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To cite this article: Richard Wolin (2010) The idea of cosmopolitanism: from Kant to the Iraq War and beyond, *Ethics & Global Politics*, 3:2, 143-153, DOI: [10.3402/egp.v3i2.5213](https://doi.org/10.3402/egp.v3i2.5213)

To link to this article: <https://doi.org/10.3402/egp.v3i2.5213>



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Published online: 26 May 2010.



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CRITICAL DEBATE

The idea of cosmopolitanism: from Kant to the Iraq War and beyond

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PROLOGUE

With the end of the Cold War the world approached the prospect of realizing what one might call the ‘Kantian moment’ in international relations. Auspiciously, 1995 marked both the 50th anniversary of the establishment of UN Charter, in which human rights guarantees prominently figured, as well as the 200th anniversary of Kant’s celebrated text on ‘Perpetual Peace.’ During the era of the East–West political stalemate, the idea of effective world governance remained a chimera, as both political camps willfully exploited international governmental organizations (IGOs), such as the UN and UNESCO, for the self-serving ends of Realpolitik. Human rights claims were brazenly politicized. The Soviets lambasted American racism and the inadequacy of social rights. The USA and its allies, conversely, pilloried their opponent’s failure to minimally respect basic, first-generation civil and political liberties.

With the fall of the Berlin Wall the possibility arose that the Kantian dream of meaningful cosmopolitan governance, long mocked by political realists, might become a reality. After all, ever since the 1960s, the world had been geographically shrinking. The spike in international travel and instantaneous means of communication (satellite communications and, at a later point, the internet) made national borders increasingly seem like a superfluous encumbrance. Non-governmental organizations (NGOs) proliferated across borders, making international activism an increasingly visible and impactful political phenomenon. The upsurge in deregulated international commerce—both trade and financial transactions—following the United States’ unilateral abandonment of the Bretton Woods accord in 1971 gave rise to the second age of globalization, whose excesses cried out for

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effective international political regulation. Innovative systems of regional governance, such as the European Union (EU), raised hopes that a parallel measure of multilateral political coordination could emerge on the global stage. In all of these respects, the idea of national sovereignty, which had been the pillar of the Westphalian nation-state system, had been irreparably impaired. In many quarters philosophers and intellectuals wondered aloud whether the Kantian ideal of cosmopolitanism might fill the political void, thereby facilitating the transition from *Völkerrecht* to *Weltbürgerrecht*—from international law among sovereign states to cosmopolitan law.

KANT AND THE COSMOPOLITAN IDEAL

In ‘Perpetual Peace,’ Kant audaciously envisioned the extension of republican norms to international relations. Although Kant was not necessarily known for his sense of humor, it is significant that he begins ‘Perpetual Peace’ with a witticism. He notes that his title was inspired by the whimsy of a Dutch innkeeper who affixed this phrase on the signboard of his establishment along with the image of a cemetery. Kant quips that the innkeeper might have, in a spirit of satire, intended it for philosophers like himself, who were prone to unrealistic, utopian musings—such as dreams of world peace. Yet another possibility, he continues, is that it was intended for the monarchs of Europe, who seem not to be able to get their fill of *war* and whose policies have threatened to turn Europe into a giant cemetery (in German: *Friedhof*, or ‘yard of peace’).

For Kant, following Rousseau, republicanism solved the problem of modern political freedom, insofar as it was the only form of political rule that facilitated genuine individual and collective self-determination. The *ancien régime*, as a society of orders or estates, violated the precept of equal citizenship. Its political institutions were anything but representative or democratic. Instead, the substance of political decision-making was left to the whim of the monarch or prince and his or her cabinet, with the rest of the populace reduced to the status of ‘subjects.’ The people were, for the most part, merely passive objects of the sovereign’s will.

