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Cosmopolitanism and the world state

WILLIAM E. SCHEUERMAN*

Abstract. Political cosmopolitanism comes in many different shapes and sizes. Despite its intellectual diversity, cosmopolitanism typically agrees on one crucial matter: any prospective global democracy is best envisioned not in terms of a hierarchical world state, but instead as a multilayered system of global governance resting on an unprecedented dispersion of decision-making authority. In discarding traditional ideas of world government, cosmopolitans typically succumb to a series of mistakes. First, they presuppose unfairly dismissive accounts of world government. Second, they misleadingly contrast their own multilayered and (allegedly) institutionally novel vision to early modern (for example, Hobbesian) ideas of sovereignty, or to Max Weber's influential definition of the modern state. They thus obscure the fact that the modern state's diverse manifestations can only be partly grasped by ideal-types drawn from either Hobbes or Weber. Consequently, they depend on straw person accounts of the modern state. Third, envisioning their proposals as building on the familiar ideal of institutional checks and balances, they misconstrue the contribution that checks and balances can make to global-level democracy. Their hostility to statist ideas about global democracy notwithstanding, their proposals sometimes mimic core attributes of traditional statehood, and they tend inadvertently to 'bring the state back in' to global democracy.

William E. Scheuerman is Professor of Political of Political Science at Indiana University, where he teaches political theory and is presently Director of Graduate Studies. He is author and/or editor of nine books, including *Realist Case for Global Reform* (Polity, 2011) and *Hans J. Morgenthau: Realism and Beyond* (Polity, 2009).

Political cosmopolitanism has undergone a remarkable revival in the last two decades.[1] Challenging deeply ingrained presuppositions about the nation state as the primary site for realising justice, democracy, and legality, cosmopolitans have formulated creative ideas about global justice and the necessity of global-level economic redistribution, as

* Earlier versions of the article, were presented at the Centro Studi Americani (Rome), Stanford University, Indiana University, and a lively 2013 ISA workshop devoted to world government, organised by Catherine Lu and Daniel Deudney. I am grateful to everyone who commented and criticised the article, but special thanks to Daniele Archibugi, Chris Brown, Claudio Corradetti, Josh Cohen, Sandro Ferrara, Jeffery Isaac, Rafael Marchetti, Josh Ober, Jon Simons, and Tomer Perry. In addition, this journal's blind reviewers provided incisive comments and criticisms of earlier drafts, from which I have learned a great deal and for which I am extremely grateful.

[1] For overviews of the burgeoning literature, see Richard Beardsworth, *Cosmopolitanism and International Relations Theory* (Cambridge, Polity Press, 2011); Gillian Brock and Harry Brighouse (ed.), *The Political Philosophy of Cosmopolitanism* (Cambridge: Cambridge University Press, 2005); Garrett Wallace Brown and David Held (ed.), *The Cosmopolitanism Reader* (Cambridge: Polity Press, 2010). Following Thomas Pogge, I define political cosmopolitanism as entailing a 'commitment to a concrete political ideal of a global order' or 'universal [global democratic] republic'. See Pogge, 'Cosmopolitanism and Sovereignty', in his *World Poverty and Human Rights* (Cambridge: Polity Press, 2002), p. 169. Like other defenders of institutional or political cosmopolitanism, however, Pogge does not believe that it requires a universal state.

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well as provocative proposals for institutional reform. In particular, many important cosmopolitans now advocate far-reaching supranational or global-level democratisation – that is, some more-or-less institutionalised version of global or cosmopolitan democracy – as a desirable long term goal. To be sure, cosmopolitans not only provide different – and sometimes competing – normative justifications for democracy 'beyond the nation state', but they also offer alternative ideas about its proper form. Following the path breaking work of David Held, some envision global democracy as a unified system of global lawmaking and enforcement where familiar liberal democratic electoral mechanisms would eventually be extended to the global level.[2] Other cosmopolitans worry, however, that attempts to extend conventional institutional devices risk obscuring distinctive facets of global political and social affairs, and especially their stunning pluralism and social complexity. In this spirit, Jürgen Habermas offers a complex tripartite model of global governance, where national, transnational (that is, regional or continental), and supranational (that is, global) levels pursue separate tasks,[3] while others have gone even further in advancing highly decentralised and differentiated models with strongly pluralist, functionalist, and corporatist intonations.[4] Yet other cosmopolitans suggest that the best way to democratise global affairs is by eschewing the quest for novel global political institutions altogether.[5] Finally, some argue that the struggle for global democratisation should lead us to abandon some of the traditional conceptual paraphernalia of modern democratic theory.[6]

Notwithstanding these significant differences, pretty much every political cosmopolitan agrees on one crucial matter: prospective global democracy is best envisioned not in terms of a formal world government or state, but instead as a system of multilayered global governance resting on an unprecedented dispersion of decision-making authority.[7] In this view, a new global state outfitted with the conventional paraphernalia of modern statehood (for example, a centralised monopoly on legiti-

[2] David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995); Daniele Archibugi, David Held, and Martin Köhler (ed.), *Reimagining Political Community: Studies in Cosmopolitan Democracy* (Stanford: Stanford University Press, 1998).

[3] Jürgen Habermas, *The Divided West* (Cambridge: Polity Press, 2006), pp. 113–93. Building directly on Habermas, see Erik O. Eriksen, *The Unfinished Democratization of Europe* (Oxford: Oxford University Press, 2009).

[4] In this admittedly (very) rough and unwieldy category, we might include James Bohman, *Democracy Across Borders: From Demos to Demoi* (Cambridge, USA: MIT Press, 2007); Joshua Cohen and Charles F. Sabel, 'Global Democracy?', *New York University Journal of International Law and Politics*, 37 (2004–5), pp. 763–93; Andrew Kuper, *Democracy Beyond Borders: Justice and Representation in Global Institutions* (Cambridge: Cambridge University Press, 2004); Terry MacDonald, *Global Stakeholder Democracy: Power and Representation Beyond Liberal States* (Oxford: Oxford University Press, 2008).

[5] John S. Dryzek, *Deliberative Global Politics* (Cambridge: Polity Press, 2006).

[6] Michael Goodhart, *Democracy as Human Rights: Freedom and Equality in the Age of Globalization* (London: Routledge, 2005).

[7] There are rare exceptions, see for example, Raffaele Marchetti, *Global Democracy: For and Against* (London: Routledge, 2008), but otherwise there is remarkable agreement on this matter among, for example, Daniele Archibugi, Richard Beardsworth, Garrett Wallace Brown, Hauke Brunkhorst, Simon Caney, Joshua Cohen, John Dryzek, Richard Falk, Carol Gould, Jürgen Habermas, David Held, Martha Nussbaum, Andrew Linklater, Thomas Pogge, and Charles Sabel. In an important paper, 'Statist Cosmopolitanism', *Journal of Political Philosophy*, 16:1 (2008), pp. 48–71, Lea L. Ypi argues that cosmopolitanism depends on a particular and indeed 'unique associative sphere' best provided by (statist) political communities (p. 48). However, she still shares the general cosmopolitan disdain for world government. In this article, I do not consider related ideas about the possibility of global-level 'constitutionalism without a state', only because its complexities demand a separate treatment. However, I do believe that some of my critical arguments apply to it as well.

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mate force) is neither necessary nor desirable. In striking contrast to earlier historical junctures where those seeking far-reaching global reform regularly defended 'one-world' models of a world state,[8] present-day cosmopolitans delight in telling their readers that their otherwise ambitious institutional aspirations need not culminate in supposedly unrealistic visions of hierarchical and centralised global statehood. In fact, if there is *one* institutional matter on which political cosmopolitans agree, it concerns the dispensability of allegedly anachronistic ideas of world government. Cosmopolitan political theory obviously remains vibrant and multifaceted. Yet in its hostility to a formal worldwide state, structurally akin to existing forms of statehood at the national level, and in its simultaneous embrace of pluralistic or multilayered governance, cosmopolitans typically speak with one voice.[9]

In discarding ideas of global statehood, however, cosmopolitans rely on a relatively limited range of key arguments. They generally begin with unfairly dismissive accounts of world government (I). In order then to justify their own multilayered alternative, they contrast their ideas to early modern (for example, Hobbesian) ideas of state sovereignty, or to Max Weber's influential definition of the modern state. Many of them also describe their proposals as resting on updated interpretations of the familiar ideal of institutional checks and balances. After relying on a rather one-sided view of the modern state, and then misconstruing the contribution that checks and balances can make to democracy (II, III), they proceed to downplay key institutional functions best performed by states, while obfuscating ways in which their own proposals actually mimic elements of traditional statehood. Despite their hostility to overtly statist visions of a reformed global order, they sometimes 'bring the state back in' (IV). Too much of their exposition depends on a limited grasp of the empirical realities of modern states, whose complex and diverse forms can only be partly grasped by ideal-typical models drawn from either Hobbes or Weber. They deprecate the extent to which any coherent – let alone identifiably democratic – system of rule having multiple decision-making sites requires substantial and probably far-reaching attributes of what I will describe below as 'stateness'. Cosmopolitans need to take the unfairly neglected merits of post-national states more seriously than they so far have been willing to do.

