various public goods – including the good of global distributive justice – are in fact *global* in scope. Alongside economies of scale, the authors should have considered the *capacity to provide* a given public good (at whatever cost). If certain public goods can *only* be provided by a singular world government, then the costs of heterogeneity would simply need to be paid if those goods are to be provided.

between friend and enemy, where this involves the ultimate possibility of conflict, violence and war with an adversarial 'Other'.[33] Therefore the identification of an enemy, for Schmitt, is essential to the existence of any one political group.

Schmitt says that the state is the "decisive political entity", or to put it another way, that "the concept of the state presupposes the concept of the political" (2007 [1932]: 19). By this he means that that the stable and successful state is premised upon a clear delineation of friend and enemy and, ultimately, a willingness to kill the latter. The collective of the state must form a homogenous group, and must identify and be prepared to fight its external enemies, as well as to locate and actually expel its *internal* enemies (ibid: 46). Schmitt decries the liberal state because it refuses to take on these tasks; it neglects to recognise the importance of distinguishing between friend and enemy. This creates problems, since the liberal state will thereby succumb to internal and/or external enemies that it has not recognised. In fact, the 'liberal state' ceases to be a truly political entity and indeed undermines its very status *as* a state. The idea of the 'world state' is only the most extreme example of liberal universalism's failure of understanding.

Why is the friend/enemy distinction necessarily definitional of 'the political'? The answers here are existential in form. First, it is Schmitt's contention that a group's collective identity must be formed in the first place in contrast to an adversarial Other (although the argument to back up this assertion is absent). Second, if a group does not identify its enemies, and is not prepared to go to war against them when required, then it will find its very existence imperilled, since its enemies will take advantage of this reticence. And this *will* happen: Schmitt has a pessimistic view of humanity and holds that the spectre of conflict is inescapable.

Arash Abizadeh, arguing for the possibility of global collective identity rather than a world state as such, takes issue with Schmitt on these points, firstly pointing out

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[33] The friend/enemy distinction is to be understood collectively, rather than in individual terms; it is groups, not persons, that have political enemies.

that even if an Other is required for a political group to exist, this Other might be internal rather than external – therefore, the need for an Other would not itself tell against the conceptual possibility of a world state (Abizadeh, 2005). Indeed, Schmitt himself must surely accept this, given his own emphasis on 'internal enemies'. It is therefore difficult to understand on what basis Schmitt can in fact claim that a world state is *conceptually* impossible.

Nevertheless, although a world state consisting of inevitably mutually adversarial political groups might be possible conceptually, it would either swiftly degenerate into civil war, or would necessitate the ongoing identification and 'elimination' of internal Others in a distinctly morally troubling way, raising precisely the spectre of global tyranny that often troubles opponents of the world state (and to which we return shortly). Thus even if a world state is not strictly conceptually impossible, a world state that any cosmopolitan might be willing to endorse would remain out of reach. However, it is not clear why we should accept that 'the political' does in fact necessarily reduce to conflict between friend and enemy. Of course, "if we *define* 'the political' in particularist or adversarial terms as Schmitt does … then it is hardly surprising if 'political' collective identities are necessarily particularistic or oppressive" (ibid: 53). But this hardly represents a philosophically convincing move, since we can simply ask why 'the political' should necessarily be so defined – a question to which Schmitt has no answer. Therefore, instead of raising a "fake metaphysical barrier", what we should be doing is empirically investigating the contingent causes of antagonism, central among which might well be the domestic state system itself (ibid: 54).

Once we reject the necessity to political groupings of the friend/enemy distinction, contrast with an internal Other is possible in a way that *need not* be normatively troubling – a global political group could be formed in benign contrast with lower-level groups. Our identities can be 'nested' within each other, or, as we suggested in Chapter 4, mixed together; a global political identity can be defined against or in

interaction with the identities 'Londoner', 'English', 'British', 'European', for example. Indeed, as Abizadeh points out, a political identity:

> might also be constructed on the basis of difference from hypothetical values and the imagined collective identities centred on them, or on the basis of difference from the values of a past historical identity from which one wishes to mark one's distance. (ibid: 58)

Thus, an internal Other is not the only Other available; a global identity could arise among all actually existing individuals in the world on the basis of their difference from a world of the past (and its inhabitants) in which cosmopolitan values were absent.

Jürgen Habermas formulates what appears to be a version of an appeal to the necessity of the Other in *The Postnational Constellation* (2001). His argument is not addressed directly to the notion of a world state (which for other reasons he seeks to reject, as we saw in Chapter 6), but rather to the idea of global democracy. Exactly what his argument is, however, is difficult to decipher. He remarks that "any political community that wants to understand itself as a democracy must at least distinguish between members and non-members. The self-referential concept of collective self-determination demarcates a logical space for democratically united citizens who are members of a particular political community" (ibid: 107). One way to read this is as a claim that any political community must be clear about who its members are and who its members aren't. If this is the meaning then this presents no challenge to the idea of the world state and global democracy, as the world state *is* clear on that front: its members are everyone, and its non-members are no one. Read in this way, Habermas' assertion gives us no reason to believe that actually existing non-members must be located if a community wants to understand itself as a democracy – if this latter conclusion is the one Habermas is trying to reach, then further argument is needed.

Similarly, there is an ambiguity with regard to Habermas' use of the word 'particular' – if he means particular in a particular*ist* (i.e. non-universal) sense, then he will have to tell us something more about why democracy needs *necessarily* to be particularist. If, on the other hand, by 'particular political community' is meant a certain,

clearly delineated community, then there is no reason why this community should not be all-inclusive: it would be just as clearly delineated as any other community.

Perhaps Habermas' claim is in fact not meant to be understood in conceptual terms. He remarks that "the ethical-political self-understandings of citizens of a particular democratic life is missing in the inclusive community of world citizens" (ibid: 107), which is in essence merely his way of telling us that there does not exist a global community that understands itself as a democracy: there is no global *demos*. But this is simply an empirical point and, as I tried to argue in Chapter 4, does not in itself tell us anything about the future; it does not tell us that there couldn't be a global *demos* over the medium to long term. To show that, if that is indeed what Habermas wants to show, he would need to develop a theory of the impossibility of a global *demos* that did not rely on the sorts of Schmittian appeals to the 'Other' that we have just rejected.

