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World Society and Global Justice: A Cosmopolitan Perspective

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INTRODUCTION

This chapter develops a cosmopolitan perspective on justice. It is argued that a cosmopolitan perspective is neither universalist in a naïve way nor relativist in a bad way, but global in the right way. Naïve universalism, for one, is rejected because it causes subjective problems of justice instead of resolving them. By universalising conceptions of justice from one legacy, naïve universalism is not sensitive to other legacies. It thereby fails to meet subjective conditions of justice. Instead, a concept of internal universalism analogous to Putnam's (1976) internal realism is introduced. Besides being internally universalist, the cosmopolitan perspective is globally adequate, in that it meets the challenges of objective conditions of justice before an emerging world polity (Meyer 2005). Its chances of global acceptability increase to the extent that it is purged of theoretical accessories (anthropological, cosmological and metaphysical) which are irrelevant to the task. Being thin and non-intrusive, it parallels Rawls' (1993: 10) conception of freestandingness, if only on a global level. Furthermore, it is argued that a

cosmopolitan perspective is not Eurocentric because what is relevant to the task are not the circumstances of its genesis but the circumstances of its application. While the former point to a European connection, the latter prevail worldwide. Like the cosmopolitan world of classical antiquity, the age of globalisation is marked by urbanisation, migration, multi-culturalism and a loss of agency in democratic set-ups like the nation state. The topicality of the cosmopolitan perspective is argued for by dissociation from essentialising discourses on identity, culture, religion, nationalism and ethnicity. Maximal in its reach but minimal in its assumptions, the cosmopolitan perspective proves at the same time to be broad enough in its scope to meet the challenges of a globalising world and unassuming enough to be acceptable to humans simply on the basis of their humanity.

The fact that justice is an affair which concerns human beings in their contingent this-worldly circumstances, and not anything based on natural laws or necessary rules (i.e. of logic, action theory, game theory, or theory of rational choice), caused Hume (1978: Section VIII) to remark, "...justice is not founded on reason, or on the discovery of certain connexions and relations of ideas, which are eternal, immutable, and universally obligatory ... *but arise from artifice and human conventions.*"

In this sense, whatever we are seeking when we are looking for a theory of justice, we will not find it in the form of a universal theory, a theory which would be true independently of all historically contingent circumstances. On the contrary, instead of superimposing a universalised version of our own tradition on people adhering to other traditions, it seems it would be better to engage people of different traditions in a common quest for a cosmopolitan conception of justice.

Moreover, a theory of justice with universal pretensions could pose a serious obstacle for the solution of the problem at hand, since any such solution would have to take into account not only the interests of those concerned which could perhaps be described ‘objectively’, but also their readiness to accept the proposed solution. This acceptance would be contingent upon certain subjective conditions that are formed by diverse legacies of justice found among people reasoning within various traditions. Theories with universal pretensions can, and have been developed, out of the legacies of such traditions. Due to their universalist aspirations, however, they also want to subject those people to their norms who do not feel any allegiance to their particular tradition. Thus, what could make a universalist theory acceptable to people of one legacy, renders it unacceptable for people holding onto some other legacy. Since the managing of these problems of acceptability is itself an important task, a universalist approach is bound to fail before any theory of justice is evolved. Justice, therefore, is not only a human affair that is contingent upon certain objective circumstances, but important subjective circumstances also come into play.

Proving the relevance of contingent circumstances for considerations of justice, Hume (1978: Section VIII) argued that there could be plenty of counterfactual situations that would render any consideration of justice superfluous. If there were an abundance of supply for our material needs, for example, and if there were no greed or selfishness among human beings, no-one would have to rack his or her brain over theories of justice, ...‘tis only from the selfishness and confin’d generosity of men, along with the scanty provision nature has made for his wants, that justice derives its origin.’

These are the objective conditions of justice—a scarcity of goods and a human propensity for avarice. Since justice is based on convention alone, we can think of yet other

conditions that, if they were to hold true, would render considerations of justice superfluous—if human beings, in view of the aforementioned objective conditions of justice, were in a position to agree in a spontaneous and consensual manner on rules and institutions governing their co-operation, a theory of justice that would tell them on what to agree and why, would be equally superfluous. Unfortunately however, ideas about how to deal with the obstacles imposed on us by objective conditions of justice seem to vary greatly. Different and often disparate conceptions of justice are many. Often they are interspersed with fragments of other theories—anthropological, cosmological and metaphysical, to name but a few—whose relevance to the problems at hand is not always obvious. The fact that we are debating justice against a backdrop of various already existing religious and secular conceptions of justice limits the chances for our agreement. Theorising about justice, therefore, is not only called for because of objective conditions of justice but also because of the obstacles posed by the disparate ideas that people already have about justice. These are what I call the ‘subjective conditions of justice’ (Dusche 2000a; Rorty 1979: 985).

Wherever objective and subjective conditions of justice hold true, a certain amount of agonising over theories of justice is required. Today, as has been noted by many, objective and subjective conditions of justice can no longer be seen as limited to collections of human beings as small as individual communities or nation states. Since human beings interact with one another on a global scale, since individually or collectively they compete for resources that are becoming scarce on global levels, and since means of communication and transport link the remotest corners of the world into a single global network, the plausibility of restricting considerations of justice to individual societies is diminishing at the same rate as that global inter-dependencies

are growing. This is nothing new in principle—it was already felt by Kant who in his essay on Perpetual Peace observed that:

The injustice which they [the commercial states of our part of the world] show to lands and peoples they visit (which is equivalent to conquering them), is carried by them to terrifying lengths. America, the lands inhabited by the Negro, the Spice Islands, the Cape, etc., were at the time of their discovery, considered by these civilized intruders as lands without owners, for they counted the inhabitants as nothing. In East India (Hindustan), under the pretence of establishing economic undertakings, they brought in foreign soldiers and used them to oppress the natives, excited widespread wars among the various states, spread famine, rebellion, perfidy, and the whole litany of evils which afflict mankind. [And:] Since the narrower or wider community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world, the idea of a law of world citizenship is no high-flown or exaggerated notion.

