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# Governing Globalization

## Power, Authority and Global Governance

Edited by

David Held and Anthony McGrew

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## References

- Bertrand, M. (1985) 'Some reflections on the reform of the UN', *Joint Inspection Unit Report III/REP/85/9*, Geneva: United Nations.
- Claude, J. (1964) *Swords into Plowshares*. New York: Random House.
- Eastby, J. (1985) *Functionalism and Interdependence*. Lanham: University Press of America.
- Groom, A. J. and Taylor, P. (1975) *Functionalism*. London: London University Press.
- Haas, E. (1964) *Beyond The Nation-State*. Stanford: Stanford University Press.
- Haas, M. (1996) 'Obtaining international environmental protection through epistemic consensus', *Millennium*, 19, no. 3, pp. 347-64.
- Hurrell, A. and Woods, N. (1995) 'Globalization and inequality', *Millennium*, 24, no. 3.
- Imber, M. (1984) 'Re-reading Mitran: a pragmatic assessment of sovereignty', *Review of International Studies*, 10, no. 2, pp. 103-24.
- Imber, M. (1985) 'A comment', *Review of International Studies*, 11, pp. 153-5.
- Imber, M. (1989) *The USA, ILO, UNESCO and IAEA*. Basingstoke: Macmillan.
- Jackson, R. (1969) *A Study of the Capacity of the UN Development System*. Geneva: United Nations.
- Jacobsen, H. K. (1979) *Networks of Interdependence*. New York: Knopf.
- Jones, R. E. (1967) *The Functional Theory of Politics*. London: Routledge.
- Keohane, R. (1984) *After Hegemony*. Princeton: Princeton University Press.
- Keohane, R. and Nye, J. (1977) *Power and Interdependence*. Boston: Little, Brown.
- Lindberg, L. and Scheingold, S. (1970) *Europe's Would-Be Polity*. Englewood Cliffs: Prentice Hall.
- McLaren, R. (1985) 'Mitranean functionalism: possible or impossible?' *Review of International Studies*, 11, no. 2.
- Mitrany, D. (1948) 'The functional approach to world order', *International Affairs*, 24.
- Mitrany, D. (1966) *A Working Peace System*. Chicago: Quadrangle.
- Mitrany, D. (1975) *The Functional Theory of Politics*. London: Martin Robertson.
- Moynihan, D. P. (1975) 'The United States in opposition', *Commentary*, 59, no. 3, pp. 31-44.
- O'Brien, R., Goetz, A. M., Scholte, J. A. and Williams, M. (2000) *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements*. Cambridge: Cambridge University Press.
- Paolini, A., Jarvis, A. and Reus-Smith, C. (1988) *Between Sovereignty and Global Governance*. Basingstoke: Macmillan.
- Pentland, C. (1973) *International Theory and European Integration*. London: Faber.
- Righter, R. (1995) *Utopia Lost*. New York: Twentieth Century Fund.
- Rochester, J. M. (1986) 'The rise and fall of International Organization as a field of study', *International Organization*, 40, pp. 777-813.
- Rochester, J. M. (1993) *Waiting for the Millennium: The United Nations and the Future of the World Order*. Columbia: University of South Carolina Press.
- Sewell, J. P. (1966) *Functionalism and World Politics*. Princeton: Princeton University Press.
- Siddiqi, J. (1995) *World Health and World Politics*. London: Hurst.
- Taylor, P. and Groom, A. J. (eds) (1988) *International Institutions at Work*. London: Pinter.
- UN (1992) *Agenda 21, the Programme of Action from Rio*. New York: United Nations.
- UN Association of the USA (2000) *A Global Agenda: Issues before the 55th General Assembly of the UN*. New York: Rowman and Littlefield.
- Wells, C. (1987) *The UN, UNESCO and the Politics of Knowledge*. Basingstoke: Macmillan.
- Wolters, A. (1962) *Discord and Collaboration*. Baltimore: Johns Hopkins University Press.

## 15

## Cosmopolitanism: Ideas, Realities and Deficits

David Held

The struggle over the accountability of the global economic order has become increasingly intense. Violence in Seattle, Prague, Genoa and elsewhere has marked a new level of conflict about globalization, democracy and social justice. The issues which have been raised are clearly fundamental, concerned as they are with the nature of free markets, the relation between corporate and public agendas, and the type and scope of political intervention in economic life. These matters are complex and extremely challenging, although they are not new to political debate and political analysis. What is new is the way the issues are framed, disseminated and fought over - in transnational and global contexts.

In this chapter I want to draw out some of the concerns underlying these controversies by reflecting on the changing nature and form of global processes, networks and connections, and on the meaning and significance today of cosmopolitan ideas and theories. The essay has five parts. It begins with an initial section on globalization and then, in section 2, traces its relevance for the locus and home of democracy, accountability and social justice. Against this background, the meaning of cosmopolitanism is set out in philosophical and institutional terms, in sections 3 and 4 respectively. The argument is made that not only is cosmopolitanism increasingly important to politics and human welfare, but that it ought also to be embraced further in thinking about the proper form of globalization and global governance. A final section explores some basic gaps between cosmopolitan principles and cosmopolitan institutions that need to be overcome if cosmopolitanism is to extend its purchase on governance structures and, thus, on the conditions for greater accountability, democracy and social justice in global politics.

## Globalization

Globalization has become the 'big idea' of our times, even though it is frequently employed in such a way that it lacks precise definition. Moreover, it is so often used in political debate that it is in danger of becoming devoid of analytical value. Nonetheless, if the term is properly formulated, it does capture important elements of change in the contemporary world which can usefully be specified further.

Globalization can be understood best if it is conceived as a spatial phenomenon, lying on a continuum with 'the local' at one end and 'the global' at the other. It implies a shift in the spatial form of human organization and activity to transcontinental or interregional patterns of activity, interaction and the exercise of power (Held et al. 1999). Today globalization embraces at least four distinct types of change. First, it

involves a stretching of social, political and economic activities across political frontiers, regions and continents. But if these are something other than occasional or random, then something else is suggested: intensification. Thus, second, globalization is marked by the growing magnitude of networks and flows of trade, investment, finance, culture and so on. Third, globalization can be linked to a speeding up of global interactions and processes, as the evolution of worldwide systems of transport and communication increases the velocity of the diffusion of ideas, goods, information, capital and people. And, fourth, it involves the deepening impact of global interactions and processes such that the effects of distant events can be highly significant elsewhere and even the most local developments can come to have enormous global consequences. In this particular sense, the boundaries between domestic matters and global affairs become fuzzy. In short, globalization can be thought of as the widening, intensifying, speeding up and growing impact of worldwide interconnectedness.

Globalization is made up of the accumulation of links across the world's major regions and across many domains of activity. It can be related to many factors including the rapid expansion of the world economy. International trade has grown to unprecedented levels, both absolutely and relatively in relation to national income. In comparison with the late nineteenth century – an era of rapid trade growth – export levels today (measured as a share of GDP) are much greater for OECD states. As barriers to trade have fallen across the world, global markets have emerged for many goods and, increasingly, services (Held et al., 1999, ch. 3).

