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Contemporary Transformations of Cosmopolitanism: Habermas, Nussbaum, Derrida

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Contemporary Transformations of Cosmopolitanism: Habermas, Nussbaum, Derrida

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Abstract

Contemporary Transformations of Cosmopolitanism: Habermas, Nussbaum, Derrida
By Samuel Timme

Cosmopolitanism and the concept of world citizenship in philosophy begin in ancient Greek Cynicism and remain contemporary: in the past two decades, hundreds of philosophical publications discussed cosmopolitanism in relation to poverty, education, peace, etc. As it passed to Stoics then Immanuel Kant, world citizenship changed from a moral to a political view, from a negation of local citizenship to an affirmation of multiple citizenship.

The concept of world citizenship could respond to increasingly urgent transnational problems: climate change, underregulated global markets, and refugee crises. Kant suggested cosmopolitan law could start with a right to hospitality for foreign visitors in a world federation and develop further. Today's transnational problems call for further transformations of cosmopolitanism. To evaluate cosmopolitanism in contemporary philosophies, I focus on its place in Jürgen Habermas's writings on deliberative democracy, Martha Nussbaum's essays in the 1990s and her version of political liberalism, and Jacques Derrida's writings on responsibility and the democracy to come.

Habermas sees economic power outpacing political social integration. Where cosmopolitan law is emerging, deliberative bodies have asserted and appealed to the validity of a more robust cosmopolitan legal order and aimed to realize it. Habermas argues that cosmopolitan solidarity could constitute political will to match global economic power.

Nussbaum originally advocated cosmopolitan education to inform critical democratic citizens. After developing her Capabilities Approach to political liberalism, she favored critical patriotism over cosmopolitanism. Despite this reversal, I argue that Nussbaum's Capabilities Approach to global justice transforms world citizenship in powerful ways, especially in its aim to include people with disabilities and nonhuman animals as subjects of political justice.

Derrida utilizes cosmopolitanism as a support for expanding access to philosophical education, supporting democratic freedoms (especially through secularization), and opening cities of refuge. Although unconditionality (of justice, responsibility, or hospitality) gives impossible, unrealizable demands, Derrida stands for cosmopolitical engagement to decrease the violence of our political institutions.

Cosmopolitanism forms part, not the whole, of Habermas's, Nussbaum's, and Derrida's views. Their conceptions of justice diverge. Each has some hope for human rights and international institutions. Each advocates critical solidarity and engagement on transnational problems.

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INTRODUCTION

Cosmopolitanism is a philosophical perspective that is ancient and contemporary. The idea of being a citizen of the world (*kosmou polites*) plays a role in treatments of responsibility by ancient philosophical schools such as the Cynics and the Stoics, and the Enlightenment thinkers, especially Immanuel Kant. Cosmopolitanism also appears in moral and political philosophies of the 20th and 21st centuries. In the past two decades, it has been discussed in hundreds of philosophical publications. It figures in debates about the nature of justice and has been brought to bear on questions of poverty, development, commerce, civic education, environmentalism, and warfare.[1]

§1 Functions of World Citizenship

"Cosmopolitan" commonly means worldly and urbane. It suggests being well-traveled, having knowledge of the world, and it implies, but does not guarantee, a level of respect for people who live distantly and differently from oneself. It is opposed to the provincial and parochial, and perhaps the remote. It connotes the city as a place of experience and connection to the rest of the world. It can even be used as a synonym of "connoisseur." The sense of world citizenship is not captured in this common usage. "Cosmopolitan" has popular uses that would

[1] On these topics, see Thomas Pogge *World Poverty and Human Rights* (2002), Charles Beitz, "Cosmopolitanism and Global Justice" (2005), Simon Caney, "Justice, Borders and the Cosmopolitan Ideal: A Reply to Two Critics" (2007), Aaron Maltais, "Global Warming and the Cosmopolitan Political Conception of Justice" (2008), Andrew Peterson, "The Educational Limits of Ethical Cosmopolitanism: Towards the Importance of Virtue in Cosmopolitan Education and Communities" (2012), and Bruce Robbins, *Pepetual War: Cosmopolitanism From the Viewpoint of Violence* (2012).

not make much sense if replaced with the term "world citizen," because the popular use has little to do with citizenship.

Because the popular uses of "cosmopolitan" are not sufficiently determinate for use in moral and political philosophy, some philosophers have tried to clarify things by stipulating necessary and sufficient conditions for a position to be considered cosmopolitan. Thomas Pogge, for example, asserts that three conditions are necessary and sufficient for a political morality to be considered cosmopolitan: 1) individualism, meaning that rights and responsibilities are assigned to individuals, not collectivities like families or peoples; 2) universalism, meaning that every individual is equal; and 3) generality, meaning that every person is of concern for every other person.[2] Pogge's definition can help quickly to unite philosophers with different methods and approaches under a common definition. But there are limitations to that approach. Rather than taking a definitional approach, I look at the way world citizenship functions in its history in philosophy.[4]

The functions of the term "world citizenship" can be schematized across several dimensions or axes. Locating thinkers who utilize the key concept of cosmopolitanism on these axes illustrates its different possible meanings. The axes provide a background against which to imagine the transformations of cosmopolitanism taking place.

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[2] Thomas Pogge, *World Poverty and Human Rights*, 169. I refer to this definition because I have found it useful in papers I wrote on the subject of cosmopolitanism in the past: First, "Inheriting Cosmopolitanism: Thomas Pogge and Jacques Derrida on Global Injustice," a paper that I wrote for a Dean's summer research project in 2007 at Creighton University, where I received my B.A. Second, "Toward a Cosmopolitan Political Morality," the paper I wrote for my independent study in political philosophy for comprehensive exams.

[4] Kleingeld, "Six Varieties of Cosmopolitanism in Late Eighteenth-Century Germany," gives another example of approaching cosmopolitanism by showing how it was used in different philosophical discourses.

The first axis is negative-positive vis-à-vis citizenship. When someone claims or aims to be a citizen of the world, the point may be *not being* a citizen of the political community in which one is situated, whether by birth, by physical location, or by any other relation used to determine political membership. Diogenes the Cynic provides the clearest example here, because he declares himself a citizen of the world partly on account of have been ostracized from Sinope. It may be that the one is not a citizen of their political community, or it may be that they somehow repudiate the political community in which they are situated. These are some negative functions that appeals to world citizenship accomplish. On the other hand, when one claims or aims to be a citizen of the world, the point may be having such standing ethically, morally, ideally, aspirationally, or even legally (e.g. in light of human rights declarations and international agreements). This implies a positive conception of what world citizen should be. For example, the Stoics conceive the duties of the world citizen as the ground of other role-based duties (in friendships, families, and particular political communities) and as grounding respect for any other human being.

A second axis has to do with the register of world citizenship, moral vs political. World citizenship may remain completely in the moral realm, determining personal duties regardless of the constitution of one's political context. In this case, fellow "citizens" are the other beings with equal moral standing, and conjunction with the world emphasizes that duties are to all of them. On the other hand, world citizenship may determine the ideal political constitution. In this case, world citizenship suggests how all the world's governments should be related and, perhaps, how many there should be. Of course, the moral and political registers are not mutually exclusive, so one thinker or school could well take both types of positions as a continuous position on world citizenship. As we will see, Cynics emphasize the moral aspects of cosmopolitanism, whereas

the Stoics are a clear model of an attempt to make compatible moral and political registers; Kant focuses mostly on political cosmopolitanism.

A third axis is centralized-decentralized vis-à-vis worldwide political sovereignty. The idea of a world state represents the most centralized form of sovereignty. There are many less centralized alternatives, federated international arrangements being most familiar. The only figures considered below who seem to favor a single world state are Diogenes the Cynic and Zeno of Citium. Because later Stoics considered the cosmopolis the domain of providence compatible with smaller communities, they do not favor centralizing political sovereignty for cosmopolitan purposes. Kant, Habermas, Nussbaum, and Derrida all have reservations about a world state. They fall at different points on the decentralized portion of the worldwide sovereignty axis.

§2 Contemporary Import of World Citizenship

The concept of world citizenship in 21st century politics could gather responses to increasingly urgent transnational problems. Two examples of urgent transnational problems are climate change and the underregulated global markets for goods and labor. People continue to seek asylum or refuge all over the world. World citizenship can also be put into dialogue with oppositional nationalism.

Most of the world's governments are doing something about carbon emissions, and most seem to recognize that the crisis is real. Habermas and Nussbaum both identify environmental degradation as an issue that could advance a sense of solidarity and shared fates across borders. World citizenship could be a useful concept to criticize externalization of environmental harms.

In the era of globalized markets, world citizenship could have political value in resisting exploitation. There is another use of "cosmopolitan" that refers to the highly resourced, highly

mobile businesspeople who reap maximal benefits of regulations created for them or in gaps in the laws.[5] The concept of world citizenship could mediate advocacy for those most exploited by the global markets. The second-generation human rights already assert their entitlements in this regard.

Tragic realities like ethnic cleansing, civil war, and famine persist. They drive millions of people to leave their countries of origin and seek assistance, safety, and a new place to live elsewhere. Where they arrive, they are very often turned back or detained. The concept of world citizenship urges that the arriving refugee is entitled to humane treatment and assistance.

§3 Reservations about World Citizenship

Cosmopolitanism largely accords with egalitarian intuitions about the equal moral standing of all subjects. But the ideal of the widest community is associated with exclusions. First, the history of cosmopolitanism does not aim to include nonhuman animals in its sphere of concern. In fact, other animals sometimes serve as the foil for conceiving human dignity. Second, cosmopolitanism has a Eurocentric history.

The determination of citizenship itself in history goes partway to explaining how cosmopolitanism would exclude other animals and dominated groups. The concept of the citizen (*polites*) goes back to ancient Greek societies where the privilege of political participation belonged to the few, various degrees of freedom were afforded to others, and most other members of the human species were candidates for enslavement. Age, sex, national origin, and property were among the qualities that disqualify a human for the participatory power of citizenship to determine the actions of the political community. To the extent that these oldest citizens stood over against slaves, citizenship as an ideal does not always call for equal freedom.

[5] See Nowicka, *Transnational Professionals and their Cosmopolitan Universes* (2006).

The separation between the human species and the other animals also limits world citizenship in its history. The Stoics provide a clear example. They argue that humans have the dignity of the divine, because humans possess the spark of reason and the capacity to make moral decisions. By contrast, animals are part of the world but are not citizens in it. They cannot even perceive their natural position of slavery in the government of the world, which is fitting since their purposes are given by humans that domesticate them. They are not ends in themselves. This conception of world citizenship, which plays humanity off of animality, echoes in Immanuel Kant's moral conception of a kingdom of ends of reasoning beings whose dignity is incomparably greater than something with a market price.

Cosmopolitanism's history centers on Europe. In the first place, the treatment of the concept's history is limited to Western philosophy. In the second place, Kant's political writings project a future world order legislated by Europe. Hegel's political philosophy uses the idea similarly. The emergence of the international legal order in the 20th century happened during the twilight of the era of European colonization. The countries with the most influence in the United Nations and other international institutions now are mostly European or, like the United States, trace their history to Europe.[6]

§4 Chapter Outline

I chose to focus on the place of world citizenship in the works of (i) Jürgen Habermas' deliberative democratic politics, (ii) Martha Nussbaum's works on civic education and the capabilities approach, and (iii) Jacques Derrida's works on responsibility. They all take

[6] Mendieta, "From Imperial to Dialogical Cosmopolitanism," argues Kant's cosmopolitanism is an example of unconcernedly Eurocentric cosmopolitanism. Pagden, "Stoicism, Cosmopolitanism, and the Legacy of European Imperialism," argues that cosmopolitanism is European in its history, but it is not obviously imperialistic. We will see that Derrida also criticizes Kant on this issue.

inspiration from and offer criticisms of Kant's cosmopolitanism – Nussbaum also directly refers to Stoicism and Cynicism – and they all transform the concept in interesting and useful ways. To contextualize these inheritances and transformations, I begin by tracing the way that world citizenship is transformed by moving from Cynicism to Stoicism to Kantianism.

In chapter one, I reconstruct the idea of world citizenship in Cynics Diogenes and Crates, Stoics Zeno of Citium and Epictetus, and Immanuel Kant. While ancient cosmopolitans focus primarily on the ethical question of how to live a good life, Kant transforms world citizenship into a political ideal. This transformation sheds light on the ways contemporary thinkers further transform cosmopolitanism.

The ancient Cynics are reputedly the first school to have deployed the term "citizen of the world." In their view, the supposed elevation afforded to humans in culture was really a stifling of aspects of human nature, which the diversity of custom revealed not to be justified by the necessary order of the world. For Diogenes, cosmopolitanism negates citizenship insofar as it is an oppositional form of belonging (one that says to be a citizen of *this* commonwealth is also not to be a citizen of *that* commonwealth). A community of Cynic cosmopolitans would aim at instantiating the universal commonwealth that natural law implies. Taken normatively, Diogenes' claim to world citizenship sets him above the conventions of a particular *polis*, but it simultaneously subjects him to the higher law of nature.

The Stoic Epictetus articulates a normative ethical philosophy characterized by a double-citizenship model of cosmopolitanism. Participating in the political life of one's particular city is a duty incumbent upon all human beings. The reason for this is that humans have capacities of reason and will, which makes them naturally suited to citizenship. At the same time, these shared capacities put all humans in a relationship of mutual concern and belonging in one community.

For Epictetus, being human is the same as being a citizen of the world, which grounds the duties one has to train oneself and to participate in one's particular city. He does not develop an ideal city in the way that Diogenes does. He provides the ethical elements of the Stoic's self-understanding as an individual citizen; he does not provide the political elements by which particular, historical cities would become cosmopolitan.

In contrast with the ancient cosmopolitans, Kant's philosophy of right develops cosmopolitanism in a specifically political direction. His cosmopolitan rights and duties are mediated by the state. Kant makes cosmopolitan right the final component of the doctrine of right in both "Perpetual Peace" and *The Metaphysics of Morals*. It presupposes civil right (the conditions of just public laws within a state) and international right (the condition whereby wars between states are ended). It involves the formal recognition by all states of the original right of all people to hospitality as they travel the world in search of productive, peaceful exchanges. But it is also aimed at the establishment of further laws to ensure and further the relationships of all people as world citizens. Kant does not say what these laws would be. So, to the extent that its third part is cosmopolitan right, Kant's doctrine of right is not a fully worked-out ideal, but rather an incomplete idea to be approximated and, as it is approached, progressively determined. Kant also conceives of the public sphere as extending across borders as composed of world citizens writing freely to the literate society.

In chapter two, I show how Jürgen Habermas' works in the 1990s (*The Inclusion of the Other* and *The Postnational Constellation*) approach contemporary political issues from a cosmopolitan perspective informed by the understanding of modern law as deliberative democratic politics, developed in *Between Facts and Norms*. First, both "Three Normative Models of Democracy" and *Between Facts and Norms* emphasize the normative importance of

solidarity as a specifically communicative source of social integration. Solidarity of citizens both produces and is produced by the communicative action of political communities. Second, Kant's ideal of world citizenship is Habermas' starting point for his own cosmopolitan position. Third, in *The Postnational Constellation*, Habermas explains the stakes in terms of the overpowering and outpacing of political social integration by economic power, and he argues that cosmopolitan solidarity is possible and could constitute political will to match global economic power.

Much as Kant considered cosmopolitan right a goal for states oriented toward peaceful relationships, Habermas considers cosmopolitan law a goal for a world order which is still far from achieving perpetual peace, and which is faced with mounting challenges posed by processes of globalization. Habermas' use of the idea of world domestic policy is taken from actual political discourse and measured against the ideals of democratic constitutional states arrived at through historical reconstruction. Thus, for Habermas, to say that cosmopolitan law is possible is to say that it has already begun to exist. Where cosmopolitan law already exists, both explicitly and implicitly (in the expandable solidarity of constitutional patriotism), deliberative bodies have asserted and appealed to the validity of a more robust cosmopolitan legal order and have aimed to bring it about.

In chapter three, I reconstruct Martha Nussbaum's interpretation of cosmopolitanism in several of her political works, as well as her version of the Capabilities Approach and her account of emotional conditions for inclusive politics. Because of her essays "Patriotism and Cosmopolitanism" (1994) and "Kant and Stoic Cosmopolitanism" (1997), she has been received as a defender of cosmopolitanism. However, in "Toward a Globally Sensitive Patriotism" (2008), Nussbaum repudiates cosmopolitanism in favor of patriotism insofar as it involves pride in inclusive ideals that make self-criticism possible. In *Creating Capabilities* (2011), she denies

that the Capabilities Approach is a form of cosmopolitanism and says cosmopolitanism is incompatible with pluralistic aims she shares with Rawlsian political liberalism. In subsequent publications, Nussbaum avoids the term.

In *Frontiers of Justice* (2006), Nussbaum criticizes the social contract tradition for failing to address three questions of justice: the rights of people with disabilities, the rights of nonhuman animals, and the rights of people in other nation-states to assistance and to a just international order. Her Capabilities Approach argues that a minimally just political order must secure the capabilities on a revisable list, the components of which are derived from the intuitive idea of a dignified life for members of the species. The list of capabilities supports a similar set of entitlements as declared human rights, but it also entails the creation of capabilities lists for other species, because it recognizes vulnerable dignity in the lives of other animals in addition to human lives. Nussbaum argues that the Capabilities Approach can handle the three neglected questions better than justice as fairness. She is mostly silent on the matter of cosmopolitanism in this book.

In *Political Emotions: Why Love Matters for Justice* (2013), Nussbaum offers another defense of critical patriotism as one bulwark against the destructive force of negative emotions in political life. She suggests that it is a species of love that citizens feel for their political community. Because they must have a sense of the story of their community, she says it cannot plausibly be larger than the nation-state. This critical patriotism must avoid pitfalls on both sides. It must be neither too tepid to motivate citizens to give of their time and energy to engage in political life and support policies that benefit others sometimes more than themselves, nor so fervent that it silences criticism, nor based on some dominant social grouping within the nation. This patriotism must also have liberal institutions in place to protect minority rights and to teach

children to love their nation and its ideals while recognizing the faults and failures in its past and present.

At the same time, I argue that Nussbaum's capabilities approach and her version of critical patriotism are in keeping with the cosmopolitanism she subscribed to in her essays of the 1990s. Her cosmopolitan education situated difference and strangeness as interesting realities in a great human community that encompasses the particular ones where we have our loves of that familiar, and her patriotic education does, as well. She also argued that the optimism and inclusiveness of world citizenship were separable from teleology and the denial of the passions, and I argue that we should accept those arguments over the unbreakable association of world citizenship with Stoic *apatheia*. In that case, we can take Nussbaum's capabilities approach and approach to political emotions as a potential transformation of cosmopolitanism that recognizes vulnerable dignity in human lives – with or without disabilities, at all levels of the need for care that everyone has to varying degrees – and the lives of other animals, displacing the social contract theory's exclusionary understanding of citizenship to expanding the limits of the political world.

In chapter four, I show that cosmopolitanism is an important resource in Jacques Derrida's writings related by the notion of the "democracy to come." I trace Derrida's references to cosmopolitanism in Kant's political writings and as an inspiration for international institutions and human rights laws. What Derrida calls "cosmopolitical democracy" serves as a fulcrum for criticizing injustices, because it is a putative goal of our international institutions. Yet cosmopolitanism is not coextensive with justice on Derrida's account. He sees justice as the unconditional call to responsibility of thinking and acting that cannot be codified or instituted. The institutions and laws by which we answer the call of justice are always conditional, even in

their ideals. Although world citizenship is an ideal by which our institutions may be called to account, unconditionality is of another order. I explore this relationship between conditioned institutions and the unconditional call for responsibility under five headings.

First, Derrida uses the phrase "right to philosophy" to talk about educational institutions and the entitlement to thinking with no restrictions. He discusses it from a cosmopolitical angle with a reading of Kant in a speech to the United Nations Educational, Scientific and Cultural Organization in 1991, which uses a restricted set of meanings of the phrase "right to philosophy" that he elaborated in the essay "Privilege" the previous year. While he criticizes the restriction of philosophy to European language and history and the natural teleology Kant imagines as ground for cosmopolitical hopes, Derrida speaks in favor of the extension of a positive right to philosophical education as a cosmopolitical task and a response to the experience of unconditional thinking.

Second, Derrida uses the phrase "new international" in *Specters of Marx* (1993) and "Taking a Stand for Algeria" (1994) to describe the people anywhere in the world who are inspired by Marx's ideal of emancipation and appreciate his method of criticizing institutions in terms of their stated ideals. They share a solidarity but no one institutional organization like the communist Internationals. They will use the declared human rights, as well as the requirements of democratic government, as foothold to criticize exploitation and restrictions of liberty around the world through gaps in regulation, failures of enforcement, and laws and measures that conflict with human rights and democratic freedoms.

Third, Derrida considers the relationship between the ethics of hospitality and the Kantian cosmopolitical right to hospitality in the works of Emmanuel Levinas and in a proposal for cities of refuge in 1996. He considers the pure ethics of hospitality to demand unconditional

welcome, but it is an impossible ideal. There is neither non-political, ethical relationship nor pure original peace. The law that extends conditional hospitality is the historical space of a political response to the unconditional demand of hospitality. Cities of refuge more welcoming than their larger countries could extend the limited hospitality exemplified in Kant's cosmopolitanism.

Fourth, Derrida considers cosmopolitical democracy as a horizon of the democracy to come in the era of rogue states in "The Reason of the Strongest (Are There Rogue States?)," the first essay in *Rogues: Two Essays on Reason* (2002). He retraces his use of the term "democracy to come" and relates it to a consideration of what democracy means and a critique of our international institutions as a supposed site of cosmopolitical democracy. Derrida considers democracy's necessary connection to sovereignty entailed in the rule of the people, the political theology of that comes with sovereignty, as well as the autoimmunity of sovereign democracy. He returns to the issue of secularization as a task for cosmopolitical democracy. He also criticizes the notion of the rogue state in post-Cold War discourse of the United States, as well as the reality of institutions that are that seem neither cosmopolitan nor democratic. He also identifies six meanings for democracy to come and addresses four misunderstandings he would like to avoid.

Finally, Derrida attempts to distinguish sovereignty from unconditionality in "The 'World' of the Enlightenment to Come (Exception, Calculation, and Sovereignty)," the second essay in *Rogues*, and also in "Unconditionality or Sovereignty: The University at the Frontiers of Europe." Unconditionality and sovereignty are both figures of freedom. Sovereignty is the freedom of power. Unconditionality is the freedom of thinking. The distinction of sovereignty and unconditionality shows that Kantian cosmopolitanism holds an important place in Derrida's

thinking about the relationship of institutions and democracy to come, but cosmopolitanism is of the determinate legal order.

In my conclusion, I assess the transformations of cosmopolitanism from its conception by the ancient Cynics to the contemporary proposals of Habermas, Nussbaum, and Derrida. In the history of cosmopolitanism, i.e. of the incorporation of the concept of world citizenship in ancient, modern, and contemporary philosophies, its meaning is not constant. In more cases than not, I was obliged to reconstruct the meaning of world citizenship within the works of a particular thinker or school by comparing a small set of uses of the term and analyzing related concepts. As Nussbaum's own reversal in relation to cosmopolitanism shows, the term is difficult to define. It tends to pull along other concepts in Kantianism or Stoicism despite being independent of most of them in principle. World citizenship is the concatenation of two important concepts that may each be contested on their own.

The determinations of world and citizen determine whether concepts associated with cosmopolitanism by its past proponents, e.g. Kant's teleology of human civilization, may be critiqued and displaced. The history of cosmopolitanism suggests that dignity is one concept that may be inseparable from cosmopolitanism. The dignity of citizenship gives an equalizing and elevating force to the declaration that all humans – or perhaps a group delimited otherwise – are world citizens. Dignity signifies the standing to participate in governing, and it signifies being a source of ends.

The most decisive transformation in the history of cosmopolitanism is the addition of the modern political import of world citizenship. The moral dimension of equal standing of humans is not lost, but in Kant's system the term is used in the realm of public right. The granting of

positive rights for noncitizens leads to the development of human rights. The extension of world citizenship to nonhuman animals would be another decisive transformation in the concept.

CHAPTER 1 – FROM ETHICAL TO POLITICAL COSMOPOLITANISM: CYNICS, STOICS, AND KANT

§1 Cynic Cosmopolitanism

Diogenes the Cynic is held to have originated the term *kosmou polites*, from which our word "cosmopolitan" derives. According to Diogenes Laërtius, "Asked where he came from, he said, 'I am a citizen of the world.'"[7] His philosophical thought is a fitting opening to a historical sketch of cosmopolitanism's transformations in the history of Western philosophy. I will begin by attempting to reconstruct the constants of his philosophical orientation based on the reports of Diogenes Laërtius, then I will conjecture on the significance of his saying he was a citizen of the world.

The best remembered of the Cynics, Diogenes is often portrayed as a lewd trickster. This is surely because, according to Laërtius, "He was great at pouring scorn on his contemporaries."[8] He also masturbated in public places.[9] He is remembered as the sort who would spit in someone's face and tell them it was because they were ugly.[10] Plato is reported to have called him "a Socrates gone mad."[11] Diogenes seems, on these accounts, to be someone who was not taken seriously, someone who *could not* be taken seriously, because to interact with him was to open oneself to caprice and mischief. What could such a miscreant mean by saying that he was a citizen of the world, and why even consider him?

There was more to Diogenes than scorn and spit. Laërtius reports, "All the curses of tragedy, he [Diogenes] used to say, had lighted upon him. […] But he claimed that to fortune he

[7] Laërtius, *Lives of Eminent Philosophers*, Book VI Section 63.
[8] Laërtius, VI.24.
[9] Laërtius, VI.46.
[10] Laërtius, VI.32.
[11] Laërtius, VI.54.

could oppose courage, to convention nature, to passion reason."[12] Suspecting the truth of Plato's quip, I find in Diogenes' opposition to fortune, convention, and passion in favor of courage, nature, and reason the conviction that the good life is the examined life, the conviction of a lover of wisdom. I will attempt briefly to reconstruct Diogenes' thinking, first as concerns value, then as concerns the way to live, and finally as concerns being a citizen of the world.

Diogenes criticized his contemporaries for valuing the products of culture. "Very valuable things, said he, were bartered for things of no value, and *vice versa*. At all events a statue fetches three thousand drachmas, while a quart of barley-flour is sold for two copper coins."[13] In his view, only what nature requires of a being can be valuable for it. The fact that humans, like all animals, must eat to live explains the value of flour. Such is not the case for the statue. However, pleasing a masterfully detailed statue may be, it is inessential.

Diogenes also criticized avarice, reportedly saying, "The love of money [… is] the mother-city of all evils."[14] The same principle according to which flour has more value than a statue implies that money itself does not have value. Any sense in which money is required is culture-bound. Moreover, almost everything that money can buy belongs to the category of things that are not required by nature to live. In Diogenes' view, anything other than circumspection would be a dangerous way to relate to money.

Perhaps Diogenes' most surprising criticism is aimed at products that soothe the body, and so seemingly fulfill a function required by nature. "He would often insist loudly that the gods had given to men the means of living easily, but this had been put out of sight, because we

[12] Laërtius, VI.38.
[13] Laërtius, VI.35.
[14] Laërtius, VI.50.

require honeyed cakes, unguents and the like."[15] Diogenes did not consider eating sweet treats, or using salves and ointments, to be required by nature. Humans unwittingly and erroneously assent to a kind of hedonism by expecting nourishment to give pleasure beyond than that which comes from alleviating hunger (i.e. the sweetness of honey), and by expecting to alleviate pains (i.e. the use of unguents) that they are capable of enduring. For Diogenes, one is not harmed by the lack even of something as simple as honey.

Laërtius reports, "On being asked what he had gained from philosophy, he [Diogenes] replied, 'This at least, if nothing else – to be prepared for every fortune.'"[16] Diogenes aims at a way of life that measures itself against fortune. By denying the value of art, wealth, and pleasure, Diogenes denies fortune the power to harm him by taking them away. His claim that cultural products have no value complements, and is informed by, his intention to live a life immune to misfortune.

Strengthening himself against misfortune was also a matter of bodily practice for Diogenes. He is reported to have lived for a time in a tub in a temple (the Metroön). "In summer he used to roll in it over hot sand, while in winter he used to embrace statues covered with snow, using every means of inuring himself to hardship."[17] To uncomfortable weather, he opposed thick skin. That he subjected himself to discomfort may account in part for the opinion that Diogenes was a little mad. But given his repudiation of hedonism and his concern not to be dependent on culture, training himself to tolerate extreme temperatures was a way of making nature, in the everyday sense of "the outdoors," his home.

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[15] Laërtius, VI.44.
[16] Laërtius, VI.63.
[17] Laërtius, VI.23.

When Laërtius moves from his typically anecdotal mode of reporting into summarizing Diogenes' philosophical stance, he emphasizes the importance of training (*askesis*) for the cynical way of life. Laërtius writes:

> He [Diogenes] used to affirm that training was of two kinds, mental and bodily: the latter being that whereby with constant exercise, perceptions are formed such as secure freedom of movement for virtuous deeds; and the one half of this training is incomplete without the other, good health and strength being just as much included among the essential things, whether for body or soul.[18]

For Diogenes, physical training complements the spiritual and mental training so characteristic of his philosophical heirs, the Stoics. The principle Diogenes uses to criticize the value of cultural products could suggest that he assigns importance only to the life and health of the body. That was not the case, as is clear from his affirmation that the health of body and of soul are essential, and from his intention to oppose fortune with the virtue courage, which is to the soul what strength is to the body. If Diogenes purposely tried to thicken his skin, it was as a complement to his attempt to master the passions that would make him vulnerable to fortune. If he emphasized that life could be lived easily by recognizing that the gods had provided the means for humans' bodily survival, it was to disrupt the attraction of material, culturally determined wealth, for it was a distraction from the training of body and soul required to live well.

The connection between training the body to be strong and thick-skinned, training the soul according to similar ascetic virtues, and living well has further support in Laërtius' exposition:

> Nothing in life, however, he [Diogenes] maintained, has any chance of succeeding without strenuous practice; and this is capable of overcoming anything. Accordingly, instead of useless toils men should choose such as nature recommends, whereby they

[18] Laërtius, VI.70.

> might have lived happily. Yet such is their madness that they choose to be miserable. For even the despising of pleasure is itself most pleasurable, when we are habituated to it.[19]

Diogenes' criticism of culture, and of the way the many live, is that by seeking pleasure in wealth, artistic creation, and even in food, one neglects developing the greatest power available to humans. Through strenuous training of the body and of the soul aimed at despising pleasures (and at ignoring discomfort), the desires that make one vulnerable to fortune may be tamed. Given that humans have the power to create such a habit, despising pleasure is the natural path to living well. The pleasure of the ascetic, unlike the despised pleasures, is immune to misfortune.

Laërtius continues his summary of Diogenes' philosophy by contextualizing that famous image, adulterating the currency, saying, "This was the gist of his conversations; and it was plain that he acted accordingly, adulterating currency in very truth, allowing convention no such authority as he allowed to natural right, and asserting that the manner of life he lived was the same as that of Heracles when he preferred liberty to everything."[20] Diogenes is best known as one who adulterates the currency. But Laërtius' explanation of that image, viz. that Diogenes denies the authority of convention *in favor of* the authority of natural right, is as important as the image for an understanding of Diogenes' position that culture endangers one's natural ability to live well. The connection of Diogenes' preference for liberty above all to Heracles' way of life evokes the Labors as a metaphor for Diogenes' strenuous training of body and soul. Seeing that life can be lived easily by nature, the Cynic trains to become strong, hard, courageous, self-sufficient, and insensitive to pleasure and pain.

Without sufficient context, the anecdote about currency and the preference for liberty, like Laërtius' many examples of Diogenes scorning his contemporaries, support the view that

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[19] Laërtius, VI.71.
[20] Laërtius, VI.71.

Diogenes was only a miscreant. For such a trifling troublemaker, life is a joke, and the best laughs can be had by humiliating one's fellows, saying that their pursuits and practices are worthless. To be sure, Diogenes was a trickster, and kindness was not always (ever?) his first priority in relating to other people. I have tried to show, however, that Laërtius' account also explains that serious convictions lay behind Diogenes' conduct, and that the liberty he sought was hard-won and not only capricious.

I think that his views about the relative value of nature and convention and his position concerning the corrupting powers of society help to explain Diogenes' claim to be a citizen of the world. I offer two ways of understanding the utterance: biographically and normatively, both of them connected by the fact that the biographical anecdotes about Diogenes were likely chosen to reflect his normative convictions.

In Laërtius' report, Diogenes says that he is a citizen of the world after he is asked from whence he comes. Reportedly he came from Sinope, but he was exiled after either he or his father had adulterated the currency.[21] But in the period of his life where he became an eminent philosopher, he lived in Athens. He was not an Athenian citizen, and he was exiled from his birthplace. So, given the facts of his biography, Diogenes could only claim citizenship metaphorically or jokingly. Thus, he was a citizen of the world.

This biographical perspective might be thought to rob "cosmopolitan" of its whole content. One might think that if it points only privatively to the fact that Diogenes was not, properly speaking, a citizen, the phrase "citizen of the world" is a joke and a dead end for thought. But perhaps it is important to consider the effects that Diogenes' exile and his lack of citizenship had on his life (for example, that he, unlike his follower Crates, had no wealth, and

[21] Laërtius, VI.20.

that he was at one point sold into slavery). Although his philosophy suggests that trusting the status of citizenship, if one has it, to guarantee the good life is foolish (because fortune is more powerful than convention, and both can only be mastered by virtue and reliance on nature), his biography suggests that citizenship in existing states is not irrelevant for how one's life goes. This is especially so if one is not committed to or trained in an ascetic system of virtues and values.