World statehood as straw-man

In his *Law of Peoples*, the late John Rawls disposed of the possibility of a world state with the quip that

> Here I follow Kant's lead in *Perpetual Peace* (1795) in thinking that a world government – by which I mean a unified political regime with the legal powers normally exercised by central governments – would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy.[10]

[8] Lawrence S. Wittner, *One World or None: A History of the Nuclear Disarmament Movement Through 1953* (Stanford: Stanford University Press, 1993).

[9] Some non-cosmopolitans are committed to dramatically expanding global governance. See, for example, Furio Cerutti, *Global Challenges for Leviathan: A Political Philosophy of Nuclear Weapons and Global Warming* (Lanham: Lexington, 2007); also, Daniel H. Deudney, *Bounding Power: Republican Security Theory From the Polis to the Global Village* (Princeton: Princeton University Press, 2007) share political cosmopolitanism's hostility to world government.

[10] John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), p. 36.

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Rawls's comments are illuminating for two reasons. First, they are brief and surprisingly underdeveloped, as though one could simply defer to a commonplace – yet one-sided – interpretation of Kant's scattered criticisms of world government in lieu of sustained theoretical argumentation. They also rest on a conventional but undertheorised definition of the state (for example, as a 'unified' regime possessing centralised legal powers). Second, they reproduce Kant's famous worries that world government would entail either a fragile political order prone to civil strife (in light of global pluralism) or a potentially 'despotic' hypercentralisation of state power incongruent with liberty.

Notwithstanding myriad ways in which Rawls's own views differ from theirs, his dismissive analysis of world government has set the tone for many cosmopolitans. Even in massive tomes devoted to global democracy, they only mention the prospect of world government in passing, doing so only in order to recount the usual Kant-inspired reservations. One repeatedly encounters the familiar list of accusations, concisely summarised as though they constituted self-evident truths, but little in the way of rigorous defense. World government, we are told, is impractical since it is impossible to envision a feasible path to it from the existing state system: 'states are unlikely to agree to a complete surrender of their sovereignty'.[11] Any attempt to establish world government would likely generate horrific political violence. And if in fact ever established, a world state would require an absolute and thus perilous concentration of political and especially coercive power. *All* power would have to be placed in the hands of a global executive, and this would have to 'encourage administrative abuse, laxity, or ineffectuality', as well as unchecked executive discretion.[12] World government could not possibly allow for the requisite degree of institutional decentralisation.[13] Because of its inevitable distance from ordinary people, along with vast differences in culture and language at the global level, its accountability to popular pressures could never be guaranteed.[14] A global state would be unchecked by competing political units, with its subjects unable to flee elsewhere in the face of injustice; nor would there by any possibility of exerting external pressures on it. Yet, as Martha Nussbaum comments, 'the worst tyrannies in modern times have not fallen without external pressure'.[15] A world state, in short, would be a disaster or worse.

This is hardly the place for a full-fledged defense of world government, whose justification obviously raises many tough questions. Nonetheless, one can still see begin to identify flaws with contemporary cosmopolitanism's instinctive hostility to it.

In reality, Kant's views on the world state were more complex. Kant not only occasionally endorsed it, but even when underlining its presently unrealistic contours, he still apparently hoped that 'a world republic with public coercive laws might

[11] Held, *Democracy and the Global Order*, p. 229.
[12] Kuper, *Democracy Beyond Borders*, p. 26; also, Simon Caney, J*ustice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), pp. 164–5; Eriksen, *Unfinished Democratization of Europe*, p. 116. For an insightful survey of the standard criticisms, see Catherine Lu, 'World Government', *Stanford Encyclopedia of Philosophy*, available at: {plato.stanford.edu.entries/world-government/}.
[13] Pogge, 'Cosmopolitanism and Sovereignty', p. 183.
[14] Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, Mass.: Harvard University Press, 2006), p. 313.
[15] Ibid.

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evolve at a later stage of development'.[16] Despite his own well-known anxieties about global government, Kant thought that as a possible long-term aspiration much could be said in its favour. In any event, robust Kantian arguments can be made in defense of a world state, even if Kant's own position was perhaps tension-ridden.[17] Unfortunately, contemporary cosmopolitans downplay these ambiguities, rushing to ally Kant with their present-days institutional ideas about post-national political and legal coordination. Even if some legitimate reasons lead contemporary cosmopolitans to mobilise Kant as a resource for contemporary notions of 'global (democratic) governance without government',[18] this interpretation comes at a high price: it leads cosmopolitans to avoid serious engagement with the idea of a world state.

In the process, cosmopolitans reproduce precisely that 'inability to use one's own understanding without the guidance of another' which Kant described as 'self-incurred immaturity'.[19] Whatever one's views about global political reform, it simply does not suffice to refer deferentially to a handful of comments by an eighteenth-century political philosopher, even one as wise as Kant. Just to mention one example of why such deference is unsatisfactory: like many Enlightenment thinkers, Kant doubted that self-government and the rule of law could be achieved in large territories, implicitly following Montesquieu, Rousseau, and others in questioning whether their necessary presuppositions could ever be realised there. This strand in his thinking carried unmistakable classical republican overtones; it encouraged many eighteenth-century intellectuals to express deep scepticism about the possibility of self-government in France, the fledgling United States, and elsewhere. By endorsing this feature of Kant, cosmopolitans inadvertently smuggle a tendentious trait of civic republicanism into their otherwise modern liberal democratic theories, notwithstanding their overall (and generally astute) hostility to traditional republicanism and its preference for small and homogeneous polities. At the very least, modern liberal political experience powerfully suggests that democracy *can* thrive in territorially large, populous, as well as astonishingly diverse, settings (for example, modern India). For that matter, what the geographer David Harvey aptly describes as 'time and space compression' shows that physical distance is by no means a social or historical constant, but instead is subject to far-reaching variation as a consequence of the ongoing acceleration of core social and economic activities.[20] So why follow eighteenth-century republicanism in dogmatically dismissing the possibility of large-scale democracy at the post-national scale?

[16] George Cavallar, *Kant and the Theory and Practice of International Right* (Cardiff: University of Wales Press, 1999), p. 130. Kant's views on world government are notoriously complicated; references to the relevant literature could easily fill many pages. Here I merely mean to suggest that cosmopolitans move too quickly in endorsing an anti-(world) statist reading of his *ouevre.* For an excellent survey of the issues at hand, see Pauline Kleingeld, *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship* (Cambridge: Cambridge University Press, 2012).

[17] Christopher Horn, 'Philosophische Argumente für den Weltstaat', *Allgemeine Zeitschrift für Philosophie*, 21 (1996), pp. 229–51; also, Otfried Höffe, *Demokratie im Zeitalter der Globalisierung* (Munich: Beck, 1999).

[18] Garrett Wallace Brown, *Grounding Cosmopolitanism: From Kant to the Idea of a Cosmopolitan Constitution* (Edinburgh: Edinburgh University Press, 2009).

[19] Immanuel Kant, 'An Answer to the Question: "What is Enlightenment?"', in Hans Reiss (ed.), *Kant's Political Writings*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1970), p. 54.

[20] David Harvey, *The Condition of Postmodernity* (Oxford: Blackwell's, 1989). See also William E. Scheuerman, 'Der Republikanismus der Aufklärung im Zeitalter der Globalisiering', in Oliver Eberl (ed.), *Transnationalisierung der Volkssouveranität* (Stuttgart: Steiner, 2011), pp. 25–70.

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Similarly, cosmopolitans appear to be poorly versed in a rich tradition of global 'one-worldist' federal theory, whose exponents have struggled to sketch models of a world state immune to the standard accusations. In recent years, we have begun to see a revival of this body of thinking.[21] It would be useful if cosmopolitan defenders of democratic 'global governance without (global) government' finally engaged it. Thus far, they have overwhelmingly failed to do so.

Without discounting understandable worries one might entertain about world government, let me just mention one way in which cosmopolitanism caricatures it. Despite the repeated assertion that a world government would necessarily mean hypercentralisation, its defenders have generally envisioned it not as a unitary but instead relatively decentralised federal state, where substantial decision-making powers would be left in the hands of regional and national decision-making units.[22] Cosmopolitans too often simply posit that a world state is necessarily inconsonant with federalism or the requisite institutional decentralisation. But why do so, in light of the existence of viable existing federal systems (for example, Canada, India, and the United States) which successfully synthesise traditional attributes of the modern state –for example, the ability to mobilise coercive force to uphold legality – with extensive rule-making at regional and local levels? Why not instead rely on this apparent political success story to reflect constructively about its potential lessons for a more inclusive post-national state?[23] The fascinating cases of what Alfred Stepan, Juan Linz, and Yogendra Yadav have recently described as 'state-nations', or multinational democratic 'federacies', potentially offer valuable lessons for anyone serious about respecting pluralism while achieving post-national and perhaps global statehood.[24]

In fairness, not all cosmopolitans have ignored such empirical cases (for example, India). When they to take note of them, however, they revealingly admit that global democracy indeed requires 'a certain level of political centralization', though probably not 'a complete centralization of the means of coercion'.[25] As I hope to show in the analysis to follow, this represents a potentially decisive concession: not only does it bring contemporary cosmopolitan views into close proximity with the 'one-world' federalist ideas they claim to have transcended, but it represents a refreshing break from the general tendency among cosmopolitans to celebrate global-level institutional disaggregation and decentralisation.