By recognizing the principle of free and equal citizenship, and by democratizing the notion of political participation, the idea of popular sovereignty strove to ensure that citizens would be autonomous and free. By adhering to the ideal of self-legislation, they would in principle be following laws that they themselves, as engaged citizens, had constructed or made. No one better articulated the principle of modern political freedom than Rousseau in the *Contrat sociale*. Foreshadowing Kant’s embrace of the republican idea, Rousseau observed:

[C’est] la liberté morale qui seule rend l’homme vraiment maître de lui; l’impulsion du seul appétit est esclavage, et l’obéissance à la loi qu’on s’est prescrite est liberté. . . . [Ainsi, on peut] substituer une existence. . . morale à l’existence physique et indépendante que nous avons tous reçu de la nature.¹

Despite Rousseau’s own conceptual misgivings about humanity’s suitability for self-government—reservations that surface in the later chapters of the *Contrat sociale*

concerning the lawgiver, censorship, and civil religion—Kant saw fit to declare him the ‘Newton of the moral world.’

It was in this spirit that in Article 2 of ‘Perpetual Peace,’ Kant, following Rousseau, emphatically declared that ‘*The Civil Constitution of Every State Must Be Republican.*’ In his view, only a republican form of government, predicated on the democratic participation and the consent of its citizens, could put an end to the senseless and bloody ‘cabinet wars’ and dynastic wars of succession that marked the post-Westphalian era. Kant believed that an informed republican citizenry would refuse to sanction arbitrary and protracted conflicts, such as the War of the Austrian Succession (1740–1748) or the Seven Years’ War (1756–1763), wars that bled states and benefited only the ruling elite. Absolute monarchies conducted diplomacy under the cover of secrecy, wantonly violating the indispensable norm of ‘publicness.’

Kant’s immediate stimulus for writing the essay had been the Treaty of Basel, which simultaneously ended the revolutionary wars while unconscionably codifying the Third Partition of Poland, divvying up this proud, sovereign nation between Prussia and Russia. Clearly, in the realm of post-Westphalian international relations effective legal control mechanisms were minimal to non-existent. Kant believed that the democratic notion of publicity, or political openness, would counteract the usurpation of affairs of state by absolute rulers. His republican sympathies have been empirically borne out by the truism that states with democratic constitutions rarely go to war with one another.

Kant wrote ‘Perpetual Peace’ approximately 150 years after the Westphalian settlement, which, in his view, ‘irrationally’ reduced relations between states to a Hobbesian ‘state of nature.’ By ‘de-moralizing’ interstate relations and sanctioning *Machtpolitik* or *Staatsräson*, the Treaty of Westphalia promoted a condition of virtual lawlessness, in which ‘survival of the fittest’ and or ‘right of the strongest’ de facto prevailed. On the international stage, states were viewed as sovereign, predatory actors whose *raison d’être* was to maximize their own self-interest. International legal strictures were nominal and, in essence, unenforceable. ‘Right’ was on the side of those states that succeeded in imposing their will on others. The mentality is captured perfectly by an episode from the marquis de Sade’s *Les Infortunes de la vertu*. When Sade’s heroine Justine asks her tormentors to justify their depredations, they respond simply: ‘Because right is with the strong and you are weak.’²

By allowing anarchy to predominate in the realm of international affairs, one risked undermining prospects for the public good presented by republican government. In Kant’s view, anarchy among states unsettled domestic peace and negated the ideal of political self-determination. For Kant, conditions of international lawlessness represented the constant and tangible negation of republican freedom. In his view, it was not only actual war but the ‘never-ending and indeed continually increasing preparations for war’ that threatened the republican political model.³ Among the ‘disastrous consequences of war’ (Kant) were the disruption of commerce and domestic tranquility, the abrogation of constitutional freedoms, and the granting of emergency powers to the sovereign. Under constant threat of war, republican institutions are denied the peace and stability they need to facilitate prosperity and

untrammelled political self-expression. Moreover, as a mechanism of state-sanctioned, lawfully condoned killing, war risks violating one of the basic precepts of morality: it degrades combatants to the status of ‘means’—pawns in the ‘grand game’ of interstate *Realpolitik*—rather than treating them as moral natures or ends in themselves. War might have an empirical justification, but it could never be morally justified.

On analogous normative grounds, Kant saw fit to emphatically reject European imperialism, which he viewed as an egregious violation of ‘Perpetual Peace’s’ third article concerning the right to hospitality. Kant understood imperialism as a policy of predatory and unlimited conquest—in essence, a form of state-sanctioned international piracy. For these reasons, he emphatically denounced ‘the inhospitable conduct of the civilized states of our continent, especially the commercial states [and], the injustice which they display in visiting foreign countries and peoples (which in their case is the same as *conquering* them).’⁴ As with war, under imperialism indigenous peoples were reduced to means to an end—the enrichment of the Western metropolises and their inhabitants—rather than treated as ends in themselves.