—Kant (1991)

Therefore, from the viewpoint of objective conditions of justice, today even more so than in Kant's day, any considerations of justice have to begin by taking into account global human society as a whole. From the outset, any conception of justice has to be global in its reach as far as objective conditions of justice are concerned. Moreover, since globalisation brings people of various traditions into contact with one another and since these legacies not only provide a resource from which to draw in considerations of global justice but equally pose a challenge to any such consideration in terms of subjective conditions of justice, some reflection on those conditions seems to be necessary. In sum, it seems we should be looking for a conception of justice

that is global in its reach but not universal in its pretensions (as Hume advised us). It should benefit from already existing conceptions of justice without limiting its acceptability to people who feel they belong to a particular legacy. After all, ... 'tis our own consent alone, which binds us to any submission to magistracy' (Hume 1978: Section VIII). What is required, therefore, is what I would call a 'cosmopolitan conception of justice'.

HISTORY OF THE CONCEPT 'COSMOPOLITANISM'

Today, a cosmopolitan conception of justice can try to present itself as being in line with a number of conceptions of justice and their legacies. However, reflexivity demands that we be aware of cosmopolitanism's own legacy. Linked with this is the question of whether cosmopolitanism has an in-built bias towards the context of its own genesis.

Cosmopolitan ideas originated in the cynicism and stoicism of Hellas and Rome. They experienced a renaissance in the age of Enlightenment and have been revived in recent debates about global governance and justice. Despite its genesis from within European intellectual tradition, however, it would be premature to infer that the acceptability of cosmopolitanism should also be limited to that context. For one, cosmopolitan ideas demonstrably have an appeal across traditions and legacies outside Europe. Plus, more principled, the usefulness of an idea should not be determined by the circumstances of its inception but by the circumstances of its application—just as the value of light bulbs is not determined and limited to the West, where they were first conceived, but by their usefulness in similar circumstances prevailing the world over.

Moreover, cosmopolitanism has inspired not only the Western but also the Islamic traditions. Plus, it was never

uncontested even within the West, as the following argument will make apparent. Furthermore, the specific conditions that gave rise to cosmopolitan ideas in Antiquity bear a striking similarity to conditions prevailing in the present age of globalisation, which is marked by large scale urbanisation (mega-cities), migration engendered multi-culturalism, and a sense of loss of democratic control over one's collective fate in the context of the nation-state. Just like the Athenian *demos* lost agency after the incorporation of the Greek city states into the Macedonian empire at the time of the inception of Stoic cosmopolitanism, today the nation-state seems to be losing agency to an economic regime of multi-national companies playing off one state against another. With threats of withdrawal of resources (removal of investments, tax-payers and employment opportunities to more favourable places), global players are in a position to blackmail the nation-state into obedience. Nation-state based democratic polities lose their power to shape their own destiny, which undermines democracy and favours authoritarianism. With the ongoing reform crisis in Germany for example, democracy is once again becoming unpopular, which only benefits the extreme right.¹

The ideas of cosmopolitanism grew out of the experience of the urban lifeworld of the Mediterranean towns of the Hellenic and Roman empires (Brown 2006: 549–58). The life world of Mediterranean cities in imperial antiquity was multi-cultural and multi-religious. Therefore, it is conceivable that the generation of cosmopolitan ideas in this period had something to do with the experience of such cosmopolitan life worlds. The reverse, however, seems less plausible. Diverse life worlds do not necessarily generate cosmopolitan ideas. Insofar as cosmopolitanism implies that human beings are taken as moral subjects irrespective of their ethne or creed, cosmopolitanism is not a necessary

consequence of a multi-ethnic or multi-religious experience. Other forms of organising ethnic or religious diversity are conceivable and have been conceived and tried historically. Both options are again open to us today. There are advocates of cosmopolitan and democratic egalitarianism as well as advocates of 'guided democracy' or outright authoritarianism based on conceptions of group supremacy derived from religion, class, caste, or self-style elitism. It would take a conscious embrace of egalitarianism to shun the forces of authoritarianism.

Traditional societies such as ancient Greek, Roman, Indian, Persian, Arabic, Ottoman or traditional European societies tended to be organised by imposing hierarchical orders onto different societal groups. The status of tribes, casts, estates, dhimmi, or millets may have been secure at times but it was never based on equality. Although Greek, Roman, Indian, Persian, Arabic, Ottoman or European metropolises were cosmopolitan and people may have been open minded and tolerant vis-à-vis people of other groups, the governing norms were not cosmopolitan, that is, they precluded the idea of a single moral community for all humanity. Instead, they allowed for (or forced) different communities to co-exist in a specifically hierarchical way under the aegis of one ruling community (the *aristoi*, *patricians*, *priests*, *arya*, *ashraf*, or noblemen).

Against this backdrop, Stoic cosmopolitanism held that all people have the same universal faculty of reason and should accordingly be seen as on par with one another. Living according to reason and virtue meant to live in harmony with the divine order of the universe and in recognition of the essential value of all human beings. Accidental differences such as rank and wealth, ideally, were of no importance in the normative perspective. The Stoics recognised and advocated the brotherhood of humanity and the natural

equality of all human beings, even slaves. Some Stoic philosophers were slaves themselves.

