

Cosmopolitanism and Its Discontents

edited by

Lee Ward

*Rethinking Politics in the
Age of Brexit and Trump*

Cosmopolitanism and Its Discontents

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Introduction

Contextualizing the Age of Brexit and Trump

Lee Ward

Even just a decade ago, a volume like this that aspired to examine the rich history and future direction of the idea of cosmopolitanism would have been very different in tone than the present offering. At that time, the underlying assumption of research into cosmopolitanism was typically that globalization meant the ever deepening of universalist values and expansion of transnational institutions would be a feature for modern politics for the foreseeable future.¹ The central premise of this volume, however, is that the Brexit Referendum result and the election of United States President Donald Trump in 2016 signaled the beginning of a new era in global politics and for the development of political discourse in advanced liberal democracies. Insofar as the events of 2016 marked the first major public repudiation of the transnational, globalizing trends that had arguably dominated politics in the liberal democratic West since the end of the Cold War nearly thirty years earlier, we are now compelled to re-think many of our most basic assumptions about international relations, human rights, multiculturalism, and regnant theories of democracy and the state. On the political level, the Brexit vote and Trump victory can perhaps be regarded as merely a contingent snapshot of the public mood in two major countries in which a large section of the electorate displayed deep distrust of international accords and treaties, rejected mass immigration, and called for the thickening of national borders. However, on a more theoretical or philosophical level, the events of 2016 are arguably symptoms of a more profound public loss of confidence in the cosmopolitan ideal of enlightened “post-national” political identity and the once prominent vision of ever-deepening progress toward international peace and cooperation.

Admittedly, supporting these claims requires adopting an a fortiori methodology inasmuch as the movement that propelled Brexit and the Trump

victory was generally not explicitly or self-consciously anti-cosmopolitan. But I would contend that the project of European Union integration and the American political establishment's commitment to globalism represent a politically significant version of cosmopolitan potentialities and cosmopolitan theoretical materials embedded in the institutions and in policy consensus' that may not be explicitly cosmopolitan in origin and aim. If an electorally decisive portion of voters in the United Kingdom and the United States rejected the levels of transnational integration presented to them in the form of the European Union policy of free movement of labor, or in prior American support for international trade agreements and climate accords, then a fortiori the British and American people would reject full-blown cosmopolitanism even more vehemently. Moreover, the tenor and message of the Leave Campaign in Britain and the Trump Campaign in the United States in 2016 suggests that supporters of these campaigns rejected international and transnational agreements and partnerships precisely because these policies and institutions incline toward a cosmopolitan perspective and worldview. Yet, even this portrait of the current situation fails to fully recognize the real complexity of our condition for the nascent political alternative to cosmopolitanism that emerged with the Brexit vote and the Trump victory—the populist version of post-modern nationalism—presupposes a conception of the nation-state and national sovereignty transformed greatly both in theory and practice by decades of intense globalization since the 1990s. Thus, we cannot truly know where we are going in the age of Brexit and Trump, until we reflect upon where we have been.

In order to re-trace our steps along the path that has brought us to this age of cosmopolitanism and its discontents, we need to recognize from the outset that cosmopolitanism is a concept that has long been the subject of debate and contestation. Historically, the cosmopolitan ideal has meant different things at different periods of time. As we see in the celebration of the "citizen of the world" by Diogenes Laertius in third century BC Greece and Martin Luther King in twentieth-century America, through to the Stoic natural law theory's identification of a "common humanity" in the Roman period, and, of course, in Kant's seminal vision of a federation of pacific peoples and even possibly a single world republic, cosmopolitanism has been a civic and moral ideal that has long touched a powerful chord in humankind's political imagination.² This volume will display the historical richness of the debate about cosmopolitan principles and theory in a variety of disciplinary and comparative contexts including political science, philosophy, as well as historical and economic approaches. Thus, while the chapters in this volume are stand-alone essays on discrete subjects or thinkers, the structure of the volume frames these chapters as part of a conversation among distinct voices in a broad and diverse intellectual tradition.

The foundational normative principle of cosmopolitanism in all of its various historical and theoretical manifestations has been a certain conception of the individual in his or her relation to the political community and to a common humanity. Cosmopolitanism presupposes that the individual is the “ultimate unit of moral concern,” and thus our moral obligations are owed to all human beings solely on the basis of our common humanity alone (Pogge 2010, 114; Brown and Held 2010, 1). The normative basis of cosmopolitanism tends to focus on several distinct, but often overlapping, claims about moral obligations. First, cosmopolitanism is generally assumed to require a moral attachment to a common humanity that transcends patriotism and national identity. The cosmopolitan impulse to transcend love of one’s own customs and laws does not, however, typically mean the withering away of the nation-state or renunciation of distinct ethnic or religious identities.³ Rather, cosmopolitanism is normally understood by its proponents to encourage multiple loyalties to what David Held calls the “many overlapping communities of fate” that compose our common humanity (Held 2010, 240). Cosmopolitanism is also often associated with an inclusive cultural sentiment that reflects the increasing psychological complexity in a globalized world in which distances of time and space seem to become ever smaller and more permeable (e.g., Waldron 2006). A conception of cosmopolitanism is also central to a particular strand of democratic theory inspired by the discourse ethics philosophy of Jürgen Habermas.⁴ For Habermas and some of his followers such as Seyla Benhabib and Arash Abizadeh, discourse ethics requires the adoption of a universalist moral point of view that cannot be limited in scope only to the individuals who reside within nationally recognized boundaries; but rather must reflect the moral conversation including in principle all of humanity (Benhabib 2006, 18; Abizadeh 2008, 2012).

Cosmopolitanism has arguably influenced contemporary international relations theory even more powerfully than democratic theory. One of the legacies of globalization since the end of the Cold War has been a renewed emphasis on issues of global justice. Heightened sensitivity to global risks posed by environmental degradation and climate change has appreciably altered the way international relations theorists approach the question of moral, political, and economic responsibility to the species. For instance, cosmopolitan principles have been employed to ground the moral obligation to redistribute resources from wealthy to poorer countries (e.g., Barry 2010, 106–7, Bietz 2010, 96–8).⁵ And cosmopolitan ideas continue to influence the way international human rights laws are formulated and interpreted both in terms of legal or institutional cosmopolitanism (e.g., international organizations and formal treaties), and in terms of political or moral cosmopolitan principles that tend to range from the “weak” cosmopolitanism requiring only equal moral concern for all human beings to the relatively “strong”

cosmopolitan principle of substantive equal treatment (Miller 2010, 387; Barry 2010, 101; Pogge 2010, 114; Brown and Held 2010, 9–10). As Ulrich Beck put it, capturing the zeitgeist of the new post-Cold War era at the start of the twenty-first century, the widespread belief among many was that the human condition “cannot be understood nationally or locally, but only globally” (Beck 2002, 17).

The intellectual attraction of many scholars toward cosmopolitanism is undeniable. Indeed, academic interest in cosmopolitan theory has rarely been as intense as it is at present as witnessed by the publication in recent years of several major works on the topic and related themes such as Kwame Anthony Appiah’s *Cosmopolitanism: Ethics in a World of Strangers* (2006), Joseph Caren’s *The Ethics of Immigration* (2015), David Held’s *Cosmopolitanism: Ideals and Realities* (2010), Seyla Benhabib’s *Another Cosmopolitanism* (2006), Martha Nussbaum’s *The Cosmopolitan Tradition* (2019), and the *Cosmopolitan Reader* (2010) edited by Garrett Brown and David Held, which includes contributions from academic luminaries such as Jürgen Habermas, Robert Dahl, Will Kymlicka, Jacques Derrida, and Jeremy Waldron. Yet, in a remarkable countermovement in terms of actual political practice, we have witnessed in real time the stunning repudiation of cosmopolitan ideals not only in Brexit and the Trump victory, but also in populist and nationalist movements now spanning the globe.

Populism itself is a term subject to considerable debate and contestation, even if not bearing quite the same historical pedigree as cosmopolitanism. Indeed, illuminated in the studies and reporting of Cas Mudde and John Judis, as well as the research of Pippa Norris and Ronald Inglehart, the debate over the meaning of populism today extends to whether it even exists as a discrete, identifiable political phenomenon. The post-modern nationalist character of populism in our times lies in its amorphous ideology that spans the right and the left of the political spectrum, as well as crossing diverse political traditions in Latin America, North America, and Europe. In Europe and North America populism is associated with opposition to mass immigration, whereas in Latin American populism is often a response to clientelism and economic mismanagement. At its core, populism seems to be rooted in opposition to certain aspects of twenty-first liberal democracy, especially as it employs a distinctive form of political rhetoric in order to mobilize public support to challenge established political and economic elites (Judis 2016, 12–17; Norris and Inglehart 2019, 4–5). Populism is clearly fueled in part at least by socioeconomic problems affecting the segment of the population “left behind” by the forces of globalization including trade policies that outsource jobs, economic regimes that encourage de-industrialization as western firms shift production to cheaper off-shore centers, and the austerity programs introduced in response to the 2008 Financial Crisis. However, I

follow Mudde and Kaltwasser in identifying populism primarily through an “ideational approach,” according to which it must be understood as a “discourse, an ideology or a world view” (Mudde and Kaltwasser 2017, 5–9). The central feature of this populist ideology is the conflict between the people and the elites synonymous with a corrupt and deracinated intellectual class. Being in Mudde and Kaltwasser’s view a “thin-centered ideology,” populism is thus malleable and normally becomes attached to other ideological elements that give populism its various forms.

I would suggest that anti-cosmopolitanism is the one overarching principle that unites the diverse intellectual elements in the post-modern nationalist milieu of contemporary populism. That is to say, hostility to the concept of cosmopolitanism is central to populism today. The populist anti-cosmopolitan dispensation reflects the attitudes, assumptions, and beliefs of many ordinary citizens of liberal democracy who view economic globalization, moral universalism, and cosmopolitan values such as the commitment to international law and international organizations as sources of deep malaise, discontent, and societal decline. This volume is not a specialized study of President Trump or the causes of Brexit *per se*. There already has been a considerable amount of analysis of that nature. However, the significance of the Trump victory and the Brexit vote in 2016 is a touchstone of sorts recurring throughout the chapters of this volume as each author has been encouraged to connect their topic—no matter how distant in terms of time from today—to the questions of our time. Rather than a direct focus on the current political scene, this is a volume of political theory and intellectual history that will help to contextualize the age of Brexit and Trump through reflecting upon the meaning of the dramatic events of recent times by virtue of returning to the recurring questions posed by both the proponents and opponents of the cosmopolitan ideal throughout history.

The volume is organized around several themes in four discrete sections. One of the operating principles of this volume is that while the distinctive form of modern cosmopolitanism we know today begins with the work of Immanuel Kant, there are nonetheless valuable expressions of thinking about cosmopolitanism and its problems before Kant. As such, Part I, “Foresadowing of the Cosmopolitanism Debate before Kant,” examines the complex debate about cosmopolitanism in Roman thought with Cary Nederman’s treatment of Cicero’s highly qualified “quasi-cosmopolitanism,” Nicholas Aroney and Simon Kennedy’s presentation of the critique of the idea of “universal association” in early seventeenth century German thinker Johannes Althusius, and an exploration of often-neglected cosmopolitan themes in early modern Jewish political thought by Vasileios Syros. This part concludes with John T. Scott’s elucidation of the complex anti-cosmopolitanism in the writings of Jean-Jacques Rousseau. Part II, “Kant’s Cosmopolitanism

and Its Critics,” highlights Immanuel Kant’s seminal role as the theoretical founder of the modern conception of cosmopolitanism, which is the focus of the chapter written by Jeffrey Church. This part also offers an examination of arguably the most influential nineteenth and early twentieth century critics of Kantian cosmopolitanism as witnessed in Paul Gray’s chapter on Karl Marx’s account of the ambiguous relation between cosmopolitanism and communism, Paul Kirkland’s treatment of Friedrich Nietzsche’s idea of the “Good European,” and José Parra’s exploration of Martin Heidegger’s rejection of “global culture.”

The third part, “Cosmopolitanism in Contemporary Politics and Economics,” examines the role of cosmopolitanism and its critics in contemporary democratic theory, political economy, political culture, and the anti-globalization movement. This part includes a chapter that considers John Rawls’ political liberalism in a global context by Michel Seymour, an examination by Lee Ward of Canadian political philosopher James Tully’s critique of cosmopolitanism as a form of liberal imperialism, and finally a study about the theoretical connection between the “boundary problem” and questions of global justice by Zoltan Miklosi and Zsolt Kopelner that challenges the Habermas-inspired concept of the “universal demos” influential among some democratic theorists. The fourth and final part, “Populism, Nationalism, and Democratic Citizenship,” offers selected specific case studies involving political issues and controversies surrounding populism, nationalism and democratic citizenship in the era of Brexit and Trump as seen in Ann Ward’s examination of the nationalist dimension of the debate over the Hijab ban in France, Claudia Wiesner’s chapter highlighting the challenges to the idea of common citizenship in the European Union, and finally Carl Scott’s reflections upon contemporary thinkers such as Pierre Manent and James Allan as they write about the institutional and moral threats to democratic self-government in North America and Europe in the age of transnational governance. This volume thus offers cosmopolitanism and its critics as the unifying central idea organizing a rich conversation ranging from antiquity to the most modern of debates.

NOTES

1. See for instance the excellent volume by Trepanier and Habib 2011.
2. See Diogenes Laertius 1925: Book 6, Section 63; King 1974, 22; Cicero 1991: Book 3, chapter 6, sections 27–32 and Kant 1991, 105.
3. See for instance Dalmayr (2003, 423) for cosmopolitan themes in the “Parliament of World Religions” that met in Chicago in 1893 and 1993. For the contrary view highlighting the anti-cosmopolitan themes in religion, see Appiah (2006, 137–51) describing Islamic fundamentalists as “Counter-Cosmopolitans.”

4. See for example Habermas 2001.
5. Nussbaum (2019, 5–7) recognizes international “duties of material aid,” but does not advocate cosmopolitanism in a fuller moral sense of “common humanity” transcending particular political attachments.

REFERENCES

- Abizadeh, Arash. 2008. “Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders.” *Political Theory* 36: 1 (February): 37–65.
- Abizadeh, Arash. 2012. “On the Demos and Its Kin: Nationalism, Democracy and the Boundary Problem.” *American Political Science Review* 106: 4 (November): 867–82.
- Appiah, Kwame Anthony. 2006. *Cosmopolitanism: Ethics in a World of Strangers*. New York: WW Norton.
- Barry, Brian. 2010. “International Society from a Cosmopolitan Perspective.” In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 100–13. Cambridge: Polity.
- Beck, Ulrich. 2002. “The Cosmopolitan Society and its Enemies.” *Theory, Culture & Society* 19: 1–2: 17–44.
- Beitz, Charles R. 2010. “Justice and International Relations.” In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 85–99. Cambridge: Polity.
- Benhabib, Seyla. 2006. “The Philosophical Foundations of Cosmopolitan Norms.” In *Another Cosmopolitanism*, edited by Seyla Benhabib and Robert Post, 13–36. Oxford: Oxford University Press.
- Brown, Garrett and David Held. 2010. “Editor’s Introduction.” In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 1–15. Cambridge: Polity.
- Cicero. 1991 [44 BCE]. *On Duties*, edited by M. T. Griffin and E. M. Atkins, eds. Cambridge: Cambridge University Press.
- Dalmayr, Fred. 2003. “Cosmopolitanism Moral and Political.” *Political Theory* 31: 3 (June): 421–42.
- Diogenes Laertius. 1925 [3rd Century AD]. *Lives of Eminent Philosophers*. R. D. Hicks, trans. Cambridge, MA: Harvard University Press.
- Habermas, Jürgen. 2001. *The Postnational Constellations: The Political Essays*. Cambridge: Polity.
- Held, David. 2010. “Principles of Cosmopolitan Order.” In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 229–47. Cambridge: Polity.
- Judis, John B. 2016. *The Populist Explosion: How the Great Recession Transformed American and European Politics*. New York: Columbia Global Reports.
- Kant, Immanuel. 1991 [1795]. “Perpetual Peace: A Philosophical Sketch.” In *Kant Political Writings*, edited by H. S. Reiss, 93–130. Cambridge: Cambridge University Press.
- King, Martin Luther Jr. 1974 [1967]. “Beyond Vietnam.” In *Black Protest: History, Documents, and Analysis, 1619 to the Present*, edited by Joanne Grant, 418–25, 2nd ed. Greenwich, CT: Fawcett.

- Miller, David. 2010. "Cosmopolitanism." In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 377–92. Cambridge: Polity.
- Mudde, Cas and Cristobal Rovira Kaltwasser. 2017. *Populism: A Very Short Introduction*. Oxford: Oxford University Press.
- Norris, Pippa and Ronald Inglehart. 2019. *Cultural Backlash: Trump, Brexit, and Authoritarian Populism*. Cambridge: Cambridge University Press.
- Nussbaum, Martha. 2019. *The Cosmopolitan Tradition: A Noble but Flawed Ideal*. Cambridge, MA: Harvard University Press.
- Pogge, Thomas. 2010. "Cosmopolitanism and Sovereignty." In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 114–33. Cambridge: Polity.
- Trepanier, Lee and Khalil Habib, eds. 2011. *Cosmopolitanism in the Age of Globalization: Citizens Without States*. Lexington: University of Kentucky Press.
- Waldron, Jeremy. 2006. "Cosmopolitan Norms." In *Another Cosmopolitanism*, edited by Seyla Benhabib and Robert Post, 83–98. Oxford: Oxford University Press.

Part I

**FORESHADOWING OF
THE COSMOPOLITANISM
DEBATE BEFORE KANT**

Chapter 1

Cicero between Cosmopolis and Republic

Cary J. Nederman

Pity the fate of poor Cicero. His political theory languished for decades, usually ignored and even explicitly dismissed on occasion for its unoriginality and intellectual vapidness.¹ Within the last few years, however, his name and ideas have spread speedily throughout the scholarly literature of political theorists. One facet of this dramatic reevaluation of Cicero has been historical, tracking a general revival of interest in Roman philosophy and historical writing.² But he has also entered into vogue as a progenitor among some schools of contemporary political theory, each of which has attempted to claim Cicero for their own. Cosmopolitanism has been one of these latest trends in political philosophy; so has republicanism. For cosmopolitans, Cicero is one of their inspirations; for republicans, the same holds. From the throes of obscurity, Cicero has thus rapidly emerged as a figure not only worthy of attention but also as object of considerable intellectual contention. The aim of the present chapter is not to consider the historical importance and contributions of Ciceronianism within the Western political tradition but to consider the cosmopolitan and republican appropriations of him in order to demonstrate that neither adequately captures the full vigor of his thought: although neither a republican nor a cosmopolitan, he was also both—and a great deal more as well.

I fully realize that the preceding sentence sounds a jumble, if not a trip down into the pit of eternal contradiction. Nothing could be further from the truth. I seek to capture the layered nuances that make him attractive to theoreticians of quite different propensities while also resisting efforts to force him into a rigid frame. I prefer, for reasons that I plan to demonstrate, to characterize Cicero's political theory broadly speaking as "quasi-cosmopolitan" (or if you prefer "bounded cosmopolitan"). The full meaning of this term will unfold over the course of the present inquiry. Perhaps the most adequate summation I can offer at the moment is that what we perceive as Cicero's

cosmopolitan inclinations—while not inaccurate—must be tempered by a host of other, countervailing factors that are not merely found in, but are central to, his overarching theoretical project. A sensitive reading of Cicero yields a thinker who may not be reducible to categories such as “republican” and “cosmopolitan,” but whose work subtly marks a unique path in the debate concerning where our loyalties ought to lie.

I commence my investigation by surveying the reasons that cosmopolitanism and republicanism are each stimulated by Cicero’s thought.³ Centuries ago, Immanuel Kant, in his great defense of a cosmopolitan vision contained primarily in *Perpetual Peace* and *Idea for a Universal History*, identified Cicero as a paragon of his ideal.⁴ Kant’s valorization of Cicero has been extended by recent cosmopolitans, most notably Martha Nussbaum.⁵ She locates the fingerprints of Ciceronian thought (especially *De officiis*) throughout Kant’s cosmopolitan writings—sometimes explicitly evident, other times implicit. Nussbaum also notes that Kant’s interest in Cicero’s ideas in fact goes far beyond his “political” treatises and into his work that is considered more properly “philosophical” (Nussbaum 1997, 12–15). In the present context, it is Ciceronian “universalism” that attracted Kant. According to Cicero, human beings are fundamentally equal and this equality of humanity entails the social unity of mankind. This theme runs throughout his writings.

Cicero’s doctrine of the solidarity of humanity rests on the capabilities for speech and reason that everyone possesses in equal measure. In *De inventione* and *De oratore*, he identifies persuasive speech, combined with reason, as the groundwork of human interaction, arguing that the realization of social intercourse requires the activity of an orator acting in concert with his fellow human beings. All human beings possess a potential for sociability implicit in their common linguistic and rational nature. Yet their primordial existence was a scattered and brutish one, devoid of cities, laws, and the fruits of civil community. They would have been destined to remain permanently in this condition, Cicero believes, without the “existence of one from among the infinite multitude of mankind who, either alone or with a few others, could induce what is given to everyone by nature” (Cicero 1942, I.31). Such a first orator, who, by the application of eloquence and reason, induced the establishment of communities, the foundation of cities, and the institution of laws and rights. As Cicero explains, this primitive wise rhetor realized the existence of “a great source of opportunity afforded thereby, if one could draw it out and render it better through education.” By “heeding speech and reason more diligently. . . men accomplished the sudden conversion of their habits and the conveyance of them into different modes of life” (Cicero 1949, I. 2–3). It is not only in his writings on rhetoric that Cicero proposes that reason and eloquent speech provide the origins of social order but in the *Tusculanarum disputationum*, he praises the capacity for language possessed

by “the man who first united the scattered human units into a body and summoned them to the fellowship of social life,” as a result of which all of the material and moral blessings of civilization were attained. Moreover, in *De officiis*, he observes that “nature likewise by the power of reason associates man with man in the common bonds of speech and life” (Cicero 1913, I.12; Cicero 1945, I.63, see also V.5). In a fragmented passage in *De re publica*, he disputes the position that society came together only to redress the physical frailties of individual people by insisting instead on “a certain social spirit, which nature has implanted in man. For man is not a solitary or unsocial creature, but born with such a nature that not even under conditions of great prosperity of every sort . . .”; the passage breaks off and then picks up with an argument about the origins and foundations of society found elsewhere in his works (Cicero 1928a, I.39–41). There would, in sum, be no organized systems of society and politics in the absence of the rational and linguistic faculties with which human beings are endowed.

Throughout his works, Cicero clearly expresses the inescapable implication of this attribution to humanity of the universal characteristics of reason and speech, namely, that human beings are fundamentally equal. In contrast with the Greeks, the characteristics of ethnicity or place of origin are irrelevant to his evaluation of humanity as possessed of rational and linguistic competence and as capable of acting on the basis thereof. Indeed, he did not shy away from upholding this view as a central facet of his thought. “No single thing,” he remarks in *De legibus*, “is so like another, so exactly its counterpart, as all of us are to one another. . . . No one would be like his own self as all men would be like all others. . . . There is no difference in kind between man and man” (Cicero 1928b, I.28–30). It is from this precept that one of Cicero’s most characteristic ideas emerge, namely, the existence of a union, a natural bond, that all humans share, rooted in their common possession of speech and reason. Time and again, he insists upon the principle that mankind is a whole, a unity, by its very nature. Typical of this position is his declaration in *De officiis* that “it is our duty to respect, defend, and maintain the common bonds of union and fellowship subsisting between all the members of the human race.”⁶ Cicero intimates that, regardless of our responsibilities toward other forms of human association (family, friends, country, as addressed below), our deepest obligation is toward mankind in general. If all human beings are indeed equal, it follows for Cicero that they are united into a single fellowship.

In turn, nature charges humanity in general with a duty to perform acts concordant with justice. The requirement to conduct oneself justly is the virtue most crucial to (indeed, nearly co-extensive with) the perpetuation of all manner of human association. In *De finibus*, Cicero proclaims that “there is nothing more illustrious nor of wider range than the bond between human

beings and the sort of fellowship and useful intercommunication and love among human beings, which . . . is termed justice” (Cicero 1931, V.65). In *De officiis*, Cicero insists, “The society of humans amongst themselves and the quasi-communal life are maintained” solely on the basis of adherence to just precepts that are naturally grounded and commonly recognized and respected (Cicero 1913, I.20). I could offer many, many more examples of his assertion of the same point.

But what obligations does justice impose upon us? In *De officiis*, Cicero offers an account of what constitutes justice by reference to injustice:

Of injustice there are two types: men may inflict injury; or else, when it is being inflicted upon others, they may fail to deflect it, even though they could. Anyone who makes an unjust attack on another, whether driven by anger or by some other agitation, seems to be laying hands, so to speak, upon a fellow. But also, the man who does not defend someone, or obstruct the injustice when he can, is at fault just as if he had abandoned his own parents or his friends or his country. (Cicero 1913, I.23).

By extrapolation, justice involves two components: one negative and the other positive, so that one must refrain from injury while also protecting one’s fellows if at all possible. Justice, then, may be identified as the essential duty, demanded by the exercise of reason, toward members of the human race as a whole. For Kant (and evidently for Nussbaum) the justice-based universal bond of humanity translates into the principle of cosmopolitanism. Moreover, the universalism entailed by the Ciceronian theory of justice is entirely bound up with the postulation of the equality and solidarity of humanity, upon which cosmopolitanism may be grounded and justified. I am “a citizen of the world” (the famous formulation by Diogenes Laertius) because I owe the same duty to treat each and every human being—without distinction—in a just fashion. Despite repeated cynical efforts to construe Cicero’s universalism as simply an ideological cover for Roman military expansionism (Brown 2008, 433), such a case is wholly circumstantial and unsustainable for reasons to be discussed below.

At the same time that cosmopolitans have pulled Cicero in their direction, modern republicans lay stake to him as the paragon of their own theories.⁷ Just as cosmopolitan thought has experienced a significant resurgence during the past several years, so has republicanism, as articulated most notably by Philip Pettit, Quentin Skinner, and Maurizio Viroli. They self-identify as “neo-Stoic” or “neo-Roman,” and proclaim allegiance to “the old republican tradition” that “had its origins in classical Rome, being associated in particular with the name of Cicero.”⁸ It must be emphasized that their affiliation with Cicero is not simply based on the superficial point that he endorsed and

defended the Roman republican system, in theory and in practice, against its many enemies in the first century BC. Rather, contemporary republican thinkers foreground two philosophical themes that are characteristic of Cicero: liberty and patriotism. This reflects the key concept that defines their theory: freedom as nondomination. According to Pettit, “The republican tradition is associated with precisely this conception of freedom as non-mastery or, as I prefer to say, non-domination,” which he contrasts with the idea that “one agent dominates another if and only if they have a certain power over that other, in particular a power of interference on an arbitrary basis” (Pettit 1999, 22, 52). In Cicero, they find intellectual affinities.

Tied directly into the republican theory is one’s obligation to one’s country. *Patria*, Cicero repeatedly insist, trumps all other moral duties: “The claims of country [are] paramount to all other duties,” such that one should be prepared even to “sacrifice his father to the safety of the country, . . . if things point to the destruction of the state” (Cicero 1913, III.90, 1928a, I.frag2). Cicero reasons that, in comparison with other human attachments, “a country (*patria*) embraces all of the affections of all of us. What good man would hesitate to confront death for her, if it would render her a service?” (Cicero 1913, I.57). He is emphatic that this demands sacrificing “not only money, but also life for the country”; and indeed, the true patriot must even be prepared to surrender “personal glory and honor” in order to secure the advantage of the nation (Cicero 1913, I.83–84). Similar expressions of patriotic fervor are to be found throughout Cicero’s writings. In *De legibus*, for instance, he proclaims that “that one [*patria*] must stand first in our affection in which the name of ‘republic’ signifies the common citizenship; for her it is our duty to die, to give ourselves entirely, to place upon her altar and almost consecrate all that we have” (Cicero 1928b, II.5). It is hardly an exaggeration to observe that Cicero’s own political career was a testament to the depth of his patriotic belief in the republican system and way of life.

Consequently, not just any *patria* will do. Since the ties between free citizens of the same city are called a “republic,” allegiance to the country where citizens share their lives encompasses all of the factors necessary for a sense of membership (Cicero 1913, I. 57). Some scholars have taken this as the key to Cicero’s contribution to the republican conception of liberty as nondomination. Why? Jun-Hyeok Kwak makes the case that citizenship in a republic derives not from birthplace but upon its conferral through law.⁹ Any citizen of a republic—regardless of origin—enjoys the same rights because they are subject to the same statutes as those who are born in it. Insofar as the Roman legal system itself was non-dominating in relation to free and equal citizens, the republic was neutral or indeed promoted nonmastery. According to Kwak, this entirely affirms the Ciceronian position that all humans possess the “seeds” of sociability natural to humanity, since each and every one has

the potential to attain the status of Roman citizenship. That constitutes the essence of liberty for both Cicero and today's republicans. After additional analysis of passages from *De officiis*, which he takes to confirm his position, Kwak concludes as follows: "In the tradition of classical republicanism, liberty as non-domination was considered a political and moral criterion to regulate patriotic loyalty beyond particular political experiences" (2017, 442). Kwak offers an admirably clever proposal to connect the features of liberty and patriotism central to classical Ciceronian republicanism without necessarily contradicting the principles on which cosmopolitanism rests.

Unfortunately, I think that there are several holes in the argument. Among them: the assumption that the laws of Rome do truly ensure that free and equal citizens are not subject to domination; the fact that the selection of some (few) individuals (by whom?) for entry into citizenship is not only arbitrary, but lacks a moral grounding given Cicero's own conception of human nature; and an apparent differential between the treatment of citizens and noncitizens vis-à-vis Cicero's twin-pronged definition of justice as a universal duty to refrain from committing injury and to act when another is being harmed (to the extent one is able), both rooted in the dictates of natural law. All of this plays into the hands of critics who maintain that his philosophy was little more than a cover for Roman imperialism.

Other scholars have also examined with a critical eye the issues arising from the ways in which the Ciceronian precept of republican liberty has been appropriated. The neo-republicans come under especially strong reproof for their distorted readings of fundamental elements of Cicero's political theory that undermine the very reasons that they appeal to him.¹⁰ The present project does not involve engaging in such critical appraisals at a micro level. Rather, as I suggested in the introduction, my purpose is a somewhat larger one that in effect has a dual agenda wrapped into a single exegesis: 1) to show why the attempt of both cosmopolitans and republicans to ascribe to Cicero one or another position fundamentally mistakes the quality and character of his moral and political thought; and 2) to present an interpretation of his theoretical framework that better captures the rather less dogmatic manner in which he approached various of the intellectual (as well as political and personal) puzzles confronting him. At one time, the rap on Cicero had been an absence of systematicity in his philosophy; unlike the "greats" of ancient Greece, he lacked logical rigor. In a sense, the more recent philosophical tendencies move in the other direction by seeking to categorize him according to an ultimate and precise standard. Broadly speaking, both the cosmopolitan and republican interpretations miss two fundamental points about his thought.

The first concerns Cicero's philosophical commitments. He is so often treated as a loyal exponent of Stoicism that it is forgotten that he never identified himself as a Stoic at all.¹¹ Rather, the mature Cicero—that is, the

author of the dialogues and treatises dating from the 50s and 40s—claimed repeatedly to adhere to the teachings of the New Academy, associated at the time with an early teacher of his, Philo. New Academicians adopted the perspective of skepticism—although not the extreme form of doubt advocated by the Pyrrhonian school—as a moderate epistemological position that replaces claims of certain and absolute wisdom with probability and provisional knowledge.¹² Cicero succinctly states his guiding principle in the Prologue to *De natura deorum*:

The philosophers of the Academy have been wise in withholding their consent from any proposition that has not been proved. There is nothing worse than a hasty judgement, and nothing could be more unworthy of the dignity and integrity of a philosopher than to adopt a false opinion or to maintain as certain some theory which has not been fully explored and understood. (1933, I.1)

As Cicero explains in the *Academica*, this is not to deny the possibility of the human mind attaining truth, but only to insist that the criteria for discerning between veracity and falsity are not inborn or intuitive and that the senses can be deceived (1933, II.24.76–30.98). The philosophy of the New Academy thus rejected both dogmatism and radical subjectivism. The wise man follows the “most probable” path to truth as it seems to him at the moment (always subject to revision should new evidence appear) and therefore dismisses the less probable. Cicero realized that acceptance of these principles militated against doctrinalism, inflexibility, and intolerance and instead promoted humility in regard to one’s supposed knowledge.

The relevance of such moderate skepticism for the interpretation of Cicero’s political theory is twofold. First, it accounts for why his thought might appear to some as absent of cogency and precision. The follower of the New Academy’s method always opened himself to views that seemed more probable to him, but in a provisional way. It would be only natural for him to change his thinking over the course of time (even sometimes very quickly) as new information or evidence comes to light. In many cases, Cicero regarded Stoic ideas to be the most likely, hence the presumption that he should be counted as a disciple of Stoicism. But overall, his thought was marked by eclecticism. Second, Ciceronian moderate skepticism sets into question an effort to ascribe to his political theory some final defining label—such as “republican” or “cosmopolitan.” That is to say, the pendulum that has swung away from the charge of incoherence and toward attribution of a fixed theoretical position directly violates the core of the philosophy that Cicero endorses and practices.

This leads straight to the other point to which I referred above. At the very heart of Cicero’s social and political thought may be found his view that there exists no single enveloping form of human relationship that trumps all others.