Taken normatively, Diogenes' statement can be understood in light of his philosophical commitment to strenuously training, of body and of soul, to be capable of living without dependence on the products, wealth, and customs of the *polis*. The liberty he prized was the kind of personal independence expressed so well in his claim to oppose courage, nature, and reason to fortune, convention, and passion. Whereas the citizens (*polites*) of Athens governed themselves democratically and governed their households as masters, and whereas citizens are typically governed by positive laws, Diogenes sought to govern himself in accordance with the laws of nature discovered through right reason. "He would continually say that for the conduct of life we need right reason or a halter."[22] In Diogenes' view, the positive laws that limit citizens' conduct with respect to wealth, pleasure, and one another are halters placed on animals whose souls, having been trained by convention, are enslaved to their passions and vulnerable to misfortune. Whatever safety or guidance the citizens of a state receive from their customary laws, it is too little to make them free.

Hence, by proclaiming himself a citizen of the world, Diogenes paradoxically negates citizenship, preferring the personal independence gained by living according to the austere law that reason discerns in the order of nature, the cosmos. In this sense, "I am a citizen of the world"

[22] Laërtius, VI.24.

means "I am above the *polis*, because I live by a higher law." This normative understanding of Diogenes' claim to be a citizen of the world, a claim that elevates him above the citizenship that, because he lacked it, would conventionally subordinate him, throws some light on his scorn for others. Scorn also indicates the corollary of a normative understanding of self-identification as a cosmopolitan, namely the injunction that others be cosmopolitans.

From a normative standpoint, "I am a citizen of the world," implies, "You are, or should become, a citizen of the world." That is not something one finds Diogenes saying in Laërtius' account, which preserves primarily Diogenes' scorn and criticism of others. One fragment, however, seems to envision the enactment of his moral principles in a community of people who view themselves as cosmopolitans, i.e. a community in a position to reconsider conventional norms in light of the laws of nature:

> All things belong to the gods. The gods are friends to the wise, and friends share all property in common; therefore all things are the property of the wise. Again as to law: that it is impossible for society to exist without law; for without a city no benefit can be derived from that which is civilized. But the city is civilized, and there is no advantage in law without a city; therefore law is something civilized. […] The only true commonwealth was, he said, that which is as wide as the universe. He advocated community of wives, recognizing no other marriage than a union of the man who persuades with the woman who consents. And for this reason he thought that sons too should be held in common.[23]

Cosmopolitanism is reinscribed in this line of Diogenes' argument with his assertion that the true commonwealth spans the entire universe. For the Cynic, according to this formulation, cosmopolitanism negates citizenship insofar as it is an oppositional form of belonging (one that says to be a citizen of *this* commonwealth is also not to be a citizen of *that* commonwealth). So,

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[23] Laërtius, VI.72. The authenticity of this passage is disputed, because it is similar to positions of Greek Stoics and seems out of character for the Cynic. J.L. Moles, "The Cynics and Politics," argues that the reasons against accepting it are not convincing, that its style displays Diogenes's wit, and that it should be read as an argument for the superiority of the natural law, which is compatible with the negation of particular laws (133-137).

a community of cosmopolitans would aim at instantiating the universal commonwealth that natural law implies.

The fragment above also suggests that the conventions around private property, marriage, and nuclear family based childrearing are opposed to natural law and would be abandoned in cosmopolitan community. The world citizens envisioned by Diogenes would not privately accumulate wealth, because excess wealth is a source of vice, and private property has no natural justification. They would not pair for life, Diogenes thinks, because every occasion of sexual intercourse should be preceded by persuasion and consent, so that one does not naturally remain another's exclusive partner after their relations are concluded. Finally, because partnerships were not permanent (and perhaps because paternity could not be reliably determined without permanent partnerships), Diogenes thought that the children should be raised by the community, rather than as the children of discrete families.

His consideration of how a community could live in a way that better accorded with nature, as he understood it, shows that the scope of Diogenes' moral vision was not limited to himself and that his ideal was not the elimination of law and standards of conduct. Taken normatively, Diogenes' claim to world citizenship sets him above the conventions of a particular *polis*, but it simultaneously subjects him to the higher law of nature. His negation of particular citizenship is an affirmation of a wider citizenship in which he and all others would participate as they tried to instantiate natural law.

Rather than portraying Diogenes the Cynic as a rude, trenchant, almost mad gadfly of ancient Athens, I have tried to give a coherent account of his philosophy that can be taken seriously as the first historical example of cosmopolitanism. His criticisms of the value his contemporaries placed on art, wealth, and pleasure, which offers a rationale for his strict view of

training the body and soul to be resilient in the face of misfortune, and which together illustrate what Diogenes believed to be the law of nature according to which citizens of the world would aspire to live.

The rest of the Cynic philosophers follow Diogenes's rejection of conventional values in general and are consistent with his views on cosmopolitanism. Crates was a student of Diogenes. According to Laërtius' reports, he despised wealth as vigorously as Diogenes, even though he was born to wealth. When he decided to devote himself to the Cynic way of life, he liquidated his considerable inherited wealth and gave away the proceeds to his compatriots.[24] He also set up a trust for his sons that they were to receive only if they did not become philosophers, since a philosopher needs nothing.[25] He considered the value that convention placed on wealth and fame a grave mistake, for such things were not immune to misfortune: "Ignominy and Poverty he declared to be his country, which Fortune could never take captive. He was, he said, a fellow-citizen of Diogenes, who defied all the plots of envy."[26] Crates despised wealth and reputation with a view to rendering himself free in the same way Diogenes had.

He also described himself as a citizen of the world. According to Laërtius, Crates wrote, "Not one tower hath my country nor one roof, / But wide as the whole earth its citadel / And home prepared for us to dwell therein."[27] It can be supposed that he subscribed to the normative aspects of Diogenes' cosmopolitanism: recognition of natural laws above conventional laws and a notion of citizenship that is beyond the opposition between nations. Crates did not, however,

[24] Laërtius, *Lives of Eminent Philosophers*, VI.87.
[25] Laërtius, VI.88.
[26] Laërtius, VI.93.
[27] Laërtius, VI.98.

live according to Diogenes' unconventional view that spouses and children should belong common.

Hipparchia, the well-known female Cynic philosopher, married Crates and shared a Cynic way of life with him. Although her other suitors had wealth, social status, and physical beauty, she loved Crates for his way of living and thinking.[28] Crates made it perfectly clear that he had no possessions, and that Hipparchia would have to share his devotion to the Cynic way of life. "The girl chose and, adopting the same dress, went about with her husband and lived with him in public and went out to dinners with him."[29] Hipparchia carried on arguments with the other philosophers, and she devoted herself to education.[30] Hipparchia's life in public is an excellent example of the unconventional conduct of Cynic philosophers. She shows how the Cynics' disregard for customary decorum is guided by and coincides with the enactment of a higher philosophical ideal.

The marriage of Hipparchia and Crates was opposed to convention, but not in the same way that Diogenes thought philosophers would oppose marital conventions, which makes it something of a puzzle. But something else makes their marriage puzzling. Laërtius attributes opposition to care (*melete*) and love (*eros*) to Crates, writing, "He says that what he has gained from philosophy is 'A quart of lupins and to care for no one.' This too is quoted as his: 'Hunger stops love, or, if not hunger, Time, / Or, failing both these means of help, - a halter.'"[31] While the aim of stopping erotic love, which Crates seems not to have embodied, could be explained by the

[28] Laërtius, VI.96.
[29] Laërtius, VI.97.
[30] Laërtius, VI.97-98.
[31] Laërtius, VI.86.

Cynic opposition to slavishly overvaluing physical pleasure, the notion that philosophy teaches one to care for no one else seems to be new in Crates.

Living so as to make oneself immune to misfortune, the hard Cynic notion of freedom, could imply detachment from others, perhaps even isolation. Nevertheless, Crates himself was married to Hipparchia, had children with her, and provided the means for their existence. What could appear as an inconsistency between Crates' considered view about the right way of life and the life he actually led should, I think, be taken to presage a problem with which Stoics grappled for hundreds of years.

§2 Stoic Cosmopolitanism

Zeno of Citium founded Stoicism, another philosophical school that recommended living according to nature and right reason, and which is associated with cosmopolitanism in the history of philosophy. Stoicism differed from Cynicism both in doctrine and in temperament. According to Diogenes Laërtius, Zeno "became Crates's pupil, showing in other respects a strong bent for philosophy, though with too much native modesty to assimilate Cynic shamelessness."[32] Zeno and his followers did not provocatively disregard customary etiquette. Laërtius relates another contrast between Zeno and his Cynic teacher: "He never denied that he was a citizen of Citium. For when he was one of those who contributed to the restoration of the baths and his name was inscribed upon the pillar as 'Zeno the philosopher,' he requested that the words 'of Citium' should be added."[33]

The doctrine of Stoicism was more extensive than Cynicism. Zeno and his followers gave a systematic account of logic, ethics, and physics. In his account of Zeno's life, Diogenes

[32] Laërtius, VII.3.
[33] Laërtius, VII.12.

Laërtius summarizes the systematic areas of Stoicism developed during the Hellenistic period (DL VII.38-160). Laërtius's summary shows that Stoicism inherits and builds upon Cynic conceptions of human nature as reasonable and wisdom as the knowledge that discerns what is and is not valuable, all within the context of theories about the universe, the nature of God, the powers of the soul, etc. However, his summary *does not* incorporate the idea that the true city is as wide as the universe, and it *does* say that Stoics hold that "to disregard the interests of one's country" is "unbefitting, or contrary to duty."[34] Do the Cynic's critical orientation to the customary concerns of city life and their idea of the world as a great city disappear in Stoicism?

Although Zeno never denied being a citizen of Citium, his lost *Republic* reputedly includes many Cynic positions, which oppose the customary arrangements and concerns of city life. Before summarizing the system of Stoicism, Laërtius recounts that critics of Zeno's *Republic* accused him for the following claims: that ordinary education is useless; that those without virtue are "enemies, slaves, and aliens to one another," including to family and to friends;[35] that "the good alone [are] true citizens or friends or kindred or free";[36] that marriage should be communal;[37] that temples, courts, and gymnasiums should not be built in cities; that currency is not needed; and that women and men should "wear the same dress and keep no part of the body entirely covered."[38] If Zeno's critics were correct about the claims he made in his *Republic*, which seems probable given Laërtius's inclusion of some of the claims in his summary

[34] Laërtius, VII.108-109.
[35] Laërtius, VII.32.
[36] Laërtius, VII.33. Laërtius's summary of Stoic doctrine includes the idea that only the wise are free (VII.121) and the idea that only the wise are truly friends (VII.124).
[37] Laërtius's summary of Stoic doctrine also includes the position that communal marriage would be ideal for the wise, attributing it both to Zeno in the *Republic* and to Chrysippus in *On Government* (VII.131).
[38] Laërtius, VII.33-34.

of Stoic doctrine, then Zeno did preserve Cynicism's criticisms of customary institutions of the ancient Greek city in early Stoicism.

Another report about Zeno's *Republic* from Plutarch, a strong critic of Stoicism, suggests that its ideal was a single world-city in a historical sense. Plutarch writes:

> The much admired *Republic* of Zeno … is aimed at this one main point, that our household arrangements should not be based on cities or parishes, each one marked out by its own legal system, but we should regard all men as our fellow-citizens and local residents, and there should be one way of life and order, like that of a herd grazing together and nurtured by a common law. Zeno wrote this, picturing as it were a dream or image of a philosopher's well-regulated society.[39]

Plutarch's summary might give the impression that Zeno was a theorist of cosmopolitan world government. Yet it would be surprising if that had been the case and Diogenes Laërtius did not see fit to include that claim among the list of accusations made by his critics. Having already considered Diogenes the Cynic's criticism of city life, the various claims and images Plutarch attributes to Zeno seem to echo the Cynic. The particular legal systems and customs of ancient cities were opposed to the Cynic understanding of reason and freedom. The different ways of life that divided various citizenries must, according to Cynicism, be scrutinized according to the means nature has given humans to live well, the sum of which indicate the law of nature discerned by right reason. All wise people would subscribe to the same austere way of life. The image of the herd grazing together expresses the Cynic view that our bodily needs are few. If Zeno's *Republic* echoes Diogenes's views in these ways, then it expresses an ideal of world citizenship as freedom from ultimately unimportant concerns of traditional city life and as mutual recognition and friendship of those who have learned the wisdom of what truly has value.

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[39] Plutarch, *On the fortune of Alexander* 329A-B. Quoted from A. A. Long & D. N. Sedley, *The Hellenistic Philosophers Volume 1*, Cambridge: Cambridge University Press, 1987, fragment 67A, page 429. For a detailed discussion of this text see, e.g., Katja Vogt, *Law, Reason, and the Cosmic City* (2008).

Because more details about Zeno's *Republic* are not available, further speculation about what it uniquely contributed to early cosmopolitan ideals seems fraught. Although Diogenes Laërtius's summary of Stoic doctrine does not explicitly include the idea of the world as a city or of humans as world citizens, it addresses ideas that later Stoics employ in developing their cosmopolitan ideas. Specifically, Laërtius explains the Stoic conceptions of the cosmos and of the duty of citizenship.

Because they developed an elaborate system of physics, encompassing the nature of living beings, substance, and purposes, the Stoics conceived the world or cosmos in several different ways, each way consonant with the others and expressing their view of the unity of the whole world:

> The cosmos is defined as the individual being qualifying the whole of substance, or […] a system made up of heaven and earth and the natures in them, or, again, as a system constituted by gods and men and all things created for their sake. […] The world, in their view, is ordered by reason and providence […] inasmuch as reason pervades every part of it, just as does the soul in us. […] Thus, then, the whole world is a living being.[40]

Whether the world is viewed from the physically basic perspective of substance, from the astronomical perspective, from the perspective of humans and other animals, from the theological perspective, or from the teleological perspective, Stoicism teaches that is one. Because the Stoics ultimately argue that God is a single, rational, non-anthropomorphic nature that pervades the world, it follows that, for them, the entire cosmos is a living being.[41] This strong view of the unity of the world funds later Stoic thinking of the cosmos as the true city.

According to Laërtius, Zeno innovated a concept which is essential to Stoic ethics: duty. A duty "is an action in itself adapted to nature's arrangements," which may conflict with "the

[40] Laërtius, *Lives of Eminent Philosophers*, VII.138-139.
[41] Laërtius, VII.135, 147.

prompting of impulse."[42] To honor family and country are duties, as is spending time and having concord with friends.[43] Social and political interactions are incumbent upon human beings, and the wise take part in politics and society, since doing so is human nature and is an opportunity to promote virtues in their community.[44] The view that political activity is a natural duty for human beings informs later Stoic thinking about the meaning of citizenship.

Having contrasted Zeno and the Cynics regarding temperament and the denial of citizenship, and having compared them with respect to the ideal city, I now turn to Epictetus, a later Stoic.[45] Epictetus' *Discourses* present a powerful account of Stoic philosophy, particularly the ethical teachings and the parts of logic and physics that are especially important as premises for ethics. His account incorporates cosmopolitan self-understanding and recasts the Cynic denial of one's particular citizenship. To contextualize cosmopolitanism in Epictetus' thought, I will consider his explicit statements about cosmopolitanism as well as his explanations of training and the solution to the conflict of self-interestedness and duties to others.

Where, then, does Epictetus declare cosmopolitanism to be part of his philosophy? In only a few places: I have found three places where Epictetus uses phrases about world citizenship with sufficient context to be illuminating. In the first of these, Epictetus relates the view that every person belongs to two cities at once. He writes, "For what is a man? A part of a city, first a part of the City in which gods and men are incorporate, and secondly of that city which has the next claim to be called so, which is a small copy of the City universal."[46] The

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[42] Laërtius, VII.108.
[43] Laërtius, VII.108-109.
[44] Laërtius, VII.121-123.
[45] I have chosen to focus on Epictetus, rather than Marcus Aurelius, because his passages tend to be more sustained chains of argument. However, Aurelius does give similar arguments, and I will indicate those similarities in the notes.
[46] Epictetus, *Discourses*, Book II Chapter 5.

model of belonging simultaneously to two cities, universal and particular, is a double-citizenship cosmopolitanism.[47] Epictetus places humans' belonging to the universal city, which has both humans and gods for citizens, before their belonging to particular cities, which imitate the universal city. In this way, he recalls the Cynic idea that the true commonwealth is as wide as the universe and the earlier Stoic definition of the cosmos as a system including gods and men. Now, Epictetus does not negate a person's belonging to a particular city. But he does place world citizenship before ordinary citizenship, making the former the model of the latter. Both citizenships remain and serve to explain what a human being is.

A second passage wherein Epictetus uses the idea of world citizenship further elaborates the connection between humanity and world citizenship. In Book II Chapter 10 of the *Discourses*, "How the Acts Appropriate to Man are to Be Discovered from the Names He Bears," Epictetus explains that cosmopolitanism is a consequence of human possession of reason and will:

> Consider who you are. First, a Man; that is, one who has nothing more sovereign than will, but all else subject to this, and will itself free from slavery or subjection. Consider then from what you are parted by reason. You are parted from wild beasts, you are parted from sheep. On these terms you are a citizen of the universe and a part of it, not one of those marked for service, but of those fitted for command; for you have the faculty to understand the divine governance of the universe and to reason on its sequence.[48]

Epictetus here characterizes the cosmos as a city that is governed divinely.[49] It contains both creatures fit to be citizens and creatures unfit for citizenship. Slavery and subjection, he argues, are natural for nonhuman animals, because they lack a capacity for reasoning and a capacity for

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[47] Marcus Aurelius also speaks of two cities, the universe being "that higher city, of which all other cities are mere households" (*Meditations*, Book III Chapter 11).
[48] Epictetus, *Discourses*, II.10.
[49] Marcus Aurelius' best known argument for cosmopolitanism makes a similar argument, that all reasoning beings share a common law and are fellow citizens in the city of the world (*Meditations*, IV.4).

willed choices. Citizenship in the cosmos, then, is natural to humans because they possess the capacities whereby it is governed. Epictetus elsewhere argues that humans alone among animals are capable of good and happiness, since humans alone have the reasoning abilities that allow them to reflect on how they respond to impressions.[50] For Epictetus, this means that human beings are God's principal works whose purpose is to contemplate the cosmos, whereas the purpose of other animals is fulfilled in servitude.[51]

All humans are cosmopolitans, for Epictetus, by virtue of their capacities. But that does not mean that all human conduct is cosmopolitan. Reason is not the only human characteristic. Epictetus finds that the habitual judgments and actions of most people express neither the

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[50] "What then is the nature of God? […] It is intelligence, knowledge, right reason. In these then and nowhere else seek the true nature of the good. Do you look for it in a plant? No. […] Plants have not the faculty of dealing with impressions; therefore you do not predicate 'good' of them. The good then demands power to deal with impressions. Is that all it demands? If that be all, you must say that other animals also are capable of good and of happiness and unhappiness. But you do not say so and you are right, for whatever power they may have to deal with impressions, they have not the power to understand how they do so, and with good reason, for they are subservient to others, and are not of primary importance. Take the ass, for instance, is it born to be of primary importance? No; it is born because we had need of a back able to bear burdens. […] 'What do you mean? Are not they too God's works?' They are, but not His principal works, nor parts of the Divine. But you are a principal work, a fragment of God Himself, you have in yourself a part of Him" (*Discourses*, II.8).

[51] In a chapter entitled, "On Providence," Epictetus adduces the fittingness of other animals to our purposes in a series of arguments proving that God gives a purpose to everything, including our faculties, so that we should be grateful. None of the purposes given to other animals depends on their own awareness, enjoyment, or experience of that which they provide to us. Our faculties also serve God's purpose insofar as we exercise our reason in contemplation of God's providence. He writes, "God makes one animal for eating, and another for service in farming, another to produce cheese, and others for different uses of a like nature, for which there is no need of understanding impressions and being able to distinguish them; but He brought man into the world to take cognizance of Himself and His works, and not only to take cognizance but also to interpret them. Therefore it is beneath man's dignity to begin and to end where the irrational creatures do: he must rather begin where they do and end where nature has ended in forming us; and nature ends in contemplation and understanding and a way of life in harmony with nature. See to it then that ye do not die without taking cognizance of these things" (*Discourses* I.6).

freedom of the will nor the role of a human. Actualizing human capacities of reason and will requires training.[52]

Citizenship in the cosmos also expresses the normative dimension of human nature. In the next lines of the chapter, "How the Acts Appropriate to Man are to Be Discovered from the Names He Bears," Epictetus describes citizenship as something which is incumbent upon human beings, rather than as something which characterizes all our actions. Giving a helpful image to explain the earlier Stoic claim that social and political engagements are human duties, Epictetus writes: "What then is the calling of a Citizen? To have no personal interest, never to think about anything as though he were detached, but to be like the hand or the foot, which, if they had the power of reason and understood the order of nature, would direct every impulse and every process of the will by reference to the whole."[53] Citizenship in the cosmos is a calling according to Epictetus. It is a life-guiding and life-shaping duty. It is a principle that chastises the individualistic attitude whereby one acts on an uncriticized sense of personal interest. It contextualizes humans' being fitted for command in terms of understanding what one can do to help the whole of which one is a part.

The analogy of body parts in the preceding quotation helps also to explicate the relationship between the two cities. Being born in one particular city rather than another determines one's location in the world, i.e. the city of the cosmos, just as being a hand or a foot determines one's place in the body. Citizenship in a particular city gives each person a

[52] Epictetus, I.12 and I.19.
[53] Epictetus, II.10.

determinate context in which to play the role of a citizen acting for the good of the whole. The duty to play the role of a citizen of a particular city is grounded in the duty of world citizenship.[54]

Now, there is a difficulty in simply saying that Epictetus, or any Stoic, believes one has a cosmopolitan duty to put personal interest aside. For they hold, "It is natural to man, as to other creatures, to do everything for his own sake; for even the sun does everything for its own sake, and in a word so does Zeus himself. […] The one principle of action which governs all things [is] to be at unity with themselves."[55] Everything acts for its own sake, according to Epictetus.[56] How is this compatible with the calling of a citizen to put personal interest aside?

Epictetus must hold it possible to do something for one's own sake *without* thereby necessarily pursuing personal interest. In Book 2 Chapter XXII, "On Friendship," Epictetus approaches interest as a potential stumbling block to cooperation with friends and family. As dogs fight for meat, son and father may fight over land, glory, and even love interests.[57] One's personal interest always outweighs religion, honor, citizenship, family, and friends if they are opposed. But it is possible for one's personal interest to oppose none of them to the extent that a reasoning, willing creature reflectively determines what is its own. One need not determine that external things, or one's own body, or one's will (or some combination thereof) are one's own. The potential conflict between personal interest and cooperation can be prevented by a certain determination of what is one's own: "If then I identify myself with my will, then and only then

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[54] Marcus Aurelius relates a very similar view: "And what benefits anyone is to do what his own nature requires. And mine is rational. Rational and civic. My city and state are Rome - as Antoninus. But as a human being? The world. So for me, 'good' can only mean what's good for both communities" (*Meditations*, VI.44).
[55] Epictetus, *Discourses*, I.19.
[56] Laërtius relates a similar early Stoic view: "An animal's first impulse, say the Stoics, is to self-preservation, because nature from the outset endears it to itself" (*Lives of Eminent Philosophers*, VII.85).
[57] Epictetus, *Discourses*, II.22.

shall I be a friend and son and father in the true sense. For this will be my interest--to guard my character for good faith, honour, forbearance, self-control, and service of others, to maintain my relations with others."[58] Virtuous and caring relations with others *are* the interest of one who identifies with and places her good within her will.[59] That one's interest is in one's willing activity is, for Epictetus, the truly human judgment about interest.[60]

The recommendation to determine that the state of one's will is one's whole interest and one's whole self indicates the importance of training (*askesis*) in Epictetus' philosophy. He says that a student of Stoicism pursues three kinds of training: i. training the will so that it cannot be disappointed, since being disappointed causes tumultuous passions that cloud sound judgment; ii. training the dispositions to act in order to treat others with care and consideration, maintaining relations with others; iii. training one's judgment to avoid deceit, even in altered states.[61]

Epictetus identifies training the will as the most pressing, because of the disempowering effects of passions (grief, fear, craving, and pleasure).[62] This training of the will aims at preventing disappointment due to failure to obtain or to avoid what one wills. Pursuing this training of the will coheres with the judgment that one's interest is in the will alone, for disappointed acts of will primarily take external things as their objects. This training removes, as

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[58] Epictetus, II.22.
[59] Epictetus follows the Stoic and Cynic position that "the good alone [are] true citizens or friends or kindred or free" (Laërtius, *Lives of Eminent Philosophers*, VII.33).
[60] "The question you must ask is, not what others ask, whether they were born of the same parents and brought up together and under the charge of the same slave; but this question only, where they put their interest--outside them or in the will. If they put it outside, do not call them friends, any more than you can call them faithful, or stable, or confident, or free; nay, do not call them even men, if you are wise. For it is no human judgement which makes them bite one another and revile one another and occupy deserts or market-places like wild beasts and behave like robbers in the law-courts" (Epictetus, *Discourses*, II.22).
[61] Epictetus, III.2.
[62] The four passions mentioned were considered by earlier Stoics to be the more universal negative emotions, which included more specific passions under them (Epictetus, VII.108-109).

much as possible, acts of will regarding anything but oneself. To the extent that the will resists this training and tries to aim at external things and events, the student of Stoicism aims to will whatever happens. Epictetus writes, "Education is just this--learning to frame one's will in accord with events. How do events happen? They happen as the Disposer of events has ordained them."[63] In these exercises, the Stoic tries to unite "the diligence of a man who devotes himself to material things, and the constancy of one who disregards them"[64] by "submit[ting] his mind to Him that orders the universe, as good citizens submit to the law of the city,"[65] Thus, training the will primarily to regard itself and secondarily to accept whatever happens is, perhaps unexpectedly, compatible with and needful for the second sort of training, viz. to care for others according to one's duties as family member, friend, and fellow particular and world citizen. These two aspects of Stoic training together resolve the conflict between interest and cooperation and suggest the import of the double-citizenship model of cosmopolitanism in the normative part of Epictetus' ethical doctrine.

Epictetus' third explicit statement about world citizenship reworks Diogenes the Cynic's denial of his particular citizenship. He attributes it to Socrates (erroneously) and explains it through the features of human nature and the divine government of the universe seen in previous passages. He writes:

> If these statements of the philosophers are true, that God and men are akin, there is but one course open to men, to do as Socrates did: never to reply to one who asks his country, 'I am an Athenian', or 'I am a Corinthian', but 'I am a citizen of the universe.' […] When a man therefore has learnt to understand the government of the universe and has realized that there is nothing so great or sovereign or all-inclusive as this frame of things wherein men and God are united, and that from it come the seeds from which are sprung not only my own father or grandfather, but all things that are begotten and that grow upon earth, and rational creatures in particular --for these alone are by nature fitted to share in the

[63] Epictetus, I.12.
[64] Epictetus, II.5.
[65] Epictetus, I.12.

> society of God, being connected with Him by the bond of reason--why should he not call himself a citizen of the universe and a son of God?[66]

To come from a particular city means both to belong to a region united by one government and to have descended from the people of that city, infers Epictetus. But it is most important for one's self-understanding and decision-making that all humans' rational nature is from God and that this unites all humans and gods in one government. To the extent that the order of the cosmos includes the particular cities, which can be defeated and be colonized or cease to be, the universal city is the most sovereign. A student of Epictetus will, therefore, call herself a cosmopolitan and a child of God. These names express what is first and best in her nature, and they express the source and general nature of her duties.

By incorporating the identification with all rational beings as fellow citizens common to Cynicism and early Stoicism, as well as the early Stoic elaborations of the concepts of duty and of cosmos, Epictetus articulates a normative ethical philosophy characterized by a double-citizenship model of cosmopolitanism. Participating in the political life of one's particular city is a duty incumbent upon all human beings. The reason for this is that humans have capacities of reason and will, which makes them naturally suited to citizenship. At the same time, these shared capacities put all humans in a relationship of mutual concern and belonging in one community. For Epictetus, being human is the same as being a citizen of the world, which grounds the duties one has to train herself and to participate in her particular city. He does not develop an ideal city in the way that Diogenes and Zeno do. He does not negate particular citizenship in his own name or without qualification; he does so in the context of an anecdote and with the purpose of showing the primacy of world citizenship. He provides the ethical elements of the Stoic's self-

[66] Epictetus, I.9.

understanding as an individual citizen; he does not provide the political elements by which particular, historical cities would become cosmopolitan.

§3 Kant's Cosmopolitanism

Immanuel Kant pursues questions of lawful relationships between states in his works "Idea for Universal History with a Cosmopolitan Purpose" and "Perpetual Peace," as well as the final section of the first part of the *Metaphysics of Morals*. While Kant's ethical philosophy is clearly inspired by Stoic concepts explored above, most especially duty, he employs cosmopolitan concepts of world citizens and world citizenship primarily in regard to the question of lawful relationships between states.[67] In "Idea for a Universal History with a Cosmopolitan Purpose," Kant speaks of the establishment of a federation between states as a cosmopolitan goal inaugurating a universal cosmopolitan existence.[68] In "Perpetual Peace" and *The Metaphysics of Morals*, Kant describes the most complete stage of public right as cosmopolitan right (*Weltbürgerrecht*).

Before elaborating on Kant's novel uses of cosmopolitan concepts, I want to consider two uses that have to do with individuals' relationships. These uses are less common, but they show continuity with the focus placed on individuals by both Diogenes the Cynic and Epictetus. The first comes from Kant's essay, "An Answer to the Question: 'What is Enlightenment?'" The essay concerns free speech. It attempts to say when limits on free speech are appropriate. It asserts that everyone has the right to criticize the policies and view of others, especially rulers, to the extent that they speak publicly, which is to say, in their own name, not as agents or employees of others:

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[67] Kleingeld, "Kant's Cosmopolitan Law."
[68] Kant, *Political Writings*, 49, 51.

> In so far as this or that individual who acts as part of the machine also considers himself as a member of a complete commonwealth or even of cosmopolitan society, and thence as a man of learning who may through his writings address a public in the truest sense of the word, he may indeed argue without harming the affairs in which he is employed for some of the time in a passive capacity.[69]

Engaging in criticism means acting as a citizen of the world, as a member of the society of all reasoning individuals. Kant further characterizes this activity as the work of "a scholar addressing the real public (i.e. the world at large) through his writings" who enjoys "unlimited freedom to use his own reason and to speak in his own person."[70] Kant does not believe that the audience of political criticism is limited to fellow citizens of the state in which the criticism originates. He identifies the abilities to reason, to speak, and to write as cosmopolitan, because the development of rational criticism concerns and advances all. Much as Diogenes the Cynic holds that freedom of speech is "the most beautiful thing in the world."[71] Kant holds that, "The *public* use of man's reason must always be free, and it alone can bring about enlightenment".[72]

A second place that Kant employs the concept of a world citizen apart from discussions of states' relations is in section 28 of *Metaphysical Elements of Justice* in regard to the standing of children. He argues that parents have obligations to satisfy, protect, manage, and educate their children, and not to treat them as things or possessions, because children are persons with rights in themselves. "In him [i.e. the child] they have brought over here not simply a worldly being but also a world citizen [*Weltbürger*] into a situation with regard to which they can also never be indifferent in terms of concepts of justice."[73] For Kant, the duties that parents owe their children have the force of legal right. Not to care for and raise their children would be unjust, because

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[69] Kant, 56.
[70] Kant, 57.
[71] Laërtius, *Lives of Eminent Philosopher*, VI.69.
[72] Kant, *Political Writings*, 55.
[73] Kant, *Metaphysical Elements of Justice* §28, 92.

children have the same cosmopolitan standing as their parents. Even duties within the family can be grounded in the community of all persons, i.e. all beings that are ends in themselves, which means for Kant, as for Epictetus, having capacities of reason and will.

Kant's view of the human person as a citizen of the world has the hallmarks of ancient cosmopolitans' views, as can be seen from the examples above where world citizenship is characterized through activities of scholars and families. His moral philosophy is founded upon the convictions that one's willing should be rationally consistent and that all rational beings should be considered ends in themselves.[74] His systematic work in moral philosophy, the *Metaphysics of Moral*, is divided into a doctrine of right[75] (*Rechtslehre*) and a doctrine of virtue (*Tugendlehre*). The doctrine of right addresses normative political questions of both private and public right, the former having to do with property, personhood, and family, the latter addressing the social contract, the powers of a state, and the relations between states. The relationship between states is subject both to international right [*Völkerrecht*] and cosmopolitan right [*Weltbürgerrecht*]. Kant's application of the concept of world citizenship to relationships between states transformatively augments the cosmopolitan understanding of the ideal political community.

The concept of right is all-important to understanding Kant's approach to political questions. In introducing the doctrine of right, he describes right as "the sum total of those conditions within which the will of one person can be reconciled with the will of another in accordance with a universal law of freedom."[76] Looking only to the isolated political society,

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[74] Kant, *Groundwork of the Metaphysics of Morals.*
[75] Translating the German *Recht* into English is fraught with difficulty. Its meaning is a complex combination of law and of right. *Recht* refers to a system of laws that are right or just.
[76] Kant, *Political Writings*, 133.

right can be considered the result of an original social contract that ended the state of nature, viz. the state of war, between individuals of that society. The result of this theoretical contract is a state of civil right for the citizens. Yet civil right in the isolated political society does not suffice for the establishment of right.

