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Cosmopolitanism: globalisation tamed?

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The processes, problems and dilemmas generated by globalisation shape new contours of politics. They delineate some of the starkest challenges faced in the contemporary era. The first half of this article maps some of these, focusing particularly on questions of governance. Exploring the changing circumstances of politics illuminates why nationalism and statism provide inadequate political resources to meet the problems posed by a more global age. In the second half of the article, cosmopolitanism is defended as a more relevant and appropriate way of framing politics today. Four cosmopolitan principles are set out and a strategy is elaborated for cosmopolitan institution-building. In the final section of the article, cosmopolitanism is defended against possible charges of utopianism, and it is argued that cosmopolitanism is a political project for the here and now – and just as pertinent as the theory of the modern state was when it was first promulgated in *Leviathan*.[1]

Hobbes worked in the context of a profound legacy of civil and religious strife in Europe; the advocacy of an 'artificial person', a legally circumscribed, sovereign authority, could have been dismissed as wholly impractical. Yet, there were foundations on which to build this edifice and political agents who, unable not to learn, could begin to reconstitute reflexively their political environment. Some 250 years later the modern state became the dominant form of political organisation in Europe, and later elsewhere. Of course, this achievement remains fragile in parts of the world, and the development of state capacity is an urgent task in many vulnerable countries. However, this project today is insufficient to create effective administration, the rule of law, accountability and justice; in a an age marked by globalisation, political capacity has to be built elsewhere as well.

A few clarificatory points can usefully be made. In the first instance, there is nothing new about globalisation. There have been many phases of globalisation over the last two millennia including the development of world religions; the Age of Discovery; and the spread of empires. But having recognised this, it is important to note that there is something new about the current form of globalisation; that is, about the particular confluence of change across human activities. We can trace this by measuring the extent, intensity, velocity and impact of human

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[1] T. Hobbes, *Leviathan* (Harmondsworth: Penguin, 1968).

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networks and relations in each of the core domains of social activity – economic, political, legal, communicative and environmental – and I have tried to do this in *Global Transformations* and other works.[2]

Contemporary globalisation embodies elements in common with past phases, but is distinguished by some unique organisational features, creating a world in which the extensive reach of human relations and networks is matched by its relative high intensity, high velocity and high impact propensity across many facets of social life.[3] The result is the emergence of a global economy, 24 hour trading in financial markets, multinational corporations which command economic resources in excess of those enjoyed by many countries, new forms of international regulation, the development of regional and global governance structures and the creation of global systemic problems – global warming, ozone depletion, AIDS, mass terrorism, market volatility, money laundering, the international drugs trade, among other phenomena. A number of striking challenges to the nature and form of governance are posed by these developments.

Globalisation: the challenges to governance

First, contemporary processes of globalisation and regionalisation create overlapping networks of power and interaction. These cut across territorial boundaries, putting pressure on, and straining, a world order designed in accordance with the Westphalian principle of exclusive sovereign rule over a delimited territory. One consequence of this is that the locus of effective political power is no longer simply that of national governments; effective power is shared, contested and bartered by diverse forces and agencies, public and private, crossing national, regional and international domains.[4]

A distinctive element of this shift is the emergence of 'global politics'. Political actions in one part of the world can rapidly acquire worldwide effects. Sites of political action can become linked through rapid communications into complex networks of political interaction. Associated with this 'stretching' of politics is a frequent intensification of global processes such that 'action at a distance' permeates the social conditions and cognitive worlds of specific communities.[5] As a result, developments at the global level – whether economic, social or environmental – can acquire almost instantaneous local consequences and *vice versa*.

The idea of global politics challenges the traditional distinctions between the domestic and the foreign, and between the territorial and the non-territorial, as embedded in modern conceptions of 'the political'.[6] These distinctions not only shaped modern political theory, but also institution-building, as a clear division of

[2] See D. Held and A. McGrew, et al., *Global Transformations: Politics, Economics and Culture* (Cambridge: Polity, 1999); D. Held and A. McGrew, *Globalization/Anti-Globalization* (Cambridge: Polity, 2002); D. Held, 'Law of States, Law of Peoples', *Legal Theory*, 8:2 (2002), pp. 1–44.
[3] Held and McGrew, et al., *Global Transformations*, the Introduction, for a fuller analysis of these terms.
[4] See D. Held, *Democracy and the Global Order* (Cambridge: Polity, 1995), part 2.
[5] A. Giddens, *Modernity and Self-Identity* (Cambridge: Polity, 1990), ch. 2.
[6] Held and McGrew, et al., *Global Transformations*, chs. 1, 2 and the Conclusion.

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labour was established between great ministries of state founded to focus on domestic matters, and those created to pursue geopolitical questions. Global politics highlights the richness and complexity of the interconnections which now transcend states and societies in the global order. Moreover, global politics is anchored today not just in traditional geopolitical concerns (power, security, trade), but in a large diversity of social and ecological questions. Pollution, drugs, human rights and terrorism are amongst an increasing number of transnational policy issues which cut across territorial jurisdictions and existing political boundaries, and which require international cooperation for their satisfactory resolution.