Certainly, there *is* a cosmopolitan element to his philosophy stemming from the generalized duty, founded on justice, which human beings naturally possess toward their fellow creatures. Their inborn rational (and also linguistic) properties entail a unity among all men. It is easy enough to see why contemporary cosmopolitanisms view him as one of their own. Likewise, Cicero recognizes the centrality of allegiance to one's country (as do latter-day republicans). People owe such a profound obligation to the political system that has nurtured them that it sometimes appears Cicero is assigning absolute priority to the needs of the *patria*. Hence, champions of neo-Roman republicanism find in him a kindred spirit. *Both* of these interpretations are valid. There are cosmopolitan *and* republican features imbedded in his thought.¹³

Nor do duties to mankind and country exhaust the list of modes of attachment for Cicero; multiple other obligations pertain to human beings. For instance, friendship constitutes another important type of social relationship for him. As with his defense of one's duties to humanity and to country, amity formed a recurrent theme in his writings. Indeed, he even composed a separate book on the topic, *De amicitia*. But already in *De inventione*, he had begun to inquire into the nature of friendship, albeit without coming to any definite conclusions (Cicero 1949, II. 167–68). Likewise, in later work, but prior to the composition of *De amicitia*, he ruminated over the qualities necessary for distinguishing between true and false friends, especially the various motivations that may be ascribed to their expressions of congeniality.¹⁴ In *De amicitia* his conception of friendship crystallized. Cicero regarded amity to constitute a unique and powerful type of connection between people within the multiplicity of human associations: "In comparison with the infinite ties uniting the human race and fashioned by nature herself, this thing called friendship has been so narrowed that the bonds of affection always united two persons only, or, at most, a few" (Cicero 1923, 20). Such relationships are indeed rare (Cicero 1923, 22). This is true, first and foremost, because those who may properly be termed friends depend primarily on mutual virtue: "Virtue is the parent and preserver of friendship and without virtue friendship cannot exist at all" (Cicero 1923, 20). Virtue, as Cicero teaches elsewhere, is a relatively unusual quality among human beings whose characters are so often corrupted by the pursuit of wealth, power, glory, or sensual pleasure. Why is virtue so crucial to friendship? The reason, he says, is "because virtue cannot attain her highest aims unattended, but only in union and fellowship with another" (1923, 83). As a consequence, friends must stand on an equal footing. "He who looks upon a true friend, looks, as it were, upon a sort of image of himself," Cicero asserts (1923, 23). Friendship is, then, an important—perhaps the most important—social relationship in which virtue may be exercised. In turn, living virtuously is one of key components of a complete and fulfilled human life.

Nor let us forget about the various duties that, as Cicero realizes, each person owes to family members (whether parents, siblings, children, or kinfolk). These many different social relationships—with friends, relatives, country, and mankind—all collectively comprise the human condition. An attempt to escape from any of them equals a flight from our very humanity. As Cicero remarks in passage of *De officiis* that was often quoted in later times: “We are not born for ourselves alone, but our country claims a share of our being, and our friends a share . . . men, too, are born for the sake of men, that they may mutually be able to help one another” (1913, I.22). We must, however, confront the quandary concerning the ordering of these varied obligations, a subject about which Cicero is not entirely clear. In *De finibus*, for example, he offers a developmental account of how myriad relationships emerge, starting with the love of parents toward children and family based on marriage and parenthood, then blood and marital relationships beyond the immediate household, “later friendships, afterwards by the bonds of neighborhood, then to fellow citizens and political allies and comrades, and lastly by embracing the whole of the human race” (Cicero 1931, V.65). In *De officiis*, he proposes a different ranking: “In social relations themselves there are gradations of duty so well defined that it can easily be seen which takes precedence of [*sic*] any other: our first duty is to the immortal gods; our second, to country; our third, to parents; and so on, in a descending scale to the rest” (Cicero 1913, I.60). Yet earlier in the same book, he seemingly advocates another hierarchy: “Parents are dear; dear are children, relatives, friends; but our native land embraces all our loves” (1913, I.57). And in the following paragraph, Cicero now gives pride of place to country and parents equally, then children and family, and finally kinsmen; immediately thereafter, he praises friendship (1913, I.58).

The range of positions Cicero articulates regarding the priority of social relationships certainly seems puzzling, if not incoherent. A plausible way in which to make some sense out of these apparently clashing rank orderings is to refer to his overt contextualism: “In the performance of all these duties we shall have to consider which is most needful in each individual case and what each person can and cannot procure without our help” (1913, I.59). He cites instances in which we might prefer to aid a neighbor rather than a kinsman, and others in which the prioritization might be reversed. He continues, “Such questions as these must be taken into account in *every act* of moral duty, in order to become good calculators of duty, able by adding and subtracting to strike a balance correctly and find out just how much is due to each individual.”¹⁵ There is no absolute judgment that fits all actions all of the time. Not only can duties be overlapping, but they can come into direct discordance. In a follow-up to her original article on “Kant and Stoic Cosmopolitanism,” Nussbaum took note of this and was none too happy:

Cicero proposes a flexible account that recognizes many criteria as pertinent to duties of aid: gratitude, need and dependency, thick association—but which also preserves a role for flexible judgment in adjudicating the claims when they might conflict. We have a great deal of latitude in considering the cases. What is clear, however, is that people outside of our own nation always lose out. They are just that *infinita multitudo* who would drain off all of our resources. (2000, 187)

So maybe, Nussbaum avers, Cicero was not such the cosmopolitan that she had previously supposed. Precisely. While I might dispute her conclusion that denizens of countries not our own would *always* be excluded from our consideration, she does at least acknowledge that Cicero offered no single universal standard for prioritizing diverging duties. We must determine that for ourselves according to context. It does seem reasonable to say that, in most instances, *patria* would take precedence for him—he says as much with regard to friends and even parents.¹⁶ But even in that case, the judgment about which duty to act upon can never be presumed in advance.

It is one matter, however, to say that Cicero's political thought cannot be crammed forcibly into a philosophical box pre-labeled for shipment, and quite another to say that his theory defies characterization of any sort whatsoever. In the introduction to this chapter, I proposed the term "quasi-cosmopolitan" as a more viable descriptor for him than "cosmopolitan" or "republican." Permit me now to explain what I mean. Julia Annas has emphasized how the universalism associated with Stoic philosophy (including that of Cicero) diverges fundamentally from the earlier Greek tradition, represented by someone such as Aristotle. For Aristotle and classical Greek thought generally, the "political" nature of human beings is strictly confined to and expressed in the *polis*. The core unit of association embraced by Aristotelian philosophy resists any attempt to "stretch" it in order to encompass a larger territory such as an empire, let alone humanity as a whole.¹⁷ This constraint is telling. Annas insists that the difference between Aristotelian and Stoic frameworks generates a distinction between what she terms "partialism" as distinguished from "impartialism" (1995, 75, 78). The former refers to the special role played by the *polis* in the development and exercise of the moral virtues. "The *polis*," Annas says, "marks the boundary of moral concern in ways which clearly leaves a number of people unaccounted for. . ." (1995, 77–8). By contrast, the Stoic-inflected view (adopted by Cicero) entails an inclusive perspective. Annas notes that "the main line of Stoic ethics developed in a way that makes serious ethical concern about the *polis* problematic at best. . . . For a Stoic there is nothing *distinctive* about the subset of our relations to others that involve the *polis*" (1995, 77–8). On the basis of Annas's quite perceptive observation, one might reasonably infer that Cicero would never delimit the

responsibilities one owes to others strictly on the basis of one's *polis*. The impartialism associated with Stoicism places him substantially at odds with *polis*-centered partialism.

Yet Cicero, I argue, stands at a remove from the Stoic foregrounding of universalistic impartialism. Nussbaum is perfectly accurate in her initial depiction of the cosmopolitan aspects of Cicero's thought that Kant had identified (and that have been reviewed above). And she is also entirely correct in (even if she is annoyed by) her later realization that Cicero's seeming devotion to a principle of justice that imposes duties toward our fellow human beings without exception must be weighed against other, more localized duties. My point is that Annas's distinction between partialism and impartialism is perhaps too neatly drawn in the case of Cicero. Does he express genuine commitment to the impartialist viewpoint? Absolutely. But for him, at any rate, the embrace of universalism does not preclude consideration of legitimate partialist obligations arising from other social relationships, such as to friends, family, or country. Should we make every possible effort to act toward humanity in general according to the terms of justice set out in accordance with natural law? Assuredly. Does this mean that we must always without exception override other attachments in doing so? No. The consequences of the ineliminable competition and conflict between our obligations leads me to label Cicero's thought "quasi-cosmopolitan" (or "bounded" cosmopolitanism).

Two related questions immediately arise. First, do the terms of Cicero's own theory warrant my characterization? Second, does my challenge to Annas's unqualified division between partialism and impartialism produce a simply incoherent position in the case of Cicero? My answer to the first query is "yes"; my reply to the second is "no." Recall Cicero's twofold definition of justice: it demands of all people that they not only refrain from injuring their fellows, but also that they are obliged to prevent the commission of harm when done by one person to another (even by a stranger to a stranger), to the extent they can do so (Cicero 1913, I.23). There are two features of this definition (as quoted in full above) that are not very often considered. The first is that the justice-based duty to come to the aid of others is qualified by the phrase *si potest*. I think that it has been widely understood on the assumption that there is no necessity to intervene in cases of physical incapacity. I commit no injury if, as a bodily weakling, I do not set myself in opposition to a professional wrestler (gladiator?) who is harming another. I wonder, however, whether *si potest* may be given a wider reading than this. Specifically, there may be times when I cannot prevent the occurrence of injustice on account of other, countervailing duties, say to my family or even to my country. What might this mean? If by taking a chance in opposing a brute and thus reasonably risking my own beat-down I am also putting my family or a friend in harm's way, then Cicero's condition would apply, to the extent

that I judge myself to have an overriding responsibility toward them as well. Similarly, if by exposing myself to peril I endanger an obligation to my *patria* (say, failing to appear as required at the scene of a military battle), then the *si potest* clause might plausibly apply.

This coincides with the second, commonly overlooked element of the passage, namely, that refraining from the defense of an innocent is “as if one deserted his parents or friends or country.” This perhaps suggests that the stranger should be treated as on par morally with those close to me. I am bound to protect him as though he were my kith and kin. But it also implies the reverse: that I have just as great an obligation to parents, friends, and country as I do to the person directly threatened with harm. If this is so, then no implication exists that I must *always* protect them either. My decision to act or not to act to safeguard them will also depend upon how I am positioned. For example, if officials show up to arrest my friend or my father on some serious charge, I am not duty-bound to step in and shield him because he is in danger. The point here is that Cicero tells us quite clearly that intervening of behalf of a stranger in jeopardy requires the same judgment as in the case of our nearest and dearest (including our country). *Si potest* may be understood as far more than legitimating a moral release from placing oneself in physical peril.

I concentrate on these lesser investigated elements of Cicero’s theory of justice in order to highlight the limitations that he imposes on both its impartialist and partialist aspects. My duties to humanity and to individual members thereof may be extensive, but they are not absolute; they must be tempered in recognition of other considerations. The same is true, however, of what is owed to those others with whom I have relationships of a more specific sort. No duty is so unconditional that it cannot be overridden under appropriate circumstances. To take one final hypothetical, suppose the person committing undoubted injury is my father or friend, or that the state is clearly harming someone near to me in a purely arbitrary fashion. In such instances, there should be no question about what justice requires. Cicero’s sensibilities are truly cosmopolitan. They are just not cosmopolitan without reference to limit or circumstance. In this regard, he stakes out the perfectly intelligible position of quasi-cosmopolitanism.

NOTES

1. Even one of Cicero’s earliest advocates in the renaissance of his thought, Neal Wood (1988, 11) says as much.

2. See Kapust (2017, 705–719). A sampling of books reflecting the renewal of interest in Cicero includes: Powell (1995), Powell and North (2001), Radford (2002), Steel (2002), May (2002), Harries (2006), Fox (2007), Connolly (2007), Hammer (2008), Baraz (2012), Nicgorski (2012), Steel (2013), Atkins (2013), Hammer (2014),

26–94, Zarecki (2014), Maso (2015), Woolf (2015), Du Plessis (2016), Nicgorski (2016), Remer (2017), and Smith (2018).

3. On the wider background to cosmopolitanism, see Heater 1996. Also very useful is Dockstader (forthcoming).

4. English translations of these works are found in the collection of Kant 1991.

5. Nussbaum (1997, 1–25). She had already been moving toward this position in her essays contained in Nussbaum (1996, 2–17, 131–144, esp. 133–134).

6. Cicero 1913, I.149; see also III.52–53.

7. A useful overview of contemporary republican theory is Honohan (2002).

8. Pettit (1999, 19). Indeed, elsewhere he remarks even more emphatically about the Roman tradition that “its greatest exponent was Cicero” (1993, 308). Also see Viroli (2002, 86, 106–107); Skinner (1992, 300–303).

9. Kwak (2017, 436–449). The following paragraph summarizes 441–442.

10. See Kennedy (2014, 488–501) and Atkins (2018b, 756–773).

11. An attempt to underscore this point in a manner relevant to the current discussion is Pangle (1998, 235–262).

12. A thorough survey of Ciceronian reliance on New Academic skepticism is Nicgorski (2016).

13. Márquez moves along comparable lines, but to an effect very different from mine (2012, 181–211).

14. For example, see Cicero 1928b, I.34, 49; Cicero 1931, II.72, 78–9; Cicero 1933b, I.22.

15. Cicero 1913, I.59; italics mine.

16. See Cicero 1933a, 39–40; Cicero 1913, III.43, III.90; Cicero 1928a I.frag2.

17. Despite attempts to the contrary by Weinman (2016, 59–71) and Dietz (2012, 375–391).

REFERENCES

- Annas, Julia. 1995. “Aristotelian Political Theory in the Hellenistic Period,” in *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy*, ed. André Laks and Malcolm Schofield, 74–94. Cambridge: Cambridge University Press.
- Atkins, Jed W. 2013. *Cicero on Politics and the Limits of Reason: The Republic and the Laws*. Cambridge: Cambridge University Press.
- Atkins, Jed W. 2018a. *Roman Political Thought*. Cambridge: Cambridge University Press.
- Atkins, Jed W. 2018b. “Non-Domination and the *libera res publica* in Cicero’s Republicanism,” *History of European Ideas* 44, 756–773.
- Baraz, Yelena. 2012. *A Written Republic: Cicero’s Philosophical Politics*. Princeton: Princeton University Press.
- Brown, Garrett Wallace. 2008. “Moving from Cosmopolitan Legal Theory to Legal Practice: Models of Cosmopolitan Law,” *Legal Studies* 28, 430–451.
- Cicero. 1913. *De officiis*, ed. Walter Miller. Cambridge, MA: Harvard University Press.
- Cicero. 1923. *De amicitia*, ed. William Armistead Falconer. Cambridge, MA: Harvard University Press.

- Cicero. 1928. *De re publica; De legibus*, ed. C.W. Keyes. Cambridge, MA: Harvard University Press.
- Cicero. 1931. *De finibus bonorum et malorum*, ed. H. Rackham. Cambridge, MA: Harvard University Press.
- Cicero. 1933a. *Academica*, ed. H. Rackham. Cambridge, MA: Harvard University Press.
- Cicero. 1933b. *De natura deorum*, ed. H. Rackham. Cambridge, MA: Harvard University Press.
- Cicero. 1942. *De orator*, ed. E.W. Sutton and H. Rackham. Cambridge, MA: Harvard University Press.
- Cicero. 1945. *Tusculanarum disputationum*, ed. J.E. King, revised edition. Cambridge, MA: Harvard University Press.
- Cicero. 1949. *De inventione; De optimo genere oratorum*, ed. H.M. Hubbell. Cambridge, MA: Harvard University Press.
- Connolly, Joy. 2007. *The State of Speech: Rhetoric and Political Thought in Ancient Rome*. Princeton: Princeton University Press.
- Dietz, Mary G. 2012. "Between Polis and Empire: Aristotle's *Politics*," *American Political Science Review* 106, 375–393.
- Dockstader, Jason. (forthcoming). "Cynic Cosmopolitanism," *European Journal of Political Theory*.
- Du Plessis, Paul J., ed. 2018. *Cicero's Law: Rethinking Roman Law of the Late Republic*. Manchester: Manchester University Press.
- Fox, Matthew. 2007. *Cicero's Philosophy of History*. Oxford: Oxford University Press.
- Hammer, Dean. 2008. *Roman Political Thought and the Modern Theoretical Imagination*. Norman: University of Oklahoma Press.
- Hammer, Dean. 2014. *Roman Political Thought: From Cicero to Augustine*, 26–94. Cambridge: Cambridge University Press.
- Harries, Jill. 2006. *Cicero and the Jurists: From Citizens' Law to the Lawful State*. London: Duckworth.
- Heater, Derek. 1996. *World Citizenship and Government: Cosmopolitan Ideas in the History of Western Political Thought*. New York: Palgrave/Macmillan.
- Honohan, Iseult. 2002. *Civic Republicanism*. London: Routledge.
- Kant, Immanuel. 1991. *Kant's Political Writings*, ed. Hans Reiss, revised edition. Cambridge: Cambridge University Press.
- Kapust, Daniel. 2017. "Ecce Romani," *Political Theory* 45, 705–719.
- Kellow, Geoffrey C. and Neven Leddy, eds. 2016. *On Civic Republicanism: Ancient Lessons for Global Politics*. Toronto: University of Toronto Press.
- Kennedy, Geoff. 2014. "Cicero, Roman Republicanism and the Contested Meaning of *Libertas*," *Political Studies* 62, 488–501.
- Kwak, Jun-Hyeok. 2017. "Republican Patriotism and Machiavelli's Republicanism," *Australian Journal of Political Science* 52, 436–449.
- Márquez, Xavier. 2012. "Between *Urbs* and *Orbis*: Cicero's Conception of the Political Community," in *Cicero's Practical Philosophy*, ed. Walter Nicgorski, 181–211. Notre Dame: University of Notre Dame Press.
- Maso, Stefano. 2015. *Grasp and Dissent: Cicero and Epicurean Philosophy*. Turnhout: Brepols.

- May, James M., ed. 2002. *Brill's Companion to Cicero*. Leiden: Brill.
- Nicorski, Walter. 2016. *Cicero's Skepticism and His Recovery of Political Philosophy*. New York: Palgrave Macmillan.
- Nicorski, Walter, ed. 2012. *Cicero's Practical Philosophy*. Notre Dame: University of Notre Dame Press.
- Nussbaum, Martha. 2000. "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *Journal of Political Philosophy* 8, 176–206.
- Nussbaum, Martha. 1996. "Patriotism and Cosmopolitanism" and "Reply," in *For Love of Country: Debating the Limits of Patriotism*, ed. Martha Nussbaum with Respondents, 2–17, 131–144. Boston: Beacon Press.
- Nussbaum, Martha. 1997. "Kant and Cosmopolitan Stoicism," *Journal of Political Philosophy* 5, 1–25.
- Pangle, Thomas L. 1998. "Socratic Cosmopolitanism: Cicero's Critique and Transformation of the Stoic Ideal," *Canadian Journal of Political Science* 3, 235–262.
- Pettit, Philip. 1994. *The Common Mind*. Oxford: Oxford University Press.
- Pettit, Philip. 1999. *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press.
- Powell, J.G.F., ed. 1995. *Cicero the Philosopher*. Oxford: Oxford University Press, 1995.
- Powell, J.G.F. and J.A. North, eds. 2002. *Cicero's Republic*. London: Institute of Classical Studies.
- Radford, Robert T. 2002. *Cicero: A Study in the Origins of Republican Philosophy*. Amsterdam: Rodopi.
- Remer, Gary. 2017. *Ethics and the Orator: Political Morality and the Ciceronian Tradition*. Chicago: University of Chicago Press.
- Skinner, Quentin. 1992. "The Republican Ideal of Political Liberty," in *Marchiavelli and Republicanism*, eds. Gisela Bock, Quentin Skinner and Maurizio Viroli, 293–309. Cambridge: Cambridge University Press.
- Smith, Gregory Bruce. 2018. *Political Philosophy and the Republican Future: Reconsidering Cicero*. Notre Dame: Notre Dame University Press.
- Steel, Catherine. 2002. *Cicero, Rhetoric, and Empire*. Oxford: Oxford University Press.
- Steel, Catherine, ed. 2013. *The Cambridge Companion to Cicero*. Cambridge: Cambridge University Press.
- Viroli, Maurizio. 2002. *Republicanism*, trans. Antony Shuggar. New York: Wang and Hill.
- Weinman, Michael. 2016. "Living Well and the Promise of Cosmopolitan Identity: Aristotle's *Ergon* and Contemporary Civic Republicanism," in *On Civic Republicanism: Ancient Lessons for Global Politics*, eds. Geoffrey C. Kellow and Neven Leddy, 59–71. Toronto: University of Toronto Press.
- Wood, Neal. 1988. *Cicero's Social and Political Thought*. Berkeley: University of California Press, 1988.
- Woolf, Raphael. 2015. *Cicero: The Philosophy of a Roman Sceptic*. London: Routledge.
- Zarecki, Jonathan. 2014. *Cicero's Ideal Statesman in Theory and Practice*. London: Bloomsbury Academic.

Chapter 2

Johannes Althusius's Cosmopolitan Defense of Local Politics

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INTRODUCTION

Searching for early modern roots of contemporary political concepts is both a popular and attractive scholarly activity. The origins of liberalism, secularism, and individualism have provided ample fodder for scholars intent on locating the origins of modernity in the supposedly seminal pre-1700 period, for example. The concept of cosmopolitanism is no exception in this regard. As discussed in other chapters of this volume, the ancient roots of the idea are contested, particularly in relation to the figure of Cicero (106 BC–43 BC) (Pangle 2011, 1998; Sellars 2007, 1–4; Nussbaum 1997). Seneca (4 BC–65), a Roman Stoic from the first century AD, differentiates between the natural and cosmic forms of citizenship, with a preference for the latter (Seneca 2005, 224). Marcus Aurelius (121–180) is another Roman exemplar of the belief in the primacy of cosmic citizenship over the temporal citizenship of the city (Marcus Aurelius 2013, 18, 21). But what then? Once the ancients have been considered, to where do we next turn to understand the history of cosmopolitan ideas? The usual practice, it seems, is to take a monumental leap from Cicero and his compatriots and alight at the feet of Immanuel Kant (1724–1804), passing deftly over the medieval and early modern periods in the process.

Of course, not everyone makes this leap. Martha Nussbaum considers aspects of Hugo Grotius's (1583–1645) thought that are congenial to the development of the cosmopolitan ideal in her recent work (2019, 97–140). Indeed, Grotius is an essential part of Nussbaum's genealogy of cosmopolitanism, and Kant is not (2019, 8). But this approach is an exception to the rule, according to which Cicero, the Stoa, and Kant dominate the narrative. Does this approach allow for a proper assessment of medieval and early

modern voices? The influence of the Stoa on Kant's own cosmopolitanism (Nussbaum 1997; Ulrich 2009; Tihanov 2011) and his thought more generally (Reich 1939) is relatively well documented. Given Kant's paradigmatic role in shaping modern ideas, the interest in his direct influences is understandable. However, as Leigh Penman has argued, glossing over the early modern period results in a distorted view of the history and nature of the cosmopolitan claim (Penman 2015, 285–7). Even those who do not overlook the period tend toward a misreading of the early modern concept's center of gravity, perhaps mistaking it for a purely secular, temporal—dare we say “Kantian”—idea (e.g., Jacob 2006, 5–40). As Penman has convincingly shown, we do not only find a temporally focused cosmopolitanism in the early modern period, but also a Christian cosmopolitanism; a cosmopolitan ideal couched in the Pauline understanding of heavenly citizenship and anchored in the concept of a Christian civilization (Penman 2015, 286–7).

Given that we are interested in both political thought and in possible precursors to Kant, it would seem useful to identify a thinker who has some things in common with the Königsberg Professor, who was a Christian, and who might have theorized about the idea of a universal empire. One figure who fits this admittedly broad description is the German jurist, Johannes Althusius (1563–1638). The relation to Kant might appear dubious. However, there are some formal similarities in their political theories. As we shall see below, both Althusius and Kant understood relations between political communities properly to be regulated in federative terms. Althusius understood that many lower forms of political body could come together to form a “universal association,” which he described as “an imperium, realm [or] commonwealth” (Althusius 1995, 66).¹ This imperium was constituted federally (19:7)—an idea which, as we shall explain below, bears some similarity to Kant's conception of a federation of free states. The presence of this type of association in Althusius's political thought gives rise to the question, therefore, of the extent to which he entertained cosmopolitan ideas. These aspects of similarity provide some basis for investigating Althusius as a possible forerunner to modern cosmopolitanism. Althusius also had access to the Christian theological elements of the kind of cosmopolitanism Penman has identified.

These factors make Althusius an interesting case study as we consider the presence of cosmopolitan ideas in early modern political thought. They also allow us to consider, following Galin Tihanov's discursive approach to the question, whether Althusius's particular engagement in cosmopolitan ideas are evidence that he was theorizing a “recalibration of the polis” (2011, 134). Ultimately, we will see that Althusius is an example of the difficulty of identifying cosmopolitan political theorists in the early modern period. The idea of world citizenship is difficult to reconcile with the political and religious conditions of the period, and even those thinkers (such as Althusius) who

show tendencies toward political conceptions of the cosmopolis remain distant from the kind of political theory discussed later in this volume. Some of the dynamics behind this will be unpacked in the remainder of this chapter as we explore the ideas and context of Althusius.

In this chapter, we begin with a working definition of cosmopolitanism, drawn from the various ancient, medieval, and early modern sources. Only with a clear definition in mind are we in a position to assess Althusius's possible contribution. This we approach in two ways. First, we offer an overview of the medieval and early modern context of Althusius's thought—conceived as a means of examining the external evidence for cosmopolitan ideas in Althusius's writings (Section III). Second, we turn to the internal evidence for cosmopolitanism in the details of Althusius political writings (Section IV). Here we closely examine the elements on his thought related to cosmopolitanism, focusing on his theory of the universal political “fellowship”, his political anthropology, and his theory of federalism. Finally, we conclude that, while he was exposed to certain important threads of cosmopolitan thought, and although he wrote in a way that appears to have been cognisant of its attractions, Althusius remained just as much a theorist of the local and provincial, as he was a proponent of the universal and imperial. This suggests an important similarity between Althusius's views and certain elements of Stoic and Stoic-influenced thought evident in Cicero and especially the lesser known Neo-Stoic Hierocles (Section IV).

COSMOPOLITANISM IN THE EARLY MODERN HOLY ROMAN EMPIRE

Conceptions of the Cosmopolis

At its origin, cosmopolitan thought is an extension of citizenship beyond the confines of the city (*polis*). “I am a citizen of the world (*kosmopolitēs*),” said Diogenes of Sinope. Plutarch understood the teaching of Zeno to be that our lives should not revolve around our membership of a particular city or deme, but that we should “regard all human beings as our fellow demesmen and fellow citizens.” Cicero and Hierocles understood the individual self to be surrounded by a series of concentric circles constituted by one's immediate family, extended relatives, members of the same deme, tribe, and city, those of neighboring cities, and ultimately the entire human race (Miller 1913, 56–61; Ramelli and Konstan 2009, lv–lvi, lxxix, 90–91, 125–7). As Nussbaum points out, these ideas were primarily philosophical, and even imaginary; they did not necessarily imply a world state, but were compatible with local forms of political organization (1997, 6). Nonetheless, they

reached their most developed form in the circumstances of empire, and it was an emperor, Marcus Aurelius, who was one of the most articulate proponents of the cosmopolitan ideal.

The great medieval theorist of empire was, of course, Dante Alighieri (c. 1265–1321), who argued on Aristotelian grounds for the primacy of universal, unitary empire ruled comprehensively by a Holy Roman monarch (Kantorowicz 2016, 451–64; Watt 1988, 411–13). As Derek Heater points out (1996, 37), Dante’s *De Monarchia* (possibly composed 1312–1313) was the first, “indeed, . . . the only work of stature in the history of political theory” which systematized the idea of world government. However, the other significant aspect of cosmopolitan thought—the idea of the *kosmopolitē* or citizen of the world—does not appear in the Italian poet’s work in any meaningful way. In *Monarchia*, Dante’s primary concern is to address the primary question of debate in medieval political thought: the relationship between papal and imperial power (Prue Shaw, [*Monarchia* Intro], 1996, xi; Richard Kay 1992). Dante sides with the Emperor, basing the primacy of his political authority on Aristotelian, biblical, and historical reasoning. Despite the many strands of argument that this entailed, Dante’s case for unitary empire boiled down to the proposition that “for mankind to be in its ideal state there must be a monarch in the world” (Dante 1996, 26). The driving motivation is not world citizenship nor heavenly citizenship. In his imperial theory, the cosmos motif envisages an order of being that is impelled by “a single source of motion,” with the implication that the “ideal state” ought to be “guided by a single ruler . . . in accordance with a single law” (Dante 1996, 13). Dante’s interest in political unity was thus focused on unitary political authority rather than common citizenship.

Of course, the European Reformations made Dante’s hopes for political unity seem like fantasy. The tearing asunder of so many parts of the European church led to tremendous confessional and political conflict. Besides the religious and geopolitical factors working against visions of a unified humanity, the cosmopolitan empire of Dante’s dreams was not a popular intellectual or political preoccupation (Heater 1996, 48). Still, the cosmopolitan idea did not entirely disappear. Some scholars, such as Margaret Jacob, see it resurfacing in a significant way in the middle of the seventeenth century (Jacob 2006). However, Jacob’s focus is limited to the social behaviors and intellectual dispositions of certain classes of people (e.g., merchants, scholars, political radicals) who mixed personally and professionally with those beyond their ethnic and confessional circle. Jacob calls this the “cosmopolitan effect” (Jacob 2006, 2–6). Others identify different signs of cosmopolitanism. Penman, for example, notes the presence of a “Christian core” in late fifteenth century cosmopolitanisms underwritten by an “eschatological teleology . . . which projected the imminent triumph of Christianity in the mundane world”

(2015, 287). Heater, on the other hand, looks to the rejuvenation of Stoic thought during the Renaissance as contributing to a brief revival of the ideal, combined with invigorated theories of Christian empire (1996, 48–59).

It is the Christian and Stoic influences that are of interest for our purposes, in part because both of these are evident in the milieu and writings of Althusius. A letter from the humanist reformer, Desiderius Erasmus (1466–1536) to the Zurich-based Swiss reformer Huldrych Zwingli (1484–1531) dated from 1522 displays some of the key markers of this particular kind of Christian cosmopolitanism. Writes Erasmus:

I am most grateful to you and your city for your kindly [offer of citizenship]. My own wish is to be a citizen of the world, to be a fellow-citizen to all men—a pilgrim better still. If only I might have the happiness of being enrolled in the city of heaven! (1989, 185)

The desire to be a citizen of “the world” rather than a citizen of Zurich is combined with the idea of being a pilgrim on the way to the “city of heaven.” The pilgrim motif has obvious religious and Augustinian overtones (Penman 2015, 292). Heater also identifies Erasmus as expressing certain characteristically Stoic ideas about universal brotherhood (1996, 49). These Christian and Roman influences were easily combined. A similar mix can be found in the works of the humanist Justus Lipsius (1547–1606). Lipsius lived in a similar region to Althusius during the final years of his life and his works on Stoic thought were widely read at the time. Indeed, Lipsius is regularly cited in the 1614 edition of Althusius’s *Politica Methodice Digesta (Politics Methodically Set Forth)*. Lipsius’s *De constantia libri duo* (1583) contains numerous Stoic refrains about world citizenship and it seems likely, given his knowledge of Lipsius’s other works, that Althusius would have read it. For example, when discussing attitudes toward the waging of wars in the remote regions of the world, he writes: “Are not those men of the same offspring, with thee come? Live they not under the same vault of heaven, and on the same Earth’s face? . . . the World thy Country is” (Lipsius 1586, 13).² Here, Lipsius attacks the idea of patriotism and redefines citizenship in terms of a Christian-Stoic vision of a common humanity (Sierhuis 2013, 48; Sellars 2017, 2).

Althusius’s Reformed Protestant subculture was another possible avenue of Stoic cosmopolitan influence. Stoicism was a prominent presence in the Reformed intellectual and cultural milieu during the sixteenth and seventeenth centuries. Its influence was subtle but pronounced. A key example is seen in the French reformer John Calvin (1509–1564), one of the key originators of the Reformed Protestant tradition. Calvin was a scholar of Stoic philosophy and heavily influenced by their writings (Leithart 1990; Leithart 1993; Sellars 2017, 9–10). His first published work was a commentary on Seneca’s *De clementia*

(1532). Like Calvin, Althusius was also directly affected in his political thought by Stoic thinkers, especially Cicero and Seneca, who both appear numerous times at key points in the footnotes to his 1614 edition of *Politica*.

The purpose of this brief survey is to illustrate the intellectual environment in which Althusius might have adopted, or at least encountered, cosmopolitan ideas. The most important medieval influence was the Imperial vision which Dante advocated in his *Monarchia*, a vision which was focused more on political unity than cosmopolitan citizenship. This was eventually superseded, however, by a more eschatologically driven cosmopolitanism which, in some cases, was fused with a Stoic vision of the common unity of humankind. These Stoic and Christian cosmopolitan influences were present and readily accessible to thinkers like Althusius. Indeed, Althusius had at his disposal more than one avenue into cosmopolitan thought, given that he was a leading Reformed Protestant thinker who would have been familiar with the Pauline heavenly citizenship trope, and he was someone who read and quoted Lipsius and the Stoics. The question before us is therefore this: did Althusius adopt any aspects of the kinds of cosmopolitanism that were available to him? The answer to this question will offer us something of a window into the presence, or lack thereof, of cosmopolitan political ideas during the early modern period. To move us toward an answer, we will now look at Althusius's more direct sociopolitical context as well as his life.

Althusius's Sociopolitical Context

Johannes Althusius was born in Witgenstein-Berleburg, in the Holy Roman Empire, in 1563, eight years after the Treaty of Augsburg. The Treaty, among other things, conferred upon territorial rulers the legal capacity to determine the confessional allegiance of their territory (Whaley 2011, 334). Althusius's home county was known to be Reformed Protestant, even though the Reformed faith did not have legal standing in the empire at that time, a fact which did not prevent Althusius from receiving an excellent education. He is known to have studied at Cologne, Basle and then Geneva, where he forged connections with key Reformed thinkers, such as the theologian Johann Grynaeus (1540–1617), French Huguenot jurists Denis Godefroy (1549–1622), and Francis Hotman (1524–1590) (Friedrich 1932, xxiv–xxv; Carney 1960, 12–13). The latter figures no doubt had some influence on the shape and content of his first published work, *De jurisprudentiae Romanae* (1586), which appeared in the same year Althusius received his doctorate in law from Basle (Grabill 2013, xx). His studies and connections afforded him exposure to the ideas that would shape his thought, with Aristotle, Calvin, and various expressions of Reformed jurisprudence making their mark.