Where states relate to one another as in the state of nature, Kant sees a continuation of a state of war (not necessarily active military conflict, but the condition of uncertainty and preparation for war resulting from the absence of a system of just laws between states).[77] The establishment of international right requires an end to the state of nature between states. Kant believes that this can and should be approximated through the creation of a federation of states, which will "protect one another against external aggression while refraining from interference in one another's internal disagreements,"[78] but which will not possess the sovereign powers of a state. In the strictest sense, international right would only obtain if all states were united in an international state with coercive legislative authority. Such a body, Kant argues, would not last: "If an international state of this kind extends over too wide an area of land, it will eventually become impossible to govern it and thence to protect each of its members, and the multitude of corporations this would require must again lead to a state of war."[79] Nevertheless, it is incumbent

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[77] Kant, 165.
[78] Kant, 165.
[79] Kant, 171. Although the doctrine of right requires the universal state (or the state of states) at the theoretical level, Kant offers probable arguments based on experience against it in *Perpetual Peace* and the *Metaphysics of Morals*. In *Perpetual Peace*, he writes, "There is only one rational way in which states coexisting with other states can emerge from the lawless condition of pure warfare. Just like individual men, they must renounce their savage and lawless freedom, adapt themselves to public coercive laws, and thus form an *international state* (*civitas gentium*), which would necessarily continue to grow until it embraced all the peoples of the earth. But since this is not the will of the nations, according to their present conception of international right (so that they reject *in hypothesi* what is true *in thesi*), the positive idea of a *world republic* cannot be realised. If all is not to be lost, this can at best find a negative substitute in the shape of an

upon states to approach the condition of international right by federating with one another to try to put an end to war.[80]

Where international right aims to establish peacetime, cosmopolitan right regards the relations between states in peacetime. Kant writes:

> All nations are *originally* members of a community of the land […] a community of reciprocal action (*commercium*), which is physically possible, and each member of it accordingly has constant relations with all the others. Each may *offer* to have commerce with the rest, and they all have a right to make such overtures without being treated by foreigners as enemies. This right, in so far as it affords the prospect that all nations may unite for the purpose of creating certain universal laws to regulate the intercourse they may have with one another, may be termed *cosmopolitan* (*ius cosmopoliticus*).[81]

Cosmopolitan right, which Kant describes above as the third division of public right, has two components: first, a right of peaceful approach between nations and their members for the purpose of interacting with one another as fellow citizens of one world; second, a potential for the establishment of right in the more robust sense of universal laws to ensure ongoing peaceful interactions.

The first component of cosmopolitan right derives naturally from the fact that all people(s) have the capacity for productive, peaceful interactions just by virtue of being rational creatures inhabiting the same finite terrestrial space. "The world's citizens," writes Kant, have "the right to *attempt* to enter into a community with everyone else and to *visit* all regions of the earth with this intention"[82] In times of peace between historical states, travelers and merchants have extensively exercised this original cosmopolitan right, exchanging goods and ideas. But

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enduring and gradually expanding *federation* likely to prevent war" (Kant, 105). If Kant is correct, public right can never be perfectly realized.

[80] Kant, 171.

[81] Kant, 172.

[82] Kant, 172.

these activities are not without potential peril for the foreigner who enters a state that has not acknowledged public principles of cosmopolitan right.

Thus, the second component of cosmopolitan right is the positive establishment of regulations, which would be recognized by all states (presuming the peaceful condition at which international right aims), to safeguard the ongoing intercourse between states and their members. The first positive establishment that Kant envisions is the formal recognition of the right that he derives naturally. In "Perpetual Peace," Kant's third, final article of perpetual peace states: "*Cosmopolitan Right shall be limited to Conditions of Universal Hospitality* […] In this context, *hospitality* means the right of a stranger not to be treated with hostility when he arrives on someone else's territory. He can indeed be turned away, if this can be done without causing his death.[83]" All states should publicly recognize their duty of hospitality in order to encourage ever greater relations between the states and their members.

Although he initially says that cosmopolitan right will be limited to non-hostile treatment of foreigners arriving in a state with a view to exchange of ideas or of goods, Kant goes on to write, "In this way, continents distant from each other can enter into peaceful mutual relations which may eventually be regulated by public laws, thus bringing the human race nearer and nearer to a cosmopolitan constitution."[84] The establishment of a first public cosmopolitan right, the right to hospitality, should make the actual community of states more inclined to take further steps to establish the regulations of cosmopolitan right.

In both "Perpetual Peace" and *The Metaphysics of Morals*, Kant makes cosmopolitan right the final component of the doctrine of right, presupposing civil right (the conditions of just

[83] Kant, 105-106.
[84] Kant, 106.

public laws within a state) and international right (the condition whereby wars between states are ended). It involves the formal recognition by all states of the original right of all people to hospitality as they travel the world in search of productive, peaceful exchanges. But it is also aimed at the establishment of further laws to ensure and further the relationships of all people as world citizens. Kant does not say what these laws would be. So, to the extent that its third part is cosmopolitan right, Kant's doctrine of right is not a fully worked-out ideal, but rather an incomplete idea to be approximated and, as it is approached, progressively determined.

CHAPTER 2 - COSMOPOLITANISM IN HABERMAS' DELIBERATIVE DEMOCRATIC POLITICS

Jürgen Habermas' works in the 1990s articulate one of the primary normative approaches in political philosophy. In *The Inclusion of the Other* and *The Postnational Constellation*, he approaches contemporary political issues from a cosmopolitan perspective informed by the understanding of modern law as deliberative democratic politics, developed in *Between Facts and Norms*. Much as Kant considered cosmopolitan right a goal for states oriented toward peaceful relationships, Habermas considers cosmopolitan law a goal for a world order which is still far from achieving perpetual peace, and which is faced with mounting challenges posed by processes of globalization.

Habermas approaches the challenges at different levels. Many of his writings focus on the foreign policy of the newly reunited Germany at the beginning of the nineties. As the decade proceeds, his concern is increasingly for the European Union. He consistently maintains that the European Union can and should be treated by its members as a transnational constitutional project.[85] He argues that a supranational, federally organized governing body in Europe would be well suited to address issues that face the whole European community, issues that nation-state governments acting singly lack the jurisdiction to address. Habermas also argues that the global actors that emerged in the twentieth century could be given more robust institutional authority. The United Nations, especially, is an existing body through which cosmopolitan law could be enacted to greater extents.

[85] In a 1970s interview in *Autonomy and Solidarity*, Habermas expressed opposition to a European community.

Habermas' writings on the specific political situations found in Germany, in Europe, and in the United Nations (throughout the world) express consonant aspirations for actions that, while not all at the level of cosmopolitan law, are consistently guided by a normative democratic approach to politics. So, while his many writings on the political situation in Germany are not suffused with reflections on the nature of cosmopolitan law, his writings on Germany and Europe project a political situation at the national and continental scales that would be favorable to and compatible with the expansion of cosmopolitan law through worldwide organizations, e.g. the U.N.

In this chapter, I first consider citizenship in the context of "Three Normative Models of Democracy" and *Between Facts and Norms*, both of which emphasize the normative importance of solidarity as a specifically communicative source of social integration. Solidarity of citizens both produces and is produced by the communicative action of political communities. Second, I explain how Kant's ideal of world citizenship is Habermas' starting point for his own cosmopolitan position. Third, I examine Habermas' reflections on the European Union in *The Postnational Constellation*. He explains the stakes in terms of the overpowering and outpacing of political social integration by economic power, and he argues that cosmopolitan solidarity is possible and could constitute political will to match global economic power. Finally, I consider the cosmopolitan position that emerges from the various political pieces.

§1 Citizenship, Solidarity as Social Integrating Force

In "Three Normative Models of Democracy," Habermas offers simplified, typical liberal and republican theories of democracy as opposed ways of viewing (i) the relationship between the political state and society, (ii) the meaning of citizens' rights, (iii) the legal order, and (iv) the political process. He positions deliberative politics as a normative theory of democracy that

refuses the dichotomies of classical liberal and civic republican theories, envisioning political power legitimated by communicative rationality in the context of political communities embedded in pluralistic lifeworlds.

According to Habermas, the liberal model views democratic politics as a way of making the state (conceived as administration) accountable and responsive to the aggregated interests of the citizenry (conceived as self-interested individuals).[86] Hence, the meaning of a liberal citizen's rights is negative: an individual has rights to be free *from* interference in her private pursuits, the government exists to protect these rights, and the rights of participation serve to keep the government honest in its protective function.[87] Accordingly, the legal order is considered posterior to rights, on the liberal view, and only clarifies them through codification.[88] Finally, the political process is conceived as "a struggle for positions that grant access to administrative power" between "strategically acting collectives" vying for "the citizens' approval of persons and programs, as quantified by votes," which "have the same structure as the choices of participants in a market,"[89] The liberal state employs the citizens' participation, i.e. elections, as an instrument of stability and legitimation.

The republican view contrasts the liberal view on all four points. The republican model conceives democratic politics as "the reflexive form of substantial ethical life […] in which the members of quasi-natural solidary communities […] shape and develop existing relations of reciprocal recognition into an association of free and equal consociates under law."[90] The meaning of citizens' rights is positive, and the right to political participation is the core of the

[86] Habermas, *Inclusion of the Other*, 239.
[87] Habermas, 240-241.
[88] Habermas, 241-242.
[89] Habermas, 243.
[90] Habermas, 240.

freedom of citizens.[91] Thus, the legal order created and sustained by citizens' participation has priority over the rights it grants to citizens as private individuals.[92] The participatory political processes envisaged by the republican view take dialogue aimed at mutual understanding as their model.[93] The republican state is created by, embodies, and maintains the priority of democratic participation over nonpolitical social integration.

Habermas favors several aspects of the republican view. The republican view recognizes the socially integrating force of solidarity (Habermas speaks of administrative power and economic power, i.e. money, as two other major forces of social integration in modern societies[94]), which is essential for participation.[95] It also understands that dialogical democratic processes found the legal order and guide legislation.[96] Thus, civic republicanism's ideal is radically democratic.[97]

At the same time, Habermas believes the republican view of democracy places too much weight on the virtue of citizens and assumes homogeneity of its citizens' background assumptions. "The mistake of the republican view consists in an ethical foreshortening of political discourse".[98] While the ethical self-understanding of a political community is important,

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[91] Habermas, 241.
[92] Habermas, 242.
[93] Habermas, 243.
[94] "This understanding of democracy leads to the normative demand for a new balance between the three resources of money, administrative power, and solidarity from which modern societies meet their need for integration and regulation. The normative implications are obvious: the integrative force of solidarity, which can no longer be drawn solely from sources of communicative action, should develop through widely expanded autonomous public spheres as well as through legally institutionalized procedures of democratic deliberation and decision making and gain sufficient strength to hold its own against the other two social forces – money and administrative power" (Habermas, 249).
[95] Habermas, 240.
[96] Habermas, 242.
[97] Habermas, 244.
[98] Habermas, 244.

Habermas holds that the plurality of interests and values that exists in culturally diverse contemporary political communities necessitates compromise in lawmaking (rather than strategically aiming to enact laws embodying the substantive ethical values of the dominant culture).[99] The strength of the liberal view is assuming heterogeneity among citizens. Its weakness is treating citizens' views as fixed, rather than revisable through the dialogical practice characteristic of democracy.

Learning from these strengths and weakness of the republican and liberal models, deliberative politics refuses the interconnected dichotomies of priority regarding the meaning of citizens' rights and the legal order (concepts ii and iii above). Neither negative rights to freedom from interference nor positive rights to freedom of participation is given priority. Neither the rights of individuals nor the legal order that specifies and protects rights is given priority. Deliberative politics views rights and the legal order, and also the negative and positive rights, as mutually presupposing.

According to Habermas, liberalism's instrumental model of democracy and republicanism's dialogical model of can work together in institutionalized deliberation. "The third model of democracy, which I would like to propose, relies precisely on those conditions of communication under which the political process can be presumed to produce rational results because it operates deliberatively at all levels."[100] Deliberative democracy's institutionalization of deliberation at all levels distinguishes it from the republican view, since the former refers to the division of state and society as conceived by liberal constitutional states. Habermas writes:

> Discourse theory invests the democratic process with normative connotations stronger than those of the liberal model but weaker than those of the republican model. […] In agreement with republicanism, it gives center stage to the process of political opinion-

[99] Habermas, 245.
[100] Habermas, 245-246.

> and will-formation, but without understanding the constitution as something secondary; […] As on the liberal model, the boundary between state and society is respected; but here civil society, which provides the social underpinning of autonomous publics, is as distinct from the economic system as it is from the public administration.[101]

Discourse theory combines the liberal division of state and society with republican understanding of citizens' opinion and will as susceptible of transformation in and through communication action. It takes a middle way between the views of democracy as legitimating support and as constituting practice, holding that democratic processes rationalize decisions of government, create and recreate the political community.[102] The solidarity of democratic citizens sustains, and is sustained by, participation in public opinion and will formation, political public processes of communicative action.

In *Between Facts and* Norms, Habermas argues that the concept of law explains how social integration is possible in the modern, secular situation. He considers exemplary Kant's articulation of the tense relationship of facticity and validity in the concept of legality. The notion of legal validity connects coercion (facticity of the law) and freedom (validity of the law) internally, justifying coercion in enforcing laws that ensure the freedom of individuals to the extent that their exercises of freedom are mutually compatible. Compliance with such laws can be motivated in two ways: either because it is rationally acceptable for the preservation of individual liberties (the validity dimension), or to avoid the penalties or sanctions associated with illegal activities (the facticity dimension).[103] Habermas further explains that the creation of laws requires legislators to engage in communicative action aimed at mutual agreement on statutes that ensure the mutually compatible freedom of all. They must participate in creating the laws

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[101] Habermas, 248-249.
[102] Habermas, 249-250.
[103] Habermas, *Between Facts and Norms*, 28-31.

that govern them. "The positivity of law is bound up with the promise that democratic processes of lawmaking justify the presumption that enacted norms are rationally acceptable."[104]

Simply assuring the mutually compatible freedom of all individuals as private actors is insufficient to produce sufficiently stable background agreement that underwrites social integration through communicative action. Private law and rights alone produce a "gap in solidarity." Rights of citizenship, which draw citizens' understanding of the laws in the direction of the rationally acceptable, as opposed to the merely enforceable, make meaningful solidarity possible in law-governed societies in the modern situation. "Modern law lives off a solidarity concentrated in the value orientations of citizens and ultimately issuing from communicative action and deliberation."[105] Habermas sees the validity-dimension as essential to modern law because it makes the legal system a positively integrating force, rather than just a bulwark against disintegrative tendencies of modern, pluralistic societies.

Habermas closes the introductory chapter of *Between Facts and Norms* by observing differences between the normative self-understanding of rule of law in the constitutional state and empirical interactions between established legal orders, markets, and administrative systems. Social power originating within administrative and market systems are matched with political autonomy, which is empowered by the rule of law to hold the former power at bay.[106] But legislation is not solely influenced by the communicative action of the body of citizens. Habermas observes, "Often enough, law provides illegitimate power with the mere semblance of legitimacy. At first glance, one cannot tell whether legal regulations deserve the assent of associated citizens or whether they result from administrative self-programming and structural

[104] Habermas, 33.
[105] Habermas, 33.
[106] Habermas, 39.

social power in such a way that they independently generate the necessary mass loyalty."[107] The combination of notions of "illegitimate power" and "mass loyalty" indicates the internal connection between the normative meaning of law and actually existing legal orders, which Habermas also figures as "tension between the idealism of constitutional law and the materialism of a legal order."[108]

The tense connection described in BFN sheds light on Habermas' later work in PC and IO, where the disconcerting phenomena of globalization indicate the overpowering of politically autonomous legal power by "illegitimate power," especially the power of multinational economic actors in global markets. One of the greatest considerations in favor of the forging of cosmopolitan solidarity, now more than before, is the degree to which nation-level political-legal power is outmatched. If the validity of positive law comes in large part from the possibility of tracing back policies to deliberative achievements of representatives of the citizens affected, the influence of "structural social power" originating from multinational corporate actors compromises modern constitutional states' self-understanding.

§2 Critically Building on the Cosmopolitan Law of "Perpetual Peace"

In the seventh chapter of *The Inclusion of the Other*, "Kant's Idea of Perpetual Peace: At Two Hundred Years' Historical Remove," Habermas argues that Kant's explication of cosmopolitan law should be revised, because while it offers important insights, it is problematic and historically limited. Kant's explication of cosmopolitan law is problematic in Habermas' account because of two inconsistencies that Kant introduces in "Perpetual Peace" and repeats in *The Metaphysics of Morals*. The first inconsistency regards the way that Kant claims states

[107] Habermas, 40.
[108] Habermas, 41.

should relate to one another in the condition of cosmopolitan law. The second inconsistency regards the fact that Kant articulates cosmopolitan law in terms of states' relationships with one another, not individuals' relationships.

While Kant's earlier essay, "Theory and Practice," envisages a universal state, "Perpetual Peace" and Kant's other later writings conceive of a permanent, voluntary "federation of free states which renounce war once and for all in their external relations [which] is supposed to leave intact the sovereignty of its members."[109] Habermas rightly argues that Kant's conception of the cosmopolitan legal order as both permanent and voluntary is inconsistent. Completely voluntary membership in the federation and observance of resolutions by states does not guarantee its permanence. Without some enforceable penalty for withdrawing their cooperation, the member states' federation is devoid of the character of law. With the sovereignty of member states fully intact, "it remains hostage to an unstable constellation of interests and will inevitably fall apart, much as the League of Nations would years later."[110]

Habermas identifies a second inconsistency in Kant's federation of free states. Under Kant's formulation, states, rather than individual world citizens, are the subjects of cosmopolitan law. But since Kant derives all legal order from individuals' right to compatible private autonomy, world citizens should be the subjects of cosmopolitan law just as much as they are the subjects of civil law. "The point of cosmopolitan law is, rather, that it bypasses the collective subjects of international law and directly establishes the legal status of the individual subjects by granting them unmediated membership in the association of free and equal world citizens.[111]"

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[109] Habermas, *Inclusion of the Other*, 168.
[110] Habermas, 169.
[111] Habermas, 181.

Habermas gives Kant too little credit in saying that cosmopolitan law inconsistently overlooks individual world citizens. As I argued in my first chapter, Kant's goal of cosmopolitan right takes its first provision, the right to hospitality for non-citizens who come to exchange goods and ideas, from the peaceful, commercial capacities of human beings on a finite globe. This first right does not concern how states' representatives or militaries are to interact. It concerns the interaction of a given state and an individual world citizen, understood as citizen of a different state. Under cosmopolitan right, every state's civil law treats non-citizens as world citizens to the extent that it meets them hospitably. Moreover, Kant is clear that the idea of cosmopolitan world order is not exhausted in the right to hospitality. It seems likely that the further rights that would develop in the cosmopolitan law of a pacific global order would belong to individuals as world citizens.

In addition to arguing that Kant's conception of cosmopolitan law harbors two inconsistencies, Habermas examines how historical events have changed the world stage, creating conditions that allow for a more robust articulation of cosmopolitan law than was reasonable at the end of the eighteenth century. The world wars of the first half of the twentieth century were followed by international legal actions aimed at transcending the world order in which sovereign nation-states were held back from anarchic conflicts only by a balance of power and unsystematic treaties. Habermas writes, "Behind the veil of the total war instigated by Hitler, the breakdown of civilization was so complete that it unleashed a worldwide upheaval and facilitated the transition from international law to cosmopolitan law."[112] Two categories of crime that were created and used for the first time in the twentieth century, crimes of war and crimes against humanity. These categories of crime are early paradigms of emerging cosmopolitan law.

[112] Habermas, 178.

"With these two innovations, the states as subjects of international law for the first time lost the general presumption of innocence of an assumed state of nature."[113]

While the international law paradigm regarded the sovereignty of nation-states as inviolable, the categories of crimes of war and crimes against humanity regard the sovereignty of nation-states as limited both in their relations with one another and with their own citizens. These limitations of sovereignty indicate a new normative understanding of what powers a government instituted by civil law may wield. The category of crimes against humanity is especially salient for the status of individuals as world citizens. It is more complete than the right to hospitality from host nation-states of which one is not a citizen. It makes a nation-state's mistreatment of its own citizens[114] the concern of the global community.

In significant ways, cosmopolitan legal norms have now gained greater acceptance than Kant could have anticipated. Habermas proceeds to argue that cosmopolitan law is a worthy goal, but that it must be more robustly conceived than it was in Kant's federation of free states. He writes:

> A fundamental conceptual revision of Kant's proposal must focus on three aspects: (1) the external sovereignty of states and the altered character of relations among them; (2) the internal sovereignty of states and the normative limitations of classical power politics; and (3) the stratification of world society and the globalization of dangers that necessitate a reconceptualization of what is meant by 'peace.'[115]

Let us consider these three headings in turn.

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[113] Habermas, 178.

[114] Something should be said here about the juridical measures taken by states that have committed crimes against humanity within their borders. Do they withdraw or suspend the citizenship of populations they kill, imprison, or enslave? Even if they do, could the right to hospitality be understood as completely undermining the (in any case illegitimate) withdrawal of citizenship from target populations?

[115] Habermas, *Inclusion of the Other*, 179.

In revising Kant's conception of cosmopolitan condition under the first heading, Habermas asserts, "Cosmopolitan law must be institutionalized in such a way that it is binding on the individual governments. […] The external character of international relations between states that form environments for each other is thereby transformed into a domestic relationship between members of a common organization based on a legal code or a constitution."[116] The Charter of the United Nations aims at this revision by outlawing offensive wars and empowering the Security Council to intervene to stop them. But it is at best in transition to world domestic policy, because (i) the UN does not have an independent military, (ii) the Security Council's actions are selective, partial, and often stalemated, and (iii) the International Court's decisions are not binding over all members.[117]

Habermas has elsewhere reflected on the role of the United Nations in the post-Cold War world order. In a collection of interviews, *The Past as Future*, Habermas reflects on the limitation and coordination of sovereign nation-states actions as "world domestic policy." The starting point for this reflection is the then recent first Gulf War.

Habermas' appraisal of the first Gulf War is marked by some ambivalence. He concurs with his interviewer, Michael Haller, in condemning aspects of the Gulf War's escalation and execution, e.g. the devastation of whole cities and the number of civilian casualties.[118] But he also considers the event a starting point for development of world politics in the post-Cold War era. Inspired by Kant's idea of a cosmopolitan state or condition, Habermas emphasizes, "the role of the United Nations in carrying out a global domestic policy [*Weltinnenpolitik*], the authorization – certainly with many conditions attached – for the deployment of military

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[116] Habermas, 179.
[117] Habermas, 180.
[118] Habermas, *Past as Future*, 14-15.

forces."[119] He sees the UN as the site for nation-states working cooperatively toward world domestic policy, as opposed to working separately, privately on their own foreign policies. In the face of challenging regional conflict and the existence of unsecured weapons of mass destruction, Habermas sees a strengthened UN, acting with greater cooperation following the end of the Cold War, as the most promising agent of peacekeeping.[120] Moreover, the fact that the US and its allies claimed UN legitimation shows the possibility for cosmopolitan developments.[121] Habermas avers a preference for the cosmopolitan state of Kant's "Theory and Practice" in connection with the notion of world domestic policy primarily as the best available goal in the face of global dangers at the end of a century of devastating military actions between and within nation-states.[122]

The second heading for revision of Kant's proposals for cosmopolitan law concerns nation-states' treatment of their own citizens. Habermas' criticism of Kant's federation of states as being inconsistent with the foundation of civil law on the rights of individuals falls under this heading. Habermas argues that cosmopolitan law must be based on the rights of individual world citizens. The creation of the category of crimes against humanity is the first historical development toward this dimension of cosmopolitan law.

The United Nations has moved toward such a relationship in the Declaration of Human Rights and the establishment of the Human Rights Commission's monitoring procedures, which

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[119] Habermas, 9.
[120] Habermas, 10.
[121] Habermas, 11.
[122] "The idea of a 'global domestic policy' […] is in fact connected with the Kantian vision of a cosmopolitan state, one that our Schmittians ridicule as mere 'good intention.' Surely, everyone today is in agreement that the idea of a just and peaceful cosmopolitan order lacks any historical and philosophical support. But what other choice do we have, besides at least striving for its realization" (Habermas, *Past as Future*, 22).

independently assess the extent of human rights implementation by national governments.[123] Habermas argues that this movement is still incomplete. In order to enact the rights of world citizens, the UN would have to approve and implement permanent judicial channels for the adjudication of claims of human rights violations between citizens and member states as well as the executive authority to order human rights implementation by member governments.[124]

The third heading for revision of Kant's proposal for cosmopolitan law is addressing global dangers and the stratification of world society. In this piece, Habermas speaks of human-generated dangers. He lists, "Ecological imbalances, asymmetries in standards of living and economic power, large-scale technologies, the arms trade (in particular, the spread of atomic, biological, and chemical weapons), terrorism, drug-related criminality, and so forth."[125] This revision concerns the historical awareness of the challenges to be overcome by the goal of cosmopolitan law. Habermas' point is that many processes and forces besides nation-states acting self-interestedly in a global state of nature undermine peace within and between nations.

Habermas observes that, while the United Nations comprises most of the world, other systems of integration preceded it, and ongoing processes of globalization in other systems outpace it. The community of states brought together in the United Nations is heterogeneous and the world society created by globalization is vastly unequal. In both of these senses, Habermas sees the present world condition as stratified:

> The present world organization unites virtually *all* states under its roof, regardless of whether or not they already have republican constitutions and respect human rights. World political unity finds expression in the UN General Assembly in which all governments have equal rights of representation. At the same time, the world organization abstracts not only from the differences in legitimacy among its members within the community of *states*, but also from differences in their status within a stratified

[123] Habermas, 181.
[124] Habermas, 182.
[125] Habermas, 186.

> world *society*. I speak of a 'world society' because communication systems and markets have created a global network; at the same time, one must speak of a 'stratified' world society because the mechanism of the world market couples increasing productivity with growing impoverishment and, more generally, processes of economic development with processes of underdevelopment. Globalization splits the world in two and at the same time forces it to act cooperatively as a community of shared risks.[126]

Habermas further explains the political stratification of the states of the world community by generalizing about the situations of the first, second, and third worlds. At the end of the twentieth century, the third world societies "are threatened by processes of national, ethnic, and religious disintegration. In fact, the vast majority of the wars that have raged in recent decades, often unnoticed by the global public, were civil wars."[127] Second world societies are mostly operating in a framework of power politics, insisting on external and internal sovereignty as a necessary shelter following experiences of colonization. "Only the states of the *First World* can afford to harmonize their national interests to a certain extent with the norms that define the halfhearted cosmopolitan aspirations of the UN."[128] These very different political situations of constituted member states of the United Nations create impediments to concerted action that would be necessary to augment its executive and judicial efficacy.

Habermas claims that, in order for global politics mediated by the United Nations to overcome "social tensions and economic imbalances,"[129] three areas of consensus are required: (i) a shared historical consciousness of societies' interdependence, (ii) an interpretation of human rights, and (iii) a positive conception of peace.[130] The positive conception of peace takes account of complex causes of war and aims to implement processes to secure preconditions of lasting peace. "Policies that take their orientation from such a concept of peace will employ all means

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[126] Habermas, 183.
[127] Habermas, 184.
[128] Habermas, 184.
[129] Habermas, 184-185.
[130] Habermas, 185.

short of military force, including humanitarian intervention, to influence the internal affairs of formerly sovereign states with the goal of promoting self-sustaining economies and tolerable social conditions, democratic participation, the rule of law, and cultural tolerance."[131] There is a question about whose policies are spoken of in the foregoing quotation. If actions aimed at securing the preconditions for peace will be pursued while the augmentation of UN executive and judicial efficacy are yet to be achieved, and if the political diagnosis of the first, second, and third worlds is accurate, then the states of the first world must pursue them.[132]

Habermas identifies four variables that could affect "leading powers" that could take more initiative to advance the cosmopolitan aims of the world political community:

> The composition and the voting-regulations of the Security Council whose members have to act in concert; the political culture of states whose governments can be induced to adopt short-term 'selfless' policies only if they are subject to the normative pressures emanating from mobilized public spheres; the formation of regional regimes, which would for the first time provide the world organization with an effective infrastructure; and, finally, the gentle pressure toward globally coordinated action exerted by the awareness of global dangers.[133]

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[131] Habermas, 185.

[132] Habermas' earlier reflection on the UN in *The Past as Future* also focuses on first world states as leaders on policies and processes augmenting the condition of cosmopolitan law that could be actualized through the UN. There his focus is on the deficit of leadership that the first world states show. He writes, "The Western powers must get clear on the duties and responsibilities that they implicitly assume when they make use of this [UN] legitimation. For example […] they would have to put a stop to the trafficking in death by radically curtailing arms exports from manufacturing countries. So far, the political will for this has been lacking. Further, the Western powers would have to be prepared to strengthen the executive force of the UN and to move ahead with the institutionalization of a peaceful world order equipped with a neutral armed force capable of enforcing UN resolutions. And still further, they would have to take far more seriously their responsibility for the establishment of a just world economy – for a fairer distribution of opportunity on a shrinking planet. Finally, the Western powers would have to overcome the imperialistic attitude that the West has nothing to learn from other cultures and move toward a symmetrical process of cross-cultural understanding. […] Each of these normative demands can be matched up with real and increasingly unavoidable problems; if left unresolved, those problems will lead to consequences that the West will feel as sanctions" (Habermas, *Past as Future*, 22-23).

[133] Habermas, *Inclusion of the Other*, 185-186.

These four variables indicate vast domains of possible action at global and at less than global levels. On the global level, the United Nations' Security Council could be reformed. History and the present decision-making structure of the UN suggest that such reform presupposes political will in member states. In order for cosmopolitan law to progress through a more efficacious United Nations, preconditions must be pursued at the level of supranational, perhaps continental, regional political structures, and within existing nation-states.

Habermas' focus on the European Union as a promising venue for the constitution of a continental legal regime serves as the primary example in his work of how "the formation of regional regimes" would strengthen an emerging regime of cosmopolitan law. I turn now from his proposal for revising Kant's conception of cosmopolitan law to his consideration of the history of and the challenges facing the European community with a view to the constitutional strengthening of the European Union in "The Postnational Constellation and the Future of Democracy."

§3 Habermas' Advocacy for European Cooperation with a Cosmopolitan Purpose

Habermas notes that sociologists and politicians have gone from a Hegelian expectation that the real forms of civil society and state be rational to a positivistic, atomistic view that sees participatory society as a vain illusion.[134] But recognizing political challenges as such requires the normative expectation of democratic political participation and the corresponding criterion of basic social welfare that undergirds a self-legislating state.[135] Habermas holds that democracy flourished most fully in western European welfare states. But now that economic globalization is weakening the nation-state's authority, the welfare state seems to be in trouble, also threatened

[134] Habermas, *Postnational Constellation*, 58-59.
[135] Habermas, 60.

by its own politicians' neoliberal policies.[136] In light of this situation, Habermas investigates whether a political response that takes democracy beyond the nation-state is possible and, if so, what it would look like.[137]

Habermas recalls the historical emergence of modern democracy in western nation-states. First, the shape of the nation-state has been characterized by separation of political and economic spheres, the public administration having the political powers of taxation and monopoly of violence, the private having the freedom to pursue wealth.[138] Second, the sovereignty of the nation-state, in the context of international law, has meant (i) rational, enumerable "selves" participate in government, (ii) whose sphere of influence is delimited by territorial borders, (iii) beyond which it relates only with other governments according to international principles heterogeneous to domestic legal principles.[139] Third, the abstractive step of collective identification with a whole nation, as opposed to antecedent concrete local or familial ties, provided the substrate for civil solidarity that undergirds such forms of involvement in the nation-state as military service and willing contribution to welfare.[140] Fourth, since the capitalist economy of the modern nation-state has no imperative to maintain it, the responsibility fell to the political process to ensure its own propagation through welfare policies protecting the basic rights of citizens without which their rights to participate would be meaningless.[141] While it does not threaten democratic process as such, economic globalization is eroding the nation-state form under which modern democracy developed.[142]

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[136] Habermas, 60-61.
[137] Habermas, 61.
[138] Habermas, 63.
[139] Habermas, 63-64.
[140] Habermas, 64-65.
[141] Habermas, 65.
[142] Habermas, 65-67.

Habermas next considers how processes of globalization effect nation-states along the four dimensions just described. First, globalization creates problems too large to be regulated by each state acting alone. Capital flight is a reality in the global economy over which nation-states are powerless, and it weakens the state's very ability to sustain itself and further its purposes through taxation.[143] Second, even as the multiplicity of supranational organizations aims to cope with problems that a territorially delimited state cannot address (even though it is affected by them), "these new forms of international cooperation lack the degree of legitimation even remotely approaching the requirements for procedures institutionalized via nation-states."[144] These first two dimensions are both aspects of the phenomenon of economic systems outstripping political systems.

Third, although democratic processes are normatively, formally capable of coping, civil solidarity at the level of the nation-state is challenged by "precarious" and potentially "painful" processes of integration of new citizens brought to western democracies by immigration flows.[145] At the same time, mass communication and exportation of dominant cultural forms has had a homogenizing effect, which is somewhat balanced by innovations of new differentiations and posttraditional identities.[146] In both cases, the existing solidarity, connected to national identities, is undermined. Habermas writes, "Both tendencies strengthen centrifugal forces within the nation-state, and will sap the resources of civil solidarity unless the historical symbiosis of republicanism and nationalism can be broken, and the republican sensibilities of populations can be shifted onto the foundation of constitutional patriotism."[147]

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[143] Habermas, 68-69.
[144] Habermas, 71.
[145] Habermas, 73-74.
[146] Habermas, 74-76.
[147] Habermas, 76.