The ‘republic of states’ envisioned by Kant would thus supplant the existing anarchic state of international affairs, in which ad hoc, bi-lateral treaties predominate and in which self-interested individual states are the ultimate arbiters. Instead, a law-governed international polity—a federation rather than a ‘world-state’—would arise whose grounding in rule of law would be analogous to that of a domestic republic.

When, in 1795, Kant, following Abbé de Saint-Pierre (whose own *Projet de Paix perpétuelle* was published in 1713), made his argument for cosmopolitan governance in the form of a federation of states, his was a voice in the wilderness. Moreover, upon rereading his text, it is clear that the Königsberg sage sensed the historical weakness of his own position. From a theoretical point of view, his arguments may have been ‘rational’ and consistent; yet he knew well that there was a negligible chance that Europe’s Great Powers, which were constantly bent on territorial self-aggrandizement, would accede to the claims of reasons. Kant famously addressed this problem in his essay on ‘Theory and Practice,’ where he asserted that so-called ‘Ideas of Reason’ such as ‘Perpetual Peace’ are no less ‘real’ or compelling despite their lack of empirical plausibility. They have a transcendent normative force that reasonable persons cannot ignore. As Kant opines:

Even if the [Ideal State] should never come about, the idea which sets up this . . . archetype, in order to bring the legal constitution of mankind nearer and nearer to its greatest possible perfection, still remains correct.⁵

One sign of Kant’s philosophical defensiveness emerges in his uncharacteristic reliance on the powers of divine Providence as a potential carrier of ‘perpetual peace,’ lest humanity fall into despair over the impasse of the historical present. That the author of ‘What is Enlightenment?’ would fall back, when pressed, on such specious, supernatural analogies indicates just how utopian the idea of cosmopolitan governance must have seemed at the time.

In opposition to Kant and his fellow *philosophers*, in *Another Philosophy of History* (1774), Johann Gottfried Herder devised a competing model of cosmopolitanism, one that was predicated on ‘cultural belonging’ rather than formal civic criteria or ‘right.’ Herder sought to do justice to the variegatedness of national particularities, which he felt had been unfairly slighted by the uniformity of the Enlightenment’s Empire of Reason. In this way, the stage was set for the epic 19th-century battle between ethnic and civic nationalism. Although Herder’s motivations were genuinely *pluralistic*, the intentions of his heirs were often distinctly *chauvinistic*. Herder’s *völkisch* nationalism culminated, *nolens volens*, in particularistic, and often murderous, conceptions of ethnic or racial belonging—conceptions that have reemerged, in Europe and elsewhere, following the revolutions of 1989. Today, his ideas survive in the variants and strains of ‘multiculturalism’: a worldview that celebrates the thick ties of ethnicity or group belonging as opposed to the thin ties and austere formalism of rule of law (*l’état de droit*).

The saga of ethnic nationalism has taught humanity a hard lesson: unless the longing for strong cultural attachments is mediated by principle—i.e. by the formal, civic conceptions of ‘right’ specified by Rousseau and Kant—multiculturalism risks devolving into an exclusionary particularism.

THE ACTUALITY OF THE COSMOPOLITAN PROJECT

As we have seen, during the Cold War international relations languished in a stalemate that was cynically exploited for the ends of *Staatsräson* by the two competing power blocks. Conversely, with communism’s collapse, some 200 years after the publication of Kant’s treatise, remarkable prospects for genuine cosmopolitan governance have emerged on a number of fronts. These developments have resulted in a qualification and diminution of the idea of state sovereignty—the pillar of the Westphalian system and of the traditional, anti-normative *Realpolitik* approach. Hence, in world affairs today there exists a unique opportunity to effectively tame the excesses of *Machtpolitik* and the ‘right of the strongest’ via the democratic spirit of cosmopolitan norms.