Before we move on, we should note that none of the above is comfortably employed as an argument against the world state by the *cosmopolitan* critic. It clearly does not help the cosmopolitan cause to appeal, in rejecting the idea of the world state, to arguments that are premised upon the necessity of the external Other, the impossibility of global identity, the inevitability of adversarial relationships or the exclusionary nature of democracy. Cosmopolitans need to be able to deny the veracity of these arguments, regardless of whether they are world state proponents or not, lest they inadvertently undermine their own theories. Habermas in fact demonstrates this danger well. As we saw in Chapter 6, although he rejects the idea of a world state, his own institutional theory seems to require substantive democratic legitimacy at the global level (and he himself has more recently come around to the idea of a world parliament). Therefore, arguing that any democratic community must locate an external Other only serves to undermine his own cosmopolitan commitments.[34]

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[34] Since Habermas' cosmopolitan views appear to be constantly in a process of evolution, it is possible that he no longer in fact subscribes to the notion that democracy requires an Other.

7.2   A World State is Undesirable

For most critics, the main objection to the idea of the world state is not that it is infeasible, but rather that it is in some sense undesirable. In this section, I consider a range of such worries.

7.2.1   A world state would be an 'invitation to prepare for civil war'

According to Kenneth Waltz, "the prospect of world government would be an invitation to prepare for world civil war" (2010 [1979]: 112). For Waltz, in a federal world state, domestic units would either be looking to capture the global institutional apparatus (which would need to be very powerful, in order that it could effectively rule) for themselves, or would be violently attempting to extract themselves from that rule.

How convincing is this argument? Given certain assumptions, very convincing. Waltz, in his comments, was specifically considering the prospect of rapid political integration in order to stem the violent capabilities of states in "a society of states with little coherence" (ibid: 111); that is, a world of ideologically opposed, antagonistic and mistrusting states with little sense of overarching global community. Waltz was writing in 1979, so it is not difficult to understand the position from which he derives this set of assumptions. Under these circumstances it does indeed seem unlikely that a world state would be a desirable construct. But of course, these are not the only possible circumstances. Indeed, the world has already changed dramatically: the ideological battle that characterised the Cold War seems to have been won decisively in capitalist liberal democracy's favour. Such changed global circumstances did much to spur the development of cosmopolitan distributive theory itself: as Thomas Pogge wrote in 1992, "The human future suddenly seems open. This is an inspiration; we can step back and think more freely" (1992: 48).

In any case, given that the mere *prospect* of a world state has domestic states preparing for war in Waltz's scenario, it seems unlikely that the dystopian world state future he envisions could ever come to pass (save for by way of an imperialist project, which, as I have already suggested, is unlikely to be a defensible or feasible route to a world state). On the other hand, if a world state comes into being gradually (as, indeed, it might already be doing), and if in the course of this gradual construction new identities and loyalties are created at the global level, then there is little reason to think that a world state need necessarily succumb to civil war.

Waltz is an international relations 'realist'. Should cosmopolitans appeal to realist thinking in order to undermine the plausibility of a world state? Would doing so ultimately be helpful to them? On the realist model, after all, the alternative to global government is continuing global anarchy in which states are compelled to seek comparative power advantage over their competitors; as we pointed out in Chapter 3, such theoretical assumptions in fact operate as arguments against the plausibility of cosmopolitan justice. So it seems that appealing to realist premises in order to undermine the desirability of the world state concurrently undercuts the plausibility of the cosmopolitan project itself.

7.2.2   A world state affords no possibility of exit/the tyranny objection

Legitimate government, it is widely believed, is that which is consented to by those it rules over. The logical counterpoint to being able to give one's consent is being able to withhold or withdraw that consent, and the most obvious way one can do that is by exiting the territory over which the government is sovereign (Locke, 1988 [1689]). But it is not possible to exit the territory of a world state. So isn't this a problem?[35]

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[35] Note that intermediary theorists must face the same problem, since they too propose the construction of a global polity from which no single individual can withhold or withdraw their consent by exiting its territory.

In answering this question, let us first assume that the world state is democratic and is functioning so as to broadly aid the realisation of cosmopolitan justice. In that case, what grounds are there for seeking exit? One possibility is that an individual or group simply rejects all forms of political authority and wishes to live anarchically or in isolation. But in that case, the world state's lack of possibility of exit is no different from today's domestic state system, since whenever one leaves the jurisdiction of any given state today one inevitably enters the jurisdiction of another (short of going to live in uninhabitable Antarctica or floating around forever in international waters). Nor are intermediary proposals any different: they leave no room for anarchists either. Indeed, cosmopolitanism as a political project has little time for anarchism, whatever form it takes.

Another possibility is that a group wishes to be entirely politically self-determining. But here we must ask: self-determining to what end? After all, from a *cosmopolitan* perspective, which emphasises the equality of the individual, there are only going to be certain claims to self-determination that can be endorsed: a group's wish, say, for the freedom to structure itself politically according to non-liberal (even if 'decent') norms, is not among them (see Section 3.4.3). It is a feature of cosmopolitan moral theory that it rejects the normative defensibility of such political formations, because, for example, the extent to which non-liberal norms really are freely and universally endorsed by all members of the group in question is strongly doubted (Ackerman, 1994; Tan, 2000). Thus, a cosmopolitan clearly cannot reject the world state on the basis that it would not allow non-liberal political communities independent existence, because the normative rejection of such political groups is precisely what cosmopolitan moral theory itself is committed to.

One might persist however: even if non-liberal political groups cannot be endorsed from a cosmopolitan perspective, it still remains the case that liberal political groups might seek to be entirely politically self-determining, and it is less obvious that a

cosmopolitan should have a problem with this. Indeed, cosmopolitanism expresses a concern for the liberty of the individual, and this concern should extend to the liberty to politically associate with whomever one chooses (Fabre, 2012). Perhaps it is true that, all things being equal, a cosmopolitan should be of the disposition to allow rather than deny a right to freedom of political association in the form of separate sovereign states. But the point I have been trying to make throughout this thesis is that all things are *not* equal; allowing the right of independent political association adversely affects the chances of the realisation of distributive cosmopolitanism and global democracy. Given that this is the case, there is a trade-off to be managed between maintaining the legal right to independent political association and the goals of distributive cosmopolitanism and global democracy, and "there is no principled reason why the right to escape from a global polity should be privileged over the right to establish and live under a universal democratic polity" (Scheuerman, 2011: 155).