Admittedly, under contemporary conditions, any global federal system could assuredly be achieved only 'through revolution or in the wake of some global catastrophe', neither of which is obviously desirable.[26] A world state is indeed presently

[21] See Luis Cabrera, *Political Theory of Global Justice: A Cosmopolitan Case for the World State* (London: Routledge, 2004); also, Cabrera (ed.), *Global Governance, Global Government: Institutional Visions for an Evolving World System* (Albany, NY: SUNY Press, 2011); Marchetti, *Global Democracy: For and Against*; Torbjörn Tännsjö, *Global Democracy: The Case for a World Government* (Edinburgh: Edinburgh University Press, 2008); Ronald Tinnevelt, 'Federal World Government: The Road to Peace and Justice?', *Cooperation and Conflict*, 47:2 (2012), pp. 220–38; Alexander Wendt, 'Why a World State is Inevitable', *European Journal of International Relations*, 9 (2003), pp. 491–542. Interestingly, Wendt relies on Hegel – Kant's great nemesis – to defend an identifiably state-centered vision of global order.

[22] For one example, see Frederick L. Schuman, *The Commonwealth of Man* (New York: Alfred Knopf, 1952).

[23] As did, for example, Schuman (*The Commonwealth of Man*), and many other mid-century one-worldists.

[24] Stepan, Linz, and Yadav, *Crafting State-Nations: India and Other Multinational Democracies* (Baltimore: Johns Hopkins University Press, 2011).

[25] See Matthias Koenig-Archibugi, 'Is Global Democracy Possible?', *European Journal of Inyternational Relations*, 17:3 (2010), p. 536.

[26] Pogge, 'Cosmopolitanism and Sovereignty', p. 183.

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unrealistic, a point which leads many cosmopolitans – as it did Rawls – to identify plausible institutional alternatives. Yet this otherwise understandable intellectual strategy then mistakenly encourages cosmopolitans to preclude more-or-less a priori the possibility that a global federal state might proffer a worthwhile *eventual* goal, whose bases could potentially be carefully and gradually constructed via responsible and peaceful political means. Even if nation states are indeed likely to remain key players in the global arena for the foreseeable future, and they surely will not soon 'agree to a complete surrender of their sovereignty',[27] the institutional and political implications remain more ambiguous than cosmopolitans admit. At the very least, cosmopolitanism's own praiseworthy emphasis on the ways in which the modern state system has recently experienced massive structural changes conflicts with its own excessively dismissive view of world government. National 'sovereignty' obviously remains an impediment to *any* ambitious brand of political cosmopolitanism. Nonetheless, some preliminary empirical evidence suggests that the foundations of a potential global state are *already* emerging.[28] In any event, cosmopolitans have not provided sufficient critical responses to existing attempts to explain how and why it might be desirable for nation-states to undergo an eventual transformation into post-national states, and not just the flawed halfway house of 'global governance without government'.[29]

As I argue in the following section, cosmopolitans fail to take the possibility of a legitimate federal world government seriously ultimately because of enigmatic – and ultimately indefensible – views about the modern state.

Concepts vs. empirical realities, or: why state theory needs more than Hobbes or even Weber

In order to lay out their case for a novel and – at the global level – non-statist political order, cosmopolitans regularly start with the sensible task of defining modern statehood. How do they do so? They typically pursue two overlapping strategies. On the one hand, they offer discussions of one of the key concepts of modern political philosophy, state sovereignty, oftentimes mixed in with the usual reference to Hobbes or other early modern European political thinkers. On the other hand, they often cite Weber's influential definition of the modern state as that institutional complex which alone '(successfully) lays claim to the monopoly of legitimate physical violence within a particular territory'.[30] Following what unfortunately passes for conventional wisdom among many normative-minded theorists, cosmopolitans conceptualise the modern

[27] Held, *Democracy and the Global Order*, p. 229. Brown is also critical of 'immediately designing a world state from a hypothetical vacuum' in part because a world state denies that nation-states are likely to remain necessary components of the global order, even when reconstructed along ambitious cosmopolitan lines (Brown, *Grounding Cosmopolitanism*, p. 203).

[28] See Martin Shaw, *Theory of the Global State* (Cambridge: Cambridge University Press, 2000), and also the essays collected in Mathias Albert and Rudolf Stichweh (eds), *Weltstaat und Weltstaatlichkeit. Beobachtung globaler politischer Strukturbildung* (Wiesbasde: Verlag für Sozialwissenschafen, 2007).

[29] Even some 'classical' Realists were more willing than contemporary cosmopolitans to take such reform ideas seriously. See William E. Scheuerman, *Realist Case for Global Reform* (Cambridge: Polity Press, 2011), pp. 67–97.

[30] Max Weber, 'Politics as a Vocation', in *The Vocation Lectures*, trans. David Owen and Tracy B. Strong (Indianapolis: Hackett, 2004), p. 38.

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state by relying on traditional notions of state sovereignty and/or rudimentary employments of Weber's illustrious ideal-typical definition of the state.

Some important differences in emphasis notwithstanding, the result is generally some version of the textbook definition of the modern state as possessing supreme, final, absolute, and potentially unconstrained ultimate authority or 'agency'.[31] In this view, states successfully centralise or concentrate power and especially physical coercion, thereby taking on a preeminent position *vis-à-vis* potential institutional and social rivals (for example, religious organisations, or modern capitalist enterprises). How are concentration and centralisation achieved? States are hierarchically organised; they possess formidable administrative and bureaucratic apparatuses. Linked to a particular territory and typically exercising power via legal means, states master overweening power resources which allow them, if only in the last instance, to shed legal and constitutional checks. For Daniele Archibugi, the unaccountable and potentially lawless character of state sovereignty in fact constitutes its very essence: state sovereignty and law-based accountable government are conceptually opposed.[32] Because the state is tied at the hip to a retrograde 'neo-Hobbesian paradigm', Andrew Kuper similarly tells us, cosmopolitans need to seek a global post-statist order.[33]

State sovereignty is 'unitary' or 'singular'[34] in part because it rests on what Simon Caney describes as *comprehensiveness*, or a political unit's 'ultimate authority over a territorially defined group of people ... *over all issues* and not simply some'. In this account, '[s]tate sovereignty requires that states have authority over all policy areas.'[35] To be sure, modern states have been characterised by some (limited) institutional decentralisation. Yet its prevalent tendency has allegedly been to centralise legitimate power and those decision-making matters indispensable to its exercise. Even Held, who possesses an unusually impressive grasp of the empirical intricacies of modern statebuilding, describes modern liberal conceptions of law-based sovereignty as privileging the idea of 'just one level' of (unified) democratic decision-making jurisdictions.[36] Even in its liberal-democratic variant, the modern state has apparently resisted ambitious attempts to disperse key decision-making authority in far-reaching ways.

Cosmopolitans then typically take two steps. First, they make the *empirical* argument that heightened globalisation processes have fundamentally challenged the state: for example, globalisation inexorably disperses decision-making – for example, by delegating some state powers to international organisations – in ways that highlight the ever more obsolescent nature of traditional state-centric sovereignty. Real-life institutional trends already point the way towards a fundamentally novel and non-state-focused global order. Second, and for our purposes here more importantly, they argue *normatively* and *politically* in favour of new multilayered democratic governance, where – in contrast to world government – no centralised monopoly on

[31] See, for example, Caney, *Justice Beyond Borders*, pp. 149–52; Held, *Democracy and the Global Order*, pp. 31–47; Goodhart, *Democracy as Human Rights*, pp. 73–91; Pogge, 'Cosmopolitanism and Sovereignty', pp. 177–81.

[32] Archibugi, *Global Commonwealth of Citizens*, pp. 97–9.

[33] Kuper, *Democracy Beyond Borders*, p. 132. This argument is found among others as well.

[34] Joshua Cohen and Charles F. Sabel, 'Sovereignty and Solidarity: EU and US', in Jonathan Zeitlin and David M. Trubek (eds), *Governing Work and Welfare in a New Economy* (Oxford: Oxford University Press, 2003), p. 359.

[35] Caney, *Justice Beyond Borders*, p. 150.

[36] Held, 'Law of States, Law of Peoples: Three Models of Sovereignty', *Legal Theory*, 8 (2002), p. 29.