Via the UN, the EU, and a parallel set of regional structures, Kant’s dream of perpetual peace, which the philosopher had impotently consigned to the noumenal realm, has taken on meaningful and auspicious contours. The UN Human Rights regime has helped to make individuals autonomous bearers of rights in a way that transcends the traditional prerogatives of state sovereignty. Similar breakthroughs have arisen in international criminal law via the European Court of Justice, the European Court of Human Rights, and the International Criminal Court. In all three instances (as well as that of the UN Court of Human Rights) individuals whose human rights have been violated may directly petition international courts for redress, thereby transcending the parameters of the nation-state. In a non-trivial sense, these petitioners may be characterized as transnational citizens. As one commentator has observed:

Carried to its logical extreme, the doctrine of human rights. . . . under international law is subversive for the whole principle that mankind should be organized as a society of sovereign states. For if the rights of each [individual] can be asserted on the world political stage over and against the claims of his state. . . . then the position of the state as a body sovereign over its citizens. . . . has been challenged and the structure of the society of sovereign states has been placed in jeopardy. The way is left open for the subversion of the society of sovereign states on behalf of the alternative organizing principle of a cosmopolitan community.⁶

Following the landmark 1998 indictment of Chilean dictator Augusto Pinochet at the behest of a Spanish judge—Pinochet’s Chile was a signatory to the 1984 UN Convention Against Torture (CAT), which in the end proved to be the General’s statutory undoing—tyrants around the globe have been placed on notice. The following year the Hague-based International Criminal Court indicted Serbia’s Slobodan Milosevic. It was the first time a head-of-state had been tried by an international court. The UN CAT played a pivotal role in a 2004 US Supreme Court ruling that the plight of the Guantanamo Bay prisoners fell within the jurisdiction of the international law.⁷

By the same token, while the proliferation of supra-national legal and administrative institutions has succeeded in modifying state sovereignty, it is hardly the case that the end result has reinforced global democratic practice. Influential supra-state governance structures, like the UN, often lack strong democratic accountability. As a result, they can easily succumb to pressure and influence exerted by powerful states. Owing to their dearth of democratic legitimacy, such structures of ‘geo-governance’ have given rise to a phenomenon that has been aptly dubbed ‘governance without government.’⁸ A good case in point is the EU’s notorious ‘democratic deficit’: the shift in decision-making capacity from the national level to the EU level without a corresponding enhancement of democratic control mechanisms. Conversely, the EU’s central democratic organ, the European Parliament, seems to afford many of the weaknesses of representative government without the strengths. It can neither raise taxes, nor introduce new laws, nor have the ultimate say as to whether or not a proposal becomes law. International law can be a facilitator of democracy; on the other hand, super-legalism, and the mentality of bureaucratic-formalism it encourages, can quite readily promote civic passivity and depoliticization.

Herein lies the primary drawback of the Kant’s model of a ‘federation of states.’ Kant conceived his federation primarily as a mechanism of avoiding war and ensuring peace. Yet, according to this model, the primary actors remained individual nation states. To be sure, with Kant, the notion of cosmopolitan citizenship entailed a commitment to domestic and international rule of law. Yet, it had little to do with the virtues of active citizenship, let alone democratic participation on a global or world scale.

Not only have the prerogatives of state sovereignty been challenged from above—by major intergovernmental organizations such as the UN and the EU—but but also from below by an explosive and dramatic upsurge of NGOs. Disenchantment with the anti-democratic tendencies of super-governance have led to a renewed

appreciation of the virtues of local self-government. These dissatisfactions have also propelled a momentous increase in transnational political activism. In the forty-year period from 1953 to 1993, the number of NGOs advocating progressive social change rose from 110 to 631—that is, by approximately 500%. In the same period of time, the number of transnational advocacy groups lobbying for human rights has risen from 33 to 168. Similarly, the number of organizations advocating environmental causes has mushroomed from 2 to 90.⁹ NGOs such as Amnesty International, Human Rights Watch, and Médecins sans Frontières have played a crucial role ensuring that major humanitarian causes—human rights violations, genocide, famine, torture, and women’s issues—have been brought to the attention of state actors and leading intergovernmental organizations in order to ensure that the issues are kept in the forefront of world public opinion.