Of course, this does not mean that there can be no space for sub-global political associations at all; that, after all, is the precisely the purpose of a federal state. A global federation could constitutionally entrench political space for federal sub-units at various levels to structure public life as they please (subject to compatibility with overarching cosmopolitan principles). Therefore, despite the fact that a world state could not endorse complete secession, there is no reason why different parts of the world could not be granted a significant amount of independent political and cultural space.

One might accept all this, and charge me with thus far taking the easy route in responding to this critique. After all, the real challenge is not to demonstrate that the lack of possibility of exit is not problematic when the world state is operating in a way consistent with cosmopolitan principles, but rather to consider what happens if the world state ends up acting in far more pernicious ways. If the world state becomes a global tyranny and there is nowhere to escape to, what then? This is the terrifying, nightmare scenario to which Kant appears to allude with his reference to the spectre of a "soulless

despotism", and which has spooked commentators ever since: Stalin's Soviet Empire, Pol Pot's Cambodia or Hitler's Nazi Germany writ large. Obviously, if such a state of affairs were to come to pass, then the world state would cease to be legitimate: there would be a *right* of exit (secession); there would be a *right* of revolution. But it might not be possible to successfully execute such a right, and even if successfully executed there would likely be a horrendous death toll. No doubt such an outcome would be disastrous. But what's required is to think about the matter rationally and ensure that we do not allow this admittedly scary scenario to exert undue influence over assessment of a world state.

One thing worth remarking upon, given the frequency with which Kant's 'soulless despotism' comment is appealed to in order to reject the world state, is that Kant did not obviously mean to tar *all* possible forms of the world state with this brush. Pauline Kleingeld points out that when Kant warns of a soulless despotism, he is referring specifically to the idea of a 'universal monarchy', which is a form of world state that arises as a result of domestic states "being absorbed into a single strong hegemonic state" – in other words, as the result of imperial conquest (Kleingeld, 2004: 313). Kant rejects *this* form of world government, but it does not follow that he thereby rejects *all* forms of world government. A federal world state formed voluntarily and with respect for 'republican' principles is defensible, and indeed is demanded by reason. Kant advances his confederal surrogate because domestic states are not yet ready to progress any further than this (and as we have seen, he also thinks a world state is ultimately unavailable for practical reasons).[36] Once we recognise all this, it becomes clear that those who reject the

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[36] The relevant full quote from 'Toward Perpetual Peace' is that a confederal league of nations is "rationally preferable to the amalgamation of states under one superior power, as this would end in one universal monarchy, and laws always lose in vigour what government gains in extent; hence a soulless despotism falls into anarchy after stifling the seeds of the good". As I am interpreting this sentence's meaning, Kant would have been better-off ending one sentence after the words 'universal monarchy' and beginning the next with the words *'And in any case*, laws always lose in vigour…'. This way it would be clearer that two separate points are being made here: (a) that a world government formed via imperial conquest would lead to soulless despotism,

world state *simpliciter* on account of fears of tyranny cannot in fact do so by way of appeal to Kant.

This does not mean that such a critique cannot still be maintained, of course. But we can ask of those who launch such a critique: how likely do you imagine such a scenario to be? If the answer is that it is basically fifty-fifty, a complete matter of chance, then it seems to me that this must be wrong. After all, "we already have long experience honing institutional mechanisms to guard against abuses of power by central authorities … the same institutional machinery that is effective in checking and balancing powers within national government can readily be replicated at other levels of government, whether supranationally or subnationally" (Goodin, 2013: 150). Clearly, one such feature is the vertical dispersal of authority in a federal state, and it is of course this form of world state that is under consideration here. Another is the *horizontal* dispersal of powers between different agencies of central government, which would also be a feature that would be transferred to a world state. Consider also that in all likelihood a world state, if it is ever to come to pass, will be constructed incredibly slowly and cautiously – indeed, if the functionalist logic has merit, then it will perhaps even be constructed reluctantly. In these circumstances, it seems likely that elites in charge of developing a world state will be cognisant of the potential nightmare scenarios that critics of the world state are often worried about, and will do all they can to put in place relevant checks and balances.

In the end it seems to me that the force of the 'no exit from tyranny' critique is largely parasitic upon another worry that we have already defused, namely the worry that a world state would need to come about as the result of imperial conquest; in that circumstance, it is more likely that the appropriate constitutional checks and balances will be missing. But, once more, this is not the only or even the most likely way that a

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and (b) that in any case *any* world government will be unsustainable because of the technical problems that Kant perceived with governance across such a great distance.

world state would be formed. One approach to answering the critique therefore is simply to demonstrate that there is little reason to fixate on the worst of all possible scenarios: to do so is to unduly foreground irrational fear in construction of theoretical argument. Of course, it cannot be demonstrated that a democratic world state could never, under any circumstances, degenerate into a global tyranny – and since that outcome remains a possibility, some will be willing to reject the world state on that basis. If what I have been saying in this thesis is correct, however, then those who reject the world state but are also cosmopolitans should recognise that such rejection does not sit easily with an aspiration to realise cosmopolitan principles.

The world state proponent can in any case go on the offensive. If the world state is being rejected on the basis of there being no possibility of exit, then it must be asked how real the possibilities of exit from tyrannical rule are in the domestic state system, and it seems to me that the answer is not very real at all. It might almost be considered definitional of a tyrannical state, after all, that it places severe restrictions on the possibility of exit. The inhabitants of North Korea live in desperate circumstances today. Some have risked their lives and attempted to escape; a few of these have been successful. But what good does it do the majority of the population that there exist other states that theoretically open up the 'possibility' of exit? Consider also that in order for the possibility of exit to be meaningful it must be paired with the right of entry (and the right to remain) elsewhere. But even those defectors who make it out of North Korea and into China will find that they are returned from whence they came if they are discovered. The 'no exit' objection against the world state overstates the extent to which the domestic state system actually enables exit from tyranny: true, it delivers a hypothetical possibility that is absent in a world state, but not a straightforward practical solution. The difference between a world state and today's system is thus not as stark as the objection would have us believe.