The emergence of Stoic cosmopolitanism coincides with the abolition of Athenian democracy in the course of Macedonian expansion in the 4th century BCE. With this major rift, the polis ceased to be a primary point of reference for political and normative thinking. From being part of a self-ruling *demos*, Athenians were reduced to ordinary human beings along with the inhabitants of other European and Asian cities. Consequently, for the Stoics, humanity became the point of reference and the known world became its horizon. While some historians argue that this is not a mere coincidence, but that the displacement of the Greek polis by the Hellenist, and later the Roman empire had a causal effect on the emergence of cosmopolitanism, others argue against such a causal explanation. Thus Kleingeld and Brown (2006)² argue that:

...it is wrong to say what has frequently been said, that cosmopolitanism arose as a *response* to the fall of the polis or to the rise of the Roman empire. First, the polis' fall has been greatly exaggerated. Under the successor kingdoms and even—though to a lesser degree—under Rome, there remained substantial room for important political engagement locally. Second, and more decisively, the cosmopolitanism that was so persuasive during the so-called Hellenistic Age and under the Roman Empire, was in fact rooted in intellectual developments that *predate* Alexander's conquests. Still, there is no doubting that the empires under which Stoicism developed and flourished, made many people more receptive to the cosmopolitan ideal and thus contributed greatly to the widespread influence of Stoic cosmopolitanism.

But even if the causal effect of political incapacitation is doubtful, the emergence of Stoic cosmopolitanism coincides with a degree of loss of agency on the part of the citizen

of the polis. This may account for some of cosmopolitan's quietist and soul-searching tendencies. It seems that it was the superimposition of the emerging Hellenic empire on the Athenian political system that helped Stoicism to spread and gain in popularity. Therein, quietist cosmopolitanism is marked by a stark contrast to later political cosmopolitanism. The latter served as an inspiration to the leading political circles of the expanding Roman empire and lent legitimacy to the extension of equal citizenship rights to conquered people, independently of their nationality or creed by Caracalla in 212 CE. Rulers began to understand their function as a service to the common good and not to their self-interest or to the interest of a client group.

In the Middle Ages, Christianity and Islam embraced cosmopolitanism in one form or another. Based on their different adaptations of the philosophy of the ancients, they developed competing universalist claims. Cosmopolitanism, however received a twist by Christian and Muslim theology. For Augustine, for example:

...the cosmopolis ... becomes a community for certain people only. Augustine makes this point most explicitly by limiting the citizenship in the city of God to those who love God. All others are relegated to the inferior—though still universal—earthly city by their love of self. These two cities of the world, which are doomed to coexist intertwined until the Final Judgment, divide the world's inhabitants.³

The result is a dual cosmopolitanism that unites all believers in one worldwide community and all non-believers in another. A similar binary cosmopolitanism becomes prevalent in Islam where, the *umma* unites all believers irrespective of their local cultural, tribal, or national allegiances and all others are thought of as being part of another global community, that of the disbelievers, the *kuffar*.⁴

It is important to note in this connection that conflict between the emerging Muslim and Christian spheres of influence did not result from an incommensurability of different values but from a competition over the right interpretation of shared values. Cosmopolitanism is just one of them. Both, Christianity and Islam, invited individuals to join their ranks irrespective of their gender, tribe, rank, or nation; the only requirement being that they were human beings. Both, Christianity and Islam, attempted to create a *cosmo-polis* (ecclesia/umma) of fellow believers. The idea that faith could be as insurmountable a divisive factor among human beings as nation or tribe, presupposes the notion that it could be legitimate for different people to hold on to different beliefs, all being 'true' simultaneously. This idea was not readily available to Muslims and Christians until the age of Reformation, and the many religious wars in Europe and the time of Akbar in India, that is, the 16th and 17th centuries (although there are many exceptions to this general rule). 'Religion' as a category of which there could be many equally legitimate instances is an idea predominantly of the modern era. Cosmopolitanism in the Middle Ages was based on 'true faith', of which ideally there could be only one. It is thus in the sharing of the common value of 'true faith' that Christians and Muslims got themselves embroiled.

European humanism took up ancient cosmopolitanism during the Renaissance. Notably, Erasmus of Rotterdam, in his *Querela Pacis* of 1517 (Erasmus 1986: 289–322), drew on ancient cosmopolitanism to advocate the ideal of peace. He advocated for the unity of humankind and against its division into nations and religions. Erasmus pleaded for international and inter-religious tolerance and regarded all humans as his compatriots. From here, a direct line leads to enlightenment cosmopolitanism as expounded in Kant's essay on a *Project of a Perpetual Peace* of 1795 (Kant 1900: 341–86), in which he develops a global political theory based

on the concept of world citizenry and the idea of a federation of republics. During the same period, the self-portrayal of enlightened absolutist rulers such as the Prussian king Frederick II, who perceived himself as the foremost servant of his people, mirrored the Stoicist ethic of the Roman ruling elite. For the whole age of modernity, the idea of natural and secular law seems to fall in line with this cosmopolitan strand of thinking, for it conceives of legal subjects as marked by nothing else but their common humanity (as opposed to medieval personal law or religious canonical law). Drawing on this cosmopolitan tradition, Grotius, Pufendorf, and other theorists prepared the foundation of international law. They envisioned a society of states bound by a 'law of nations'.⁵ The historical context of the philosophical resurgence of cosmopolitanism during the Enlightenment is made up of many factors, as Kleingeld and Brown note:

The increasing rise of capitalism and worldwide trade and its theoretical reflections; the reality of ever expanding empires whose reach extended across the globe; the voyages around the world and the anthropological so-called 'discoveries' facilitated through these; the renewed interest in Hellenistic philosophy; and the emergence of a notion of human rights and a philosophical focus on human reason. Many intellectuals of the time regarded their membership in the transnational 'republic of letters' as more significant than their membership in the particular political states they found themselves in, all the more so because their relationship with their government was often strained because of censorship issues. This prepared them to think in terms other than those of states and peoples and adopt a cosmopolitan perspective. Under the influence of the American Revolution, and especially during the first years of the French Revolution, cosmopolitanism received its strongest impulse. The 1789 declaration of 'human' rights had grown out of cosmopolitan modes of thinking and reinforced them in turn.