In 1586, Althusius was appointed to the faculty of the Herborn Academy. The Academy was one of the fruits of what has become known as the

“Second Reformation” (Schilling 1992, 247–50; Hotson 2000, 18–24). It was founded by Johan VI, the Count of Nassau-Dillenburg, in 1584. Althusius’s time at Herborn Academy corresponded with a period of remarkable confessional consolidation. Around the time the Academy was founded, the Count restructured the administrative, legal, and ecclesiastical institutions in Nassau-Dillenburg in order to reform the civil government, the church, and the lives of the entire population (Hotson 2000, 1–65; Hotson 2002, 260–61). The Academy was to provide the pedagogical means to achieve this reform in a comprehensive fashion (Hotson 2002, 261). Herborn was thus both a result of, and a tool for, Reformed Protestant reformation. It was in this confessional academic context that Althusius’s ideas about law and political theory were further formed and consolidated.

The Herborn confessional environment also framed Althusius’s primary text, his *Politica methodice digesta* (herein *Politica*). The first edition of the *Politica* was published in Herborn in 1603 (Althusius 1603). Two more expanded editions followed, a matter we will come to soon. However, we should first address the common claim that Althusius’s *Politica* represents a tract of resistance theory (Skinner 1978, 341; McCulloch 2006; Baker 1993, 38; cf. Friedeberg 1998, 20). This is not an unreasonable characterization, as David Henreckson’s recent analysis of the resistance-theory elements of *Politica* demonstrates (Henreckson 2019, 156–8). However, Henreckson’s analysis also demonstrates that this is not the overwhelming thrust of the work (Henreckson 2019, 127–60). Nonetheless, the evidence against framing *Politica* as a resistance tract also counts against looking at the *Politica* as a source of early modern political cosmopolitanism. Robert von Friedeberg has argued that, rather than read *Politica* as an abstract expression of political theory, we should understand it as linked closely with the administrative and political aims of the confessional state (Friedeberg 2006, 167–73; Hotson 2002). There are parochial concerns at the forefront of Althusius’s political theorizing, even if his theoretical vision is on a large scale. Howard Hotson, in an argument complementary to Friedeberg’s, asserts that *Politica*, at least in its early form, must be understood as a student textbook rather than a revolutionary tract or handbook (Hotson 2002, 252–3; Friedeberg 2006, 161). While the Reformed Protestants, like those in Nassau-Dillenburg, had a minority status in the empire, the Count would hardly have encouraged his intelligentsia to develop theories of civil resistance which could just as easily be used against him as any other ruler. Doctrines of contract had “radical . . . connotations for Nassau’s foreign-political relations” but at a local level served to “encourage the active co-operation of the people with the ruler” (Hotson 2002, 252).

Does this context provide a plausible location for cosmopolitan ideas to be expressed? It appears that Althusius’s early political thought was bound, to an extent, to the interests that the Herborn Academy was intended to serve:

those of the Nassau-Dillenburg polity. This, perhaps, makes it all the more interesting that Althusius's method was broad in outlook. John Witte rightly argues that Althusius, while being distinctly Reformed, adopted a very eclectic, ecumenical method in his writings. His theories of natural law and politics were designed, through their use of a vast range of sources across the confessional and historical spheres, to "produce a new concordance" in a world of confessional strife in order to "transcend differences of creed, country and custom" (Witte 2009, 64; Witte 2018). This matches what Ian Hunter observes about Reformed territories like Nassau-Dillenburg during this time: philosophers and jurists like Althusius were "permitted . . . to draw on a more heterogeneous and heterodox array of philosophical styles than their Catholic counterparts" (Hunter 2006: 51). As Witte shows, the purpose of this somewhat cosmopolitan method was not to generate a "cosmopolitan" political theory—there was no "cosmopolitan effect" in play here—but to appeal to a multiconfessional readership for purposes of legitimizing Althusius's parochial concerns at Herborn.

However, a change of context may have affected Althusius's outlook. The year following *Politica's* publication in 1603, Althusius moved to the northern city of Emden to take up a new position. He was appointed by the City Council and Assembly to lead the city's legal and political administration, a role he played until his death in 1638 (Friedrich 1964, xxxii–xxxiii). It is the politically charged context of Emden, itself a Reformed hold-out in a Lutheran province, that frames the expanded editions of *Politica* (cf Henreckson 2019, 152–3). Thomas Hueglin illustrates this dynamic well when he notes that Althusius was the primary instigator in the house-arrest of the "city's provincial lord, the count of Eastern Frisia" during a dispute over provincial taxation obligations (Hueglin 1999, 15). It is notable, then, that the 1614 edition of *Politica*, which scholars use today, was published during this period in an expanded format. Althusius also published at this time an enormous treatise on law, entitled *Dicaeologicae libri tres, et universum Jus, quo utimur, methodice complectentes (Theory of Justice in Three Books)* (1617). However, our interest is primarily in the *Politica*, because it is in this text that Althusius discusses his theory of a universal political body.

FELLOWSHIP AND COVENANT: THE MAKING OF A PEOPLE IN ALTHUSIUS

The First Principles of Political Fellowship

For Althusius, politics is about *consociatio*, and it is the art of *consociandi* (1:1, 17). That is, politics is the art "political fellowship" (Kennedy 2019; Henreckson 2019, 135–37). People join in political fellowship for the purpose

of happy, just, commodious, and holy “symbiosis” (1:3, 17). People live together in a political community to make a social life and to conserve that social life (*vitam socialem ... conservandam*) (1:1). In a clear allusion to Aristotle, Althusius then writes that “in living this life, no man is αὐτάρκης (self-sufficient)” (1:3, 17). Individual human beings cannot provide for all of their own needs if they live alone. The individual “is unable,” writes Althusius, “to help himself without the intervention and assistance of another” (1:4, 17). Even if an adult was to find himself in such a situation, Althusius holds that he could not supply everything needed for a “comfortable and holy life” (1:4, 17).

While there are a number of categories of political fellowship in Althusius's political thought. At a very basic level, there are two kinds: “simple and private,” and “mixed and public” (2:1, 27). The first category, simple and private, contains two specific forms of political fellowship: the family and the collegium. The second category consists of the city, province, and commonwealth. We will briefly explore how Althusius explains the basic nature of these to better understand his conception of political life. Private political fellowships are formed by symbiotes themselves and are constituted by a “special pact” (*speciali pacto*) (2:2; 2:5; 4:8). The symbiotes form private political fellowships, through *pacta* because they hold some interest in common (2:2). Families and kinship political fellowships are natural and are described by Althusius as “the school of public political fellowships” (2:42, own translation). On the other hand, *collegia* are civil, voluntary, and dissoluble (4:2–3). Althusius describes the public political fellowship as a development from the private one. “The public political fellowship exists when many private political fellowships are linked together” (5:1, own translation). For example, the city is made up of families and *collegia* living in one place under civil laws (5:8). It exists in perpetuity if there are one or more people living in it. The city is itself grounded in the *ius gentium*, which is equivalent to the natural law for Althusius; it is not “altered by the change of individual persons” (5:3–4, own translation).³ In short, the private, natural political fellowship of the family is the basis for politics in Althusius's thinking. All political life is built upon the natural fellowship of the family.

These private political fellowships are unable to be self-sufficient, however, without the larger public structures of city, province, and the universal public fellowship. The city is defined by Althusius as a political fellowship “composed of many families and *collegia* living in the same place” (5:8, 40). In other words, the city is made up of multiple private political fellowships, and forms a kind of representative person (5:8, 40; Alvarado 2018, 34). There can be different kinds of cities, ruled by different superiors (6:1–6, 46), and all cities are said by Althusius to have distinct juridical and cultural features, which are shared by the inhabitants but not with outsiders (6:39–41). Citizenship

pertains to the city, and citizens are sharply distinguished from aliens and outsiders (5:11, 40), for citizens “enjoy the same laws, the same religion, and the same language” and so forth (6:39–48). The province, like the city, is a union of different fellowships under one *ius* (right), and exists to facilitate the communication of that right (7:1–3, 51). The provincial political fellowship “contains within its territory many villages, towns, outposts, and cities” (7:1, 51). The final layer of political fellowship is the universal *consociato*, a political fellowship which is “an imperium, realm, commonwealth, and people” (9:3, 66). It is made up of multiple provincial *consociationes*, “united in one body by the agreement (*consensus*) of many symbiotic [political fellowships] and particular bodies and brought together under one right” (9:3, 61). These political fellowships “obligate themselves to hold, organize, use, and defend, through their common energies and expenditures, the right of the realm (*ius regni*)” (9:1, 66). The universal political fellowship is ruled by a supreme magistrate who, supported and regulated by “ephors” (chapter 19), enters into a “contractual mandate” with the “associated members or bodies of the realm” to administer the rights of the universal fellowship (19:1–8, 121).

The basic thrust of Althusius’s conception of political life is that symbiotic fellowship requires the mutual communication of right (*ius*) between political fellowships. Each level of fellowship is mutually reliant on the others for its viability, an idea founded on, and analogous to, what Nico Vorster has called a “symbiotic anthropology” (Vorster 2015). Althusius questions the felicity of people living as hermits, for “how can they promote the advantage of their neighbour unless they live in society?” (1:25, own translation). It is, therefore, a presupposition of Althusius’s that people are required in some way to serve the common good of their fellows, and that being in society is necessary to achieve this. This interconnected political anthropology plays out in similar fashion with regard to his jurisprudence and political science. The private political fellowships of family and collegium rely on the right functioning of the public fellowships of the city and province. Likewise, the public political fellowships would not exist or have any reason to function if it were not to support the private political fellowships. It seems, therefore, that the essential *locus* of Althusius’s political theory is toward the small and the local.

However, the presence of the universal fellowship in Althusius’s schema presents an intriguing prospect for scholars seeking evidence of a kind of cosmopolitan political theory in his thought. This sense is only further strengthened by the presence of the federalist conception of relations between the political fellowships. Two important questions spring from these observations. First, what is the nature of the federalism in Althusius’s thought and how is citizenship understood in this context? Is it conceived in local-parochial, regional-provincial, or universal-imperial terms? This is

relevant, insofar as Kant's cosmopolitan theory is, in part, based on a kind of federalism. A second, related, question is: what is Althusius's understanding of sovereignty and where does it lie: is it located at the local, provincial, or universal level? Answering these questions will help us further assess Althusius's compatibility with cosmopolitan thought, thereby giving us a sense of the place of cosmopolitanism in early modern political thought. To address them, it is necessary to consider Althusius's covenantal-federalist theory in the light of Kant's cosmopolitanism.

Covenantal-Federalist Theory of Politics

Kant's conception of cosmopolitan political structure centers on a federation of free states. It is through this federalist theory of international politics that Kant sets the tone for modern political theory discourse on cosmopolitanism, which tends to focus on a cosmopolitan world order (Tihanov 2011, 136). In his *Perpetual Peace*, published in 1795, Kant sought to frame the conditions and structures that would pertain to a world order where peace would exist between nations. Kant's first condition of world peace is that every state shall be republican, as the decision for a republican state to go to war would fall on the people and they would be hesitant to bear the burden of such a war (Kant 1991, 99–100). The second condition is that “the right of nations” will be upheld by “a league of peace (*foedus pacificum*)” (Kant 1991, 102). The third is that ‘Cosmopolitan Right’ shall be marked by a general principle of “Universal Hospitality,” which amounts to people not being treated with hostility if they move between nations (Kant 1991, 105–6). It is the second condition of peace, that of a federation of free states, that is of greatest interest to us, given that the crossover between Kant and Althusius lies most clearly in their federalism.

Unlike the Stoics, Kant has a more pessimistic “Augustinian” view of human nature (Nussbaum 1997, 18–19). He proposes that nation-state relations are typically characterized by the same enmity as that of individuals living outside of a civil order. It is a Hobbesian-like “state of nature, independent of external laws” (Kant 1991, 102). Reason, “the highest legislative moral power,” demands peace, despite the fact that no coercive power external to a state can demand the same (Kant 1991, 102; Werner and Gordon 2016, 514). The only way to overcome this state of nature, which is a state of war, is for states to join freely together in a federation. The solution, for Kant, is a *foedus pacificum*, a “pacific federation,” which would “seek to end all wars for good” by preserving and securing “the freedom of each state in itself, along with that of the other confederated states” (Kant 1991, 102). The federated states enter the legal arrangement whereby they freely subject themselves to the law of peace while outlawing war (Werner and Gordon 2016, 514).

Kant's cosmopolitan federalism differs from some contemporary Kantian theorists who would call for the establishment of a world community under a regime of universal human rights, and perhaps even a global state in which individual citizens, rather than nations, are the essential constituents (cf. Benhabib 2006; Domingo 2010, 2018; Aroney 2020). Kant does not go this far however, persisting with the concept of independent free states, and in this respect retaining some continuity with past thinkers, including those like Althusius, who have federal conceptions of a collection of variegated, independent polities. The most critical differences between Althusius and Kant are twofold: on one hand, Althusius affirms the existence of a "universal association" the territorial limits of which are indefinitely large, and potentially global, and yet on the other hand, Althusius accords fundamental priority to the parochial politics of city and province.

Althusius is said by some to be the earliest federalist political thinker (Benoist 2000). The conceptual root of federalism is a Hebrew and Christian theological idea: the *foedus* or "covenant." This lineage is well established, with Althusius's use of covenant attracting particular interest among scholars (Aroney 2003; Hueglin 1979; Baker 1993; Friedrich 1964; Benoist 2000; Henreckson 2019). For Althusius, the covenantal concept was central to his conception of the ordering of political fellowships. The private associations of family and collegium are initiated by a covenant (2:2; 4:8), with Althusius using similar language to describe the nature of the agreement that binds the city together (6:17). The province, which is a group of cities, forms "under the communion and administration of one right" (7:1, 51). Finally, the imperium or commonwealth, which is also called the "universal *consociatio*," is a unity of "many symbiotic associations" by way of "agreement" (*consensus*; 9:3, 66). The commonwealth is decidedly federal; it is a uniting of provinces and cities, themselves a unity of households and collegia, by way of "consensus," "trust," and "promise," under the administration of a supreme magistrate (9:7, 67; cf. Aroney 2003, 542–3). The markers of a covenantal, federal understanding of the relationship between the different levels of political fellowship are evident throughout the *Politica*. This culminates in the Monarchomach double covenant theory expressed in chapter 38, whereby the supreme magistrate is bound by pact to the people and to God (cf 19:7; for more on this, see Henreckson 2019, 153–8; McCulloch 2006; Gierke 1966, 46–7). However, perhaps most pivotal is the way Althusius frames the authority of the supreme magistrate. According to Althusius, the supreme magistrate "exercises as much authority as has been explicitly conceded to him by the associated members or bodies of the realm" (19:7, 67). This limiting of the authority of the imperial magistrate points to a *noncosmopolitan* conception of political power, a conception which is best illustrated by examining Althusius's understanding of political sovereignty.

The universal political fellowship is formed by the covenantal agreement of the “members” of the realm, which are the “many cities, provinces, and regions,” constituted to form a political body in “union and communication” (9:3, 66). The members are “joined together and to the entire associated body of the realm” (9:18, 70). These members possess right (*ius*) by which are “associated” and “bound” together as *unus populus* (one people). The *unus populus* possess the right of sovereignty (*jus maiestatis*) (9:12–13, 69). However, for Althusius, the people are “the associated members of the realm” (9:16, 70), and it is only as a collection of distinct bodies joined into one that they possess the right of sovereignty. The rights of sovereignty “arise from the associated body (*corpore consociatio*)” (18:15, 95) and that body owns the supreme *ius* and possesses supreme sovereignty (18:14). Even those who rule in positions of authority in the commonwealth do so on the basis of the sovereignty of the people, thus conceived (18:29, 48, 64). Most crucially, the supreme magistrate only wields power on the basis of the sovereignty of the people (19:7–8).

This is, in essence, a form of *distributed* popular sovereignty, which decentralizes and disperses sovereignty away from the concentrated centers of power associated with the universal political fellowship (Henreckson 2019, 151–3; Alvarado 2018, 34–7; Lee 2016, 225–42; Gierke 1966, 42). The universal fellowship only exists by virtue of the covenantal agreement of the fellowships that exist prior to it, and those fellowships are also products of various pacts and agreements of individual symbiotes. Given that it is the collected symbiotes, the *unus populus*, who hold sovereignty, the locus of power is well-and-truly nonimperial.

Such a theory of sovereignty, along with Althusius's political anthropology and his theory of federalism, suggests a thinker who had to deal with the dynamics of a supranational empire but who chose to focus on the parochial and provincial forms of political fellowship. The center of gravity for his theoretical writings is on the local rather than the universal, and in grounding the universal association in this way, he limits the import and power of the supranational political unit.

CONCLUSION

This chapter has cautioned against hastily finding cosmopolitan forerunners in early modern confessional European political thought. Althusius was a Reformed Protestant thinker, who had the theological and philosophical apparatus at his disposal to move toward cosmopolitan conceptions of human community, most notably the Pauline notion of heavenly citizenship. As Penman has shown, Christian universalist conceptions were present in

the Holy Roman Empire at the time Althusius was writing. Althusius also leaned heavily upon Cicero in the *Politica*, and yet did not show any interest in other Stoic conceptions of the cosmopolite. Citizenship, for him, existed fundamentally at the scale of the city. Rather than an idealized move toward a conception of universal unity across provincial and imperial borders, the essential core of Althusius's political thought was local politics. His conception of the universal political fellowship was designed to acknowledge and yet limit the claims of the multinational empire in order to protect and preserve regional and urban governance.

Althusius's prioritising of the local and parochial over the provincial and universal does not rule out his relevance to conversations about cosmopolitanism. Tihanov argues that there exists a "fluid cohabitation" between cosmopolitan ideals and the priority of the nation-state (2011, 135). This dialectical cohabitation means that cosmopolitan ideas can, in some sense, be present even in their negation. Therefore, cosmopolitanism could potentially be found in the writings of Althusius, even though his interests clearly lie elsewhere. This is demonstrated as plausible by Nussbaum's analysis, when she suggests that the cohabitation dynamic is at play in the thought of Althusius's contemporary, Hugo Grotius (2019, 97–140). Rather than assuming a total absence of cosmopolitanism in Althusius, we can conclude, again utilizing Tihanov, that Althusius's underdetermined theory of the universal political fellowship gestures toward a recalibrating of political boundaries. Indeed, his entire scheme recalls the idea, promoted by Cicero and especially Hierocles, that the individual is situated at the center of a succession of ever-widening circles of community: families, cities, nations, and humanity as a whole. As Ramelli and Konstan have observed, such a scheme can be regarded as consistent with cosmopolitanism, but with one important qualification: on the Stoic (as distinct from the Cynic) conception, "the idea of benevolence toward humanity cannot be more than generic," for "each person can manifest true benevolence only toward a limited circle of people" (2009, 126). This suggests a natural priority in our affections and our allegiances to the most personal and local of our relationships, while not rejecting the legitimacy and value of wider forms of social and political association (Aroney 2016). If, for this reason, Althusius was not entirely a cosmopolitan, he was at least demonstrating the need to expand the theoretical horizons beyond the state. Moreover, rather than merely shifting or expanding boundaries, Althusius can be seen to be also "creating boundaries and establishing exclusivity" (Penman 2015, 287). According to Penman's framing, it is not inconsistent with early modern forms of cosmopolitanism that the makeup of the *consociatio* might be defined by the Christian confession (9:37–39). Althusius may have been simultaneously expanding theoretical horizons and establishing exclusive boundaries. In the end, then, even though Althusius is a staunch opponent of

a cosmopolitanism that would entail the universal citizenship of a global polity exercising ultimate authority, this is tempered with the possibility that he was also expanding the borders of the *polis* in the confessional imagination.

NOTES

1. References to Althusius's *Politica methodice digesta* will be to Althusius 1614. English translations of *Politica* will be from Althusius 1995 unless otherwise noted. They will appear in text in the following forms: if citing only from Althusius 1614, ([chapter]:[section]). If citing both Althusius 1614 and using the Althusius 1995 translation, it will be ([chapter]:[section], [page number from 1995 edition]).

2. “An non & illi homines eadem stirpe te cum & satu? Sub eodem caeli fornice? In eadem terrae pila? . . . Universus orbis est.” Translation from Lipsius 1653, 21–22. The latter sentence refers back to a “patriam” in the previous sentence, so Lipsius is stating “The entire world is (*universus orbis est*) your country.”

3. “. . . nec personarum singularum mutatione variatur.”

REFERENCES

- Alighieri, Dante. 1996. *Monarchy*. Edited by Prue Shaw. Cambridge: Cambridge University Press.
- Althusius, Johannes. 1603. *Politica Methodice digesta et exemplis sacris et profanes illustrata*. Herborn in Nassovia: Christophorus Corvinus.
- Althusius, Johannes. 1614. *Politica Methodice digesta atque exemplis sacris et profanes illustrata*. Herborn in Nassovia: Corvinus.
- Althusius, Johannes. 1932. *Politica methodice digesta of Johannes Althusius (Althaus) reprinted from the third edition of 1614*. Edited by Carl J. Friedrich. Cambridge: Harvard University Press.
- Althusius, Johannes. 1995. *Politica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*. Translated and edited by Frederick S. Carney. Indianapolis. Liberty Fund.
- Alvarado, Ruben. 2018. *The Debate That Changed the West: Grotius versus Althusius*. Aalten: Pantocrator.
- Aronay, Nicholas. 2004. “Althusius at the Antipodes: The *Politica* and Australian Federalism.” In *Jurisprudenz, Politische Theorie und Politische Theologie*, edited by Frederick Carney, Heinz Schilling and Dieter Wyduckel, 529–546. Germany: Duncker and Humbolt.
- Aronay, Nicholas. 2016. “The Federal Condition: Towards a Normative Theory.” *American Journal of Jurisprudence* 61 (1): 1–19.
- Aronay, Nicholas. 2020 (forthcoming). “Christianity, Sovereignty and Global Law.” In *Christianity and Global Law*, edited by Rafael Domingo and John Witte Jr, 267–286. London and New York: Routledge.

- Aurelius, Marcus. 2013. *Meditations, Books 1–6*. Translated by Christopher Gill. Oxford: Oxford University Press.
- Baker, J. W. 1993. “The Covenantal Basis for the Development of Swiss Political Federalism: 1291–1848.” *Publius: The Journal of Federalism* 23 (2): 19–42.
- Beck, Ulrich. 2009. “Understanding the Real Europe: A Cosmopolitan Vision.” In *The SAGE Handbook of European Studies*, edited by Chris Rumford, 602–19. London: SAGE.
- Benhabib, Seyla. 2006. *Another Cosmopolitanism*. New York: Oxford University Press.
- Carney, Frederick S. 1960. “The Associational Theory of Johannes Althusius: A Study in Calvinist Constitutionalism.” PhD diss., University of Chicago.
- De Benoist, Alain. 2000. “The First Federalist: Johannes Althusius.” *Telos* 118: 25–58.
- Domingo, Rafael. 2010. *The New Global Law*. Cambridge University Press.
- Domingo, Rafael. 2018. “A Global Law for a Global Community.” In *Globalization of Law: The Role of Human Dignity*, edited by Maciej Dybowski and Rafael García Pérez. Thomson Reuters Aranzadi.
- Erasmus, Desiderius. 1989. *The Correspondence of Erasmus: Letters 1252–1355 (1522–1523)*. Translated by R. A. B. Mynors. Toronto: University of Toronto Press.
- Friedeburg, Robert V. 1998. “From Collective Representation to the Right of Individual Defence: James Stuart’s *Ius Populi Vindicatum* and the Use of Johannes Althusius *Politica* in Restoration Scotland.” *History of European Ideas* 24 (1): 19–42.
- Friedeburg, Robert von. 2006. “*Persona* and Office: Althusius on the Formation of Magistrates and Councillors.” In *The Philosopher in Early Modern Europe: The Nature of a Contested Identity*, edited by Conal Condren, Stephen Gaukroger, and Ian Hunter, 160–181. Cambridge: Cambridge University Press.
- Friedrich, Carl J. 1932. “Introduction.” In *Politica Methodice Digesta of Johannes Althusius (Althaus) Reprinted from the Third Edition of 1614*, by Johannes Althusius, edited by Carl J. Friedrich, xiii–xcix. Cambridge: Harvard University Press.
- Friedrich, Carl J. 1964. “Introduction.” In *The Politics of Johannes Althusius*, by Johannes Althusius, translated by Frederick S. Carney, vii–xii. Boston: Beacon Press.
- Gierke, Otto von. 1966. *The Development of Political Theory*. Translated by Bernard Freyd. New York: Howard Fertig.
- Grabill, Stephen J. 2013. “Althusius in Context: A Biographical and Historical Introduction.” In *On Law and Power*, by Johannes Althusius, translated by Jeffrey J. Veenstra, xix–xlvi. Grand Rapids: CLP Academic.
- Heater, Derek. 1996. *World Citizenship and Government: Cosmopolitan Ideas in the History of Western Political Thought*. London: Palgrave Macmillan.
- Henreckson, David P. 2019. *The Immortal Commonwealth: Covenant, Community, and Political Resistance in Early Reformed Thought*. Cambridge: Cambridge University Press.
- Hotson, Hoawrd. 2000. *Johann Heinrich Alsted 1588–1638: Between Renaissance, Reformation, and Universal Reform*. Oxford: Oxford University Press.

- Hotson, Howard. 2002. "The Conservative Face of Contractual Theory: The *Monarchomach* Servants of the Count of Nassau-Dillenberg." In *Politische Begriffe und historisches Umfeld in der Politica methodice digesta des Johannes Althusius*, edited by Emilio Bonfatti, Giuseppe Duso, and Merio Scattola, 251–90. Wiesbaden: Harrassowitz Verlag.
- Hotson, Howard. 2007. *Commonplace Learning: Ramism and its German Ramifications 1543–1630*. Oxford: Oxford University Press.
- Hueglin, Thomas. 1999. "Johannes Althusius: Medieval Constitutionalist or Modern Federalist?" *Publius: The Journal of Federalism* 4 (1): 9–42.
- Hueglin, Thomas O. 1999. *Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism*. Waterloo: Wilfred Laurier University Press.
- Hunter, Ian. 2006. "The University Philosopher in Early Modern Germany." In *The Philosopher in Early Modern Europe: The Nature of a Contested Identity*, edited by Conal Condren, Stephen Gaukroger, and Ian Hunter, 35–65. Cambridge: Cambridge University Press.
- Jacob, Margaret C. 2006. *Strangers Nowhere in the World: The Rise of Cosmopolitanism in Early Modern Europe*. Philadelphia: University of Pennsylvania Press.
- Kant, Immanuel. 1991. *Political Writings*. Edited by H. S. Reiss. Cambridge: Cambridge University Press.
- Kantorowicz, Ernst H. 2016. *The King's Two Bodies: A Study in Medieval Political Theology*. Princeton: Princeton University Press.
- Kay, Richard. 1992. "The Intended Readers of Dante's 'Monarchia'." *Dante Studies* 110: 37–44.
- Kennedy, Simon P. 2019. "Rethinking *consociatio* in Althusius's *Politica*." *Journal of Markets and Morality* 22 (2): 305–16.
- Lee, Daniel. 2016. *Popular Sovereignty in Early Modern Constitutional Thought*. Oxford: Oxford University Press.
- Leithart, Peter. 1990. "That Eminent Pagan: Calvin's Use of Cicero in *Institutes* 1.1–5." *Westminster Theological Journal* 52: 1–12.
- Leithart, Peter. 1993. "Stoic Elements in Calvin's Doctrine of the Christian Life, Part I." *Westminster Theological Journal* 55: 31–54.
- Lipsius, Justus. 1586. *De constantia libri duo qui alloquium præcipue continent in publicis malis*. London: Impensis Geor. Bishop.
- Lipsius, Justus. 1653. *Two Books of Constancy*. London: n.p.
- McCulloch, Matt. 2006. "Johannes Althusius' *Politica*: The Culmination of Calvin's Right of Resistance." *The European Legacy* 11 (5): 485–99.
- Miller, Walter (trans). 1913. *Marcus Tullius Cicero: De Officiis*. Harvard University Press.
- Nussbaum, Martha C. 1997. "Kant and Stoic Cosmopolitanism." *The Journal of Political Philosophy* 5 (1): 1–25.
- Nussbaum, Martha C. 2019. *The Cosmopolitan Tradition: A Noble but Flawed Ideal*. Cambridge, MA: Belknap Press.
- Pangle, Thomas L. 2011. "Roman Cosmopolitanism: The Stoics and Cicero." In *Cosmopolitanism in the Age of Globalization*, edited by Lee Trepanier and Khalil M. Habib, 40–69. Lexington: University of Kentucky Press.

- Penman, Leigh T. I. 2015. "The Hidden History of the Cosmopolitan Concept: Heavenly Citizenship and the Aporia of World Community." *Journal of the Philosophy of History* 9 (2): 284–305.
- Reich, Klaus. 1939. "Kant and Greek Ethics (I)." *Mind* 48 (191): 338–54.
- Reich, Klaus. 1939. "Kant and Greek Ethics (II)." *Mind* 48 (192): 446–63.
- Ramelli, Ilaria and David Konstan. 2009. *Hierocles the Stoic: Elements of Ethics, Fragments and Excerpts*. Atlanta: Society of Biblical Literature.
- Schilling, Heinz. 1992. *Religion, Political Culture and the Emergence of Early Modern Society: Essays in German and Dutch History*. Leiden: Brill.
- Sellars, John. 2007. "Stoic Cosmopolitanism and Zeno's 'Republic'." *History of Political Thought* 28 (1): 1–29.
- Sellars, John. 2017. "Stoicism." In *Encyclopedia of Renaissance Philosophy*, edited by Marco Sgarbi. Cham: Springer. doi: 10.1007/978-3-319-02848-4_239-1.
- Seneca, Lucius Annaeus. 2014. *Hardship and Happiness*. Translated by Elaine Fantham, Harry M. Hine, James Ker, and Gareth D. Williams. Chicago: University of Chicago Press.
- Sierhuis, Freya. 2013. "Autonomy and Inner Freedom: Lipsius and the Revival of Stoicism." In *Freedom and the Construction of Europe*, edited by Quentin Skinner, 46–64. Cambridge: Cambridge University Press.
- Shaw, Prue. 1996. "Introduction." In *Monarchy*, edited by Prue Shaw, ix–xxiv. Cambridge: Cambridge University Press.
- Tihanov, Galin. "Cosmopolitanism in the Discursive Landscape of Modernity: Two Enlightenment Articulations." In *Enlightenment Cosmopolitanism*, edited by David Adams and Galin Tihanov, 133–52. Leeds: Legenda.
- Watt, J. A. 1988. "Spiritual and Temporal Powers." In *The Cambridge History of Medieval Political Thought: c.350–c.1450*, edited by J. H. Burns, 367–423. Cambridge: Cambridge University Press.
- Werner, Wouter and Geoff Gordon. 2016. "Kant, Cosmopolitanism, and International Law." In *The Oxford Handbook of the Theory of International Law*, edited by Ann Orford and Florian Hoffmann, 505–25. Oxford: Oxford University Press.
- Whaley, Joachim. 2011. *Germany and the Holy Roman Empire: Volume 1: Maximilian I to the Peace of Westphalia, 1493–1648*. Oxford: Oxford University Press.
- Witte, John. 2009. "A Demonstrative Theory of Natural Law: Johannes Althusius and the Rise of Calvinist Jurisprudence." *Ecclesiastical Law Journal* 11 (3): 248–65.
- Witte, John. 2018. "The Universal Rule of Natural Law and Written Constitutions in the Thought of Johannes Althusius." In *Morality and Responsibility of Rulers: European and Chinese Origins of a Rule of Law as Justice for World Order*, edited by Anthony Carty and Janne Nijman, 167–86. Oxford: Oxford University Press.

Chapter 3

Cosmopolitanism in Early Modern Jewish Political Thought

Vasileios Syros

Recent years have seen a backlash against globalization and the resurgence of nationalism. In light of the traumatic experiences of World War II, cosmopolitanism has often been celebrated as being conducive to the creation of a global community. But in current debates, especially in Europe, about migration caused by military conflicts, and economic devastation and also shrinking natural resources, it is often depicted as a sinister force threatening to erode national bonds and the religious and cultural values of the nation-state. Considerations of cosmopolitan ideas have a long lineage in European political and philosophical thinking, particularly in the early modern period, in connection with the Wars of Religion and a series of economic crises that afflicted Europe in the sixteenth and seventeenth centuries. The objective of this chapter is to shed new light on early modern discourse on cosmopolitanism, by analyzing the works of Simone (Simḥa) Luzzatto (ca. 1580–1663), a rabbi and prominent intellectual figure of the Jewish community in Venice, and a seminal theorist of tolerance and precursor of Spinoza.

Although Luzzatto's oeuvre has received increasing scholarly attention, in part thanks to the publication of the English translations of his major writings, there remains a need to situate his ideas in the history of European political thought. In this chapter, I will unpack and reconstruct Luzzatto's theory of cosmopolitanism and address how the Venetian rabbi engages with Greek-Roman and European philosophical literature on this theme. Additionally, I will demonstrate that his treatment of cosmopolitanism operates on two different levels, but that ultimately these two strains of his thought converge in the advocacy of religious tolerance toward the Jews and as a general philosophical position.

Luzzatto shows that the Jewish religion is not inimical to Christianity and that the Mosaic Law was made for the entire humankind. His apology for

the Jewish presence in Venice is premised on the notion that Jews do not have their own state nor do they have a civil ruler who can protect them. For these reasons, they are usually loyal to the cities and countries that host them. Unlike other ancient nations that vanished in the course of history, the Jews lived scattered around the world and survived thanks to their commitment to preserving their rites and customs. Luzzatto considers this kind of Jewish “exceptionalism” as a source of strength, because they forced the Jewish nation to become more resilient and come to terms with the hardships and challenges associated with diasporic existence. At the same time, and this is one of the most intriguing aspects of his thought, Luzzatto’s treatment of cosmopolitanism moves beyond Jewish concerns and highlights the importance of trade in terms of cultivating amicable relations between diverse societies and bridging religious differences.