Against the background of dense networks of global interaction, the power of even the greatest states comes to depend on cooperation with others for its effective execution. Nothing highlights this better than the current war on terrorism led by the US. For the fight against terrorism will depend ultimately not just on the sharing of military intelligence, hardware and personnel around the world, but also upon the capacity of the US to win the fight 'for the hearts and minds' of people in many regions, people who currently see the US as a self-interested bastion of privilege and arrogance.[7] Without addressing this latter battle, the US will in all likelihood achieve, at best, only partial victories in this conflict.

We are 'unavoidably side by side', as Kant most eloquently put it over two hundred years ago. Nonetheless, in a world where powerful actors and forces cut across the boundaries of national communities in diverse ways, and where the decisions and actions of leading states can ramify across the world, the questions of who should be accountable to whom, and on what basis, do not easily resolve themselves.

The second challenge to governance concerns the development of three regulatory and political gaps which weaken political institutions, national and international.[8] These are:

- A jurisdictional gap – the discrepancy between national, separate units of policy-making and a regionalised and globalised world, giving rise to the problem of externalities such as the degradation of the global commons, who is responsible for them, and how these agents can be held to account;
- An incentive gap – the challenge posed by the fact that, in the absence of any supranational entity to regulate the supply of global public goods, many states will seek to free ride and/or fail to find durable collective solutions to pressing transnational problems; and
- A participation gap – the failure of the existing international system to give adequate voice to many leading global actors, state and non-state.

While governance in the global order involves multilayered, multidimensional and multi-actor processes in which institutions and politics matter a great deal to the determination of policy outcomes, these are distorted in favour of leading states and vested interests. Hence, for example, despite the vociferous dissent of many protest

[7] Cf. J. Nye, *The Paradox of American Power* (Oxford: Oxford University Press, 2002); D. Held, 'What Hope for the Future?: Learning the Lessons from the Past', *Indiana Journal of the Global Legal Studies*, 9:2 (2002), pp. 381–99.

[8] See I. Kaul, I. Grunberg and M. Stern (eds.), *Global Public Goods: International Cooperation in the Twenty-first Century* (Oxford: Oxford University Press, 1999), pp. xix ff.

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groups in recent years, the promotion of the global market has taken clear priority over many pressing social and environmental issues.

It is a troubling fact that while nearly 4,000 people died on 9/11, almost 30,000 children under five die each day in the developing world from preventable diseases, which have all been practically eradicated in the West. Such overwhelming disparities in life chances are not just found in the area of health, but are reproduced across almost every single indicator of global development.[9] The third challenge to governance emerges from a reflection on this and involves what might be called a 'moral gap'; that is, a gap defined by:

1. A world in which over 1.2 bn people live on less than a dollar a day; 46 per cent of the world's population live on less than $2 a day; and 20 per cent of the world's population enjoy over 80 per cent of its income; and
2. Commitments and values of, at best, 'passive indifference' to this, marked by UN expenditure per annum of $1.25 bn (plus peace-keeping); US *per annum* confectionery expenditure of $27 bn; US *per annum* alcohol expenditure of $70 bn, and US *per annum* expenditure on cars of $550 bn.[10]

This is not an anti-America statement, of course. Equivalent EU figures could have been highlighted.

Among the developments produced by these interlocking challenges (regulatory and moral) is a growing imbalance in global rule-making and enforcement. As John Ruggie put it; 'those rules that favor global market expansion have become more robust and enforceable in the last decade or two – intellectual property rights, for example, or trade dispute resolution through the World Trade Organization. But rules intended to promote equally valid social objectives, be they labour standards, human rights, environmental quality or poverty reduction, lag behind and in some instances actually have become weaker. One result is the situation where considerations of patent rights have trumped fundamental human rights and even pandemic threats to human life . . .'.[11] That global systems of rules and inequalities spark conflict and contestation can hardly be a surprise, especially given the visibility of the world's life-styles in an age of mass media. How others live is now generally known to us, and how we live is generally known to them.

Fourth, there has been a shift from relatively distinct national communication and economic systems to their more complex and diverse enmeshment at regional and global levels, and from government to multilevel governance.[12] Yet, there are few grounds for thinking that a parallel 'globalisation' of political identities has taken place. One exception to this is to be found among the elites of the global order – the networks of experts and specialists, senior administrative personnel and transnational business executives – and those who track and contest their activities, the loose constellation of social movements (including the anti-globalisation move-

[9] See Held and McGrew, *Globalization/Anti-Globalization*, ch. 6.
[10] These figures are drawn from the US economic census (1997) and from <http://www.wwflearning.co.uk/news/features 0000000354.asp>
[11] J. Ruggie, 'Taking Embedded Liberalism Global: the Corporate Connection', in D. Held and M. Koenig-Archibugi (eds.), *Globalization Tamed: Frontiers of Governance* (Cambridge: Polity, forthcoming).
[12] Held and McGrew, et al., *Global Transformations*, chs. 1–5 and 7.