—Kleingeld and Brown (2006)

The above quotation re-emphasises the connection between the growing popularity of cosmopolitanism, and a felt lack of possibilities, of democratic expression and participation on the part of the citizenry. At the same time when an effective public sphere emerges in Europe (Habermas 1989), and a growing number of economically independent and educated people (the emerging bourgeoisie) develop an interest in public matters, many states in Europe develop as absolute monarchies with a strong sense of controlling the public. All possibilities of active participation failing, citizens face the alternative of either turning to cosmopolitan, and for the most part utopian, ideas of a worldwide moral community of human beings, or to resort to the surrogate of participation—the emphasis of parochial identity. Being part of a nation that is vying with other nations for a share in the goods of the world, gives citizens an illusion of participation in a collective political enterprise.

The afore-mentioned connection would also explain why cosmopolitan, as well as nationalist ideas, were particularly strong in German lands where both, the formation of a modern nation-state and the establishment of democratic institutions was much delayed. In 1777, Johann Georg Schlosser, in the critical poem 'Der Kosmopolit' writes, 'It is better to be proud of one's nation than to have none.'⁶ In contrast, the early Johann Gottlieb Fichte argued for cosmopolitan popular sovereignty as a layered concept where, states would transfer to a federal level, the part of their sovereignty that concerns their external relations to other states while retaining a degree of autonomy in their internal affairs.⁷ The early Friedrich Schlegel argued for a cosmopolitan ideal in terms of a worldwide republic of non-coercive republics (Schlegel 1996).

In the 19th century, political cosmopolitanism developed as a counter movement to emerging nationalism in Europe.

In particular, communist and socialist internationalism bore the traits of political cosmopolitanism. In reaction to leftist cosmopolitanism, chauvinist and national–socialist circles developed the stereotype of the ‘cosmopolitan Jew’ and a ‘global conspiracy of Jews’.⁸ Thus adherents of cosmopolitan ideas were defamed along with the ‘world Jewry’ and the ‘proletarians of all countries’ as unpatriotic and anti-national.⁹ Today, cosmopolitanism is often belittled as wishful thinking, at best. These objections, however, fail to realise the extent to which formerly utopian cosmopolitan ideas have already been realised. The League of Nations of the earlier part of the 20th century would not have been conceivable without cosmopolitan ideas preparing the ground for it as well as for the current United Nations Organisation. Similarly, today’s International Criminal Court represents a form of institutionalised cosmopolitanism that goes far beyond Kant’s conception of *Weltbürgerrecht*, in that it supports the idea of individuals bearing rights under international law, in ways that cut through the shield of state sovereignty. Conversely, they can also be held responsible for crimes under the international law, independent of the state in which they were committed. Furthermore, international NGOs fight human suffering, oppose slavery and apartheid, and defend the emancipation of women without regard to nationality or creed.

The topicality of the concept of cosmopolitanism today lies in its all-inclusiveness and its abrogation of any ethnically or religiously defined ‘us’ and ‘them’. In the face of a heightened ‘identity mania’ (Meyer T. 2001), cosmopolitanism offers a way out of identity discourses that are frequently essentialising and exclusivist Modood (1998), and often prone to foster violence (Sen 2006). An emerging world polity cannot afford to cultivate parochial ethics at the expense of an attempt to reach a global level in moral and political debates

(Meyer W. 2005). Cosmopolitanism bases morality strictly on humanist principles, focussing on the human being as such, without regard to nation, ethnic group or creed. It is only on this level that the pros and cons of any particularist ethics can be discussed on a global scale. Maximal in its reach but minimal in its assumptions about human beings (as being marked but never determined by their belonging to family, ethnic group, creed or nation), cosmopolitanism proves at the same time large enough in its scope to meet the challenges of a globalising world and unassuming enough to be acceptable to humans simply on the basis of their humanity.

Recently, the political scientist Kwame Appiah published *Cosmopolitanism: Ethics in a World of Strangers* (Appiah 2006) where he pursues 'the legacy of a cosmopolitan ethic of flexibility and creative exchange that extends from antiquity to the UN declaration on human rights' (Suchsland 2006). His approach is more about justice as a qualifier of individual human action and less about justice as a virtue of institutions as it concerns us here. It therefore touches our project only tangentially. But in a debate over timely conceptions of family (same sex marriages) and in view of conflicts between people of different ethn, creed or nationality, Appiah demonstrates the topicality of the cosmopolitan legacy by showing how it helps to transcend, at least theoretically, the limitations of narrow and incommensurable reference points.

When more ambitious normative systems, secular or religious, tend to be in permanent and irresolvable conflict with each other, cosmopolitanism sounds a note of humility. It steps back and acknowledges the fact that no ambitious conception of justice, religious or secular, will ever convince everybody and that an insistence on one's own comprehensive worldview or creed in public affairs will invariably lead to exclusion or even violence vis-à-vis those who happen

to be of a different view. This is not to say that a cosmopolitan conception of justice could avoid taking a stand on controversial issues, but it attempts to do so, based on assumptions that seem the least controversial among all alternative conceptions of justice. A cosmopolitan conception of justice would also tend to emphasise the importance of dialogue and negotiation, and the procedural character of justice instead of engaging in speculations over concrete hard-and-fast doctrinal rules.