Fourth, globalized economic forces undermine the nation-state's ability to underwrite social programs that maintain the basic needs of citizens, creating a vicious cycle undermining legitimation and participation. In the face of globalization, the nation-state increasingly encounters legitimation crises.[148]

Two dominant responses to this weakening are protectionism and neoliberalism. But the nation-state cannot regain its power by closing its borders; and social goods and political self-determination cannot be maintained by surrendering power to global capital flows. Habermas seeks insight by considering the dynamic relationship of networks and lifeworlds, of functional vs. social integration, **the former engendering processes of opening and the latter processes of closing**.[149]

When Habermas speaks of the lifeworld, he is referring to the contexts in which social integration is already achieved and continually aided by substantial background agreement that underwrites communicative action. He expounds upon background agreement in greater depth in the first chapter of *Between Facts and Norms*, where he writes of the lifeworld, "From the very start, communicative acts are located within the horizon of shared, unproblematic beliefs; at the same time, they are nourished by these resources of the *always already familiar* […] a sprawling, deeply set, and unshakable rock of background assumptions, loyalties, and skills."[150] Background agreement allows communicative action to proceed efficiently most of the time.[151]

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[148] Habermas, 76-80.
[149] Habermas, 81-83.
[150] Habermas, *Between Facts and Norms*, 22.
[151] The authority of lifeworld institutions, which fuses facticity and validity together, is strongest in undifferentiated societies bound by a shared understanding of the sacred. In differentiated societies, with a plurality of forms of life or without a shared understanding of the sacred, the existence and efficacy of background knowledge and authority to stabilize social interactions diminishes (Habermas, 24-25).

Without substantial background agreement, communicative action (which moves from high-level normative commitments to concrete, historical problems) can become interminable, especially as the number of participants and perspectives grows.

When a well-integrated lifeworld is opened up, the results are ambivalent; atomization in self-interest could follow, but so too could creative forging of new solidarities.[152] Both regressive utopian visions of local closure and postmodern and neoliberal celebration of global opening and decentralization neglect one side of the dynamic of opening: its liberatory benefits or its atomizing disempowerment.[153] Of course, Habermas is not in favor of abjuring political identification and participatory steering of legal systems. The lack of regulatory cooperation, i.e. the situation of systems interacting in an anarchic global environment, has not led to peace in the past, is exacerbating global economic inequality in the present, and cannot be expected to address ecological concerns in the future.[154]

Habermas believes that sensitivity to the ambivalence of opening lifeworlds raises the question of the possibility of higher-level, postnational democratic participation, and he appeals to the EU as a test case.[155] The assessment of questions about the feasibility of European federation determines the plausibility of "a 'cosmopolitan' position, which calls for a renewed political closure of an economically unmastered world society."[156] Habermas' four questions are: whether there can be full employment in a labor-based society; whether neoliberal markets sustain social justice; whether the dual threat of downward adjustment and a loss of comparative efficiency can be overcome in a harmonization of European social welfare; whether it is possible

[152] Habermas, *Postnational Constellation*, 83. Cf. Habermas, *Between Facts and Norms*, 23-26.
[153] Habermas, *Postnational Constellation*, 87-88.
[154] Habermas, *Inclusion of the Other*, 126-127.
[155] Habermas, *Postnational Constellation*, 88.
[156] Habermas, 90.

to increase democratic governance at the Euro-federal level as abstract European solidarity is simultaneously strengthened. A negative answer in each case indicates a vector of social disintegration, i.e. of citizens' decreasing commitment to participate in and confidence in the outcomes of political deliberative processes.

Habermas' final question is whether emergent supranational, though not global, actors can guide the world toward the cosmopolitan goal of political integration. Locational competition disempowers the nation-state from exercising regulatory functions of guarantee that are needed to match the power of money. Such functions are needed to prevent the "race to the bottom" encouraged by neoliberal principles in global markets, but no competent world-level actor exists.[157]

Although we have moved past the time of international law into the time of multiple strata of political processes in which supranational actors make some important decisions in a way that claims legitimacy, Habermas sees the current situation as lacking. The solidarity of world citizens that can be said to exist today emerges primarily reactively in the indignation felt over serious violations of human rights. Moreover, the ethical-political commonality that prevents political deliberation from embodying mere instrumental reasoning at a national level does not yet exist at a global level. Two questions remain as we envision a world domestic policy in the future: What would legitimate democratic process look like at this level? On the basis of what sorts of self-understandings can national and supranational actors act to realize mutual interests? Deliberative democratic politics is Habermas' model for how world-level political policy could be legitimated. The practical question of whether public opinion- and will-formation in existing communities will make the abstractive step of identifying as world citizens,

[157] Habermas, 104-105.

and so pressure their representatives to strengthen the power of supranational actors, remains to be answered historically.[158]

§4 Conclusion – Habermas' Conception of Cosmopolitan Law

The concept of cosmopolitan law unifies the threads of normative and historical reflection in Habermas' political works. Habermas invests and expands Kant's conception of cosmopolitan law with three reconstructive arguments. First, Habermas argues that liberal and republican paradigms of democracy each contribute to a normative model of deliberative democratic politics that recognizes the importance of individual autonomy and of the autonomous political community, integrated by solidarity. The deliberative model of constitutional legal orders explains the normative validity of democratic politics on the basis of communicative reason irrespective of the scale of the political community, from the local to the worldwide. His normative model of democracy, thereby, avoids the inconsistencies Habermas finds in Kant's articles in "Perpetual Peace." Second, Habermas argues that solidarity rooted in constitutional patriotism is more inclusive and more capable of coping with pluralism than nationalistic solidarity, which became and remains prevalent in democratic nation-states. On this point, his position expands, rather than opposes, Kant's conception of legality. Third, Habermas argues that cosmopolitan law is coming into existence through supranational and worldwide political organizations. At the same time, worldwide economic integration through money power outmatches these political organizations. For both supranational and worldwide legal regimes to gain efficacy, an expanded cosmopolitan solidarity is needed. Cosmopolitan solidarity would emphasize the interrelatedness and shared political responsibility the world's citizens have for

[158] Habermas, 108-112.

one another far more than does Kant's limitation of cosmopolitan right to the condition of hospitality.

While "Three Normative Models of Democracy" does not mention cosmopolitanism, the importance Habermas assigns to deliberative politics in "The Postnational Constellation" suggests that, in addition to offering less satisfying theories of democracy, the liberal and republican models are ill suited to the goal of cosmopolitan law and to the conception of world citizenship. Each model has specific strengths and weakness when considering application at the cosmopolitan level.

Considering first the conception of world citizenship, the liberal view appears to have strength in that it prioritizes the rights of the individual over the legal order. The liberal view grounds itself in the idea of human rights, which are suited to universal application. Although a liberal state does not accord all positive rights to noncitizens, its normative basis implies that all humans' freedoms from interference should be respected. In this regard, the liberal view is normatively prepared to ground world citizenship.

In this respect, the republican view appears to have a weakness. Its prioritizing of the legal order, grounded in the participation of citizens who are "members of quasi-natural solidary communities," does not imply the creation or protection of rights of noncitizens. It does not necessarily imply rights that respect different ethical backgrounds, which are necessary for the equality of citizens in a pluralistic society. The priorities of radical democracy do not necessarily compliment the cosmopolitan concerns of differences external, and possibly internal, to the political community.

On the other hand, transformative historical processes whereby civil law may yield to international law and to cosmopolitan law suggest an arena in which the republican view is more

suited to cosmopolitan law than the liberal view. The liberal view takes the society in which the state is embedded as a given. The liberal political process is designed to achieve stability regardless of the diversity of its members. But it is not designed to transform society's solidary self-understanding or to be transformed by it. The question of reconfiguring the legal order of the given society in the direction of a cosmopolitan legal order at a higher level is not anticipated by liberal constitutions and amounts to revolutionary change. Because the republican political process is conceived as constituting the state continually, its reconstitution in the direction of a cosmopolitan legal order would not have a revolutionary character. Cosmopolitan change in a republican state could arise out of a contingently emergent opening of its solidary self-understanding. In the case of the republican state, legitimation would go hand in hand with the decision and enactment of the cosmopolitan change. In terms of cosmopolitan goals, then, the republican view may have a normative advantage in conceiving transitions in the legal order.

The problems that liberal and republican views of democratic politics pose when faced with specifically cosmopolitan concerns are results of one-sided stances regarding interconnected concepts that deliberative politics considers mutually presupposing. This consideration brings us back to the historical specificity of Habermas' approach. The problem of the strong opposition between private individuals and a solidary public is one that can be solved in the course of history. In other words, the actuality of politics cognizant of their mutual presupposition depends on a contingent background:

> Deliberative politics […] stands in an internal relation to the contexts of a rationalized lifeworld that meets it halfway. Deliberatively filtered political communications are especially dependent on the resources of the lifeworld – on a free and open political culture and an enlightened political socialization, and above all on the initiatives of opinion-shaping associations.[159]

[159] Habermas, *Inclusion of the Other*, 252.

The background that allows the mutual connection of individuality and solidarity is the modern, secular political community of democratic constitutional orders.

In his account of the emergence of some elements of cosmopolitan law in the twentieth century, Habermas notes the reactive character of their motivation. The use of the concept of crimes against humanity emerged as a reaction to atrocities in the Second World War. While it broke with the stance of international law that all nation-states have totally sovereign disposition in war and domestic affairs, the twentieth century's enactments of "world domestic policy" do not indicate the overcoming of differences in the lifeworlds of the world's diverse societies. Many political communities do not have secular self-understandings, and many that do have secular self-understandings emphasize the bond of abstract national identity. This situation is an impediment to the growth of cosmopolitan solidarity in many places.

The idea of constitutional patriotism suggests that this impediment could be overcome with greater historical speed in the future than it has been in the past. For many societies, in which the prevailing bond of solidarity opposes the cosmopolitan expansion of inclusion of people who are like fellow citizens, already have a formal constitutional order in place. In these places, the basis for constitutional patriotism already exists: citizens identify with the normative self-understanding of their political community, which motivates them to participate in deliberative practices. The citizens also identify with the members of their political community along other axes of self-understanding, especially axes of thin national or religious commonality. While the shift from a patriotism that combines communal similarity and political ideals to a less entangled constitutional patriotism is not automatic, or even easy, the existence of elements of constitutional patriotism is a kernel or node around which citizens' opinion and will formation could grow. Those who would shift the public discourse in their political communities away

from narratives of shared national or religious destinies could leverage the constitutional self-understanding of the people as the source of legitimate, deliberatively steered political power, as well as the constitutional understanding of citizens as free and equal consociates.

While Habermas' analysis of the stratified world society underscores challenges for and threats to the peaceful coexistence of humanity, his analyses of the historical emergence of democratic constitutional states and of elements of cosmopolitan legal order suggest that peaceful coexistence in a robust sense is possible for humans. Because he focuses on normative validity as a dimension internal to deliberative practices, Habermas does not formulate a cosmopolitan ideal by imagining in advance the most perfect global legal order. His criticism of Kant's federation of free states is based upon the fact that cosmopolitan law's development in the twentieth century outstripped the thin cosmopolitan ideal Kant imagined in advance. Habermas' use of the idea of world domestic policy is also taken over from actual political discourse and measured against the ideals of democratic constitutional states arrived at through historical reconstruction. Thus, for Habermas, to say that cosmopolitan law is possible is to say that it has already begun to exist. Where cosmopolitan law already exists, both explicitly and implicitly (in the expandable solidarity of constitutional patriotism), deliberative bodies have asserted and appealed to the validity of a more robust cosmopolitan legal order and have aimed to bring it about.

CHAPTER 3 – NUSSBAUM'S COSMOPOLITANISM AND CAPABILITIES APPROACH

In tracking the transformations of cosmopolitanism, my next step in this chapter is to argue that Martha Nussbaum's revision of political liberalism via the Capabilities Approach effects an expansion of the idea of world citizenship beyond the boundaries of human dignity. That is, specifically in *Frontiers of Justice*, Nussbaum's concern for international, disabilities, and nonhuman animal issues, reveals a conviction that the qualifications for citizenship in Rawlsian and prior social contract theories of political liberalism render an inadequate conception of justice. That conviction accords with the cosmopolitan idea.

Nussbaum explicitly addresses cosmopolitanism in many of her works, and she has been widely received as a defender of cosmopolitanism because of her essays "Patriotism and Cosmopolitanism" (1994) and "Kant and Stoic Cosmopolitanism" (1997). However, her understanding of cosmopolitanism and of patriotism has changed. In the 2008 article, "Toward a Globally Sensitive Patriotism," Nussbaum repudiates cosmopolitanism in favor of a purified patriotism. In 2011's *Creating Capabilities,* she denies that the Capabilities Approach is a form of cosmopolitanism and says cosmopolitanism is incompatible with political liberalism (in the Rawlsian sense). In subsequent publications, Nussbaum avoids the term.

As she develops the Capabilities Approach, Nussbaum both expands the targets of her critique and takes distance from cosmopolitanism. Her own repudiation of cosmopolitanism is a great obstacle to my story that her Capabilities Approach represents a transformation of the cosmopolitan idea. Tracing her treatment of cosmopolitanism through several works is necessary to understand how her priorities have changed and precisely which ones have changed. Addressing Nussbaum's works chronologically in this chapter should allow me to tell the story

of her opinion of cosmopolitanism, which turns from favorable to unfavorable, at the same time as I highlight the key related concepts in those works for her conception of global justice. I will then consider her "dialectical oscillation" between respect for dignity and compassion, as well as her reasons for turning away from cosmopolitanism.

In the early 2000s, while developing her criticisms of the social contract tradition, Nussbaum reconsidered what she calls the anti-compassion tradition in philosophy, which includes Plato and the Stoics. She moves to a middle position (between compassion having no role and an exclusive role in moral motivation) where a dialectic of compassion and egalitarian respect for dignity inform ethics and politics. A change in her reading of Marcus Aurelius's *Meditations*, especially his lesson not to be a fan, accompanies her turn from cosmopolitanism to patriotism in her political and ethical thought. In at least four of her works, she quotes Book I § 5 of Marcus Aurelius' *Meditations* wherein he relates that his tutor taught him "not to be a fan of the Greens or Blues at the races, or the light-armed or heavy-armed gladiators at the Circus." [160] Where she used to agree with Aurelius about the serious danger in cheering for one's own side, hence in patriotism, Nussbaum later warns against the danger of faint motivation in claiming an allegiance that transcends sides, hence in cosmopolitanism. The importance of the sports fan example became clear to me during Dr. Willett's spring 2018 seminar on ethics and emotions. The quotation used to mean that patriots fail to care for all. But it came to mean that only fans care about the struggle or the outcome or, stronger still, only fans take part in a struggle.

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[160] Nussbaum, "Kant and Stoic Cosmopolitanism," 8. In this case, Nussbaum used the term "partisan" instead of "fan" in her translation (both are interpolations that clarify the Greek, not translations of any specific term).
Nussbaum, *For Love of Country?*, xi.
Nussbaum, "Compassion & Terror," 10. In this essay, the quotation is the second epigraph.
Nussbaum, *Political Emotions*, 222.

§1 Three Essays 1994-2003

"Patriotism and Cosmopolitanism"

Nussbaum's 1994 essay "Patriotism and Cosmopolitanism," endorses cosmopolitanism in the education of citizens. She attempts to reframe an argument about multiculturalism, which was attacked for undermining patriotic emotions and national identity, by offering world citizenship as an ideal for education. She contrasts a cosmopolitanism inspired by ancient Cynics and Stoics with a patriotism focused on Americans' shared national identity.[161]

Nussbaum uses the characters in Rabindranath Tagore's novel, *The Home and the World*, to illustrate of the limitations of patriotism of shared national identity. She writes:

> To give support to nationalist sentiments subverts, ultimately, even the values that hold a nation together, because it substitutes a colorful idol for the substantive universal values of justice and right. […] Only the cosmopolitan stance of the landlord Nikhil […] has the promise of transcending these divisions, because only this stance asks us to give our first allegiance to what is morally good – and that which, being good, I can commend as such to all human beings.[162]

Nussbaum's explanation of cosmopolitanism in Tagore's novel, that it takes justice as a substantive universal value to which all humans owe their first allegiance, aligns with her explanation of Cynic and Stoic cosmopolitanism throughout the essay.

Nussbaum denies the premise of some criticism of cosmopolitanism that patriotic sentiments are more colorful and thus more appealing than cosmopolitan values. She writes:

> The Stoics stress that to be a citizen of the world one does not need to give up local identifications, which can be a source of great richness in life. They suggest that we think of ourselves not as devoid of local affiliations, but as *surrounded by a series of concentric circles* […] the largest one, humanity as a whole.[163]

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[161] Nussbaum, *For Love of Country?*, 4-5.
[162] Nussbaum, 5.
[163] Nussbaum, 9, emphasis added.

Nussbaum refutes the concern about the colorlessness of cosmopolitanism with Hierocles's image of concentric circles representing ever more expansive communities that start with oneself. The colorfulness of the local, filled in by the immediate connections and the material symbols of community, weaves into the great, single tapestry of humanity. If the outer edges are less vivid, it is because they are distant, less clearly known, but not disconnected. Moreover, the principle of allegiance to the largest community does not remove or displace one from those nearby. It contextualizes one's actions in smaller circles.

The cosmopolitan education Nussbaum advocates would involve primary and secondary curriculum changes: (1) widening civic, cultural, and historical education to inform students about the diverse nations of the world and (2) emphasizing that students are citizens of a world shared with all human beings.[164] Nussbaum utilizes the Stoic image of the world citizen situated within concentric circles to locate recipients of cosmopolitan education within the diverse and yet single tapestry of humanity:

> Students in the United States, for example, may continue to regard themselves as defined partly by their particular loves – their families, their religious, ethnic, or racial communities, or even their country. But they must also, and centrally, learn to recognize humanity wherever they encounter it, undeterred by traits that are strange to them, and be eager to understand humanity in all its strange guises.[165]

Nussbaum affirms particular loves as an integral part of cosmopolitan life and education. She does not disagree with that aspect of the patriotic position she addresses. What marks her cosmopolitan education is the recognition of humanity and openness to unknown difference. The diversity of human cultures is an additional source of color in life accessible within the horizons of cosmopolitan education.

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[164] Nussbaum, 6.
[165] Nussbaum, 9.

Nussbaum proceeds to enumerate four benefits of cosmopolitan education over a patriotic education emphasizing American pride. First, cosmopolitan education yields human self-understanding insofar as it reveals "what in our practices is local and nonessential, what is more broadly and deeply shared,"[166] i.e. human nature, condition, or essence. Second, it reveals problems facing humanity as a whole, now and in the future, and sets the stage for international problem-solving. Third, specifically in the American context, it is consonant with the egalitarian conception of humans announced in the "Declaration of Independence," which implies moral obligations toward all humans, whatever their nationality.[167] Fourth, moral reasoning proceeds on a more secure footing when it recognizes nationality as "a morally arbitrary boundary" for concern or obligation, on par with ethnicity, class, sex, race, etc.[168] In sum, cosmopolitan education aims to extend moral concern and to make it more consistent.

Nussbaum concludes "Patriotism and Cosmopolitanism" with the observation that national citizenship may feel analogous to family membership, whereas "cosmopolitanism offers no such refuge; it offers only reason and the love of humanity, which may seem at times less colorful than other sources of belonging."[169] But she concludes by offering the Cynics, Crates and Hipparchia, as historical examples that cosmopolitans "need not be boring, flat, or lacking in love."[170] Their example confirms again that cosmopolitanism can anchor itself in the universal and unite it with the particular.

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[166] Nussbaum, 11.
[167] Nussbaum, 12-13.
[168] Nussbaum, 14.
[169] Nussbaum, 15.
[170] Nussbaum, 17.

"Kant and Stoic Cosmopolitanism"

In her 1997 essay, "Kant and Stoic Cosmopolitanism," Nussbaum identifies and evaluates strands of Stoic thinking taken up in Kant's political writings. The essay goes into detail about influence and reformulation of cosmopolitan ideas. It is important for me that Nussbaum characterizes cosmopolitanism as something that both forms a part of and can be separated from Cynicism, Stoicism, and Kantianism. This essay also interests me because it is the first I know that Nussbaum cites Marcus Aurelius' lesson not to be a fan.

Nussbaum explains her priorities by contrasting cosmopolitanism and patriotism (again). She writes, "Kant, more influentially than any other Enlightenment thinker, defended a politics based upon reason rather than patriotism or group sentiment, a politics that was truly universal rather than communitarian, a politics that was active, reformist and optimistic, rather than given to contemplating the horrors, or waiting for the call of Being."[171] Kant serves as a foil for those who reject these things he defends (Nussbaum names Friedrich Nietzsche, Bernard William, Martin Heidegger, and Alasdair MacIntyre). They prefer outlooks that emphasize pessimism, passivity, or communal affiliation.[172] Rather than rebut their line, Nussbaum aims to show where the ancient Stoics inspire the Kantian cosmopolitan tradition and where these inspire her.

Nussbaum echoes her point about education in "Patriotism and Cosmopolitanism" as she shows the insights of Stoicism. She writes, "We have great power over racism, sexism and other divisive passions that militate against cosmopolitan humanism, if we will only devote enough attention to the cognitive moral development of the young."[173] She adds religious bigotry and xenophobia to the list of kinds of hatred that are learned and may be avoided by choosing images

[171] Nussbaum, "Kant and Stoic Cosmopolitanism," 3.
[172] Nussbaum, 1-3.
[173] Nussbaum, 23.

that illustrate shared humanity across these differences in education. Stoic psychology identifies the problem, and cosmopolitanism provides a solution.[174]

Tracing the idea of world citizenship in this essay, Nussbaum allows that it can be separated from the Cynic denial of local affiliation, the Stoic metaphysics and psychology, and the Kantian critical hope and pessimistic psychology. She summarizes the Cynic claim to world citizenship succinctly, highlighting Diogenes the Cynic's denial of his particular citizenship and his moral emphasis on humans' rational nature.[175] She shows that Stoic cosmopolitanism differs from that of the Cynics, because Stoics claim world citizenship is a guiding moral principle that does not preclude affiliation with and obligations in smaller spheres, including the family and the city; Stoics claim citizenship in the universal city, as well as their particular cities.[176] Kant adapts the Stoic moral and political ideas of world citizenship in his conceptions of the moral law and public law, but combines them with a pessimistic understanding of human nature and a hope for providence in spite of mechanistic cosmology.[177] Nussbaum sees the above as different aspects of philosophical systems that can be separated from cosmopolitanism.

With respect to providence and hope, Nussbaum believes in a political, not metaphysical, hope for progress more modest than Kant's or the Stoics'. She wants no recourse to the guarantee of progress. She states that Kant is successful in taking up the Stoic moral-political idea of respect for humanity without accepting Stoicism's providential-teleological view of nature, and she goes one step further to say that cosmopolitan ideas are equally powerful in a random universe without forethought or design.[178] At the end of the essay, she affirms cautious

[174] Nussbaum, 22-23.
[175] Nussbaum, 5.
[176] Nussbaum, 6-9.
[177] Nussbaum, 12-22.
[178] Nussbaum, 18.

optimism inspired by Kant, writing, "Certain postulates of practical reason, and therefore certain hopes for at least a local and piecemeal sort of progress […] should be adopted because they appear necessary for our continued cultivation of our humanity, our constructive engagement in political life. […] This hope is, of course, a hope in and for reason."[179] Nussbaum's hope for reason is a hope for human cooperation through political reasoning, not hope in the reason that is identical with god in Stoicism or the reason that gives ideas beyond the reach of empirical knowledge in Kant.

With respect to the passions, Nussbaum does not follow the Stoics or Kant. She notes that Kant also did not follow the Stoics. Whereas Kant considers aggression part of humans' first nature, something that might be channeled and tamed but not avoided, the Stoics believe passions contain judgments amenable to reason so that aggression could be avoided through education. Stoics make their goal the elimination of passions by reforming judgments about the value of externals.[180] Nussbaum herself hews closer to Stoics than Kant when she takes an Aristotelian position allowing that some externals do matter for one's happiness, hence virtuous agents experience passions where appropriate (specifically, anger at damage to social justice, loved ones, and bodily integrity) and not where inappropriate.[181]

The Stoic doctrine of the passions informs how Stoic ethics pursues world citizenship, but it does not determine the idea of world citizenship itself. The idea of world citizenship indicates to whom there are obligations, and the doctrine of the passions informs how obligations can be fulfilled. These aspects of Stoicism are separable. Emphasizing this point, Nussbaum writes, "We can adopt the Stoic goal of passional enlightenment without adopting the specific

[179] Nussbaum, 24.
[180] Nussbaum, 18-19.
[181] Nussbaum, 22.

content they give to that notion, which requires a radical detachment from some attachments that we might judge it reasonable to foster, even in a cosmopolitan society."[182] The consequence is that cosmopolitanism can accommodate conceptions of law and of morality inspired both by Aristotelianism and Stoicism without strictly conforming to either system.

Let's turn from the separation of cosmopolitanism from other parts of Stoicism and Kantianism to Nussbaum's quotation from Book I §5 of Marcus Aurelius' *Meditations*. In this Book, Marcus relates that his tutor taught him, among other things, not to be a sports fan. Here Nussbaum translates the advice, "Not to be a Green or Blue partisan at the races, or a supporter of the lightly armed or heavily armed gladiators at the Circus."[183] She gives the quotation in the course of explaining the Stoic view of affiliation. She introduces it favorably saying, "No theme is deeper in Stoicism than the damage done by faction and intense local loyalties to our political lives. Marcus Aurelius writes about this topic with especial eloquence."[184] In her later works, the significance of the quotation expands: it encapsulates Marcus's attempt at detachment from all externals, not only sport and partisan politics. But here it illustrates Marcus's political insight. Here it means those who feel partisan loyalty to their nation relate to it as they relate to their favored gladiators, wishing them to victory and their rivals to defeat.

A few pages later, Nussbaum remarks, "In the writings of Marcus especially, one sometimes feels a boundless loneliness, as if the removal of props of habit and local boundaries had left life bereft of a certain sort of warmth and security."[185] In later essays, Nussbaum expounds on Marcus's on the cold and empty world, totally devoid of personal investment. But

[182] Nussbaum, 21.
[183] Nussbaum, 8.
[184] Nussbaum, 8.
[185] Nussbaum, 11.

she does not find it too troubling here, since she says later in the same paragraph that cosmopolitans achieve maturity insofar as they think more independently, in matters of their nations' actions or values, than those who feel partisan loyalty.

Reading this essay with an eye to later works, I note that compassion, pity, empathy, and sympathy are mentioned little in "Kant and Stoic Cosmopolitanism." Pity and sympathy are mentioned in footnotes, and Stoics are once said to foster empathy for their political enemies' humanity.[186] The Stoic images of cooperation and connection of humanity are addressed, but those differ from the aforementioned concepts, because recognizing shared struggles does not entail particular, negative, emotional experience of the suffering of others.

Stoics motivate action with the idea of duty and love of humanity, since they criticize pity and would not resort to the passions to motivate right action. Nussbaum writes:

> It is especially important to see how Stoics link the goal of world citizenship to the goal of passional enlightenment. Briefly put, their recipe is that love of humanity as such should be our basic affective attitude. This will not be a passion in the technical sense, in which passion is linked with upheaval and instability, but it will be a reliable motivation that will steer us in the world and give us joy.[187]

In a footnote within the previous passage, Nussbaum writes, "This is of course also a love of the divine," and refers to her essay, "*Eros* and the Wise." That essay describes the *eros* of the wise Stoic as a combination of felt bodily desire (analogous to hunger) and the wish to educate the beloved about, and share with the beloved, reverence for humanity, insofar as humanity shares the nature of the divine – reason.[188] Nussbaum does not explicitly recommend or criticize love of humanity. But in her footnote about it being a love of the divine, she indicates that it is of a piece with Stoic detachment from externals. That much she explicitly rejects, because she believes

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[186] Nussbaum, 9.
[187] Nussbaum, 20.
[188] Nussbaum, "*Eros* and the Wise," 265-267.

one's bodily integrity, the flourishing of one's loved ones, and goods of one's society, e.g. justice, really matter for one's flourishing.[189] But she also says detachment from externals is separable from the goal of world citizenship.

I think love of humanity could also be separated from its Stoic context and reconceptualized, both where the nature of love and the nature of humanity are concerned. In later works, Nussbaum finds Stoic motivation through respect alone insufficient. In this work, Nussbaum says that cosmopolitanism does not entail the Stoic goal of eliminating the passions and that she would take up cosmopolitan goals with a moderate conception of enlightened passions.[190] It follows that cosmopolitanism could use both respect for dignity and enlightened passions, like the love of humanity, as motivational resources for the sort of modestly optimistic political action Nussbaum believes it should still inspire.

"Compassion and Terror"

In "Compassion and Terror," Nussbaum develops criticisms of the conception of human dignity received from Plato, Stoics, and Kant in conjunction with a new emphasis on compassion as a motivational resource. The essay marks a turning point in Nussbaum's political philosophy: it concludes with a favorable word about patriotism, considers the problems with Stoicism (especially in Seneca and Marcus) more damning than did "Kant and Stoic Cosmopolitanism," and even associates the problems in Marcus with "cosmopolitan moral principle." It also includes the quotation from Marcus about not being a fan, a description of troubling us-them thinking Nussbaum saw at a baseball game,[191] and a passage Nussbaum revisits in *Political*

[189] Nussbaum, "Kant and Stoic Cosmopolitanism," 22.
[190] Nussbaum, 21.
[191] In 2002, Nussbaum wrote a short introduction to "Patriotism and Cosmopolitanism" in the second edition of *For Love of Country?* with the title "Introduction: Cosmopolitan Emotions?" It

Emotions about "cosmopolitan moral principle" and death in life. I will consider the large argument of the essay and its changes relative to the two earlier essays already discussed.

Nussbaum criticizes Kantian and Stoic understandings of the kind of being that is an end in itself. She identifies an anti-compassion tradition in moral philosophy that aims to ground egalitarianism in impartial respect for dignity. On the other side, Aristotle and Hume argue morality needs the strong motivation of compassion that comes from lifelong, familiar attachment.[192] She says anti-compassion thinkers praise traits they believe distinguish humans from other animals – reason and moral capacity – as the hallmarks of human worthiness. Thus, they subordinate all other animals and deride the greater part of human nature. The Stoics further decry emotions and desires for external goods as stumbling blocks. Because they argue that the sage becomes invulnerable to fortune by despising external goods and affirming everything that comes to pass, Stoics render their opposition to harmful actions, however reprehensible, incoherent.[193]

In order to recover the concept of dignity from the problems with the Stoic conception and its heirs, Nussbaum praises vulnerability, neediness, sensibility, imagination, and attachment as intrinsically worthy human traits, which are shared to some extent with most other animals. These traits are also involved in compassion, and they give weight and solidity to our erotic

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uses Marcus's fan quotation and the baseball game anecdote. Each part of that new introduction finds its way into "Compassion and Terror," so I focus only on the later, larger essay.

[192] Nussbaum, "Compassion and Terror," 12.

[193] Nussbaum, 17-20. In "Kant and Stoic Cosmopolitanism," Nussbaum noted ancient Stoics' failure to oppose slavery for similar reasons but called it a "blind spot" and urged that their alleged tendency to quietism should not be overstated (Nussbaum, "Kant and Stoic Cosmopolitanism," 14). Here she joins critics of Stoic quietism.

investment in our own lives.[194] They help us to understand and explain how misfortunes and injustices are real harms (not just apparent harms, as Stoic epistemology has it). Vulnerable dignity both needs and deserves protection.

Nussbaum also defends tragic spectatorship, which is rejected by the anti-compassion tradition. She sets a quotation from Euripides's *Trojan Women* as the first epigraph of "Compassion and Terror": "The name of our land has been wiped out."[195] Nussbaum explains that Euripides wrote *Trojan Women* 600 years after Greece destroyed and pillaged Troy in order to excite compassion for the people of Melos, whom Athens had recently slaughtered and enslaved. The tragedy reminded them of the depth of human suffering. Nussbaum believes tragedy's spectators can learn to grasp the suffering of others who differ from themselves greatly – whether in species, sex, race, culture, nationality, sexual orientation, etc. –thereby extending compassion past the circle of local acquaintance.[196]

When compassion is *not* educated and extended, it may accommodate us-them thinking; allegiance to one's side opposes compassion for the other side. Nussbaum offers an illustration of the slide of compassion into us-them thinking: the way the Chicago White Sox's home crowd's cheering and chanting at a game she attended in late 2001 turned from welcoming the Yankees to menacing the umpire for making calls in the Yankees' favor.[197] The concern for the other team disappeared as the crowd became absorbed in the struggle for victory:

> Any group that figures in our imaginations as a 'them' against the 'us' [… is] by definition non-us, they are also, by threatening the safety of the 'us,' implicitly bad, deserving of any misfortune that might strike them. This accounts for the sports-fan mentality so neatly

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[194] Nussbaum argues that compassion involves four thoughts about another's misfortune: it is serious, not their fault, could befall oneself, and detracts from one's own flourishing ("Compassion and Terror," 14-16).
[195] Nussbaum, "Compassion and Terror," 10.
[196] Nussbaum, 24-25.
[197] Nussbaum, 13-14.

> depicted in my baseball story. Compassion for a member of the opposing team? You've got to be kidding. 'U-S-A' just means kill the ump.[198]

One way we are able to discount the suffering of others is by thinking that they are not on our side, especially if they *are* on an opposing side. Their suffering does not affect us emotionally because we do not see their flourishing as part of our own flourishing; in a zero-sum contest, like a baseball game, their flourishing comes at the expense of our own. The sports fan, unlike the tragic spectator, does not suffer when the other side loses.