THE STUDY OF NATURE AND COSMOPOLITANISM

Information about Luzzatto’s life is scarce and some details about his family background and studies derive from his testament drawn up on June 20, 1662, almost one year before his death. Luzzatto was born to a wealthy mercantile family and pursued rabbinic studies. He was appointed rabbi at the Scuola Grande Tedesca in 1606 and also served as head of the Talmudic Academy following Leo Modena’s death in 1648.¹ Luzzatto’s most famous work, the *Discorso circa il stato de gl’Hebrei et in particolar dimoranti nell’inclita città di Venetia* (*Discourse Concerning the Condition of the Jews, and in Particular those Residing in the Illustrious City of Venice*, Venice 1638), was written in response to allegations about the involvement of Venetian Jews in a corruption scandal of Venice’s judiciary, one of the foundations of the *Serenissima*’s political organization.² The *Discorso* provides a set of general arguments about the advantages associated with the presence of the Jews in Venice. Luzzatto’s second major work is the *Socrate overo dell’humano sapere* (*Socrates or About Human Knowledge*, Venice, 1651), a fictional dialogue among various ancient Greek personages about human knowledge, which features three main characters: Socrates, Hippias of Elis, and Timon of Philius.³ The *Discorso* exudes agony about the fate of Venice’s Jewish community in the seventeenth century and the modes of accommodating religious differences in a period of political, economic, and societal tribulations. The *Socrate*, by contrast, is driven by the quest for social harmony and personal constancy and stability, and is colored by the endeavor to control the anxiety resulting from the knowledge that human learning is inherently limited and fallacious.

In the *Socrate*, Luzzatto presents Hippias as a polymath, incorporating or reworking a variety of ancient sources, notably, Plato's *Hippias Major* and *Hippias Minor*, and Xenophon's *Memorabilia*.⁴ A crucial feature ascribed to Hippias, as pictured by Luzzatto, is the philosophical justification of cosmopolitanism, which points to Plato's *Protagoras*: there Hippias appears as a proponent of cosmopolitan sentiments and addresses his interlocutors as fellow citizens whose bonds are sustained by nature and not by human laws, which unnaturally constrains them.⁵ Hippias notes that someone who has observed the concatenation of the causes, workings, and manifestations of fortune (*fatalità*) instead of obeying them prefers to be dragged along, due to his prevarication willfully creates trouble for himself, and inflicts self-punishment. Similarly, the examination of the universal law of gravity (*caducità universale*) in the sublunary world induces humans to become contemptuous of life and keen to sacrifice their lives for their homeland. The world changes its appearance, perishes, and comes back to life, with the things existing in it at our service. Humans, by observing this process of metamorphosis, are willing to sacrifice their lives and confront death head-on for the sake of their homeland. Human arrogance can be tempered so long as man observes the breadth of the skies and the greatness of the stars; man recognizes that, by comparison, the earth is as small as a grain of sand.⁶

Hippias echoes ideas about cosmopolitanism, the roots of which can be found in ancient Greek philosophy, especially Stoic teachings, and reverberate in a number of early modern authors.⁷ The vision of Socrates as the archetype of a world citizen is central to the Cynic teachings exemplified by Diogenes of Sinope (ca. 405–ca. 320 BC), who renounced any allegiance to a specific city or ties to a homeland.⁸ Some of these ideas were incorporated in Stoic philosophy, and served as the fulcrum for a variety of approaches to cosmopolitanism. As with early modern discoveries, Alexander the Great's conquests and encounters with new societies gave a powerful impetus to reflection on the unity of humankind, the limitations of the model of the city-state, and, most importantly, the need to redefine one's position and identity in the newly emerging heterogeneous political formations. Zeno of Citium (ca. 335–ca. 263) formulated a plan for a utopia that would span the entire world.⁹ Philo of Alexandria, in his work *On the Creation*, contends that the first man and original forefather of the humankind should be declared the only citizen of the world (*kosmopolitēs*). For the entire world was his home, city, and country, where he lived without any fear and enjoyed absolute peace and safety. Given that every well-ordered city has a set of laws in place, the citizen of the world conformed to the same laws as the whole world, which are nature's right reason (*orthos logos*), a divine law, according to which all living creatures received what rightly pertained to them.¹⁰

For ancient thinkers who were inspired by Stoic ideas as well as for Luzzatto and early modern libertines, involvement in civic affairs was a vehicle to expose and combat deep-rooted conventions, superstitions, and bigotry, all of which led to divisions and discord. Panaetius of Rhodes exemplifies this tendency in his portrayal of the philosophers as harbingers of cosmopolitan ideals. Germs of modern ideas about religious tolerance can be found in the teachings of Posidonius, Panaetius' disciple and Cicero's teacher. Cicero argues that all humans have shared interests and, as such, they are all obliged to follow the same law of nature.¹¹ Cicero's *Tusculanae Disputationes* includes an account of Socrates as the embodiment of cosmopolitan values, which was reproduced by a number of early modern authors: when Socrates was asked about the country to which he belonged, he responded that he considered himself to be a native and citizen of the world.¹²

Pietro Pomponazzi (1462–1525), in his *De immortalitate animae* (*On the Immortality of the Soul*, 1516), visualizes all of humankind as a single body consisting of different members and parts: their functions differ, but they are ordered and conducive to the welfare of the entire humankind. In Pomponazzi's view, the various members of humankind are interrelated and complement one another. Although they do not have the same degree of perfection, these arrangements guarantee the perpetuation of humankind. However, for all their differences, they all share some common characteristics and qualities—otherwise they would not belong to the same genus, and they would not all foster the common good like the bodily members and organs of a single person.¹³

The correlation established by Luzzatto's Hippias between the observation of natural phenomena and cosmopolitanism is strongly reminiscent of Erasmus' (1466–1536) use of celestial bodies in his discussion of cosmopolitan ideas in his *Querela pacis* (*The Complaint of Peace*, 1517). Erasmus notes that, although the motions of the celestial bodies differ and their force is not equal, they are and have always been in constant motion, in perfect harmony, without colliding. The elements, although they repel each other, are in a state of equilibrium and retain eternal peace in the natural world. Despite the disparity of their constituent principles they enjoy, through friendly intercourse and union, continuous concord.¹⁴ The entire earth is, in Erasmus' eyes, the shared habitat of all who live and breathe on it. All humans, notwithstanding their political or accidental differences, originate from the same parents.¹⁵ Human life is afflicted by countless calamities, but a great part of human misery can be mitigated by mutual affection and friendship.¹⁶

Michel de Montaigne (1533–1592), in his *Essais* (*Essays*, 1580–1588), holds the position that frequent interaction with the world can be a source of light for human judgment, since all human beings are confined within themselves. Montaigne reiterates Socrates' statement that Socrates did not come

from Athens, but from the world. Socrates embraced the entire world as his city, and expanded his circle of acquaintances, his fellowship and affections to all of humankind.¹⁷ Montaigne further asserts that he considers all men his fellow citizens, that he would embrace a Pole in the same way as he would a Frenchman, and that he upholds the primacy of a common, universal bond over national ties.¹⁸

Cosmopolitanism, loyalty, and dedication to one's homeland are important themes in Justus Lipsius' (1547–1606) *De constantia* (*On Constancy*, 1584), a philosophical dialogue aimed at the revival of Stoic ethics, which the Flemish humanist saw as a remedy for the religious divisions that gripped Europe in the sixteenth century. One of the key arguments in favor of cosmopolitanism is that all human beings are made of the same stock and seed, live under the vault of heaven, and on the same globe. Therefore, one's homeland should be the entire world, and not just a narrow part of it. The *De constantia* also mentions that Socrates proclaimed himself a citizen of the world. Lipsius concludes that most humans commit the folly of adhering to a specific part of the earth, while an affable and circumspect person defies common opinion, and through reflection he embraces the entire world as his own.¹⁹

THE JEWS AND COSMOPOLITANISM

Hippias suggests in the *Discorso* that humans ought to follow the path of nature in their actions, and each man should not only seek his own profit or that of his own country, but also that of the “universal country,” that is, of the entire humankind. In his treatment of cosmopolitanism, Luzzatto borrows the imagery of rivers flowing with force into the sea, whereby they lose not only their waters' sweetness, but also their names. In order to assist the ocean as their common homeland they ascend, with the help of vapors which are produced continuously either by the subterranean fire, which pushes them, or the celestial superior, which pulls them. In this way, the ocean does not diminish or dry out.²⁰

For Luzzatto, the Jews are dispersed around the world and resemble a river that runs through a large territory. Its waters receive an impression of the quality of the various lands through which they flow. Similarly, the Jews are exposed to and adopt diverse lifestyles and habits from the countries, in which they live. As a result, the manners of the Venetian Jews are different from those of Jews who live in Constantinople, Damascus, and Cagliari, and all these differ from those of the Jews who live in Germany or Poland.²¹

Luzzatto associates, in this connection, the river metaphor with the Jewish exile and movement of population and circulation in general. A similar idea is expressed by Duarte Gomes Solis (1561–1630), who maintains that the

silver in circulation in the Spanish empire, Europe, Africa, and Asia is like a fast-flowing river that originates from the Indies, flows through Castile, from there runs through various veins and other rivers, and discharges in China, which is its center.²²

The use of the river motif is a prominent feature of Niccolò Machiavelli's (1469–1527) association of fortune (*The Prince*, ch. XXV) with a powerful river, which, when angry, floods the plains, destroys the trees and buildings, lifts soil from a certain land and moves it to another. More generally, Luzzatto's use of this image is redolent of Gabriel Naudé's (1600–1653) discussion of the parallels between river Nile and the secrets of the state in his *Considerations politiques sur les coups d'Etat* (*Political Considerations on Coups d'Etat*, 1639): just as those located near the source of Nile derive many commodities without necessarily being cognizant of its origin, in likewise manner, the people admire and profit from the salutary effects of state secrets without having any knowledge of their sources.²³ An analog to this passage can be found in Luzzatto's *Socrate*: Socrates refers to the Nile to argue that if knowledge is contingent upon identifying the causes, then this process would either go on to infinity, which, by its nature, is incomprehensible and can never be penetrated by human reason; or it should end at a certain point without searching for further causes. Like Naudé, Socrates mentions that in the case of the Egyptians, locating the rivers and canals, which irrigate and fertilize their land and derive from the river Nile, would not satisfy their curiosity, since the first origin and source of the Nile itself would still remain unknown to them.²⁴ Similarly, Giovanni Botero (1544–1617) employs the river imagery in the context of his discussion of utility. In his view, states and dominions acquired through force and violence cannot endure. For they resemble torrents that can suddenly rise and fall, because, unlike, rivers they do not have a spring that could provide a continuous supply of water. In their spates, they can be dangerous to travelers, and then they dwindle to such an extent and dry up that one can walk through them without getting wet.²⁵

Luzzatto stresses that, as is the case with all other things in the world, the life span of peoples and nations is fixed. After reaching the apex of their growth and strength, they descend into the abyss of oblivion. Decline occurs in two ways: things may be susceptible to corruption and turn into something else; or they retain their own essence, and changes affect only their shape, which can be deformed by dissolution. The Chaldeans, the Persians, the Greeks, the Romans, and all other gentile nations were wiped out, effaced, or transformed so radically that in certain cases only their names have survived. In other cases, only relics of their memories have been preserved, like planks left behind by a shipwreck. The Hebrew nation (i.e., the Jews), however, was not subjected to such transmutations or alterations. Although it was fragmented and divided into an infinite number of groups and dispersed across

the world, its essence remained to a large extent intact. Given that by itself it would not have had sufficient strength to resist the passage of time and protect itself from the vicious blows that occurred over the course of 1,600 years, its survival is a manifestation of the divine will. Captivity and dispersion are the worst scourges that can beset a people or a nation: they make it vile, abject, and the object of the scorn and derision of other nations. However, such conditions can be a very effective means of preserving a nation. For they remove jealousy and suspicion from the rulers and pride and boastfulness from the nation subjected to dispersion, making it humble and pliant.²⁶

Luzzatto's references to the Jewish exile point to the political ideas of another great author who emerged from the Venetian ghetto, Isaac Cardoso (ca. 1603–1684). In his work *Las excelencias des los Hebreos* (*The Excellences of the Jews*, Amsterdam, 1679), Cardoso, like Luzzatto, discounts several accusations made against the Jews and singles out ten of their distinctive qualities and virtues. In Cardoso's view, dispersion has been a persistent feature of the history of the Jewish people since the Babylonian king Nebuchadnezzar. In order to atone their violations of the Holy Law, the Jews had to suffer misfortunes and attacks on their lives and property in every monarchy or kingdom in which they lived. Cardoso declared the Jewish people to be the only truly universal nation that constituted a "republic apart." The Jews were dispersed and entrusted by God with the mandate to transmit knowledge of God, while remaining loyal to the lands and sovereigns that hosted them.²⁷

Whereas most medieval and early modern Jewish writers lament the exile and expulsion from Spain,²⁸ Luzzatto and Cardoso exemplify a different line of interpretation and emphasize, from different angles, the salutary effects of diasporic existence. A similar endeavor to rehabilitate Jewish exile was articulated by the Portuguese historian João de Barros (1496–1570), in his *Ropica pñefma* (*Spiritual Goods*, 1532), a fictional dialogue between will and reason: although exile was originally intended as a retribution and a source of suffering, the dispersion of the Jews among various countries and nations enabled them to eventually reach a level of economic growth and prosperity, higher than the one they had enjoyed earlier.²⁹ These interpretations are prefigured in Isaac (Yitzḥak) Polqar's *'Ezer ha-Dat* (*The Support of Religion*) in medieval Spain (fl. first half of fourteenth century). Polqar sets forth a naturalistic approach and depicts the Jewish exile as a favorable condition, because it gave the Jews an edge, in ethical terms, over other nations. It also allowed them to dedicate themselves to the study of the Torah and the theoretical sciences, which Polqar saw as the path to attaining human perfection. If, however, the Jews had been able to recover and return to their homeland, they would have lost their ethical advantage and been compelled to focus on cultivating the arts and strategies of war and turn away from the study of the Torah and the sciences.³⁰

TRADE AND COSMOPOLITANISM

Another salient facet of Luzzatto's apology for Venice's Jewish community is the connection between cosmopolitanism and trade. For Luzzatto, commerce is the source of five principal benefits for the *Serenissima*: (1) the increase in duties and tariffs imposed on imports and exports; (2) the transportation of various kinds of goods from faraway countries, which are intended not only to provide for basic material wants but also to adorn civil life; (3) the abundant supply of materials, such as wool, silk, and cotton, which, in turn, increases the employment of the local workers and craftsmen, keeps them content and tranquil, and helps avert domestic disturbances and civil dissension that can result from the shortage of supplies; (4) the sale of a large amount of products made in Venice, which is the source of income for a large segment of the population; and (5) the promotion of commerce and reciprocal trade, which are the pillars of peace among neighboring states, since most of the time it is the rulers who are moved by their people to engage in warfare, and not the other way around.³¹

Luzzatto's ideas about the nexus of trade and cosmopolitanism share some theoretical ground with those of his French contemporary Émeric Crucé (ca. 1590–1648). Crucé considers free trade a vehicle for eradicating inhumanity (*inhumanité*), the most common vice and the source of all other social and political ills.³² Trade is, in Crucé's mind, the foundation of religious tolerance and a system of interstate relations that would involve the equilibrium among the world's great powers. Crucé's main work, *Le Nouveau Cynée, ou, discours d'és]tat représentant les occasions et moyens d'établir une paix générale, et la liberté du commerce par tout le monde* (*The New Cyneas, or, Discourse on the Occasions and Means to Establish a General Peace and the Freedom of Commerce throughout the Whole World*, Paris, 1624), a plan for a universal and durable peace that is addressed to the rulers of his time and has been interpreted to contain the seeds of a plan for the creation of a league of nations.³³

Crucé outlines a universal polity (*une police universelle*) that would be useful to all nations and agreeable to those who have some light of reason (*quelque lumière de raison*) and sentiment of humanity (*sentiment d'humanité*).³⁴ This task involves giving to each person what belongs to him, granting privileges to citizens, being hospitable to foreigners, and guaranteeing freedom of travel and commerce.³⁵ Crucé considers one of the ruler's prime concerns to be the promotion of trade, free movement, and the interaction among people from different countries.³⁶ He identifies religious differences as one of the major causes of hostility among various peoples. He ascribes hostilities among nations to political motives and the dissolution of the natural bonds among humans, which are the foundation of friendship

and social life. Anathema to the unity of the humankind is the person who adheres to common and inveterate opinions inherited from his ancestors to such an extent that he looks down on, demonizes, or taunts the adherents of other religions.³⁷ The advocacy of consonance among various religions is the outgrowth of Crucé's conviction that all religions pursue the same goal, that is, worship of the divine (*divinité*). If some persons do not choose the right path or legitimate means, it is because of simplicity and bad teaching rather than malice; such people deserve compassion rather than hatred.³⁸ Like Luzzatto, Crucé observes that too many people expect the entire world to adopt their persuasions and beliefs as an infallible rule. This is a misconception nourished by the common people who have never traveled beyond the boundaries of their own towns, and who therefore think that all other people should live like them. Sage and divine spirits should, by contrast, realize that the harmony of the world rests on the diversity of opinions and customs.³⁹

Certain polities accommodate a multitude of religions: for example, the Ottoman Empire, the Polish state, and the Spanish Empire allow religious diversity and religious freedom. To sustain universal peace, Crucé proposes organizing a general assembly of ambassadors, emissaries, and envoys from all rulers, where differences between states would be adjudicated. As the venue of the assembly he recommends Venice, due to its geographical proximity to most kingdoms. The Pope would have the seat of honor and would be followed by the Ottoman emperor because of his excellence in majesty, power, and the prosperity of his realm.⁴⁰

Crucé exhibits a perspective reminiscent of Luzzatto's statement that the ways in which a ruler treats foreigners and minorities is a touchstone of the quality of his rule. Specifically, he suggests that an honorable and morally righteous sovereign ought to amiably receive those asking for his mercy and those who seek refuge in his realm, especially tradesmen and individuals who have been victims of persecution.⁴¹ He counsels rulers to reach an agreement about different countries' trade activities with each other and the procedures to be followed by local authorities for resolving disputes. An integral aspect of his plan for universal peace is a call to render justice to foreigners, and to make sure that they are not molested or harmed by the natives of a country during their visit, whether they visit for business or pleasure.⁴²

CONCLUSION

Timon's assault upon Hippias' philosophical program involves a sharp critique of cosmopolitanism: one of the most deleterious effects of the pursuits of those who engage in contemplation and observation of the celestial phenomena is, in Timon's view, that they consider themselves to be part of a universal republic.

As a result, they are contemptuous of their own homeland as if it were a “vile wasps nest” or “abject anthill.” For instance, they declare that they are equally affected by the ruin of their city and the smashing of a small stone on a huge mountain; or that they would be as discontented by the oppression of their own people as he would feel happy thanks to the victory of those who vanquished them, because all of them would be citizens of the great, all-encompassing republic on earth. Therefore, certain legislators prohibited the citizens from settling down and including themselves in a foreign republic. In doing so, they sought to keep the citizens more firmly attached to their own republic because otherwise the legitimate love for their homeland would grow weaker and fade. In another iteration of the river metaphor, Timon argues that just as a river with abundant water supplies, when divided into several branches, eventually dries up, so too when human emotions diffuse to multiple objects and in different directions, they dissipate. For this reason, some legislators, in order to reinforce their love and affection for their own citizens, infuse hatred and aversion against those that come from outside and are aliens. Timon concludes that a citizen with his discourse should not wander beyond the boundaries of his own homeland and extend to the skies and seek to embrace their entire humankind, but rather remain within the confines of his own homeland.⁴³

Timon’s plea for the love of one’s native land displays striking affinities with the *Discorso dell’amore verso la patria* (*Discourse about Love toward the Homeland*, Venice, 1631) written by Lodovico Zuccolo (1568–1630), a major Venetian representative of the reason-of-state tradition. Zuccolo formulates a definition of *patria* as something that is not simply the place of someone’s birth or education. Rather, it connotes the right to partake of the honors and benefits stipulated by the existing laws. The benefits emanating from civil legislation, however, do not extend to the Jews, gypsies, and vagabonds, unless perhaps a political community is corrupt. The fact the Jews and gypsies are protected from offenses is a privilege in accordance with common laws, which even the vulnerable members of society enjoy, but does not entitle them to claim the city or country, where they live, as their *patria*.⁴⁴

In Luzzato’s *Socrate*, Socrates asserts that he sympathizes with many of the views expressed by Timon.⁴⁵ However, one of the points, at which he diverges from Timon’s teachings and intersects with Hippias is the espousal of cosmopolitan principles. In his defense, Socrates asserts that the guiding principle of his actions was to operate not just as an administrator of a family or a patrician of a specific republic, but as a citizen of the universe, who would be perceived to be at the disposal of the common people and contribute to the good of the entire humankind.⁴⁶ But, at the same time, he declares that he has been a loyal citizen and that he has always been respectful of the religious ceremonies and institutions stipulated by the city and that he has offered sacrifices in public in conformity with the rites of Athens, at appropriate locations, at the right time, and in legitimate ways.⁴⁷

Luzzatto and Cardoso enunciated variants of Jewish cosmopolitanism that drew their inspiration from Philo's analysis of the cosmopolitan elements of the Mosaic Law. Luzzatto remarks in the *Discorso* that the celebrated lawgivers and reformers of pagan nations in the ancient world, who laid down institutions and laws, were ordinary human beings, and that as such their thoughts and actions were limited: Solon was content with issuing laws for Athens; Lycurgus for Sparta; and Romulus was satisfied with operating within his narrow place of exile. Those men were not concerned with all of humankind, as if they were bereft of all features of humanity. They allowed their citizens to tamper with the liberty and property of others, plundering and pillaging were considered to be licit practices, and some foreigners were sacrificed on the altars of their false gods. But the law of God promulgated by Moses encompasses and provides for the entire humankind. As if a single nature were instituted by God in the world that all its constituent parts were united in harmonious concert and should rule with reciprocal affection, he decreed that all of humankind, in unanimous amity, should be organized in a similar manner, and that every human being should regard himself a citizen of a single republic. Accordingly, Moses strove to instill love and charity in men by teaching that man was created by a single God, descended from a single father, Adam, and was divided into various branches by Noah.⁴⁸

The commonality of religion is, according to Luzzatto, the most important bond and the most tenacious link that holds human society together. However, the Jews do not regard all those who are outside the observance of their rites and do not embrace their particular beliefs to be entirely free from or devoid of any bond of humanity or reciprocal amity. The Jews consider that there are various levels of connections among men as well as within the same nation regarding the obligation of charity: the love of self comes first; then blood ties; and, finally, amity among the citizens. As such, the Jews believe that foreigners and those outside of their religion partake together with them of the common humanity, by following the precepts of natural morality and having some cognition of a superior cause (Luzzatto 2019a: 134–35).

Luzzatto's engagement with the political and philosophical ideas of his time is colored by his Jewish identity and commitment to Venice's Jewish community and Venice itself. What he perceived to be the shared characteristic of all human beings was a sense of agony and perplexity caused by the vicissitudes of life and the uncertainty characterizing human existence in a fluid, ever-changing world. Luzzatto develops a vision of Judaism that is very different from Cardoso's "particularist cosmopolitanism": the Venetian rabbi aspired to be part of a universal "republic of letters" that would promote an enlightened form of religious belief and combat bigotry and religious extremism both in and beyond the Venetian context.

NOTES

1. For further details about Luzzatto's life and works, see Veltri 2015.
2. Luzzatto 2019a. I have consulted the English translation of certain portions in Roubey 1947.
3. Luzzatto 2019b.
4. On the following, see Plato 1928: xx–xxii.
5. Plato 1914, 337C–D (178–181).
6. Luzzatto 2019b, 420–23.
7. The following account is based on Schlereth 1977. On Greek and Roman cosmopolitan ideas, see, e.g., Richter 2011.
8. Moles 1996.
9. Pearson 1973.
10. Philo 1929, 142–3 (112–15).
11. Cicero 1913, Book III.28 (295). On Cicero's relation to cosmopolitanism, compare the chapter by Cary J. Nederman in this volume.
12. Cicero, 1927, V.xxxvii.108 (532–5).
13. Cassirer, Kristeller, and Randall, Jr. 1948, 352–3. On the following, see Heater 1996: 48–51.
14. Erasmus 1917/1974, 3.
15. Erasmus 1717/1974, 60.
16. *Ibid.*, 74.
17. Montaigne 1993, 176.
18. Montaigne 1993, 1100.
19. Lipsius 2011, 42–5.
20. Luzzatto 2019b, 424–7.
21. Luzzatto 2019a, 100–1.
22. Gomes Solis 1955, 104.
23. Naudé 1988, 90.
24. Luzzatto 2019b, 328–9.
25. Botero 2012, I.7 (16). The different uses of the river metaphor in early modern political thought are explored in Ibbett 2008 (on Botero's deployment of the river imagery in the broader context of the growth of cities and trade, *ibid.*, 50–2).
26. Luzzatto 2019a, 232–3.
27. On the following, see Stuczynski 2018, esp. 221–2, and 230–1.
28. Syros 2016.
29. Barros 1952–1955. On this point and for further discussion, see Stuczynski 2014 (last accessed December 1, 2019).
30. Polgar 2011, 217–19. I am grateful to Racheli Haliva for earlier discussions on this point and for sharing with me her unpublished manuscript “The Jewish Exile: Divine Punishment or Natural Event? Isaac Polgar's Novel Approach.” See also Pines, 1986, 1987; Sadik 2015.
31. For further discussion, see Syros 2018 (last accessed December 1, 2019).
32. Crucé 2004, 55; 1909, 3 (French text)/4 (Eng. trans). On Crucé's ideas about universal peace and trade, see, e.g., Eliav-Feldon 1986.

33. Crucé 2004, 61; 1909, 15–16.
34. Crucé 2004, 57; 1909, 9–10.
35. Crucé 2004, 148; 1909, 301–2.
36. Crucé 2004, 76; 1909, 65–6.
37. Crucé 2004, 81–2; 1909, 83–6.
38. Crucé 2004, 82; 1909, 87–8.
39. Crucé 2004, 84; 1909, 89–92.
40. Crucé 2004, 87–90; 1909, 99–110.
41. Crucé 2004, 102; 1909, 151–2.
42. Crucé 2004, 147; 1909, 297–8.
43. Luzzatto 2019b, 436–9.
44. Zuccolo 1631, 2–5, 16–17, 34.
45. Luzzatto 2019b, 472–3.
46. Luzzatto 2019b, 46–7; 480–1.
47. Luzzatto 2019b, 478–9.
48. Luzzatto 2019a, 122–3. Early modern Italian ideas on Judaism as a universal religion are surveyed in Guetta 2009.

REFERENCES

- Barros, João de Barros. 1952–1955. *Ropica pñefma. Reprodução fac-similada da edição de 1532*, edited by Israel S. Révah. Lisbon: Instituto de Alta Cultura.
- Botero, Giovanni. 2012. *On the Causes of the Greatness and Magnificence of Cities*, translated and introduction by Geoffrey Symcox. Toronto: University of Toronto Press.
- Cassirer Ernst, Paul Oskar Kristeller, and John Herman Randall, Jr., ed. 1948. *The Renaissance Philosophy of Man*. Chicago, IL and London: University of Chicago Press.
- Cicero. 1913. *De Officiis*, translated by Walter Miller. London/New York: W. Heinemann/Macmillan.
- Cicero. 1927. *Tusculan Disputations*, translated by John E. King. London and New York: W. Heinemann and G.P. Putnam's Sons.
- Crucé, Émeric. 1909. *The New Cyneas*, edited and translated by Thomas Willing Balch. Philadelphia, PA: Allen, Lane, and Scott.
- Crucé, Émeric. 2004. *Le Nouveau Cynée ou Discours d'Etat représentant les occasions et moyens d'établir une paix générale et liberté du commerce par tout le monde*, edited by Alain Fenet and Astrid Guillaume. Rennes: Presses Universitaires de Rennes.
- Eliav-Feldon, Miriam. 1986. "Universal Peace for the Benefit of Trade: The Vision of Émeric Crucé." In *Religion, Ideology and Nationalism in Europe and America*, edited by Hedva Ben Israel et al., 29–44. Jerusalem: Historical Society of Israel.
- Erasmus, Desiderius. 1917/1974. *The Complaint of Peace: Translated from the Quærela pacis (A.D. 1521)*. La Salle, IL: Open Court.

- Gomes Solis, Duarte. 1955. *Alegación en favor de la Compañía de la India Oriental: Comercios ultramarinos, que de nuevo se instituyó en el reyno de Portugal*, edited by Moses Bensabat Amzalak. Lisbon: Editorial Imperio.
- Guetta, Alessandro. 2009. "Ebraismo come nazione e come religione universale: Forme del pensiero ebraico in Italia tra '500 e '700." *Italia* 19: 23–42.
- Heater, Derek. 1996. *World Citizenship and Government: Cosmopolitan Ideas in the History of Western Political Thought*. New York: St. Martin's Press.
- Ibbett, Katherine. 2008. "Productive Perfection: The Trope of the River in Early Modern Political Writing." In *Perfection*, edited by Anne L. Birberick, 44–57. Charlottesville, VA: Rookwood Press.
- Lipsius, Justus. 2011. *Justus Lipsius' "Concerning Constancy"*, edited and translated by Robert V. Young. Tempe, AZ: Arizona Center for Medieval and Renaissance Studies.
- Luzzatto, Simone. 2013. *Scritti politici e filosofici di un ebreo scettico nella Venezia del Seicento*, edited by Giuseppe Veltri. Milan: Bompiani.
- Luzzatto, Simone. 2019a. *Discourse on the State of the Jews*. Bilingual edition. Edited, translated, and commented by Giuseppe Veltri and Anna Lissa. Berlin: W. de Gruyter.
- Luzzatto, Simone. 2019b. *Socrates, or on Human Knowledge*. Bilingual edition. Edited, translated, and commented by Giuseppe Veltri and Michela Torbidoni. Berlin: W. de Gruyter.
- Moles, John L. 1996. "Cynic Cosmopolitanism." In *The Cynics: The Cynic Movement in Antiquity and Its Legacy*, edited by Robert Bracht Branham and Marie-Odile Goulet-Cazé, 105–20. Berkeley, CA: University of California Press.
- Montaigne, Michel de. 1993. *The Complete Essays*, translated by Michael A. Screech. London: Penguin Books.
- Naudé, Gabriel. 1988. *Considérations politiques sur les coups d'État*, edited by Frédérique Marin and Marie-Odile Perulli. Paris: Éditions de Paris.
- Pearson, Alfred C., ed. 1973. *The Fragments of Zeno and Cleanthes*. New York: Arno Press.
- Philo. 1929. *Philo in Eleven Volumes*, vol. 1, translated by Francis H. Colson and George H. Whitaker. London and Cambridge, MA: W. Heinemann and Harvard University Press.
- Pines, Shlomo. 1986. "Some Topics on Polqar's Treatise 'Ezer ha-Dat and Their Parallels in Spinoza's View." In *Studies in Jewish Mysticism, Philosophy and Ethical Literature*, edited by Joseph Dan and Joseph Hacker, 395–457. Jerusalem: Magnes Press [in Hebrew].
- Pines, Shlomo. 1987. "Spinoza's *Tractatus Theologico-Politicus* and the Jewish Philosophical Tradition." In *Jewish Thought in the Seventeenth Century*, edited by Isadore Twersky and Bernard Septimus, 499–521. Cambridge, MA: Harvard University Press.
- Plato. 1914. *Laches, Protagoras, Meno, Euthydemus*, translated by Walter R.M. Lamb. London and Cambridge, MA: W. Heinemann and Harvard University Press.
- Plato. 1928. *The Hippias Major Attributed to Plato*, intr. and commentary by Dorothy Tarrant. Cambridge: Cambridge University Press.

- Polgar, Isaac. 2011. "The Support of Religion," translated by Charles H. Manekin. In *Medieval Political Philosophy: A Sourcebook*, 2nd ed., edited by Joshua Parens and Joseph C. Macfarland, 208–19. Ithaca, NY and London: Cornell University Press.
- Richter, Daniel S. 2011. *Cosmopolis: Imagining Community in Late Classical Athens and the Early Roman Empire*. Oxford: Oxford University Press.
- Roubey, Lester W. 1947. "The *Discorso circa il stato degli Hebrei* (1638) of the Italian Rabbi Simeone (Simha ben Isaac) Luzzatto with an Introduction on the Life and Works of the Author." Rabbinical thesis, Hebrew Union College—Jewish Institute of Religion.
- Sadik, Shalom. 2015. "Negation of Political Success in the Thought of Rabbi Isaac Pulgar." *AJS Review* 39: 1–13 [in Hebrew].
- Schlereth, Thomas J. 1977. *The Cosmopolitan Ideal in Enlightenment Thought: Its Form and Function in the Ideas of Franklin, Hume, and Voltaire, 1694–1790*. Notre Dame, IN and London: University of Notre Dame Press.
- Stuczynski, Claude B. 2008. "Ex-*Converso* Sephardi New Jews as Agents, Victims, and Thinkers of Empire: Isaac Cardoso Once Again." In *Paths to Modernity: A Tribute to Yosef Kaplan*, edited by Avriel Bar-Levav et al., 209–31. Jerusalem: Zalman Shazar Center.
- Stuczynski, Claude B. 2014. "Judaïcité et richesse dans l'apologétique des *Conversos* portugais: un argument contre-culturel." *Atalaya* 14. <http://atalaya.revues.org/1295>.
- Syros, Vasileios. 2016. "All Roads Lead to Florence: Renaissance Jewish Thinkers and Machiavelli on Civil Strife." *Viator* 47 (2016): 349–64.
- Syros, Vasileios. 2018. "Mercati ex Machina: Prosperity and Economic Decline in Early Modern Jewish Political Thought." *Republics of Letters* (Stanford University) 6. <https://arcade.stanford.edu/rofl/mercati-ex-machina-economic-prosperity-and-decline-early-modern-jewish-thought-0>.
- Veltri, Giuseppe, ed. 2015. *Filosofo e Rabbino nella Venezia del Seicento: Studi su Simone Luzzatto con documenti inediti dall'Archivio di Stato di Venezia*. Rome: Aracne.
- Zuccolo, Lodovico. 1631. *Discorso dell' amore verso la patria*. Venice: Evangelista Deuchino.