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ment), trade unionists and (a few) politicians and intellectuals. But these groups are not typical. Thus, we live with a challenging paradox – that governance is becoming increasingly a multilevel, intricately institutionalised and spatially dispersed activity, while representation, loyalty and identity remain stubbornly rooted in traditional ethnic, regional and national communities.[13] One important qualification can usefully be added to this point; while those who have a commitment to the global order as a whole and to international institutions are a distinct minority, a generational divide is evident. Those born after the Second World War are more likely to see themselves as cosmopolitans, to support the UN system and lend their support to the free trade system and the free movement of migrants. Age cohort analysis indicates that over the long term public opinion is moving in a more international direction, although it remains to be seen whether this tendency crystallises into a majority position and whether it generates a clearly focused political orientation.[14]

Hence, the shift from government to multilayered governance, from national economies to economic globalisation, is a potentially unstable shift, capable of reversal in some respects and certainly capable of engendering a fierce reaction – a reaction drawing on nostalgia, romanticised conceptions of political community, hostility to outsiders (refugees) and a search for a pure national state (for example, in the politics of Le Pen in France). But this reaction itself is likely to be highly unstable, and perhaps a relatively short- or medium-term phenomenon. To understand why this is so, nationalism has to be disaggregated.

As 'cultural nationalism' it is, and in all probability will remain, central to people's identity; however, as political nationalism – the assertion of the exclusive political priority of national identity and the national interest – it may not remain as significant; for political nationalism cannot deliver many sought-after public goods without seeking accommodation with others, in and through regional and global collaboration. In this respect, only an international or, better still, a cosmopolitan outlook can, ultimately, accommodate itself to the political challenges of a more global era, marked by overlapping communities of fate and multilevel/multilayered politics.

What is cosmopolitanism?

Cosmopolitanism is concerned to disclose the cultural, ethical and legal basis of political order in a world where political communities and states matter, but not only and exclusively. It dates at least to the Stoics' description of themselves as cosmopolitans – 'human beings living in a world of human beings and only incidentally members of polities'.[15] The Stoic emphasis on the morally contingent nature of membership of a political community might seem anachronistic after over three

[13] See W. Wallace, 'The Sharing of Sovereignty; the European Paradox?', *Political Studies*, 47: 3.
[14] P. Norris, 'Global Governance and Cosmopolitan Citizens' in J. Nye and J. Donahue (eds.), *Governance in a Globalizing World* (Washington, DC: Brookings, 2000), p. 175.
[15] B. Barry, 'Statism and Nationalism: A Cosmopolitan Critique', in I. Shapiro and L. Brilmayer (eds.), *Global Justice* (New York: New York University Press, 1999), p. 35.

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hundred years of state development. But what is neither anachronistic nor misplaced is the recognition of the partiality, one-sidedness and limitedness of 'reasons of state' when judged from the perspective of a world of 'overlapping communities of fate' – where the trajectories of each and every country are tightly entwined. States can be conceived as vehicles to aid the delivery of effective public regulation, equal liberty and social justice, but they should not be thought of as ontologically privileged. They can be judged by how far they deliver these public goods and how far they fail; for the history of states is, of course, marked not just by phases of corruption and bad management but also by the most brutal episodes. Cosmopolitanism today must take this as a starting point, and build an ethically sound and politically robust conception of the proper basis of political community, and of the relations among communities. This requires recognition of at least four fundamental principles.[16]

The first is that the ultimate units of moral concern are individual people, not states or other particular forms of human association. Humankind belongs to a single moral realm in which each person is equally worthy of respect and consideration.[17] This notion can be referred to as the principle of individualist moral egalitarianism or, simply, egalitarian individualism. To think of people as having equal moral value is to make a general claim about the basic units of the world comprising persons as free and equal beings.[18] This broad position runs counter to the view of moral particularists that belonging to a given community limits and determines the moral worth of individuals and the nature of their autonomy. It does so not to deny cultural diversity and difference, but to affirm that there are limits to the moral validity of particular communities – limits which recognise, and demand, that we must treat with equal respect the dignity of reason and moral choice in every human being.[19]

The second principle emphasises that the status of equal worth should be acknowledged by everyone. It is an attribute of every living person, and the basis on which each person ought to constitute their relations with others.[20] Each person has an equal stake in this universal ethical realm and is, accordingly, required to respect all other people's status as a basic unit of moral interest.[21] This second element of contemporary cosmopolitanism can be called the principle of reciprocal recognition.

The third principle, the principle of consent, recognises that a commitment to equal worth and equal moral value requires a non-coercive political process in and through which people can negotiate and pursue their interconnections, interdependence and differences. Interlocking lives, projects and communities require forms of decision-making which take account of each person's equal status in such processes.

[16] For a fuller account of these principles, see Held, 'Law of States, Law of Peoples'; and *Cosmopolitanism: A Defence* (Cambridge: Polity, forthcoming).

[17] See C. Beitz, 'Cosmopolitan Liberalism and the States System', in C. Brown (ed.), *Political Restructuring in Europe: Ethical Perspectives* (London: Routledge, 1994), pp. 123–36; Beitz, 'Philosophy of International Relations', in *Routledge Encyclopedia of Philosophy* (London: Routledge, 1998), pp. 826–33; and T. Pogge, 'Cosmopolitan Sovereignty', in C. Brown (ed.), *Political Restructuring in Europe*, pp. 89–122.

[18] See A. Kuper, 'Rawlsian Global Justice', *Political Theory*, 28 (2000), pp. 640–74.