Nussbaum focuses on the love that sports fans have for their team when she turns to Marcus Aurelius and his lesson not to be a fan. By setting the quotation from the *Meditations* about not being a fan[199] as the second epigraph after the quotation from *Trojan Women*, she stages "Compassion and Terror" as a confrontation between tragic spectatorship and Stoic detachment. Cheering for the other team to lose expresses the conjunction of love for one's own team and the absence of compassion for the other team. Marcus's Stoic education does not extend compassion to overcome the sports fan's ill will. It works by removing the narrow love for one's own by denying the specialness of the people and places by and near which one is raised.[200] Marcus aims at detachment from teams and encourages himself to have the right sort of concern for others, emphasizing that all people are kin and should work together. Nussbaum considers Marcus's meditative techniques for withdrawing concern in order to achieve evenhandedness to be a withdrawal of erotic investment in his own life.[201]

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[198] Nussbaum, 17.

[199] "'Not to be a fan of the Greens or Blues at the races, or the light-armed or heavy armed gladiators at the Circus.' - Marcus Aurelius, *Meditations*" (Nussbaum, 10).

[200] "For Marcus unlearning partiality requires an elaborate and systematic program of uprooting concern for all people and things in this world" (Nussbaum, 21).

[201] "To unlearn the habits of the sports fan we must unlearn our erotic investment in the world, our attachments to our own team, our own love, our own children, our own life." (Nussbaum, 22).

Given Marcus's way of negating specialness in *Meditations*, Nussbaum sees cosmopolitanism and love part ways in "Compassion and Terror." She writes, "Marcus is alarming because he has gone deep into the foundations of cosmopolitan moral principle. What he has seen is that impartiality, fully and consistently cultivated, requires the extirpation of the eroticism that makes life the life we know – unfair, uneven, full of war, full of me-first nationalism and divided loyalty."[202] In "Patriotism and Cosmopolitanism," Nussbaum argued (using Hipparchia and Crates as her example) that we need not give up particular loves to be cosmopolitans. She now emphasizes that Marcus's approach to achieving the impartiality, and thereby world citizenship, involves denying the specialness of the people and things one loves to avoid unfairness.[203]

Nussbaum ultimately rejects Marcus's path to world citizenship, holding that love and compassion are necessary parts of ethical life. Drawing on imagery he employs in some meditations, she judges Marcus's life without erotic investment to be "death within life."[204] Although erotic investment is the source of potentially harmful partiality, the life filled with erotically charged attachments is "the life we know." In addition to being all but inevitable, erotic investment in people and places is also the source of helpful partiality, like the charity after September 11th that Nussbaum reports favorably (and which also had heightened incidents of anti-Muslim sentiment as its counterpoint).[205] Love is dangerous because it is powerful. Since

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[202] Nussbaum, 23.
[203] Berges, in "Loneliness and Belonging," argues that fatalism and the extirpation of passions that could explain Marcus's lonely meditations better than cosmopolitanism, which can be supported without giving up love of family and friends (17-19).
[204] Nussbaum, "Compassion and Terror," 23.
[205] Nussbaum, 12.

doing without this power[206] empties life of meaning and motivation, Nussbaum turns to a dialectic between compassion and respect for dignity as an alternative to anti-compassion and anti-principle traditions.[207]

Nussbaum explains that the dialectic of compassion and respect for dignity occurs in the reckoning of two kinds of valuation:

> This does not mean that we need give up on the idea of equal human dignity, or respect for it. But insofar as we retain, as well, our local erotic attachments, our relation to that motive [compassion] must always remain complex and dialectical, a difficult conversation within ourselves as we ask how much humanity requires of us, and how much we are entitled to give to our own. Any such difficult conversation will require, for its success, the work of the imagination. If we don't have exceptionless principles, if, instead, we need to negotiate our lives with a complex combination of moral reverence and erotic attachment, we need to have a keen imaginative and emotional understanding of what our choices mean for people in many different conditions, and the ability to move resourcefully back and forth from the perspective of our personal loves and cares to the perspective of the distant. Not the extirpation of compassion, then, but its extension and education.[208]

Although Nussbaum rejects its use alone in Stoic detachment, she believes moral reverence counterbalances the pull of love for family, friends, groups with which we identify, compatriots, etc. Her idea of moving back and forth between these perspectives echoes her use in earlier essays of the Stoic Hierocles's idea of communities as concentric circles, extending to the circle of humanity as whole. Here the idea is to extend compassion, which is constituted by a circle of concern for one's own, connecting any human to one's own flourishing. When those we do not know suffer, the response should *not* be, "It does not matter, because they are not on our team." Respect for equal dignity prompts a conscious process to imagine their suffering as misfortune that befalls them, as it might befall us, in a similar way that tragic spectatorship grips the

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[206] Having no erotic investment is effectively impossible, the Stoic sage being vanishingly rare by Stoics' own admissions.
[207] Nussbaum, 23.
[208] Nussbaum, 23-24.

imagination. Where it extends, compassion continues the conversation with respect and contributes the urgency of shared suffering. Nussbaum's description of this interplay of the emotional and intellectual concern for others, compassion and respect, as *dialectical* underscores that it does not end and does not settle into deductive certainty.

Nussbaum concludes "Compassion and Terror" by contrasting aggressive and cooperative possibilities for patriotic compassion after the tragedy of the September 11th terror attacks. Patriotic concern is one kind of compassion to the extent that one's compatriots are included in the circle of flourishing. She writes:

> The experience of terror and grief for our towers […] could be a stimulus for blind rage and aggression against all the opposing hockey teams and bad umpires in the world. But if we cultivate a culture of critical compassion, such an event may, like Hecuba's Trojan cry, possibly awaken a larger sense of the humanity of suffering, a patriotism constrained by respect for human dignity and by a vivid sense of the real losses and needs of others.[209]

Narrow patriotic compassion for American losses could motivate jingoistic, us-them thinking, but patriotic compassion expanded by conversation with respect for vulnerable human dignity – "critical compassion" – could motivate cooperative engagement with the world. Nussbaum's hope is that patriotism would become critical, like compassion in general, and remain in dialogue with respect for all humans.

Nussbaum's description of her political and moral hope shifts away from cosmopolitanism in "Compassion and Terror" toward patriotism constrained by respect. As she centers compassion's importance for motivation and revises the Stoic-Kantian conception of dignity, Nussbaum recognizes the motivational power patriotism. Her goal of extending the circle of concern as wide as humanity without denying our local attachments is in keeping with the hopes she described for cosmopolitan society and education in earlier essays. But the name

[209] Nussbaum, 26.

"cosmopolitanism" sticks to Marcus Aurelius, whose approach has gone from usually lonely to untenable in Nussbaum's estimation. If that were not the case, if "cosmopolitanism" stuck to respect for human dignity, then the essay's final hope would be for patriotism constrained by cosmopolitanism, a dialectic of both patriotism and cosmopolitanism.

§2 *Frontiers of Justice*

The List and Appraisals of Justice

Martha Nussbaum's theoretical framework for political justice, developed in *Frontiers of Justice* (2006), is a version of the Capabilities Approach (CA). On her view, governments are minimally just to the extent that they secure all of the central capabilities to all of their citizens.[210] While much can be said about the Capabilities Approach's relationship to other theories of justices, I want to start with Nussbaum's list of capabilities, since their content provides the approach's intuitive appeal.

Nussbaum's revisable list of ten Central Capabilities consists in:

1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. *Bodily health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. *Senses, imagination, and thought*. Being able to use the senses, to imagine, think, and reason – and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.

[210] Nussbaum, *Frontiers of Justice*, 75.

5. *Emotions*. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Practical Reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)
7. *Affiliation*.
   (A) Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
   (B) Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.
8. *Other species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. *Play*. Being able to laugh, to play, to enjoy recreational activities.
10. *Control over one's environment*.
    (A) Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
    (B) Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.[211]

The first two capabilities – life and bodily health – underline human vulnerability in an unqualified way, pointing to our simple, everyday material needs. The third, seventh, and tenth capabilities – bodily integrity, affiliation, and control over one's environment – underline the vulnerability of human freedom conditioned by sociality. The fourth, fifth, sixth, and ninth capabilities – senses, imagination, & thought, emotions, practical reason, and play – underline

[211] Nussbaum gives the same list in *Frontiers of Justice*, 76-78 and *Creating Capabilities*, 33-34. Emphasis original, boldface added.

the needs of the human soul for growth, expression, and activity. Finally, the eighth capability underlines the larger context to which human activity belongs: a world full of myriad other species pursuing their needs and activities.

The order of the list is not a ranking, nor does it indicate precedence or hierarchical dependence between capabilities. When exercised, the capabilities on the list are taken to be good for the people who use them, intrinsically and distinctively as the activities they are, not as means to other ends, and not as fungible, comparable satisfactions. The distinct goodness of each item on the list is the reason for enumerating them. It helps to see clearly how (with the exception of life) the capabilities can come apart and be exercised separately, so that a person flourishing in many respects may be incapable of something that would be good for her were she capable of it, for example material control over one's environment may be denied one – usually a woman, given the extent of patriarchy – who is healthy, safe, educated, thoughtful, etc.

To suffer political injustice on the Capabilities Approach means being rendered *incapable* of any item on the list by society through the failure of government to protect or through direct governmental action to remove and prevent the capability. It does not mean to be capable of something on the list yet not utilize or engage in it. That is to say, the Approach and the list focus on capabilities not functioning. The injustice consists in persons' being made unable to exercise some human possibility.[212]

[212] In other words, injustice consists in governments denying or inadequately supporting important freedoms. Nussbaum writes, "The Capabilities Approach can be provisionally defined as an approach to comparative quality-of-life assessment and to theorizing about basic social justice [… which] takes *each person as an end* [… and] is *focused on choice or freedom*, holding that the crucial good societies should be promoting for their people is a set of opportunities, or substantial freedoms, which people then may or may not exercise" (*Creating Capabilities*, 18). This description makes it clear that the capabilities list can be translated into a liberal idiom.

No specific way of actualizing one's potential is mandated or preferred by the Approach, and the capabilities on its list are distinct types of good that resist aggregation and prioritization. For both of these reasons, "the approach is resolutely *pluralist about value*."[213] The valuable and the valuations are irreducibly plural on Nussbaum's view. Therefore, the approach aligns itself with political liberalism, recognizing that in light of the plurality of value, humans have a "deep interest in choice."[214]

The pluralism of the Capabilities Approach also shows through its inclusion of nonhuman animals as subjects of justice. Although she has not written species-specific lists of capabilities for other animals, Nussbaum indicates that the Approach will need such lists in order to recognize their capabilities, conceive their entitlements, and register injustices against them.[215] She offers a preliminary sketch of how each capability on the list for humans can be adapted for other species. Nussbaum argues that protecting the first two capabilities – life and bodily health – in other species would mean prohibition of gratuitous killing, unjustified euthanizing, cruel treatment, and deprivation in captivity.[216] Protecting the third capability – bodily integrity – would mean providing adequate space to move in enclosures, prohibiting beating and deformation. However, Nussbaum does support castration of males of some species and sterilization as the least harmful population control method for other animal species.[217] Protecting the fourth, fifth, sixth, and ninth capabilities – senses, imagination, & thought, emotions, practical reason, and play – in other species involves provision or protection of adequate living spaces, opportunities for characteristic activities, and freedom from emotional

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[213] Nussbaum, 18.
[214] Nussbaum, *Frontiers of Justice*, 88.
[215] Nussbaum, 392-393.
[216] Nussbaum, 392-394.
[217] Nussbaum, 395-396.

neglect and mistreatment (especially salient in research and domestication). Nussbaum observes, however, that freedom of thought and practical reason are usually absent in other species.[218] Protecting the seventh and eighth capabilities – affiliation and other species – would mean allowing characteristic socialization within and across species, preventing some egregious intraspecies hierarchical maltreatment, and formally recognizing the dignity of nonhuman species through legal status.[219] Protecting the tenth capability – control over one's environment – would require recognizing the capabilities and standing of other species in national constitutions and international legal regimes such that guardians could argue for the protection of their rights (political) and the protection for habitats and animal labor (material).[220]

Dignity in the Capabilities Approach

Dignity plays important conceptual and argumentative roles in the Capabilities Approach. Dignity is the intrinsic worth of a being that must be considered an end in itself and a source of ends. This concept has a long history and greatly influenced modern and contemporary understandings of individual rights. Although it is defined without explicit mention of human beings, dignity is especially tied to humans in its history. In summarizing the standard of political justice in her theory, Nussbaum links capabilities to dignity conceptually. She writes:

> I argue that the best approach to this idea of a basic social minimum is provided by an approach that focuses on *human capabilities*, that is, what people are actually able to do and to be, in a way informed by an intuitive idea of a life that is worthy of the dignity of the human being. I identify a list of *central human capabilities*, arguing that all of them are implicitly in the idea of a life worthy of human dignity.[221]

[218] Nussbaum, 396-398, 400.
[219] Nussbaum, 398-400.
[220] Nussbaum, 400-401.
[221] Nussbaum, 70.

This link, that *central* capabilities can be inferred from the idea of a worthwhile life, is implicit in the observations in the previous section about the list. Nussbaum also consistently uses the idea that a life without the opportunity for capabilities is unfortunate.

In *Frontiers of Justice*, Nussbaum extends the argument in "Compassion and Terror" for expanded, animal-friendly, complimentary conceptions of compassion and dignity. Although she contests the social contract tradition's decision not to admit the human motivation to benefit others (or to alleviate or prevent suffering) into its account of social cooperation, Nussbaum concedes that the motivation is not sufficiently unwavering. It needs to be bolstered by respect for dignity. She writes, "Benevolence can give indeterminate results. That is why the political principles of the capabilities approach are supported by independent arguments about human dignity. […] We seek to support them and render them stable through the development of a compassion that is attuned to the political principles for which we have argued."[222]

Nussbaum also notes that Kant's conception of dignity is influenced by the Stoics', which saw human dignity only in what differentiated them from other animals. Nussbaum says that Kant widens the gap between humans and other animals by placing our freedom and moral capacity outside of the natural world and concluding that only *our* ends give value to other animals, insofar as they can be means.[223] "What is true of animals is bound to be true of all beings who lack the rather complex capacity for moral and prudential reasoning that in Kant's view is characteristic of mature human beings."[224]

Nussbaum objects to Kant's conception of the person along similar lines as she objects to the Stoic conception of dignity. Kant's conception denigrates human vulnerability and mortality,

[222] Nussbaum, 91.
[223] Nussbaum, 130-131.
[224] Nussbaum, 131.

characteristics shared universally; hence he praises kinds of being which human beings are not. Animality itself has dignity, including the dignity of intelligence found in many species in many forms. Next, human morality and rationality are material and animal, and we should acknowledge that these capacities change during development and remain vulnerable to age and sickness.[225]

The criticisms of the conception of human dignity used in Stoicism and Kantianism give the contours of Nussbaum's revised conception of human dignity. In *Frontiers of Justice*, she brings the strands together in a statement of what dignity is in a way that maintains respect for reason and unites it to respect for sociality and animality. In the section titled "Dignity: Aristotelian, not Kantian," I see Nussbaum reconceiving the kingdom of ends. She writes:

> The capabilities approach […] sees rationality and animality as thoroughly unified. Taking its cue from Aristotle's notion of the human being as a political animal, and from Marx's idea that the human being is a creature 'in need of a plurality of life-activities,' it sees the rational as simply one aspect of the animal, and at that, not the only one that is pertinent to a notion of truly human functioning. More generally, the capabilities approach sees the world as containing many different types of animal dignity, all of which deserve respect and even awe. The specifically human kind is indeed characterized, usually, by a kind of rationality, but rationality is not idealized and set in opposition to animality; it is just garden-variety practical reasoning, which is one way animals have of functioning. Sociability, moreover, is equally fundamental and equally pervasive. And bodily need, including the need for care, is a feature of our rationality and our sociability; it is one aspect of our dignity, then, rather than something to be contrasted with it.[226]

In Nussbaum's kingdom of ends, the diverse powers of animals are respected, and human and nonhuman animals are seen as ends in themselves.

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[225] Nussbaum, 132-133.
[226] Nussbaum, 159-160.

Overlapping Consensus and Pluralism

Nussbaum intends the Capabilities Approach to belong to the family of political liberalisms – political moralities that aim to obtain overlapping consensus about political entitlements grounded in freedoms.[227] Overlapping consensus is agreement on political principles among citizens holding different comprehensive moral, ethical, or metaphysical views. Political liberalisms aim to resolve problems of pluralism while respecting the plurality of views.

Nussbaum identifies six ways in which her Capabilities Approach respects pluralism.

1. The capabilities list is open to revision;
2. Capabilities are somewhat abstract in theory and can be interpreted differently in practice;
3. The list "is explicitly introduced for political purposes only [… people] will connect it to their religious or secular comprehensive doctrines in many ways;"[228]
4. The approach does not require functioning, so people can choose not to do everything they are able to do;
5. "The major liberties that protect pluralism are central on the list: the freedom of speech, the freedom of association, the freedom of conscience;"[229]
6. It is for persuasion, not intervention.[230]

Nussbaum aims for a conception of justice that accommodates, even welcomes, diverse conceptions of the good.

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[227] Nussbaum, 6. Nussbaum writes, "The capabilities are […] the source of political principles for a liberal pluralistic society; they are […] specifically political goals […] free of any specific metaphysical grounding [… and] can become the object of an overlapping consensus" (*Frontiers of Justice*, 70).
[228] Nussbaum, 79.
[229] Nussbaum, 80.
[230] Nussbaum, 78-80.

The capability of practical reason (number 6 on Nussbaum's list) is especially relevant here, because the powers to conceive of the good – typically in the context of conceptions of the meaning of life and the nature of reality received through written and oral traditions – and to guide and interpret actions according to these conceptions are the source of the plurality of comprehensive views. Protecting this capability with a political entitlement to freedoms of conscience and thought is essential for liberal pluralism. In many ways, protecting the other capabilities enables people to *act* according to their comprehensive views. Hence respect for pluralism is built into most of the capabilities on the list.

Criticism of the Social Contract

Nussbaum frames *Frontiers of Justice* against the background of John Rawls's social contract-based approach to justice as fairness and the social contract tradition more generally. Although she criticizes the limitations of the conceptions of justice they offer, as well as the validity of their choices in theory construction, Nussbaum does not argue for a rejection of contractarianism. She writes, "My conclusion is not that we should reject Rawls's theory or any other contractarian theory, but that we should keep working on alternative theories, which may possibly enhance our understanding of justice and enable us to extend those very theories."[231] Again, she believes, "theories of justice in the social contract tradition are among the strongest theories of justice we currently have."[232] Nussbaum intends to contribute her Capabilities Approach as one of many political liberal approaches to questions of justice.

Her aim is to add an approach that deals with noted neglected questions better than existing approaches. The neglected questions are whether and how basic principles of justice can

[231] Nussbaum, 25.
[232] Nussbaum, 69.

include (1) people with physical and mental disabilities, (2) people in other nations, and (3) nonhuman animals.[233] Nussbaum aims to include these groups in the first step of conceiving the principles, rather than leaving them for the subsequent determination of laws. Their inclusion in the first step requires a different understanding of justice and citizenship.

Nussbaum holds that justice is conceived imperfectly in the social contract tradition because it excludes dominated groups from the imagined contracting group. The three questions, she says, "have one important feature in common: they involve a serious asymmetry of power and capacity between the creatures whose entitlements will be my focus and some dominant group. That asymmetry will play a role in explaining, in each case, why the traditional contract approach cannot deal with the issues well."[234] Because they put types of dominance off the table for the contracting parties, social contract theories insulate the behavior of dominant groups from being criticized as unjust.

In light of these exclusions, Nussbaum argues against some commitments of the social contract tradition, which she says, "we need to jettison."[235] She writes, "There are two commitments that lie at the heart of the entirety of the social contract tradition: the idea that the parties to the social contract are roughly equal in power and ability, and the related idea of mutual advantage as the goal they pursue through cooperating."[236] Removing these commitments from her Capabilities Approach will mean that parties that are not equal in power or ability may or must still be considered in the conception of *principles* of justice, which provide the basis for shaping and reshaping social institutions and laws.

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[233] Nussbaum, 1-2.
[234] Nussbaum, 22.
[235] Nussbaum, 67.
[236] Nussbaum, 66.

Nussbaum also departs from the procedural conception of justice Rawls uses in the *Theory of Justice* preferring an outcome-based conception. On her account, justice and the political principles it recommends derive from what humans need to be allowed or provided in order to realize a life worthy of the dignity of the species. This reasoning takes the place of the reasoning about the original position or the social contract, i.e. the procedure. Nussbaum notes that outcome-based approaches to justice seem too imprecise and intuitive to proceduralists. Yet the theoretical design of social contract procedures involves intuition, as well.[237] Rawls believes there is persuasive force in the seemingly parsimonious thin account of the good. But for Nussbaum, a clearer account of the good that is to be supported justly will be more persuasive.[238]

The reconceptualization of dignity also differentiates the capabilities approach from the social contract approach. The latter typically draws from the anti-compassion tradition in philosophy, holding that compassion (or benevolence or sympathy) is so skewed by partiality to one's own that the philosophical work of conceptualizing justice should not make recourse to it (Nussbaum recognizes John Locke as an exception to this tendency). Respect for dignity or respect for freedom is enshrined in the principles of justice of social contract theories of justice. But there dignity and freedom are conceived, following the anti-compassion tradition, as belonging to mature subjects that use reason to determine their aims and pursue them privately. The needs, emotions, and attachments of the subjects of justice remain private in social contract theory. Nussbaum's capabilities approach reconnects reason, freedom, and dignity to needs, emotions, and attachments.[239]

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[237] Nussbaum, 81-84.

[238] "If life actually contains a plurality of things that have a necessary relation to a life worthy of human dignity, it is precision, and not its opposite, to point that out" (Nussbaum, 84-85).

[239] "Nonetheless, [the capabilities approach] offers a conception of freedom that is subtly different from that of the contract tradition: it stresses the animal and material underpinnings of

Nussbaum's inclusion of emotion in the accounts of human dignity and of the motivations for political justice is a key reason that she says justice should be theorized without assuming that social cooperation aims at mutual advantage.[240] We saw above that social attachments are recognized in the capabilities list (e.g. in emotion and affiliation). Nussbaum also includes social attachment in a thicker conception of subjective aims. She writes:

> The capabilities approach is able to include benevolent sentiments from the start in its account of people's relation to their good. […] When other people suffer capability failure, the citizen I imagine will not simply feel the sentiments required by moral impartiality, viewed as a constraint on her own pursuit of self-interest. Instead, she will feel compassion for them *as a part of her own good*.[241]

The assumption of compassionate concern for the needs of others as a political motive in the capabilities approach resolves a difficulty about citizens' motivation for accepting political principles of justice. In the social contract tradition, acceptance of principles of justice appears to be a means to the ends of a subject whose ends are private. Nussbaum's socially attached subjects have ends in the public realm. Their compassion reaches toward the impartiality of principles of justice.

Globalizing Justice

The inclusive aims of Nussbaum's Capabilities Approach to political liberalism are united in her phrase "globalizing justice." She returns several times in the first chapter of *Frontiers of Justice* to the unity behind the three questions that social contract theories of justice fail to address. "The three unsolved problems of justice […] are all, in different ways, problems

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human freedom, and it also recognizes a wider range of types of beings who can be free" (Nussbaum, 88).

[240] "The capabilities approach denies that principles of justice have to secure mutual advantage. Even where noncooperation is possible and even habitual (because domination is so easy), justice is good for everyone. Justice is about justice, and justice is one thing that human beings love and pursue" (Nussbaum, 89).

[241] Nussbaum, 91.

of globalizing the theory of justice, that is, extending justice to all those in the world who ought to be treated justly."[242] It is more than the fact that social contract theories neglect or avoid the three questions.[243] We saw that the social contract is imagined as being made by the groups that are dominant in the relevant respects: non-disabled adult humans in wealthy nations. So globalizing justice means removing the barriers that preclude considering issues of justice concerning dominated groups.

For people with disabilities, Nussbaum proposes using the standard of securing the capabilities, to the extent possible, up to a minimum threshold for political justice. Although not every capability will be possible for every person, almost all would be possible for almost all people if barriers were removed and support for care provided. The capabilities we imagine securing to people with disabilities and the dignity of people with disabilities are the same as those for non-disabled people.

For people in other nations, Nussbaum proposes that the standard of securing the capabilities should guide questions about justice. A nation could fail to meet the standard of justice due to its actions concerning people from other nations. Because the Capabilities Approach is grounded in dignity, not procedure, it recognizes persons' entitlements inherently, not subsequent to political membership in a nation that grants them conventionally.[244]

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[242] Nussbaum, 92.

[243] Nussbaum allows that social contract theories already do well dealing with issues of justice concerning groups dominated because of sex, race, property, religion, class, and caste (Nussbaum, 405).

[244] "Humanity is under a collective obligation to find ways of living and cooperating together so that all human beings have decent lives. Now, after getting clear on that, we begin to think about how to bring that about" (Nussbaum, 280).

Consequently, the approach answers questions about the political justice of nation-states and goes beyond them. It applies to questions of justice for supranational political bodies, as well.[245]

For other animals, Nussbaum proposes modifying capabilities in relation to the abilities and requirements of other species and using the modified capabilities as the standard for political justice. Humans and other animals share the same world in the most straightforward sense of coexisting on the same natural planet. Humans also share the world with other animals in ways that vary greatly by species' roles in history and prehistory. The Capabilities Approach asks us to consider other animals as sources of ends and subjects of their own lives, hence as other kinds of world citizens. All animals become subjects of justice in Nussbaum's Capabilities Approach to globalizing justice.[246]

Although Nussbaum mentions world citizens and global justice many times in *Frontiers of Justice*,[247] she does not discuss cosmopolitanism directly. It is not surprising that Nussbaum avoids the term "cosmopolitanism," given that she consigns the term to a passage in which she criticizes Marcus Aurelius in "Compassion and Terror," and given that she names her revision of dignity in *Frontiers of Justice* "Aristotelian". Yet Nussbaum's use of the phrase "all world

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[245] "The world community and nation-states should be working toward these goals together" (Nussbaum, 291).

[246] Nussbaum, 351.

[247] For example, she frames the question of justice to people of other nations as a question about world citizens. "Second is the urgent problem of extending justice to all world citizens, showing theoretically how we might realize a world that is just as a whole, in which accidents of birth and national origin do not warp people's life chances pervasively and from the start" (2). Again, "We can give a pretty clear and definite account of what all world citizens should have, what their human dignity entitles them to, prior to and to some extent independently of solving the difficult problem of assigning the duties" (77). She frames all three questions as questions of global justice. "The three issues of justice […] prompt us to look beyond the social contract, to see what other ways there might be of articulating the grounds of a truly global justice" (22). Again in the concluding section of chapter 6 on justice to other animals, she says addressing all three questions goes in the direction of global justice (405-407).

citizens" still suggests the history of cosmopolitan thinking, as well as her earlier essays, as the background for her attempt to globalize justice with the Capabilities Approach.

Frontiers of Justice concludes with a return to the question of motivation that separates the social contract tradition and Nussbaum's capabilities approach. She believes that realizing justice in the three "frontier areas" requires radical changes to the laws and institutions of all societies, and those changes could be supported by benevolent, sympathetic, imaginative citizens who aim at more than mutual advantage through social cooperation.[248] While most social contract thinkers doubt or deny that human compassion is great enough to support egalitarian principles, Rousseau and Mill find that the malleability of sympathy means education could produce citizens who support egalitarian principles of justice.[249] Nussbaum believes contemporary psychological research supports a large degree of malleability for the basic emotions humans have as a species.[250] Nussbaum's project in another book will be to show that public education and rhetoric can create liberal citizens who support the more egalitarian principles required for justice across boundaries of disability, species, and nationality.[251]

§3 Nussbaum Moves Away from Cosmopolitanism

"Toward a Globally Sensitive Patriotism"

In 2008, Nussbaum published "Toward a Globally Sensitive Patriotism," which repudiates her earlier praise and recommendation of cosmopolitanism. She explains that her

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[248] Nussbaum, 408-409.
[249] Nussbaum, 410-411.
[250] "Disgust […] anger, grief, fear – all these are socially shaped with respect to their choice of objects, their modes of expression, the norms they express, the beliefs about the world they embody, and even the concrete varieties of them that a given society will contain" (Nussbaum, 411).
[251] Nussbaum, 412-414.

ideas have changed both politically and morally. In her political philosophy, she has adopted the Rawlsian position that political liberalisms' ideals must be capable of receiving the overlapping consensus of reasonable comprehensive doctrines. But strong cosmopolitanism conflicts in principle with reasonable religious and secular doctrines. She writes:

> A strong form of cosmopolitanism that denied legitimacy to nonderivative particular obligations could not be the object of an overlapping consensus in a political-liberal state. Many of the reasonable comprehensive religious and secular doctrines that citizens hold do insist on the importance of particularistic forms of love and attachment, pursued for their own sake and not just as derivative from universal duties to humanity.[252]

Nussbaum believes that, because particular loves are valued in most comprehensive doctrines, the political ideals of a liberal society cannot include the principle that obligations and attachments derive exclusively from duty, nor that they should be motivated only by love of humanity. These positions are "strong" cosmopolitanism.

Nussbaum no longer accepts cosmopolitanism as a comprehensive moral doctrine either. Nussbaum holds that Stoicism's uprooting of particular attachments, especially as exemplified by Marcus's *Meditations*, is psychologically destructive for most humans, who need some rootedness for life to be meaningful. This strong moral cosmopolitanism, synonymous with the least social version of Stoicism, the "dark side of Stoic thought," is more extreme than the political one. It does not even allow that particular attachments can be understood derivatively. It requires the uprooting of all attachments.[253]

Nussbaum describes her comprehensive ethical position in similar terms to those used at the end of "Compassion and Terror." She says our reflection about what we ought to do involves

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[252] Nussbaum, "Toward a Globally Sensitive Patriotism," 80.
[253] Nussbaum, 80. Papastephanou, "Cosmopolitanism Discarded," (2013) observes that Nussbaum's equation of later Stoicism and cosmopolitanism is rigid and precludes more fruitful conceptions of cosmopolitanism interacting with patriotism (168).

"dialectical oscillation" between "some strong duties to humanity" and devotion to "particular people and places whom we love."[254] This is meant to be compatible with and to limit patriotism's excesses.

In my view, this dialectical oscillation is compatible with the cosmopolitan education proposed in "Patriotism and Cosmopolitanism" and the cosmopolitan goals and hopes articulated in "Kant and Stoic Cosmopolitanism." Both of those essays emphasize patriotism's divisive, adversarial possibilities, and they hope for a future in which group-based hatred between humans of all kinds is lessened. Both deny that cosmopolitans today must give up particular loves, colorful individuality, or local identity. Neither position in her 1990s essays was the kind of strong cosmopolitanism that Nussbaum describes as supplanting particular attachments and obligations. They use the concentric circle conception of cosmopolitan communities, which intrinsically accommodates oscillation. Indeed, accepting strong duties to humanity *and* devoting oneself to particular loves aptly summarizes her earlier notion of cosmopolitan education.

Creating Capabilities

In her condensed overview of her Capabilities Approach, *Creating Capabilities* (2011), Nussbaum states that her position is not cosmopolitanism. She describes cosmopolitanism as "the comprehensive ethical theory […] usually defined as the view that one's first loyalty should be to humanity as a whole rather than to one's nation, region, religion, or family."[255] She infers that cosmopolitan morality is incompatible with, even disrespectful of, religious and secular ethical views that hold other loyalties to be equally or more important. "To give just one example, Roman Catholic social doctrine squares quite well with the global and domestic

[254] Nussbaum, 80.
[255] Nussbaum, *Creating Capabilities*, 92-93.

demands of the Capabilities Approach, but no orthodox Roman Catholic can be a cosmopolitan, since cosmopolitanism asserts that my *first* duty is to all humanity rather than to God or my religion."[256] Nussbaum expects that reasonable religious people will be unable to affirm cosmopolitanism. But the Capabilities Approach, aspiring to Rawlsian political liberalism, must be compatible with the comprehensive views of reasonable religious people. Therefore, Nussbaum rejects cosmopolitanism.

In "Patriotism and Cosmopolitanism" and "Kant and Stoic Cosmopolitanism," Nussbaum does not treat cosmopolitanism as a comprehensive view. She borrows the ideas that one's first allegiance ought to be to what is morally good or what is deserving of respect in all humans from Cynics and Stoics. But she criticizes Stoic metaphysics and theory of the passions, treating the ideas about world citizenship as partial and separable. Given that separation, cosmopolitanism would be compatible with many conceptions of the divine and of humanity's origins and purpose. It would be incompatible with conceptions for which religious membership is the determiner of human moral worth, just as it would be incompatible with conceptions for which nationality is the determiner of human moral worth. Much like Rawls's political principles of justice, Nussbaum's earlier conception of cosmopolitanism is partial and non-metaphysical, even though it is incompatible with comprehensive views that create us-them divides based on traits it considers morally arbitrary.

Political Emotions

The book Nussbaum described at the end of *Frontiers of Justice* in which she would develop her account of the education of the emotions to support change to more egalitarian laws and institutions became *Political Emotions: Why Love Matters for Justice*. The book's three parts

[256] Nussbaum, 93.

cover the historical thinking about educating citizens to support laws and institutions aiming at social justice, the potentials (good and bad) inherent in human emotions, and how public education could foster political love and stifle projective disgust, shame, fear, and envy. The book's subtitle suggests that its key contribution has to do with the concept of love.[257] In treating *Political Emotions*, I will focus on how Nussbaum understands political love as patriotism, how she situates patriotism's positive potential in relation to two types of danger (for which she adopts the image of Scylla and Charybdis), how she believes effective patriotic education works, and how she incorporates the ideas from her previous works.