Indeed, with respect to the right of entry and the right to remain, the world state has the potential to represent an *advance* in freedom over the domestic state system. While the world state affords no possibility of exit, what it does afford is the possibility of *access*: that is, a fully formed world state would allow global freedom of movement, whereas the domestic state system does not. Of course, as I made clear in Chapter 5, freedom of movement is not necessarily incompatible with the domestic state system; it is theoretically possible that all domestic states could commit to a policy of 'open borders'. But even if they were to do so, global freedom of movement would remain a contingent matter, subject to the control of domestic state governments – the legal *right* to restrict immigration as they pleased would ultimately remain with them. But there are good reasons – good *cosmopolitan* reasons – to refuse domestic states the moral right to restrict immigration as they please, and thus to refuse them the legal right too (Carens, 1992). A world state can constitutionally entrench global freedom of movement in a way that the domestic state system and intermediary proposals could not, and this positive must be weighed against the negative of the lack of a possibility of exit.

7.2.3   A world state would simply solidify the existing global hierarchy

Danilo Zolo's *Cosmopolis* (1997) stands as a rare example of a book that devotes extended analysis of the idea of the world state – or at least claims to do so. In it, Zolo's main argument takes the following form. All historical examples of international political centralisation, from the post-Napoleonic 'Holy Alliance' through to the United Nations, have in reality been nothing other than attempts by the most powerful states to solidify the status quo, reaching 'peace' upon their terms: "universal and lasting peace, seen as the greatest aim of collective endeavour, tends to go hand in hand with a freezing of the world's political, economic and military map as it is at the time of the constitution of the organisation" (Zolo, 1997: 13). Zolo underlines, for example, the widely recognised fact that the United Nations is structured so as to deliver primary executive control to the

victors of the Second World War, and that those powers themselves (Zolo is most concerned about the United States) essentially control the UN while not themselves being subject to any effective external power. Zolo believes that a world state would only exacerbate this dynamic: "the great powers … are … in practice, *legibus soluti* [above the law], and would be all the more so in the event of a single planetary superpower" (ibid: 121).

The first thing to say about Zolo's argument is that his conclusion is not the only one that one might draw from his premises. Realists like Zolo are not the only ones who note problems with the current workings of the United Nations – cosmopolitans do so too, and postulate reforms for that reason. Indeed, considering this argument in isolation, one might suggest that Zolo is in fact articulating a case *for* a world state rather than against it; it hardly seems right, after all, to point out the problems with institutional forms that fall *shy* of a world state, and use the reality of those problems to suggest that a world state must necessarily operate in the same way. One might simply respond that the world state stands as the *solution* to the deficits of those less integrated institutional forms, as indeed I have been arguing throughout this thesis. After all, a properly constructed world state would not in fact leave any domestic states above the law, and would not leave those states in possession of substantial military force.

Now, there is of course room for scepticism about the likelihood of that occurrence. Zolo himself is intensely pessimistic. States, as all good realists know, simply will not voluntarily give up their power advantage under any circumstances. Moreover, war, aggression and conflict are deeply rooted in humanity, and we should seek to 'integrate' this reality into international life rather than, in a utopian fashion, 'negate' it. One committed to this set of assumptions will inevitably find themselves only able to imagine a world state that is imperially constructed as a vehicle to serve the interests of today's most powerful states (raising again the spectre of tyranny). However, as Zolo himself admits in a postscript, "no superpower would be capable of undertaking the

unification and imperial pacification of the whole world" (ibid: 178). In other words, by his own admission, the type of world state Zolo criticises and fears (the only type he can imagine) will not in fact happen. Quite why Zolo feels compelled to write a book on the danger of the world state is thus a mystery.

In any case, it clearly does not help cosmopolitans to appeal to Zolo to help them construct an argument against the world state, since cosmopolitans must be committed to an entirely different set of assumptions about the way the world does and/or can work, and indeed must reject Zolo's realism if cosmopolitanism is *ever* to be realisable under *any* circumstances. After all, Zolo's point is that not just a world state but *all* substantive global institutional projects will be susceptible to the same solidifying of global hierarchies. Cosmopolitans can therefore hardly appeal to Zolo's argument without that same argument also functioning as a rejection of whatever institutional alternative they propose. Conversely, a more positive set of assumptions about the possibility of a cosmopolitan future free from solidified hierarchies thereby opens up the possibility that a world state could itself be free of those hierarchies.

7.2.4   A world state means global homogeneity

States, it has been argued, are intrinsically homogenising projects. They require, and so construct, populations with broadly similar value systems and identities (Gellner, 1983). A global state would thus entail global homogeneity, and this would be a bad thing (Walzer, 2004).

We should notice first of all that moral cosmopolitans are committed to the desirability of a certain level of global homogenisation regardless of whether or not such a thing is required or entailed by a world state. Cosmopolitans, for example, do not recognise as legitimate moral distinctions made between individuals on grounds of ethnicity, gender, religious affiliation or any other element of personal identity. Instead, they emphasise the fundamental moral equality of all, and translate that fundamental

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moral equality into a concern for the provision of civil, political and economic rights worldwide. Cosmopolitanism, in other words, is liberal egalitarianism globalised, and is thus incompatible with an illiberal worldview that provides these rights to some and not others. For example, it rejects the unequal distribution of civil rights between men and women on religious grounds, or the unequal distribution of political rights on the basis of a supposed natural hierarchy of ethnicities. If the realisation of distributive cosmopolitanism is to be plausible, those who currently hold such illiberal worldviews must cease to do so; instead, there must be a global convergence around liberal egalitarian values.