[19] See M. Nussbaum, 'Kant and Cosmopolitanism' in J. Bohman and M. Lutz-Bachmann (eds.), *Perpetual Peace* (Cambridge, MA: MIT Press, 1997), pp. 25–57.

[20] Pogge, 'Cosmopolitan Sovereignty', pp. 89f.

[21] Ibid., p. 90.

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The principle of consent constitutes the basis of non-coercive collective agreement and governance.

The fourth principle, which I call the principle of inclusiveness and subsidiarity, seeks to clarify the fundamental criterion of drawing proper boundaries around units of collective decision-making, and on what grounds. At its simplest, it connotes that those significantly (that is, non-trivially) affected by public decisions, issues or processes should, *ceteris paribus*, have an equal opportunity, directly or indirectly through elected representatives, to influence and shape them. Those affected by public decisions ought to have a say in their making.[22] Accordingly, collective decision-making is best located when it is closest to, and involves, those whose opportunities and life chances are determined by significant social processes and forces.

Principle four points to the necessity of both the decentralisation and centralisation of political power. If decision-making is decentralised as much as possible, it maximises the opportunity of each person to influence the social conditions that shape his or her life. But if the decisions at issue are translocal, transnational or transregional, then political institutions need not only be locally based but must also have a wider scope and framework of operation. In this context, the creation of diverse sites and levels of democratic fora may be unavoidable. It may be unavoidable, paradoxically, for the very same reasons as decentralisation is desirable: it creates the possibility of including people who are significantly affected by a political issue in the public (in this case, transcommunity public) sphere. The principle of inclusiveness and subsidiarity yields the possibility of multilevel democratic governance; it may require diverse and multiple democratic public fora for its suitable enactment. Accordingly, the ideal type of appropriate democratic jurisdictions cannot be assumed to take just one form – as it does in the theory of the liberal democratic nation-state.[23]

The above four principles set out the core of the cosmopolitan moral and political universe. However, while cosmopolitanism must stand by these principles, they are not, of course, self-justifying. From the outset, it is important to distinguish between two things too often run together: questions about the origins of principles, and questions about their validity or weight.[24] Both kinds of question are important. If the first illuminates the ethical circumstances or motivation for a preference for, or commitment to, a principle or set of principles, the second is the basis for testing their intersubjective validity. In this regard, the justificatory rationale of the cosmopolitan principles is dependent on two fundamental metaprinciples or organising notions of ethical discourse – one cultural and historical, the other philosophical. These are, respectively, the metaprinciple of autonomy and the metaprinciple of impartialist reasoning.

The metaprinciple of autonomy (henceforth, the MPA) is at the core of the modern democratic project. Its rationale and standing are 'political not metaphysical',

[22] See F. Whelan, 'Prologue: Democratic Theory and the Boundary Problem', in J. R. Pennock and R. W. Chapman (eds.), *Nomos XXV: Liberal Democracy* (New York: New York University Press, 1983); M. Saward, 'A Critique of Held', in B. Holden (ed.), *Global Democracy* (London: Routledge, 2000).

[23] See Held, *Democracy and the Global Order*, ch. 10.

[24] See A. Weale, 'From Contracts to Pluralism', in P. Kelly (ed.), *Impartiality, Neutrality and Justice* (Edinburgh: Edinburgh University Press, 1998), pp. 9–34.

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to borrow a phrase from Rawls.[25] A basic concept or idea is political, in this sense, if it represents an articulation of an understanding latent in public political life and, in particular, if, against the background of the struggle for a democratic culture in the West and later elsewhere, it builds on the distinctive conception of the person as a citizen who is, in principle, 'free and equal' in a manner 'comprehensible' to everyone. In other words, the MPA can be understood as a notion embedded in the public political culture of democratic societies and emerging democracies.

It could be objected that the language of autonomy and self-determination has limited cross-culture validity because of its Western origins. But a distinction must be made between those political terms and discourses which obscure or underpin particular interests and power systems and those which seek to test explicitly the generalisability of claims and interests, and to render power, whether it be political, economic or cultural, accountable. What the language of autonomy and self-determination generates and, in particular, the language of the MPA, is what might be thought of as a commitment or pre-commitment to the idea that all persons should be equally free – that is to say, that they should enjoy equal liberty to pursue their own activities without arbitrary or unwarranted interference. If this notion is shared across cultures it is not because they have acquiesced to modern Western political discourse; it is, rather, that they have come to see that there are certain languages which protect and nurture the notion of equal status and worth, and others which have sought to ignore or suppress it.

To test the generalisability of claims and interests involves 'reasoning from the point of view of others'.[26] Attempts to focus on this 'social point of view' find their most rigorous explication in Rawls's original position, Habermas's ideal speech situation and Barry's formulation of impartialist reasoning.[27] These formulations have in common a concern to conceptualise an impartial moral standpoint from which to assess routine forms of practical reasoning. The concern is not over-ambitious. As one commentator aptly explained:

> All the impartiality thesis says is that, if and when one raises questions regarding fundamental moral standards, the court of appeal that one addresses is a court in which no particular individual, group, or country has *special* standing. Before the court, declaring 'I like it', 'it serves my country', and the like, is not decisive; principles must be defensible to anyone looking at the matter apart from his or her special attachments, from a larger, human perspective.[28]

This social open-ended, moral perspective is a device for focusing our thoughts and testing the intersubjective validity of our conceptions of the good. It offers a way of exploring principles, norms and rules that might reasonably command agreement. I refer to it as the metaprinciple of impartialist reasoning (MPIR).