Chapter 4

Rousseau's Paradoxical Cosmopolitan Anti-Cosmopolitanism

John T. Scott

Jean-Jacques Rousseau's works are full of denunciations of philosophers, especially those of the cosmopolitan persuasion. Their reasoning detaches them from their fellows through their very attempt to extend their concern to all of humanity, whether sincerely (rarely) or hypocritically (regularly). Their philosophizing is moreover pernicious in its effects on the people they live among: "those vain and futile declaimers go about everywhere, armed with their deadly paradoxes, undermining the foundations of faith and annihilating virtue" (Rousseau 2012, 25). The self-proclaimed "Citizen of Geneva" clearly took seriously the threat from cosmopolitan philosophy to the psychological and moral ties that bind us together as neighbors and citizens: "Distrust those cosmopolitans who go to great lengths in their books to discover their duties they do not deign to fulfill around them" (Rousseau 1979, 39). There is only one drawback to this summary of his condemnation of cosmopolitanism: Rousseau also believes that cosmopolitanism is true.

Like his thought in general, Rousseau's position on cosmopolitanism is riddled with paradox. The source of his paradoxical view of cosmopolitanism can, like most of the paradoxes that pervade his thought, be located at the very core of the principle he claimed animated and unified all of his works: the natural goodness of man and his corruption in society.¹ In brief, human beings are not by nature social beings, but they are thrust by historical accident into societies that tend to develop their needs, passions, and faculties in such a way as puts them into conflict with themselves and their fellow human beings. As Rousseau explains in *Emile*, we face a choice as to whether to educate a "man" (*homme*) or a "citizen."² The problem with the education we receive in society, and especially modern societies that no longer comprehend true citizenship, is that it produces a being divided against itself and others. "Nor do I count the education of society" as a proper education, Rousseau

explains, “because this education, tending to two contrary ends, fails to attain either. It is fit only for making double men, always appearing to relate everything to others and never relating anything except to themselves alone” (Rousseau 1979, 41). The cosmopolite who loves the Tartars so as not to love his neighbors is therefore one particular product of the education from society, along with the more familiar creature Rousseau terms the “bourgeois”—a being who is “good neither for himself nor for others” (Rousseau 1979, 40).

Yet if in practice the philosopher is almost always the prideful ersatz cosmopolite, in principle the cosmopolite is “man.” The cosmopolite is—or can be—the being of nature and not society. For Rousseau, societies, including political societies, are conventional and not natural. Like natural man, but with his reason and other faculties developed, the cosmopolite is not beholden to a particular society. Unlike the citizen, both natural man and the cosmopolite do not draw their identity and their existence from being a member of a particular community. As Rousseau explains: “Natural man is entirely for himself. He is numerical unity, the absolute whole which is relative only to itself or its kind. Civil man is only a fractional unity dependent on the denominator; his value is determined by his relation to the whole, which is the social body” (1979, 39–40). Natural man is relative only to himself and the cosmopolite is relative only to his “kind” (*semblable*), humankind, but neither is to be considered in relation to a social body. In short, at least in principle, if not typically in practice, cosmopolitanism is true because it is according to nature.

In this chapter, I explore Rousseau’s paradoxical cosmopolitan anti-cosmopolitanism. I begin by further articulating in what way he believes it is natural and true. I do so in part by contrasting his own very specific understanding of cosmopolitanism, which is based on his novel understanding of nature and human nature, to earlier versions of cosmopolitanism. Then I turn to his reasons for rejecting cosmopolitanism, which are also based on his understanding of human nature.

ROUSSEAU’S COSMOPOLITANISM

Although Rousseau’s conception of cosmopolitanism in some ways resembles that of his predecessors, ultimately his conception is novel, and perhaps even peculiar to him. The two main strains of cosmopolitanism, which preceded Rousseau and influenced his thought, are philosophical and religious. The peculiar character of Rousseau’s cosmopolitanism stems from his rejection of the conception of human nature on which prior philosophical and religious thinkers based their thought, including their cosmopolitanism. In turn,

Rousseau's own radical cosmopolitanism, and his simultaneous embrace and rejection of it, is based on his own conception of human nature.

Philosophy itself, in perhaps all of its many varieties, is arguably inherently cosmopolitan by nature. At any rate, this is Rousseau's conception of philosophy properly understood. In claiming philosophy is cosmopolitan "by nature" I am taking advantage of the nonunivocal character of the phrase. First, philosophy may be said to be cosmopolitan "by nature" in the sense of its true essence. Philosophy is by its very nature concerned with knowledge of what is universally true. Second, philosophy is such "by nature" because it is concerned with what is by nature (*physis*), everywhere and always, as opposed to what is by convention (*nomos*), meaning the customs, conventions, and laws of particular peoples. The search for what is according to nature puts the philosopher at odds with the city. When Thales, the first philosopher according to Aristotle's testimony, was mocked for falling into a pit while gazing at the heavens, his search for what is by nature was laughable from the perspective of how ordinary human beings (in his case Melesians) conventionally view themselves and their world. The sophists were eyed with suspicion by the natives of the cities they roamed looking for paying customers on the belief that their proclaimed wisdom (*sophia*), and their flexible speech and morals, were at odds with the reigning *nomoi*. Socrates' fate was owing in part to having been taken for a sophist, and Plato's dialogues are devoted in part to articulating how philosophy properly understood was different from sophistry. Nonetheless, when Socrates brought philosophy down from the heavens, to borrow Cicero's characterization of his accomplishment, his search for *physis* among the human things, in morals and politics, remained an inquiry into what is such by nature and thus an inquiry which is by nature, so to speak, in tension with the *nomoi* of any given political association (in his case Athens). Only in a city whose laws were perfectly in accordance with nature would the tension disappear, if such a city is possible, even in speech. The Stoic sage who takes the entire world to be his city is another attempt to erase the tension, a project perhaps easier to contemplate when Rome was the entire world and perhaps of some solace when Caesar's henchmen arrived. In any case, philosophy seen as the search for what is by nature is essentially cosmopolitan. As Rousseau states in the *Discourse on Inequality*: "As my subject concerns man in general, I will try to adopt a language that suits all nations," and, "forgetting times and places," will take "the human race as my audience" (2012, 63).

The other major strain of cosmopolitanism is religious, namely Christian (and perhaps monotheistic religions more generally), which on Rousseau's understanding is cosmopolitan by its nature, in principle if not always in practice. Defending the chapter "On Civil Religion" in the *Social Contract*, to which I shall return, Rousseau proclaims: "Christianity . . . is in its principle

a universal Religion, which has nothing exclusive in it, nothing local, nothing suited to one country rather than another” (1990–2010, 9: 147). Note that Rousseau states that Christianity is a universal religion “in its principle.” In other words, he recognizes that Christianity as it has been interpreted and practiced is not universalistic. Throughout his works he aims to interpret or, perhaps more accurately, reinterpret Christianity as fundamentally cosmopolitan. On the one hand, he attacks any attempt to make Christianity particularistic, and on several fronts. First, true Christianity does not rely on miracles, revelation, or any other exclusive or nonnatural principles. Such is the thrust of the second part of the “Profession of Faith of the Savoyard Vicar” in *Emile*, the part that was mainly responsible for the condemnation of his work. Second, he criticizes any practice that tries to ally Christianity with any particular political entity, including especially the “religion of the priest” he adamantly rejects in the chapter “On Civil Religion” as being good neither for Christianity nor for the polity. It is in this sense, then, that Rousseau champions the Reformation, especially in the second of the *Letters Written from the Mountain*, the work from which I just quoted where he states that Christianity is “in its principle” universal, again less the actual practice of Protestantism than its universalist promise. On the other hand, he proclaims that true Christianity is universal and natural. This religion is found in the Gospels, and in the morality of the Gospels alone without any supernatural admixture. He has the Savoyard Vicar proclaim his awe at the majesty of the Gospels, especially as against the books of the philosophers (1979, 307), and he himself argues that the morality of the Gospels and of reason are equivalent (1990–2010, 9: 142). This is what he means, then, when he proclaims himself to be a Christian. As he states to Archbishop Beaumont, who condemned *Emile*: “Your Grace, I am a Christian, and sincerely Christian, according to the doctrine of the Gospel” (1990–2010, 9: 47). In sum, for Rousseau, Christianity properly understood *is* natural religion and, as such, is essentially universal and cosmopolitan.

If Rousseau himself is a cosmopolitan thinker both as a philosopher properly understood and as a Christian properly understood, which for him comes to the same thing, he is nonetheless a cosmopolitan in a radical sense that transcends traditional cosmopolitanism in either its philosophical or religious strains.

As already remarked, Rousseau’s novel cosmopolitanism stems from his novel conception of human nature. In the *Discourse on Inequality*, Rousseau begins his inquiry by alluding to the inscription on the Temple of Delphi and then claiming that we do not know ourselves because our true nature is “almost unrecognizable” (2012, 51). According to Rousseau, all of his predecessors have misapprehended human nature because they have made the same mistake of assuming that the human beings before their eyes are

representative of human nature, that human nature is essentially universal and unchanging. While all of the philosophers who have examined the foundations of society have attempted to go back to the state of nature, Rousseau insists none of them has reached it because they all speak continually of “need, greed, oppression, desires, and pride, have carried into the state of nature ideas they have taken from society: they spoke of savage man and they were depicting civil man” (2012, 62). In so characterizing “all” philosophers, Rousseau reveals his allegiance to Hobbes, Locke, and other philosophers who use the conceptual language of the state of nature while at the same time criticizes them for not going far enough. Nonetheless, his main point would be equally valid against Plato, Aristotle, Cicero, and nearly every philosopher before him. Namely, they all assumed that human beings are rational, social, and moral creatures by nature. In turn, Rousseau depicts natural man in the pure state of nature as a solitary animal who does not have any need or passion related to his fellow human beings, which would create any lasting relations with them: “The only goods he knows in the universe are food, a female, and rest; the only evils he fears are pain and hunger” (2012, 73).

According to Rousseau, the attributes that previous philosophers assumed to be natural, especially reason, are instead present in natural man only in potentiality. The capacity for the actualization of these attributes Rousseau terms “perfectibility,” his own neologism, and he argues that it is this “faculty” that distinguishes humans from the other animals (2012, 72). Perfectibility enables human beings to acquire reason, speech, morality, and all the attributes previous philosophers argued were distinctively human. Yet Rousseau claims to have shown that *perfectibility*, the social virtues, and the other faculties natural man had received in potentiality “could never develop by themselves” (2012, 89), and indeed need never have developed according to any inherent natural necessity. He therefore argues that perfectibility as the capacity for development, whether or not it is actualized, is what distinguishes human beings. Beneath all the layers of the changes that have taken place in our souls that make us “almost unrecognizable” to ourselves lies a fundamentally asocial being.

The consequence of the novel conception of human nature is to radicalize Rousseau's cosmopolitanism in relation to that of his predecessors. Namely, even as they aspired to transcend their particular societies to embrace all of humankind, previous cosmopolites assumed that humans were naturally rational, social, and moral beings who required societies, whether particular societies or the society of the human race, to develop their proper human capacities. Let me take Aristotle as a representative enough example for the present purposes. For Aristotle, human beings are political animals by nature not only in the sense that they are naturally sociable and that they require one another to live, but most importantly because it is only in the city (*polis*) that

human beings can develop their specifically human capacities or virtues and thus to “live well” (Aristotle 2013, 1252b–1253a). These capacities include both the moral and the intellectual virtues, and even if the fullest exercise of the intellectual virtues as found in the philosopher transcends the city through the contemplation of the entire universe, and is therefore essentially cosmopolitan, for Aristotle the philosopher is still a political animal by nature. Even if they do not share Aristotle’s teleological conception of nature and human nature, I would suggest that nearly all philosophers and other thinkers share this understanding of a cosmopolitanism that, so to speak, still has its feet rooted to the ground. The notable exception is perhaps Diogenes the Cynic, to whom Rousseau was often likened, especially by that notorious cosmopolite Voltaire. For good reason: for Rousseau’s conception of human nature distances him from what I am characterizing as the traditional understanding of cosmopolitanism.

For Rousseau, human beings are much less rooted in any particular society, or even human society at all, in comparison to his predecessors and therefore his cosmopolitanism is more radical: “O man, whatever land you may be from, whatever your opinions may be, listen: here is your history such as I have found it reads, not in the books of your fellow men, who are liars, but in nature, which never lies” (2012, 63). This Rousseau says to the reader of the *Discourse on Inequality* as he is about to embark on his account of “man” as presented to “man.” Human beings have less a “nature” than a “history” because the very nature of human beings is not to have a specific nature. Or, more accurately, the attributes of human nature that remain consistent through all the changes humans undergo due to their social environment in particular are exceedingly minimal. Speaking of the human soul, Rousseau observed in the *Discourse on Inequality* that he identified two principles preceding reason, one of which “interests us ardently in our well-being and our self-preservation,” and the other of which inspires in us “a natural repugnance to see any sensitive being, and principally our fellow humans, perish or suffer” (2012, 54–55). Moreover, it is from the “concurrence and combination that our mind is capable of making of these two principles,” without it being necessary to presuppose sociability, that all the principles of natural right derive (2012, 54–55). Rousseau thus argues that not even the relatively thin attribute of “sociability,” such as found in modern natural law thinkers, much less any thicker conception of man as a “political animal,” is natural to human beings. Can we even imagine Aristotle, despite his deserved reputation as a peripatetic philosopher, as the author of the *Reveries of the Solitary Walker*?

Rousseau entertains two versions of cosmopolitanism, both of which are in some sense a version of “natural man” and neither of which is ultimately viable as fully cosmopolitan. The first version is represented by Rousseau himself. He often presented himself as a representation of “man,” for

example, beginning the *Confessions*: “Here is the only portrait of a man, painted exactly according to nature and in all its truth, that exists and that will probably ever exist” (1990–2010, 5: 3). Yet it is in his last work, the unfinished *Reveries of the Solitary Walker*, that his self-presentation as a man beyond any particular society reaches its zenith. He begins the work: “I am alone on earth, no longer having any brother, neighbor, friend, or society other than myself. The most sociable and most loving of humans has been proscribed by society by a unanimous agreement” (1990–2010, 8: 3). If this is a radical form of cosmopolitanism, it is an unhappy one. Rousseau’s misery consists in large measure because he is *not* natural man because his needs, passions, and faculties have been developed in society; he is “sociable” and “loving,” but has no fellow with whom to associate and to love. Yet his “return to nature,” so to speak, and not a phrase he himself uses, permits him a unique opportunity to study himself, and therewith human nature outside of or beyond society: “I will perform on myself, to a certain extent, the measurements natural scientists perform on the air in order to know its daily condition. I will apply the barometer to my soul” (1990–2010, 8: 7). Perhaps, the most evocative description of such experimentation on the soul comes in his description of drifting in a boat with the lake’s waves lulling him into reverie and experiencing the sole feeling of his existence: “What do we enjoy in such a situation? Nothing external to ourselves, nothing if not ourselves and our own existence. As long as this state lasts, we are sufficient unto ourselves, like God” (1990–2010, 8: 46). This psychic state recaptures something of the psychic state of natural man, whose “soul, which nothing agitates, gives itself over to the sole feeling of its present existence” (2012, 74). Yet if this is the habitual condition of natural man’s soul, it lasts only fleetingly for Rousseau himself: “as long as this state lasts.” Such a model of cosmopolitanism, if that is what it is, does not appear to be sustainable.

The second version of cosmopolitanism is represented by Emile, the eponymous pupil of *Emile, or On Education*. Recall that at the outset of his treatise-novel Rousseau states that we have to form either a “man” or a “citizen.” Emile will be a “man.” Or as Rousseau states later in the work: “There is a great difference between the natural man living in the state of nature and the natural man living in the state of society. Emile is not a savage to be relegated to the desert. He is a savage made to inhabit cities” (1979, 205). Emile has therefore been taken by some scholars, notably Tzvetan Todorov, as an alternative to the “citizen,” on the one hand, and “natural man” as represented by the solitary walker, on the other; a third way he characterizes as cosmopolitan (2010, 26 ff., 55–65). Nonetheless, the very fact that Emile has developed needs and passions for his fellow humans, and especially for certain individuals to whom he is attached, attenuates his cosmopolitanism. First, like Rousseau himself, Emile is subject to the unhappiness and

disappointments that come from having social passions, notably his romantic love for Sophie. “What would you do if you were informed that Sophie is dead?” So the tutor asks his pupil, who becomes enraged. “But dear Emile, it is in vain that I have dipped your soul in the Styx. I was not able to make it everywhere invulnerable,” the tutor explains: “You were bound to nothing other than the human condition, and now you are bound to all the attachments you have given to yourself” (1979, 443). Second, because Emile will have a family, he must root himself somewhere on earth and must therefore own property. Tutor and pupil set out with the principles of the *Social Contract* in hand to find a place to live, discovering that there are no fully legitimate polities in existence (1979, 473). In the end, then, Emile can neither be a citizen nor can he be a full cosmopolite.

In sum, human beings for Rousseau are much more *individuals* by nature than for any thinker before him and, as such, human beings are by nature more radically *cosmopolites* in principle for Rousseau in comparison to his predecessors. Yet, as we have already glimpsed with the cosmopolitan possibilities he does entertain, paradoxically it is this very radical cosmopolitanism in principle that leads Rousseau to reject cosmopolitanism in practice.

ROUSSEAU’S ANTI-COSMOPOLITANISM

Rousseau characteristically contrasts the cosmopolite to the citizen, for instance his acknowledgment that every citizen is harsh to foreigners because they are mere “men” in his eyes and he then warns us against the philosopher “who loves the Tartars so as to be spared having to love his neighbors” (Rousseau 1979, 39). As such, Rousseau has often been seen as a dangerous proponent of patriotism and even nationalism, or worse as a forerunner of totalitarianism.³ Let us reject the charge of totalitarianism as at best simplistic and let us admit that Rousseau is a proponent of patriotism, a subject to which I will return momentarily. What about nationalism? Let us take nationalism to mean the idea that the nation is somehow prior to the individual in terms of being paramount as well as being prior due to ties of common race, ethnicity, religion, or other features that make one “nation” what it is and distinguishes it from others, somehow as if by nature. If so, then Rousseau is no nationalist. As his self-identification with the social contract tradition attests, Rousseau holds the individual to be prior to the political community. Further, as we have seen, his radical cosmopolitanism as based on his theory of human nature as fundamentally asocial has the consequence that he does not think that humans have any ties—racial, ethnic, religious, or otherwise—that bind them together by nature and make them a “people” or “nation.” This is precisely why Rousseau is a proponent of patriotism against cosmopolitanism.

A useful place to begin to understand Rousseau's rejection of cosmopolitanism and embrace of patriotism is a chapter from the so-called *Geneva Manuscript*, a preliminary draft of the *Social Contract*, titled "On the General Society of the Human Race." As in the portion of the text that did make its way into the final version of his political treatise (*Social Contract* I.6), the chapter in the draft version begins by arguing that there came a point in human development or history that naturally independent individuals needed the aid of their fellow humans to survive and therefore have to form some sort of association. Could that association be the entirety of the human race? "Certainly the term *human race* suggests only a purely collective idea which assumes no real union among the individuals who constitute it." Rousseau writes: "Let us add to it, if you wish, this Supposition, and conceive of the human race as a moral person having . . . a universal motivation which makes each part act for an end that is general and relative to the whole. Let us conceive that this common feeling is humanity, and that natural law is the active principle of the entire machine." The difficulty with this supposition is that, given "the constitution of man," the very process of development that leads to the need to establish a society, here by supposition the society of the entire human race, also awakens "personal interest," so that "the prior development of the passions renders all [the precepts of natural law] impotent." Such a "general society" therefore exists only in the "systems of Philosophers" (1990–2010, 4: 78–79).⁴

Even if such a cosmopolitan "general will" exists in theory, it is impotent in practice. First, because of the force of self-interest, which is after all natural since self-love is natural and primary. Second, for cognitive reasons: "since the art of generalizing ideas in this way is one of the most difficult and belated exercises of human understanding." Third, given the process of socialization itself: "We conceive of the general society on the basis of our particular societies: the establishment of small republics makes us think about the large one, and we do not really begin to become men [*hommes*] until after we have been citizens." He therefore concludes: "It is apparent from this what should be thought of those supposed cosmopolites who, justifying their love of the fatherland by means of their love of the human race, boast of loving everyone in order to have the right to love no one" (1990–2010, 4: 80–81). As such, Rousseau turns to the political association, the fatherland, as a viable solution given the limitations imposed by human nature of making naturally independent beings sociable. As he explains in the contemporaneous essay "Political Economy":

It seems that the feeling of humanity evaporates and weakens as it is extended over the whole world, and that we can't be moved by calamities in Tartary or Japan as we are by those of a European people. Interest and commiseration must in some way be confined and compressed to be activated. (1990–2010, 3: 151)

In the final version of the *Social Contract*, Rousseau does not entertain the possibility of a society of the human race, and instead moves directly to the question of the formation of a political association, where interest and commiseration are “confined and compressed.” The chapter in which he articulates the problem to which the social compact among naturally free and independent individuals is subject is titled “On the Social Compact” (I.6). How is it possible to create a form of association that defends and protects the person and goods of each associate with all the common force, and yet in which the individual nonetheless obeys only himself and remains as free as before? The solution is well known: the total alienation of each individual to the whole community, the body politic, or state (2012, 172–74). The difficulty with this solution arises in the following chapter, and it arises from human nature itself: “Each individual can, as a man [*homme*], have a particular will contrary to or differing from the general will he has as a citizen.” Again, the solution is well known: whoever does not obey the general will must be constrained to do so by the whole body, which means that he will “be forced to be free” (*Social Contract* I.7, 2012, 175). Without attempting on this occasion to explain much less defend Rousseau’s proposal, let me limit myself to observing that the same aspects of human nature that make Rousseau a radical cosmopolitan in principle and an opponent of cosmopolitanism in practice complicate the political solution he offers.

The principal means Rousseau proposes to make naturally free and independent individuals listen to the general will they have as citizens is the lawgiver. The lawgiver takes advantage of the plasticity of human nature Rousseau considers in the *Discourse on Inequality* under the concept of “perfectibility” by redirecting our primary natural passion of self-love toward the community by altering how we understand ourselves or our identity: “He who dares to undertake to establish a people’s institutions must feel that he is capable of changing, so to speak, human nature.” The lawgiver achieves this feat by having recourse to divine authority in order to “motivate without violence and persuade without convincing” (2012, 191, 193). Relatedly, he shapes “morals, customs, and especially opinion;” aspects of the law unknown to modern politicians, but upon which Rousseau insists the success of all the other elements of law depends (2012, 202–3).

Rousseau does not expand on these morals, customs, and opinions in the *Social Contract*, but he does so elsewhere. In the essay “Political Economy” he discusses them under the rubric of “public education”: “Do you want people to be virtuous? Let us then start by making them love their fatherland” (1990–2010, 3: 152). Similarly, in the *Considerations on the Government of Poland*, he devotes a chapter to the subject with the title “Spirit of Ancient Institutions,” writing for example: “The same spirit guided all the ancient Lawgivers in their institutions. All looked for bonds which attached the Citizens to the fatherland and each to each other, and they found them in

distinctive practices, in religious ceremonies which were always exclusive and national by their nature (see the end of the *Social Contract*),” all of which “strongly attached them to that fatherland with which they were kept ceaselessly occupied” (1990–2010, 11: 173; trans. altered). The aim of all of these practices employed by the lawgiver is the same: to make the citizens identify with the state and with one another. To instill patriotism.

Such thick patriotism makes many interpreters uncomfortable, leading them to discard what Joshua Cohen has called Rousseau’s “political sociology” as unnecessary and in tension with the democratic principles of political legitimacy he embraces (2009, esp. 21–2, 57–8). Anna Stilz faces the issue more squarely by distinguishing between what she calls the “freedom model” and the “cultural model” of political loyalty or patriotism in Rousseau’s theory (2009, chap. 5). She embraces the “freedom model,” which involves preparing the individual to consent rationally and freely to enter into a legitimate state to which they thereby have a strong sense of belonging and loyalty, but rejects the “culture model,” in which a common culture, mores, and opinions are instilled in the citizens, as threatening to the principle of free self-determination of the “freedom model.” She opines that the “cultural model” poses a constant temptation to Rousseau for the “‘extra’ motivational resources” it offers, but sees it as incidental rather than central to his program for creating civic identity and loyalty (2009, 136). She ultimately therefore largely joins Cohen in presenting a “liberal” Rousseau, and indeed a Kantian Rousseau. Although such a reconstruction of Rousseau’s political theory may be attractive, the above discussion of the constraints Rousseau believes human nature places on making naturally asocial human beings sociable suggests that a strong form of acculturation is necessary for the legitimacy and functioning of the political association as he conceives it. Put differently, such reconstructions of Rousseau’s political theory try to make it much more liberal, and even more cosmopolitan, than his own theory allows.

In his advice to the Poles, Rousseau sends the reader to the end of the *Social Contract*, that is, the chapter “On Civil Religion” (IV.8), and if we take him up on his invitation we get perhaps our best view of his cosmopolitan anti-cosmopolitanism, and thus the tension between the truth of principle and the utility of practice in his thought. In this controversial chapter, Rousseau discusses the relationship between religion and politics and considers the question from the perspective of political utility. He initially divides religion in relation to society into two types: the religion of man and that of the citizen (2012, 267). We have grown accustomed to the opposed pairing of “man” (*homme*) and “citizen” as an avenue into Rousseau’s cosmopolitan anti-cosmopolitanism, and the case is no different here.

The religion of man, he explains, is a nonceremonial religion, which consists in the worship of the supreme deity and the eternal duties of morality, which Rousseau claims is “the pure and simple religion of the Gospel, true

theism” (2012, 267). Above I suggested that one of the strains of cosmopolitanism that influences Rousseau, and which he embraced after his own fashion, is Christianity understood as a true and universal religion. The religion of the citizen, by contrast, is limited to the scope of a single country, which “gives it its gods, its own tutelary patron” (2012, 267). Beyond the borders of the single nation that follows this civic religion, everything else is “infidel, alien, barbarous” (2012, 267). The religion of the citizen is decisively anti-cosmopolitan. To these two types of religion Rousseau adds a third, which he calls the religion of the priest. This “bizarre” sort of religion, by dividing authority into two bodies of legislation, two leaders, two fatherlands, inevitably subjects individuals to “contradictory duties and prevents them from being able to be simultaneously devout men and citizens” (2012, 267). Rousseau associates this religion with Roman Catholicism in particular. Because of its pernicious character considered from the perspective of political utility, or indeed from any perspective, Rousseau puts it aside.

Rousseau’s judgment of the religion of man and the religion of the citizen once again reveals the tension between principle and practice in relationship to cosmopolitanism. As for the religion of the citizen, it is politically salutary insofar as “since it makes the fatherland the object of the citizens’ worship, it teaches them that to serve the state is to serve its tutelary god” (2012, 267). Nonetheless for all its political utility, the religion of the citizen is bad because it is false. Rousseau focuses on the bad practical effects of the religion of the citizen: it tends to make its adherents credulous, superstitious, bloodthirsty, and intolerant. Nonetheless, the deeper problem is that it is “founded on error and falsehood,” for human beings are not born “citizens” by nature or divided by nature into particular political societies with their exclusive gods (2012, 267–8). As for the religion of man, or true Christianity, Rousseau claims it is inconsistent with the demands of politics. “But I am mistaken in speaking of a Christian republic: each of these two words excludes the other” (2012, 270). The problem? The religion of man is true. Through this “saintly, sublime, genuine religion,” individuals all recognize each other as bound in a cosmic unity that does not dissolve even in death. This very universality or naturalness nonetheless makes the religion of man unsuited for the particularity of the political association for given that the religion of man has no particular relation to the specific body politic, this means that the laws possess only the force “they derive from themselves without adding any other force to them” (2012, 268).

If the religion of man is true in principle but pernicious in practice for politics and the religion of the citizen is politically salutary but false, what is the solution? Rousseau concludes his examination of religion seen from the perspective of politics by recommending the promulgation of “a purely civil profession of faith” with very minimalist dogmas and a proscription of intolerance (2012, 271). Numerous interpreters have balked at this civil

profession of faith as being contradictory to Rousseau's emphasis on the freedom of individuals agreeing to enter the social contract and legislating for themselves (e.g., recently, Griswold 2015). Yet one might wonder whether such a thin religion can even do the heavy-lifting necessary to turn naturally free and independent "men" into the "citizens" required for Rousseau's political association. Perhaps the truth of natural religion even under the imperfectly universalist aegis of Christianity in the historical forms it has taken not only makes a return to the religion of the citizen found in paganism impossible, and Rousseau never recommends such a return, but also reveals the impossibility of fully reconciling the cosmopolitanism of true philosophy and religion with the inherently anti-cosmopolitan politics necessary given the fragile sociability of human nature for Rousseau.

NOTES

1. For Rousseau on the unity of his works and their foundation on the principle of the natural goodness of man, see *Letters to Malesherbes* in Rousseau 1990–2010, 5: 575; *Letter to Beaumont* in Rousseau 1990–2010, 9: 28–9; *Dialogues* in Rousseau 1990–2010, 1: 22–3, 209–13. See Melzer 1990 on the natural goodness of man in Rousseau's thought.

2. Since Rousseau gives examples of both male and female citizens in this context, I will presume that by "man" (*homme*) he means a human being, gender neutral, despite the fact that his imaginary pupil is decidedly male and also despite the fact that he devotes a special section of *Emile* to female education. I do not mean to deny the importance of the gender specificity of Rousseau's educational treatise, or thought as a whole, but I do not believe that these gender differences substantially bear on his view of cosmopolitanism. For the contrast between "men" and "citizens" in Rousseau's thought, see Shklar 1968.

3. The classic example of the charge that Rousseau is a forerunner of totalitarianism remains (Talmon 1952). For Rousseau as a forerunner of nationalism, even if he would not himself have endorsed it, see Engel 2009.

4. Rousseau's discussion of the possibility of the "general will" of the entire human race is a response to Diderot's article "Natural Right" (*Droit naturel*) in the *Encyclopedia*. For a discussion of Rousseau's response to Diderot here, see Masters (1968, 261–9).

REFERENCES

- Aristotle. 2013. *The Politics*. Trans. Carnes Lord. Chicago: University of Chicago Press.
- Cohen, Joshua. 2010. *Rousseau: A Free Community of Equals*. Oxford: Oxford University Press.

- Engel, Steven T. 2009. "Rousseau and Imagined Communities," *The Review of Politics* 67: 515–37.
- Griswold, Charles L. 2015. "Liberty and Compulsory Civil Religion in Rousseau's *Social Contract*," *Journal of the History of Philosophy* 53: 271–300.
- Masters, Roger D. 1968. *The Political Philosophy of Rousseau*. Princeton: Princeton University Press.
- Melzer, Arthur M. 1990. *The Natural Goodness of Man: On the System of Rousseau's Thought*. Chicago: University of Chicago Press.
- Rousseau, Jean-Jacques. 1979. *Emile, or on Education*. Trans. Allan Bloom. New York: Basic Books.
- Rousseau, Jean-Jacques. 1990–2010. *The Collected Writings of Rousseau*. Edited by Roger D. Masters and Christopher Kelly. 13 vols. Hanover: University Press of New England.
- Rousseau, Jean-Jacques. 2012. *The Major Political Writings of Jean-Jacques Rousseau: The Two Discourses and the Social Contract*. Translated and edited by John T. Scott. Chicago: University of Chicago Press.
- Shklar, Judith N. 1969. *Men and Citizens: A Study of Rousseau's Social Theory*. Cambridge: Cambridge University Press.
- Stilz, Anna. 2009. *Liberal Loyalty: Freedom, Obligation, and the State*. Princeton: Princeton University Press.
- Talmon, J. L. 1952. *The Origins of Totalitarian Democracy*. London: Secker & Warburg.
- Todorov, Tzvetan. 2010. *Frail Happiness: An Essay on Rousseau*. Translated and edited by John T. Scott and Robert D. Zaretsky. University Park, PA: The Pennsylvania State University Press.

Part II

**KANT'S COSMOPOLITANISM
AND ITS CRITICS**

Chapter 5

A Cosmopolitanism that Populists Could Love

Kant on National Honor

Jeffrey Church

Though he never left his Prussian home of Königsberg, Immanuel Kant developed one of the most sophisticated and seminal accounts of cosmopolitanism in modernity.¹ In his moral philosophy, Kant argued that the humanity in each of us possesses unconditional worth, and so we should strive to bring about a moral community, a kingdom of ends that encompasses all of humanity, in which we all treat one another as ends in ourselves, no matter our differences or conflicts. In his political philosophy, Kant held that to secure individual rights or “external freedom,” states should join together into an international congress of states to foster perpetual peace and, perhaps eventually, forge a world state, making every human being a world citizen.²

In recent years, philosophers have read and applied Kant’s cosmopolitanism to develop abstract principles of global distributive justice to fight worldwide poverty (see Beitz 2010; Pogge 2002), and to guide and support international legal and political institutions to support world peace (see Habermas 2010). However, much of this work was done before Brexit and the 2016 election in the United States, that is, before the wave of discontent with liberal cosmopolitanism and the rise of nationalism and populism in many parts of the West.³ In part, this discontent stemmed from a sense that the emerging cosmopolitan order was undermining national sovereignty, that British citizens, for instance, were increasingly subjected to the arcane and seemingly arbitrary rules of distant authorities in Brussels, or that American citizens had to submit to international free trade treaties that harmed their interests.

This populist movement does not, of course, amount to a challenge to the philosophical work on Kant’s cosmopolitanism. But it does suggest that these studies have been one-sided, focusing on global principles and institutions

and overlooking the value of national self-government. In this way, these scholars have not appreciated the complexity of Kant's account, which, as I will argue, seeks to balance national and cosmopolitan ends. In part I, I argue that on Kant's view, republican self-government is not simply instrumental to cosmopolitan aims, but is valuable in itself as a distinctive manifestation of human freedom. Cosmopolitans should not, therefore, simply be concerned with material redistribution and international order, but also with fostering the conditions for national self-government.