The 'depth' of the convergence required will depend upon the specifics of a given cosmopolitan theory: if one's cosmopolitanism recommends a global *comprehensive* liberalism (e.g. Tan, 2000), there will need to be something approaching a global consensus on the value of individual autonomy in both the public and private spheres; on the other hand, a global *political* liberalism would not require such a deep value convergence, since such a theory would limit its liberalism to the public sphere and would not require non-liberal groups to liberalise in their private behaviours. Either way, it is clear that a liberal political viewpoint would need to be globally extensive.[37] To the extent that the charge of global homogeneity means this type of global value consensus, therefore, cosmopolitans themselves are clearly not at liberty to appeal to it as a reason for rejecting the world state, on pain of self-contradiction. Indeed, such homogenisation must be actively *endorsed*.

Of course, political values are not the only thing that can potentially become homogenised: culture and identity can too. But some level of homogenisation is of use to

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[37] By 'global political liberalism', I do not mean to appeal to Rawls' theory as expressed in *The Law of Peoples*, in which liberal and non-liberal 'peoples' tolerate each other in analogy with liberal and non-liberal groups in the domestic context. Rather, I mean to reference a global theory that remains faithful to the cosmopolitan individualist perspective, but concerns itself only with liberalism in the public and not the private sphere. Such a theory might recommend, for example and *contra* Rawls, that every domestic state be a liberal democracy (for such a suggestion, see Jones, 2004). Such a theory would also be compatible with a world state, of course.

the cosmopolitan here too: as we saw in Chapter 4, the development of a sense of global identity – and corresponding thin global culture – marks one potential response to cosmopolitanism's 'solidarity problem'. Significantly, we concluded there that a sense of 'global multinational patriotism' featuring a thin shared culture could be a promising way to foster such identity. Homogenisation could of course go further than this: perhaps when critics appeal to the possibility of global homogeneity they are conceiving of a monochrome world with one language, one set of political principles, one set of cultural traditions. But there is no reason to believe that the world state must engender that level of homogeneity, any more than it is the case that other federal states must.

Perhaps the homogeneity argument is combined in some critics' minds with the potential tyranny argument. James Scott, for instance, has argued that states, as bureaucracies, have a tendency to seek to simplify the differences between their populations in various ways in order to make those populations more 'legible', that is, easier to categorise and administer (Scott, 1998). Thus, for example, weights and measures, currencies and property rights are standardised, ignoring or overruling local practices. At least some of this sort of standardisation (for example a global currency) would almost inevitably go along with the construction of a global state.

Scott claims that this homogenising tendency of states can lead to tragedy, but *only when combined* with three other elements: a 'high-modernist ideology' (by which he means a self-confidence about the ability of humanity to master and rationalise nature through social design); an authoritarian government willing to bring high-modernist designs into being; and "a prostate civil society that lacks the capacity to resist these plans" (ibid: 5). Without these additional elements the state's simplifying tendencies are benign, and indeed are "as vital to the maintenance of our welfare and freedom as they are to the designs of a would-be modern despot. They undergird the concept of citizenship and the provision of social welfare just as they might undergird a policy of rounding up undesirable minorities" (ibid: 4). That states homogenise and 'simplify' in

this way, therefore, is not in itself a critique that has any bite as an argument against the world state; it is parasitic on the worry that a world state would be governed in an authoritarian, despotic manner, which we have already assessed, and which I argued is itself parasitic to a significant degree on the belief that a world state would need to come about via imperial conquest.

7.2.5 The domestic state is an elite project, and a world state would be too

Nevertheless, it has been argued that even if the state possesses all the trappings of modern liberal democracy, it remains a suspect entity normatively speaking, because regardless of the state's ostensible form of government it is ultimately still elites that rule, and that do so in their own interests (Dryzek and Dunleavy, 2009: Ch. 3). It is not the case that today's states were born of a 'social contract': rather, they are the contingent result of war and consolidation of authority by certain powers. What's more, states are not institutional embodiments of collective self-rule; rather, they are run by "coercive and self-seeking entrepreneurs", and are simply the sites of elite contestation (Tilly, 1985: 169). That much liberal democratic theory neglects to recognise this, instead seeing the state as a system of cooperation for mutual advantage or the self-determination of a political community, is a failing that should be challenged (Kukathas, 2012: 651). To postulate a *world* state is only to consider entrenching more firmly elite control of the globe (Kukathas, 2006).

The elite theory of the state is only one of a number of competing theories of how the modern state in fact operates; alternatives include a pluralist account that emphasises the role of a wide variety of interest groups (political parties, trade unions, activist groups, etc.), a constitutional account that foregrounds the *limitation* of elite power, and a Hegelian vision that sees the state as the concrete embodiment of human freedom (Vincent, 1987). But even if we grant the theory of elite control, need this necessarily translate to an all-things-considered normative critique of the state? This depends, firstly,

on precisely how one understands the role of elites. For Joseph Schumpeter, for instance, elite rule is a good thing. Complex modern societies require decisions to be made by knowledgeable individuals; most citizens are not adequately knowledgeable, and so these decisions should be left to those elites who are (Schumpeter, 1956). For Schumpeter, normal citizens' involvement in the democratic process is reduced to periodic voting in order to provide a peaceful means for settling the ongoing contests between elites – but there is no need to take such a minimalist perspective on citizen involvement in order to make the point that elites may be a more benign force than the elitist critique of the state supposes.

It no doubt remains the case that in any one state there will always be those in positions of power who are out to serve themselves as much as – or indeed, rather than – the general interest, be that in terms of money, power or prestige. But it seems to me that this fact should only serve to undermine the defensibility of the state if there are institutional alternatives that can be shown to be preferable, all things considered. The most obvious alternative is anarchy. Would anarchy solve the problem of powerful elites? History does not support such an analysis:

> Since the time of written records, in most places where humans have lived together, there have been concentrations of power, that is, individuals and groups wielding considerable power over others. The world of anarchically interacting individuals depicted by contemporary theorists seems remote even from the social conditions of premodern Europe. There, as elsewhere, before the development of modern states, individuals and groups amassed power and dominated and exploited others.   (Morris, 1998: 100)

The fact is that to remove the state is not to overcome the problem of power relationships. Indeed, it seems likely that to remove the institutions of the modern democratic state would only be to intensify any problems of elite domination: even if the institutions of the state allow powerful elites to engage in self-serving activities, the democratic state provides a legal system and accompanying institutions that also protect citizens from the sort of arbitrary domination that would go unchecked in an anarchical

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society. Indeed, for this reason it seems to me that a constitutional theory of the modern state has merit.