The 1989 collapse of communism is inconceivable apart from the 1975 Helsinki Accords—which were initiated at the behest of the Organization for Economic Cooperation and Development (OECD)—and the global activism of NGOs such as Helsinki Watch and its sister organs throughout Eastern Europe.¹⁰ The discrediting of South Africa’s apartheid regime is in no small measure attributable to the tireless social activism of a global coalition of human rights and anti-racist organizations.¹¹ Within the last eight years, authoritarian regimes in Serbia, Georgia, and the Ukraine have been peacefully overthrown with the help of transnational networks of pro-democracy activists belonging to organizations with Slavic acronyms, such as Opor (Serbia), Pora (Ukraine), and Kmara (Georgia).¹² These developments, buttressed by the accompanying revolutions in information technology, communications, and air travel, have legitimized discussions of a *global civil society*. Via these new technologies and methods of communication, political activists living under oppressive regimes can circumvent the geographical strictures of their repression in order to appeal to the good offices of fellow activists, democratic states, and sympathetic IGOs.

In this respect, the ideal aim of global publicity is the advancement of ‘enlarged thought’ or ‘unprejudiced thinking’ that Kant memorably praised in the *Critique of Judgment*.¹³ As one commentator has aptly described the constructive constraints and ‘civilizing’ influence of the nascent global public sphere:

The supreme coercive power of public right in the state is replaced by the . . . power of public opinion of world citizens, that is, the power of a critical public. . . [The] formal principle of publicity has a constraining influence. . . upon already-constituted forms of political power and civil authority. . . [This] creates the conditions for an international civil society of nongovernmental organizations and a cosmopolitan public sphere, which can shape and ultimately reorganize existing republican institutions and political identities. . . If Kant is right, the fact that citizens of republics also regard themselves as citizens of the world and acknowledge others as such would already create conditions necessary for a new kind of cosmopolitan politics.¹⁴

Whereas, historically, the republican tradition has viewed the prerogatives of democratic self-rule as rooted in and bounded by place, today, conversely, self-

government ‘requires a politics that plays itself out in a multiplicity of settings, from neighborhoods, to nations to the world as a whole [and] requires citizens who can think and act as multiply-situated selves.’¹⁵ By the same token, it would be misleading to deny that the prospects for global democracy today have become exponentially more complicated and demanding since Kant’s day.

THE IRAQ WAR, OR THE ANTI-COSMOPOLITAN MOMENT

One of the biggest setbacks the cause of humane international governance has endured in recent years has been the 2003 US-led invasion of Iraq. The United States’ unilateral decision to invade Iraq (in conjunction with Great Britain) has gravely delegitimized both cosmopolitan ideals and international law. It suggests that international norms exist for the convenience of the Great Powers, who are free to ignore them as they choose. Such willfulness on the international stage raises the bar of moral cynicism to new heights. It suggests that, in the last analysis, international law is merely a cover for the ‘right of the strongest.’

Unlike the earlier campaigns in Kosovo (1999) and Afghanistan (2001), the Iraq invasion was devoid of an international mandate. It took place in explicit defiance of the UN Security Council, thereby openly mocking the norms and procedures of international law. Here, one should note that the brazenly unilateralist approach pursued by the Bush administration stood in marked defiance of an alternative, staunchly internationalist American political tradition: the cosmopolitan standpoint embraced by Woodrow Wilson following World War I. It was this approach, along with the support of American jurists and politicians, that was instrumental in the finalizing the 1928 Kellogg-Briand Pact banning war as a means of conducting diplomacy. It was vigorously reaffirmed in several prominent declarations by Franklin Delano Roosevelt with the onset of World War II.¹⁶ As one commentator has remarked: at the time (1941), ‘the US positioned itself at the forefront of the new internationalism [by spearheading] the initiative to create the United Nations in San Francisco.’ It was of course Roosevelt’s widow, Eleanor, who chaired the committee that in 1948 produced the UN Universal Declaration of Human Rights. In this way, ‘The US set in motion the first international human rights convention . . . campaigned for the global monitoring, as well as the judicial and military prosecution, of human rights violations,’ and staunchly backed European political unification.¹⁷ One can only hope that the next American president will return to a similarly unwavering internationalist orientation.