This argument is significant not only in offering a more complex and sophisticated cosmopolitan ideal, but also in revealing an additional motivation to embrace this ideal. Contemporary Kantian cosmopolitans are rationalists through and through, constructing abstract, rational principles of justice and ideal institutional orders in the hope that the "forceless force" of reason will persuade naysayers. However, the recent backlash against cosmopolitanism suggests that the appeal to reason alone is unlikely to succeed. A more promising path is to diagnose and treat the populist grievance. The populist critique has been motivated in part by a perceived slight to national honor, that the people are not competent enough to govern, and that good governance must be carried out by the embodiment of reason, a rational technocrat. As I argue in part II, Kant holds that national self-government confers on the people true honor as a free people. At the same time, honor is dangerous, as it can be harnessed for immoral and destructive aims. Kant nevertheless does not seek to extirpate this desire, but sublimate it to motivate peoples to moral cosmopolitan ends.

Finally, in part III, I apply Kant's theory to the case of immigration, and argue that his view involves the balancing of the cosmopolitan norm of hospitality against the domestic right of self-government.

In sum, I argue that some scholars of Kant's cosmopolitanism have indeed focused on the importance of republican self-government, but have not equally recognized the role of self-government in conferring honor to free peoples. I suggest that considering these two features of Kant's thought gives us a cosmopolitanism that is potentially compatible with populist demands for national independence and honor. The proposed approach shows that, on the question of immigration, Kant would support certain restrictions (in contrast to liberal accounts) but would also require the significant strengthening of due process rights and oppose mass deportations (in contrast to some conservative proposals).

THE VALUE OF REPUBLICAN SELF-GOVERNMENT

Kant's mature political philosophy is based on the value of external freedom, our capacity to set ends for ourselves and so seek our "happiness in the way

that seems good” to us (TP 8:290), to be our “own master” (MM 6:238). This freedom for Kant implies the equality among all human beings, in that no human being has a rightful claim by nature to rule over me (TP 8:293), or to constrain me by his choice (MM 6:238). In the state of nature, however, our purposes conflict and there is no impartial authority to adjudicate our conflicts, which can thereby only be resolved through force (MM 6:312). As a result, our external freedom is insecure outside of a civil condition that could establish laws to coordinate the wills of all individuals. Such laws Kant refers to in general as principles of right, which oblige us to act so that our choices coexist with the freedom of everyone else “in accordance with a universal law” (MM 6:231).

The universality of the value of external freedom means that it is not enough for one political society to protect the freedom of its own members. After all, each political society exists in a state of nature with all others, so that the external freedom of everyone on earth is insecure. The ultimate end, then, of Kant’s political philosophy is the comprehensive extension of the principles of right across the globe in the form of a “league” of states that could establish perpetual peace and so secure the external freedom of all (PP 8:357). The aim, in other words, seems to be the overcoming of national sovereignty, replacing states with the governance of cosmopolitan institutions. Indeed, Kant famously argues that individuals are not only permitted but morally obliged to force unwilling individuals out of the state of nature, devoid of right, into a condition of right (MM 6:312). So too, some Kant scholars have argued, states should be permitted and obliged to drag unwilling states out of the international state of nature into a cosmopolitan condition (Byrd and Hruschka 2010, chapter 9).

However, Kant resists this totalizing world state end point and maintains the value of national sovereignty. The fifth preliminary article of *Perpetual Peace* is, “no state shall forcibly interfere in the constitution and government of another state” (PP 8:346). He argues that a “world republic” is “correct in itself,” but cannot command the consent of national states, which Kant holds to be inviolable. As such, in place of the positive ideal, states can settle for “the negative surrogate of a league that averts war, endures, and always expands” (PP 8:357). This “permanent congress of states” differs from the American federation, which is based on a republican constitution and therefore cannot be dissolved. Instead, Kant’s congress of states is a voluntary coalition of different states, which can in principle be dissolved at any time (MM 6:351). This league or congress respects national sovereignty while at the same time resolving international conflicts lawfully rather than through war. Since this congress is voluntary, there always remains the possibility that states could withdraw from it, rendering external freedoms insecure. As such, Kant holds that perpetual peace is a regulative ideal, for us to approximate but never to achieve.

Why is national self-government valuable? Kant suggests there are instrumental benefits to a world divided into several independent states. They will engage in competitive behavior and seek to outdo the others in advances in the arts and sciences (I 8:26). This “liveliest competition” will also check the ambitions of any one state to expand its might and become a “soulless despotism” governing all other states (PP 8:367).⁴ Indeed, states might profess to have the best intentions to become a force for cosmopolitan justice in the world, which may mask more nefarious self-interested motives revealed when they gained power and governed all despotically. Kant particularly worries about this eventuality in the case of European colonialism, of which he becomes a strong critic in the 1790s.⁵ European powers profess to be cosmopolitan benefactors, bringing the benighted into Enlightenment, yet in fact exploit the indigenous peoples (PP 8:355, 8:358). Kant’s general worry about the “malevolence of human nature” leads him to be skeptical of the motivations of cosmopolitanism and to embrace a system of balanced powers (PP 8:355). At the same time, he thinks the traditional balance of power doctrine in Europe is a “mere fantasy,” so constructed that it collapsed “as soon as a sparrow alighted upon it” (TP 8:312).⁶ As such, for Kant, self-interest must be supplemented by a moral commitment on the part of states to join an international order, which will maintain such a balance of power.

In addition to the instrumental benefits of national sovereignty, Kant also develops a moral justification for it, rooted in the value of external freedom.⁷ Namely, a state’s exercise of self-government is an expression of external freedom. In this way, Kant’s political philosophy is not just liberal in nature, but also republican. As we have seen, the basic animating principle of government for Kant is not self-preservation or material goods, as for early modern thinkers such as Hobbes or Locke, but the value of external freedom, of being my own master. To be my own master, however, I must at the same time take part in the collective determination of the rules of right that govern me and my community. As Kant argues, “legislative authority can belong only to the united will of the people” (MM 6:313), since it is only under the condition in which I take part in legislation that my freedom is “undiminished.” I am thereby not dependent on any particular will, but am dependent only on my “own lawgiving will” (MM 6:316). The condition of equal participation in lawgiving by citizens and reciprocal dependence on the common laws makes possible my external freedom, and participation in government is one expression of my independence.

Indeed, for Kant, right is indeterminate. It is not clear outside of civil society what the bounds of mine and thine are, as it is, for instance, in Locke’s political thought. In this way, our right to our possessions are only provisional and insecure, and can only claim legitimacy in a civil condition. I can only be my own master if I have some say over what is mine. Furthermore, different

communities make different choices about the common goods (TP 8:289), or certain preconditions for the external freedom of all, such as poverty relief and economic growth (MM 6:326, TP 8:298). I can only be my own master if I have some say over our common fate, which governs me as a citizen.

The political community as a whole, then, facilitates the external freedom of each by maintaining and fostering republican self-government. As such, if the laws of right or their application in a country are determined by another country or international organization, then the members of the state cease to be masters over their own lives. The political community loses its autonomy, and so too do the members, who become heteronomous subjects. Kant's concerns about European colonialism are relevant here. The Europeans' aim of extending liberal rights across the globe has the effect of rendering colonized peoples dependent and heteronomous. In addition, the violation of the autonomy of any one state, Kant points out "would make the autonomy of all states insecure" (PP 8:346). Thus, the very attempt to extend right internationally on unwilling countries would be self-defeating.

Though Kant is a republican thinker, he is of course a distinctive one, in that he eschews the typical hypothetical or tacit consent-based justification of political power. Instead, he develops what O'Neill (2012) calls a "modal" social contract justification, based on what the people would agree to if they were assembled as a whole. Of course, the people are not and cannot be assembled in this way, and so the social contract becomes a regulative "idea of reason" in Kant's political philosophy, as a norm for evaluating state decisions and a guide for political reform, that the people's representative should "give his laws in such a way that they *could* have arisen from the united will of a whole people," and to regard each individual as if he or she had taken part in voting (TP 8:297). As such, for Kant, even monarchies can count as self-governing, even if they allow no room for citizen participation, because there is some minimal sense in which the ruler represents the people's (imagined) will. Instead of forcibly changing such constitutions, Kant argues, the international community should give the community the freedom to develop in its own distinctive way toward the ideal of republican self-government.

In sum, then, Kant is a cosmopolitan that populists could love because he defends the value of national sovereignty. Of course, just because Kant upholds national sovereignty does not imply that he licenses a state to act; however, it wishes in order to preserve and promote itself. A state, on Kant's view, must balance the demands of right domestically with the demands of international and cosmopolitan right. The nature of this demand is not simply ethical but also juridical in Kant's sense, which means that states may be coerced for violating cosmopolitan right. Indeed, for Kant, the important exception that he makes to the inviolability of national sovereignty is the "unjust enemy," which he defines as a state "whose publicly expressed will"

reveals a maxim by which, if it were made a universal rule, “any condition of peace among nations would be impossible” (MM 6: 349). Kant insists that violations of public contracts would signify such an expression (MM 6:349). National states, then, can be held accountable for violations of basic norms of international order by coalitions of other states, thereby holding each state to its duty to balance domestic and international right. Of course, Kant is quick to argue, such a coalition cannot divvy up the territory of such an “unjust enemy,” which would be an injustice against its people, because it would make them heteronomous. Instead, it should make them “adopt a new constitution that by its nature will be unfavorable to the inclination of war,” thereby maintaining their political autonomy (PP 6:349).

THE PEOPLE’S HONOR

The above argument gives contemporary populists some reason to admire Kant’s cosmopolitanism. However, much of the contemporary dispute is not about reason at all, a point sometimes lost on Kantian cosmopolitans, who hope that by reasoning with critics long enough they may persuade them. Instead, much of the populist backlash consists in feelings of resentment, that elites either ignore the people’s interest or treat them with contempt. In a word, the people’s honor has been slighted. Rational persuasion cannot assuage such slighted honor, and may in fact worsen it if it is perceived as condescension. Instead, cosmopolitanism should instead address feelings of honor. Fortunately, Kant’s cosmopolitanism, I argue, does just this, and so is a helpful contemporary resource.⁸

Honor is a dangerous emotion, according to Kant’s view. It is rooted in our distinctively human “self-love,” which seeks recognition of our “worth in the opinion of others,” in contrast to our animal material desire for self-preservation. Kant’s discussions of honor are much indebted to Rousseau’s analysis of *amour-propre*. As in Rousseau, Kant recognizes the many ills that the desire for honor creates. In seeking recognition from others, we initially expect to be regarded as having “equal worth,” not “allowing anyone superiority over oneself, bound up with the constant anxiety that others might be striving for ascendancy.” This anxiety leads us eventually to an “unjust desire to acquire superiority for oneself over others.” This desire leads to all manner of “diabolical vices” in order to achieve and maintain this superiority (R 6:27). More broadly, honor itself becomes invested in immoral human activities, especially, for Kant, in excellence in war, such that many countries celebrate those who have “annihilated a great many human beings” (PP 8:357n).

At the same time, Kant argues that these forms of “false honor” can give way to “true honor” (LE 27:664). For Kant, there are many ways human

beings falsely claim superiority, but there is one way in which we truly claim it: namely, through our freedom. Human beings are distinctive among the animals in being free, in the sense that we are not determined to act by natural impulse. We can therefore live up to our freedom, living autonomously—both in moral and political senses of this term—or we can abandon our freedom and give ourselves over to the heteronomous pursuit of happiness. If we live up to our freedom, we demonstrate the superiority of our species over the animals and thereby merit true honor. In his moral philosophy, Kant argues that by acting autonomously “in accordance with duty, even the greatest scoundrel must pay him respect, and even the tyrant cannot rob him of the idea of self-respect, and the worth arising from his merit” (LE 27:665). If we abandon our freedom, we merit no honor, but rather shame. As he puts it rather starkly, “kneeling down or prostrating oneself on the ground . . . is contrary to the dignity of humanity,” and “one who makes himself a worm cannot complain afterwards if people step on him” (MM 6:436–7). In his political philosophy as well, the first duty of right is to assert one’s worth as an “honorable human being” (MM 6:236), in particular by resisting becoming a slave and defending one’s good reputation against slander (MM 6:295). Kant argues that when heads of state use their subjects as mere means, as cannon fodder in their pet wars, they violate the right of humanity to be regarded “not merely as means but also as ends in themselves” (MM 6:345).

Many Kant scholars have analyzed his view of individual honor, but no one has attended to his conception of a people’s honor.⁹ Yet Kant is attentive to the way in which a people as a whole seek honor. He worries in particular about “the true honor of a state” being lodged in the “continual increase of its power by whatever means” (PP 8:344), the “political honor” of “augmenting their power in whatever way they may acquire it” (PP 8:375). Indeed, since honor is so often connected to a state’s expansion, we can thereby make sense of the fact that war is held as “something noble, to which the human being is impelled by the drive to honor” (PP 8:365). Even though the people are much less likely than heads of state to support war—since they themselves must pay for it materially with life and property—the ennoblement of humanity in war keeps states divided from one another.

However, Kant also recognizes a form of a people’s true honor as when it puts its “majesty” in “not being subject to any external lawful coercion at all” (PP 8:354), such that it is “proud of its independence” (PP 8:357n). That a people can have such true honor should come as no surprise, as it is an extension of the innate right of individuals to be their own master. Just as each individual should be an “honorable human being” and master over himself, so too should a state (MM 6:236). Indeed, Kant refers to a state, like an individual, as a “moral person.” Thus, a state is a society of human beings that “no one other than itself can command or dispose of” (PP 8:344). A state,

then, can merit true honor by living autonomously, that is, by engaging in independent self-government, or shame, by abandoning its independence and making itself subject to a foreign power.

For Kant, individuals and states have duties to themselves, to merit true honor by living autonomously. At the same time, however, a proud independence in the international sphere can be threatening to other states, which also desire to live independently. As we have seen, the state of nature is insecure, given that no state is bound to refrain from encroaching on the possessions of another, if the other gives “no equal assurance that he will observe the same restraint toward him” (MM 6:307). Accordingly, unlike true and false honor at the individual level, true honor may give way to false honor within the logic of Kant’s international state of nature—to uphold the true honor of the state, it must engage in the false honoring of military prowess.¹⁰ Perhaps, then, the cosmopolitan project should seek to extirpate or overcome the desire for honor, rather than foolishly try to draw on it. In the contemporary world, some observers have come to paint this desire for national honor as such as bigoted and backward.

We can find a way to redeem the role of honor, however, by attending to the way in which Kant sublimates military honor. In the *Metaphysics of Morals*, Kant argues that moral virtue is difficult to achieve as it requires great strength to overcome the contrary forces of our inclinations. He continues by claiming that the vices contrary to law are “monsters” the individual must fight just as moral strength expressed as courage “constitutes the greatest and the only true honor that man can win in war” (MM 6:405). In my view, Kant employs this allusion to war as more than an analogy. We celebrate honor in war because we think that war can accord to us our state’s independence. Yet war does the greatest violence to right, and so threatens the independence of every state, including ours. The pursuit of honor in war turns out to be shameful after all. As such, our desire to gain honor in war must be turned against itself. We must wage war against the desire to wage war. In doing so, we liberate ourselves from the inclination to war with others and find a new form of self-mastery and a truer form of honor. Instead of overcoming an outmoded desire, we turn it inward against itself. Indeed, theorists after Kant adopted this insight to urge us to consider the “war on poverty” or the “war on drugs” (Shell 2002, 249). As Kant himself recognized, war unifies and motivates a people, while peaceful commerce makes us selfish (CJ 5:432–3).

The true honor of a state consists, then, not only in maintaining one’s own political autonomy, but also in respecting the autonomy of all other states. This respect for the honor of other states would not simply consist in leaving them alone.¹¹ After all, on a bounded earth, and when some states could be facing disastrous conditions imperiling their autonomy, we cannot help but relate to all states in a reciprocal condition of “*commercium*.” For example,

there are tremendous material inequalities among states, just as there exist inequalities among individuals within a state. Kant argues that his liberal republican principles are consistent with inequality (TP 8:291), but not with extreme forms of inequality (MM 6:326).

Consider Kant's reflections at the level of domestic right, before we apply these thoughts to international right. Kant argues that the desperately poor do not have the material preconditions to be their own master—those who are “unable to maintain themselves” (MM 6:326)—and hence enjoy external freedom. However, the poor cannot depend on the rich, or on other civil associations such as churches, for support, since that would make them thoroughly dependent on the latter, thereby vitiating their external freedom. Instead, the state as the expression of the “general will of the people” has as its task defending the external freedom of all, which means that it may coerce the rich and redistribute their wealth to provide for the material preconditions for the freedom of the poor (MM 6:326). Thereby, the poor are not dependent on the rich, but only on themselves as expressed through the general will, thereby maintaining their honor.

At the same time, however, Kant is under no illusion that the formal equality of the general will overcomes the dependence generated by inequalities of wealth. Indeed, he argues further that the rich have ethical duties of beneficence, yet these duties must be discharged in a particular way. Namely, the rich should be careful to avoid any appearance of intending to bind others by their beneficence, in order thereby to increase the other's dependence on him. Instead, “he must show that he is himself put under obligation by the other's acceptance or honored by it” (MM 6: 453). This duty, then, is merely something that one owes, unless (as is even better) one can practice beneficence in “complete secrecy” (MM 6:453). In being self-abnegating, the rich make themselves dependent on the poor, thereby increasing the poor's independence. Or, better, Kant recognizes, the rich should be anonymous in their giving, so as to maximally foster independence through their giving. Admittedly, Kant argues that this is an ethical not a juridical duty (and so cannot be coerced), but he argues that only by being anonymous can the rich be truly moral, their motivations not tainted by self-interest. However, he also offers an additional political justification for the rich to act this way—the rich have mostly acquired their wealth due to the “injustice of the government,” which inevitably introduces the economic inequality that produces the dependence of others on their beneficence (MM 6:454). The dishonorable history of the rich provides an opportunity for themselves to regain their honor, by distributing their wealth so as to allow all to merit their status as free beings, achieved through right rather than might.

However, securing basic material preconditions do not amount to full “active” citizenship, in which one has the right to vote and hence is master

over one's political fate (MM 6:314). Kant argues that many individuals in a state do not meet the requirements of being an active citizen, because they are dependent on the will of others for their livelihood. Kant identifies cognitive forms of dependence ("a child or a woman" [TP 8:295]), but also material dependence—one must have "some property" and "any art, craft, fine art, or science" to sell to others in order to be independent (TP 8:295). Anyone who "alienat[es]" his "powers" or his labor rather than his property is dependent, in Kant's view—thus the "domestic servant, a shop clerk, a day laborer" are dependents, while the "artist or craftsman" are independent (TP 8:295).¹² For Kant, if I am in a condition of dependence, then I cannot be trusted to render my own judgment, but rather may parrot my patron's judgment. There are, in other words, material preconditions for independence.

Kant's reflections here have garnered nearly universal condemnation. In my view, however, we may consider them more productively as part of Kant's broader project of encouraging independent thinking, most famously expressed in the motto of his "What is Enlightenment," *Sapere Aude!* Kant encourages us to emerge from our condition of "self-incurred immaturity," our "inability to make use of [our] own understanding without direction from another" (WIE 8:35). Kant explains the immaturity not primarily as a personal failing, but a result of the systematic dependence in which self-appointed "guardians" have prevented the many "from daring to take a single step without the walking cart in which they have confined them" (WIE 8:35). Similarly, we may read Kant's reflections on material dependence as a further explanation of such systematic dependence—the rich guardians keep the working class in a condition of immaturity by making them materially dependent on them as well. Under such conditions, it would be extremely difficult for the working class to voice independent thought, since there would be debilitating material threats from the rich in doing so.

Since the aim of the state is to foster external freedom, then this passive citizenship is a problem the state must solve. Indeed, Kant argues not that the state should supply the material preconditions for active citizenship, but that it should create the conditions in which it is possible for practically anyone to work from this passive condition to an active one (MM 6:315). He does so because under these conditions individuals can earn their independence, thereby demonstrating honor, not have it given to them by the state. Of course, these conditions, Kant insists, require that individuals' basic "freedom" and "equality" be secured, so that they have a realistic chance of earning their independence (MM 6:315).

We can apply these reflections to the international community, since Kant repeatedly draws the comparison between domestic and international right. He argues that states should be especially attuned to inequalities in the international community, as we can see, for instance, in his injunction that states

should not “take advantage of the ignorance of those inhabitants” in trading with them (MM 6:353).

If a state, like an individual, suffers from extreme material deprivation, then the international community has a juridical obligation to aid it, since all states have a duty to usher in an international order that would protect the political autonomy of all. At the same time, however, we should not expect such aid to come from rich states to poor states, which, as in the case of individuals, would deepen conditions of dependence. Instead, aid should flow through an international congress of states, in which the poor country has a voice and thereby retains its independence and honor. Finally, just as rich individuals should cloak their contributions to the poor because of past injustices, so too should rich states be self-abnegating because of the history of injustice and exploitation that has led to its riches. Rich states can achieve true honor through fighting their urge to expand their power and instead respect the independence of the rest.

Furthermore, there is great inequality among states which would stratify international governance into active and passive states, just as at the domestic level. Thus, just as Kant holds that states should foster independence among citizens, so should the international community foster independence among states. At the domestic level, Kant advocates securing the basic conditions of freedom and equality to give individuals a fair shot at achieving independence. So too at the international level, rich states could eliminate laws and tariffs that systematically benefit them at the expense of those less well off. By doing so, every state could achieve true honor in virtue of knowing that they have achieved their independence fairly, not gained it through intimidation, exploitation, or violence.

In this section, I have argued that Kant’s cosmopolitanism is attentive to and satisfies the people’s desire for honor, which is frequently ignored or disdained among contemporary cosmopolitans, yet which is central to the contemporary populist backlash. At the same time, I have argued that Kant’s cosmopolitanism does not indulge all forms of honor, but rather offers a path to its sublimation in an international community of equal states. In this way, Kant harnesses this important motivation to combine national and cosmopolitan aims.

IMMIGRATION, POLITICAL AUTONOMY, AND THE RULE OF LAW

Let me conclude by applying Kant’s nationalist cosmopolitanism to a pressing issue that divides contemporary nationalists and cosmopolitans: immigration. I take up this topic as well because it affords us the opportunity to touch

on Kant's view of cosmopolitan right, the juridical norms of practical reason governing the interaction of individuals on a bounded globe. We have thus far discussed domestic right in the first section and international right in the second. In the case of cosmopolitan right, we can see Kant once again balancing national self-determination with universal rights of all human beings.

Kant says very little about immigration. He states that the sovereign has the right to encourage immigration even though "his native subjects might look askance" at this, provided that "their private ownership of land is not curtailed by it" (MM 6:338). Kant conceives of immigration here as discretionary, yet restricted by the claims of citizens to their own property and hence independence. At the same time, Kant argues that states are bound by the cosmopolitan right of hospitality, which is the "right to present oneself for society," the "right to be a guest" (PP 8:358). As many have noted, this right to hospitality is quite limited, as states thereby have the right to "turn [the visitor] away" at their discretion. However, Kant importantly adds the proviso, "if this can be done without destroying him" (PP 8:358). Kleingeld (2012) has plausibly read this proviso expansively as an anticipation of "many of the refugee rights . . . that were established in the twentieth century" (77). After all, it is not always clear what the condition migrants would face if we turn them away. As such, on Kant's view, then, states have a duty to investigate the claims of refugees who present themselves at the border, and may not simply close their borders or arbitrarily eject them, which would violate cosmopolitan right.

However, Valdez has criticized Kant's view of immigration in particular and cosmopolitan right in general for being too accommodating of national sovereignty. Valdez argues that Kant was correct in doing so in the late eighteenth century, during the heyday of European colonialism. By beefing up national restrictions on visitors, Kant's cosmopolitan right aided indigenous peoples against the predations of exploitative European commercial interest. However, in our contemporary era, Kant's support for national sovereignty does not benefit vulnerable countries, but rather powerful countries, who can turn migrants away with impunity. Because of these new power asymmetries, we need now to limit "sovereign power in the treatment of immigration in order to remain within the spirit of Kantian cosmopolitanism" (2012, 109).

In my view, Kant's nationalist cosmopolitanism can stand up to these criticisms. Valdez's main concern is with the "fear, arbitrary detention and deportation" of migrants, which occurs throughout the West, but especially in terrifying numbers in the United States (2012, 111). I agree with Valdez that this is a problem, but so too would Kant agree. As I pointed out above, states have a duty based on cosmopolitan right to investigate the claims of migrants who appear at states' ports of entry. Such an investigation could only be carried out through fair procedures if a state is to treat a migrant as an end in him

or herself, not simply as a means or a tool to our interest, in accordance with the right of humanity. Kant would advocate for much greater extension of fair procedures (including rights to lawyers and humane detention conditions), to move the immigration system away from its current governance by arbitrary will to being under the rule of law.

As I argued above, states would have an interest in abiding by the rule of law to demonstrate “true honor.” However, if a state violates cosmopolitan right, as states, especially powerful ones, frequently do, they are also accountable to the international community. As we saw above, Kant speaks of “lawsuit[s]” settling international disputes, and we could extend Kant’s logic here to violations of cosmopolitan right, which all states have a duty to uphold (MM 6:351). Of course, the congress of states could only sanction, not coerce violators of cosmopolitan right, but allowing international organizations to coerce national governments unsettles sovereignty everywhere, Kant points out, and re-opens the door for imperial interests to masquerade as cosmopolitan heroes. In this sense, Kant also agrees with Valdez who looks for “cosmopolitan spaces” in which “immigrants act politically,” and insists that countries should ratify immigration rights agreements (2012, 110).

Where Kant would disagree with Valdez would be her examples of migrants’ rights manifested through the violation of domestic law—the “occupation of the church of Saint-Bernard and subsequent actions by the sans-papiers in France, as well as the massive immigrant marches in 2006 and 2010” (Valdez 2012, 110). Kant would have no issue with marches, so long as they were conducted lawfully. By contrast, Kant would find undocumented migration to be a problem. Undocumented migrants violate domestic law by bypassing designated ports of entry. Such individuals undermine republican self-government, its capacity to determine its own political fate. Bolstering the power and the benefits to such individuals—as in laws (not suggested here by Valdez) to give voting rights or education benefits to undocumented migrants—would further entrench violations to republican self-government. As I mentioned, of course, Kant would not at the same time advocate mass deportations or arbitrary detention of undocumented immigrants. Rather, he would seek to bring their claims to admission under the rule of law.

At the same time, even Kant’s rigid proceduralism can give way in some difficult situations. For example, in his discussion of punishment, Kant argues that a state may pardon accomplices to a murder if there are so many that to execute them would “dull the people’s feeling by the spectacle of a slaughterhouse” that could threaten to cast the society back into the state of nature (MM 6:334). Here, Kant uncharacteristically adopts consequentialist reasoning in cases in which abiding by right will destroy right. Given his views on this matter, Kant would likely regard the possibility of mass deportation of undocumented immigrants, even if through legal processes, as akin to the

“spectacle of a slaughterhouse,” as it would involve wrenching families apart and upending many lives. In such an eventuality, the sheer scale of upheaval would threaten the stable condition of right. As such, Kant might advocate for amnesty or a path to citizenship for such individuals in an effort to reestablish the rule of law.

Though undocumented immigrants violate republican self-government, they do not do so willingly, but it is all too often their only choice in a desperate situation. Insofar as this is true, Kant would argue that Western states have a long way to go in creating what Song (2019) calls an “open doors” immigration policy.¹³ On Kant’s view of cosmopolitan right, states should exhibit hospitality, which means that they should have their doors open to anyone who wants to enter, especially those in emergency situations. To have open doors requires having clear immigration policies and swift, fair procedures to determine admission. In this way, Kant is an odd interlocutor in contemporary discussions, critical of both those on the right who want to bolster arbitrary state power over migrants and those on the left who want to support undocumented migrants. On Kant’s view, both violate the rule of law, and the best way to balance the claims of domestic and cosmopolitan right is by bringing those claims under the rule of law.

The cold, impersonal rule of law is not the best place to conclude this argument, however, given the very real human tragedies that persist. As we have seen, however, Kant has additional resources to combat global poverty and inequality in the world, and thereby to address the root causes of such desperate situations. For Kant, states should develop international organizations that can address state conflict, as well as provide aid to countries in conditions of material deprivation, such as after natural disasters. These conflicts and disasters are the cause of much of the immigration. On Kant’s view, then, it would be better to address the root causes of such malaise through international cooperation, rather than addressing its symptoms. In addressing these root causes, we can combine national self-determination and human rights, which becomes more difficult if we ignore such causes and close our doors to the world’s most vulnerable.

ABBREVIATIONS

CJ	“Critique of the Power of Judgment,” in Kant (2000)
I	“Idea for a universal history with a cosmopolitan aim,” in Kant (2007)
LE	Lectures on Ethics, in Kant (1997)
MM	The Metaphysics of Morals, in Kant (1996a)
PP	Perpetual Peace, in Kant (1996a)
R	Religion within the Bounds of Reason Alone, in Kant (1996b)

- TP “On the common saying: That may be correct in theory, but it is of no use in practice,” in Kant (1996a)
- WIE What Is Enlightenment? in Kant (1996a)

NOTES

1. Thanks to Inés Valdez and the participants in the Lone Star Conference for Political Theory for helpful comments in improving this chapter.

2. There remains some disagreement about whether Kant advocates a world state or not. See Kleingeld (2012, chapter 2) for discussion.

3. See Brown (2009), Nussbaum (2010), Kleingeld (2012), Cavallar (2015) for major recent textual studies of Kant’s cosmopolitanism. Kleingeld and Cavallar are attentive to the “patriotic” character of Kant’s cosmopolitanism that I develop in this chapter.

4. See Muthu (2014) on the “productive resistance” generated by a system in which states stand toward one another with Kant’s characteristic “unsociable sociability.”

5. See Muthu (2003) on Kant’s critique of European empire, Kleingeld (2014) on the development of Kant’s critique of colonialism, and Valdez (2017) on the historical context of Kant’s critique.

6. On equilibrium and balance of power in Kant, see Valdez (2017, 825).

7. See also for a similar statement of this point, Flikschuh (2010).

8. Republican readings of Kant’s political theory have already recognized the value of self-government (Kleingeld 2012; Taylor 2006), and some have even argued for Kantian patriotism (Kleingeld 2012; Varden 2014). However, scholars have thus far overlooked honor as a basis for national respect.

9. There are several illuminating discussions of Kant on honor that I have benefited from. See especially Shell (2002) and Bayefsky (2013).

10. The case is even more difficult, Kant argues, because in the international state of nature, states “do each other no wrong when they attack each other by force or fraud.” In this way, states can enlist reason in their cause of self-justification. However, these states overlook the fact that “they do wrong generally in that they deny all respect to the concept of right” (PP 8:380).

11. In this way, the true honor of a state for Kant would be quite unlike the contemporary “America First” policy.

12. Kant admits that it is somewhat difficult to determine “what is required in order to be able to claim the rank of a human being who is his own master” (TP 8:295). Such indeterminacy undermines Kant’s case for withholding citizenship for passive citizens. However, it does support what I subsequently argue, that material dependency is a matter of degree that the state can assist in overcoming.

13. Song’s arguments have influenced my discussion here, as she advocates balancing national self-determination against universal human rights in immigration policy. Nevertheless, there would be some differences between Song’s views and Kant’s, a discussion which would be beyond the scope of this chapter.

REFERENCES

- Bayefsky, Rachel. 2013. "Dignity, Honor, and Human Rights: Kant's Perspective," *Political Theory* 41, 6: 809–837.
- Beitz, Charles R. 2010. "Justice and International Relations," in *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 85–99. New York: Polity.
- Brown, Garrett Wallace. 2009. *Grounding Cosmopolitanism: From Kant to the Idea of a Cosmopolitan Constitution*. Edinburgh: Edinburgh University Press.
- Byrd, B. Sharon and Joachim Hruschka. 2010. *Kant's Doctrine of Right: A Commentary*. Cambridge: Cambridge University Press.
- Cavallar, Georg. 2015. *Kant's Embedded Cosmopolitanism: History, Philosophy, and Education for World Citizens*. Boston: De Gruyter.
- Flikschuh, Katrin. 2010. "Kant's Sovereignty Dilemma: A Contemporary Analysis," *Journal of Political Philosophy* 18 (4): 469–493.
- Habermas, Jürgen. 2010. "A Political Constitution for the Pluralist World Society?" in *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 267–288. New York: Polity.
- Kant, Immanuel. 2007. *Anthropology, History, and Education*, edited by Günter Zöllner and Robert B. Louden. Cambridge: Cambridge University Press.
- Kant, Immanuel. 2000. *Critique of the Power of Judgment*. Ed. Paul Guyer. Cambridge: Cambridge University Press.
- Kant, Immanuel. 1997. *Lectures on Ethics*. Trans. Peter Heath. Cambridge: Cambridge University Press.
- Kant, Immanuel. 1996a. *Practical Philosophy*. Trans. Mary J. Gregor. Cambridge: Cambridge University Press.
- Kant, Immanuel. 1996b. *Religion and Rational Theology*. Trans. Allen W. Wood and George Di Giovanni. Cambridge: Cambridge University Press.
- Kleingeld, Pauline. 2014. "Kant's Second Thoughts on Colonialism," in *Kant and Colonialism: Historical and Critical Perspectives*, edited by Katrin Flikschuh and Lea Ypi, 43–67. Oxford: Oxford University Press.
- Kleingeld, Pauline. 2012. *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship*. Cambridge: Cambridge University Press.
- Muthu, Sankar. 2014. "Productive Resistance in Kant's Political Thought: Domination, Counter-Domination, and Global Unsocial Sociability," in *Kant and Colonialism: Historical and Critical Perspectives*, edited by Katrin Flikschuh and Lea Ypi, 68–98. Oxford: Oxford University Press.
- Muthu, Sankar. 2003. *Enlightenment against Empire*. Princeton: Princeton University Press.
- Nussbaum, Martha. 2010. "Kant and Cosmopolitanism," in *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 27–44. New York: Polity.
- O'Neill, Onora. 2012. "Kant and the Social Contract Tradition," in *Kant's Political Theory: Interpretations and Applications*, edited by Elisabeth Ellis, 25–41. State College: Penn State University Press.