While political love is the special concern of *Political Emotions*, Nussbaum explains uses other kinds of love as models to understand it. I find two quotations especially helpful in understanding her view of political love. First, the development of love in parent-child relationships "includes a delighted recognition of the other as valuable, special, and fascinating; a drive to understand the point of view of the other; fun and reciprocal play; exchange, and what Winnicott calls 'subtle interplay'; gratitude for affectionate treatment, and guilt at one's own aggressive wishes or actions; and, finally and centrally, trust and a suspension of anxious demands for control."[258] The thoughts that characterize developing love draw the self toward the world. The thoughts – interest, curiosity, desire to engage, appreciation, wishing for the other's good, and trust – are about the other and the self in relation to the other. One invests erotically in

[257] In the concluding chapter, Nussbaum explains the need to include love specifically in the interplay of respect for dignity and compassion that she already envisioned in "Compassion and Terror" and *Frontiers of Justice*: "Respect grounded in the idea of human dignity will prove impotent to include all citizens on terms of equality unless it is nourished by imaginative engagement with the lives of others and by an inner grasp of their full and equal humanity. Imaginative empathy, however, can be deployed by sadists. The type of imaginative engagement society needs […] is nourished by love. Love, then, matters for justice – especially when justice is incomplete and an aspiration (as in all real nations)" (Nussbaum, *Political Emotions*, 380).
[258] Nussbaum, *Political Emotions*, 176.

the other so that they figure in one's flourishing. This means part of the world outside one's control is important intrinsically, not merely instrumentally. In the developmental process, the enactment of these thoughts by the parent brings them forth in the child as maturation makes them possible. Parental love safeguards the child's erotic investment in the world. Other types of personal love – friendship and romantic love[259] – also enlarge the self because interest, curiosity, appreciation, and desire extend the circle of concern around others. Second, Nussbaum writes in the concluding chapter, "Loves that prompt good behavior are likely to have some common features: a concern for the beloved as an end rather than a mere instrument; respect for the human dignity of the beloved; a willingness to limit one's own greedy desires in favor of the beloved."[260] While the erotic investment in another person creates a powerful attachment and can blur the boundaries of the selves involved, respect for the beloved's separateness is important for what good loving conduct.

Nussbaum goes on to define patriotism as a kind of love that shares features with sports fan love. She writes, "Patriotism is a strong emotion taking the nation as its object. It is a form of love, and thus distinct from simple approval, or commitment, or embrace of principles. This love involves the feeling that the nation is *one's own* […] This love may be modeled on quite a few different sorts of personal love. As with the love of a sports team, so here: different people think differently about the nation's relationship to them."[261] Patriots are compared to sports fans, not

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[259] Romantic love appears in Nussbaum's consideration of Mozart's *The Marriage of Figaro* in chapter 2. She contrasts the inattentive yet possessive, rivalrous orientation of the count and the engaged, joyful, reciprocating orientation of Cherubino and of the countess. Nussbaum draws an analogy between romantic relationships and civic. The former romantic relationship is hierarchical and monarchical/aristocratic, whereas the latter is egalitarian and democratic.
[260] Nussbaum, 382.
[261] Nussbaum, 208.

for the first or last time,[262] to highlight certain features of love for one's political community.[263] Both forms of love are modeled on personal love, but they are directed at groups, not individual persons. They involve erotic investment in the specific group as personal love invests in specific persons, enlarging the self, connecting the lover's flourishing with the flourishing of the beloved. Like fans, patriots cheer for their nation, rejoice when it succeeds, and feel a loss when it fails.

I note here one of the ways patriots and sports fans are not analogous that matters for Nussbaum's idea of love mattering for justice. Patriots can do more than cheer. At a minimum of political involvement in modern democracies, people can vote and pay taxes in their political communities. These actions make people responsible for their community's activities and self-perpetuation in a qualitatively different sense than is possible for fans' patronage. The team is not by, of, and for the fans. Nussbaum hopes patriots will do much more than cheer.

Nussbaum also offers useful qualifications (consonant with "Compassion and Terror" and *Frontiers of Justice*) about love's role in political motivation. She recognizes standards that constrain love and the reality of fluctuating interest. In the tenth chapter of *Political Emotions* she writes:

> We surely do not mean that love is an uncriticized foundation for political principles. Nor do we mean that it can achieve anything good on its own, without arguments and general norms. We also do not even claim that all citizens have to be moved by political love, and we certainly don't mean (we'd better not mean) that it must be a constant experience […]

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[262] Nussbaum explains the general insight of Part III of Political Emotions in the final chapter saying, "political love is and should be polymorphous," (381), and she again uses the sports fan and team as stand-ins for citizen and nation, saying that they will love their team in different ways, whether parental, friendly, romantic, or as heroes.

[263] Although Nussbaum says patriotism is love of one's nation, I say "political community" because patriotism is not the only kind of political love that this book is about. Nussbaum discusses love for one's city throughout the book (and uses an image of her city, Chicago, on the book's dust jacket) and in the concluding chapter writes, "Love of a city or country: it gets under one's skin, is undeterred by imperfection, and thus enables diverse people, most of them dissatisfied with reality, but in many different and incompatible ways, to embrace one another and enter a common future" (393).

> The public culture cannot be tepid and passionless, if good principles and institutions are to survive: it must have enough episodes of inclusive love, enough poetry and music, enough access to a spirit of affection and play, that people's attitudes to one another and the nation they inhabit are not mere dead routine.[264]

Experiences of political love are not constant. But the shared emotional experiences that support erotic investment in one's political communities – such as celebrating, mourning, and commemorating – are important parts of political life. So too are the general norms that relate to political love somewhat like the rules of the game relate to fan love. Fans can desire their team to succeed through good sporting conduct (e.g. without cheating), and patriots can desire their country succeed through moral and lawful means (e.g. without violating international agreements or human rights). But that is not guaranteed, thus love needs other principles that allow criticism.

One final qualification about political love in the conclusion of *Political Emotions* is that just as children, parents, romantic lovers, friends, and fans should know they love imperfect people and groups, patriots should love their political communities while knowing they are not perfect. Nussbaum writes:

> So often people are not satisfied at all with their nation as it is, and yet they are bound to it deep in their hearts. That's the sort of love this book has tried to describe, embracing imperfection while striving for justice. […] This project's demand for love, rather than ratcheting up the demands imposed by the political conception in a way that makes 'overlapping consensus' more difficult to achieve, actually ratchets the demands down, by imagining emotions that do not presuppose full agreement on principles and institutions or even agreement that these lack major flaws.[265]

The hope for motivating patriotism recognizes that failures and wrongs are potential barriers to participation. But it says to the skeptic that no form of love requires perfection in the beloved. Indeed, love has often been thought to aim at improving the beloved, or the mutual improvement of friends or lovers. Love even maintains the investment in and the desire to cheer for the

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[264] Nussbaum, 319-320.
[265] Nussbaum, 393.

beloved when perfection is thought to be impossible. With the recognition of the separateness of the beloved from the lover, love even helps to maintain investment despite disagreement. In the political case, the love of the community calls for friendly dissent and caring conduct toward people who belong to one's political community, even where there is incomplete understanding or reciprocity. This love nourishes the hope that progress can be made even after repeated failures.

Nussbaum says patriotic education can avoid selfish or combative feelings of loving one's nation if it (a) extends compassion to the whole nation, and beyond, and (b) characterizes the nation through engagement with moral principles.[266] Patriotic education's potential depends, in part, on the fact that the nation is not a particular person who stands before us. Telling the nation's story creates its character and aims, highlights its past successes and failures, and defines its future hopes.[267] It cannot answer for itself. How its story is told is critical to what the nation becomes in the hearts and minds of those who hear the story, especially children. Toward the end of the chapter, "Teaching Patriotism: Love and Critical Freedom," Nussbaum offers five maxims that guide effective education in this regard:

1. Begin with love.
2. Introduce critical thinking early, and keep teaching it.
3. Use positional imagination in a way that includes that includes difference.
4. Show the reasons for past wars without demonizing.

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[266] "We can extend compassion by attaching it to images and institutions that stand for the well-being of all people – preferably including people outside the nation itself. That is what a good form of patriotism does. It provides a bridge from people's daily emotions to a broader and more even-handed set of concerns. But, even then, we continue to need a dialogue between good moral principles and the type of particularistic emotion that is rooted in concrete images" (Nussbaum, 210).

[267] Nussbaum, 210.

5. Teach a love of historical truth, and of the nation as it really is.[268]

These maxims all aim at the sort of love that lasts through the recognition of imperfections in the nation (such as the ways that minorities are treated unfairly, engaging in war for bad reasons, or deplorable conduct in war) and supports criticism of the status quo, rather than covering over problems or refusing the responsibility for past wrongs.

Nussbaum offers examples to illustrate patriotism at its best, which could be used in patriotic education in the USA and India: the dress and comportment of George Washington and Mohandas Gandhi and the speeches of Abraham Lincoln, Martin Luther King, Jr., and Jawaharlal Nehru. The former exemplars are leaders who championed the equality of citizens, and the latter are eloquent speakers who championed inclusion, criticized existing wrongs, and created bridges between differently situated citizens and their shared human dignity. All these examples show that love of one's nation is compatible with criticizing its actions, expanding who it includes, and working toward peace.[269]

While Nussbaum defends patriotism as a resource for aspirations to greater social justice, she acknowledges that it is dangerous and takes many bad forms. She imagines two categories of dangers for patriotism as a Scylla and Charybdis for patriotism to avoid. Scylla's many heads represent the dangers for strongly felt political love when it is yoked to fear, greed, envy, disgust, or anger: exclusionary values, coerced conscience, and uncritical homogeneity. Charybdis, a whirlpool, represents the danger of weak love for political community where the objects of love are only abstract principles, the ideals for which the community agrees to strive. The result is "watery motivation" to work and sacrifice for the community one is not erotically invested in. At

[268] I quoted each maxim verbatim and removed emphasis that made them stand out in paragraphs they lead (Nussbaum, 250-255).
[269] Nussbaum, 225-249.

the extreme of abstraction, represented by Marcus, the impartial patriot feels only the draw of the universal city, not the particular, historical community.[270]

Nussbaum gives examples of ways patriotism can avoid the dangers of Scylla and Charybdis in order to show that they are possibilities, not destinies, for patriotism. To the dangers of Scylla, she opposes the cultivation of critical freedom, a love of the nation that is open to immigration and international cooperation, institutional protections of liberty of conscience, and images of patriots as dissenters. To the dangers of Charybdis, Nussbaum opposes public art and rhetoric that aim to weave together a love of history, geography, and symbols peculiar to one's own nation and respect for its principles *and* institutions, because it is one's own, is good, and continues to strive after its incomplete ideals.[271]

Having offered exemplary patriots, maxims for teaching patriotism, and also the dangers of patriotic emotions, Nussbaum briefly lists three features of national institutions the help avoid the dangers of Scylla and Charybdis:

1. Constitutional rights, and an independent judiciary.
2. Protections for the rights of immigrants.
3. Freedoms of speech and press.[272]

Fearful patriots with oppositional conceptions of the nation have supported the persecution of minority citizens and non-citizens. But even if fearful patriots become the majority, and the legislature and executive act against minorities, independent courts could vindicate their freedoms. Of course, American case law has plenty of examples where the court determined

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[270] Nussbaum, 211-225.
[271] Nussbaum, 211-225.
[272] I quoted these verbatim, removing emphasis that made them stand out at the head of paragraphs (Nussbaum, 255-256).

individuals' freedoms were outweighed, especially by the government's interest in national security. In such cases, ongoing public criticism, protected by freedom of speech, may be the best chance for public opinion and political institutions to reverse course.[273]

Political Emotions incorporates and reconfigures topics addressed in works I discussed above. Political education is addressed to some extent in all of them. The dangers for patriotism represented by Scylla are centered in "Patriotism and Cosmopolitanism," which is concerned with the risk of jingoism if political education treats nationality as an unproblematic moral boundary. "Compassion and Terror" focused on Scylla and Charybdis, discussing us-them thinking and watery motivation. In the concluding chapter of *Political Emotions*, Nussbaum revisits the dialectic of compassion and respect, which began to feature in "Compassion and Terror." She observes that adequate motivation for citizens to fight and sacrifice for their political community's improvement depends both upon particular attachments and general principles, and that cultivating political love connects both.[274]

Nussbaum dismisses the love of humanity as a form of political love that could motivate sacrifice and action. She does not object that, with roots in Stoicism, it is actually a love of divine reason, which reinforces the conception of dignity that denies vulnerability, mortality, and animality. She says instead that humanity is too abstract to love strongly: "To have enough motivational strength, this emotion cannot have a purely abstract object, such as 'humanity,' but must have more concreteness. The idea of the nation [… is] sufficiently local, sufficiently ours,

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[273] Nussbaum, 256.

[274] Nussbaum, 385-387. "Political love exists in an uneasy oscillation between the particular and the general, in which the particular is never repudiated, but is seen in a way that promotes inclusiveness, and in which the general becomes motivationally powerful through its link to particular symbols and songs and sculptures" (386).

sufficiently concrete, or at least susceptible of being made concrete."[275] Nussbaum says the idea of the nation can be made concrete, but the idea of humanity cannot. There is perhaps suppressed us-them thinking in this claim. It implies a logic of opposition that Nussbaum formerly denied, because it understands thinking "this nation is ours, not theirs, and this history is ours, not theirs," but it does not understand "human history is mine and ours." I would not say it implies the zero-sum attitude that one's side wins when other sides lose. Yet it does consider political love oppositional such that it must be attached to this community, not others.

There are some significant omissions where *Political Emotions* revisits the topics of past works. While *Political Emotions* incorporates the idea that sports fans are like patriots, Nussbaum now discusses patriotism's dangers using the analogy of mythical hazards instead of contemporary fandom. She omits her anecdote about the turn of the crowd at the White Sox – Yankees game from hospitable, compassionate hosts into menacing partisans. The most striking change, in my view, is the removal of the term "cosmopolitan" in passages of *Political Emotions* about Marcus Aurelius. Chapter 8 includes some paragraphs about the danger of watery motivation in which Nussbaum replaces the phrase "cosmopolitan moral principle" with "impartialist 'patriotism,' a patriotic love based purely on abstract principle."[276] The rephrasing

[275] Nussbaum, 209.

[276] "So only the true city should claim our allegiance. Marcus is alarming because he has gone deep into the foundations of cosmopolitan moral principle. What he has seen is that impartiality, fully and consistently cultivated, requires the extirpation of the eroticism that makes life the life we know" (Nussbaum, "Compassion and Terror", 23).
"Only the true city should claim our allegiance. Marcus is alarming because he has gone deep into the foundations of impartialist 'patriotism,' a patriotic love based purely on abstract principle. What he has seen is that impartiality, fully and consistently cultivated, requires the extirpation of the eroticism that makes human life the life we know" (Nussbaum, *Political Emotions*, 224-225).

avoids the question of the definition of cosmopolitanism and of what the Capabilities Approach has to do with it. All options for political love become better or worse forms of patriotism.

§4 Conclusion

Patriotism, if it avoids Scylla and Charybdis, need not conflict with cosmopolitanism as Nussbaum construed it in the 1990s. In both cases, she recommends political education for citizens to become globally sensitive and locally critical. Strong cosmopolitanism – the name Nussbaum accepts for Stoicism's (especially Marcus Aurelius's) attempt to remove partiality by negating particular, local, erotic investments – is not the right name for the cosmopolitanism described in "Patriotism and Cosmopolitanism" or "Kant and Stoic Cosmopolitanism." Nussbaum's cosmopolitanism in those essays refuses to negate particular loves in service of a general love. Even then she described Marcus's cosmopolitanism as sometimes boundlessly lonely, and she had some respect for that loneliness as well as a desire to avoid it. I would not call Nussbaum's position in those essays "weak cosmopolitanism." Contrasting strong and weak cosmopolitanism suggests than detachment is more cosmopolitan than maintaining local loves. I would instead contrast affirmative and negative cosmopolitanism (as in my first chapter) and say that Nussbaum's cosmopolitanism connects the citizen and the world through the affirmation of the vulnerable dignity of mortal, political animals rather than the negation of local political community. Critical patriotism and affirmative cosmopolitanism can work together, and they can accommodate Nussbaum's priorities in her Capabilities Approach.

In this final section, I will describe Nussbaum's later positions in cosmopolitan terms with the help of her earlier works. This cosmopolitanism has to escape the criticisms Nussbaum makes in *Creating Capabilities* and "Toward a Globally Sensitive Patriotism." That is, it has to be affirmative and pluralistic. It has to be consonant with her goals for the Capabilities Approach

discussed in *Frontiers of Justice*, and it has to capture the idea of love's political importance in *Political Emotions*. In her later works, I think an idea of world citizenship still animates Nussbaum's concerns.

Nussbaum's affirmative cosmopolitanism includes her assertion of the compatibility of local attachments with aspirations for global justice in "Patriotism and Cosmopolitanism" and "Kant and Stoic Cosmopolitanism." She employs the language of first allegiance, which she does not mean as a negation of the particular or the special. In both works, she emphasizes the compatibility of universal moral community and specific loves and obligations. The focus of making one's first allegiance to what is morally good is becoming able to meet the stranger, whose ways are unfamiliar, on an equal footing. Becoming so able will require a globally sensitive education that engenders familiarity with histories and cultures apart from one's own and reveals the strangeness within one's own community. Even though the language of priority is used, the allegiance does not come first biographically or emotionally where actual, specific relationships are concerned. Local loves come first developmentally. Critical education, nevertheless, results in reinterpretations of the ethical relationship one already has to others. It may change thinking and behavior, but it does not remove or replace love.

Nussbaum frames her recommendation of first allegiance to what is morally good by contrasting it with the prioritization of national identity as such. In "Patriotism and Cosmopolitanism," the latter is illustrated by the charismatic Hindu nationalists of Tagore's *Home and World*, and in "Kant and Stoic Cosmopolitanism," it is illustrated by philosophers who romanticize the communal self-understanding of pre-Socratic Greece. Both examples of the prioritization of national identity illustrate community self-understanding in opposition to other communities of the same type, Indians belonging to other religious groups (this nationalism

denies the idea of a pluralistic Indian nation) and barbarians respectively. They do not recognize the equal dignity of humans who do not share their affiliation. Cosmopolitanism, by contrast, affirms the dignity of humans who do not share national and other affiliations. The first allegiance to what is morally good is a pluralist affirmation of the dignity of nationally and religiously diverse human beings.

Nussbaum has oppositional loyalty and oppositional allegiance in mind when she uses the sports fan quotation in "Kant and Stoic Cosmopolitanism" and "Compassion and Terror." She says Marcus speaks well of the danger of intense loyalty as the danger of faction and partisanship. It is not that loyalty is wrong but that it is dangerous. Loyalty can support wrong actions, especially amongst opposed identity groups. Nussbaum's anecdote about seeing compassion for the opposed team fail in the course of a baseball game confirms this danger. Marcus's lesson not to be a sports fan is akin to the negative cosmopolitan idea that one is not, or should not be, a citizen of one community among others. However, Marcus does not follow Diogenes the Cynic and deny his local citizenship. He frames his local actions in the context of the universal city and avoids divisive allegiance. Nussbaum's mention of Marcus's lesson does not establish negative cosmopolitanism in her stance either. Her purpose is to highlight the danger of oppositional loyalty, narrow compassion, and partisan patriotism.

In more recent works where Nussbaum moves away from cosmopolitanism, she recommends critical compassion and critical patriotism. Nussbaum chooses exemplars who interpret their national heritage to affirm inclusive patriotism. Her patriotic education principles remain critical and globally sensitive. Critical patriotic education maintains the goals and means of cosmopolitan education and adds explicit focus on embracing one's political community. The principles she enumerates in *Political Emotions* adapt the cosmopolitan elements of education

into developing the imagination to grasp predicaments of those who are very different (this incorporates the use of images discussed in "Kant and Stoic Cosmopolitanism" and tragic spectatorship discussed in "Compassion and Terror") and teaching love of historical truth. She hopes critical patriots will be well-informed about their place in the world community.

Love of humanity could be made concrete through the exemplars Nussbaum chooses as national exemplars. They are exemplary because they frame national values in principled ways that are inclusive, not exclusive; their visions for the future have humanity as a horizon. Telling the story as a human story is also possible. *Frontiers of Justice* emphasizes what we share with other animals and nature, because we share the planet. One might object that telling the story of humanity or Earth in a way like telling the story of a nation would be inappropriate, because telling the story is a selective act, and the story cannot avoid the violence of marginalization. I think Nussbaum's principle for education that the love of historical truth is needed and her point about love for the political community being realistic, not denying that the political community has done bad things, suggest that a larger story can be told with similar risks and similar safeguards as are needed in telling national stories.

In the concluding chapter of *Political Emotions*, Nussbaum allows that religious symbols employed in political rhetoric with an inclusive aim can acquire pluralistic meanings. Not all symbols are suitable for this use; some carry unavoidable divisive connotations for different religious groups making them unsuitable for use in cultivating liberal political emotions. However, King's and Gandhi's uses of figures borrowed from religious traditions serve as examples of the inclusive and also religiously resonant political rhetoric that excites emotions and expands the circle of compassion beyond the one group to the whole nation.[277]

[277] Nussbaum, *Political Emotions*, 387-388.

Nussbaum's enthusiasm for religiously resonant political rhetoric's power is balanced by her concern for pluralism of the Rawlsian political liberal type. This pluralism holds that favoring a particular comprehensive view undermines freedom of conscience and the prospect of a stable community with overlapping consensus on political principles. Nussbaum writes, "We need to show that the imagined public culture does not create a hierarchy of religions or other views of life, and does not demote or marginalize any at the expense of others."[278] That is, the use of powerful rhetoric from religious and other comprehensive views is permissible so long as it does not establish an official comprehensive view that excludes other views.

Critical patriotism also recommends the cautious, inclusive use of rhetoric borrowed from particular traditions within a political community. Of course, the same traditions might also be used for exclusive aims of those with ideals of a homogenous political and religious community. Critical patriotism must, therefore, acknowledge the historical conflicts between the traditions inside and outside of its community, facing the exclusive potential directly. Critical patriotism needs the love of historical truth and the knowledge of diverse traditions. Its use of figures from more than one tradition would further confirm the pluralistic aims Nussbaum describes.

The cosmopolitan education described in Nussbaum's earlier essays would strengthen the critical capacity of the public culture she imagines arising from critical patriotism. The cosmopolitan education aims to familiarize citizens with unfamiliar traditions presented as fully human ways in order that the citizens may meet other new traditions with respect and curiosity rather than fear or disdain. The affirmation of world citizenship is compatible with affirmation of religious traditions and other comprehensive views.

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[278] Nussbaum, 387.

Religious adherents can be cosmopolitans to the same extent as they can be patriots in pluralistic politically liberal communities. In many religious traditions, there are competing interpretive approaches on the spectrum of inclusivity and exclusivity. The very exclusive visions of the common good in traditional belief systems do not favor a pluralistic public culture or robust protections for freedom of conscience for other traditions. The inclusive approaches recognize the dignity of our human capacity to produce worldviews, with a sense of awe informed by their religious tradition. Consequently, inclusive approaches in most traditions will be amenable to the pluralistic aims of political liberalism, of critical patriotism, and of affirmative cosmopolitanism.

The way that affirmative cosmopolitanism is characterized here is thoroughly distinct from strong cosmopolitanism Nussbaum characterizes in "Toward a Globally Sensitive Patriotism" and *Creating Capabilities*. She characterizes strong cosmopolitanism as a comprehensive view equivalent, more or less, to Roman Stoicism, with the ethical principle that one's first loyalty is to humanity as a whole. I agree with her statement in *Creating Capabilities* that taking her Capabilities Approach to be strong cosmopolitanism is incorrect. But it is also incorrect to identify her cosmopolitan position in "Patriotism and Cosmopolitanism" and "Kant and Stoic Cosmopolitanism" with strong cosmopolitanism of the type she describes later.

Nussbaum's conversation (or dialectic) between the particular and the universal, between compassion and respect for dignity, between particular loves and duties to humanity is compatible (but not identical) with her earlier cosmopolitan position and any affirmative cosmopolitanism. Nussbaum says that, in public culture and in ethical deliberation, we can look to both our emotionally charged, personal relationships and to our principled, impartial duties in our decisions. Both are needed, because both are insufficient alone. There is not a formula that

relates the two kinds of concerns, so there will always be an uncertain negotiation between the two. The affirmation of world citizen can serve as the second concern being negotiated. The idea that one's first allegiance is to humanity as a whole, or to what is morally good, could also capture the second kind of concern. The idea of first allegiance is only incompatible with this kind of negotiation if means "only concern" and pushes compassion and particularity out of the conversation. As I suggested above, the idea of first allegiance to what is morally good should be understood against oppositional loyalty that holds one does not have *duties* to members of opposed groups. Care and concern within one's close communities are inevitably constrained and balanced by concern for the larger communities. Recalling once more Hierocles's image of concentric circles, the affirmative cosmopolitan position is that the local is constrained by not only the city or the nation but by the world community.

Affirmative cosmopolitanism should be taken as a non-comprehensive moral-political proposition that humans ought to understand themselves as citizens of the world and pursue policies and conduct with that in mind. Cosmopolitans say, "I am a citizen of the world." They may understand citizenship and the world differently, but they do not need to reach complete agreement in their understandings to pursue the same ends in a shared community. In this sense, the Capabilities Approach, critical patriotism, and cosmopolitan education can combine in a robust, pluralistic form of affirmative cosmopolitanism.

CHAPTER 4 - COSMOPOLITANISM IN DERRIDA'S WORKS ON RESPONSIBILITY

Cosmopolitanism is an important resource in Jacques Derrida's writings on international law and institutions and the democracy to come. Although he often refers to it as a part of the history of Western philosophy going back to Stoicism, for Derrida Kant's cosmopolitanism is its most relevant form for questions of responsibility today. When he refers to cosmopolitical tasks or cosmopolitical democracy, Kant's political writings are his reference point, he treats them as one great inspiration for international institutions and human rights laws. Cosmopolitical democracy is a putative goal of our international institutions that serves as a fulcrum for criticizing injustices and demanding the expansion or enforcement of the rights they declare.

World citizenship is not coextensive with justice or with the ground of duty and dignity on Derrida's account. He sees justice as the unconditional call of responsibility of thinking and acting that cannot itself be codified or instituted. The institutions and laws by which we answer the call of justice are always conditional, even in their ideals. World citizenship would be an ideal by which our institutions may be chastised, but justice is of another order.

In this chapter, I explore cosmopolitanism's place in Derrida's treatment of the relationship between conditioned institutions and the unconditional call of responsibility under five headings: the right to philosophy, the new international (solidarity), hospitality, democracy and democracy to come, and the difference between unconditionality and sovereignty. In each heading, except the fourth, I have paired a shorter work and a longer work that explore the same issues. In the longer works, Derrida places emphasis (i) on the ways that the institutions that enact rights, and the rights themselves, are flawed, self-contradictory, self-undermining, etc. but also (ii) on the unconditional and impossible ethical notions that demand political decisions that

risk violence to reduce worse violence. In the shorter works under the first three headings, as well as the single work under the fourth heading, Derrida takes a stand for specific policies. He appeals to the goal of cosmopolitical democracy (and sometimes the notion of being a friend of democracy) as support for increasing philosophical education, supporting secularization of politics (specifically in Algeria, but also anywhere that theocracy is on the table), and allowing cities of refuge to set for themselves more accepting terms for asylum seekers and refugees. The political stands are consistent with a pursuit of cosmopolitical goals that the more formal works insist are not the last word on justice, are particular each time, and must remain open to the unforeseen. The configuration locates the place of world citizenship in Derrida's thinking of the democracy to come.

§1 Right to Philosophy, Kant's Cosmopolitanism, and our International Institutions

Derrida discusses the right to philosophy and, with some caveats, calls for its extension in two essays. One of the essays, entitled, "Of the Humanities and the Philosophical Discipline: The Right to Philosophy from a Cosmopolitical Point of View (the Example of an International Institution),"[279] contains a reading of Kant's "Idea for a Universal History with a Cosmopolitan Intent" in which Derrida explains some concerns about Kantian cosmopolitanism yet supports the extension of the right to philosophy as a positive cosmopolitical task of our international institutions. The other essay, "Privilege: Justificatory Title and Introductory Remarks,"[280] gives a more complicated treatment of philosophy, teaching, the phrase "right to philosophy," and the task of deconstruction. Both essays relate the right to philosophy and the democracy to come. I

[279] Derrida gave this essay at a UNESCO (United Nations Educational, Scientific, and Cultural Organization) conference in May 1991.
[280] The first essay in *Who's Afraid of Philosophy? Right to Philosophy 1*. Written July – August 1990. Derrida says in *Rogues* that this essay is first place he mentions the democracy to come.

will focus on Derrida's explanation of the philosophical character of international institutions, his hope for extending the right to philosophy from a cosmopolitical point of view, and his reservations about Kant's cosmopolitanism.[281]

What is the right to philosophy? In "Privilege," Derrida says the phrase "right to philosophy" can mean at least four things: the relation of right [the legal order, the state of affairs in which laws are in force] and philosophy, speaking to philosophy's practitioners about right, having a right to do philosophy, and getting right to the point about philosophy.[282] Derrida says he and we are often asked to skip discussing the supports for philosophy – institutions, publications, and even language – and address philosophy directly, getting right to the point, as if there were a completely independent philosophy to which everyone has access, apart from the aforementioned supports, and to which everyone has a natural right.[283] The inalienable right to philosophy, as opposed to the positive right to philosophy and its institutional supports, would be a fifth meaning of the phrase, and the ability to get right to philosophy with no support would be a sixth meaning. This conception of philosophy would be philosophy itself, whereas everything that supports philosophy would be supplemental to philosophy.[284] Derrida does not believe in

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[281] The French terms are *cosmopolite, cosmopolitique,* and *cosmopolitisme*. Rather than using "cosmopolitanism," this essay has "cosmopolitism," a transliteration of the French term. But this does not seem necessary to maintain. However, adjectival uses of *cosmopolitique* are translated as "cosmopolitical," not "cosmopolitan," marking the potential difference between the world citizen and the world politics or policy.

[282] Derrida, *Who's Afraid of Philosophy?*, 3-4.

[283] Derrida, 23.

[284] Derrida, 23-24. Derrida imputes the pure conception of philosophy to Plato, Descartes, and Kant. They are also among those to whom Nussbaum imputes the conception of dignity as the worth of beings that possess reason and moral decision-making capacities that are not, in principle, vulnerable to limitation by others. Derrida's contestation of their conception of philosophy itself and the ability to go right to it connects to Nussbaum's contestation of dignity as the worth of invulnerable faculties. Because they emphasize the supports that human beings require to philosophize – first staying alive, second being educated – I think Derrida and Nussbaum agree that vulnerability is present in the dignity of human beings and philosophy.

this unsupported access to philosophy. Its practice cannot appear to others. "Even if one could bypass all institutions, all academic apparatuses, all schools (in the Greek or modern sense of the word), all disciplines, all (public or private) media structures, recourse to language is indispensable for the minimal practice of philosophy."[285] For him, the legal sense of a right to philosophy would be a positive right to philosophical thinking and the institutions that support it.

Derrida takes up the question of the positive right to philosophy, the question of right and philosophy's relationship, and speaks to philosophers about right in his speech to UNESCO on the right to philosophy from a cosmopolitical point of view. He says that the United Nations and its organizations can trace their history to Immanuel Kant's political philosophy, and that Kantian philosophy informs the language and culture of the UNESCO and the UN generally. Given the philosophical background of the UN, its members have signed on, "contracted," to uphold the concepts it enacts and provide education in philosophy. UNESCO is one institution that can provide education in and support the culture of philosophy. The universal extension of the right to philosophy is part of the cosmopolitical horizon for our international institutions.[286]

Derrida does criticize some aspects of our international institutions' Kantian inheritance. According to Kant, universal history is presupposed by the cosmopolitical horizon of philosophy and of right.[287] Derrida has reservations about Kant's justification of cosmopolitanism through

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[285] Derrida, 28.
[286] Derrida, "Right to Philosophy from a Cosmopolitical Point of View," 2-3.
[287] "The definition of a philosophical task and of a right to philosophy should be formulated in its cosmopolitical, and therefore international or inter-state dimension (and it is already a serious question to know whether the cosmopolitical traces a link among the cities, the poleis of the world, as nations, as peoples, or as States), this idea supposes, and Kant says so himself, a philosophical approach to universal history that is inseparable from a sort of plan of nature that aims at the total, perfect political unification of the human species" (Derrida, 5-6). In Derrida's parenthetical question within this quotation, I note the absence of the possibility that the cosmopolitical links all human as citizens of the world. Instead, the cosmopolitical frames the cities as cities of the world. Kant does not frame his cosmopolitan right in terms of linking

universal history. He says, "the Kantian concept of the cosmopolis [is …] both too naturalist and too teleologically European."[288] Kant centers the history of the world in Europe, extending it back to ancient Greece, treating the rest of the world as barbarians, and predicting the dominance of Europe as the world's legislator. Kant also says the cosmopolitical task is a plan of nature and frames conflict, with its basis in human nature, as the tool reason uses to arrive at cosmopolitan humanity. Derrida is not attracted either to Kant's conception of nature or its ends. But the right to philosophy as explained above could suffice to inspire the cosmopolitical task of securing philosophy's supports to a humanity whose arrival nature cannot guarantee.[289]

Derrida suggests that we (philosophical educators, members of UNESCO, and perhaps anyone at all) can displace the European history of philosophy while reaffirming the right to philosophy through persistent awareness of other programs in philosophy and the limitations in European philosophies.[290] He also insists that European philosophies have been more than one way of thinking for more than one people, place, and time:

> Under its Greek name and in its European memory, it [philosophy] has always been bastard, hybrid, grafted, multilinear and polyglot. We must adjust our practice of the history of philosophy, our practice of history and of philosophy, to this reality which was also a chance and which more than ever remains a chance. What I am saying here of philosophy can just as well be said, and for the same reasons, of law and rights, and of democracy.[291]

The political terms – law, rights, and democracy – that Derrida names along with philosophy as multiple and composite in their European histories are the terms at stake in our international institutions, which respond to some extent to the cosmopolitical task launched in Kant's political

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individuals to the cosmopolis as the ancients did (although not exclusively), so this absence makes sense. Kant's cosmopolitanism (or cosmopolitism as the transliteration from French has it) centers upon world politics or world policy more than world citizenship.