A cosmopolitan perspective on justice, thus, is a higher level perspective on conceptions of justice. It acknowledges the legitimacy of any reasonable conception of justice, but at the same time, it also emphasises the duty for its adherents to coexist with adherents of other such doctrines and to make allowances for a viable coexistence. This implies placing non-violence as a rule of interaction between people of different convictions on a higher plane than any norm that may be propagated within each particular system of belief. It requires the acceptance of a least presumptuous higher level ethics as a basis for the engagement in a process of dialogue and negotiation between groups of different convictions. This may necessitate change in the doctrinal structure of anyone's favoured system of belief and thus the admittance that no such system can ever be regarded as permanent and fixed in its interpretation.

Secular and religious conceptions of justice, if they are not to be a mere academic phenomenon, are normally embedded in the semiotic reference frames of a given culture. The anti-pode of a cosmopolitan conception of justice would thus be one that views cultural and religious identity as a value in itself, and seeks to preserve those identities in the name of an imaginary collective 'right to identity'. The notion of identity, here, is a static one against which I have argued elsewhere.¹⁰ Such a conception would have difficulties accounting for

the procedural and principally open character of any identity formation, whether collective or individual. Just as there can be no 'right to immortality' for the individual human being, equally, the idea of a 'right' to have one's cultural or religious identity preserved for all times belies the fact that cultures and religions are 'born', develop, change, and even 'die' eventually. When permanence cannot be attained for empirical reasons, it makes no sense to aspire for it on the normative level.

Some have argued that cosmopolitanism is meaningless without the context of a world-state. However, even those cosmopolitans who do favour a world-state tend to support something more sophisticated that cannot be dismissed out of hand, that is, a thin conception of global governance with layered sovereignty (Beitz 1979, 1983; Pogge 1992, 1994, 2001). The existence of the United Nations, of states like India with more than a billion people with diverse cultural and religious backgrounds, and of the European Union, are all evidence against the alleged impossibility to evolve the Westphalian system of sovereign nation-states into a global system of multi-layered state-like institutions. Though even among cosmopolitans, defenders of a loose, voluntary and non-coercive federation warn that a world-state easily becomes despotic,¹¹ defenders of a more integrated form of global governance counter that a form of a global federation of states would be the only way to meet today's global challenges. Pogge and others have argued that a concern for human rights should lead to a focus on an international institutional reform that would disperse sovereignty vertically (Pogge 2001). On this view, peace and progress would be better served by a system of global governance in which the loyalties of individuals would be dispersed over a number of political units on various levels, without any one layer dominating and thus occupying the usual role of the state (Dusche *op cit.*: 7; 2000b: 24–36).

OUTLINE OF A COSMOPOLITAN CONCEPTION OF JUSTICE

As mentioned above, a cosmopolitan conception of justice would be a thinner, higher level ethics in relation to more fully fledged conceptions of ethics as provided by more comprehensive secular or religious worldviews. Since people in the emerging global polity can not be expected to share in great detail the subjective normative conditions necessary for a full-fledged global theory of justice, a cosmopolitan approach to justice would therefore limit itself to defining the basic conditions that each comprehensive conception of justice would have to meet, in order for groups of people adhering to disparate conceptions of justice to live together peacefully. To achieve this, a cosmopolitan conception of justice would have to be simple and minimal in its presuppositions—anthropological, cosmological, metaphysical, theological—to be acceptable to the greatest possible number of people across regions and cultures. This basic requirement is a reflection of John Rawls' idea of a freestanding conception of justice, if only at a global level (Rawls 1993).

Simplicity is expressed by the fact that a cosmopolitan conception of justice would apply to all human beings as such. Such an assumption is less demanding, for example, than a theory that carries with it presuppositions about the nature of different categories of human beings (depending on family, tribe, class, caste, race, nation etc.) and their societies (whether stratified or based on equality, for example). A cosmopolitan conception of justice does not have to take a stance on any of these issues. It can limit itself to saying: 'Whatever you think matters for the organisation of your particular society, such and such are the basic conditions that have to be met so that your society can live peacefully with other societies.'

Because a cosmopolitan conception of justice, for reasons of simplicity, applies to human beings, plain and simple, it must be global from the start, since from its perspective, any division of humankind should not be taken as the basis for any theory of justice, but can only be its consequence. Whether it makes sense, for example, to cast the world in the mould of the Peace of Westphalia model of a plurality of sovereign nation-states, or whether today it would make more sense to think along the lines of a shared sovereignty on different levels of governance, from local and national to supra-national and global, is an open question. Debate about this question should not be pre-empted by simply assuming that justice can only be discussed on national and international levels. Equally, it should be open to debate whether or not some sort of global institutions of governance should not be equipped with the necessary interpretative, financial, and even armed powers to take on responsibilities that have generally been confined to the discretion of the nation-state.

Scepticism about such institutions is often based on the gratuitous assumption that global state-like institutions would not work or would be impossible to control. This may be true for a full fledged world-state. But let us take global juridical institutions as an example. International courts and tribunals have worked quite well in a number of cases in Europe and worldwide. There is no reason why such institutions should not be made to work on a more permanent and comprehensive footing. Only the illegitimate national interests of some member states of the United Nations currently stand in the way of such a project. These nations cannot be forced to comply, in view of their overwhelming power, but they could develop an interest in a self-commitment to principles of global justice, once they realised that with all their might they cannot dominate other nations into accepting their idiosyncratic and short-lived interpretations

of humanitarian intervention, human rights, or ‘perpetual peace’ by way of ‘infinite justice’.