[25] See J. Rawls, 'Justice as Fairness: Political not Metaphysical', *Philosophy of Public Affairs*, 14: 3 (1985).

[26] S. Benhabib, *Situating the Self* (Cambridge: Polity, 1992), pp. 9–10, 121–47.

[27] See J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); J. Habermas, 'Wahrheitstheorien', in H. Fahrenbach (ed.), *Wirklichkeit und Reflexion* (Neske: Pfüllingen, 1973), pp. 211–65; J. Habermas, *Between Facts and Norms* (Cambridge: Polity, 1996); B. Barry, *Theories of Justice* (London, 1989); B. Barry, *Justice as Impartiality* (Oxford: Clarendon Press, 1995).

[28] T. Hill, 'The Importance of Autonomy', in E. Kittay and D. Meyers (eds.), *Women and Moral Theory* (Towata, NJ: Roman & Allanheld, 1987), p. 132, quoted in Barry, *Justice as Impartiality*, pp. 226–7.

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Impartialist reasoning does not produce a straightforward deductive proof of the ideal set of principles and conditions which can overcome the inadequacies of the global political order or the global economy, nor can it produce a deductive proof of the best or only moral principles that should guide institutional reform. Rather, it should be thought of as a heuristic device to test candidate principles of moral worth, democracy and justice and their forms of justification. These tests are concerned with a process of reasonable rejectability, in a theoretical dialogue that is always open to fresh challenge and, hence, in a hermeneutic sense, can never be complete.[29] But to acknowledge this is not to say that the theoretical conversation is 'toothless' with respect to either principles or the conditions of their entrenchment. The principle of the avoidance of serious harm and policies for the amelioration of urgent need can, in this context, be defended.[30]

Together, the MPA and MPIR provide the grounds of cosmopolitan thought. The MPA lays down the conceptual space in which impartialist reasoning can take place. For it generates a preoccupation with each person as a subject of equal moral concern; each person's capacity to act autonomously with respect to the range of choices before them; and each person's equal status with respect to the basic institutions of political communities, that is, with an entitlement to claim and be claimed upon.[31] It provides motives, reasons and constraining considerations to help establish agreement on reasonable terms. The MPIR is the basis for pursuing this agreement. It is a device of argument that is designed to abstract from power relations in order to disclose the fundamental enabling conditions of active agency, rightful authority and social justice.

I take cosmopolitanism to connote, in the last instance, the ethical and political space which sets out the terms of reference for the recognition of people's equal moral worth, their active agency and what is essential for their autonomy and development; it seeks to recognise, affirm and nurture human agency, and to build on principles that all could reasonably assent to. On the other hand, this cosmopolitan point of view must also recognise that the meaning of ideas such as equal dignity, equal respect and equal consideration cannot be specified once and for all. That is to say, the connotation of these basic ideas cannot be separated from the hermeneutic complexity of traditions, with their temporal and cultural structures. In other words, the meaning of cosmopolitan regulative principles cannot be elucidated independently of an ongoing discussion in public life.[32]

Cosmopolitan institution-building

The principles of egalitarian individualism, reciprocal recognition, consent, and inclusiveness and subsidiarity find direct expression in significant post-Second World

[29] See H. G. Gadamer, *Truth and Method* (London: Sheed & Ward, 1975).
[30] See P. Kelly, *Impartiality, Neutrality and Justice* (Edinburgh: Edinburgh University Press, 1998); Held, *Cosmopolitanism: A Defence*.
[31] See Rawls, *A Theory of Justice*, pp. 544–5; Barry, *Theories of Justice*, p. 200.
[32] See Habermas, *Between Facts and Norms*.

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War legal and institutional initiatives.[33] To begin with, the 1948 UN Declaration of Human Rights and subsequent 1966 Covenants of Rights raised the principle of egalitarian individualism to a universal reference point: the requirements that each person be treated with equal concern and respect, irrespective of the state in which they were born or brought up, is the central plank of the human rights world-view.[34] In addition, the formal recognition in the preamble to the UN Declaration of all people as persons with 'equal and inalienable rights', and as 'the foundation of freedom, justice and peace in the world', marked a turning point in the development of cosmopolitan legal thinking. Single persons are recognised as subjects of international law and, in principle, the ultimate source of political authority.[35] The principle of consent is crucial to this development.