The growing extensity, intensity and speed of trade has led to the increasing enmeshment of national economies with each other. Key elements of the production process are being sliced up, dispersed, and located in different countries, especially in developing and emerging economies. Thus, not only do countries increasingly consume goods from abroad, but their own production processes are significantly dependent on components produced overseas. Economic activity in any one country is, accordingly, strongly affected by economic activity in other countries. Alongside transnational production networks, the power of global finance has become central to economic globalization. World financial flows have grown exponentially, especially since the 1970s. Daily turnover on the foreign exchange markets exceeds \$1.2 trillion, and billions of dollars of financial assets are traded globally, particularly through derivative products. Most countries today are incorporated into rapidly growing global financial markets, although the nature of their access to these markets is markedly unequal.

Processes of economic globalization have not, however, occurred in an empty political space; there has been a shift in the nature and form of political organization as well. The sovereign state now lies at the intersection of a vast array of international regimes and organizations that have been established to manage whole areas of transnational activity (trade, financial flows, risk management and so on) and collective policy problems. The rapid growth of transnational issues and problems has spawned layers of governance both within and across political boundaries. This has resulted in the transformation of aspects of territorially based political decision-making, the development of regional and global organizations and institutions, and the emergence of regional and global law. In addition, a denser pattern of interconnectedness also prevails as a result of changes in migration patterns, communications, the environment, and many other factors. Although these developments fall far short of creating an integrated world order, they have significant political and democratic consequences.

The world is no longer composed of relatively 'discrete civilisations' or 'discrete political communities' (Fernández-Armesto, 1995, ch. 1); rather, it is a world of 'overlapping communities of fate', where the fates of nations are significantly entwined. Political communities are enmeshed and entrenched in complex structures of overlapping forces, processes and movements. During the period in which the nation-state was being forged – and the territorially bounded conception of democracy was consolidated – the idea of a close mesh between geography, political power and democracy could be assumed. It seemed compelling that political power, sovereignty, democracy and citizenship are simply and appropriately bounded by a delimited territorial space. These links were by and large taken for granted, and generally unexplicated in modern political theory (Held, 1995). Globalization raises issues concerning the proper scope of democracy, or democratic jurisdiction, given that the relation between decision-makers and decision-takers is not necessarily symmetrical or congruent with respect to the territory.

### Globalization and Democracy: Five Disjunctures

The changing relation between globalization and the modern nation-state can be characterized by five disjunctures. All indicate an increase in the extensiveness, intensity, velocity and impact of globalization. And all suggest important questions about the evolving character of the democratic political community in particular.

First, the idea of a self-determining national collectivity – which delimits and shapes a community of fate – can no longer be simply located within the borders of a single nation-state. Many of the most fundamental economic, social, cultural and environmental forces and processes that determine the nature of the political good and political outcomes now lie – in terms of their operation and dynamics – beyond the reach of individual polities. The current concern about genetic engineering and its possible regulation is a case in point.

Second, it can no longer be presupposed that the locus of effective political power is synonymous with national governments and the nation-state; national states and national governments are now embedded in complex networks of political power at regional and global levels (see Keohane, 1995, 2001; Rosenau, 1997, 1998). In other words, political power is shared and negotiated among diverse forces and agencies at many levels, from the local to the global. The link between effective government, self-government and a bounded territory is being broken.

Third, while significant concentrations of power are found, of course, in many states, these are frequently embedded in, and articulated with, new and changing forms of political authority. The power and operations of national government are altering, although not all in one direction. The entitlement of states to rule within circumscribed territories – their sovereignty – is not on the edge of collapse, but the practical nature of this entitlement – the actual capacity of states to rule – is changing its shape (Held et al., 1999, Conclusion). A new regime of government and governance is emerging which is displacing traditional conceptions of state power as an indivisible, territorially exclusive form of public power.

Fourth, the nurturing and enhancement of the public good increasingly requires coordinated multilateral action (for instance, to ensure security or to prevent global

recession). At the same time, the resolution of transboundary issues (such as responsibility for carbon emissions) may often impose significant domestic adjustments. In this respect, political and social agents are witnessing a shift in the operation and dynamics of state power and political authority. This has become most apparent as states have become locked into regional and global regimes and associations. The context of national politics has been transformed by the diffusion of political authority and the growth of multilayered governance (see Nye and Donafie, 2000).

Fifth, the distinctions between domestic and foreign affairs, internal political issues and external questions are no longer clear cut. Governments face issues such as the international drugs trade, AIDS, BSE (Bovine Spongiform Encephalopathy), the use of non-renewable resources, the management of nuclear waste, the spread of weapons of mass destruction, and global warming, which cannot meaningfully be categorized in these terms. Moreover, issues like the location and investment strategy of multinational corporations, the regulation of global financial markets, the threats to the tax base of individual countries in the context of a global division of labour and the absence of capital controls all pose questions about the continued value of some of the central instruments of national economic policy. In fact, in nearly all major areas of policy, the enmeshment of national political communities in regional and global flows and processes involves them in intensive transboundary coordination and regulation.

In the context of these complex transformations, the meaning of accountability and democracy at the national level is altering. In circumstances where transnational actors and forces cut across the boundaries of national communities in diverse ways, where powerful international organizations and agencies make decisions for vast groups of people across diverse borders, and where the capacities of large companies can dwarf many a state, the questions of who should be accountable to whom, and on what basis, do not easily resolve themselves. The mesh between geography, political power and democracy is challenged by the intensification of regional and global relations.

### Cosmopolitanism: Ideas and Trajectories

The problems and dilemmas of contemporary national politics, just described, can be referred to, following Jeremy Waldron, as the 'circumstances of cosmopolitanism' (2000, pp. 236–9); that is, the background conditions and presuppositions which inform and motivate the case for a cosmopolitan framework of accountability and regulation. It is not just that we are 'unavoidably side by side' (as Kant put it), but that the degrees of mutual interconnectedness and vulnerability are rapidly growing. The new circumstances of cosmopolitanism give us little choice but to consider the possibility of a common framework of standards and political action, given shape and form by a common framework of institutional arrangements (Held, 1995, part III).

How should cosmopolitanism be understood in this context? There are three broad accounts of cosmopolitanism which are important to bear in mind and which contribute to its contemporary meaning. The first was explored by the Stoics, who were the first to refer explicitly to themselves as cosmopolitans, seeking to replace the central role of the *polis* in ancient political thought with that of the *cosmos* in which

humankind could live in harmony (Horstmann, 1976). Stoics developed this thought by emphasizing that we inhabit two worlds – one which is local and assigned to us by birth, and another which is 'truly great and truly common' (Seneca). Each person lives in a local community and in a wider community of human ideals, aspirations and argument. The basis of the latter lies in what is fundamental to all – the equal worth of reason and humanity in every person (Nussbaum, 1997, pp. 30, 43). Allegiance is owed, first and foremost, to the moral realm of all humanity, not to the contingent groupings of nation, ethnicity and class. Deliberations and problem-solving should focus on what is common to all persons as citizens of reason and the world; collective problems can be better dealt with if approached from this perspective, rather than from the point of view of sectional groupings. Such a position does not require that individuals give up local concerns and affiliations to family, friends and fellow inhabitants of the country they live in; it implies, instead, that they must acknowledge these as morally contingent and that their most important duties are to humanity as a whole and its overall developmental requirements.