[288] Derrida, 12.

[289] Derrida, 5-7.

[290] Derrida, 7-8.

[291] Derrida, 8-9.

writings. This complicates the displacement of Europe in these domains. It can be understood as already achieved in some sense, because the center of Eurocentric universal history is itself a fiction. However, the successes of European history in accepting grafts and translating itself suggest that it will not be easily displaced in a world whose international institutions trace their historical roots and conceptual vocabulary back to Europe.

Derrida also speaks to the difficulty of displacing philosophy in "Privilege." He writes, "Philosophy (this will be my hypothesis) *clings to the privilege it exposes*. Philosophy would be what wants to keep, by declaring it, this ultimate or initial privilege that consists in *exposing* its own privilege."[292] Derrida goes on to explain that the initial privilege comes from the question of definition, which philosophy may raise about other fields or their key concepts. In doing so, philosophy acts as the judge of other fields, their boundaries, and its own boundaries.[293] Cautions about philosophical concepts in the background of the UN are also related from a position of privilege, complicating any displacement effected therefrom. A little later, Derrida suggests that the space of philosophy could be organized by an affirmation of thinking that comes before the question of what philosophy is and the answer to that question; that affirmation constitutes an experience of the right to philosophy.[294] Approaching that affirmation displaces familiar questions about philosophy's essence, but that displacement is not a rejection of the right to philosophy.

For philosophy to approach a cosmopolitical or universal condition, Derrida says we (again in the context of the UNESCO conference on humanistic discourses) aim to find philosophy in non-European languages and cultures. Although there is no access to philosophy

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[292] Derrida, *Who's Afraid of Philosophy?*, 1-2.
[293] Derrida, 7, 56.
[294] Derrida, 12-13.

without the support of language, it should not be necessary to do philosophy in Greek, Latin, German, Arabic, or languages that share their roots.[295] No natural language itself is adequate for full access to philosophy, because philosophy is a specialized discourse. In any language, it has its own technical vocabulary that is taught. In "Privileges," Derrida connects the right to philosophy in this sense to the democracy to come. He writes, "to have the right to the *philosophical such as it is spoken*, for philosophical democracy, democracy in philosophy, to be possible (and there is no democracy in general without that, and democracy, the democracy that remains still to come, is also a philosophical concept), one must be trained in these procedures."[296] To be able to do philosophy presupposes familiarity with the philosophical idioms within the language one has (at least one of them). The capability is a positive right and a privilege granted by philosophical education. Derrida hopes for this right, but he does not imagine that democracy to come as philosophical democracy would create a quiet consensus. He writes:

> Not every community will be called philosophical from the moment it practices *skepsis*, *epochē*, doubt, contestation (pacifist or violent, armed with discourse or other powers), irony, questioning, and so forth, regarding its constitutive bond, and thus the properness of what is proper to it. But no community will be called philosophical if it is not capable of reexamining, *in every possible fashion*, its fundamental bond.[297]

One thing entailed in the democracy to come is this philosophical community where everyone in the world has the capability to practice philosophy as the continued examination and criticism of all the concepts required to make sense of this cosmopolitical task.

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[295] Derrida, "Right to Philosophy from a Cosmopolitical Point of View," 8-10. "It is not a matter of promoting an abstractly universal philosophical thought that does not inhere in the body of the idiom, but on the contrary of putting it into operation each time in an original way and in a non-finite multiplicity of idioms, producing philosophical events which are neither particularistic and untranslatable nor transparently abstract and univocal in the element of an abstract universality" (Derrida, 10).
[296] Derrida, *Who's Afraid of Philosophy?*, 29.
[297] Derrida, 17.

Derrida opposes three kinds of limitation and obstacles to the universal extension of the right to philosophy. First, extending the right to philosophy requires that all are able to access, gain familiarity with, and deconstruct different styles and traditions of philosophy, e.g. continental or analytic.[298] Second, the right to philosophy should extend past European languages, independent of scientific and technological purposes, and free from restriction in the name of religions; in these ways, philosophy shares its cosmopolitical horizon with the democracy to come.[299] Third, Derrida observes that institutions in societies of all political-economic types limit philosophy by prioritizing teaching and research connected to their strategic, usually short-term, goals (technological, military, economic). Both the practice of the discipline of philosophy and the perspectives within the discipline are limited by the strategic goals and philosophies that support them.[300]

Despite his reservations about Kant's justification of cosmopolitanism, Derrida does position extending the right to philosophy as a cosmopolitical task connected to the democracy to come.[301] Although it will be necessary to maintain deconstructive watchfulness for the reassertion of Kant's worldwide European teleology, Derrida supports and even exhorts the extension of institutional teaching of philosophy by UNESCO with a view to realizing the right to philosophy for everyone. Derrida concludes his speech to UNESCO with a long quotation

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[298] Derrida, "Right to Philosophy from a Cosmopolitical Point of View," 9.
[299] Derrida, 9-11.
[300] Derrida, 11. Wang, "Specters of Derrida: Toward a Cosmopolitan Humanities," (2018) argues that Derrida is received in China as a successful challenge to dominant narratives, pluralizing the practice of humanities there (74). Wang speaks of cosmopolitan humanities as the goal for the disciplines of philosophy and literature in China (78-79).
[301] "It seems to me impossible to dissociate the motif of the right to philosophy-from-the-cosmopolitical-point-of-view from the motif of a democracy to come. […] I do not believe that the right to philosophy (which an international institution like UNESCO is duty bound to uphold and to extend in its effectiveness) is dissociable from a movement of effective democratization" (Derrida, "Right to Philosophy from a Cosmopolitical Point of View," 11).

from Kant espousing (a) the hope that Enlightenment will influence European rulers, who do not fund the best things in the world due to the mounting war debt, and (b) the hope that a cosmopolitical condition could arise in which humans could freely develop our capacities.[302]

§2 New International Solidarity

In *Specters of Marx,*[303] Derrida announces the new International as the solidarity without institution of people anywhere in the world who denounce the contradictions, inequalities, and violence in the putatively pacific post-Cold War order of liberal democracy and capitalism. In "Taking a Stand for Algeria," together with the International Committee in Support of Algerian Intellectuals (ICSAI/CISIA), he supports a new international solidarity for the people in Algeria, as well as three pillars of democracy in Algeria. Although neither of these texts invokes cosmopolitanism directly, they address democracy, our international institutions, and the worldwide social field. The new International as articulated in *Specters of Marx* and the minimal definition of democracy are two of Derrida's responses in context to urgent problems.

In *Specters of Marx,* Derrida professes fidelity to some aspects of Marx's thinking, to some of Marx's spirits. First, Derrida wants to inherit from Marx a radically self-critical approach to thinking grounded in a certain spirit of Enlightenment. Second, he wants to inherit from Marx the messianic promise of emancipation without messianism – to engage in politics motivated by the desire for humans to liberate ourselves and our creative powers without believing in the end of history. He does not subscribe to the system of Marxism, and he does not recommend its approach to revolution through movements, parties, and state apparatuses.[304] He

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[302] Derrida, 13.
[303] Given as lectures at UC Riverside on April 22-23, 1993, then published in French later that year.
[304] Derrida, *Specters of Marx,* 110-111. He speaks of Marx's corpus as "the event of a discourse in the philosophico-scientific form claiming to break with myth, religion, and the nationalist

writes in favor of something different from the movements of the Internationals: a new International.

The new International is solidarity of people who criticize state institutions in a Marxist spirit. It is without a determinate organization of its own and without official membership.[305] The new International urges the extension of the competence of international law and institutions to include worldwide society in order to actualize the universal declaration of human rights and limit the private power of the markets and concentrations of capital.[306] The new International thus aims to hold institutions accountable to their declared ideals. Insofar as the new International calls for the extension of the United Nations and its organizations to fulfill the promise of the universal declaration, which is also a duty of their member states (still sovereign in most respects), it echoes Derrida's articulation of UNESCO's cosmopolitical task.

'mystique'," which was "bound, for the first time and inseparably, to a worldwide social organization" (114).

[305] "The 'New International' […] is a link of affinity, suffering, and hope, a still discreet, almost secret link […] an untimely link, without status, without title, and without name, barely public even if it is not clandestine, without contract, 'out of joint,' without coordination, without party, without country, without national community (International before, across, and beyond any national determination), without co-citizenship, without common belonging to a class […] the friendship of an alliance without institution among those who, even if they no longer believe or never believed in the socialist-Marxist International, in the dictatorship of the proletariat, in the messiano-eschatological role of the universal union of the proletarians of all lands, continue to be inspired by at least one of the spirits of Marx or of Marxism (they now know that there is *more than one*) and in order to ally themselves, in a new concrete, and real way, even if this alliance no longer takes the form of a party or of a workers' international, but rather of a kind of counter-conjuration, in the (theoretical and practical) critique of the state of international law, the concepts of State and nation, and so forth: in order to renew this critique, and especially to radicalize it" (Derrida, 106-107). "Barely deserving the name community, the new International belongs only to anonymity" (113).

[306] Derrida, 105-106.

The new International resists the narrative of liberal democratic capitalism's triumph over communism. A few years after the dissolution of the Soviet Union, the dominant discourse[307] of the countries opposed to communism declared communism to be a specter of the past that should not return.[308] The term "new International" represents the specter of communism of which the world powers remain anxious, in part because the new International's approach could change so that its opponents fail to see it as an heir of Marxism and unmask it.[309] The new International says that things are not perfect, that the world is not going well, that the liberal democratic capitalist world is visited by plagues.[310] The new International haunts and unmasks every declaration of democratic capitalism's ideal triumph by recalling that "never have violence, inequality, exclusion, famine, and thus economic oppression affected as many human beings in the history of the earth and humanity […] in absolute figures, never have so many men, women, and children been subjugated, starved, or exterminated on the earth."[311] It also criticizes the domination of international institutions by a small number of powerful states, of unequal enforcement of international law, as well as the power of capital to shape the agendas of those states and of international organizations in turn.[312]

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[307] Derrida takes the evidence of this dominant discourse to be incontestable in at least three important public spaces: government, the media, and academia (65-66).
[308] Derrida, 47-48.
[309] Derrida, 62. In 2019 in the United States, it is difficult to imagine that opponents of Marxism would fail to accuse any heirs of Marx, since right wing politicians and commentators consider the imputation of socialism to be a satisfactory refutation regardless of whether it fits its target.
[310] Derrida, 96-104.
[311] Derrida, 106.
[312] Derrida, 104-106.

In "Taking a Stand for Algeria,"[313] a speech at a meeting of the ICSAI on February 7, 1994, Derrida speaks about the crisis in Algeria.[314] Derrida takes a stand on four points. First of all, he calls for a new international solidarity from the worldwide public.[315] He stands with the ICSAI and League for Human Rights for open and binding elections, for religious neutrality and tolerance, and for free association and movement without fear of violence in Algeria. These points reveal Derrida's priorities and decision about this specific crisis. Finally, he briefly describes a personal love for Algeria as the home of his youth.

The second, third, and fourth points upon which Derrida takes a stand for Algeria chiefly concern the future of its democracy. Derrida's second point says, "We take a stand for an electoral agreement."[316] Derrida adopts a minimal definition of democracy as a representative political process requiring elections, public debate in free press, and peaceful transition to those elected.[317] Derrida, together with the ICSAI, opposes "whoever would pretend to profit from democratic processes without respecting democracy."[318] They call for respect for democracy in the form of enactment of the results of the election. For new elections, Derrida and the ICSAI are calling for the elections to be carried through all the way.

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[313] Derrida. "Taking a Stand for Algeria." *Acts of Religion*, 301-308. Translated by Boris Belay. French title: "Parti pris pour l'Algérie."
[314] The governing party in Algeria canceled the 1992 election after initial successes by its rival Islamist party in the first round.
[315] Derrida, *Acts of Religion*, 304.
[316] Derrida, 305.
[317] "A consistent democracy demands at least, in its minimal definition: 1). A schedule, that is, an electoral engagement; 2). A discussion, that is, a public discourse armed only with reasoned arguments, for example in agreement with the press; 3). A respect of the electoral decision, and thus of the possibility of transition within a democratic process which remains uninterrupted" (Derrida, 305).
[318] Derrida, 306.

Derrida's third point says, "We take a stand for the effective dissociation of the political and the theological."[319] Derrida adds religious neutrality (*laïcité*) and tolerance to his definition of democracy (or he may be specifying the meaning of free public debate). He adds that the separation of state and religion protects freedom of conscience. In such a democracy, religious belief and interpretation would be free from threats by government or other actors. Finally, in this stand, Derrida opposes violence among religious adherents over different interpretations.[320] In Algeria, smaller Islamist forces opposed the largest Islamist party and other Muslims with threats of violence, and they claimed legitimacy for these threats with their interpretation of Islam.[321] Derrida places freedom of interpretation afforded by and to all religious adherents under the heading of democratic separation of religious association and state coercion.

Derrida's fourth point says, "We take a stand for what I would tentatively call, to be quick, the new Third Estate in Algeria."[322] In this point, Derrida condemns violence in the forms of torture, death penalty, and murder, and in general. He speaks of the new third estate as those represented neither by the existing state nor the violent opposition. He speaks of women's exclusion from the political field in Algeria and imagines the commoners of the new third estate including both men and women.[323]

The first stand Derrida names is "for a new international solidarity."[324] Derrida addresses the question of intervention / interference together with the question of foreign debt under this heading, since the appeal recognizes both Algeria's capacity and responsibility as well as the

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[319] Derrida, 306.
[320] Derrida, 306.
[321] Citation needed to information about GIA vs FIS.
[322] Derrida, 306.
[323] Derrida, 307.
[324] Derrida, 304.

difficulty of a solution emerging if the country is isolated. [325] He observes that neither intervention nor non-intervention is always the right course of action on the part of the international community; interference is sometimes unjustified, yet non-interference could serve as an alibi for failures of responsibility. He also suggests that those who sign the appeal should take a side against Algeria's foreign debt, which exacerbated social woes in the worsening civil war.[326] The international economic reality means that the actions of foreign creditors and the international economic regime inevitably bear upon the domestic political situation. Solidarity from outside of Algeria with the Algerian people supports the stand against foreign debt.

Derrida indicates that whoever would join him and the ICSAI in their appeal should do so in new international solidarity, not (only) as citizens of particular countries or even continents. He does not say they are world citizens, but he says they speak as more than members of states or continents with worldwide stakes.[327] The new international solidarity for which he calls operates in the society that is becoming worldwide.

In addition to the political discourse that shapes Derrida's support for the appeal, he says his support comes also from a quasi-patriotic love for Algeria, although he does not wish to

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[325] Derrida names the problem of foreign debt as a target of critique for the new International in *Specters of Marx*. He writes of foreign debt, "With this name or with this emblematic figure, we are pointing to the *interest* and first of all the interest of capital in general, an interest that, in the order of the world today, namely the world-wide market, holds a mass of humanity under its yoke and in a new form of slavery" (Derrida, *Specters of Marx*, 117).

[326] Derrida, *Acts of Religion*, 304-305.

[327] "One should reaffirm the international aspect of the stakes and of certain solidarities that tie us all the more in that they do not only tie us as citizens of determinate nation-states. Which does complicate things, but also sets the true place of our responsibility: neither simply that of Algerian citizens, nor that of French citizens" (Derrida, 304).
"It is a matter of European and worldwide stakes, and those who call, as we do, for such international endeavors and call to what the Appeal carefully names 'international financial institutions,' those who call for these responsibilities and these solidarities, those do not speak anymore *solely* as Algerians or French, nor even as Europeans, even if they *also* and *thereby* speak as all of these." (Derrida, 305).

make this a pillar of his statement of support. It is not patriotic because he is not an Algerian citizen, but it is a strong and specific love for that country that comes from living in it. Derrida says at the beginning:

> All I will say is inspired above all and after all by a painful love for Algeria, an Algeria where I was born, which I left, literally, for the first time only at nineteen, before the war of independence, an Algeria to which I have often come back and which in the end I know to have never really ceased inhabiting or bearing in my innermost, a love for Algeria which, if not the love of a citizen, and thus the patriotic tie to a nation-state, is none the less what makes it impossible to dissociate here the heart, the thinking, and the political position-taking.[328]

At the close of his speech, he says, "This is at least what I feel resonating, from the bottom of what remains Algerian in me, in my ears, my head, and my heart."[329] Derrida attests to the strong connection between emotions, thoughts, and political positions. In the register of emotion – love, specifically – Derrida is moved to support the civil peace in Algeria because he is affected by the crisis; Algeria remains part of him. In the excursus on love for Algeria at the beginning and his return to his speech's resonance within him at the end, he implicitly invites the reader and hearer to take the stand from political emotions toward Algeria, peaceful democracy, equal freedom of conscience, and equal freedom of association for men and for women.

In both *Specters of Marx* and "Taking a Stand for Algeria," Derrida calls for the solidarity of a new International to carry on the critique of institutions, especially in the name of their professed ideals, in the time of globalization. He also says that the messianic promise of emancipation inspires the new International, whose adherents may never have believed that the dictatorship of the proletariat would deliver a free world society. He wants the new International to avoid two false certainties, negative and positive, about our international institutions that lead either to "a sort of fatalist idealism or abstract and dogmatic eschatology in the face of the

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[328] Derrida, 303.
[329] Derrida, 308.

world's evil,"[330] in order to stay engaged in critique when the stakes are as high as possible and the outcome is not foreseeable. These institutions should and may succeed in addressing inequality, limitations of democratic freedoms, and exploitation; but it will not happen without engagement. This critical relationship of the new International to international law and human rights agrees with the Derrida's approach to the same institutions when speaking for the extension of the right to philosophy from a cosmopolitical point of view.

§3 Cosmopolitanism and Hospitality

Derrida considers the ethics of hospitality in relationship to the politics of hospitality, built in large part upon Kantian cosmopolitanism, in *Of Hospitality*, "On Cosmopolitanism," and *Adieu to Emmanuel Levinas*. In each case, Kant's cosmopolitical argument for establishing rights to hospitality within positive law serve as one touchstone for Derrida's negotiation of politics and ethics. Derrida makes use of the ethical conception of hospitality as the infinite responsibility to the other who comes, because it challenges the priority of the self in its capacity to give itself the law and to act. He also challenges the priority of ethics in these works situating unconditional hospitality as an impossible idea that requires and inspires the conditional laws and actions that constitute responsibility in the here and now. Derrida again articulates the uncertain pursuit of more hospitable laws as a cosmopolitcal task.

In *Adieu to Emmanuel Levinas*, Derrida asks about the relation of the ethics of hospitality to the law or politics of hospitality, that is Levinas's ethics to Kant's cosmopolitanism.[331] Derrida says that Levinas "prefers universality to cosmopolitanism," likely because in Kant's cosmopolitanism peace and hospitality are fragile, perhaps indefinitely deferred, political

[330] Derrida, *Specters of Marx,* 109.
[331] Derrida, *Adieu to Emmanuel Levinas*, 19-20.

achievements, but because it also acquired connotations of modern anti-Semitism.[332] Derrida challenges the distinction between the ethical and legal calls for hospitality because of the urgent need for changes in the laws of hospitality – the very limited rights of refugees, undocumented immigrants, displaced persons, stateless persons, and homeless persons – all over the world.[333]

Derrida finds that peace precedes war according to Levinas, whereas war precedes peace according to Kant. Derrida reads hospitality as a key concept in Levinas's ethics: it is the ethical stance that comes before anything else;[334] it is infinite and unconditional; it is the peace presupposed by any hostility.[335] Levinas disagrees with Kant (and the rest of the social contract tradition) in making peace, not war, the first state of affairs. For Kant, peace could obtain in the cosmopolitical state of affairs that would end the state of war through political and juridical achievements.[337] Both Levinas and Kant believe that the secondary state of affairs "retains the trace" of its originary contrary.[338]

Derrida troubles both determinations of peace. He wonders how peace comes before welcome, as Levinas says, since being at peace seems to be a relationship between the other and the same.[339] Peace before society is impossible. For Kant, who makes war the original and natural state of human sociality, peace must be instituted eternally as the promise to prevent even

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[332] Derrida, 88.
[333] Derrida, 71, 101.
[334] Derrida, 21-23. Although Levinas does not use the term "hospitality" as much as some others, it seems to Derrida to translate other words, like "welcome."
[335] Derrida, 48.
[337] Derrida, 49. Derrida says that hospitality as Levinas determines it has "a much more radical value than it does in the Kant of *Toward Perpetual Peace* and of the cosmopolitical right to universal hospitality […] only political and juridical, civil and state (always determined by citizenship)" (68).
[338] Derrida, 88-95.
[339] "What does it mean 'to be at peace with' – to be at peace with someone else, a group, a State, a nation, oneself as another? […] With the same, one is never at peace" (Derrida, 85).

the thought of another war in the future; Kant's cosmopolitanism aims at an always only possible peace.[340]

Derrida would allow that both war and peace contain the trace of the other concept or state of affairs, but not that either one has priority – conceptual, temporal, or phenomenological – over the other. Ethics as first philosophy is challenged by the presence of the third person from the start, which Levinas sometimes allows.[341] Levinas portrays political community as the lesser of two evils (the alternative to a chaotic world of lawless desire), but Derrida sees no way to judge between political orders according to Levinas's pure ethics.[342] For Derrida, unconditional hospitality enjoins political decisions between alternative laws of hospitality without certain knowledge that one choice will create more hospitality than another.[343]

Derrida also elaborated the upon the relationship of the unconditional hospitality that would constitute pure ethics to the limited hospitable laws that afford some measure of welcome in *Of Hospitality*. He says that the concept of hospitality, which is hyperbolic and unconditional, seems to command the transgression of all laws of hospitality which limit hospitality just because they are limited. The unconditional law of hospitality calls us to welcome before any identification.[344] If hospitality is granted to a stranger who declares their name, and hospitality is granted because of that name, this makes hospitality effective and limits it. Unconditional

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[340] Derrida, 86-87. Bennington, *Interrupting Derrida* (2000), argues that Derrida's explorations of primordial violence and structurally necessary founding violence deconstruct the peaceful telos of political philosophy in general. What is left is an affirmative endless politics (28-30).
[341] Derrida, 110.
[342] Derrida, 113-114. "Silence is kept concerning the rules […] that would procure for us 'better' or less bad mediations: between ethics or the holiness of messianic hospitality on the one hand and the 'peace process,' the process of political peace, on the other" (Derrida, 114).
[343] Derrida, 115. De Ville, "Perpetual Peace: Derrida Reading Kant" (2019) elaborates on Derrida's reading of Levinas with Kant on the impossibility of peace.
[344] Derrida, *Of Hospitality*, 75-77.

hospitality would break with the conditions of hospitality that restrict who or what arrives in any way; it would welcome not only the named foreigner but the nameless, absolute other.[345] At the same time that it claims to be above laws, to be beyond the validity of their jurisdiction, the unconditional Law needs laws so that it can come to be, so that it can manifest. If it did not authorize laws, the Law of hospitality would be illusory and anything but an unconditional demand for hospitality.[346]

In "On Cosmopolitanism," a speech given in 1996 as part of the International Parliament of Writers (IPW) colloquium for the "Charter for Cities of Refuge," Derrida lists cosmopolitanism as one of the supports for the idea of cities of refuge (*villes refuges*).[347] He recognizes cosmopolitanism's history in Western philosophy, its best known modern articulation by Kant, its limitations, and its uncertain future. Derrida uses the idea of world citizenship and suggests that attempts to make more hospitable laws yield extend cosmopolitanism beyond the narrow limits still accepted from the Kantian tradition.

Cities of refuge should be independent yet linked by new solidarities that Derrida believes it is the IPW's task to invent. They will also aim at new understandings of the rights and duties of hospitality. He hopes cities of refuge may inaugurate a new concept of the city with greater sovereignty and rights, which would open up new horizons of possibility for hospitality, perhaps beyond the need for naturalization and repatriation into nation-states. In this way, such

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[345] Derrida, 23-27.
[346] Derrida, 77-79.
[347] Derrida, "On Cosmopolitanism," 3. The call for cities of refuge, he says, "resembles a new cosmo*politics*" (4). Also, "We have proposed this new ethic or this new cosmo*politics* of the cities of refuge" (5). As in "The Right to Philosophy from a Cosmopolitical Point of View," Derrida emphasizes "political" or "policy" in cosmopolitanism.

cities would elevate themselves above nation-states to become free cities, cities free to welcome the foreigner seeking refuge from injustice.[348]

Derrida discusses specific examples of the contradictions in France's portrayal of itself as hospitable to refugees. Economic motives were entangled with its ethical and political reasoning. France often admitted foreigners more easily when it had a need to augment its labor force with foreign workers.[349] The gaps in the Enlightenment ideals of hospitality obtain because, in the implementation of laws of hospitality, the juridical process is subordinated to "the interest of the nation-state that regulates asylum."[350] When decreased immigration was in the nation's economic interests, the limitation of asylum to those seeking entry for political reasons justified closing the border.[351]

Derrida notes that the members of the European Union opened internal borders while closing external borders. EU governments reject more and more applications for asylum. France sometimes allows police to make the law, as in the case of a Kurd who had received asylum status but was deported to Turkey by the police without a single protest. This raises Benjamin's concern about police whose powers exceed their borders, who are everywhere, who do more than enforce the law. For the success of the cities of refuge project, the police need to be restricted to their administrative role, subordinated to the concerns of human rights and the right to asylum.[352]

The term "city of refuge" was chosen because it commands respect for historical reasons and appeals to those who cultivate an ethic of hospitality. Derrida writes:

> Because being at home with oneself (*l'être-soi chez soi – l'ipséité même* – the other within oneself) supposes a reception or inclusion of the other which one seeks to

[348] Derrida, 5-9.
[349] Derrida, 10-11.
[350] Derrida, 12.
[351] Derrida, 11-13.
[352] Derrida, 13-15.

> appropriate, control, and master according to different modalities of violence, there is a history of hospitality, and always possible perversion of *the* law of hospitality (which can appear unconditional), and of the laws which come to limit and condition it in its inscription as a law.[353]

Derrida cites the following as reference points in thinking about cities of refuge in relation to the Law of hospitality and its possible perversion as inscribed in laws of hospitality. From the Hebraic tradition, there is support in *Numbers*, where God orders Moses to institute six cities of refuge to welcome foreigners seeking asylum from "bloody vengeance."[354] From the medieval tradition, there is support for the sovereignty of cities. They determined laws of hospitality, with reference to the Great Law of Hospitality that ordered the borders be open to everyone, every other, without requiring that they identify themselves.[355] From the cosmopolitan tradition defended by Kant's *Perpetual Peace*, there is support for "the conditions of universal hospitality." Kant defended this universal hospitality without limit. That is, he derived it as a natural law through a logic that determined all humans to have common possession of the surface of the earth. Since the nation-states have divided up the surface of the earth, Kant defends a right of visitation only, not a right of residence. States govern hospitality through treaties or domestic law. Derrida would like the right of residence to be reconsidered.[356]

Derrida appreciates Kant's inclusion of hospitality as a cosmopolitan right to be instantiated in law. That was progressive. Yet, it is a law inscribed in nation-state sovereignty, which is considered complete in the modern era. But Derrida hopes the laws of hospitality may be improved, renegotiated in a historical space between the Law and the laws of hospitality. He

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[353] Derrida, 16-17.
[354] Derrida, 17-18, cf. Derrida, *Adieu to Emmanuel Levinas*, 107-108.
[355] Derrida, "On Cosmopolitanism," 18.
[356] Derrida, 19-22. Brown, "The Laws of Hospitality, Asylum Seekers and Cosmopolitan Right," argues that Kant would allow for asylum seekers and that the limitation of visitation was a condition introduced because of possibilities of armies claiming rights of hospitalities (324).

believes that cities of refuge would be a just response to urgent needs of people seeking refuge from violence and persecution. Democracy to come and another cosmopolitanism to come are implied by cities of refuge.[357]

§4 Democracy and Democracy to Come

Derrida relates the democracy to come to each of the topics considered in the foregoing sections.[358] In "The Reason of the Strongest (Are There Rogue States?)," the first essay in *Rogues: Two Essays on Reason* which was given at a conference in July 2002 on the topic of democracy to come, he retraces his use of the term "democracy to come" and relates it to a consideration of what democracy means and a critique of our international institutions as a supposed site of cosmopolitical democracy. In the course the essay, Derrida associates Kant's cosmopolitanism with the democratic ideal of our international institutions and calls this relationship one valence of the democracy to come. Not allowing himself a minimal definition of democracy like the one he used in "Taking a Stand for Algeria," Derrida considers democracy's necessary connection to sovereignty entailed in the rule of the people, the political theology of that comes with sovereignty, as well as the autoimmunity of sovereign democracy. He returns to the issue of secularization as a task for cosmopolitical democracy. Derrida then criticizes the notion of the rogue state in post-Cold War discourse of the United States, as well as the reality of institutions that are that seem neither cosmopolitan nor democratic. With all of these issues as horizons, it makes sense that Derrida identifies six meanings for democracy to come and addresses four misunderstandings he would like to avoid.

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[357] Derrida, "On Cosmopolitanism," 22-23.

[358] Although I did not include it in my exposition, Derrida relates the messianic promise without messianism of Marxism to the democracy to come (*Specters of Marx*, 210-213).

Derrida initially characterizes democracy as the sovereignty of the people when he explains his term "ipseity," a Latinate neologism that designates the power of a self, whether of the individual or the political community.[359] As the *ipse* of democracy, the *dēmos* governs itself through the sovereign authority of the government and also legitimates that authority as self-rule. Through the concept of sovereignty, Derrida links democracy to an ancient political theology. He connects sovereignty to the One unmoved mover in Aristotle's *Metaphysics* XII and to the refusal of the rule of many kings in the *Iliad*, which Aristotle cites. The connection of sovereignty to monarchic origin recalls the divine right of rule that was a patrilineal inheritance to the king from Zeus, who killed his father and shared power with his brothers. Modern political theorists (e.g. Thomas Hobbes) deny that democratic sovereignty participates in political theology of divine right, arguing instead that democratic legitimacy comes from consent of the governed. Despite their denials, Derrida believes modern sovereignty still signifies the right to rule and has quasi-divine characteristics. Contemporary democracy inherits the ipsocentricity of Homer's Achaeans.[360]

Derrida returns to the political theology of sovereignty as a source of suspicion about contemporary democratic ideals when he says that he would prefer not to refer to fraternity as the communal bond – participation and sharing – of the *dēmos*. The figure of brotherhood in fraternity connects the right to rule and birth, reinforcing the connection between the nation and the land. Derrida believes the connection of *dēmos*, nation, and land in political philosophy calls for criticism and deconstruction, and he adds, raising the question of cosmopolitan democracy:

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[359] "Before any sovereignty of the state, of the nation-state, of the monarch, or, in democracy, of the people, ipseity names a principle of legitimate sovereignty, the accredited or recognized supremacy of a power or a force, a *kratos* or a *cracy*" (Derrida, *Rogues*, 11-12).
[360] Derrida, *Rogues*, 15-17.

> The same goes for all the problems, both old and new, that use this notion of birth to forge relations between, on the one hand, democracy, wherever it is linked (and that is almost everywhere) to the nation-state, to nation-state sovereignty, to autochthony, to the right of citizenship *by birth* (whether as blood right or land right, itself always a birth right), and, on the other hand, cosmopolitanism and its beyond, the future of international law, the lines of division between so-called legitimate states and bastard or 'rogue' states, and so on.[361]

Derrida worries about the use of a conception of political brotherhood in nation-state democracy as the model for future international institutions, which we might imagine in pursuing the cosmopolitical task beyond Kant's cosmopolitanism. The question of inclusion and exclusion in democratic and cosmopolitan institutions is at stake. [362]

Derrida wants to imagine cosmopolitical democracy drawing inspiration from figures other than the brother, because the brother seems to necessitate exclusion of many differences from the *dēmos*. As becomes clear toward the end of "The Reason of the Strongest (Are There Rogue States?)," Derrida is concerned about exclusion of some states from our international institutions and of *most* states from the powerful United Nations Security Council. In the quotation above, he names the division in our current international institutions, which have taken up some part of Kantian cosmopolitanism, between legitimate states and rogue states. He goes on to say that there are two conflicting historical desires of democracy: to include only brothers *and* to welcome excluded people from elsewhere. Democracy tries to exclude "bad citizens, rogues, noncitizens, and all sorts of unlike and unrecognizable others," but "at the same time or by turns, it has wanted to open itself up, to offer hospitality, to all those excluded."[363] Theories of democracy within the nation-state tend to recognize the sovereignty of societies whose citizens

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[361] Derrida, 61.
[362] Derrida, 60-61.
[363] Derrida, 63.

appear to belong to one nation, to be political brothers, confirming Derrida's claim that democracy inherits the political theology of sovereignty.