Although Saddam Hussein was a dictator and Iraqis (especially Shiites and Kurds) suffered greatly under his rule, the fundamental prerequisite for humanitarian intervention (*le droit d’ingérance*)—an imminent genocidal threat to the civilian population—was lacking. Moreover, to all intents and purposes, the UN-imposed sanctions against the Saddam Hussein’s Ba’athist regime appeared to be working—a fact that was verified by the UN weapons inspection team led by Mohamed Elbaradei (chief inspector for the International Atomic Energy Agency) and Hans Blix (UN

Monitoring, Verification, and Inspection Commission). The two primary reasons the Bush administration provided for invading Iraq were false and misleading: (1) the (non-existent) link between Saddam Hussein and al-Qaeda; (2) the existence of so-called weapons of mass destruction (WMDs). In light of the anarchy that has prevailed in Iraq since the US occupation, the third rationale for going to war—to establish a stable democratic base in the Middle East—also seems risible. Instead, the real reasons behind the invasion appear to have more to do with the traditional goals of *Machtpolitik*: (1) the US desire to establish a firm geopolitical and military footing in the oil-rich Middle East; (2) the drive to offset Iraq's use of WMDs as a potential deterrent to American power in the region; and (3) to ensure the security of Israel. All three goals had been openly and vociferously urged by American neoconservatives since the late 1990s.¹⁸

This disjunction between the Bush administrations *stated reasons* for going to war and its *underlying, real reasons* represents an egregious violation of public trust on the most serious decision a government can make: whether or not to go to war. In spring 2002, Bush declared a new, potentially destabilizing American foreign policy based on the concept of 'preemptive war' that was both unprecedented and untrammelled by the safeguards of international law. The UN Charter, to which the US subscribes as a founding member, explicitly permits defensive war. But, in line with the 1928 Kellogg-Briand Pact, it otherwise firmly rejects war as a mechanism of resolving international disputes. Article 2, paragraph 4 specifies that, 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.'

Despite having been so rudely rebuffed by one of its founding members, the UN Security Council failed to censure the US invasion. The main reasons for this failure appear to be twofold: (1) the target of the US attack, Saddam Hussein, was a despot and a known human rights violator; (2) the structure of the Security Council is itself undemocratic, with excessive weight given to the Great Powers (including, of course, the USA), all of whom possess veto power.

THE IMPERATIVE OF ECONOMIC COSMOPOLITANISM

In light of the negative phenomena of failed states, ethnic cleansing, and intractable civil war (above all, in Africa), it would be easy to lose sight of the real progress that has occurred in transposing the precepts of 'rule of law' from the nation-state to the sphere of interstate relations. The Universal Declaration of Human Rights, for example, includes a strong proclamation of social and economic right (Articles 22–25). These precepts were emphatically reaffirmed at the 1993 UN Vienna Conference on Human Rights, which pointedly refused to distinguish between civil and political rights, on the one hand, and social and economic rights, on the other. UN agencies, such as the World Health Organization, UNICEF, UNESCO, and the UN Development Fund—all of which have had a considerable transnational impact—have abetted a transformation social and health-care infrastructures

worldwide.¹⁹ The solution to ruinous and genocidal outbreaks of civil strife is not to abandon Kant's cosmopolitan hopes but instead to make them more effective.

In the wake of globalization, perhaps the most urgent imperative concerns the persistent and ever-widening gulf between the prosperous nations and their impoverished counterparts in the developing world. According to a recent UN Human Development Report, 'The three richest people have assets that exceed the combined GDP of the 48 least developed countries.'²⁰ The 900 million people fortunate enough to reside in the West enjoy 86% of world consumption expenditures, 79% of world income, 58% of world energy consumption.²¹ The same UN Human Development Report informs us that the basic cost of ensuring education, health care, women's reproductive services, adequate food supplies, and sanitation facilities would amount to less than 4% of the combined wealth of the 225 richest people.