The basic idea of classical cosmopolitanism involves the notion that each person is 'a citizen of the world' and owes a duty, above all, 'to the worldwide community of human beings' (Nussbaum, 1996, p. 4). While there are many difficulties with this classical formulation (for instance, its link to a teleological view of nature; see Nussbaum, 1997), the main point of the Stoics contained a most significant idea: 'that they were, in the first instance, human beings living in a world of human beings and only incidentally members of polities' (Barry, 1999, p. 35). The boundaries of polities are understood to be historically arbitrary, and most often the result of coercion and violence. Borders obscured the common circumstances of humankind and, thus, could not have the moral significance frequently ascribed to them (Pogge, 1994b, p. 198). The individual belongs to the wider world of humanity; moral worth cannot be specified by the yardstick of a single political community.

The second conception of cosmopolitanism was introduced in the eighteenth century when the term *weltbürger* (world citizen) became one of the key terms of the Enlightenment. The most important contribution to this body of thought can be found in Kant's writings (above all, 1970, pp. 41–53, 54–60 and 93–130). Kant linked the idea of cosmopolitanism to an innovative conception of 'the public use of reason', and explored the ways in which this conception of reason can generate a critical vantage point from which to scrutinize civil society (see Schmidt, 1998, pp. 419–27). Building on a definition of enlightenment as the escape from dogma and unvindicated authority, Kant measured its advance in terms of the removal of constraints on 'the public use of reason'. As one commentator eloquently remarked, Kant grounds reason 'in the reputation of principles that preclude the possibility of open-ended interaction and communication... The principles of reason are those that can secure the possibility of intersubjectivity' (O'Neill, 1990, p. 194). Locked into the roles, practices and organizations of civil society, people, Kant argued, do not have the opportunity to explore fully the nature and limits of existing rules, prejudices and beliefs. But people are also, if only potentially, members of a 'cosmopolitan society', and as members of this society they can 'enjoy a right to the free and unrestricted public use of their reason' (Schmidt, 1998, p. 424). Individuals can step out of their entrenched positions in civil and political life and enter a sphere of reason free of 'dictatorial authority' – which Kant associated (rather uncritically) with the world

of writers, readers and intellectuals – and can, from this vantage point, examine the one-sidedness, partiality and limits of everyday knowledge, understanding and regulations. In this context, individuals can learn to think of themselves as participants in a dialogue – a critical process of communication – in which they can come to an understanding with others about the nature and appropriateness of the demands made upon them (cf. Arendt, 1961, pp. 220–1).

Kant conceived of participation in a cosmopolitan (*weltbürgerlich*), rather than a civil (*bürgerlich*), society as an entitlement – an entitlement to enter the world of open, uncoerced dialogue – and he adapted this idea in his formulation of what he called ‘cosmopolitan right’ (1970, pp. 105–8). Cosmopolitan right connotes the capacity to present oneself and be heard within and across political communities; it was the right to enter dialogue without artificial constraint and delimitation. He emphasized that this right extended to the circumstances which allow people to enjoy an exchange of ideas (and goods) with the inhabitants of other countries, but that it did not extend as far as the right to permanent settlement or to citizenship in their homelands (1970, pp. 105–8).

Cosmopolitan right, thus understood, transcends the particular claims of nations and states and extends to all in the ‘universal community’. It connotes a right and duty which must be accepted if people are to learn to tolerate one another’s company and to coexist peacefully. It is the condition of cooperative relations and of just conduct. These arguments also lead Kant to make a striking rejection of colonialism: ‘the inhospitable conduct of the civilised states of our continent, especially the commercial states’ and ‘the injustice they display in visiting foreign countries and peoples (which in their case is the same as *conquering them*)’ (1970, pp. 105–6). Cosmopolitan right is a ‘necessary complement’ to the codes of existing national and international law, the basis on which cultural, religious and political dogmas can be tested in order to help construct a cosmopolitan order – where all relationships, political and social, should be bound by a willingness to enter into dialogue and interaction constrained only by elementary principles of reason, impartiality and the possibility of intersubjective agreement (see Held, 1995, pp. 266ff.; McCarthy, 1999). In this sense, individuals can be citizens of the world as well as of existing states; citizenship can become an attribute not just of national communities but of a universal system of ‘cosmopolitan’ governance in which the freedom of each person underpins the freedom of all others (Kant, 1970, pp. 47–53 and 128–30).

The third conception of cosmopolitanism is more recent and is expounded in the work of Beitz, Pogge and Barry, among others (see, in particular, Beitz, 1970, 1994, 1998; Pogge, 1989, 1994a; and Barry, 1998a and 1999, although they by no means agree on many matters; see, for instance, Miller, 1998). In certain respects, this work seems to explicate, and offer a compelling elucidation of, the classical conception of belonging to the human community first and foremost, and the Kantian conception of subjecting all beliefs, relations and practices to the test of whether or not they allow open-ended interaction, uncoerced agreement and impartial judgement. This third conception of cosmopolitanism involves three key elements. The first is that the ultimate units of moral concern are individual human beings, not states or other particular forms of human association. Humankind belongs to a single moral realm in which each person is regarded as equally worthy of respect and consideration (Beitz, 1994, 1998; Pogge, 1994a). This element 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 (see Kuper, 2000). 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 because, to paraphrase (and adapt) Bruce Ackerman, there is no nation without a woman who insists on equal liberties, no society without a man who denies the need for deference, and no country without a person who does not yearn for a predictable pattern of meals to help sustain his or her life projects (see Ackerman, 1994, pp. 382–3). The principle of egalitarian individualism is the basis for articulating the equal worth and liberty of all humans, wherever they were born or brought up. Its concern is with the irreducible moral status of each and every person – the acknowledgement of which links directly to the possibility of self-determination and the capacity to make independent choices.

The second element emphasizes 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 (Pogge, 1994a, pp. 89f.). 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 (Pogge, 1994a, p. 90). This second element of contemporary cosmopolitanism can be called the principle of reciprocal recognition. To be satisfactorily entrenched in everyday life it necessitates that all people enjoy an equality of status with respect to the basic decision-making institutions of their communities. Agreed judgement about rules, laws and policies should ideally follow from the ‘force of the better argument’ and public debate – not from the intrusive outcome of non-discursive elements and forces (Habermas, 1973; Held, 1995, ch. 7). If people are marginalized or fall outside this framework, they suffer disadvantage not primarily because they have less than others in this instance, but because they can participate less in the processes and institutions that shape their lives. It is their ‘impaired agency’ that becomes the focus of concern (Doyal and Gough, 1991, pp. 95–6; see Raz, 1986, pp. 227–40).