In any case, most distributive cosmopolitans are simply not at liberty to make this type of 'elite theory' argument without entirely undermining themselves. Consider those cosmopolitans who essentially endorse the domestic state system as the most promising environment for the realisation of cosmopolitan ends: if the domestic state is in fact controlled by elites to such a degree that it is naïve to believe that it operates in the wider interests of its own citizens, then it is obviously implausible to expect that a collection of such states could together collaborate in the interests of the global public rather than the global elite. Cosmopolitans who endorse the domestic state system must believe that the elite critique of the state is answerable or ultimately not troubling, and therefore such a critique is not available to those cosmopolitans as an argument against a *world* state. And neither does it seem to me that those cosmopolitans who endorse intermediary proposals can at the same time appeal to elite theory as an argument against the world state. The essence of elite theory, presumably, is not applicable only to states, but rather to *any* political institutions that are powerful. Domestic states are the predominant sites of power today. But if the global political architecture was reconstructed in accordance with, for example, the cosmopolitan democracy model, the same problem of elite capture would rear its head. In other words, if the elite theory critique is troubling for the normative defence of the state (and hence the world state), then it is troubling for *all* institutional theories of distributive cosmopolitanism.

7.2.6   We cannot know whether a world state is desirable or not

Mathias Risse justifies the existence of the domestic state system, and rejects the idea of the world state, by offering an epistemic argument, claiming that "utopian thinking readily involves us in the construction of visions we do not understand well enough to comprehend what their realisation would look like" (2012a: 80; see also Risse, 2012b).

Risse worries that transcending the domestic state system may have unforeseen and *unforeseeable* consequences; since it is possible that these consequences might be extremely negative, we cannot sensibly endorse such radical institutional change. It is of course possible that there will be no such negative consequences, but since we do not know and cannot know whether or not there will be, we are not in a position to support such a transition.

Risse himself pre-empts the obvious reply that "a global state … would just be more of what we are used to (a state), only bigger", making clear that he is worried about "the kind of political, economic, legal and social transition humanity would have to go through in order to build a world state (or any other global or quasi-global structure that would replace the multiplicity of power centres characteristic of our system of states)" (2012a: 83).[38] But since the very premises of his argument do not permit Risse to say anything further about what dangers may lurk here, that argument is simply either convincing or not according to the extent to which one subscribes more generally to a conservative philosophical outlook. But cosmopolitans, it seems clear, are rather unlikely conservatives, since cosmopolitan distributive justice is itself a radical global social project; it is not clear how a cosmopolitan could reject the world state for the sorts of reasons that convince Risse to do so and at the same time maintain that cosmopolitan principles themselves are not undermined by the same conservative concerns. Indeed, it is interesting to note that the conservative theorist Michael Oakeshott, in his critique of the 'rationalist' tendency in political theory, offers up as examples of that tendency not only the idea of the world state but also what he disparagingly refers to as "something called 'social justice'" (1991: 453). Cosmopolitans not only care about something called social justice, they care about something called *global* social justice – and their project is as divorced from conservatism as the world state is.

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[38] The section of the quote in parentheses makes clear that this critique of the world state applies just as forcefully to intermediary proposals.

Conclusion

Previous chapters have sought to explain why I believe distributive cosmopolitanism stands the best chance of being realised within a world state system. In this final chapter, I have further buttressed my claim that cosmopolitan theorists ought to be world statists by defending the idea of the world state against a number of possible critiques, and by making clear that in any case, many of these critiques are simply not available to the cosmopolitan critic of the world state.

If one were to reject my defence of the idea of the world state outlined in this chapter, one should at the same time recognise that the prospects for the realisation of distributive cosmopolitanism are thereby significantly diminished. The undesirability and/or infeasibility of a world state would only mean that distributive cosmopolitanism is denied the institutional environment theoretically most promising for the eventual realisation of its principles.

Conclusion

> 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.
> – Michael Walzer, 'Spheres of Affection'

The word 'cosmopolitan' derives from a combination of two Greek words, *kosmos* (world or universe) and *politês* (citizen). A cosmopolitan, therefore, is a 'citizen of the world'. Seeking to construct a *reductio ad absurdum* of the contemporary moral theory of cosmopolitanism, Michael Walzer takes this concept of world citizenship quite literally:

> No one has ever offered me citizenship, or described the naturalisation process, or
> enlisted me in the world's institutional structures, or given me an account of its
> decision procedures (I hope they are democratic), or provided me with a list of the
> benefits and obligations of citizenship, or shown me the world's calendar and the
> common celebrations and commemorations of its citizens. (Walzer, 1996: 125)

Cosmopolitans have traditionally not understood the idea of world citizenship in these literal terms; rather, the point has been to express a certain moral outlook, one that refuses to equate the limits of moral obligation with political boundaries. However, I have argued in this thesis that if a future is ever to be realised in which the global population think and act like the 'citizens of the world' that distributive cosmopolitanism urges, then they really will need to be *citizens* of the world – specifically, citizens of a federal world state. Unlike Walzer, my intention is not to reduce the idea of cosmopolitanism to absurdity, but instead to insist that cosmopolitans recognise, accept and begin to defend the radical political implications of their moral principles.

My argument to that effect is made as much by critiquing the world state's institutional competitors as it is by emphasising the cosmopolitan benefits of the world state itself. The domestic state system, as I argued across Chapters 2 and 3, is an unpromising environment for the realisation of distributive cosmopolitanism. The lack of a global government hierarchically superior to and independent from domestic states renders the notion of cosmopolitan law conceptually incoherent, but international law

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appears to be too weak, and is easily ignored or manipulated where it suits states' own interests to do so. To recognise that states and their citizens currently prefer to pursue their own interests to the expense of cosmopolitan ends is to underscore the reality of cosmopolitanism's solidarity problem. Attempts to demonstrate that domestic states can become committed and effective agents of distributive cosmopolitanism were viewed with scepticism; most notably, with respect to Lea Ypi's theory of statist cosmopolitanism, I argued that the attempt of a 'cosmopolitan avant-garde' to stimulate the cosmopolitan self-reinterpretation of states is unlikely to be successful, on account, *inter alia*, of the countervailing force of the domestic state system itself. What's more, even if such reinterpretation were to be successful, there remain technical and motivational difficulties that would recommend global political integration.