The tentative acceptance of the equal worth and equal political status of all human beings finds reinforcement in a host of post-Second World War legal and institutional developments – in the acknowledgment of the necessity of a minimum of civilised conduct found in the laws of war and weapons diffusion; in the commitment to the principles of the Nuremberg and Tokyo war crimes tribunals (1945–46, 1946–48), the Torture Convention (1984) and the statute of the International Criminal Court (1998) which outlaws genocide, war crimes and crimes against humanity; in the growing recognition of democracy as the fundamental standard of political legitimacy which finds entrenchment in the International Bill of Human Rights and in a number of regional treaties; and in the unprecedented flurry of regional and global initiatives, regimes, institutions and networks seeking to tackle global warming, ozone depletion, the pollution of oceans and rivers, and nuclear risks, among many other factors.[36]

Nonetheless, while there may be cosmopolitan elements to existing international law and regulation, these have not, it hardly needs emphasising, generated a new deep-rooted structure of cosmopolitan regulation and accountability. The principle of egalitarian individualism may be widely recognised, but it scarcely structures much political and economic policy, north or south. The principle of universal recognition informs the notion of human rights and other legal initiatives such as the 'common heritage of humankind' (embedded in the Law of the Sea, 1982), but it is not at the heart of the politics of sovereign states or corporate colossi. The principle of consent might be appealed to in order to justify limits on the actions of particular states and IGOs, but it is, at best, only an incidental part of the institutional dynamics that have created such chronic political problems as the externalities generated by many national economic and energy policies. The principle of inclusiveness and subsidiarity might be invoked to ensure that states, rich or poor, can block direct interference in their sovereign affairs, but it is generally bypassed in

[33] The following account of cosmopolitan institution-building draws on sections of my 'Globalization, Corporate Practice and Cosmopolitan Social Standards', *Contemporary Political Theory*, 1 (2002), pp. 59–78.

[34] See UN, *Human Rights: A Compilation of International Instruments* (New York: United Nations, 1988).

[35] See M. Weller, 'The Reality of the Emerging Universal Constitutional Order', *Cambridge Review of International Studies*, 10 (1997), pp. 40–63; J. Crawford and S. Marks, 'The Global Democracy Deficit', in D. Archibugi, et al. (eds.), *Re-imagining Political Community* (Cambridge: Polity, 1998), pp. 72–90.

[36] See Held, 'Law of States, Law of Peoples', for a survey.

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a world of overlapping communities of fate in areas as diverse as health, the environment and the global distribution of wealth and income. This should not come as a surprise.

The susceptibility of the UN to the agendas of the most powerful states, the weaknesses of many of its enforcement operations (or lack of them altogether), the underfunding of its organisations, the continued dependency of its programmes on the financial support of a few major states, the inadequacies of the policing of many environmental regimes (regional and global) – are all indicative of the disjuncture between cosmopolitan aspirations and their partial and one-sided application. Cosmopolitan theory, with its emphasis on illegitimate structures of power and interest, has to be reconnected to cosmopolitan institution-building. We require a shift from a club-driven and executive-led multilateralism – which is typically secretive and exclusionary – to a more transparent, accountable and just form of governance – a socially backed, cosmopolitan multilateralism.[37]

Cosmopolitan multilateralism

Cosmopolitan multilateralism takes as its starting point a world of 'overlapping communities of fate'. Recognising the complex structures of an interconnected world, it views certain issues – such as housing, sanitation and policing – as appropriate for spatially delimited political spheres (the city, region or state), while it sees others – such as the environment, world health and economic regulation – as requiring new, more extensive institutions to address them. Deliberative and decision-making centres beyond national territories are appropriately situated when cosmopolitan principles can only be upheld properly in a transnational context; when those significantly affected by a public matter constitute a transnational grouping; and when 'lower' levels of decision-making cannot satisfactorily manage transnational or international policy questions. Of course, the boundaries demarcating different levels of governance will always be contested, as they are, for example, in many existing local, sub-national regional and national polities. Disputes about the appropriate jurisdiction for handling particular public issues will be complex and intensive; but better complex and intensive in a clear public framework than left simply to powerful geopolitical interests (dominant states) or market-based organisations to resolve them alone.

The possibility of a cosmopolitan polity must be linked to an expanding framework of states and agencies bound by cosmopolitan principles and rules. How should this be understood from an institutional point of view? Initially, the possibility of cosmopolitan politics would be enhanced if the UN system actually lived up to its Charter. Among other things, this would mean pursuing measures to implement key elements of the rights Conventions, and enforcing the prohibition on the discretionary right to use force.[38] However, while each move in this direction would be helpful, it would still represent, at best, a move towards a very incomplete

[37] I am indebted to Michael Zürn's distinction between 'executive' and 'social' multilateralism, which he made at a recent presentation at the London School of Economics, 17 May 2002.

[38] See R. Falk, *On Humane Governance* (Cambridge: Polity, 1995).

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form of accountability and justice in global politics. For the dynamics and logic of the current hierarchical interstate system (with the US in pole position) would still represent an immensely powerful force in global affairs; the massive disparities of power and asymmetries of resource in the global political economy would be left virtually unaddressed; *ad hoc* responses to pressing international and transnational issues would remain typical; and the 'gaps' emphasised earlier would remain unbridged (see p. 467).