The third element of contemporary cosmopolitanism stresses that equality of status and reciprocal recognition require that each person should enjoy the impartial treatment of their claims – that is, treatment based on principles upon which all could act. Accordingly, cosmopolitanism is a moral frame of reference for specifying rules and principles that can be universally shared; and, concomitantly, it rejects as unjust all those practices, rules and institutions anchored in principles not all could adopt (O’Neil, 1991). At issue is the establishment of principles and rules that nobody motivated to establish an uncoerced and informed agreement could reasonably reject (see Barry, 1989; cf. Scanlon, 1998).

To test the generalizability of claims and interests involves reasoning from the point of view of others (Benhabib, 1992, pp. 9–10, 121–47). 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 (see Rawls, 1971; Habermas, 1973, 1996; Barry, 1989, 1995). These formulations have in common a concern to conceptualize an impartial moral standpoint from which to assess routine forms of practical reasoning. The concern is not overambitious. 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, no '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. (Hill, 1987, p. 132, quoted in Barry, 1998b, pp. 226-7)

This social, open-ended moral perspective is a device for focusing our thoughts, and a basis for 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 (cf. Nussbaum, 1997, pp. 29-36).

Impartialist reasoning is a frame of reference for specifying rules and principles that can be universally shared. In order to meet this standard a number of particular tests can be pursued, including an assessment of whether all points of view have been taken into consideration; whether there are individuals in a position to impose on others in such a manner as would be unacceptable to the latter, or to the originator of the action (or inaction), if the roles were reversed; and whether all parties would be equally prepared to accept the outcome as fair and reasonable irrespective of the social positions they might occupy now or in the future (see Barry, 1989, pp. 372 and 362-3).

Impartialist reasoning will not produce a simple deductive proof of the ideal set of principles and conditions which can overcome the deficiencies of the global set of or global political order; nor can it produce a deductive proof of the best or only moral principles that should guide institutional formation. 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 (see Kelly, 1998, pp. 1-8). These tests are concerned with a process of reasonable rejectability, in a theoretical dialogue that is always open to fresh challenge and new questions and, hence, in a hermeneutic sense, can never be complete (Gadamer, 1975). But to acknowledge this is not to say that the theoretical conversation is 'toothless' with respect either to principles or the conditions of their entrenchment.

One 'biting' principle is the principle of the avoidance of serious harm and the amelioration of urgent need. This is a principle for allocating priority to the most vital cases of need and, where possible, trumping other, less urgent public priorities until such a time as all human beings enjoy the status of equal moral value and reciprocal recognition, and have the means to participate in their respective political communities and in the overlapping communities of fate which shape their needs and welfare. A social provision which falls short of this can be referred to as a situation of manifest 'harm' in that the recognition of, and potential for, active agency will not have been achieved for all individuals or groups; that is to say, some people would not have adequate access to effectively resourced capacities which they might make use of in particular circumstances (see Sen, 1999). This practical and participative conception of agency denotes, in principle, an 'attainable' target - because the measure of optimum participation, and the related conception of harm, can be conceived directly in terms of the 'highest standard' presently achieved in a political community (see Doyal and Gough, 1991, p. 169). But attainable participative levels are not the same thing as the most pressing levels of vulnerability, defined by the most urgent need. It is only

too clear that within many, if not all, countries, certain needs, particularly concerning health, education and welfare, are not universally met (Held and McGrew, 2000, chs 31, 32 and 37). The 'harm' that follows from a failure to meet such needs can be denoted as 'serious harm', marked as it often is by immediate, life-and-death consequences. Accordingly, if the requirements specified by the principle of the avoidance of serious harm are to be met, public policy ought to be focused, in the first instance, on the prevention of such conditions; that is, on the eradication of severe harm inflicted on people 'against their will' and 'without their consent' (Barry, 1998b, pp. 231, 207).

I take cosmopolitanism ultimately to connote 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 required for their autonomy and development (see Held, 2003). It builds on principles that all could reasonably assent to in defending basic ideas which emphasize equal dignity, equal respect, the priority of vital need, and so on. On the other hand, this cosmopolitan point of view must also recognize that the meaning of these 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. The meaning of cosmopolitan regulative principles cannot be elucidated independently of an ongoing discussion in public life (Habermas, 1996). Accordingly, there can be no adequate specification of equal liberty, rights and vital interests without a corresponding institutionalization of the public use of reason in uncoerced national and transnational forms of public dialogue and debate (McCarthy, 1999). The institutionalization of cosmopolitan principles requires the entrenchment of accessible and open public forums.

### Cosmopolitan Realities

After over two hundred years of nationalism, sustained nation-state formation and intensive geopolitics, cosmopolitan principles and political positions could be thought of as out of place. Yet, in certain respects, cosmopolitanism defines a set of norms and legal frameworks in the here and now - and not in some remote future. Cosmopolitanism is already embedded in rule systems and institutions which have transformed the sovereign states system in a number of important respects. States have been the initiators of, and have been pressed into, the creation of rights and duties, powers and constraints, and regimes and organizations which impinge on and react back upon them. These transformations go to the heart of the privileged moral and legal position once claimed on behalf of states.

In the first instance, the principle of universal belonging and the relativization of the polity as an independent source of rights and obligations, expounded by the Stoics, find echoes today in the international realm. In a number of international treaties and customary rules, it is what people share - as human beings *simpliciter* (Benthabib, 2000) and as creatures in a common, global habitat - that has guided the foundation and formulation of certain governing principles, norms and rules. However tentative and fragile its entrenchment might be, the emerging regional and universal regulatory order takes what all human beings have in common (the human rights regime) and their ecosystems (the environmental regimes) as a starting point

(Crawford and Marks, 1998; Weller, 1997). Human beings are recognized as active members of the world whose political structures may, or may fail to, contribute to their well-being. This is a view of the public sphere which some classical thinkers might have recognized. Of course, against this, the continuing powerful place of state sovereignty in international law and regulation, and the continuing central role of state great powers, would mean that such thinkers would certainly need a helping hand in tracing universal tendencies (cf. Gilpin, chapter 11 above).

Second, the Kantian concern with membership both of national communities and of a wider cosmopolitan order, constituted by the unrestricted use of public reason and universal hospitality (cosmopolitan right), finds expression in a number of articles of the Universal Declaration of Human Rights (UD), and in regional human rights agreements. Those of particular relevance have sought to entrench a common structure of rights and duties in relation to self-determination and the democratic principle (see UD, Article 21, and the Convention on Civil and Political Rights (CCPR), Article 25); full liberty of conscience, thought, speech and the press (see, for example, Articles 18 and 19 of the UD, and Articles 18 and 19 of the CCPR); participation in educational, cultural and scientific realms (see, for instance, UD, Article 27, and Article 15 of the Convention on Economic, Social and Cultural Rights); freedom of movement and travel (UD, Article 13, CCPR, Article 12); and freedom to seek asylum from persecution (UD, Article 14).