Derrida's discussion of the exclusion of the unlike in fraternity also comprehends the limitation of democracy and politics to the human being. He remarks that the brother and the neighbor remain human, even if we grant that they might be anyone, and they remain like rather than unlike.[364] In the second essay in *Rogues*, he also mentions the limitation of the political sphere to human beings while discussing the historical relationship of human rights to justice that always exceeds them. He writes, "I believe […] that none of the conventionally accepted limits between the so-called human living being and the so-called animal one […] resist a rational deconstruction – whether we are talking about language, culture, social symbolic networks, technicity or work, even the relationship to death and to mourning, and even the prohibition against or avoidance of incest."[365] Although he spends little time on our relationship to other animals within his treatments of democracy and democracy to come, his criticism of the exclusion of the unlike is one place where it might be expanded.[366]

The problem of excluding the unlike and the rogue from the *dēmos* leads to the second aspect of democracy Derrida considers: autoimmunity. The *dēmos* is the self, the ipse, of any democracy, and those who are determined to be other are excluded from the political body in many ways. The exclusion of the others immunizes the self to preserve the self to itself. But the power of exclusion, the power to immunize the self, can be turned upon the self and appear as autoimmunity. Autoimmunity appears alongside the ispe as a self-threatening possibility of any

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[364] Derrida, 60.
[365] Derrida, 151.
[366] In *The Animal that Therefore I Am*, Derrida considers the place of other animals in some of the most influential philosophical theories of human nature, especially regarding consciousness and language-use.

power to protect the self.[367] Suicide is one example of autoimmunity as is any process of the biological immune system harming the body itself.[368] But autoimmunity belongs to any sovereign self, and therefore to democracy.

Limitations on democratic freedoms, i.e. civil liberties, that began in the War on Terror serve as an example of autoimmunity in democracy. Following the events of September 11th, governments in the United States and elsewhere began to restrict liberties, notably in police interrogations, in the name of fighting against the enemies of freedom and democracy.[369] Since Derrida wrote *Rogues* in 2002, the expansion of surveillance powers that so many democratic governments claimed for themselves following September 11th continued.

Elections themselves are one site of autoimmunity in democracy. Respecting the outcome of elections is essential to the minimal definition of modern representative democracy. But candidates and parties sometimes oppose (a) the freedoms that are also essential to democratic societies, (b) restrictions on terms for representatives, (c) aspects of the voting franchise, and the list continues. "The great question of modern parliamentary and representative democracy, perhaps of all democracy, […] is that the *alternative to* democracy can always be *represented* as

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[367] Derrida, 45.

[368] In "Faith and Knowledge," Derrida also considers the autoimmunity of communities and of life in general. He observes that religion brings together respect for life and also requires sacrifice. What is sacrificed loses its life, but it is not life alone that makes sacrifices worthy: it is the human-divine worth, the origin of the concept of dignity. Dignity is another figure of autoimmunity, because it recognizes that the worth of a person's life is separate from their life. The living being and its value are separated to the extent that the divine element of the human, but not the fact of its being alive, bears its worth. Consequently, ending a life may be thought to preserve or increase the worth of the being. This explains the death drive in every community, or auto-co-immunity (§40, *Acts of Religion*, 85-87). The section also contains an intriguing aside where Derrida says ecologists and vegetarians take the respect for life alone, opposing the sacrifices of other animals, and perhaps bearing the future of religion (86). This is another place that Derrida's thinking about community touches the question of other animals while focusing its time on human political community.

[369] Derrida, *Rogues*, 39-40.

a democratic *alternation*."[370] The success of a candidate or party platform that curtails or suspends democratic rights and institutions is autoimmune: the vote that should indicate a sound democracy in fact expresses support to weaken democracy. However, suspending elections when antidemocratic platforms are expected to win is also an autoimmune process in a democracy.

Derrida revisits the case of the suspended 1992 election in Algeria and infers a theoretical task and a political task suggested by the situation. The ruling party expected to be replaced by a party opposed, for religious reasons, to democratization in Algeria. The suspended election highlights the opposition of one interpretive strand in Islam to secular politics and some democratic freedoms. Derrida suggests the theoretical task of studying interpretations of the Koran to find Islamic grounds for and against democratization.[371] He also suggests a political task that echoes his stands for Algeria in 1994:

> For whoever, by hypothesis, considers him- or herself a friend of democracy in the world and not only in his or her own country (and we will later come to this cosmopolitical dimension of a universal democracy, perhaps even independent of the nation-state structure), the task would consist in doing everything possible to join forces with all those who, and first of all in the Islamic world, fight not only for the secularization of the political (however ambiguous this secularization remains), for the emergence of a laic subjectivity, but also for an interpretation of the Koranic heritage that privileges, from the inside as it were, the democratic virtualities that are probably not any more apparent […] than they were in the Old and New Testaments.[372]

Derrida's political task again involves taking a stand for democratic freedom of conscience – both for and from interpretation of religious beliefs – and acting in solidarity (what he called a new international solidarity in 1994) with other friends of democracy in view of a cosmopolitical democracy that could exceed the structures of nation-state sovereignty. This framing of the political task of supporting political secularization indicates that Derrida's cosmopolitics would

[370] Derrida, 30-31.
[371] Derrida, 31-32.
[372] Derrida, 33.

not only take place through international institutions. It would recommend that friends of democracy in the world, world citizens perhaps, support from a distance members of other political communities in their efforts for the freedoms of a democratic society.[373]

Derrida speaks again of Kantian cosmopolitanism and the institutions it inspires at the start of §8 of "The Reason of the Strongest," in which he connects the epoch of rogue states to Kant's philosophy of right[374] and to the various ways that he has used the phrase democracy to come (he says these three threads form the knot of the problem of the essay). He writes:

> Whether we follow the guiding thread of a post-Kantian political thought of cosmopolitanism or that of the international law that governed through the twentieth century such institutions as the League of Nations, the United Nations, the International Criminal Court, and so on, the democratic model (equality and freedom of sovereign state subjects, majority rule, and so on) sometimes seems to become or tends to become 'in spirit' the norm of this politics of international law. But this appearance is deceptive, and the question of a universal, international, interstate, and especially trans-state democratization remains an utterly obscure question of the future. It is one of the possible horizons of the expression 'democracy to come.'[375]

Derrida links and contrasts the international institutions we now have to the Kantian cosmopolitical sketches that could not predict what international institutions would emerge. Although the institutions draw inspiration from Kant's conceptions of public right, federated nation-states, and cosmopolitan right, many different institutional arrangements might fulfill those hopes. Derrida marks the difference between the international order and its philosophical heritage. The international order he discusses in *Rogues* is not interstate or international democracy, nor does it really have the democratic spirit that one might wish. Derrida is

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[373] "Faith and Knowledge" complicates the question of secularization. Derrida says that testimony requires faith and destabilizes disenchantment, because disenchantment proceeds through the formation of beliefs that cannot be completely separated from faith in testimony (Derrida, *Acts of Religion*, 98-100).

[374] Derrida explains Kant's conception of right as involving coercion to preserve the freedom of all, hence universalizing the authorization of force (Derrida, *Rogues*, 92-93).

[375] Derrida, *Rogues*, 80-81.

concerned that the ongoing development and activity of international institutions in the UN framework gives the illusion of cosmopolitical progress – cosmopolitan hope encourages seeing cosmopolitical democracy where there is yet none.

Derrida explains the lack of international democracy in greater detail as he discusses the epoch of rogue states. The term "rogue state" (*état voyou* in French) took shape in the context of the world community with developing laws, especially after the world wars. It designates "a state that respects neither its obligations as a state before the law of the world community nor the requirements of international law, a state that flouts the law."[376] In the epoch of rogue states, the world divides into legitimate and rogue states (as Derrida mentions in the earlier quotation about the exclusiveness of fraternity), and in some sense only the legitimate states make up the world community.

Derrida notes that the determination about how to proceed with rogues, and even which states are rogues, is made by powerful nation-states: "So-called legitimate and law-abiding states interpret them [international laws] in accordance with their own interests. These are the states that have at their disposal the greatest force and are prepared to call these Etats voyous to order and bring them back to reason, if need to be by armed intervention – whether punitive or preemptive."[377] Derrida observes that the United States Secretary of State in the 1990s used the term "rogue state" often in discussing her security concerns about unfriendly nation-states with nuclear weapons or the potential to get them. Derrida also cites Robert S. Litwak, who was a member of President Clinton's National Security Council, as having avowed that a "rogue state"

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[376] Derrida, xiii. Derrida also explains that in the past the English word 'rogue' extended from human vagabonds to human outlaws to deviant members of other species who violate customs of their species' communities or go against training by humans. Branded as rogues, these animals are avoided or banished (93-94).
[377] Derrida, 80.

is any state that the United States declares a rogue.[378] The list of rogue states was thus determined by the United States in the post-Cold War years.[379]

Derrida expects the language of rogue states to disappear and the epoch of rogue states to have ended shortly after September 11, 2001. The events of September 11th announce the end of the epoch, because the United States had until then used the term to signal potential threats from other nation-states and thereby justify its unilateral defense policies according to the UN's article 51.[380] The threat of attacks from non-state actors (perhaps even using weapons of mass destruction) was focused by September 11th. The discourse of rogue states became less pertinent. The UN authorized[381] responses to international terrorism anywhere without a need to identify a state sponsor or seek the consent of General Assembly. Hence any member of the UN has a plausible justification to pursue its security interests apart from international consensus.[382] Derrida writes, "There are thus no longer anything but rogue states, and there are no longer any rogue states. The concept will have reached its limit and the end – more terrifying than ever – of its epoch."[383]

The structure of the UN that helps to explain the US's ability to deal in the rhetoric of rogue states between the Cold War and September 11th remains in place. The UN combines "a

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[378] Derrida, 95-96. Derrida also favorably cites Noam Chomsky's indictment – in *Rogue States: The Rule of Force in World Affairs* – of "rogue state" rhetoric given US foreign policy: "The first and most violent of rogue states are those that have ignored and continue to violate the very international law they claim to champion […] The United States" (96).

[379] The United States' list of rogue states includes Nicaragua under Noriega, Iraq under Hussein, Libya, Sudan, Iran, and North Korea (Derrida, 97).

[380] Derrida, 103. Derrida notes that article 51 of the UN Charter recommends members not resort to force except for the purpose of self-defense (in the situation where the UNSC cannot arrange for defense), and the US and USSR used this exception to justify their independent decision-making throughout the Cold War (99).

[381] I take Derrida to refer to UN S/RES/1368 passed on 9/12/01.

[382] Derrida, 104.

[383] Derrida, 106.

democratic principle" in its General Assembly, wherein all members vote, and a separate "principle of sovereignty" in its Security Council, the limited ranks of which hold vetoes.[384] The veto power belongs to the members of the Security Council because they were able to shape the rules of the UN after victory in the Second World War and because they had strong military forces, including arsenals of weapons of mass destruction: "The only permanent members of the council are thus those states that were and remain […] great world powers in possession of nuclear weapons. This is a diktat or dictatorship that no universal law can in principle justify."[385] Derrida alludes to the Kantian connection of coercion and right to say that the centering of power in the UNSC is not even justified by Kant's position that public law and needing consequences of force since the General Assembly and Security Council members are not reciprocally subject to each other's decisions. This structure is one reason that Derrida says democracy in international law and universal democratization remain obscure, remain questions of the future, remain possible horizons of the democracy to come.

We have seen above that the democracy to come is linked with the right to philosophy and the cosmopolitical task of extending that right, as well as with efforts like that of the cities of refuge to increase hospitable laws. In §8 of "The Reason of the Strongest," Derrida gathers together and reviews his uses of "democracy to come" across several works to show that it involves at least these six themes:

1. criticism of democracies that do not provide human rights (whether "first generation" freedoms or "second generation" necessities);

[384] Derrida, 98.
[385] Derrida, 99.

2. aporetic values ("force *without* force, incalculable singularity *and* calculable equality, commensurability *and* incommensurability, heteronomy *and* autonomy;"[386]
3. the constitutive right to critique from within democracies, unique to democracy;[387]
4. welcoming arrivals without condition;
5. the division of sovereignty through international democracy (the United Nations declares the human being sovereign, limits the nation-states prerogatives through the creation of the International Criminal Court, and "never stops innovating and inventing new distributions and forms of sharing, new divisions of sovereignty"[388]);
6. justice as disjointure rather than harmony.[389]

At several points in *Rogues*, Derrida also attended to some themes he does not wish to connect with democracy to come.

One impression Derrida disavows is that he predicts, as Alexis de Tocqueville did, the universal spread of democracy. He cannot regard democracy's spread as certain. His speaking about democracy to come wavers between apparently neutral conceptual analysis (albeit

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[386] Derrida, 86. The most generally recognized form of aporetic values is found in the conception of democracy as the system of government that values freedom and equality, the former being infinite or incommensurable, the latter consisting in limiting and calculating and balancing; a constitutive antinomy of democracy (48). Derrida raises the stakes on the antinomy arguing that the concepts contaminate one another: "As soon as everyone […] is equally (*homoios*) free, equality becomes an integral part of freedom and is thus no longer calculable. This equality in freedom […] is itself an incalculable and incommensurable equality; it is the unconditional condition of freedom" (49).

[387] This right to criticize recalls the connection of democracy to come and the right to philosophy in "Privilege." There he said that a philosophical community must always be able to reexamine its bond. Here he says it is a form of autoimmunity. "Another form of autoimmunity – as an essential, original, constitutive, and specific possibility of the democratic, indeed as its very historicity, an intrinsic historicity that is shares with no other regime" (Derrida, 72).

[388] Derrida, 87.

[389] Derrida, 86-89.

deconstructive analysis), exhortatory statements of support that enjoin the audience to support democracy to come, and patient waiting.[390]

A second impression Derrida wants to displace is that he adds "to come" to make clear that democracies and their citizens are imperfect (which he does allow, calling it a truism), for then the addition of "to come" would clarify the concept of democracy, not change it. He means something more than to emphasize the actual imperfection of humans and government in democracies.[391]

A third impression Derrida addresses is that "to come" emphasizes that the concept of democracy is incomplete.[392] He does review difficulties for the idea of democracy, allowing that it can sometimes be impossible to proceed democratically.[393] But Derrida does not primarily want "democracy to come" to mean there are paradoxes and uncertainties about the government in which the people rule. He allows that democracy can mean the sovereignty of the people, but he adds that democracy to come could turn upon *the other* instead of the sovereign self, hence the other as the lawgiver and the other as the people.[394]

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[390] Derrida, 90-91.
[391] Derrida, 73.
[392] Derrida, 9-10.
[393] Here are some examples of the complications for the idea of democracy and governing democratically that Derrida includes in *Rogues*: the complaint in Plato's *Republic* VIII that democracy is a marketplace of other forms of government, not a distinct kind of its own (26); the fact that so many different, even incompatible, kinds of government today call themselves democracies (27); the fact, with historical precedent, that respecting the vote could mean the election of governments that plan to end elections (30-33); the problem of identifying the people and excluding others (63); the paradox that criticizing democracy is allowed by democracy and thus is democratic (72).
[394] "What tortures me, the question that has been putting me to the question, might be related to what structures a particular axiomatic of a certain democracy, namely, the turn, the return to self of the circle and the sphere, and thus the ispeity of the One, the *autos* of autonomy, symmetry, homogeneity, the same, the like, […] and even, finally, God, in other words everything that remains incompatible with, even clashes with, another truth of the democratic, namely, the truth

A fourth impression that Derrida addresses is that he uses "democracy to come" like a Kantian regulative idea. He says that he did not mean to create a regulative idea. Whether understood as an asymptotic approach toward something forever possible or the realization of an ideal, the regulative idea has teleological and sovereign characteristics. The regulative idea would relate the self of the people to democracy as horizon, potentially providing a rule for democratic decision-making. But the democracy to come also relates the people to the event of the other and of heteronomy, both of which interrupt the horizon of possibility and mastery. Democracy to come does not provide an ideal to guide political decisions with the quasi-automaticity of rules.[395]

§5 Unconditionality and Sovereignty

Derrida attempts to distinguish sovereignty from unconditionality in "The 'World' of the Enlightenment to Come (Exception, Calculation, and Sovereignty)," the second essay in *Rogues*, and also in "Unconditionality or Sovereignty: The University at the Frontiers of Europe," an essay written a couple years before.[396] Unconditionality is a touchstone in his works on responsibility, including the responsibility of thinking. Sovereign ipseity is the focus of deconstructive concern in those works. Like the question of the right to philosophy in the works considered at the beginning of this chapter, the distinction of sovereignty and unconditionality shows that Kantian cosmopolitanism holds as important place in Derrida's thinking about the relationship of institutions and democracy to come.

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of the other, heterogeneity, the heteronomic and the dissymmetric, disseminal multiplicity, the anonymous 'anyone,' the 'no matter who'" (Derrida, 14).

[395] Derrida, 84-85.

[396] He delivered it as a speech at Pantion University in Athens, Greece when they award him an honorary doctorate, on June 3, 1999.

In "Unconditionality or Sovereignty," Derrida says that unconditionality and sovereignty are "related but heterogenous representations of what is called freedom."[397] Unconditionality is exemplified in the unconditional right, thus the freedom, to ask any question, to challenge, and to deconstruct without limit.[398] The freedom to think without condition in the public sphere (which recalls Kant's "What is Enlightenment?") belongs to the democracy to come insofar as "democracy to come" means that (i) the freedom to think and thinking itself are unlimited, although (ii) the right to free thinking is rarely, if ever, established.[399] Sovereignty is the freedom and authority of the ruler – God, monarch, or people – to determine and enforce the law. It is the theological-political fiction of an indivisible and inviolable will; ethnic and religious nationalists mobilize that idea of indivisibility against different people and imbue sovereignty with hostility toward the other in the body politic.[400]

In *Rogues*, Derrida says that sovereignty and unconditionality appear inseparable because sovereignty appears absolute in modern political philosophy. He thinks, however, that we can or must separate them in the names of reason, event, and unconditionality.[401] Here he explains that unconditionality "relates each singularity to the universalizable."[402] Singularities, which is to say events, are what happens or who comes unexpectedly; they are not foreseen on the horizon of determinate possibility. The determinate possibilities projected by institutions of knowledge and of law aim to be universal, but they are always related to the other that they do not anticipate.[403]

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[397] Derrida, "Unconditionality or Sovereignty," 123.
[398] Derrida, 123-124.
[399] Derrida, 124.
[400] Derrida, 127-129.
[401] Derrida, *Rogues*, 141-143.
[402] Derrida, 148-149.
[403] Derrida, 143-144. Responsible decisions also have an eventful character, because knowledge is not sufficient to justify action; decision and the application of a rule is a leap beyond knowledge (145).

There are several examples of principles that relate singularity to the universalizable. Unconditional hospitality exemplifies exposure to the arrival of the other with no limitation or regulation. Forgiveness and gift-giving are ethical concepts that ought not to have conditions but always do; hence they appear impure, even becoming their own opposites, when joined to the sovereignty ipseity of a benefactor and pardoner. Justice that exceeds determinate laws is another figure of unconditionality. This justice is neither the strict concept of right that Kant says requires reciprocal coercion nor harmonious gathering as in Heidegger; it is not identical to the legal order of any political community. The aforementioned principles to which institutions may aim to respond always exceed the limited conditions of institutional competence.[404]

In actual universities, unconditioned thinking may question sovereignty, but it does so from a place without sovereign institutional power.[405] Derrida contrasts our responsibility to question the established laws as thinkers to our responsibility to the laws as citizens. He says that we must, as thinkers, deconstruct sovereignty today because we can.[406] But he also recalls Socrates's refusal to defy his death sentence out of respect for the laws of Athens to illustrate how we (anyone at all) are also responsible to the inheritance of our language and institutions that enable us to think. In separating the responsibilities of unconditionality and those that proceed from a political community supposed to be sovereign, Derrida attempts to give voice to another law than the laws of the city to which Socrates gave voice.[407] He writes, "As for me, like any other, and modestly, I remain a citizen, citizen of my country or of the world, to be sure, but

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[404] Derrida, 149-150.
[405] Derrida, "Unconditionality or Sovereignty," 129.
[406] Derrida, 125-127. This position goes back at least to "Privilege" where Derrida names the responsibility of thinking to deconstruct existing democracy in the name of democracy to come. The responsibility of thinking cannot be bound by the laws of the state, even if the state is responsible to support thinking (*Who's Afraid of Philosophy?*, 41-42).
[407] Derrida, "Unconditionality or Sovereignty," 117, 130.

I will never accept to speak, write or teach only as a citizen. And certainly not in the university. That is why I have had the impertinence to defy before you the laws of the city."[408] Here Derrida reaffirms that thinking and its public expression cannot be restricted by citizenship, even world citizenship. But he also reaffirms that he is a citizen of a country or of the world, that is, however close the world order is to being cosmopolitan, he is a citizen of it as he is a citizen of France.

In *Rogues*, Derrida associates Kantian cosmopolitanism with the thinking of sovereignty. He writes, "Political sovereignty, indeed state sovereignty, […] will not be challenged, in fact quite the contrary, by the Kantian thought of cosmopolitanism or universal peace."[409] This is so because in Kant's system of public right, freedom and reciprocal coercion are mutually implied, but also because Kant holds the sovereign will to be inviolable. Kant imagines cosmopolitan law as a phase in the development of public right, so cosmopolitanism remains a question of the determinate legal order and of citizenship therein.

Cosmopolitanism is still one term in the struggle of sovereignties. To the extent that the historical development of human rights through international institutions moves closer to a cosmopolitan order that Kant did not fully foresee, Derrida tends to be for world citizenship, as we saw in "The Right to Philosophy from a Cosmopolitical Point of Views" and "On Cosmopolitanism." Yet he also sees that our international institutions are very far from democratic and often serve the interests of the powerful, as we saw in *Specters of Marx* and the first essay in *Rogues*. In those cases, Derrida allows that nation-state sovereignty, however strong it remains, can protect people from exploitation here and there, "in a world that would be little

[408] Derrida, 130.
[409] Derrida, *Rogues*, 141.

more than a marketplace."[410] He believes that world citizenship remains ambivalent to justice, as all institutions must, in a world of globalization. Elsewhere Derrida used phrases "cosmopolitanism and its beyond" or "another cosmopolitanism." In one sense, another cosmopolitanism is the beyond of the very limited world citizenship that anyone might have today, but in another sense the beyond of any cosmopolitanism is the justice beyond any determined legal order. In *Rogues* and "Unconditionality or Sovereignty," cosmopolitanism would not name but would try to answer to an unconditional justice it can never institute.

§ 6 Conclusion

Derrida uses the concept of the cosmopolitical inherited from Kant. Derrida associates the cosmopolitical with the ongoing developing of human rights law and with the international institutions that enact nascent worldwide democracy. Being a world citizen for Derrida has the positive sense of asserting political rights as a human. It does not emphasize the personal moral duties that Stoics inferred from their conception of world citizenship, nor does it negate citizenship in nation-states or cities as Diogenes the Cynic's use did. Derrida affirms multiple citizenships in more than one text considered.

Derrida takes up cosmopolitanism for strategic purposes and with reservations. He speaks in favor of goals – secularization of politics, philosophical education, and acceptance of more foreigners who request refuge – that recall the Kantian world citizen of "What is Enlightenment?" and *Perpetual Peace* (although refugees are a different case than the visitors Kant wanted to accept). But Derrida is critical of Kant's justification for pursuing cosmopolitan

[410] Derrida, 158. Cf. "Divided or shared sovereignty remains a sovereignty, and this is the ambiguity of the whole juridico-political discourse that still regulates international institutions and the so very equivocal, doubtful, criticisable relations between the more powerful states and the international institutions that are as indispensable as they are imperfect or perfectible" (Derrida, "Unconditionality or Sovereignty," 129).

ends. Derrida's approach to universalizing the right to philosophy puts into question the dominance of Greek and romance languages in the practice of philosophy, and it denies the teleology that shapes Kant's hope for a universal history. He means to displace the European teleology of Kant's conception of history without renouncing Enlightenment by emphasizing the need to recognize the practice of philosophy in other language families and the unconditional right to thinking, not reducible to a cosmopolitan right, of anyone to question without limit. Cosmopolitical democracy remains just one horizon of the democracy to come.

CONCLUSION: TRANSFORMING WORLD CITIZENSHIP

Cosmopolitanism does not define the whole position of any philosopher considered here. Each philosopher provides a clue to treating "world citizenship" as a conceptual combination that can combine with other conceptions in moral and political philosophies. The Cynics and Stoics provide the earliest discussions of world citizenship in the ancient Greek and Roman philosophies. In both cases, the main import of the term is moral. Immanuel Kant brings the term into the modern political discourse on international law and public right. The Stoic idea of the universal city may also prefigure his kingdom of ends, but the term itself moves into the political realm. For the contemporary philosophers, world citizenship plays the role of political ideal within limits that are unique to each of their approaches.

Habermas does not refer to Cynics or Stoics to develop his conception of cosmopolitanism. He keeps with the Kantian determination of cosmopolitanism as a stage in the development of public right in a peaceful federation of republics. He believes Kant's cosmopolitanism needs to be updated because international law and institutions have developed since World War II.

Nussbaum starts to develop her political philosophical perspective with cosmopolitanism in the 1990s drawing from Cynics, Stoics, and Kant. She argues that cosmopolitanism is separable from the theory of emotions and teleological conceptions of the world that we find in Stoics and Kant, who also disagree on those points. World citizenship appears to be a helpful ideal to steer political action in local communities away from fear-based and confrontational policies. In her work of the 2000s and 2010s, she abandons cosmopolitanism for its adjacency to detachment from local loves in ancient Stoicism. However, I have argued that her work remains compatible with the explication of world citizenship she offered in the 1990s. Her version of

critical patriotism includes an account of compassion that emphasizes the commonality of all human beings and aims at a similar training of the imagination to welcome strangeness of the foreigner. Her account of the capabilities approach aims at becoming the object of an overlapping consensus in the international sphere, and she derives entitlements to transnational economic justice from it.

Derrida takes up Kantian cosmopolitanism with reservations in the context of a deconstructive approach to democratic politics. He displaces Kant's projection of Europe's centrality without renouncing Enlightenment or universalizable democracy. He treats cosmopolitanism as an inherited ideal, worthier of choice than some others, that supports political goals of inclusive, tolerant democracy. Cosmopolitical democracy appears to be a decent political ideal to the extent that it ought to support greater freedom and peace. That being said, democracy, peace, and freedom each in their own ways are pervertible ideals. Hence the responsibility to continue thinking about every determination of world citizenship always exceeds it as a figure of unconditionality beyond conditional laws and ideals.

Human Rights

Habermas, Nussbaum, and Derrida relate their political conceptions of world citizenship to the human rights declared in the twentieth century by the United Nations. Human rights are the site of developing political morality of cosmopolitanism in the international legal realm. Habermas is impressed by the potential of human rights in international law and institutions to gain validity as a limit on nation-state sovereignty. Nussbaum's Capabilities Approach belongs to the family of human rights-based approaches to justice. The Capabilities Approach, grounded in the idea of dignity provides a justification for human rights in turn. Derrida takes human rights to be useful legal constructs and professed ideals, because they offer a foothold for criticisms of

exploitation, violence, exclusion, and disenfranchisement. Human rights law is a perfectible conditional construct enjoined by the unconditional justice beyond any institutional reality. This basis of jurisprudence in international institutions and, depending on their judicial system, in their member nation-states extends the political realization of cosmopolitics imagined in Kant's political writings. The connection of world citizenship and human rights is common ground in the works of Habermas, Nussbaum, and Derrida.

World Citizenship, Solidarity, and Political Love

This research revealed a complicated set of relationships between cosmopolitanism, patriotism, solidarity, and nationalism. The idea that the world citizen negates their local affiliation in preference of a potential global community holds true, if at all, perhaps only for Diogenes the Cynic, whose antagonism for local custom was very strong. But the Stoics conception of role-based duty and citizenship in the particular city as well as the universal city reduces the opposition between identifying as a citizen of the world and identifying as a citizen of a city. For later authors, in line with the Stoics, rather than patriotism or solidarity, cosmopolitanism would oppose xenophobia, exclusionary nationalism, hatred of other groups, and bellicose celebrations of the nation-state. As we have seen, Derrida, Habermas, and Nussbaum all express concerns about the nation as a basis for solidarity and political love.

In Derrida's genealogical deconstruction of democracy, he finds that the nation brings along a network of concepts that, like fraternity, suggest that a nation is of the same substance, different from that of other nations. It is a theological-political mythology that tends too strongly toward the exclusion, violence toward, or disenfranchisement of the foreigner.

Habermas takes a narrower historical view to consider the meaning of nations as groups with shared culture, language, and history in the 19th century. He also views these nations as

fictions with which people identify their own particularities. Noting that the identification was enlarged with the modern idea of the nation, Habermas sees no reason it could not be expanded further. But he also finds constitutional patriotism focused on ideals and attachment to ideals to be a better foundation for solidarity than the homogeneity of the *dēmos*.

Nussbaum has moved to a position closer to nation-based patriotism than Derrida or Habermas would be comfortable with. In her articles in the 1990s, she was concerned that emphasizing the nation without the constant contextualization of love of humanity could lead to an oppositional us-them kind of solidarity, which would risk bellicosity and jingoism. But the power of attachment to one's political community comes to be more important in her understanding of the support required by a demanding public conception of justice. The power of a national story to capture imaginations, the sense of the larger self, and thus the compassion of citizens convinces Nussbaum to endorse the nation-state as the object of a strong form of solidarity that is political love. And yet, she maintains the concern for the potential of this communal attachment to exclude or to persecute. She insists on inclusive values and protections for minorities of the kind of nation she means. Rather than the nation as a group of the same kind, Nussbaum situates it as the whole community, whose members have diverse origins, races, ethnicities, creeds, etc. of a contemporary sovereign state. The qualifications introduced as well as the education for critical imagination and inclusiveness suggest – as I have argued – that this political love should still be compatible with world citizenship and the love of humanity.

Although they have different explanations of what "nation" means, Nussbaum, Habermas, and Derrida all allow that the sovereignty of nation-states, especially now, can be morally valuable as a site of democratic resistance to exploitation by the interests of global

capital. None of them proposes a world state. In practical terms, they all value multiple levels of government to respond to communities and issues on different scales.

In brief, the image of concentric circles of communities surrounding the individual that comes from the Stoic explanation of world citizenship, to which Nussbaum refers on several occasions, fits the views of contemporary political philosophers more broadly. The question of cosmopolitan solidarity is one avenue of further research indicated by considering how the concept of world citizenship functions in the contexts of deliberative democratic politics, the capabilities approach plus political emotions version of political liberalism, and the deconstructive approach to the issues named by "democracy to come."

Other Animals

I would like to reframe the issue of nonhuman animals and world citizenship. For Epictetus, human world citizenship is evident because we have the capabilities that other animals do not, hence we share in rule and other animals are natural slaves. Kant does not connect the question of other animals to world citizenship nor treat of them in his philosophy of right. Kant does follow Stoic reasoning about who belongs to the kingdom of ends and why in the *Groundwork of the Metaphysics of Morals*. Habermas makes language a condition for ethical and political reasoning and grounds obligations in reciprocal reason. He looks like he follows Kant.[411] Politically he certainly does, taking the cosmopolitan question to be about global society and the possibility of global democratic action.

Nussbaum's Capabilities Approach addresses the exclusion of nonhuman animals from political liberalism as one of three problems with the social contract tradition that motivates her

[411] In "Interspecies Cosmopolitanism" (2010), Eduardo Mendieta argues that Habermas concedes that we perceive other animals' interests and can deliberate about them as members of our communities.

to provide an alternative theory of justice. As with humans, a completely realized Capabilities Approach will include lists of capabilities for other species derived from their ways of flourishing in accordance with the concept of vulnerable dignity explained in Nussbaum's works in the 2000s. She breaks with Kant and criticizes him and Stoics for their treatment of other animals lives as lacking their own dignity. Nussbaum treats nonhuman animals at the same time that she stops framing her political philosophy as cosmopolitanism and starts associating cosmopolitanism with Stoicism and allowing that quietism is a serious problem for Stoicism. In these more recent works, she considers world citizenship a concept that is bound up with the exclusion of other animals from the circles of moral and political concern.

Derrida does not include issues with human treatment of other animals as part of the cosmopolitical horizon, but he does criticize the history of philosophical denigration of other animals as poor in world. He briefly praises Bentham for highlighting animal suffering and holds that compassion would be an appropriate response for the undeniable horrors of the meat production industries that have formed in the past two centuries. He even makes the comparison between industrial farming practices and genocidal exterminations, except that with other animals we manage and augment the population that we also perpetually slaughter.[412]

World and citizenship are both realms from which other animals have been excluded. I think the contestable terrain of world citizenship and the idea that we should bring the idea of justice to the conversation about our treatment of other animals both suggest that people who still think of themselves as world citizens should try to transform philosophical cosmopolitanism to include other animals.[413]

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[412] Derrida, *The Animal that Therefore I Am*, 15-30.

[413] This transformation is under way in several traditions. In "Water and Wing Give Wonder" in *Interspecies Ethics* (2014), Willett considers shared emotions in communities of other animals,

our potential to grasp them, and the sense in which these other animals belong to the cosmopolis. In "Perpetual Strangers: Animals and the Cosmopolitan Right" (2014), Cooke argues reinterprets Kant's right to hospitality to extend cosmopolitanism to include other species.

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