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coercive power would exist, and decisions instead would be made at diverse institutional loci. To be sure, cosmopolitans often depict nationally-based political units as legitimately undertaking a relatively rich variety of endeavours.[37] In this view, nation-states might still continue to play a key role even in a prospective cosmopolitan global order, for example, by pursuing 'responsible' cosmopolitan foreign policy goals.[38] Nonetheless, cosmopolitans simultaneously assert that their post-national institutional models disaggregate sovereignty so as to challenge key ideas about the modern state. Multilayered global governance breaks with a long history of hegemonic statist political ideals; in contrast, naïve defenders of world statehood are accused of trying to hold on to it. Of course, some cosmopolitans acknowledge that the apparent decay of the modern state system harbours potentially negative consequences. Richard Falk, for example, notes that doctrines of state sovereignty help protect weaker states from imperialism.[39] Yet the general tenor in the literature is to see the overall trend as basically benign: since modern states are congenitally tied to nationalism or cramped communitarian identities, rest on outdated theological ideas, represent the outcome of exclusionary and even patriarchal worldviews,[40] and necessarily get captured by privileged capitalist interests anyway,[41] why worry?

Initially, the overall argument seems sound enough. Who, for example, could deny the numerous ills of the modern state system, or its close empirical links to exclusionary politics (for example, nationalism, or patriarchy) and the capitalist political economy? On one reading, cosmopolitans are merely attacking a grand and holistic *statism*, which misleadingly posits that a prospective global or world state should possess *absolute* supremacy, a *fully-developed* formal administrative apparatus, *complete* political centralisation, as well as *perfect* monopolisation of coercive powers. To the extent that cosmopolitans can be interpreted as trying to transcend such misleading and anachronistic ideas about the state, their criticisms deserve our endorsement. Such overblown ideas about the state are neither normatively nor empirically tenable. Unfortunately, a closer look unveils some underlying conceptual ambiguities and weaknesses in the cosmopolitan position. The 'ease with which the state is rendered morally and politically otiose' among many of them means that their legitimate worries about a tendentious 'statism' sometimes get conflated with a broader and more problematic critique of the modern state.[42]

In a revealingly influential exposition, Thomas Pogge describes his proposed global order as a 'loose federal system in which the political authority currently exercised by national governments is both constrained and dispersed over several layers'.[43]

[37] Habermas, *The Divided West*, pp. 115–93.

[38] For different versions of the idea of 'responsible' cosmopolitan states, see Garrett Wallace Brown, 'Bringing the State Back into Cosmopolitanism: The Idea of Responsible Cosmopolitan States', *Political Studies Review*, 9 (2011), pp. 53–66; Beardsworth, *Cosmopolitanism and International Relations Theory*; Richard Shapcott, 'Anti-Cosmopolitanism, Pluralism and the Cosmopolitan Harm Principle', *Review of International Studies*, 34:2 (2008), pp. 185–205. Although such authors offer a more positive view of the modern state and thus avoid some of the errors I describe in what follows, they still share cosmopolitanism's instinctive – and insufficiently defended – hostility to a world state or government.

[39] Richard Falk, *Humane Governance: Towards a New Global Politics* (University Park: Penn State University Press, 1995), p. 99. On this matter, see also, Jean L. Cohen, 'Whose Sovereignty? Empire Versus International Law', *Ethics & International Affairs*, 18:3 (2004), pp. 1–24.

[40] Falk, *On Humane Governance*, pp. 79–103.

[41] John S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2002), pp. 138–9.

[42] Brown, 'Bringing the State Back into Cosmopolitanism: The Idea of Responsible Cosmopolitan States', p. 54.

[43] Pogge, 'Cosmopolitanism and Sovereignty', p. 191.

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Contra conventional dogmas about state sovereignty, and in opposition to the notion of a global state, '[l]aw-governed coexistence is possible without a supreme and unconstrained agency', as supposedly demonstrated by the 'historical facts of the last 200 years or so', where relatively decentralised federal systems (for example, Switzerland) have in fact thrived.[44] Even if such federal systems still face 'the possibility of *ultimate* conflicts' and perhaps even the 'permanent danger' of ominous constitutional crises, 'from a practical point of view, we know that constitutional democracies can endure and ensure a robust juridical condition' even when lacking an overarching or supreme decision-making authority, that is, state sovereignty.[45] In this view, global governance can circumvent the perils of a global state by modeling itself on extant federal systems, which allegedly already lack core attributes of state sovereignty.

Other cosmopolitans have endorsed Pogge's claim, or at least employed it as a stepping stone for their own institutional models.[46] Indeed, it is now represents something of a cosmopolitan commonplace to envision a loose mutilayered federal order, or – in some alternative formulations, a novel order located 'between' traditional confederal and federal models[47] – as offering an institutional exemplar for a global polity. Unfortunately, the argument rests on an implicit conflation of the *conceptual tools* of modern political and social theory with the *actual empirical realities* of modern states, as though one could simply 'read off' Hobbes or Weber to grasp real-life modern states. In Pogge's (and many others' closely related) view, because a global political order dispenses with some of the bases of state sovereignty as conventionally conceived, it therefore represents a new and apparently post-statist order. But what if the traditional conceptual paraphernalia of state sovereignty is only of limited value for understanding the modern state? Why simply assume that an overblown 'statism' – which indeed haunts Hobbesian and even Weberian accounts of the state – proffers a reliable depiction of the complexities of *actual* states? From a strictly conceptual framework, it is by no means self-evident that a plausible definition of the modern state depends on its tendentious conceptual baggage, for example, Hobbesian ideas of unlimited and undivided sovereignty.[48] The language of sovereignty generally gets in the way of making sense of what viable state-based political orders in fact need to do: most obviously, ensuring both the protection of (for example, against violent threats) – as well as general compliance with – a (normatively legitimate) system of legality, when necessary by coercive means.[49]

For its part, a vast literature highlights what Bertrand Badie and Pierre Birnbaum aptly dub the modern state's astonishingly 'plural and multiform' contours, with many viable political orders meshing poorly with conceptions of state sovereignty as they first crystallised in the context of European Absolutism.[50] Unfortunately, too

[44] Ibid., p. 179.
[45] Ibid.
[46] Kuper, *Democracy Beyond Borders*, pp. 29–31. Also, Caney, *Justice Beyond Borders*, p. 163; Held, 'Law of States, Law of Peoples: Three Models of Sovereignty', pp. 27–8. Bohman also describes his model as representing a 'distinctly transnational [but still poststatist] form of federalism', (*Democracy Across Borders*, pp. 127, 145).
[47] Archibugi, *Global Commonwealth of Citizens*, pp. 109–10; Held, *Democracy and the Global Order*, p. 230.
[48] Christopher W. Morris, *An Essay on the Modern State* (Cambridge: Cambridge University Press, 1998), pp. 172–227.
[49] Whatever the limits of its own anti-statism, this was a key insight of mid-century English political pluralism. See Jens Bartelson, *The Critique of the State* (Cambridge: Cambridge University Press, 2001), pp. 77–113.
[50] Bertrand Badie and Pierre Birnbaum, 'Sociology of the State Revisited', *International Social Science Journal*, 46:2 (1994), p. 165.

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few normative-minded cosmopolitans seem cognisant of the relevant empirical scholarship. Yet one of its clear implications is that much of the conceptual framework, which they use as a convenient foil reflects the idiosyncrasies of early modern European (and especially *central* European) statebuilding. Consequently, it offers at best a limited starting point not only for making sense of non-Western states,[51] but even for federal systems like the US, where decentralisation has been extensive, state bureaucracy has remained comparatively underdeveloped, and the so-called monopoly on legitimate violence permits – for better or worse – a heavily armed citizenry.[52]

As we can learn from the rich discussion of Weber's political sociology, his famous definition was intended as an *ideal type* whose key attributes were considered unlikely to be fully or completely realised anywhere.[53] Even those sympathetic to Weber's views about the state have questioned the usefulness of some of its fundaments. For Michael Mann, the notion of a complete monopolisation of legitimate coercion represents an inappropriate yardstick, best jettisoned for the more modest view of the state as possessing 'authoritative binding rule making backed up by some organizational force'.[54] The trend in this genre has been to offer more flexible definitions so as to better highlight, for example, states' necessary dependence on effective (and legitimate) employment of physical violence, as well as the fact that they typically rely on many other power instruments as well.[55] For that matter, modern states disperse, to a greater or lesser degree, even 'hard' legitimate physical violence: even in the modern US, for example, some reserve military units (that is, the National Guard) remain under the jurisdiction of state governors. Instead, crucial seems to be any given state's capacity to coordinate and mobilise a panoply of power instruments, even when doing so requires recourse to complex – and sometimes confusing – devices, so as to uphold the legal system and protect it from dire threats.

Whether or not a given political order successfully mobilises power is always a matter of degree. What J. P. Nettl astutely described in 1968 as 'stateness' offers a useful analytic category here since it aptly encourages us to disaggregate the modern state's key features – for example, control over coercion and other power resources, the capacity to extract taxation, bureaucratisation – in order to examine to what extent such elements need to be achieved in order to uphold legality and provide security.[56] In this account, we need to discard static and reified conceptions of the state, in favour of a view of it as consisting of a complex amalgam of features, each of which represents a quantifiable variable realisable to lesser or greater degrees. How many different features of stateness may in fact be necessary, and in what

[51] Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001).