At the very top of the cosmopolitan agenda must be the transposition of the provisions and gains of the welfare state model (*l'état providence*) from the national to the international plane. Pierre Bourdieu forcefully made this point in *La Misère du monde* and *Contre-feux*, arguing that global capital flows urgently need a cosmopolitan or supra-national 'political check.' As the UN Universal Declaration recognizes, meaningful self-determination is impossible unless civil and economic liberties are complemented by adequate social and economic guarantees and provisos. One of the consequences of economic globalization is that the social fortunes and prospects of people all over the world have become de facto intertwined. The ethos of survival of the fittest must be tamed by a logic of equity and fairness. Economic life, too, must become norm-governed rather than the plaything of arbitrary, ad hoc provisos that are underwritten by self-interested Great Powers and the IGOs they control, such as the World Trade Organization, the World Bank, and the International Monetary Fund. Innovative approaches to global taxation, such as a consumption tax on energy use, a tax on carbon emissions, a tax on the GNP of countries above a certain level of development, as well as a major tax on international financial transactions could facilitate the creation of a global fund to ensure that resources are redistributed to regions that are most economically vulnerable.²² Thereby, the political constituents of cosmopolitanism could be supplemented by those of economic cosmopolitanism. In this way the emancipatory model of progressive citizenship described during the late 1940s by the British sociologist T.H. Marshall—the logic from civic rights to political rights to social rights—would become a reality, or at least a *vérité à faire*.

NOTES

1. As Kant observed in a similar spirit: 'My external and rightful freedom should be defined as a warrant to obey no external laws except those to which I have been able to give my own consent;' Kant, 'Perpetual Peace', in *Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1970), 99.
2. Marquis de Sade, *Les Infortunes de la vertu*, 151–152.
3. Kant, 'Conjectural Beginning of the Human Race,' cited in Kant, *Political Writings*, 34.

4. Kant, 'Perpetual Peace,' 106. See the important commentary on this point in Sankar Muthu, *Enlightenment Against Empire* (Chicago, IL: University of Chicago Press, 2003).
5. Kant, Appendix from *the Critique of Pure Reason*, in *Political Writings*, 191.
6. Hedley Bull, *The Anarchical Society* (New York: Columbia University Press, 2002), 13.
7. Sandra Day O'Connor voiced the majority opinion, observing that, despite the Government's interest in 'detaining those who pose an immediate threat to the national security of the United States . . . history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.' Sandra Day O'Connor, US Supreme Court, *Hamdi v. Rumsfeld*, June 29, 2004, cited in Philip Sands, *Lawless World: America and the Making and Breaking of Global Rules from FDR's Charter to George W. Bush's Illegal War* (New York: Viking, 2005), 143.
8. James Rosenau, *Governance Turbulence in World Politics: Non-State Actors, Domestic Structures and International Institutions* (New York: Cambridge University Press, 1995).
9. See the data collected in Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), 11. See also, James Bohman, *Democracy Across Borders* (Cambridge, MA: MIT Press, 2007). See also the essays by Kenneth Baynes and David Held, 'Communitarian and Cosmopolitan Challenges to Kant's Conception of World Peace', in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, ed. James Bohman and Matthias Lutz-Bachmann (Cambridge, MA: MIT Press, 1997), 219–234.
10. Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, NJ: Princeton University Press, 2001).
11. Audie Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Ithaca, NY: Cornell University Press, 1998).
12. For the theoretical background, see Gene Sharp, *From Dictatorship to Democracy: A Conceptual Framework for Liberation* (Cambridge, MA: Albert Einstein Institute, 2003).
13. Kant, *Critique of Judgment*, trans. James Meredith (New York: Oxford University Press), Section 49.
14. Bohman, 'The Public Spheres of the World Citizen', in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, 180–181, 187.
15. Michael Sandel, *Democracy's Discontent* (Cambridge, MA: Harvard University Press, 1990), 351.
16. John Judis, *The Folly of Empire: What George W. Bush Can Learn from Theodore Roosevelt and Woodrow Wilson* (New York: Simon and Schuster, 2004).
17. Jürgen Habermas, 'An Interview on War and Peace', in *A Time of Transitions*, ed. and trans. Ciarin Cronin and Max Pensky (Cambridge, MA: Polity Press, 2004), 94.
18. Robert Kagan and William Kristol, eds., *Present Dangers: Crisis and Opportunity in American Foreign and Defense Policy* (San Francisco, CA: Encounter Books, 2000).
19. See the important documentation of this phenomenon in Beth Simmons, *Mobilizing for Human Rights* (New York: Cambridge University Press, 2009).
20. HDR. *United Nations Development Program: Human Development Report* (New York: Oxford University Press, 1998), 30.
21. Cited in David Held, *Global Covenant: The Social Democratic Alternative to the Washington Consensus* (Cambridge, MA: Polity, 2004), 34.
22. David Held, 'Law of Peoples, Law of States', *Legal Theory* 8 (2001): 1–44.