Thus, a cosmopolitan polity would need to establish an overarching network of public fora, covering cities, nation-states, regions and the wider global order. It is possible to conceive of different types of political engagement on a continuum from the local to the global, with the local marked by direct and participatory processes while larger domains with significant populations are progressively mediated by representative mechanisms. The possibilities of direct involvement in the public affairs of small communities are clearly more extensive compared to those which exist in highly differentiated social, economic and political circumstances.[39] However, the simple juxtaposition of participatory with representative democracy is now in flux, given developments in information technology which put simultaneous two-way communication within reach of larger populations;[40] stakeholder innovations in democratic representation, which emphasise the significance of the direct involvement of representatives of all major groupings affected by a public process, instead of all the possible individuals involved;[41] and new approaches in deliberative democracy which do not take citizens' preferences as simply given or pre-set and, instead, seek to create accessible, diverse fora for the examination of opinion.[42] The aim would be to establish a deliberative process whose structure grounds 'an expectation of rationally acceptable results'.[43] Such a process can be conceived of in terms of diverse public spheres in which collective views and decisions are arrived at through deliberation, deliberation which is guided by the test of impartiality, as opposed to that of simple self-interest, in the formation of political will and judgement.

Accordingly, a cosmopolitan polity would seek the creation of an effective and accountable administrative, legislative and executive capacity at global and regional levels to *complement* those at national and local levels. This would require:

1. The formation of an authoritative assembly of all democratic states and agencies – a reformed General Assembly of the United Nations, or a complement to it. The focus of a global assembly would be the examination of those pressing problems which are at the heart of the possibility of the implementation of cosmopolitan principles – for instance, health and disease, food supply and

[39] See D. Held, *Models of Democracy*, 2nd edn. (Cambridge: Polity, 1996), chs. 7 and 9; see also D. Beetham, 'Liberal Democracy and the Limits of Democratization', in D. Held (ed.), *Prospects for Democracy* (Cambridge: Polity, 1993), pp. 55–73; A. Phillips, 'Must Feminists Give Up on Liberal Democracy', in Held, *Prospects for Democracy*, pp. 93–111.

[40] I. Budge, 'Direct Democracy: Setting Appropriate Terms of Debate', in Held, *Prospects for Democracy*, pp. 136–55.

[41] J. Burnheim, *Is Democracy Possible?* (Cambridge: Polity, 1985); W. Hutton, *The World We're In* (London: Little, Brown, 2002).

[42] J. Cohen, 'Deliberation and Democratic Legitimacy', in A. Hamlin and P. Pettit (eds.), *The Good Polity* (Oxford: Blackwell, 1989); J. Fishkin, *Democracy and Deliberation* (Cambridge: Cambridge University Press, 1991).

[43] See Habermas, *Between Facts and Norms*.

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distribution, the debt burden of the developing world, the instability of the hundreds of billions of dollars that circulate the globe daily, global warming and the reduction of the risks of nuclear, chemical and biological warfare. Its task would be to set down the rules, standards and institutions required to embed cosmopolitan values and priorities. The instruments at its disposal would need to include framework-setting law, law which specified and articulated the core concerns of cosmopolitanism.[44] Consistent with this would be the creation of capacities to initiate attempts to alleviate crises of urgent need, generating immediate life and death considerations. If non-global levels of governance were failing to protect people in these circumstances, a *raison d'être* would exist for direct global intervention. Of course, political decision-making and implementation should remain, everything else being equal, as much as possible with those who are primarily and most immediately affected by them, in line with the principle of inclusiveness and subsidiary.[45]

2. The creation of regional parliaments and governance structures (for example, in Latin America and Africa) and the enhancement of the role of such bodies where they already exist (the European Union) in order that their decisions become recognised and accepted as legitimate independent sources of regional and international regulation.
3. The opening-up of functional international governmental organisations (such as the WTO, IMF and World Bank) to public examination and agenda setting. Not only should such bodies be transparent in their activities, but they should be accessible and open to public scrutiny (on the basis perhaps of elected supervisory bodies, or functional delegative councils, which are representative of the diverse interests in their constituencies), and accountable to regional and global democratic fora (see points 1 and 2 above). In addition, where IGOs are currently weak and/or lacking in enforcement capability, there need to be new mechanisms and organisations established, for example, in the areas of the environment and social affairs. The creation of new global governance structures with responsibility for addressing poverty, welfare and related issues are vital to offset the power and influence of market-orientated agencies such as the WTO and IMF.
4. General referenda cutting across nations and nation-states at regional or global levels in the case of contested priorities concerning the implementation of core cosmopolitan concerns.[46] These could involve many different kinds of referenda including a cross-section of the public, and/or of targeted and significantly affected groups in a particular policy area, and/or of the policymakers and legislators of national parliaments.

[44] European law embodies a range of relevant distinctions among legal instruments and types of implementation which would be helpful to reflect on in this context. See, for example, L. Hooghe and G. Marks (eds.), *Multi-Level Governance and European Integration* (Lanham, MD: Roman & Littleheld, 2001).

[45] Agreement on the terms of reference of a global assembly would be difficult to say the least, although there is no shortage of plausible schemes and models. Ultimately, its terms of reference and operating rules would need to command widespread agreement and, hence, ought to be generated in a stakeholder process of consensus-building – a global constitutional convention – involving states, IGOs, INGOs, citizen groups and social movements. A global process of consultation and deliberation, organised at diverse levels, represents the best hope of creating a legitimate framework for accountable and sustainable global governance.

[46] Held, *Democracy and the Global Order*, ch. 12.

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5. A cosmopolitan law-enforcement and coercive capability, including peace-keeping and peace-making. It is necessary to meet the concern that, in the face of the pressing and violent challenges to cosmopolitan values and priorities, 'covenants, without the sword, are but words' (Hobbes).