- Pogge, Thomas. 2002. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. New York: Wiley.
- Shell, Susan. 2002. "Kant on Democratic Honor," in *Gladly to Learn and Gladly to Teach: Essays on Religion and Political Philosophy in Honor of Ernest Fortin*, edited by Michael P. Foley and Douglas Kries, 239–256. Lanham: Lexington Books.
- Song, Sarah. 2019. *Immigration and Democracy*. Oxford: Oxford University Press.
- Taylor, Robert S. 2006. "Democratic Transitions and the Progress of Absolutism in Kant's Political Thought," *The Journal of Politics* 68, 3 (August 2006): 556–570.
- Valdez, Inés. 2017. "It's Not about Race: Good Wars, Bad Wars, and the Origins of Kant's Anti-Colonialism," *American Political Science Review* 111, 4: 819–834.
- Valdez, Inés. 2012. "Perpetual What? Injury, Sovereignty, and a Cosmopolitan View of Immigration," *Political Studies* 60: 95–114.
- Varden, Helga. 2014. "Patriotism, Poverty, and Global Justice: A Kantian Engagement with Pauline Kleingeld's Kant and Cosmopolitanism," *Kantian Review* 19, 2: 251–266.

Chapter 6

Citizen Marx

On His Distinction between Cosmopolitanism and Internationalism

Paul Christopher Gray

After Karl Marx had been exiled from several countries for his political activities, he began to say, “I am a citizen of the world.” And yet, throughout his life, Marx’s references to cosmopolitanism are almost always negative. Take, for example, his description of France under the Second Empire: “Its industry and commerce expanded to colossal dimensions; financial swindling celebrated cosmopolitan orgies; the misery of the masses was set off by a shameless display of gorgeous, meretricious, and debased luxury” (1986b, 330). Marx does not have a systematic theory of cosmopolitanism, but his scattered remarks do convey a coherent logic and can be reconstructed into a consistent critique.

In general, cosmopolitanism asserts that we have fundamental obligations to humanity as a whole that take precedence over our more immediate communities, whether familial or political. Marx’s criticisms of cosmopolitanism tend to focus on those modern versions for which growing market exchange within and between nations will inspire friendlier relations among peoples. In the classic expression of this view, Kant argues that the “spirit of commerce” will foster cosmopolitan right: greater tolerance and enlightenment, civil and political rights, and perpetual peace (1991a, 1991b). Marx rejects this, contending that it is not the spirit of commerce, but the system of capitalism that causes modern cosmopolitanism: “It produced world history for the first time, insofar as it made all civilised nations and every individual member of them dependent for the satisfaction of their wants on the whole world, thus destroying the former natural exclusiveness of separate nations” (Marx and Engels 1976a: 73). Marx does not critique capitalism for being insufficiently cosmopolitan. Rather, as capitalism integrates the world into a single form of

society, Marx argues that it establishes the only cosmopolitanism of which it is capable, rife with the exploitation, domination, alienation, and thus, the conflicts endemic to all class societies. According to Marx, then, though capitalism is cosmopolitan in a certain sense, it cannot lead to the ideals with which cosmopolitanism is usually associated.

Marx concludes *The Communist Manifesto* with the famous exaltation, “Workers of the world, unite!” This is often interpreted as a rival to the capitalist form of cosmopolitanism. But Marx never speaks of a proletarian or a communist cosmopolitanism. Rather, in the vast majority of cases, Marx affirms internationalism. In particular, Marx contrasts the “cosmopolitan conspiracy of capital” with the “international counter-organization of labour” (1986b: 354). Why does Marx prefer internationalism?

This chapter will explore Marx’s basic conviction that cosmopolitanism is incompatible with popular sovereignty. More precisely, he contrasts cosmopolitanism with the more immediate communities that provide the true ground of popular sovereignty, from which our broader commitments to humanity as a whole must arise. The key to Marx’s critique of cosmopolitanism is his belief that the national and international can be related in such a way as to ensure popular sovereignties while also fostering universal peace. This, for Marx, is the kind of internationalism possible in a communist society.

To understand why, we must first explore Marx’s criticisms of capitalist cosmopolitanism and then turn to his discussion of proletarian internationalism.

MARX’S CRITIQUE OF CAPITALIST COSMOPOLITANISM

Cosmopolitanism has a long and varied history, but Marx usually engages with those modern versions that believe that increasing market exchange within and between nations best ensures cosmopolitan right. One of Marx’s compatriots, Kant, offers a classic expression of this idea, and Marx likely has him in mind in his criticism of cosmopolitanism.

Kant asserts that, if each person obeyed their good will, which is good insofar as it is free from selfish inclinations and material interests, no one would exempt themselves from the universal moral law to treat every rational being in the world as an end, not merely a means. Since most people act from self-interest instead of duty, however, cosmopolitan right seems to have few prospects. Nevertheless, Kant contends that, if we could rationally arrange all of our self-interested activities in such a way that each not only opposes, but also neutralizes, the destructive effects of the others, this will result in the common good, though few intend it:

And as far as reason is concerned, the result is the same as if man's selfish tendencies were non-existent, so that man, even if he is not morally good in himself, is nevertheless compelled to be a good citizen. As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils. (Kant 1991b: 112)

In particular, the state must foster greater market exchange in and between nations, "For the *spirit of commerce* sooner or later takes hold of every people, and it cannot exist side by side with war" (114).

Kant thereby agrees with those early modern thinkers who criticized the martial virtues—honor, heroism, and glory—esteemed by the feudal aristocracy, whose landed wealth and immovable property can only be increased through war and conquest (Hirschman 1977, 56–62). Conversely, the emerging bourgeoisie acquires wealth through exchange and moveable property, which is intensive rather than extensive because it is based on the improvement of land, not its expansion. Therefore, early modern thinkers regarded the bourgeoisie as potentially peaceable, because they believed that the growth of commerce requires only the mastery of nature, not the conquering of nations. Long before Clausewitz spoke of war as a continuation of politics, there was the idea that economics is peace by other means.

Although Marx criticizes this idea of commercial cosmopolitanism, his own account of the bourgeoisie appears to agree, at least initially, with many of its premises. The emerging bourgeoisie, though often using immense political coercion, integrates dispersed communities into nations with more coherent domestic markets: "Independent, or but loosely connected provinces with separate interests, laws, governments and systems of taxation, became lumped together into one nation, with one government, one code of laws, one national class-interest, one frontier and one customs-tariff" (Marx and Engels 1976b, 488–9). This political consolidation of national territories occurs amid their deepening economic interdependence. "To the chagrin of all Reactionists," Marx contends, "the bourgeoisie has through its exploitation of the world market given a cosmopolitan character to production and consumption in every country" (488). Marx affirms certain aspects of this process. National "seclusion" and "narrow-mindedness" are "becoming more and more impossible" as these transformations are not merely material, but also intellectual: "from the numerous national and local literatures, there arises a world literature" (488). So far, much of this seems compatible with Kant's assertion that commerce will foster cosmopolitanism. Nevertheless, on the whole, Marx is scathing in his critique of Kant.

Marx criticizes Kant's ideas as the worldly pretensions of a man who rarely left his native Königsberg. Kant's theory of the free will that transcends material interest reflects the "wretchedness of the German burghers,

whose petty interests were never capable of developing into the common, national interests of a class and who were, therefore, constantly exploited by the bourgeois of all other nations” (Marx and Engels 1976a, 193–4). Kant, like the German middle classes, combines “provincial narrow-mindedness” with “cosmopolitan swollen-headedness” (194). Marx agrees that the bourgeoisie is cosmopolitan in a certain sense, but its worldwide transformations cannot result from the spirit of commerce, a mere quantitative expansion of market exchange. Rather, they arise from the system of capitalism, a qualitative change in property relations. Whereas commercial exchanges can be a voluntary relation between individuals, Marx deems capitalism primarily a relation between unequal classes. Therefore, whatever the achievements of the bourgeoisie, to the extent that modern cosmopolitanism depends on market exchange within and between nations, it is pervaded by exploitation, coercion, alienation, and conflict.

Marx argues that the fundamental difference between noncapitalist class societies and capitalism is whether or not producers possess their conditions of production, such as instruments, materials, technical knowledge, land, including communal lands, and subsistence (Marx 1993, 156–65; 1977, 169–73). In noncapitalist class societies, most producers possess their productive property, including pastoralists, peasants, and artisans, but not slaves or servants. Since production was primarily for the direct use of immediate communities, the majority of producers acquired most of their goods through direct distribution, even where markets and the commercial transport of goods were extensive. When producers possess the means for their self-sufficiency, they are not dependent on markets for their subsistence. Therefore, there is no strictly economic compulsion to produce more than the communal needs or wants. The market allows producers to exchange surpluses of the things they produced for other things they could not or did not want to produce. Consequently, ruling classes had to use overt political authority and force to compel the production of a surplus they could appropriate from producers.

In capitalism, production is primarily for exchange, not use. Therefore, market competition directly impacts not only the commodities we consume on a daily basis, but also the productive property necessary to create these commodities. When the production of goods for the market is secondary to production for use, being outcompeted in the market does not undermine production for subsistence. When production for exchange is primary, however, consistent losses in market competition lead to bankruptcy. Therefore, each owner of productive property must constantly reinvest revenues back into its improvement in order to produce commodities more efficiently than competitors. This is the basis of the intensive wealth acquisition of moveable property. Production is not merely a means to consumption, but an end in itself. This inspires what Marx calls the “socialization of production,” which

concentrates formerly scattered production into greater economies of scale; intensifies divisions of labor and the joint efforts required of producers; and combines the scientific understanding of nature with the regular introduction of new technologies (Marx 1977, 439–54). It is with this ever-increasing productivity that the bourgeoisie acquires its cosmopolitan energy to dramatically transform the world.

This still does not explain, however, how production itself is brought into market competition. For Marx, this requires separating the majority of producers from possession of their productive property. Therefore, the foundation of capitalism is “primitive accumulation,” the expropriation of most productive property, primarily through violent enclosures and dispossessions of their common lands (Marx 1977, 873–6). Since these producers increasingly need money to purchase what they can no longer produce for themselves, they must bring to the market the only productive property they still possess, their ability to labor, and sell it to those who now possess all other productive property. The private ownership of productive property, the capital of the capitalist class, brings forth its opposite, the “labour” of the working class, who are thereby proletarians because they are propertyless in the sense of productive property. It is the market in labor that causes the growing importance of production for exchange.

This is why modern cosmopolitanism arises not from the increase in market exchange, the spirit of commerce that brings together individual commodity owners. Rather, it emerges from capitalism, from the relations between the capitalist class and the working class, a qualitative change in property relations that is resisted by producers wherever it is established. Therefore, capitalism is peaceful neither in its origins nor its spread. The peoples of the world are not invited to join the community of nations. The bourgeoisie integrates them by force.

Marx would not be surprised by one of Kant’s assertions in his essay on perpetual peace: “If we compare with this ultimate end the *inhospitable* conduct of the civilised states of our continent, especially the commercial states, the injustice which they display in *visiting* foreign countries and peoples (which in their case is the same as *conquering* them) seems appallingly great” (1991b, 106). Kant’s hope that commerce will inspire perpetual peace is belied by his observation that it is the most commercial states who are most rapacious. Conversely, Marx argues that the origins and spread of capitalism are bound with colonialism, the imposition of the dispossessions necessary to establish qualitatively new property relations. The cosmopolitan spread of capitalism creates enormous conflicts not only between the capitalist nations and those who they attempt to colonize, but also between the competing capitalist nations. For example, he describes Dutch attempts to wrest control of Malacca from Portugal: “Wherever they set foot, devastation

and depopulation followed. Banjuwangi, a province of Java, numbered over 80,000 inhabitants in 1750 and only 18,000 in 1811. That is peaceful commerce!" (1977, 916).

Although this form of colonialism has largely come to an end, Marx argues that it establishes unique forms of social inequality and coercion that endure even when overt political violence becomes more of an exception. Capitalist societies grant citizenship more widely because they remove many of the protections it traditionally confers. In this respect, what it means to be a citizen of the world is as thin as it is wide. In particular, citizenship does not protect individuals from exploitation. Many modern cosmopolitans believe that commerce can achieve universal freedom and respect for rights, because, in the prevailing idea of the commercial society, market exchange is a voluntary and mutually advantageous relation between individuals. This is plausible, because, with commerce, profits are payment for the merchant who transports commodities. This need not involve exploitation. In capitalism, however, though the exchanges between capitalists and workers appear formally free and equal, profits derive from the appropriation of surplus labor.

Marx distinguishes between labor-power, the commodification of a person's ability to work, and labor, the use of that commodity by the capitalist after he has purchased it (1977, 725–34). The value of labor-power and the wages exchanged for it are determined like any other commodity: by the amount of labor necessary to produce it. In the case of labor-power itself, this is the cost of its daily and generational reproduction, namely, subsistence. Workers are paid wages according to the value of their *labor-power*, not their *labor*, which produces all of the value in the course of a working day. A portion of the latter is therefore appropriated by the capitalist as surplus-labor, as surplus-value, and eventually, through the sale of the products he owns, as profit. Therefore, capitalists do not pay wages equal to the value that workers produce. This is not, as Kant would have it, a potentially peaceful neutralizing of opposed interests, but a destructive antagonism of class interests. Even at its most peaceful, it is the same as what Kant criticizes in the realm of international relations: truces awaiting hostilities to resume (1991b: 93).

Commercial cosmopolitanism depends on the idea that the market is a realm of free choice because individuals engage in voluntary exchanges. Under capitalism, however, primitive accumulations make the market the only means by which to gain subsistence. No one needs to violently force propertyless producers to enter the market—this can be left to their sense of self-preservation (1977, 718–19). Surplus appropriation no longer requires the overt political coercion typical of noncapitalist class societies, because the mass of dispossessed producers will “voluntarily” enter into the wage-exchange with capital when it is the only way to meet their needs. Therefore,

the market appears to be a realm of freedom only if coercion is narrowly defined as *political* coercion. Nevertheless, since exploitation is no longer bound directly with state power, it has a primarily *economic* form (1993, 156). Political coercion is more like the invading army who sacks a city. Economic coercion is more like an army who surrounds a city and awaits their choice to surrender or starve.

This exploitation and economic coercion occurs not only within nations, but also between them. When capitalist nations use colonial violence to open foreign markets, the capital that is then invested in foreign trade yields higher rates of profit because local competitors have less developed, more labor-intensive, production (Marx 1991, 344–6). The foreign investor, whose more developed productive property deploys more labor-saving technology, can sell their more efficiently produced commodities cheaper than competitors, but also above their value relative to the labor-time required to produce them. This not only appropriates surplus labor from foreign workers, but also surplus profits from foreign capitalists. Consequently, capitalists in the privileged country receive more labor, and thus, more value, in exchange for less.

The prevailing opinion of international trade, both in Marx's time and our own, is David Ricardo's theory of comparative advantage, which deems it mutually beneficial for the countries involved (Ledbetter 2007: 2). Conversely, Marx argues that even if these nations become formally equal because their international trade is bound within treaties and laws that require all parties to follow the same rules, to the extent that these profits and surplus profits accrue to the nations of these foreign investors, it not only creates systemic inequalities between these nations, but they can increase over time. Furthermore, as these disadvantaged countries become more dependent on production for exchange, overt forms of political violence, including those associated with the original forms of colonialism, become less necessary for securing surplus appropriation. As Marx puts it, "to call cosmopolitan exploitation universal brotherhood is an idea that could only be engendered in the brain of the bourgeoisie" (1976b, 464).

Indeed, Marx later revised his early view that the colonialist nations impose on others the capitalist property relations that, though initially destructive, ultimately establish progressive advances in productivity. After studying the effects of English imperialism in Ireland, Marx concluded that, in capitalism, the manufacturing centers subordinate certain communities in ways that arrest their development beyond agricultural production. This causes absolute declines in productivity, as well as depopulation and environmental degradation (Katz 1990, 678–81). We might be citizens of the world, but we are not its stewards.

Marx thinks that, though capitalism is cosmopolitan in the way it integrates the entire world into a single form of society, this will not lead to

cosmopolitan right. The enduring inequalities between nations means that the privileged nations will have both the incentive and the ability to defy even the formal equality of the law of nations. With respect to international trade, for example, Marx criticizes how the British ruling classes preach free trade while forcibly imposing opium production on India and opium sales on China. Indeed, British dominance of the world market comes “at the expense of legitimate commerce” (2007a, 24). Power disparities allow some nations to selectively exempt themselves from the policies they impose uniformly on everyone else. “Whenever we look closely into the nature of British free trade,” Marx contends, “monopoly is pretty generally found to lie at the bottom of its ‘freedom’” (31).

Marx is just as skeptical that capitalism will lead to international relations founded on the impartial pursuit of universal principles. Whatever the formal equality of states, power politics will necessarily remain the rule. For example, he notes a seeming inconsistency in the actions of the English ruling class. Although they declared the Crimean War with Russia a “just war,” at its conclusion, they demanded no indemnity for war expenses. Conversely, in their peace treaty with China after the second Opium War, the English demanded compensation, Marx quips, “for expenses incurred, in the opinion of her own present Ministers, by piracy on her own part” (2007c: 38). England’s contrasting treatment of Russia and China is based entirely on the differences in their respective power. Marx always prefers an honest realism to a hypocritical idealism, as we can see in his contrasting judgments of Kant, that “whitewashing spokesman” of the German middle classes (Marx and Engels 1976a, 195), and another compatriot, Clausewitz, who “possesses a common sense bordering on the ingenious” (Marx 1983, 247). Furthermore, he criticizes the smug cosmopolitanism of those Germans who thought themselves citizens of the world because they sought to make the world more German (Marx and Engels 1976a, 470).

Marx also thinks that the integration of nations through capitalist exchange will not foster greater friendship between peoples because, aside from its exploitation and coercion, friendship itself becomes hollow. Capitalism undermines the civic commitments of citizenship because market relations have a dissolving effect on our communal affinities (Marx 1992b, 375–9; 1991, 449–50). They promote egoistic interactions in which people treat each other as mere means to their own ends. Furthermore, mass commodification has a deleterious effect on culture and knowledge production. For example, Marx notes how English newspapers fail to report on English atrocities abroad “because it is the part of policy and prudence not to agitate topics where no pecuniary advantage would result” (Marx 2007a, 23). Marx also criticizes the superficial engagement with other cultures when they are packaged as commodities. With respect to English atrocities in China, the

“English people at home, who look no farther than the grocer’s where they buy their tea, are prepared to swallow all the misrepresentations which the Ministry and the Press choose to thrust down the public throat” (23). The peoples of the world are learning to speak one language, but it is the language of commodities. Capitalist cosmopolitanism creates a universal society, but not a universal community. We are more alike each other, but we like each other less. And though the world gets smaller, we feel no closer.¹

Beyond this, while the cosmopolitan character of capitalism erodes national “seclusion” and “narrow-mindedness” to a certain extent, Marx also thinks that, because capitalism is based on class exploitation within and between nations, it will provoke new forms of narrowminded nationalism. Ultimately, Marx believes there is an inextricable connection between capitalist cosmopolitanism and chauvinism.

In a critique of the German nationalist, Friedrich List, Marx argues that, as capitalism spreads, members of the emerging bourgeoisies in less developed or less powerful countries will push for protectionist policies. They do not seek to protect the local handicraft production. Rather, these bourgeois nationalists want to ensure that they, not foreign capitalists, will exploit their proletarian compatriots, and, indeed, “exploit them even more than they were exploited from abroad” (Marx 1975, 275). They cast their policies in “spiritual” terms, as renewing national dignity and protecting the unique national industry, because if they were honest about their real motives, they could not recruit the rest of the nation. Indeed, nationalists will even appropriate socialist phrases in order to present the nation as an organic community, not an aggregate of self-interested individuals (276). Therefore, this nationalist bourgeoisie will criticize the cosmopolitanism of bourgeois political economy, not because it is bourgeois, but because it is cosmopolitan. They will use nationalism to impose exploitation on their fellow citizens and to protect themselves from exploitation by foreign bourgeoisies. Marx thinks that in the long run, however, even if these nationalists thoroughly control the state, it will be increasingly unable to protect them from the world market and the encroaching competition of foreign capitalist classes (280). Nevertheless, as capitalism matures, Marx thinks that it will foster a different form of nationalism.

Kant contends that countries progressively integrated through trade will become more peaceful, if only because the costs of war increase (1991a, 51). Conversely, Marx believes that, precisely because of these deepening integrations, a new form of nationalism and militarism emerges. Since capitalist cosmopolitanism is based on class inequality, it provokes chauvinism that precludes perpetual peace. According to Marx, the threats posed by the national capitalist classes to each other will eventually fade in comparison to the collective threat posed by the emerging working classes. Marx argues that the capitalist classes will attempt to displace intensifying class conflicts

with workers by provoking nationalism, and, if need be, war. “The *chauvinism* of the bourgeoisie,” Marx contends, “is a means, by permanent armies, to perpetuate international struggles, to subjugate in each country the producers by pitching them against their brothers in each other country” (Marx 1986c, 501). Despite the integration of nation-states, international tensions and wars will continue, though they will be increasingly motivated by domestic threats, not foreign ones (Benner 1988, 16–17). Indeed, nationalism and militarism gives each ruling class a justification for maintaining and expanding regular armies that they can turn against their own working classes (Marx 1975a, 118). Therefore, Marx does not think that there is an opposition between a politics based on the nation and a politics based on class. Nationalism is a class-based politics, that of the bourgeoisie.

Marx’s ideas about nationalism, international relations, and war are neither systematic nor wholly consistent (Benner 1988, 16). Nevertheless, there are certain identifiable trends in his thinking. He does not always carefully distinguish between the terms “nation,” “nationality,” “nationalism,” and “nation-state.” But Marx’s writings do observe a basic distinction between, on the one hand, nationality, the history, culture, and geography of particular ethnic groups, and on the other hand, nationalism, the ideology that transforms genuine national accomplishments or suffering into chauvinism, xenophobia, and false claims about the natural inequalities between peoples.

Marx does not think that the capitalist classes invented nationalism in order to use it against the working class. He thinks that ethnic and territorial divisions and conflicts precede not only capitalism, but also class stratification and states (Gallie 1979, 77–9; Benner 1988, 7). Furthermore, to the extent that workers embrace nationalism, it is not merely because ruling classes impose it. Noting the hostility between English and Irish workers, he observes that many English workers identify as members of the ruling nation and embrace cultural prejudices against the Irish workers with whom they compete in the labor market. In turn, the Irish deem English workers the accomplice of English rulers. Nevertheless, Marx believes that the capitalist class consciously manipulates these already existing divisions (Marx 1974d, 169). They encourage groups within the domestic working class to redirect their class identities toward a national identity. This attempts to establish national unity across classes by recruiting favored workers into a common front against enemies both external and internal, including other workers.

Although Marx’s rhetoric occasionally depicts the capitalist class as homogenous, he often acknowledges its factional and ideological divisions. For example, those capitalists whose interests are tied more to domestic markets might push for protectionism, whereas capitalists whose interests extend to the world market might demand free trade. Both can cast their competing interests in nationalist rhetoric, the former as preserving national integrity

against outsiders, the latter as asserting national superiority to outsiders. This can lead to conflicts within and between national capitalist classes, including mutually disadvantageous conflicts. Marx is not always clear about the character of bourgeois nationalism (Benner 1988, 16). He gives the impression occasionally that chauvinism is inherent to the competition between capitalist classes (Marx 1984, 92). At other times, he describes it as a mere sham by which the cosmopolitan bourgeoisie attempts to divide workers (Marx 1986c, 501–2). Nevertheless, there is a general trend in his thought.

Marx thinks that there are significant conflicts between capitalist classes. These conflicts are exacerbated by the nationalism with which the capitalist classes attempt to displace domestic class struggles and to keep workers divided. If the working classes begin to revolt, however, Marx argues that former enemies within the ruling classes will quickly form a common front against this new and much more profound enemy. Therefore, collaboration between capitalist classes will become the dominant tendency, though this will often be masked by nationalist rhetoric. This cosmopolitan cooperation occurs even when the capitalist class of one nation subordinates the capitalist class of another in the world hierarchy. Marx suggests that, despite these inequalities, the subordinate capitalist class will tend to feel more affinity with the capitalist class above it, whatever their cultural differences, than with the producing classes below it, whatever their cultural similarities.

Marx's paradigmatic example of these coordinated attacks on workers is the suppression of the Paris Commune, the revolutionary government formed in 1871 during the aftermath of France's defeat in the Franco-Prussian War. During the peace negotiations, the Prussian military stated that their occupation of France would continue until they were paid an indemnity of 5 billion francs. "There existed no war between Prussia and the Commune of Paris," Marx asserts. "On the contrary, the Commune had accepted the peace preliminaries, and Prussia had announced her neutrality" (Marx 1986b, 353). Despite this, the Prussians hastened their release of prisoners of war so that the French national government could, under Prussian watch, invade Paris and destroy the Commune. Marx decries the hypocrisy of the "civilized" European governments who fail to condemn Prussia for this "unparalleled breach of the law of nations." For Marx, this demonstrates that, "Class rule is no longer able to disguise itself in a national uniform; the national Governments are one as against the proletariat!" (353–4).

Marx concludes, therefore, that one way in which capitalist cosmopolitanism undermines national "seclusion" is that the capitalist classes are increasingly without national duty or accountability. They are patriots only until this patriotism conflicts with their pursuit of profits and their broader class interests. In the long term, even for those privileged nations who dominate world trade and international relations, the wealth accruing to the nation as a

whole will gradually decrease relative to its concentration among the capitalist classes (Marx 1975, 271; 1977, 771–2). This reduces gradually the advantages conferred to favored workers as members of the privileged nations. Furthermore, Marx seems to suggest that the capitalist classes are mired in a deepening contradiction. On the one hand, they incite nationalism to compel workers to identify primarily with a national interest, not their international class interests. On the other hand, because of the progressively transnational character of capital accumulation, the capitalist classes pursue interests that increasingly transcend their nations. This undermines their claims about national unity and the national interest, and thus, their claims to rule according to the common interests of the nation.

Marx thinks that as the socialization of production concentrates more and more wealth among fewer capitalists, this will demonstrate to workers the general law of all human history so far: “In proportion as labour develops socially, and becomes thereby a source of wealth and culture, poverty and neglect develop among the workers, and wealth and culture among the non-workers” (Marx 1938, 5). In other words, Marx believes that in all prior history, the development of the species has come at the expense of the majority of individuals (Marx 1968, 117–18). While capitalism makes the species tangibly real to the majority of individuals by integrating them into a single form of society, it nonetheless conforms to this general law. This is one reason why he describes capitalism as cosmopolitan: the human species takes precedence over the majority of individuals. Through the socialization of production, however, capitalism makes possible the productive power necessary to combine social development with social equality by raising everyone up, rather than leveling them down. To realize this potential, Marx argues that workers must bring this privately owned social production under their communal, sovereign control. This would establish the exact opposite of the general law of all prior history: “an association, in which the free development of each is the condition for the free development of all” (Marx and Engels 1976b, 506). In other words, Marx believes that, in communism, the free development of each individual is the condition for the general development of the human species. For Marx, this requires the victory of proletarian internationalism over capitalist cosmopolitanism.

MARX’S PRAISE FOR PROLETARIAN INTERNATIONALISM

Marx’s most famous statement of proletarian internationalism is *The Communist Manifesto*. Since it is the nature of manifestos, as distinct from academic treatises, to prioritize rhetorical power over analytical precision, Marx is open

to misinterpretation here, particularly when he is quoted out of context. For example, Marx asserts that the subjection of the proletariat to industrial labor “has stripped him of every trace of national character” (Marx and Engels 1976b, 494). Furthermore, though communists are accused of wanting to abolish nationality, “The working men have no country. We cannot take from them what they have not got” (502). Marx is justifiably criticized for underestimating persisting nationalism among workers, but the extent to which he should be taken literally here is shown by what immediately follows: “Since the proletariat must first of all acquire political supremacy, must rise to be the leading class of the nation, must constitute itself *the* nation, it is, so far, itself national, though not in the bourgeois sense of that word” (502–3). Marx does not think that nationality has disappeared. When he asserts that workers have no country, it lends rhetorical power to what is basically the assertion that workers lack popular sovereignty. If workers, even when they are citizens, are nonetheless exploited, dominated, and alienated, their political community is not, in any meaningful sense, their own.

Although Marx asserts that the working class must constitute itself as the nation, he also contends that workers cannot confine their pursuit of their class interests to their respective nations. Given the cosmopolitan character of capitalist accumulation, as well as the collaboration between different capitalists classes, Marx regards “the international cooperation of the working classes” as “the first condition of their emancipation” (Marx 1986c, 501). Furthermore, he sees in proletarian internationalism the potential to achieve many of the aspirations typically associated with cosmopolitanism. Marx asserts that the different peoples can only unite if they have common interests, but their interests cannot be common as long as the existing property relations require “the exploitation of some nations by others” (1976a, 388). Therefore, a lasting peace can only be secured by the internationalism of the working classes, who alone have the means to abolish the existing property relations: “And so the victory of the proletariat over the bourgeoisie is at the same time the signal of liberation for all oppressed nations” (388). Before there can be perpetual peace there must first be permanent revolution.

A key feature of proletarian internationalism is anti-imperialism. A particularly illustrative case is Marx’s castigation of British imperialism in India. At this earlier phase of his theoretical development, Marx claims that India has “no known history,” and that England, though “actuated only by the vilest interests,” is producing “the only *social* revolution ever heard of in Asia” (2007d, 220, 218). Marx would later revise these views in his ethnographic studies (Anderson 2016), but even at this time, though his Eurocentric depiction of Indians is justifiably criticized, as Renton (2001: 13) notes, “he openly sided with them during the Indian wars of independence of 1857–9, which was a rare position in Britain at the time!”

Marx argues that workers should support national independence struggles: “It is not in the least a contradiction that the *international* workers’ party strives for the creation of the Polish nation” (1974e, 391). Nevertheless, he argues that, if national independence struggles are not tied to a broader program of social reforms, they will only replace a foreign oppressor with a domestic one. For example, Marx distinguishes between, on the one hand, the “narrowly restricted nationalistic aims” of Daniel O’Connell’s Irish independence movement, and, on the other hand, the movement that split from it in 1847, the Irish Confederation, “pledged above all to reform and democracy” (Marx 1971, 39). Marx also contends that national struggles must sometimes have precedence over class struggles:

As long as the independent life of a nation is suppressed by a foreign conqueror it inevitably directs all its strength, all its efforts and all its energy against the external enemy; during this time, therefore, its inner life remains paralysed; it is incapable of working for social emancipation. (1974e, 391)

It appears, however, that Marx’s support for national independence is always with an eye to the long-term maturation of class struggles within and across nations. Does Marx think that the nation has value only insofar as it contributes to the international class struggle?

Marx’s writings suggest that he deems imperialism intrinsically harmful, but his criticisms tend to prioritize the basic strategic insight that workers who support imperialism provide their own ruling classes with more resources to dominate these workers themselves. For example, Marx does not attempt to persuade English workers of the merits of Irish independence with “‘international and ‘humane’ phrases” (1974c, 166) or with “abstract justice or humanitarian sentiment” (1974d, 170). Rather, he asserts that a free Ireland is “in *the direct and absolute interests of the English working class*” (1974c, 166). If they fail to support such independence struggles, “the English people will remain bound to the leading-strings of the ruling classes, because they will be forced to make a common front with them against Ireland” (1974b: 165). It appears quite possible, then, that Marx has an instrumental idea of the nation, and, for that matter, of internationalism: each is a means to the class struggle of the proletariat. Before we draw this conclusion, however, we should explore Marx’s distinction between capitalist cosmopolitanism and proletarian internationalism. Perhaps this will offer insight into his thinking about the nation.

Why does Marx speak of proletarian internationalism rather than proletarian cosmopolitanism? After all, Marx thinks that the victory of the working class will lead to many of the aspirations of cosmopolitanism: “Those who declined putting their shoulders to the wheel to bring about a transformation

in the relations of labour and capital ignored the very conditions of universal peace” (Marx 1985, 247). It is at this point that we must note that, although the vast majority of his invocations of cosmopolitanism are pejorative references to the capitalist class, there are extremely rare occasions when Marx refers to cosmopolitanism with a more positive connotation. Therefore, Marx’s critique of cosmopolitanism is not reducible to his critique of capitalism. Marx’s qualified praise of people who he describes as cosmopolitan not only reveals his criticism of cosmopolitanism in general but offers some clues about the role of the nation in his thinking. As we saw, Marx, in one of his rhetorical flourishes, asserts that workers “have no country” (Marx and Engels 1976b, 502). In the two cases of which I am familiar, or three cases if you count the opening line of this chapter, Marx uses cosmopolitanism with a more positive connotation to refer to people who have no country in a much more literal sense.

The first case refers to Polish independence. Marx was a lifelong advocate of independence for Poland, which had been partitioned into three territories by Prussia, Russia, and the Habsburgs. In one of his many commentaries, he describes Poland as the “*cosmopolitan soldier of the revolution*,” because so many Poles participated in the American War of Independence, the first French Republic, the 1848 uprisings, and the 1871 Paris Commune (1974e, 391). In the second case, Marx speaks of the “cosmopolitan character” (1976c, 537) of the Democratic Association in Belgium, which he co-founded in 1847 after he was exiled from Prussia and France. The Association brought together Belgian democrats and a considerable contingent of German workers and revolutionaries, who, like Marx, were forced to emigrate (Editors 1976, 689, n. 194). On this occasion, Marx not only speaks favorably of cosmopolitanism, but also describes his own activities as such.

Marx seems to depict these revolutionaries as citizens of the world because they are not full citizens of more immediate communities, either because they do not have an independent nation, as with the Polish revolutionaries, or because the independent nation where they reside has not granted them secure citizenship, as with the German exiles. Indeed, Marx was banished from Belgium in 1848.

These rare invocations of cosmopolitanism in a more positive vein offer some clues into Marx’s general critique. When he refers to cosmopolitanism, in either its negative or its positive connotations, he contrasts both with sovereignty. The stateless revolutionaries he praises have not attained membership in a sovereign community. The capitalist classes he criticizes act against popular sovereignty in their own communities and in others. This indicates that Marx distinguishes between cosmopolitanism and internationalism because he associates the latter with popular sovereignty. It seems, then, that Marx thinks of both cosmopolitanism and internationalism as a commitment

to interests that transcend our more immediate communities, but only internationalism does so in ways that are reconciled with the sovereignty of these communities. Does this mean Marx deems the nation essential for popular sovereignty?