[52] William J. Novak, 'The Myth of the "Weak" American State', *American Historical Review*, 113:3 (2008), pp. 752–72.

[53] Joel S. Migdal and Klaus Schlichte, 'Rethinking the State', in Schlichte (ed.), *The Dynamics of States* (Aldershot: Ashgate, 2005), pp. 10–14. More generally, Andreas Anter, *Max Weber's Theorie des modernen Staates. Herkunft, Struktur und Bedeutung* (Berlin: Duncker & Humblot, 1995).

[54] Michael Mann, *The Sources of Social Power: The Rise of Classes and Nation-States, 1760–1914* (Cambridge: Cambridge University Press, 1993), p. 55.

[55] 'Although coercion is the ultimate sanction available to states, they have other methods of enforcement to secure compliance'. See Bob Jessop, *State Power* (Cambridge, Polity Press, 2008), p. 10. This view was anticipated by Frederick M. Watkins, *The State as a Concept of Political Science* (New York: Harper & Brothers, 1934).

[56] J. P. Nettl, 'The State as Conceptual Variable', *World Politics*, 20 (1968), pp. 559–92.

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ways its various ingredients might be successfully mixed, will vary for complicated and surprisingly contingent historical, sociocultural, and even intellectual reasons. As Nettl observed, stateness entails the performance – *more or less* capably – of some basic political and social functions (for example, law enforcement, 'social goal-attainment', and representation).[57] As this perspective usefully suggests, state theory will need to move beyond the potentially misleading conceptual abstractions (for example, monopoly on legitimate violence) which still haunt our thinking and instead pay closer attention to the many ways in which viable states rely on a variety of institutional (and also: cultural) attributes in order to perform some basic but probably indispensable functions.

To be sure, an overwhelming body of evidence suggests that viable political orders – or what we typically describe as 'states' – will need to possess a substantial quotient of stateness' various components: excessively decentralised states with limited capacities to coordinate collective power resources do not thrive. As we can learn from both the less-than-illustrious history of international law and myriad failed (and excessively loose) confederal experiments, extreme dispersed 'sovereignty' conflicts with a viable legal order. Lacking a sufficient dose of stateness, they fail when it comes to enforcing the law against physical challenges, or the in face of powerful opposition from privileged political and social interests.

Nonetheless, this insight hardly justifies the cosmopolitan tendency to rely on exaggerated and misleading ideas about the state's monopolisation and concentration of power (and especially force), or its alleged correspondence to classical (that is, Weberian) bureaucratic models, in order then to discard global-level stateness altogether. Cosmopolitans too often take an unreconstructed version of the Weberian ideal type as just such a yardstick,[58] neglecting the possibility that its incomplete realisation hardly constitutes evidence that the political system in question is thus somehow post-statist. In many cases, such evidence merely serves as a useful reminder of the inevitable messiness of social reality. The mere fact that a federal system like the US arguably possesses no overarching institutional site in possession of a monopoly on legitimate coercion, for example, hardly corroborates its post-statist credentials.[59] Unfortunately, because cosmopolitanism fails to distinguish clearly between 'statism' and state or stateness,[60] it tends to exaggerate the degree to which its

[57] Nettl, 'The State as Conceptual Variable', p. 586. Admittedly, more conceptual (and empirical) work needs to be done in order to flesh out the idea of 'stateness'. But I do see it as a potentially fruitful alternative to the flawed thinking about the state found in much international political theory. Of course, cosmopolitans are not alone in succumbing to crude ideas about the state. Yet precisely because so much of their institutional argument hangs on the idea of a global order allegedly lacking in traditional state attributions (for example, a monopoly on legitimate coercion), their views suffer from this flaw in ways some competing theoretical perspectives perhaps do not.

[58] See Eriksen, *Unfinished Democratization of Europe*, pp. 160–1; Terry MacDonald, *Global Stakeholder Democracy*, pp. 51–61; or Andrew Linklater's definition of the state in terms of 'monopoly powers' in *The Transformation of Political Community* (Cambridge: Polity Press, 1998), p. 197.

[59] This would, in any event, be a surprising claim given the awesome power instruments which the US has efficaciously – though not always wisely – employed over the course of the last century.

[60] An important exception here is Matthias Koenig-Archibugi, who sees global democracy as requiring sufficient 'stateness', which he associates with a relatively high degree of political-institutional centralization, but not a full monopoly on coercion. See Koenig-Archibugi, 'Is Global Democracy Possible?', pp. 526–7, 531. Yet even he remains tied to the conventional definition of the modern state in terms of its monopoly of coercion, which then leads him to envision desirable global democracy as requiring a 'polity' but not a 'state'. This may be a difference without substance: most if not all modern states have been 'polities' in Koenig-Archibugi's sense.

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proposals for a novel global order entail a radical break with core attributes of the modern state.

In fairness, by acknowledging the 'last 200 years or so' of successful federal experiments along the lines they now hope to establish post-nationally, Pogge, and his interlocutors appear to anticipate this worry. However, the conclusion they draw is the wrong one: federalism's vitality proves that state sovereignty is anachronistic and thus that a post-national federal system needs to take a post-statist form. To the degree that federalism, or what James Bohman enthusiastically praises as the 'heterogeneous polyarchy of political authority', has been around for awhile, the argument simultaneously undercuts the cosmopolitan insistence on the novelty of its institutional thinking.[61] More importantly, why move to discard the possibility of a global *state* altogether? Is it really plausible to assert that loose federal systems (for example, Switzerland, Canada, or the US) represent a radical institutional challenge to conventional state-based forms of political order? To be sure, federal systems exhibit important differences *vis-à-vis* centralised unitarian (and mostly European) political systems. Yet why narrowly associate the state with the latter but not the former? Notwithstanding the widely noted fragilities of the decentralised antebellum US political system, where the federal government was relatively weak, for example, it still played a decisive role in acquiring (and forcibly conquering) much of North America, protecting its ever-expanding borders, and maintaining an oppressive system of chattel slavery. Even if we use a rough-and-ready definition of statehood in terms of its relatively successful mobilisation of organised coercion, the antebellum US performed with sometimes terrible efficacy.[62]

In short, political cosmopolitans tend to rely on a narrow and occasionally caricatured model of the modern state in order to downplay its potential relevance for their own constructive institutional endeavours. Caney, as noted, sees 'comprehensiveness' as requiring that a political unit possesses jurisdiction over *all* policy matters for a given territory; he considers it an indispensable facet of modern statehood. The fact that we can now imagine the prospect of a multilayered global system where a political unit 'has ultimate authority on cultural matters but that it lacks that on matters concerning the protection of the ozone layer' thus allegedly highlights the obsolescence of comprehensiveness and with it the modern sovereign state.[63] On one reading of this claim, however, *any* political system characterised by a relatively stable division of policymaking between central and local authorises, where local authorities possess preeminent legislative authority for some significant range of issues, or even those in which central and regional authority *share* some set of legislative responsibilities, clashes with comprehensiveness and therefore statehood. If we were to accept this definition, *many* existing federal systems could not be categorised as states, even though they regularly coordinate coercive power in order to uphold legality and defend their members from external threats.[64]

[61] Bohman, *Democracy Across Borders*, p. 67.
[62] A matter downplayed by the somewhat romanticised account of the antebellum (and supposedly non-statist) US polity in Deudney, *Bounding Power: Republican Security From the Polis to Global Village*.
[63] Caney, *Justice Beyond Borders*, p. 150.
[64] See, for example, Daniel J. Elazar, *Exploring Federalism* (Birmingham: University of Alabama Press, 1987); S. Rufus Davis, *The Federal Principle* (Berkeley: University of California Press, 1978).

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Fetishising checks and balances

Pogge's influential comments have also introduced a second oddity into cosmopolitan theory. Its proponents oftentimes build on him by arguing that a prospective post-statist global order need not possess 'a supreme and unconstrained agency', and thus that 'law-governed coexistence' is possible even 'when ultimate conflicts between legitimate parties are theoretically possible'.[65] Even in functioning liberal democracies, as noted, potential conflicts between different branches of government, where no branch is conceived as supreme, supposedly represent a permanent source of potentially explosive constitutional crises. Yet as we know from the history of constitutional government, Pogge posits, no such conflicts in fact need to occur. So those who advocate a post-statist federal order at the global level should not worry about its lack of supreme state authority. Moreover, multilayered global governance 'has the great advantage of affording plenty of checks and balances'. If one decision-making level turns 'tyrannical and oppressive, there will always be other, fully organized, political units … which can render aid and protection to the oppressed, publicize the abuses, and, if necessary, fight the oppressors'.[66] According to this second strand of the argument, the multiplicity of decision-making sites best provided by multilayered global governance allows for the old-fashioned institutional ideal of 'checks and balances' to thrive in new and productive ways. In contrast, a world state centralises and concentrates power and recklessly disables its operations. Unlike multilayered global governance, a global state threatens liberty and is likely to culminate in the horrors of political despotism.