For Kant, cosmopolitan society was the realm of critical reason, into which all were, in principle, free to enter; republican national polities, on the one side, and the possibility of a universal dialogue across borders, on the other, were its essential preconditions. However, despite political and legal progress in this direction, we see now that an enlightened public life is even harder to achieve than Kant thought. Even though liberal democracy has spread to most regions of the world, many democracies are still best described as 'partial' (marked by some accountability of government to citizens through elections, but with curtailed and limited election procedures, rights and associational autonomy); they are far from 'full' liberal democracies (with accountable governments, free and fair competitive elections, civil and political rights, associational autonomy and so on) (see Potter et al., 1997). Accountable government, together with freedom of speech, association and movement, remains a fragile achievement or simply unattained in many countries and regions. But even if the Kantian conditions were fully met, they would still not adequately specify the conditions of a 'cosmopolitan society'; and this for three reasons.

First, formal commitments to allow each person to become part of a cosmopolitan society take no account of the complexity of power, power relations and inequality which turn 'the free realm of reason' all too often into a market-driven sphere marked by massive inequalities of access, distribution and outcome (see Held and McGrew, 2000, parts III and V). For example, new information and communication systems are helping to establish a global communication system, while, at one and the same time, creating new divisions between the informed, connected and isolated (UNDP, 1999). International rules and procedures do not address the gulf between assigned rights and effective power or opportunities. Second, participants in a cosmopolitan society of reason can find themselves entering a world of discourse often shaped by sectional interests, private priorities or particular substantive commitments. Existing forms of international law do not address the hiatus between every person's right to participate

in diverse deliberative forums and the *modus operandi* of these, which can too often marginalize the concerns and interests of the least powerful. The diverse and often eccentric voting systems of leading intergovernmental organizations (IGOs) is a case in point: for example, the operations of the Bretton Woods institutions are heavily weighted in favour of the industrialized states, while the WTO rules require a wider consensus. Third, the Kantian conception of cosmopolitan right is too weak to underpin the free movement of people and ideas. For universal hospitality, even when guaranteed, is too limited a notion to clarify the dilemmas and proper treatment of, for instance, refugees and asylum seekers (see Benhabib, 2000). In a world where goods and services have greater opportunity for mobility than people (see Held et al., 1999, chs 3 and 6), cosmopolitan right alone will not open sufficient doors to strangers and aliens in need of entry, sanctuary or membership in another country.

Finally, the principles of egalitarian individualism, reciprocal recognition and impartialist reasoning – the principles of what I earlier referred to as contemporary cosmopolitanism – find direct expression in significant post-Second World War legal and institutional initiatives and in some of the new regulatory forms of regional and global governance (Held, 2002). 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 requirement 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 worldview (see UN, 1988). In addition, the formal recognition in the UN Declaration that all people have 'equal and inalienable rights', and that this constitutes 'the foundation of freedom, justice and peace in the world', marked a turning point in the development of cosmopolitan and legal thinking (UD, preamble). Single persons are recognized as subjects of international law and, in principle, the ultimate source of political authority (see Crawford and Marks, 1998; Weller, 1997). Moreover, the diverse range of rights found in the Universal Declaration and regarded as integral to human dignity and autonomy – from protection against slavery, torture and other degrading practices to education and participation in cultural, economic and political life (irrespective of race, gender or religious affiliation) – creates the basis of a cosmopolitan orientation to politics and human welfare. Human rights entitlements can trump, in principle, the particular claims of national polities; they set down universal standards against which the strengths and limitations of individual political communities can be judged.

The human rights commitment to the equal worth of all human beings finds reinforcement in the acknowledgement of the necessity of a minimum of civilized conduct, and of specific limits to violence found in the laws of war and weapons diffusion, in the commitment to the principles of the Nuremberg and Tokyo war crimes tribunals (in 1945–6 and 1946–8), the Torture Convention (in 1984) and the statute of the International Criminal Court (in 1998) which outlaw 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 Universal Declaration of Human Rights and regional treaties; in the development of new codes of conduct for intergovernmental and international non-governmental organizations, concerning the transparency and accountability of their activities; and in the unprecedented flurry of regional and global initiatives, regimes, institutions, networks and treaties seeking

to tackle global warming, ozone depletion, the pollution of oceans and rivers, and nuclear risks, among many other factors (see Held, 2002 for a survey).

Cosmopolitan ideas are, in short, at the centre of significant post-Second World War legal and political developments. The idea that human well-being is not defined by geographical or cultural location, that national or ethnic or gendered boundaries should not determine the limits of rights or responsibilities for the satisfaction of basic human needs, and that all human beings require equal respect and concern are notions embedded in aspects of contemporary regional and global legal and political thinking, and in some forms of transnational governance (Beitz, 1994, p. 127; see Held et al., 1999, ch. 1 and Conclusion). There has been a significant shift in emphasis, as one observer has noted, in the character and goals of international society: away from minimalist goals of co-existence towards the creation of rules and institutions that embody notions of shared responsibilities, that impinge heavily on the domestic organization of states, that invest individuals and groups within states with rights and duties, and that seek to embody some notion of the planetary good' (Hurrell, 1995, p. 139). Yet, while there may be cosmopolitan elements to existing international law, these have, of course, by no means generated a new deep-rooted structure of cosmopolitan accountability and regulation. The principle of egalitarian individualism may be widely recognized, but it scarcely structures much political and economic policy, north, south, east or west. The principle of universal recognition informs the notions of human rights and other legal initiatives such as 'common heritage of humankind' (embedded in the Law of the Sea (of 1982)), but it is not at the heart of the politics of sovereign states or corporate colossi; the principle of impartial moral reasoning might be appealed to to justify limits on reasons of state and the actions of IGOs, but it is, at best, only an incidental part of the institutional dynamics that have created such chronic political problems as the externalities (or border spillover effects) generated by many national economic and energy policies, overlapping communities of fate in areas as diverse as security and the environment, and the global polarization of power, wealth and income.

This should not be a surprise. In the first instance, the global legal and political initiatives of 1948 onwards, referred to above, do not just curtail sovereignty, they clearly support and underpin it in many ways. From the UN Charter to the Rio Declaration on the environment, international agreements have often served to entrench, and accommodate themselves to, the sovereign international power structure. The division of the globe into powerful nation-states, with distinctive sets of geopolitical interests, has often been built into the articles and statutes of IGOs (see Held, 1995, chs 5 and 6). The 'sovereign rights of states' are frequently affirmed alongside more cosmopolitan leanings. Moreover, while a case can be made that cosmopolitan principles are part of 'the working creed' of officials in some United Nations agencies such as UNICEF, UNESCO and the WHO, and non-governmental organizations such as Amnesty International, Save the Children and Greenpeace, they can scarcely be said to be constitutive of the conceptual world of most modern politicians, democratic or otherwise (Barry, 1999, pp. 34-5; cf. Held and McGrew, 2000, pp. 31-9).

Second, the cosmopolitan reach of contemporary regional and global law rarely comes with a commitment to establish institutions with the resources and clout to make declared cosmopolitan intentions and objectives effective. The susceptibility of the UN to the agendas of the most powerful states, the partiality of many of its enforcement

operations (or the lack of them altogether), the underfunding of its organizations, its continued dependency on financial support from a few major states, the weaknesses 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.