Chapters 4 and 5 continued an engagement with the cosmopolitan solidarity problem. Chapter 4 considered how a sense of global community might be developed that could underpin cosmopolitan solidarity. I offered a theory of global multinational patriotism, and contrasted that theory with non-integrationist alternatives; my argument was that even if global multinational patriotism can be questioned, it still stands as a more promising possibility than those alternatives. As in Chapter 3, I also pointed out that even if a substantive sense of community can be generated without political integration, coercive global government will still be required, since a sense of community alone is not enough to ensure consistent solidaristic *action*. Chapter 5 considered three motivations from self-interest that might be harnessed in the service of cosmopolitan ends: in each case I determined that global political integration was fundamental, in two instances specifically in the form of a world state.

In Chapter 6 I directly confronted a variety of intermediary institutional proposals. Intermediary models, unlike the world state, enjoy widespread support among cosmopolitan theorists, but I argued that this support is misplaced. Both David Held's and Thomas Pogge's supposedly non-statist institutional constructions turned out not to

be unambiguously distinguishable from a world state after all. And while Daniele Archibugi's and Jürgen Habermas' alternatives are more readily distinguishable from a world state, there are good reasons to think that this is a drawback rather than a benefit. All intermediary proposals, so I suspect, will inevitably either turn out to be world state models in disguise, or will incorporate negative aspects of the domestic state system that hinder the prospects of realising cosmopolitan ends. The intermediary model itself also appears to be practically fragile, on the evidence of the European Union.

Finally, in Chapter 7 I addressed critics of the world state head-on. I aimed to respond to a range of popular critiques, in an attempt to offer some relief to the cosmopolitan: while the previous chapters endeavoured to push cosmopolitans into an institutional commitment they are reticent to take on, this chapter tried to show that many of the worries about a world state are overblown. But to underscore my wider thesis, I also made clear that in any case, cosmopolitans are not at liberty to voice most of those worries themselves, because in doing so they are themselves liable to undermine their support for cosmopolitan distributive principles. It is nevertheless possible that the cosmopolitan remains uncomfortable with endorsing the idea of the world state. Where this is the case, however, the logic of my argument dictates that they must think seriously about whether they can realistically continue to endorse cosmopolitan distributive principles.

Cosmopolitans ought to be world statists. Having made my case in defence of that claim, I want to conclude by clarifying the sense in which cosmopolitans *ought* to be so. We can begin by making a distinction between two modes of engagement with cosmopolitan (or any other) ideals: an activist mode, and an academic mode. What counts in making the distinction here is whether, paraphrasing Marx, an agent intends to contribute toward *changing* the world or is merely attempting to *interpret* it. In other words, those operating in an activist mode (which can include those who are academics

by trade[1]) hope that their interventions will have an effect on the way the world is in some particular respect, while those operating in an academic mode are concerned with developing the appropriate theoretical conclusion to draw about that issue. Clearly it is possible that an activist mode and an academic mode will recommend differing strategies in some respects.

Should those working in an activist mode be world statists? This question can be split into two. First, should those working in an activist mode place the idea of the world state at the core of their cosmopolitan activism? And second, should those working in an activist mode *personally believe* that a world state is important to the realisation of cosmopolitan norms in the way I have described? As regards the first question, it seems likely that activists in fact ought *not* to explicitly place the idea of the world state at the centre of their activism. The reason for this is entirely straightforward: doing so is liable to be an ineffective or indeed even a counterproductive strategy. Although the British Parliamentary Group's 1952 manifesto 'The Case for World Government', which I referenced in Chapter 1, felt able to claim, somewhat controversially, that "most people in most countries are probably already willing to support the creation of a world government", the fact is that today, as Chapter 7 made clear, the idea is typically looked upon with mistrust or fear. Thus, to lobby directly for a world state is likely to be a far less successful approach than lobbying, initially, for some rather more modest institutional change. Practically-minded activists – concerned first and foremost with cosmopolitan *improvements* – will find it sensible to minimise and probably even reject entirely public reference to the world state.

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[1] Consider, for example, the organisation known as Academics Stand Against Poverty, which describes itself as "an international professional association focused on helping poverty researchers and teachers enhance their positive impact on severe poverty. It does so by promoting collaboration among poverty-focused academics, effective outreach to policy makers and broader public audiences, and by helping academics turn their expertise into impact through specific intervention projects" (see www.academicsstand.org/about).

However, that this is the case does not mean that those operating in an activist mode cannot and should not *privately* recognise the cosmopolitan case for the world state: on the contrary, they *can* privately support the ideal of the world state while, for strategic reasons, not publicly expressing such support; and they *should* do so for the reasons I have set out at length in this thesis. It is also interesting to note that it might not be the institutional ideal of the world state alone that activists may want to hide: the full extent of a cosmopolitan's distributive principles might also be advisedly redacted from activists' pronouncements, for the same sorts of reasons. A demand for, say, the cancellation of 'third-world debt' is likely to garner far greater support than a demand for full global equality.

What about those who operate in an academic mode and are, in effect, simply doing political theory for political theory's sake? Perhaps not many theorists – and especially not *cosmopolitan* theorists – would like to admit that this accurately characterises their endeavours. Cosmopolitan treatises typically present the reader with shocking statistics detailing the stark reality of human suffering in the world today; their authors surely hope that their work might contribute in some small way to a future in which that suffering is alleviated. Nevertheless, it does not seem to me that we should want to characterise the majority of the theoretical global justice literature as a genuine attempt to change the world, rather than, say, an ongoing conversation between a highly circumscribed group of specialists.[2] And if cosmopolitan theorising is typically not conducted in an activist mode, then there is no reason for the majority of cosmopolitan theorists to only privately recognise the ideal of the world state. These cosmopolitans,

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[2] I once asked Thomas Pogge why he did not, in an attempt to spread the cosmopolitan message more widely, look into writing newspaper comment pieces, or similar. He replied that he tried this once, and that in the online comment section there was only one respondent: Peter Singer. Pogge and Singer are in fact two cosmopolitans who have done much to promote the cosmopolitan message outside of the academy, and so can be thought of as theorists who work in both an activist and an academic mode.

therefore, ought to explicitly theoretically endorse the world state as a cosmopolitan ideal.