Many political cosmopolitans have thus eagerly highlighted how their multilevel model guarantees political and personal liberty by institutionalising global checks and balances. In this view, it potentially 'forces people and different institutions to negotiate and cooperate with each other', with the pluralisation of state authority across decision-making levels 'requiring each to communicate and compromise with others'.[67] According to Jamie Mayerfeld, the decentralisation of state power 'provides a rich menu of resources for human rights advocates'.[68] Among an important subset of cosmopolitans, one result has been to embrace extensive and indeed astonishing institutional multiplicity, while adamantly criticising the conventional view that coordinated decision-making necessarily requires some sort of unified and hierarchical (that is, state-like) system for coordinating decisions between and among different levels of governance. If successful federal experiments already prove that law-based political orders can thrive absent some supreme or preeminent institution, why conceive of certain political institutions as superior to others, in order to ensure efficacious as well as legitimate rule? In this view, a radical disagregation as well as decentering of institutional decision-making has much to be said on its behalf in light of global pluralism.[69] If dire crises or emergencies can be circumvented without creating some new statist institutional ordering and hierarchy, why bother doing so?

[65] Kuper, *Democracy Beyond Borders*, p. 30.
[66] Pogge, 'Cosmopolitanism and Sovereignty', p. 183.
[67] Caney, *Justice Beyond Borders*, p. 155; Kuper, *Democracy beyond Borders*, p. 126.
[68] Jamie Mayerfeld, 'A Madisonian Argument for Strengthening International Human Rights Institutions: Lessons From Europe', in Cabrera (ed.), *Global Governance, Global Government* (Albany, NY: SUNY Press, 2011), p. 242.
[69] See, for example, Bohman, *Democracy Across Borders*, esp. pp. 125–30, who accuses even Held and Habermas of advocating 'top-down', hierarchical, and implicitly statist models of global decision-making. Echoes of the same view can be found elsewhere (for example, Kuper, *Democracy Beyond Borders*, pp. 31–2.)

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Even if cosmopolitans are justified in dumping the idea of illimitable state sovereignty, they risk disposing of the baby along with the bath water. The tendency to conflate a critique of *statism* with a far more troublesome assault on *stateness* leads them to obscure indispensable state functions. The argument trivialises the familiar fact that when institutional conflicts take a severe or explosive form, the ability to coordinate and control the state's various power instruments (including physical coercion) *does* in fact typically prove definitive. Though this hardly demonstrates that state institutions are 'unconstrained', it should remind us of the decisive role played by them during crises and emergencies. *Pace* Pogge, the reason why the mere existence of a separation of powers in most constitutional democracies does *not* pose even a hypothetical constitutional crisis is that most disagreements between and among competing institutions occur at the level of ordinary or 'normal' politics. However, when political and constitutional fundamentals are up for grabs, the question of who controls the police, military, and other decisive power tools become critical. Even if constructivism rightly highlights the fact that such tools are products of complex processes of (power-laden) social and cultural negotiation, it would be mistaken to ignore the awesome advantages universally gained by those who successfully control them. At least if history is any guide, those who have done so have oftentimes paid a high price.

As for attempts to rely on Pogge's views to demote the need for institutional hierarchy or 'top-down' coordination, it should be pointed out that liberal democratic orders *do* in fact depend on well-defined formal (and sometimes informal) constitutional and institutional mechanisms in order to tackle potential or real crises. *Pace* Bohman, they do not already represent examples of a basically decentered 'heterogeneous polyarchy'.[70] Admittedly, in *any* real-life political crisis, there is likely to be *some* measure of ambiguity – and legal uncertainty – about which institutions and actors are empowered to resolve it. However, viable states successfully reduce such uncertainty. They manage crises because of a more-or-less clear division of labour between and among competing institutions, in which some office holders may be outfitted, if only temporarily, with 'supreme' authority *vis-à-vis* others. In the US, for example, presidents often claim 'inherent' executive power in order to tackle emergencies, while Congress generally promulgates far-reaching emergency legislation. However, both will defer to the Supreme Court if a majority of its justices deems their acts unconstitutional. Does this mean that the Supreme Court possesses 'unlimited' sovereign power? Of course not: competing institutions possess formal and informal tools by means of which they can circumvent and ultimately reverse rulings even from the highest US court. Yet it does underline the familiar fact that even federal systems as clunky as the US typically rely on coordinated and hierarchical institutional mechanisms in which some actors gain, if only temporarily, supremacy *vis-à-vis* rivals. Without such mechanisms, in which some actors are ultimately expected to defer to others, and their failure to do so might at least potentially mean facing state-backed (and potentially coercive) legal sanction, no constitutional order could probably survive.

Such mechanisms can fail for many different reasons. Indeed, they sometimes founder because poorly designed institutions provide insufficient incentives for effective cooperation between and among officials. When they collapse, participants may

[70] Bohman, *Democracy Across Borders*, pp. 33–4.

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quickly find themselves facing nasty – but empirically commonplace – variants of decentered and disaggregated state authority: 'failed statehood', or perhaps civil war. Regretfully, those today who enthusiastically celebrate institutional decentering or disaggregation have remarkably little to say about its limits or dangers, or how in fact it could be achieved without an excessive loss of stateness, for example, the capacity to organise collective (and coercive) power resources in order to preserve a common legal order. Since many cosmopolitans apparently want substantial political authority (along with the requisite minimum of state power capacities) to remain in the hands of national political units, they need to do a better job outlining how the obvious perils might be successfully circumvented.

Nor do cosmopolitans satisfactorily document how remaining forms of nationally based statehood could achieve consistent or fair enforcement of global-level legal rules and rights. Richard Shapcott, for example, advocates a demanding cosmopolitan 'harm principle' whose enforcement purportedly requires no world state. A (global) dialogical process would determine 'what constitutes harm in any given situation' when controversy arises, and then existing states should be expected to act to abide by the results of such deliberations.[71] But how viable is such a model in light of massive power inequalities at the global level? Could equal rights to participation in global dialogue ever be realised absent some overarching global state-like mechanisms exercising the requisite common power for consistently protecting them? Garrett Wallace Brown wants a pacific cosmopolitan legal order, in which nation states would continue to play a major role. It similarly holds out the promise of generous possibilities 'for transnational association and communication', and perhaps even an 'open public sphere within the federation'.[72] Yet how could we make sure that voices from the global periphery would not simply get drowned out by those from rich and powerful countries? Without a weighty dose of world-level stateness capable of equalising communicative possibilities among and between participants – for example, enforceable global rules working to guarantee that the privileged are forced heed the voices of the weak and vulnerable – it is hard to see how such proposals could live up their normatively admirable aspirations. Without sufficient global stateness, they hardly represent an umambiguously realistic path to global reform.

What then of the cosmopolitan appeal to checks and balances? A few brief critical rejoinders will have to suffice for now. First, cosmopolitans pay far too little attention to the difficult question of how globalised checks and balances, absent sufficient features of stateness, could generate a legitimate as well as pacific political order. The pluralisation of state power is obviously no guarantee of either. The existing global system not only arguably already rests on such pluralisation, but also partly on that old bugbear, the international 'balance of power', a political and institutional ideal having intimate ties to its domestic cousin, 'checks and balances'.[73] Yet it remains an excessively lawless and violent place. There is nothing intrinsic to either the disaggregation of state authority or checks and balances to guarantee peaceful deliberation, cooperation, or superior protection for basic rights. Difficult questions

[71] Shapcott, 'Anti-Cosmopolitanism, Pluralism, and the Cosmopolitan Harm Principle', p. 199.
[72] Brown, *Grounding Cosmopolitanism*, p. 194.
[73] On the oftentimes neglected links here, see Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (2nd edn, New York: Alfred Knopf, 1954), pp. 155–201.

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of institutional design will need to be addressed if the cosmopolitan position is to sway sceptics. And substantial grounds for scepticism remain: checks and balances have only consistently helped preserve liberty when institutionalised within the confines of a political order possessing a sizable amount of stateness. Only there do we find the necessary coordination of key power resources able to check the possibility of explosive internecine conflict.

Second, the argument is usually employed as a way of buttressing the view that multilayered global governance could contribute not only to personal but also *political* liberty. Yet there is nothing inherently democratic about institutional checks and balances. One of its great intellectual prophets was the French aristocrat, Montesquieu, hardly a friend of modern democracy; nor were his most influential pupils, the US founders, unabashed democrats. Depending on its specific institutionalisation, checks and balances may or may not contribute to self-government. Even in the contemporary US, its present-day form is perhaps insufficiently congruent with modern democratic aspirations.[74] What Mayerfeld describes as a 'rich menu' of institutional checks might simply produce opaque institutional gridlock preventing the electorate from gaining enough information about public policy, and then making sure that policymakers are fully accountable.