Finally, the focus of cosmopolitan political initiatives since 1945 has been on the domain of the political. These efforts have had only a tangential impact on the regulation of economic power and market mechanisms. The emphasis has been on checking the abuse of political power, not economic power. Cosmopolitan international politics has developed few, if any, systematic means to address forms of economic domination. Its conceptual resources and leading ideas do not suggest or push towards the pursuit of self-determination and autonomy in the economic domain; they do not seek the entrenchment of democratic rights and obligations outside the sphere of the political. Issues concerning corporate power, corporate governance and flourishing economic inequalities have to be brought back into the centre of cosmopolitan practice if this lacuna - at the heart of the struggle over globalization today - is to be addressed. Cosmopolitan theory, with its emphasis on illegitimate and unacceptable structures of power, and on vital need, has to be reconnected to cosmopolitan institution-building.<sup>3</sup>

### Addressing the Institutional Deficit: Reframing the Market

The impact of developing cosmopolitan standards is highly differentiated and uneven across the world's regions. This creates moral and competitive problems for socio-economic agents and institutions of economic governance, and generates a conundrum: how to uphold cosmopolitan standards and values without eroding sound economic practice and legitimate corporate interests? Outside of a cosmopolitan framework there is, I think, no escape from this conundrum.

Onora O'Neill has argued recently that in the context of political turbulence, that is, against the background of rogue states or imploding polities, corporations can find that they are 'the primary agents of justice'; that is, the primary agents with responsibility for maintaining and sustaining cosmopolitan standards and virtues (2000, pp. 21-2). She holds that both states and companies can be judged by the principles and standards they claim to uphold; and that such a judgement today must be made in relation to the principles and standards which are already developing as the universal basis of action - as a result of the spread of democratic values, human rights agreements, environmental regimes and so on. This already provides a tough matrix of social requirements even before the cosmopolitan thinker presses it further.

There is much in this position to affirm: the particular culture and practices of companies matter; the difference between a responsible or a rogue corporation with respect, for example, to pollution is of great significance; and the involvement of companies in the infrastructural development of local communities can be of marked import. None the less, corporations can find themselves extremely vulnerable to shifting competitive circumstances if they bear the burdens and costs of certain environmental or social standards alone. In my view, business men and women object less to political regulation and social reform *per se* than to the intrusion of regulatory mechanisms that upset the

rules of the game' solely in a certain place or country. Stringent environmental conditions, tough equal opportunities requirements, high labour standards, more accommodating working hours, for example, are particularly objectionable to companies if they handicap the competitive edge of those companies in relation to enterprises from areas not subject to similar constraints. Under such circumstances, companies will be all too tempted to do what they can to resist such standards or depart for more 'hospitable shores'; and this will be perfectly rational from their economic point of view. Accordingly, if economic interaction is to be entrenched in a set of mechanisms and procedures that allow markets to flourish in the long run within the constraints of cosmopolitan principles and processes, the rules of the game will have to be transformed systematically, at regional and global levels (for instance, at the level of the EU and the WTO). This target for political and economic change provides a potentially fruitful focus, I believe, for both corporate interests and social movements concerned with widespread poverty, social standards and environmental degradation. What are the institutional and procedural implications of these considerations? The requirements of the cosmopolitan framework of accountability and regulation are many and various: there are legal, political, economic and cultural preconditions. But I only have the space here to focus on the economic (see Held, 2002, 2003).

The market system is highly indeterminate – often generating costly or damaging externalities with regard to health, welfare, income distribution or the environment. The 'anti-globalization' protesters are at their clearest and most articulate on these issues. These challenges can only be adequately addressed, and market economies can only function in a manner fully commensurate with cosmopolitan principles and virtues, if the market system is reframed. This should not be taken, as it is all too often, as an argument for either abandoning or undermining the market system – not at all. The market system has distinct advantages, as Hayek has emphasized, over all known alternative economic systems as an effective mechanism to coordinate the knowledgeable decisions of producers and consumers over extended territories (Hayek, 1976). But it is an argument for restructuring – or 'reframing', as I prefer to put it – the market itself. A bridge has to be built between international economic law and human rights law, between commercial law and environmental law, between state sovereignty and transnational law, and between cosmopolitan principles and cosmopolitan practices (see Chinkin, 1998). Precedents exist in, for instance, the Social Chapter of the Maastricht Agreement or in the attempt to attach labour and environmental conditions to the NAFTA regime, for the pursuit of this objective.

This position generates a rationale for a politics of intervention in economic life, not to control and regulate markets *per se* but to provide the basis for reforming and regulating those forms of power which compromise, disrupt or undermine fair and sustainable conditions for economic cooperation and competition – the necessary background conditions for the particular choices of human agents in a world of overlapping communities of fate. What is required is not only the firm enactment of existing human rights and environmental agreements and the clear articulation of these with the ethical codes of particular industries (where they exist or can be developed), but also the introduction of new terms of reference into the ground rules or basic laws of the free market and trade system.

At stake, ultimately, are two interrelated sets of transformations. The first is the entrenchment of revised rules, codes and procedures – concerning, for example, child labour,

trade union activity, environmental protection, stakeholder consultation and corporate governance, among other matters – in the articles of association and terms of reference of economic organizations and trading agencies. The key groups and associations of the economic domain will have to adopt, within their very ways of working, a structure of rules, procedures and practices compatible with cosmopolitan social requirements, if the latter are to prevail. The second set of transformations concerns the institutionalization of cosmopolitan principles as the basis of rightful public authority, at local, national, regional and global levels. Recognizing the complex structures of an interconnected world, cosmopolitanism views certain issues as appropriate for delimited (spatially demarcated) political spheres (the city, state or region), while it sees others – such as the environment, genetic engineering, the terms of trade and financial stability – as requiring new, more extensive, regional and global institutions to address them (see Archibugi, Held and Köhler, 1998, chs 1, 10, 14).

Only by introducing new rules, standards and mechanisms of accountability throughout the global economic system, as a supplement and complement to collective agreements and measures in national and regional contexts, can an enduring settlement be created between business interests, regulatory capacity and cosmopolitan concerns (cf. Lipietz, 1992, pp. 119–24). While the advocacy of such a position clearly raises enormous political, diplomatic and technical difficulties, and would need a substantial period to pursue and, of course, implement, this is a challenge that cannot be avoided if people's equal interest in cosmopolitan principles and outcomes is to be adequately protected.

There are many possible objections to such a scheme and advocacy position. Among these are pressing cultural concerns that the standards and values being projected are those of Western origin and, concomitantly, mask sectional interests – to the advantage, for example, of entrenched corporate and labour interests in the developed world. This point is often made in relation to ILO standards vis-à-vis child labour, freedom to join trade unions, equal pay for men and women for work of equal value. However, this concern is, in my judgement, misplaced and hits the wrong target.

In the first instance, dissent about the value of ideas such as equal consideration, equal liberty and human rights is often related to the experience of Western imperialism and colonization. The way in which these ideas have been traditionally understood in the West – that is, the way in which they have been tied to political and civil rights, above all, and not, for example, to the satisfaction of fundamental human need – has fuelled the view that the language of liberty and democracy is the discourse of Western dominance, especially in those countries which were deeply affected by the reach of Western empires in the nineteenth and twentieth centuries. There are many good historical reasons why such language invokes scepticism. Understandable as they are, however, these reasons are insufficient to provide a well-justified critique: it is a mistake to throw out the language of equal worth and self-determination because of its contingent association with the historical configurations of Western power. The origins of principles should not be confused with their validity (Weale, 1998).