Note that cosmopolitans operating in an academic mode cannot avoid this conclusion by emphasising any distinction between 'ideal' and 'non-ideal' theorising. As Laura Valentini shows, there are three main ways in which the ideal/non-ideal distinction can be understood (Valentini, 2012). The first of these relates to the contrast between those theories that assume widespread compliance among a given population with certain normative demands and those that assume only partial or non-compliance. On this understanding, ideal theory develops a normative prescription on the assumption that everyone will be willing to abide by it, whereas non-ideal theory asks what a given individual or sub-group should do given the fact that others are not prepared to act as ideal theory demands. So it might be argued that although a world state is a demand of ideal theory, it will not be recommended by non-ideal theory, since we clearly cannot assume widespread support for the world state today.

It should be clear however that ideal and non-ideal theory understood in this way are not incompatible – indeed, we need to know what ideal theory says before we can identify the partial compliance with which non-ideal theory is concerned. Therefore, although a theorist may prefer to concentrate upon matters of non-ideal theory, they are not precluded from recognising the world state as a demand of ideal theory – on the contrary, such recognition is entailed by the appeal to non-ideal theory itself. Furthermore, and in any case, distributive cosmopolitans *are* typically ideal theorists. Not only do they assume full compliance when they develop their demanding theories of distributive justice, the institutional prescriptions they offer to aid the delivery of their distributive norms also tend to make ideal assumptions. This is the case even for relatively modest proposals relating to the reform of the UN: cosmopolitans tend not to ask, for example, what particular states or persons should do given that UN reform does not enjoy the support of veto-holding Security Council members. Rather, they ask how

the UN should be reformed to best accord with cosmopolitan principles. Given that this is the case, a claim by cosmopolitans to be working with a non-ideal methodology is in most instances unlikely to be convincing.

The second way to understand the ideal/non-ideal distinction is as a distinction between 'utopian' and 'realistic' theories. Concentrating in particular on justice, Valentini says that "utopian theories argue that principles of justice are altogether independent of factual constraints" (2012: 657); in other words, the ideal of justice is independent of what is feasible. Unsurprisingly, perhaps, for the utopian the ideal of justice (or any other value) is not supposed to tell us what to do – it is not a normative concept. We only move to a normative level and begin to consider what G.A. Cohen – the foremost proponent of this perspective – calls 'rules of regulation' when we balance the demands of different, potentially incommensurable values with the factual constraints that are excluded from articulation of principles of justice themselves.

Neither distributive cosmopolitanism nor my argument for a world state is ideal in this sense. Distributive cosmopolitans offer normative accounts of justice that tell us how the world should be, that are developed in response to and recognition of certain facts about the world (such as the scarcity of resources), and that are therefore understood to be feasible (at least in the 'hard' sense detailed in Chapter 7). The world state is understood herein as instrumentally important for realising cosmopolitan ends, and is therefore intended as a normative ideal for cosmopolitans. My argument to that effect specifically takes account of various facts about the world such as the cosmopolitan solidarity problem, the possibility of backsliding and collective action problems. So on this understanding of ideal theory, distributive cosmopolitans cannot reject the idea of the world state by claiming it represents a utopianism they eschew.

This still leaves room for disagreement on the 'realistic' side of things. As Valentini points out, quite how many facts – quite how realistic we ought to be, methodologically – is a matter of some debate. Those known as 'political realists' will

look witheringly upon the idea of a world state designed to realise cosmopolitan distributive justice, claiming that such an idea fails to pay due heed to the reality of the political context in one respect or another. But then these theorists will also make the same critique of cosmopolitan distributive theory itself. In the end, both distributive cosmopolitanism and the world state occupy much the same space on the utopian/realistic spectrum, meaning that cosmopolitans cannot appeal to this rendering of the ideal/non-ideal distinction as a reason to deny that they ought to be world state proponents.

The final interpretation of the ideal/non-ideal distinction is that of a distinction between 'end-state' and 'transitional' theory. Here, ideal theory relates to a "long-term goal for institutional reform" (Valentini, 2012: 660), whereas transitional theory is concerned to offer prescriptions that can be understood as a step towards that eventual goal. Can cosmopolitans reject the ideal of the world state by claiming that they are non-ideal theorists in this sense? Clearly not, because, as with the first interpretation of the distinction, non-ideal theorising depends upon the recognition of the ideal. Thus, even if a cosmopolitan prefers to work on transitional institutional theory, they still ought, so I argue, to recognise the world state as the ideal institution that they hope we will ultimately transition toward.[3] Furthermore, and again similarly to the first interpretation, most cosmopolitans are in fact *not* non-idealists in this sense. As we have seen throughout this thesis, when theorists offer institutional prescriptions that fall shy of a world state, they typically do not do so as part of a transitional methodology, but rather because they consider those institutions to be an alternative ideal toward which we should strive.

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[3] Amartya Sen has recently argued that we do not need to know what a fully just world (a world at the 'end state' of justice) looks like to know how to make the world more or less just – we can judge between two imperfect scenarios without having what he calls a 'transcendental' vision in mind (Sen, 2009). Cosmopolitans, however, *do* have a transcendental vision, namely their particular version of distributive cosmopolitanism.

In sum, this thesis does not argue that cosmopolitans should only or even predominantly concern themselves with articulating support for the world state. But what it does argue is that if they see fit to hold to demanding cosmopolitan distributive principles as their *moral* ideal, they ought also to endorse the idea of the world state as their *institutional* ideal. Whether this endorsement should be private or public will ultimately depend upon whether one is making an activist or an academic intervention. But either way, cosmopolitans, in the end, must bite the bullet; their principles are radical, and their ultimate institutional commitments should be too.

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