In fact, democracy requires some measure of *unifying* political and institutional mechanisms whereby decentralised and diffuse forms of deliberation and public engagement – institutionalised or otherwise – eventually get translated into *binding common laws* which can be effectively enforced. Democratic equality and liberty depend on fair and egalitarian procedures able to exercise determinative influence over our common endeavours. Democratic deliberation and participation only make sense if we can reasonably expect that our voices will result in some course of action that will prove effectual: at a minimum, we need state institutions potentially outfitted with adequately effective coercive instruments in order to enforce decisions even against powerful constituencies who sometimes have a vested interest in resisting them. Can we be sure that basic democratic rights and procedures can be preserved without state institutional devices necessarily playing a crucial protective role in doing so?[75] Our right to free speech is only likely to prove secure, for example, if we can be sure that those who violate it will face legal sanction. Under the conditions of modern pluralism, where competing conceptions of the good life can be found even within relatively homogeneous polities, forms of institutionalisation which we historically have associated with statehood will likely remain indispensable to law's binding and efficacious character. Law's efficacy will likely continue to depend, if only in the final instance, on the possibility of (state-based) effective coordination of physical coercion.

[74] Ingeborg Maus, *Zur Aufklärung der Demokratietheorie* (Frankfurt: Suhrkamp, 1992), pp. 227–48; Sanford Levinson, *Our Undemocratic Constitution: Where the Constitution Goes Wrong* (Princeton: Princeton University Press, 2006).

[75] Rainer Schmalz-Bruns speaks aptly of a 'normative grammar of statehood'. See his insightful 'An den Grenzen der Entstaatlichung. Bemerkungen zu Jürgen Habermas' Modell einer "Weltinnenpolitik ohne Weltregierung"', in Peter Niesen and Benjamin Herborth (eds), *Anarchie der kommunikativen Feiheit. Jürgen Habermas und die Theorie der internationalen Politik* (Frankfurt: Suhrkamp, 2007), pp. 269–93; also, Matthias Albert and Rainer Schmalz-Bruns, 'Antinomien der Global Governance. Mehr Welstaatlichkeit, weniger Demokratie?', in Hauke Brunkhorst (ed.), *Demokratie in der Weltgesellschaft* (Baden-Baden: Nomos, 2009), pp. 57–74.

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To be sure, one might legitimately debate whether specific political orders (for example, the US under the Articles of Confederation, or present-day EU) possess sufficient stateness in order to get the requisite normative and institutional tasks accomplished. Yet by relying not only on straw-men definitions of the state, but also on misleading accounts of checks and balances, political cosmopolitans distract us from the difficult questions at hand.

Bringing the state back in

Political cosmopolitans typically proceed to outfit global-level institutions with a daunting range of tasks. Not only would their desired global order aim to preserve basic human rights, deepen democracy, and prevent war and peace, but it also gets depicted as prospectively performing regulatory endeavours at least as ambitious as those presently pursued by any advanced nation state. Held, for example, envisions cosmopolitan democracy as contributing to the realisation of a long list of cultural, social, and environmental rights.[76] He and others hope that it might play a positive role in redistributing economic resources and generating greater economic justice.[77] Although I cannot delve into the complex particulars here, their normative aspirations are often more demanding than those found in mainstream democratic theory, with equal rights to participation and deliberation ensured at many different institutional levels, and democratic politics taking a strikingly robust form. Against those who believe that post-national governance demands sacrifices of democratic legitimacy,[78] many cosmopolitans think that its rigorous conditions could be met 'beyond the nation state'.

Not surprisingly, political cosmopolitans sometimes sneak far-reaching stateness back into their allegedly non-statist global order. How else, for example, could a reformed system of global governance efficaciously enforce strict legal prohibitions on torture or genocide against great powers like the United States or China? To be sure, even under existing conditions, international law typically gets followed absent a global state. Yet it still remains unduly subject to the whims of the great powers: it seems doubtful that a legitimate global legal system could approximate the regularity and predictability of existing national legal orders without recognisably state-based post-national mechanisms in place making sure that not only weak and vulnerable states and social groups, but also the powerful and privileged, are required to respect it. Similarly, if a new global order pursued far-reaching redistributive measures against wealthy countries and social groups, it would need to rely on substantial stateness in order to get the job done: even modest efforts at redistribution (for example, FDR's New Deal) have typically rested on bouts of auspicious statebuilding. And if basic liberal and democratic rights are going to be regularly and systematically protected, so that even unpopular political minorities enjoy their benefits,

[76] Held, *Democracy and the Global Order*, pp. 190–201. See also, Archibugi, *Global Commonwealth of Citizens*.

[77] Held, *Global Covenant* (Cambridge: Polity Press, 2004); Pogge, 'Cosmopolitanism and Sovereignty', pp. 182–3.

[78] Robert Dahl, 'Can International Organizations Be Democratic? A Skeptic's View', in Ian Shapiro and Casiano Hacker-Cordon (eds), *Democracy's Edges* (Cambridge: Cambridge University Press, 1999), pp. 19–36.

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they will surely require protection by mature political institutions capable of marshalling adequate power against violators. Like its existing national variant, any prospective global democracy will need to worry, for example, about ethnicist or racist attacks on basic rights at the local or regional level, whose prevention very well might demand a forceful deployment of a global-level police or army.

Given the basic conditions of modern politics (for example, deep pluralism and the irrepressibility of political conflict), it seems starry-eyed to expect otherwise. Without unduly simplifying a complex matter, one reason is straightforward enough: democracy and legality rest on rigorous (normative) ideas of basic equality and reciprocity. In the final analysis, the attempt to institutionalise and then stabilise them requires not only binding but also *efficacious* general legal rules and rights, many of which are likely to be threatened by those who gain from violating them. In order to prevent excessive threats to democracy and the rule of law, we indeed do not need full-fledged 'statism'. Neither Hobbesian sovereignty nor a complete monopoly on legitimate violence, but nonetheless a functioning and sufficiently well-coordinated possibility of recourse to potentially far-reaching state power (that is, substantial stateness), will remain essential. Because many cosmopolitans downplay the state's positive institutional functions, instead highlighting its complicity in modernity's uglier facets, this simple but key point tends to get lost.

Does not the European Union, which pursues an impressive range of regulatory undertakings absent an overarching European state, undermine the familiar view that self-government and stateness remain interrelated?[79] Some evidence perhaps supports the claim. Nonetheless, it still ignores ways in which the EU falls short in accomplishing vital functions akin to those regularly performed by viable states, while also neglecting the possibility that its successes depend on the EU in fact having realised some conventional statist attributes.[80] Cosmopolitans who appeal to the EU as a paradigmatic case of democratic 'global governance without government' should be sobered by recent developments, and especially its inept response to the financial crisis: global governance is *not* in fact thriving in Brussels.

So cosmopolitans should probably be praised for advocating, for example, movement towards the centralisation of weapons of mass destruction into global hands,[81] a permanent (at least eventually) 'seconding' of national military units into new international authorities,[82] or a global 'ready-reserve force'.[83] In effect, such proposals implicitly equip prospective global level institutions with impressive coercive power, and thereby one of the rudiments of the modern state. In effect, some cosmopolitans sensibly abandon their kneejerk anti-statism and acknowledge the state's indispensability to democracy and the rule of law. One reason they fail to concede doing so, however, is their fidelity to the narrow definition of statehood criticised earlier in this article. In this vein, Erik Eriksen advocates 'authoritative' but 'state-less government' at the post-national level, capable of accomplishing most of the tasks of modern government, yet he still insists on describing it as post-statist.[84] Why? In part,

[79] Most recently, Jürgen Habermas, *The Crisis of the European Union: A Response* (Cambridge: Polity Press, 2012).
[80] William E. Scheuerman, 'Postnational Democracies Without Postnational States? Some Skeptical Reflections', *Ethics and Global Politics*, 1:1 (2009), pp. 41–63.
[81] Pogge, 'Cosmopolitanism and Sovereignty', pp. 181–2.
[82] Held, *Democracy and the Global Order*, pp. 230, 270–1.
[83] Goodhart, *Democracy as Human Rights*, pp. 189–90.
[84] Eriksen, *The Unfinished Democratization of Europe*, pp. 179–80, 185–215.

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because his measuring stick consists of a strict Weberian definition of the state as entailing the monopolisation of legitimate coercion. Similarly, Daniele Archibugi argues for what appears to be a system of global governance in which certain judicial bodies would exercise preeminent power in the face of serious conflicts. Why not describe this as a 'world state' in which the judiciary garners institutional predominance? Because 'final coercive power is distributed among' several institutional actors.[85] If in fact coercive powers were widely dispersed, and no cogent institutional devices for potentially concentrating and centralising it were identifiable, one indeed might face a scenario where the state would remain underdeveloped. His own assertions notwithstanding, then Archibugi would in fact be proposing an extremely loose – and probably unstable – *confederal* non-state-centered order. Yet since he quickly proceeds to describe coercive power as 'subjected to the judicial control of existing and suitably reformed institutions',[86] he simultaneously seems to want a complex and differentiated – but nonetheless identifiably state-like – political order in which global institutions effectively control a panoply of coercive instruments. Only because state sovereignty serves as a conceptual straw-man does cosmopolitan democracy initially appear to lack a global state.