Besides being simple, a cosmopolitan conception of justice needs to be minimal in its presuppositions—anthropological, cosmological, metaphysical, theological. Agreement on what man is, on what the world we live in is like, or on what we can expect in an after life, if there is any, cannot be expected within any reasonable time span. Yet, meanwhile, we want to live together peacefully. For this, we need not know the detailed answer to all these questions, if we can only agree on some minimal but irrefutable preliminary answers. Thus, we need not know the whole formula of *what is man* if only we grant that whatever else human beings may be like, they will only abide by norms that they accept. One can say that there is a naturalist fallacy involved—what is *actually* accepted by all humans concerned in a given situation is not necessarily the same as what *should* have been accepted by all in that circumstance.¹² The rejoinder would be—in that hypothetical situation—whatever should have been accepted by all, it is irrelevant as long as it does not get *actually* accepted. Note that a crucial constraint lies in the formula ‘accepted by all humans concerned’ (and not ‘accepted by a majority’). This should be taken quite literally for it guards against a potentially despotic form of democratic voluntarism. Only a gapless consensus would ensure that the human rights of a minority (or a single person) would not be sacrificed in the name of the interests of the majority. However unlikely a gapless consensus were in practice, the hypothetical case serves to demonstrate the sufficiency of democratic voluntarism for questions of justice. Given the unlikely event that a group of people would take a collective decision based on an uncontradicted consensus, and no one outside that group is concerned by the consequences of that decision, there is nothing that this group could not decide. The limiting case of

a gapless consensus thus serves to prove the irrelevance of any extraneous constraints (anthropological, metaphysical and theological) on justice other than democratic voluntarism.

In order to bring into line the minimal requirements of a cosmopolitan conception of justice with the more fully expressed requirements of a more comprehensive conception of justice, we can take Rawls' idea of an *overlapping consensus* and take it to a global level. The fundamental idea is that we can, maybe, achieve a consensus on certain minimal requirements of justice, if we focus on results and leave aside their justification. Thus, while any comprehensive conception of justice, religious or secular, may have a different rationale in arguing for the preferability of non-violent conduct between human beings plain and simple, and as members of different societies or nations, we can let these rationales be different, even incompatible, as long as we can agree on the outcome, that is non-violence.

This overlapping consensus, however, can not be achieved without cost. It should not be denied that there are conceptions of justice that do propagate illegitimate means in achieving their ends. A cosmopolitan conception of justice would be incompatible with such notions. People who propagate their conception of justice and deny others the right to do the same, for example, cannot be seen as contributing to an overlapping consensus. They have to either be reformed or isolated. In this sense, a cosmopolitan conception of justice is not a meta-theory of justice. Its claims, however non-interfering, are on the same level as those of more interfering conceptions of justice. The difference is not one of levels (object-/meta-) but of intrusiveness.

A cosmopolitan conception of justice can be called thin, or minimal, because it limits itself to the regimentation of as little as necessary in a persons life, whereas comprehensive conceptions of justice tend to regulate as much of human

life as possible. Why, for example, would it be necessary for all humans to believe that the earth is either flat or round, that the universe is finite or infinite, or that time is circular and infinite (wheel of life), or linear and finite (from creation to doomsday), in order to live together peacefully? The task is, therefore, to purge our conception of justice from all irrelevant anthropological, cosmological and metaphysical accessories that make it unlikely to be acceptable to people with widely disparate worldviews.

RELATIVISM AND UNIVERSALISM IN MORAL THEORY

Here, I am coming back to the question of universalism in moral theory and to the delimitation of this term with respect to relativism and cosmopolitanism as proposed in this chapter—if a cosmopolitan conception of justice is not universalist, the questions arises as to whether a cosmopolitan conception of justice amounts to relativism? And if so, whether that is bad?

Universalism in moral theory is generally understood in an epistemological sense. In this understanding, ethical universalism is marked by similar deficiencies as is metaphysical realism (Putnam 1976: 123–40). Hillary Putnam (*ibid.*: 123) has demonstrated that metaphysical realism is inconsistent. Correspondingly, I will argue that naïve universalism is self-defeating. Just like metaphysical realism, which aims at modelling the relationship between the one theory with the one real world, ethical universalism, in its simple form, aims at modelling the relationship between the one moral theory in correspondence with the one realm of moral universals, that serves as a timeless and context-independent device for the resolution of moral problems. As an alternative to metaphysical realism, Putnam (*ibid.*) proposes

a different kind of realism, which he names ‘internal realism’ and in which the practice of theorists (speakers) forms an integral part:

The realist explanation, in a nutshell, is [...] that speakers mirror the world [...] in the sense of constructing a symbolic representation of that environment. [I refer to] realism in this sense—acceptance of this sort of scientific picture of the relation of speakers to their environment, and of the role of language—as internal realism.

For Putnam, internal realism is distinct from naïve realism in that it takes into account the collectivity of speakers for whom a given model is realistic or not. Unlike naïve realism, internal realism allows collectivities of speakers or communities of researchers to express themselves in a specific language (theory). Such collectivities are defined by a specific linguistic practice that—for them—forms the basis for the generation of models of reality. These models are realistic in relation to these communities and not in any absolute sense.