A distinction must be made between those political discourses which obscure or underpin particular interests and power systems, and those which seek explicitly to test the generalizability of claims and interests, and to render power, whether it be political, economic or cultural, accountable (see the section on cosmopolitan ideas and trajectories, pp. 308–13, above). The framework of cosmopolitan principles and values is

sound, preoccupied as it is with the equal liberty and development possibilities of all human beings, but it cannot be implemented plausibly without addressing the most pressing cases of economic suffering and harm. Without this commitment, the most of cosmopolitan standards can descend into high-mindedness, which fails to pursue the socio-economic changes that are a necessary part of such an allegiance.

At a minimum, this means linking the progressive implementation of a cosmopolitan regulative framework with efforts to reduce the economic vulnerability of many developing countries by eliminating debt, reversing the outflow of net capital assets from the South to the North, and creating new economic facilities at organizations like the World Bank, the IMF and the UN for development purposes (see Lipietz, 1992, pp. 116ff.; Falk, 1995, ch. 6). In addition, if such measures were combined with a (Tobin) tax on the turnover of financial markets, and/or a consumption tax on energy usage, and/or a shift of priorities from military expenditure to the alleviation of severe need, then the developmental context of Western and Northern nation-states could begin to be accommodated to those nations struggling for survival and minimum welfare (see Held, 1995, ch. 11; Giddens and Hutton, 2000, pp. 213ff., for a fuller account of these proposals).

Unrealistic? Two points should be made in this regard. First, a cosmopolitan covenant is already in the making as political authority and new forms of governance are diffused 'below', 'above' and 'alongside' the nation-state, and as new forms of international law, from the law of war to human rights law and environmental regimes, begin to set down universal standards. Second, these standards can be built on, locking cosmopolitan principles into economic life, in developed and developing countries. To meet the requirements of impartialist reasoning, they have, of course, to be pressed much further. The intense battles about globalization are helping to create an environment in which questions about these matters can be pursued in the public domain. Entrenched geopolitical and economic interests are more likely to respond to a mix of pressure and argument, rather than to argument alone. But the risk of a severe backlash (championed already by the Bush administration) is clear. Certainly, the protesters need to come to understand the complexity of the issues they are seeking to address, the diversity of legitimate viewpoints (the difference, for example, between those who object to unbridled free trade and the positions of many developing countries seeking greater access to developed markets), and the extraordinary complexity of institutional solutions. Unless this happens, the gulf between confrontation and constructive engagement will not be bridged. In the end, whether cosmopolitan rules and regulations can be pursued successfully in the long term remains to be seen. But one thing is certain: the modern territorial state was not built in a generation, and one should not expect major and equally significant transformations – in this case to a multilevel, multilayered cosmopolitan polity – to take less time.

## Notes

A version of this essay first appeared in *Contemporary Political Theory*, 1, no. 1 (2002), under the title 'Globalization, corporate practice and cosmopolitan social standards'. It appears here in a much amended and developed form.

1 Another way to put this point is to ask whether anyone would freely choose a 'principle of justice' which determined that people (present and/or future generations) suffer serious

harm and disadvantage independently of their consent, such as, for instance, the 30,000–35,000 children who die each day of malnutrition and disease. In the face of impartialist reasoning, this principle is wholly unconvincing. The impartialist emphasis on the necessity of taking account of the position of the other, of only regarding political outcomes as fair and reasonable if there are good reasons for holding that they would be equally acceptable to all parties, and of only treating the position of some socio-economic groups as legitimate if they are acceptable to all people irrespective of where they come in the social hierarchy does not provide grounds on which this principle could be accepted. And yet this is the principle of justice people are asked to accept, *de facto*, as a, if not the, principle of distribution in the global economic order. No wonder protest levels are so intense.

2 Contemporary cosmopolitans, it should be acknowledged, are divided about the demands that cosmopolitanism lays upon the individual and, accordingly, upon the appropriate framing of the necessary background conditions for a 'common' or 'basic' structure of individual action and social activity. Among them there is agreement that in deciding how to act, or which rules or regulations ought to be established, the claims of each person affected should be weighed equally – 'no matter where they live, which society they belong to, or how they are connected to us' (Miller, 1998, p. 165). The principle of egalitarian individualism is regarded as axiomatic. But the exact moral weight granted to this principle depends heavily on the precise modes of interpretation of other principles (see Nussbaum, 1996; Barry, 1998a; Miller, 1998; Scheffler, 1999). I shall not pursue these issues here, although the position suggested below indicates one way of linking cosmopolitan universalism with the recognition of the irreducible plurality of forms of life (see Habermas, 1996).

3 There are many good reasons why cosmopolitan reasoning must be combined with cosmopolitan institutional design. However sound cosmopolitan reasoning might be, the full meaning of cosmopolitan principles cannot be specified independently of the conditions of their enactment. Different thinkers give priority to 'cosmopolitanism' but, even when they agree about its contemporary conceptual specificity, they often differ over its practical efficacy and implications. Differences about how to secure cosmopolitanism in legal, political and economic terms can reveal differences in how to interpret its meaning. The specification of a principle's 'condition of enactment' is a vital matter: for if a theory of the most appropriate form of cosmopolitanism is to be at all plausible, it must be concerned with both theoretical and practical issues, with philosophical as well as organizational and institutional questions. As I have put the point elsewhere, 'without this double focus, an arbitrary choice of principles and seemingly endless debates about them are encouraged' (Held, 1996, p. 304). A consideration of principles, without an examination of the conditions for their realization, may generate a strong sense of virtue, but it will leave the actual meaning of such principles barely spelt out at all. A consideration of legal arrangements and political institutions, without reflecting upon the proper principles of their ordering, might, by contrast, lead to an understanding of their functioning, but it will barely help us to come to a judgement as to their appropriateness and desirability.

## References

- Ackerman, B. (1994) 'Political liberalism', *Journal of Philosophy*, 91, pp. 364–86.  
 Archibugi, D., Held, D. and Köhler, M. (eds) (1998) *Re-imagining Political Community: Studies in Cosmopolitan Democracy*. Cambridge: Polity.  
 Arendt, H. (1961) 'The crisis in culture', in *Between Past and Future: Six Exercises in Political Thought*. New York: Meridian.  
 Barry, B. (1989) *Theories of Justice*. London: Harvester Wheatsheaf.  
 Barry, B. (1995) *Justice as Impartiality*. Oxford: Clarendon Press.