Political cosmopolitanism involves the development of administrative capacity and independent political resources at regional and global levels as a necessary complement to those in local and national polities. At issue is strengthening the administrative capacity and accountability of regional institutions like the EU along with developing the administrative capacity and forms of accountability at the level of the UN system itself. A cosmopolitan polity does not call for a diminution *per se* of state power and capacity across the globe. Rather, it seeks to entrench and develop political institutions at regional and global levels as a necessary complement to those at the level of the state. This conception of politics is based on the recognition of the continuing significance of nation-states, while arguing for layers of governance to address broader and more global questions. The aim is to forge an accountable and responsive politics at local and national levels alongside the establishment of representative and deliberative assemblies in the wider global order; that is, a political order of transparent and democratic cities and nations as well as of regions and global networks.

The institutional requirements of political cosmopolitanism include:

- Multilayered governance and diffused authority.
- A network of democratic fora from the local to the global.
- Enhancing the transparency, accountability and effectiveness of leading functional IGOs; and building new bodies of this type where there is demonstrable need for greater public coordination and administrative capacity.
- Use of diverse forms of mechanisms to access public preferences, test their coherence and inform public will formation.
- Establishment of an effective, accountable, international police/military force for the last-resort use of coercive power in defence of cosmopolitan law.

Utopian?

In the twentieth century political power has been reshaped and reconfigured. It has been diffused below, above and alongside the nation-state. Political power is multilevel and multilayered. Globalisation has brought large swathes of the world's population 'closer together' in overlapping communities of fate. Life chances are affected by national, international and transnational processes. Cosmopolitan values are entrenched in important sectors of international law and new regional and global courts have been set up to examine some of the more heinous crimes humans can commit. Transnational movements, agencies and corporations have established the first stages of a global civil society. These, and related developments, create anchors for the development of a cosmopolitan multilateralism. The latter does not have to start from scratch, but can develop from clear legal, political and civil stepping stones laid down in the twentieth century.

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There are, obviously enough, many reasons for pessimism. Globalisation has not just integrated peoples and nations, but created new forms of antagonism. The globalisation of communications does not just make it easier to establish mutual understanding, but often highlights what it is that people do not have in common and how and why differences matter. The dominant political game in the 'transnational town' remains geopolitics, and the one key player (the US) currently wants to rewrite the rules to further suit its hand. Ethnic self-centredness, right-wing nationalism and unilateralist politics are once again on the rise, and not just in the West. Yet, the circumstances and nature of politics have changed. Like national culture and traditions, cosmopolitanism is a cultural and political project, but with one difference: it is better adapted and suited to our regional and global age. However, the arguments in support of this have yet to be articulated in the public sphere in many parts of the world; and we fail here at our peril.

It is important to add a reflection on 9/11 and to say what it means in this context. One cannot accept the burden of putting accountability and justice right in one realm of life – physical security and political cooperation among defence establishments – without at the same time seeking to put it right elsewhere. If the political and the security, the social and the economic dimensions of accountability and justice are separated in the long term – as is the tendency in the global order today – the prospects of a peaceful and civil society will be bleak indeed. Popular support against terrorism, as well as against political violence and exclusionary politics of all kinds, depends upon convincing people that there is a legal, responsive and specific way of addressing their grievances. Without this sense of confidence in public institutions the defeat of terrorism and intolerance becomes a hugely difficult task, if it can be achieved at all. Globalisation without cosmopolitanism could fail.

Against the background of 9/11, the current unilateralist stance of the US, the desperate cycle of violence in the Middle East and elsewhere, the advocacy of cosmopolitanism may appear like an attempt to defy gravity or walk on water! And, indeed, if it was a case of having to adopt cosmopolitan principles and institutions all at once, or not at all, this would be true. But it is no more the case than was the pursuit of the modern state – as a system of circumscribed authority, separate from ruler and ruled – at the time of Hobbes. Over the last several decades the growth of multilateralism and the development of international law has created cosmopolitan anchors to the world. These are the basis for the further consolidation of the hold of cosmopolitan principles and institutions. Moreover, a coalition of political groupings could emerge to push these achievements further, comprising European countries with strong liberal and social democratic traditions; liberal groups in the US polity which support multilateralism and the rule of law in international affairs; developing countries struggling for freer and fairer trade rules in the world economic order; non-governmental organisations, from Amnesty International to Oxfam, campaigning for a more just, democratic and equitable world order; transnational social movements contesting the nature and form of contemporary globalisation; and those economic forces that desire a more stable and managed global economic order.[47]

[47] Held and McGrew, *Globalization/Anti-Globalization*, chs. 8 and 9.

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Although the interests of these groupings would inevitably diverge on a wide range of issues, there is potentially an important overlapping sphere of concern among them for the strengthening of multilateralism, building new institutions for providing global public goods, regulating global markets, deepening accountability, protecting the environment and ameliorating urgently the social injustices that kill thousands of men, women and children daily. Of course, how far such forces can unite around these objectives – and can overcome fierce opposition from well-entrenched geopolitical and geoeconomic interests – remains to be seen. The stakes are very high, but so too are the potential gains for human security and development if the aspirations for cosmopolitan governance and social justice can be realised.

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