Correspondingly, we can look at moral universalism as standing in relation to a collectivity whose members are united in a norm-governed social practice that gives rise to a universalist moral theory that these communities may generate. In analogy to Putnam’s term ‘internal realism’, the term ‘internal universalism’ may be proposed for any theory that takes into account the fact that moral theory is always universal *for* a particular group of people who share a common moral practice. The most we can achieve is to enlarge the relevant reference group to include all human beings. The result would be a cosmopolitan theory of justice but not *a universal* theory of justice. The theory would be universal only *for* humanity and not as such (i.e. for other intelligent life that may exist in the far corners of the universe). Thus in the sense that a cosmopolitan theory of justice would be

relative to the shared practice of a globalised humanity, it would be relativist. This is, however, not a dangerous way of being relativist, as I will argue presently.

As Hume reminded us, there can be no ethical universalism in the absolute sense, in abstraction, so to say, from any human practice. Such a position would correspond to the naïve realism discussed above and could be called naïve universalism. Naïve universalism ignores human practice as being the only available reference point in relation to which norms are generated and justified. The false assumption that moral norms could be justified in the abstract fails to take into account what Rawls (1993: 54) had called the *burdens of judgement*, and what could also be called an *indeterminacy of human reason* (Dusche 2002: 21–30). Too often, the justification of moral norms is thought of in analogy to the justification of propositions from the realm of natural science. Propositions in science are justified when they are true. In moral theory, however, truth is not the relevant criterion. Rather it is acceptance. Moral norms are justified when they are accepted by all (quite literally) they concern. Those concerned cannot be abstracted away in the process of justification. Moral universalist claims, therefore, remain inescapably bound to a moral practice that generates norms and gives rise to moral theories reflecting upon these norms.

Putnam (Putnam 1976: 138) concludes his remarks on internal realism with a metaphor that is even more enlightening when applied to moral philosophy:

Kant's image was of knowledge as a 'representation'—a kind of play. The author is me. But the author also appears as a character in the play [...]. The author in the play is not the 'real' author—It is the 'empirical me'. The 'real' author is the 'transcendental me'. I would modify Kant's image in two ways. The authors (in the plural—my image of knowledge is social) don't write just one story: they write many

versions. And the authors in the stories are the real authors. This would be ‘crazy’ if these stories were fictions. A fictitious character can’t also be a real author. But these are true stories.

Thus, internal universalism (and by implication our cosmopolitan conception of justice), in one sense, is a relativist position. The conditions of internal universalism are met *if and only if* a given norm or normative theory N is formulated against the backdrop of a practice P, and (1) the scope of N is intended to include all human beings, and (2) N is justified in terms of acceptance by the members of P. (1) makes N universal in intention, and (2) restricts it to P in terms of justification. Thus, in terms of justification, N is relative to P. In terms of its intended scope, N is universal. There is one case in which the justification of N for P nearly matches N’s universalist aspiration—if N is justified relative to a practice in which all humans take part. The question of norms or normative theories being globally valid thus hinges on the concept of a globally shared social practice. If one accepts this concept, a truly cosmopolitan moral theory, or theory of justice, becomes conceivable. Still, even this globally justified normative theory would only be internally universal—that is, internal to the global perspective—but this may be all that the universalist ever wanted!

Theory-related relativism does not fall into the trap of *normative relativism* (Brandt 1967: 75–78). One can distinguish three forms of relativism—descriptive, meta-ethical and normative. Within descriptive relativism, we can further distinguish between a fundamentalist and a non-fundamentalist variety. Descriptive relativism makes the uncontroversial claim that conceptions of justice are varied and conflicting for different individuals or groups of individuals. Within non-fundamentalist descriptive relativism no decision is taken, whether or not one of the conflicting conceptions is ‘truer’

than the other; or whether an agreement across conflicting conceptions can be reached. Only in its fundamentalist variety does descriptive relativism draw the fatal conclusion that the conflict of norms is impossible to resolve and that, therefore, we have to accept the alternative of either peaceful but separate coexistence or violent conflict between disagreeing groups.

From the point of view of internal universalism, descriptive relativism is unproblematic, even desirable, for it only tells us why we need ethics in the first place. If there were no disagreement on normative questions, ethics as striving for the resolution of normative conflicts would be superfluous. Internal universalism, however, does not lead to the fatal consequence that fundamentalist descriptive relativism embraces, for it emphasises the possibility of overcoming principled normative conflict through the establishment of a common social practice that can then serve as a basis for common deliberations on normative questions. Internal universalism rejects the view that there has to be (and can be) only one right answer to a given normative problem. Instead, it emphasises the possibility of a collective and plural choice of solutions that conflicting parties deem suitable for themselves. Internal universalism can thus qualify as a form of meta-ethical relativism. Meta-ethical relativism rejects the view, '[that there is any] method of ethical reasoning that can be expected in principle to show, when there is a conflict of values or ethical principles, that one and only one solution is correct' (Brandt 1967.). Thus internal universalism is a relativist position in two ways. It is a form of descriptive relativism in its non-fundamentalist variety and it is a form of meta-ethical relativism. Neither of the two, however, makes it a relativist position in the normative sense. From the point of view of normative relativism, it would be always wrong for a member X of reference group C to do action

A in situation S, if members of C believe that A for X in S is wrong. Let us call this axiom 'R'. Within internal universalism, R in its generality cannot even be formulated, for it presupposes what internal universalism rejects—a point of view that is neutral with respect to all social practice, its generation of norms and its ways of justifying them. This seemingly neutral point of view assumes that a particular reference group C is always the authority for the justification of N. Here, however, normative relativism presupposes a normative principle that in turn is not justified by any allusion to a reference group. Therefore, such a position is self-defeating. Normative relativism stops short of applying its own tenets to the universal claim that is implicit in R. By contrast, internal universalism, unlike normative relativism, does not fall short of including R in the set of questions that any moral theory has to address. For internal universalism, the question of whether R is correct or not must be decided on the basis of a conception of justice. The answer is theory-dependent and many different theories are conceivable.