- Barry, B. (1998a) 'International society from a cosmopolitan perspective', in D. Mapel and T. Nardin (eds), *International Society: Diverse Ethical Approaches*. Princeton: Princeton University Press.
- Barry, B. (1998b) 'Something in the disputation not unpleasant', in Kelly 1998.
- Barry, B. (1999) 'Statism and nationalism: a cosmopolitan critique', in I. Shapiro and L. Brilmayer (eds), *Global Justice*. New York: New York University Press.
- Beetham, D. (1999) *Democracy and Human Rights*. Cambridge: Polity.
- Betz, C. (1979) *Political Theory and International Relations*. Princeton: Princeton University Press.
- Betz, C. (1994) 'Cosmopolitan liberalism and the states system', in Brown 1994.
- Betz, C. (1998) 'Philosophy of international relations', in *Routledge Encyclopedia of Philosophy*. London: Routledge.
- Benhabib, S. (1992) *Situating the Self*. Cambridge: Polity.
- Benhabib, S. (2000) 'Transformations of citizenship: dilemmas of political membership in the global era', presented at the Conference on Globalization, Yale University, New Haven, 31 Mar.-2 Apr.
- Brown, C. (ed.) (1994) *Political Restructuring in Europe: Ethical Perspectives*. London: Routledge.
- Chinkin, C. (1998) 'International law and human rights', in T. Evans (ed.), *Human Rights Fifty Years On*. Manchester: Manchester University Press.
- Cohen, J. (ed.) (1996) *For Love of Country: Debating the Limits of Patriotism*. Boston: Beacon Press.
- Crawford, J. and Marks, S. (1998) 'The global democracy deficit: an essay on international law and its limits', in Archibugi, Held and Köhler 1998.
- Doyal, L. and Gough, I. (1991) *A Theory of Human Need*. London: Macmillan.
- Eleftheriadis, P. (2000) 'The European constitution and cosmopolitan ideals', *Columbia Journal of European Law*, 7, pp. 21-39.
- Falk, R. (1995) *On Humane Governance*. Cambridge: Polity.
- Fernández-Armesto, F. (1995) *Millennium*. London: Bantam.
- Gadamer, H. G. (1975) *Truth and Method*. London: Sheed and Ward.
- Giddens, A. and Hutton, W. (2000) *On the Edge: Living with Global Capitalism*. London: Jonathan Cape.
- Goldblatt, D., Held, D., McGrew, A. and Perraton, J. (1997) 'Economic globalization and the nation-state: shifting balances of power', *Alternatives*, 22, pp. 269-87.
- Habermas, J. (1973) 'Wahrheitstheorien', in H. Fahrenbach (ed.), *Wirklichkeit und Reflexion*. Pfullingen: Neske.
- Habermas, J. (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge: Polity.
- Hayek, F. (1976) *The Road to Serfdom*. London: Routledge.
- Held, D. (1995) *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Cambridge: Polity.
- Held, D. (1996) *Models of Democracy*. 2nd edn. Cambridge: Polity.
- Held, D. (2002) 'Law of states, law of peoples', *Legal Theory*, 8, no. 2, pp. 1-44.
- Held, D. (2003) *Cosmopolitanism*. Cambridge: Polity.
- Held, D. and McGrew, A. (eds) (2000) *The Global Transformations Reader*. Cambridge: Polity.
- Held, D., McGrew, A., Goldblatt, D. and Perraton, J. (1999) *Global Transformations: Politics, Economics and Culture*. Cambridge: Polity.
- Hill, T. (1987) 'The importance of autonomy', in F. Kittay and D. Meyers (eds), *Women and Moral Theory*. Totowa, N.J.: Roman and Allanheld.
- Horstmann, A. (1976) 'Kosmopolit. Kosmopolitismus', in *Historisches Wörterbuch der Philosophie*, vol. 4. Basel: Schwabe.

- Hurrell, A. (1995) 'International political theory and the global environment', in K. Booth and S. Smith (eds), *International Relations Theory*. Cambridge: Polity.
- Kant, I. (1970) *Kant's Political Writings*, ed. and introd. H. Reiss. Cambridge: Cambridge University Press.
- Kelly, P. (ed.) (1998) *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality*. Edinburgh: Edinburgh University Press.
- Koehn, R. O. (1995) 'Hobbes' dilemma and institutional change in world politics: sovereignty in international society', in H. Holm and G. Sorensen (eds), *Whose World Order?* Boulder, Colo.: Westview Press.
- Koehn, R. O. (2001) 'Governance in a partially globalized world', *American Political Science Review*, 95, pp. 1-13.
- Kuper, A. (2000) 'Rawlsian global justice: beyond the law of peoples to a cosmopolitan law of persons', *Political Theory*, 28, pp. 640-74.
- Lipietz, A. (1992) *Towards a New Economic Order*. Cambridge: Polity.
- McCarthy, T. (1999) 'On reconciling cosmopolitan unity and national diversity', *Public Culture*, 11, pp. 175-208.
- MacIntyre, A. (1981) *After Virtue*. London: Duckworth.
- MacIntyre, A. (1988) *Whose Justice? Whose Rationality?* London: Duckworth.
- Miller, D. (1988) 'The ethical significance of nationality', *Ethics*, 98, pp. 647-62.
- Miller, D. (1998) 'The limits of cosmopolitan justice', in D. Mapel and T. Nardin (eds), *International Society: Diverse Ethical Approaches*. Princeton: Princeton University Press.
- Nozick, R. (1974) *Anarchy, State and Utopia*. Oxford: Blackwell.
- Nussbaum, M. C. (1996) 'Patriotism and cosmopolitanism', in Cohen 1996.
- Nye, J. S. and Donahue, J. D. (2000) *Governance in a Globalizing World*. Washington DC: Brookings Institution Press.
- O'Neill, O. (1990) 'Enlightenment as autonomy: Kant's vindication of reason', in L. Jordanova and P. Hulme (eds), *The Enlightenment and its Shadows*. London: Routledge.
- O'Neill, O. (1991) 'Transnational justice', in D. Held (ed.), *Political Theory Today*. Cambridge: Polity.
- O'Neill, O. (2000) 'Agents of justice', MS.
- Pogge, T. (1989) *Realizing Rawls*. Ithaca, N.Y.: Cornell University Press.
- Pogge, T. (1994a) 'Cosmopolitanism and sovereignty', in Brown 1994.
- Pogge, T. (1994b) 'An egalitarian law of peoples', *Philosophy and Public Affairs*, 23, pp. 195-224.
- Potter, D., Goldblatt, D., Kiloh, M. and Lewis, P. (eds) (1997) *Democratization*. Cambridge: Polity.
- Rawls, J. (1971) *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.
- Raz, J. (1986) *The Morality of Freedom*. Oxford: Oxford University Press.
- Rosenau, J. N. (1997) *Along the Domestic-Foreign Frontier*. Cambridge: Cambridge University Press.
- Rosenau, J. N. (1998) 'Governance and democracy in a globalizing world', in Archibugi, Held and Köhler 1998.
- Scanlon, T. M. (1998) *What We Owe to Each Other*. Cambridge, Mass.: Belknap.
- Schmitter, J. (1998) 'Concepts of cosmopolitanism', *Utilitas*, 11, pp. 255-76.
- Schmidt, J. (1998) 'Civility, enlightenment and society: conceptual confusions and Kantian remedies', *American Political Science Review*, 92, pp. 419-27.
- Sen, A. (1999) *Development as Freedom*. Oxford: Oxford University Press.
- UN (1988) *Human Rights: A Compilation of International Instruments*. New York: United Nations.