Even those seeking more dramatic breaks with standard liberal democratic devices reintroduce stateness into their institutional models, even if their inappropriately cramped definitions of statehood prevent them from recognising as much. Extending their widely discussed idea of 'directly deliberative polyarchy' to the global arena, for example, Joshua Cohen and Charles Sabel appeal to EU administrative law to outline a decentralised system in which allegedly heavy-handed state-based and top-down bureaucratic intervention gets jettisoned for flexible, situation-specific deliberation and rule-making. In their view, highly localised, non-hierarchical 'cooperative sovereignty' not only does well in terms of democratic legitimacy, but it produces superior policy outcomes in the face of social complexity and dynamism. In spite of their hostility to so-called unitary or singular sovereignty, however, they still admit that their proposal needs an 'organizational infrastructure' and even a 'coordinating center'.[87] How else are policy innovations to be systematically compared where similar regulatory problems emerge? As they note, such coordinating activities call out for institutionalised links between and among local decision-making sites. This model's chief advantage, Cohen and Sabel argue, lies in providing new possibilities and incentives for social learning: deliberative participants can gain insights from those facing similar problems elsewhere, potentially benefitting from others' mistakes.

Yet how might social learning get firmly institutionalised without some formalised system not merely of informational pooling, but also generalised rule *enforcement*? Presumably, 'bad' practices should get discarded in favour of superior ones. If some local policies inadvertently devastate the ozone, or fill waterways with horrific toxins, they should face strict prohibitions backed up potentially by coercive power; otherwise, social actors will face the usual collective action problems. Decision-making bodies will need 'to encourage conduct by providing incentives and permitting the imposition of sanctions', which inevitably points in the direction of state or at least

[85] Archibugi, *Global Commonwealth of Citizens*, p. 129.
[86] Ibid.
[87] Cohen and Sabel, 'Sovereignty and Solidarity: EU and US', pp. 366–7.

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state-like enforcement mechanisms.[88] To be sure, Cohen and Sabel concede that nation-states 'remain essential players' in the newly emerging forms of administrative law on which their proposal is based.[89] Absent a state, how would basic rights allowing for robust and egalitarian deliberation gain secure protection? Could meaningful deliberative chances for the 'small fry' be guaranteed without strictly enforceable legal checks on those able and ready to throttle them? Yet given the global-level coordination and collective action problems raised by their proposal, in conjunction with the myriad irrationalities of the existing state system (for example, stunning inequalities between and among states), one might legitimately pose some critical questions. Might not far-reaching global stateness – able effectively to employ sufficient coercive power – do a better job coordinating, if only indirectly, the complex array of decentralised decision-making venues they have in mind? Even if globalised directly-deliberative polyarchy breaks with conventional definitions of the state, it still demands a 'coordinating center' predestined to garner familiar forms of post-national stateness.

Without belabouring the general point, let me suggest that the same dilemma appears, albeit under different guises, in other cosmopolitan reform proposals. After celebrating the virtues of pluralised sovereignty along with decentralised and functionalist forms of representation, Kuper points to the 'need for clear mechanisms to adjudicate conflicts' concerning the proper roles of state and non-state institutions in meeting international obligations.[90] Yet how might such mechanism prove either legitimate or effective absent some overarching institutional structure in possession of the requisite degree of stateness? Similarly, Terry MacDonald undertakes what appears to be a devastating critique of traditional state-based ideas about legitimate democratic representation. Yet she eventually concedes that her proposed 'stakeholder democracy', where NGOs and other non-state bodies would be given major opportunities to shape global rule-making, remains parasitical on conventional state-based representation.[91] When answering the crucial question of which NGOs should be authorised to engage in rule-making, and how they can be made accountable, she admits that decentralised institutional mechanisms are unlikely to produce the needed impartial rules and procedures.[92] Might not the assignment demand centralised global-level coordination along the lines best provided by state institutions? The author's conception of the state in terms of the usual ideal-typical categories (for example, the monopoly on legitimate violence) probably hinders her from seriously considering the possibility that her otherwise innovative proposals might require more stateness than she concedes.

In short, a surprising number of cosmopolitans implicitly recognise the advantages of far-reaching global stateness. Yet their kneejerk hostility to world government not only keeps them from acknowledging as much, but it also gets in the way

[88] Joshua Cohen and Charles Sabel, 'Extra Rempublicam Nulla Justitia', *Philosophy & Public Affairs*, 34:2 (2006), p. 165. Cohen and Sabel are responding to Thomas Nagel's sceptical views about global justice. See Thomas Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs*, 32:2 (2005), pp. 113–47.

[89] Cohen and Sabel, 'Extra Rempublicam Nulla Justitia', p. 165. The anti-statist tone is more pronounced in 'Global Democracy?', where the authors suggest that their model need not operate 'in the shadow of the state'.

[90] Kuper, *Democracy Beyond Borders*, p. 155.

[91] MacDonald, *Global Stakeholder Democracy*, pp. 15, 160–2.

[92] Ibid., p. 210; for her view of the state, see pp. 51–61.

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of tackling some vital questions head-on. What form should a prospective cosmopolitan state take, and how might it need to be different from existing nation-states? How much – and what kind of – 'stateness' will be essential to its success? If in fact cosmopolitan stateness is ultimately going to prove indispensable to cosmopolitan law and governance, how can we help shape novel forms of global stateness without succumbing to precisely the sorts of ills, which worried Kant, Rawls, and others traditionally hostile to world government? Pretending that they can realise political cosmopolitanism without extensive post-national stateness, cosmopolitans mistakenly believe that they can avoid dealing with these and many other tough questions.

Conclusion

By highlighting its troubling dependence on flawed ideas about the modern state, this article has criticised recent cosmopolitan theory's love affair with the fashionable idea of global governance. As I have tried to demonstrate, cosmopolitanism's implicit state theory prevents its advocates from recognising how their own reform models in fact would necessarily depend on extensive global stateness. Not surprisingly perhaps, some of them unwittingly sneak core facets of modern statehood back into their proposals, in part because stateness remains indispensable to democracy. Cosmopolitanism's dismissive view of world government, along with its failure to acknowledge the extent to which its own proposed global reforms latently reproduce features of the modern state it purports to have transcended, render its reform vision unnecessarily tension-ridden and confused, while also inadvertently directing attention away from some perplexing institutional and political questions we need to face about global institutional change.

Even though I have criticised cosmopolitanism's views about the state, in part by underscoring the virtues of relying on the idea of 'stateness' to think about global political institutions, much more clearly remains to be said. Particularly useful would be a series of studies linking (normatively sensitive) conceptual analysis to comparative-historical research about alternative modern political orders, in which confederal, federal, and unitary polities were rigorously analysed for the purpose of better grasping the extent to which they embody essential elements of stateness, here understood as the degree to which the modern state's apparent constants (for example, control over key power resources, hierarchical institutional structure, capacity to concentrate power resources) are realised in competing and more-or-less effective ways. In order to do, we will need to disaggregate the state's various components, yet neither for the sake of deconstructing the idea of the state altogether,[93] nor in order to ignore the ways in which its elements are potentially interlinked; attempts to do so in postwar US political science clearly failed.[94] Such inquiries might provide us not only with a more useful concept of the state, but also with a superior appreciation of the political and theoretical challenges posed by the prospects of global government.

[93] David Easton, *The Political System* (New York: Alfred Knopf, 1967).

[94] Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (ed.), *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985). Unfortunately, the resulting revival of thinking about the state in US political science was marred by its own excessive deference to Weberian views.

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For those versed in twentieth-century debates, the story I have told here must seem oddly reminiscent of an earlier juncture, when English pluralism similarly bashed the state by painting a statist caricature in which its so-called 'monistic' coloration gained undue predominance, before proceeding to purge its theoretical and similarly left-leaning reformist political endeavours of allegedly obsolescent statist thinking. Like recent cosmopolitans, the pluralists too often reinvented the wheel by unwittingly reintroducing features of modern stateness back into their own institutional proposals.[95] Even more interesting perhaps, in the face of the political and economic upheavals of the 1930s, some prominent pluralists thoughtfully reconsidered their previous hostility to the statist bogeyman, adeptly recognising that it got in the way of forceful political action in a world facing economic and political catastrophe. The survival of democracy, they recognised, demanded a positive re-valorisation of the idea of the state.[96]

It would be shrill to compare our present moment to the 1930s. By the same token, those of us committed to constructing global democracy in the twenty-first century surely now face enough crises of our own. If cosmopolitanism is to prove up to the task of providing sensible answers to them, it will have to follow its pluralist predecessors and reconsider its own updated rendition of anti-statism.

[95] Bartelson, *Critique of the State*, pp. 88–113

[96] I am thinking of Harold Laski. For the details, see Herbert A. Deane, *The Political Ideals of Harold J. Laski* (New York: Columbia University Press, 1955).

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