To illustrate this, let us construct an example in which two incommensurable meta-ethical views are in conflict regarding the justification of a given norm N. Let the two meta-ethical views be one of a theocrat and the other of a democrat. According to the theocrat, the relevant authority for the justification of N is god (or the gods) or rather the theocracy in proxy for god himself.¹³ For the democrat, the relevant criterion is the gapless consensus of the concerned political community. From the point of view of the theocrat, the question of whether an action is right or wrong is independent of members of a reference group, believing that the action is wrong because the justification of the relevant norm N is not dependent on the reference group but on the directives of the theocracy. From the point of view of

the democrat, on the other hand, the relevant question is whether or not N has been unanimously endorsed by the political community. Both make a universal claim. The theocrat claims that norms are justified for all humans when they are endorsed by the theocracy; the democrat claims that norms are justified for all humans when they are unanimously endorsed by their political community. Both draw on an established practice of justification of norms: a theocratic practice on one hand and a democratic practice on the other. Thus, both points of view can be characterised as internally universal. The argument below demonstrates that a common formulation of the principle of normative relativity, a formulation with which both parties could agree, is not conceivable. Therefore, normative relativism cannot be expressed within a framework of internal universalism—a common formulation of a principle of normative relativity would have to look like the following proposition, ‘It would be wrong for X as a participant in practice P to do action A in situation S, if, and only if, A is not in agreement with the rules governing P (let us call this proposition ‘R*.’ From the theocratic point of view, the rules governing P are those of the established practice of theocracy. From the democratic point of view, the rules of P are those of the established democratic practice. Each interprets R* in its own way and each interpretation is unacceptable for the other party. The theocrat and the democrat could never agree on a common interpretation of R*.

CONCLUSION

From all this we can conclude that internal universalism, and therefore our cosmopolitan conception of justice, is an independent position between naïve universalism and normative relativism. Since we have shown the latter two to be

inconsistent, cosmopolitanism presents itself as the only viable alternative. In addition, cosmopolitanism does not preclude the possibility of theocrats and democrats converging towards a common conception of justice. They could come to an agreement in which they would settle which cases were to be treated according to the theocratic conception of justice and which to be treated according to the democratic conception. Matters of the 'church', for example, might fall into the domain of the theocracy, whereas matters of general concern would come into the domain of democracy. Each of the two parties would have to restrain their universalist pretensions and agree to restrict the scope of their principles of justice.

Normative relativism is dangerous because it suggests that people are trapped, as it were, in their respective social life-forms that constitute the communities to which it refers. Cosmopolitanism avoids this pitfall by not depending on any particular existing community for the justification of norms but by referring to actual, as well as possible social practices of shared genesis and justification of norms. People are always free to develop new, overlapping forms of social interaction across existing communities, to reshape communities and to redefine their normative basis. Thus, cosmopolitanism avoids the dangers of normative relativism. While it grants that principles of justice cannot be completely unrelated to the moral practice of various social groups, it refuses to view established social practice as final. It refuses to perceive humans as unavoidably caught in their respective communities, and encourages them to find political and peaceful solutions to problems resulting from their interaction. If both sides accept that their claims can only be internally universal (and not universal in an absolute sense), and that they have to gain the acceptance of the other side in order to widen the scope of their favoured principles

of justice, then cosmopolitanism can provide mutual understanding and peaceful solutions to conflicts in norms and values. Cosmopolitanism allows us to understand why, in every conception of justice, there is a claim to universality, and why this claim remains relative to a certain context until the context is broadened in a joint effort to eventually include all of humanity.

NOTES

1. Cf. 'Mehrheit der Deutschen zweifelt an der Demokratie', *Spiegel Online*, accessed on 2 November 2006, at <http://www.spiegel.de/politik/deutschland/0,1518,446203,00.html>; 'Germans Losing Faith in Democracy and Social Justice', *Deutsche Welle World*, accessed on 3 November 2006, at <http://www.dw-world.de/dw/article/0,2144,224088,00.html>
2. Accessed on 15 February 2007, at <http://plato.stanford.edu/entries/cosmopolitanism/>
3. Kleingeld and Brown (2006); Augustine, in Kalb (1929), later edited and translated by Dyson (1998).
4. Arabic: *kāfir*; plural *kuffār*.
5. Grotius (1625) in Kelsey (1925); Pufendorf (1672) in Simons (1995).
6. Schlosser, Johann Georg. 'Politische Fragmente.' *Deutsches Museum*, February 1777; quoted after Kleingeld and Brown. (op. cit.).
7. Johann Gottlieb Fichte in Neuhauser (2000).
8. During anti-Semitic campaigns between 1948 and 1953, a similar concept evoking feelings of hatred and fear was conjured up in Stalinist Russia where 'rootless cosmopolitan' became a common malediction of Jews.
9. In the time of Bismarck's anti-socialist laws, German socialists were defamed as *vaterlandslose Gesellen* (journeymen without any allegiance to their fatherland).
10. 'Identity, Language, and Culture,' paper read at the International Seminar on 'Language, Meaning, and Text', Centre for Philosophy, School of Social Sciences, Jawaharlal Nehru University, New Delhi, India 5–6 November 2004. Published as 'The Study of Migrant Identities through Migrant Literatures', in Jecht and Mazumdar (2006).

11. Rawls (1999). 'The Law of Peoples', in Shute and Hurley (1993), originally published in *Critical Inquiry* 20: 36–68.
12. ... by some standard other than acceptability to the people concerned such as correspondence to gods will, the *Shari'ah* law, the Christian *logos* or what have you.
13. You may think of Iran here (cf. Amirpur (2006: 61)).

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