If Marx thinks that the nation is of merely instrumental value for proletarian class struggles, then the nation could be discarded when a proletarian revolution successfully abolishes class divisions. Does Marx think that, under communism, nations will disappear, either by being abolished like classes or by withering away like the state? Many commentators interpret him this way. For example, Kolakowski asserts, "Marx's basic principle is that all mediation between the individual and mankind will cease to exist" (1978, 410). Szporluk describes Marx as a cosmopolitan (1988, 240), and Pelczynski, agreeing with this judgment, argues that this contributed to his neglect of questions of nationality and nationalism (1984, 273). Furthermore, Pelczynski asks how, in a communism devoid of nations, a worldwide society could possibly be conceived as a community that could command the loyalty and unity of multifarious individuals (277). Ultimately, however, Marx's scattered remarks on these matters show that, in his understanding of communism, it will not establish an unmediated relationship between the individual and the species as a whole. For example, Marx explicitly states that families will continue (1938, 9). Marx also rejects the idea that communism will abolish nations and nationalities. The clearest evidence is Marx's discussion of the Paris Commune.

Marx describes the Commune as "a government of the people by the people" (1986b, 339). This expresses the mature form of his idea of popular sovereignty, a commitment he held from his youth. Before he became a communist, the young Marx argued that the good political constitution must be founded upon its "true ground," the "real people" (1992a, 87). Only then can it become "in appearance what it is in reality: the free creation of man." The young Marx had his own peculiar mix of liberalism, republicanism, and radical democracy. When he became a communist despite his initial criticisms, it was not because he abandoned these youthful ideals. Rather, it was because he applied his idea of popular sovereignty to other realms of society, including production. This is why, in his commentary on the popular sovereignty achieved by the Commune, he not only praises measures like choosing, by universal suffrage, municipal councilors who are subject to immediate recall, but also their turning over control of closed workshops to the unions of workers (1986b, 339).

For Marx, throughout human history, the state has been a social organ that, through the division of labor, became separated from society and stands over it. Consequently, though the state originates from the people and only has its existence because of the people, the people often think that they only exist as a people because of their state (1977, 149, n. 22). Marx criticizes this as alienation. He therefore praises the Communards for absorbing the functions

of the state back into their public control. In this context, Marx denies accusations that the Communards sought to break up France: “The unity of the nation was not to be broken, but, on the contrary, to be organized by the Communal constitution, and to become a reality by the destruction of the State power which claimed to be the embodiment of that unity independent of, and superior to, the nation itself, from which it was but a parasitic excrescence” (1986b, 332). Marx distinguishes between the nation and the state. He argues that the Communards attempted to emancipate the nation from the state. Far from ending nationality, the Commune sought its consummation. Marx not only contends that popular sovereignty and the nation-state are mutually exclusive, but more importantly, he also seems to suggest that popular sovereignty and the nation are mutually dependent.

It might appear that Marx confines his remarks about the nation to the transitional character of proletarian revolutions, and if so, denies that nations will persist in communism. But as early as 1848, Marx asserts in the *Manifesto* that conflicts are intrinsic to classes, not nations: “in proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end” (Marx and Engels 1976b, 503). Furthermore, in his commentary on the Commune, Marx asserts that, “in contrast to the old society, with its economical miseries and its political delirium, a new society is springing up, whose International rule will be Peace, because its national ruler will be everywhere the same—Labour” (1986a, 8).

Even if nations can emancipate themselves from the antagonisms that pervade class inequalities and states, why does Marx think that the hostilities between peoples will end? If ethnic, national, and territorial conflicts emerged before classes and states, will they persist amid the attempts to establish classless and stateless societies? Marx thinks that these conflicts arise from the scarcities caused by the hitherto limited development of human productive power. This establishes what, for Marx, is the general law of human history so far: the development of the species has come at the expense of the majority of individuals (Marx 1968, 117–18). This remains true under capitalism, but its “socialization of production” creates the productivity that has the potential to end such scarcities. Marx argues that realizing this potential requires ending the artificial scarcity provoked by the division of society into classes who relate to each other through market competition. This requires bringing the privately owned productive property under the sovereign control of workers.

In light of this, Marx’s commentary on the Commune makes a significant claim:

The communal constitution has been mistaken for an attempt to break up into a federation of small States, as dreamt of by Montesquieu and the Girondins, that unity of great nations which, if originally brought about by political force, has now become a powerful coefficient of social production. (1986b, 333)

Marx deems the nation an essential constituent of social production. He laments how, under capitalism, immense violence is used to integrate dispersed communities into nations, just as he laments the violent concentration of scattered property through the socialization of production. But this social production now makes possible an end to class inequalities and the nation is its powerful coefficient. Therefore, the nation, like social production, will continue in communism, though in a different form. Since Marx asserts that, in proportion as class antagonisms vanish, national hostilities will end, he must believe that abolishing classes will end national conflicts. Therefore, he thinks that when the nations, the grounds of popular sovereignty, bring the newly arisen social production under their sovereign control, this makes possible an internationalism that preserves those popular sovereignties while also achieving peace.

Marx's ideas of the nation and international relations are unsystematic and he certainly underestimated the persistence of nationalism. Nevertheless, his theories of capitalism and communism are not devoid of the national question. Nor is the nation of merely instrumental value to him. Marx believes that the essence of the nation is not, as many nationalists contend, its ethno-linguistic unity.² Marx deems the nation the proper scale not only for social production, but also for popular sovereignty. This nation can bring together different, even very different, ethnic groups. If Marx were to praise the people of Babel, it is because they tried to "storm the heavens," not because they spoke the same language.

CONCLUSION

Marx interprets cosmopolitanism to mean that the human species as a whole must take precedence over our more immediate communities. This, for Marx, embodies the general law of all human history hitherto: the development of the species comes at the expense of the majority of individuals. This conflicts with his highest principle: an association in which the free development of each is the condition for the free development of all. In particular, he thinks cosmopolitanism contravenes popular sovereignty. He rejects cosmopolitanism because he thinks it is possible to reconcile communities in such a way that none need take precedence over the others. He thinks we could create a form of association in which the free individual finds in the social whole not that for which they must sacrifice their own interests, but the essential medium through which our interests are fully expressed. This is why his chosen rival to cosmopolitanism is internationalism. The term cosmopolitanism refers only to the universal polity, not the particular polities that it subsumes. It is an abstract universal. Conversely, his preferred term not only refers to universality, the *international*, but also the parts comprising it, the

international. It is a concrete universal. The parts are not submerged under global processes in the ways typical of capitalist cosmopolitanism. Marx's internationalism is meant to offer unity, not uniformity. It is meant to achieve community, not conformity.

NOTES

1. This adapts an insight from Horkheimer 1996, 23.
2. I agree with Pelczynski when he describes Hegel's idea of the nation in these terms (1984, 276), but I think Marx agrees with Hegel in this respect. What Engels thought is a different matter (Benner 1988, 12).

REFERENCES

- Anderson, Kevin B. 2016. *Marx at the Margins: On Nationalism, Ethnicity, and Non-Western Societies*. Chicago: University of Chicago Press.
- Benner, Erica L. 1988. "Marx and Engels on Nationalism and National Identity: A Reappraisal." *Millennium* 17 (1): 1–23.
- Editors. 1976. *Marx & Engels Collected Works. Volume 6: Marx and Engels: 1845–1848*. In Karl Marx and Frederick Engels. London: Lawrence and Wishart.
- Gallie, W. B. 1979. *Philosophers of Peace and War: Kant, Clausewitz, Marx, Engels, and Tolstoy*. Cambridge: Cambridge University Press.
- Hirschman, Albert O. 1977. *The Passions and the Interests: Political Arguments for Capitalism before its Triumph*. Princeton: Princeton University Press.
- Horkheimer, Max. 1996. *Critique of Instrumental Reason*. New York: The Continuum Publishing Company.
- Kant, Immanuel. 1991a [1784]. "Idea for a Universal History with a Cosmopolitan Purpose." In *Kant: Political Writings*, edited by Hans Reiss, 41–53. Cambridge: Cambridge University Press.
- Kant, Immanuel. 1991b [1795]. "A Perpetual Peace: A Philosophical Sketch." In *Kant: Political Writings*, edited by Hans Reiss, 93–130. Cambridge: Cambridge University Press.
- Katz, Stephen. 1990. "The Problems of Europocentrism and Evolutionism in Marx's Writings on Colonialism." *Political Studies* 38 (4): 672–86.
- Kołakowski, Leszek. 1978. *Main Currents of Marxism: The Founders, the Golden Age, the Breakdown*, translated by P. S. Falla. Oxford: Oxford University Press.
- Ledbetter, James. 2007. "China." In Karl Marx, *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*, edited by James Ledbetter, 1–2. London: Penguin Books.
- Marx, Karl. 1938 [1875]. *Critique of the Gotha Programme*, edited by C. P. Dutt. New York: International Publishers.
- Marx, Karl. 1968. *Theories of Surplus Value. Part II*. Moscow: Progress Publishers.

- Marx, Karl. 1971 [1848]. "Communism, Revolution, and a Free Poland, On Revolution." In *The Karl Marx Library Volume I: On Revolution*, edited by Saul K. Padover, 37–9. New York: McGraw-Hill Book Company.
- Marx, Karl. 1972 [1849]. "The Revolutionary Movement." In *Articles from the Neue Rheinische Zeitung 1848–49*, edited by Karl Marx and Friedrich Engels, 203–5. Moscow: Progress Publishers.
- Marx, Karl. 1974a [1870]. "The General Council to the Federal Council of French Switzerland." In Karl Marx, *The First International and After*, edited by David Fernbach, 113–20. London: Penguin Books, Ltd.
- Marx, Karl. 1974b [1869]. "Marx to Kugelmann, London, 29 November 1869." In Karl Marx, *The First International and After*, edited by David Fernbach, 164–5. London: Penguin Books, Ltd.
- Marx, Karl. 1974c [1869]. "Marx to Engels, London, 10 December 1869." In Karl Marx, *The First International and After*, edited by David Fernbach, 166–7. London: Penguin Books, Ltd.
- Marx, Karl. 1974d [1870]. "Marx to Meyer and Vogt, London, 9 April 1870." In Karl Marx, *The First International and After*, edited by David Fernbach, 167–71. London: Penguin Books, Ltd.
- Marx, Karl. 1974e [1863]. "For Poland." In Karl Marx, *The First International and After*, edited by David Fernbach, 388–92. London: Penguin Books, Ltd.
- Marx, Karl. 1975 [1845]. "Draft of an Article on Friedrich List's Book *Das nationale System der politischen Oekonomie*." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 4: Marx and Engels: 1844–1845*, 265–94. London: Lawrence and Wishart.
- Marx, Karl. 1976a [1847]. "On Poland." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 6: Marx and Engels: 1845–1848*, 348. London: Lawrence and Wishart.
- Marx, Karl. 1976b [1848]. "Speech on the Question of Free Trade." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 6: Marx and Engels: 1845–1848*, 450–65. London: Lawrence and Wishart.
- Marx, Karl. 1976c [1848]. "The Debat Social of February 6 on the Democratic Association." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 6: Marx and Engels: 1845–1848*, 537–9. London: Lawrence and Wishart.
- Marx, Karl. 1977 [1867]. *Capital: A Critique of Political Economy: Volume One*, translated by Ben Fowkes. New York: Vintage Books.
- Marx, Karl. 1983 [1858]. "Marx to Engels, London, 11 January 1858." In Karl Marx and Friedrich Engels, *Marx & Engels Collected Works. Volume 40: Letters, January 1856–December 1859*, 244–6. London: Lawrence and Wishart.
- Marx, Karl. 1985 [1867]. "On the Attitude of The International Working Men's Association to the Congress of the League of Peace and Freedom." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 20: Marx and Engels: 1864–68*, 426–7. London: Lawrence & Wishart.
- Marx, Karl. 1986a [1870]. "First Address of the General Council of the International Working Men's Association on the Franco-Prussian War." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 22: Marx and Engels: 1870–1871*, 3–8. London: Lawrence & Wishart.

- Marx, Karl. 1986b [1871]. "The Civil War in France." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 22: Marx and Engels: 1870–1871*, 307–59. London: Lawrence & Wishart.
- Marx, Karl. 1986c [1871]. "First Draft of The Civil War in France." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 22: Marx and Engels: 1870–1871*, 435–514. London: Lawrence & Wishart.
- Marx, Karl. 1989 [1870]. "Marx to Ludwig Kugelmann, London, 13 December 1870." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 44: Marx and Engels: 1870–1873*, 91–4. London: Lawrence & Wishart.
- Marx, Karl. 1991. *Capital: A Critique of Political Economy: Volume Three*, translated by David Fernbach. London: Penguin Books Ltd.
- Marx, Karl. 1992a [1843]. "Critique of Hegel's Doctrine of the State." In Karl Marx, *Early Writings*, translated by Rodney Livingstone and Gregor Benton, 57–198. London: Penguin.
- Marx, Karl. 1992b [1844]. "Economic and Philosophical Manuscripts." In Karl Marx, *Early Writings*, translated by Rodney Livingstone and Gregor Benton, 279–400. London: Penguin.
- Marx, Karl. 1993 [1857]. *Grundrisse: Foundations of the Critique of Political Economy (Rough Draft)* translated by Martin Nicolaus. London: Penguin Books.
- Marx, Karl. 2007a [1857]. "English Atrocities in China." In Karl Marx, *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*, edited by James Ledbetter, 20–3. London: Penguin Books.
- Marx, Karl. 2007b [1858]. "History of the Opium Trade [1]." In Karl Marx, *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*, edited by James Ledbetter, 24–7. London: Penguin Books.
- Marx, Karl. 2007c [1858]. "The British and Chinese Treaty." In Karl Marx, *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*, edited by James Ledbetter, 36–41. London: Penguin Books.
- Marx, Karl. 2007d [1853]. "The Future Results of British Rule in India." In Karl Marx, *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*, edited by James Ledbetter, 219–24. London: Penguin Books.
- Marx, Karl and Frederick Engels. 1976a [1845]. "The German Ideology." In *Marx & Engels Collected Works. Volume 5: Marx and Engels: 1845–1847*, 19–584. London: Lawrence & Wishart.
- Marx, Karl and Friederick Engels. 1976b [1848]. "Manifesto of the Communist Party." In Karl Marx and Frederick Engels, *Marx & Engels Collected Works. Volume 6: Marx and Engels: 1845–1848*, 477–519. London: Lawrence and Wishart.
- Pelczynski, Z. A. 1984. "Nation, Civil Society, State: Hegelian Sources of the Marxian Non-Theory of Nationality." In *The State and Civil Society: Studies in Hegel's Political Philosophy*, edited by Z. A. Pelczynski, 262–78. Cambridge: Cambridge University Press.
- Renton, David. 2001. *Marx on Globalisation*. London: Lawrence and Wishart Limited.
- Szporluk, Roman. 1988. *Communism and Nationalism: Karl Marx versus Friedrich List*. New York: Oxford University Press, Inc.

Chapter 7

Nietzsche's Good Europeans

Beyond Nationalism and Cosmopolitanism

Paul E. Kirkland

Nietzsche was a fierce opponent of both moral universalism and nationalism. It might seem strange to include a consideration of Nietzsche's thoughts in a discussion of cosmopolitanism and its discontents, especially at a time when the forces driving globalism and nationalist backlash to those forces that dominate politics in many parts of the world. Nietzsche does not obviously contribute to either side of such a debate, instead appears to advocate what he calls "good Europeanism" in a manner that challenges borders and nationalities while also rejecting the forms of cosmopolitanism derived from Kantian universalism. While rejecting both, however, Nietzsche might offer a valuable resource for steering us through the political morass of our day, and his insistent untimeliness can offer us lessons about the limits of the contemporary confrontation between globalism and nationalism. His thoughts on what constitutes a good European can aid the effort to get beyond an unnecessary opposition between nationalism and cosmopolitan universalism.

In a speech addressing the nationalism that fueled World War I, French president Emmanuel Macron pronounced: "Patriotism is the exact opposite of nationalism."¹ While cosmopolitanism would appear as a more precise opposite to nationalism, it seems as if the effort to declare such an opposition involves positing a source of political commitment that does not rely on blood and inheritance. The tension between the self-determination of a people and individual rights persists in both public documents and political theory,² animating a tension at least as old as the work of Jean-Jacques Rousseau. Beneath this opposition is one between inherited roots and rational freedom. It finds its fullest expression in the work of Kant, and his presentation offers the foundation for cosmopolitanism aimed at universality and perpetual peace.³

UNIVERSALITY AND HOSPITALITY

In Kant's teaching on political right there is a firm connection between freedom as the basic foundation of right and cosmopolitan universalism as the aim of all political right. For Kant, the only original right that stems from each by "virtue of his humanity" is freedom (Kant 1996 [1797], 30). While at times Kant expresses such freedom in the simple form of freedom from the constraint of another's choice (Kant 1996 [1797], 20). He also sets "the laws of freedom" in contrast to "the laws of nature" (Kant 1996 [1797], 11), defining freedom as "independence from being determined by sensible impulses" (Kant 1996 [1797], 13), the basis for the Kantian conception of autonomy. This view of freedom stands against all that is given by birth or inheritance.

The fundamental principle that actions are right if they "can coexist with everyone's freedom in accordance with a universal law" (Kant 1996 [1797], 24), the foundation for Kant's principles of political right, is oriented toward the "highest political good" of perpetual peace (Kant 1996 [1797], 124). Beginning by offering the principles for a single republic, Kant moves from the abstract sense of universal law to the goal of cosmopolitan unity and perpetual peace. A voluntary association of nations is the necessary condition for the political desideratum of perpetual peace, which Kant presents as the unachievable and nonetheless regulative ideal by which political right should be oriented (Kant 1996 [1797], 119). Toward this goal, Kant explains that "cosmopolitan right" frames the conditions for perpetual peace, which is "the entire final end of the doctrine of right within the limits of reason alone" (Kant 1996 [1797], 121). The effort to approximate in practice the demands of reason requires that we "act as if" the possibility of a union of all nations with a view to universal laws is possible and work toward building a federation of republican states that protect universal right (Kant 1996 [1797], 121, 123).⁴ A Kantian politics depends on acting "as if" reason can simply free us from nature, even as we remain beings capable of reason and subject to the impulses of sense. The full political manifestation of a Kantian understanding of political freedom would require acting as if we could be entirely free from nature and organizing republics and federations around those goals. Such a view of freedom would indeed be the exact opposite of anything that demanded allegiance from sensible, particular, or local attachments.

In elaborating the conditions of perpetual peace and universal freedom, Kant develops a right of hospitality in addressing the stranger. While the stranger cannot demand inclusion, "He may only claim the right of resort" (Kant 1989 [1795], 106). The vulnerability of human life and the finitude of the earth's surface provide the foundation for this right. As no one has an original right to any piece of land and there is limited space on the globe, right demands toleration of the stranger. Refusal of such resort and plundering the

coasts of another both constitute inhospitable actions, “contrary to natural right” (Kant 1989 [1795], 106). Conquest and refusal both defy the demands of hospitality, but universal human right includes the “natural right of hospitality” (Kant 1989 [1795], 106), which makes it possible for guests to attempt to enter relations with native inhabitants. These peaceful relations, Kant argues, will bring humanity closer to “a cosmopolitan constitution” (Kant 1989 [1795], 106), allowing international law to move toward cosmopolitan right and universal community (Kant 1989 [1795], 107). Based on the finitude of the earth, but oriented toward universal community, Kant’s teaching on hospitality demonstrates the cosmopolitan aspirations of his understanding of right. On his view, hospitality is not merely the regulation of relations among strangers, but the path toward eliminating full strangeness in favor of universal community with cosmopolitan right to govern it.

While fully rejecting the universal principles of morality underlying Kant’s teaching on cosmopolitanism, Nietzsche also offers a view of the advantages of hospitality. Nietzsche’s presentation is quite different from Kant’s, and it requires neither universal principles of right nor the elimination of difference. Instead, it concerns the way in which one might relate to a stranger. Nietzsche includes a discussion of hospitality and its advantages in a discussion of learning to love (GS 334). Considering this theme, Nietzsche contrasts his earlier presentation of “artists” in love who remain attached to surfaces (GS 59) and his treatment of things called love that really amount to avarice (GS 14). Those who successfully learn to love became aware of “new and indescribable beauty” (GS 334), but first several stages of development are necessary. Nietzsche articulates this development in love through the description of the experience of music. First, one must recognize the melody and “distinguish its separate life” (GS 334). To recognize the separateness and strangeness of something new is not the process of recognition analyzed in political theory through a Hegelian lens (Taylor 1994; Honneth 1995). Rather, it involves coming to terms with just the strangeness and difference of what is new. Only by first acknowledging the strange can one develop an appreciation of the genuinely new. The awareness of strangeness and distinctiveness requires toleration, “the good will to tolerate it in spite of its strangeness, to be patient with its appearance and expression, and kindhearted about its oddity” (GS 334). Before anything that resembles recognition or appreciation of difference, there is a stage requiring toleration, a political analog to liberalism, rather than a more thoroughgoing sense of community or politics of difference.

After becoming accustomed to what we have tolerated, a further possibility develops in which we “become its humble and enraptured lovers who desire nothing better from the world than it and only it” (GS 334). This gradual process in musical appreciation characterizes love more generally, and we

are rewarded by our welcome to the strange as “gradually it sheds its veils and turns out to be a new and indescribable beauty” (GS 334). Nietzsche contrasts this genuine experience of beauty with his earlier description of the artist in love who attached to surfaces finds anything “under the skin” to be “a horror and unthinkable, a blasphemy against God and love” (GS 59). Beauty and learning become possible only for those who have first learned to tolerate what is strange, an appreciation for the genuinely new that is “thanks to our hospitality” (GS 334). A proper relation to what is genuinely strange, as both guest and host, allows for the fullest value in what is foreign. While it is not a moral requirement, a kind of hospitality is the prerequisite of valuing anything new.

By contrast with Kant, Nietzsche’s thinking about hospitality does not lead to a teaching of cosmopolitanism. In the first place, his comments on hospitality do not proceed from any doctrine or right, and they do not move toward universality. The basis for such hospitality is not in the relative low ground of vulnerability or the abstract aim of universalizable rational principles. Rather, it is connected to the possibility of rare beauty and dependent on the strangeness that makes hospitality appropriate. As the preservation of particularity and difference is crucial to the possibility of hospitality, a contesting spirit in relations of difference retains a deep connection to Nietzsche’s thoughts on hospitality.

Nietzsche’s treatment of the capacity to recognize genuine equals in *Beyond Good and Evil* finds its source in a noble capacity to have faith in oneself and one’s own values. Nobles recognize equal others without surrendering their judgment to other (BGE 265). This sort of recognition befits Nietzsche’s presentation of a spiritualization of enmity and the cultivation that appreciates enmity rather than peace won through domination or singularity (TI Morality 3).⁵ As Nietzsche discusses “how much reverence a noble man has for his enemies” (GM 1.10), he makes clear the connection between enmity and honor, a form of recognition that thrives on distinction. Such equality in enmity is the core of Nietzsche’s agonism, shaped by enduring contests that do not collapse into singularity precisely because of the continued contest among those who are mutually opposed.⁶ Such recognition among enemies is the key to the preservation of difference, but not a path to peace or universal principles.

GOOD EUROPEANS

The role of the particular, the contestable, and the strange does not, however, lead Nietzsche’s analysis toward an embrace of tribal or national commitments. Rather, it opens the way to his complex discussion of the good

European. He recommends to his fellow “homeless ones” the designation “good European” as “our word of honor” by contrast with nationalism, especially “the mendacious racial self-admiration and racial indecency that parades in Germany today” (GS 377).⁷ By addressing his fellow “homeless ones,” he indicates their estrangement from all homelands and from all of the dominant political commitments of the day. In this way, he continues to address the matter of the stranger, addressing those who are strangers everywhere, for whom hospitality is always relevant.

As he addresses those who are homeless under the conditions of modern Europe, among whom he counts himself, Nietzsche provides a description of what distinguishes them. They are homeless because the political options that have shaped modernity do not include them. In this passage, Nietzsche quickly distances himself from many positions that would seek to appropriate his thought and some with which he has been identified in the scholarship on his political thought.⁸ First, the “homeless ones” are not conservatives, “We ‘conserve’ nothing; neither do we want to return to any past periods” (GS 377). None of the elements of hierarchy in Nietzsche’s thought aim to return to some political, social, or cultural form from the past.⁹ This rejection of conservatism does not, however, lead to liberalism: “we are by no means ‘liberal’; we do not work for ‘progress’” (GS 377). He uses Odyssean language to announce that “the sirens” of “equal rights” and a “free society” simply have no allure (GS 377). Rather than any achieved harmony, “we homeless ones” delight in war, danger, and adventure. Casting his fellow travelers in the role of Odysseus, he indicates that neither a return to home nor the luring siren song, neither conservative nostalgia nor progressive fantasies, are worthy political goals. A preference for conflict and adventure places Nietzsche’s political thought at odds with Hobbesian modernity, final spiritual authority,¹⁰ and perpetual peace. He shows a preference for multiplicity over unity, which serves an agonistic model of human community.

In this analysis, Nietzsche introduces what he calls “the religion of pity,” referring not only to Christianity, but even more to a sort of humanitarianism that makes an effort to alleviate suffering, guided by pity (*Mitleid*) its guiding tenet.¹¹ By treating humanitarianism as a form of erotic love, he mocks the excesses of such claims as “Gallic erotic irritability,” suggesting a serious misunderstanding of eros in any effort “to approach in all honesty the whole of humanity with one’s lust” (GS 377). Nietzsche rejects the claims of humanitarians and questions the scope to which it is reasonable or desirable to extend one’s affections and attachment. Turning from “French” humanitarian love to German nationalism, Nietzsche finds an unsuitable replacement. Nietzsche’s homeless travelers have no inclination for nationalism or humanitarian universalism: “we are not nearly German enough, in the sense that the word “German” is constantly being used nowadays, to advocate nationalism

and race hatred” (GS 377). Neither nation nor humanity is an appropriate object of love and attachment. Tradition, equality, freedom humanity, nation, and race are all unworthy objects of attachment and a politics based on those shapes petty squabbles to be discarded for future goals.

Having rejected all such commitments and attachments, Nietzsche introduces the defining trait of his fellow homeless travelers: “We are, in one word—and let this be our word of honor—*good Europeans*, the heirs of Europe, the rich, oversupplied, but also overly obligated heirs of thousands of years of European spirit” (GS 377). Separated from the political ideas, nations, and states of their own time, only Europe will define such “good Europeans,” and the shape of a new Europe will be their concern. While they are not defined by their origin (*Ursprung*), they are cultivated by their descent (*Herkunft*) as heirs of the European spirit. Their obligation is not to preserve a tradition, but to find a way to make use of the cultural richness it represents. Nietzsche’s “good Europeans” are descendants of a European history that has no singular and determinative origin, but rather a manifold history that provides resources on which to draw. Along with the substance supporting new possibilities, the history of the European spirit comes as a burden. As a burden, the task Nietzsche sets for good Europeans is one of overcoming, and his account of the preliminary stages of such overcoming demonstrate his view of what it means to be an heir: “We have outgrown Christianity and are averse to it—precisely because we have grown out of it” (GS 377). Aversion is born of the relationship of inheritance. It is the precursor and source for something very different, and Nietzsche shows that growing from it also means growing beyond it. In the case of the dominant role of Christianity in the history of Europe, this has a very specific meaning: “because our ancestors were Christians who in their Christianity were uncompromisingly upright: for their faith they willingly sacrificed possessions and position, blood and fatherland” (GS 377). Descended from Christianity, good Europeans lack commitment to blood and fatherland. They are more committed to spiritual authority than those petty commitments. To be a “good European” in this sense means to concern oneself with spiritual rather than state authority. But, that capacity for sacrifice and attention to spiritual authority no longer attaches itself to the Church or any doctrinaire belief of Christianity.

Nietzsche asks if new “good Europeans” should “do the same,” inquiring for what they might sacrifice: “For what? our unbelief? For every kind of unbelief? No, you know better than that my friends” (GS 377). Nietzsche asks if the negation of belief by probity, the negation of Christianity by its self-overcoming can continue to be the source of commitment and the sacrifice of other kinds of goals. New commitment, however, cannot be simply a negation, instead it must have positive content, and so Nietzsche continues: “The hidden Yes in you is stronger than all Nos and Maybes that afflict you

and your age like a disease; and when you have to embark on the sea, you emigrants, you, too, are compelled to this by—a faith!” (GS 377). There are some quite noteworthy things about this short passage. That what grows out of Christianity is yet another faith is the dominant theme. As Nietzsche makes this turn from the first person to the second, addressing “friends,” he attributes this faith to them, not to himself, even as he includes himself among the “good Europeans.” There are several ways of taking the faith to which he refers. The most conspicuous, he addresses in treating science as a faith, as a form of piety driven by the “unconditional will to truth” (GS 344). Nietzsche treats this piety as a form of morality, questions whether it has any foundation, and presents it as an otherworldly faith in the divinity of truth. The full payoff for this way of considering the unconditional dedication to truth emerges when he reveals it as an outgrowth of Christian morality. By turning from the first person to the second, Nietzsche implies the possibility of a position beyond this new faith in science, a further overcoming of the ancestry of Christianity. Inviting his readers to treat scientific rigor as yet another interpretation of the world, Nietzsche also denies the value of this interpretation: “A ‘scientific’ interpretation of the world, as you understand it, might therefore still be one of the most stupid of all possible interpretations of the world, meaning that it would be one of the poorest in meaning” (GS 373). Failing to give meaning to the world, science serves as an interpretation that does not do that job that a world interpretation must do. Nietzsche is not simply content to treat the scientific conscience as the heir of European Christianity. Rather, he shows this step of European spiritual genealogy in order to anticipate a further step of self-overcoming on the part of good Europeans.

In his account of what has triumphed over Christianity, Nietzsche explains that it is Christian morality in the form of truthfulness that has done so, and it has done so as a kind of self-overcoming. This analysis gives the inherited morality and the legacy of Christianity a more significant role in distinguishing the lineage of good Europeans than anything national (GS 357). One European spiritual authority has overcome the authority from which it has grown. Rather than specifying the faith to which he refers as the affirmative element of other good Europeans in GS 377, he simply says that they have a Yes and a faith, suggesting the beginning of a step beyond the ultimately self-destructive morality of probity. Here, the faith he attributes to nobles (BGE 265) in their capacity to be the source of values, appears as an alternative to the faith of scientific piety. Nietzsche writes of this faith in the second person, attributing the capacity for the self-confident assertion of the value of their own egos to “friends,” but not to himself as part of “we homeless ones.” Beyond the faith of scientists is the self-avowing faith of noble affirmation, and yet other possibilities that include greater freedom from old or new faiths.

BEYOND INHERITANCE

In describing good Europeans, Nietzsche writes of those who stand apart from European morality of the day, rather than those who embrace it:

If one would like to see our European morality as it looks from a distance, and if one would like to measure it against other moralities, past and future, then one has to proceed like a wanderer who wants to know how high the towers in a town are: he leaves the town. (GS 380)¹²

Gaining the distance for a perspective apart from the dominant morality of one's time includes the need to move away from oneself and one's time in oneself. This would involve becoming a kind of stranger in a way that would supplement Nietzsche's thoughts on hospitality and welcoming the strange (GS 334). Read together, welcoming the stranger and becoming a stranger point to a role for hospitality that shares little with cosmopolitan universalism, and it involves a process of estrangement directed toward becoming a stranger to oneself. The process is complex because a move beyond the morality of one's time also requires overcoming the direct opposition born of merely reactive aversion, the problem for those who would dedicate themselves to unbelief or rejection of prior faiths. Presenting the obstacle of merely attaining "prejudices about prejudices" (GS 380), Nietzsche describes the need for a perspective that is genuinely outside of all morality, beyond good and evil (GS 380).

This need complicates the role of "the good European" in Nietzsche's thought. Rather than an embrace of what is shared by the Europeans who are becoming ever more like each other, Nietzsche describes this process as entailing "a freedom from everything 'European,' by which I mean the sum of the imperious value judgments that have become a part of our flesh and blood" (GS 380). Nietzsche describes the obstacle in a way that suggests it cannot quite be eliminated. No amount of freedom can simply eliminate what is in one's flesh and blood. Describing these constraints as flesh and blood, Nietzsche suggests that a striving for freedom from what one has inherited will always entail a continued tension rather than a radical rupture. Those he describes here maintain a complex relationship to what is European. They will be good Europeans rather than remaining defined by a nation or creed, and they will also live resisting everything European. This tension, evocative of the tragic structure Nietzsche describes in *The Birth of Tragedy* as the relation between the Apollonian tragic hero and Dionysian self-annihilation, presents a limited kind of freedom, one that never quite jettisons one's inheritance.

The metaphors Nietzsche uses reflect the tension involved in gaining distance on what is one's own inheritance. Having described the need "to rise,

climb, or fly” beyond prevailing morality, he writes that “one must be very light” to address the problem of gravity (GS 380). By connecting the need for lightness to existence of gravity, Nietzsche again mentions a force that cannot simply be eliminated. Rather than claiming that there is a fully separate realm from which one can survey life, he consistently claims that there are only differing perspectives. Some perspectives will nonetheless allow greater distance on one’s time, yet those heights will be attained only through continued resistance to the opposed force of gravity. The metaphor of climbing captures the phenomenon. By climbing, one gains greater strength, not by defying, but resisting gravity. The more difficult task that requires one to “‘overcome’ this time in oneself” (GS 380) involves the use of resources in oneself for the struggle. This need makes it nearly inevitable that moving beyond the values of one’s time will be shaped by those very values. The process of becoming a stranger to oneself does not eliminate the inheritance or the sources of strength used in initial efforts to overcome one’s time. In addition to the metaphors of strength and resistance, Nietzsche uses lightness and heaviness in raising the possibility of gaining distance on oneself. He describes this freedom as one that becomes possible via art that makes possible “laughing over ourselves or weeping over ourselves” (GS 107). The possibility of seeing ourselves and our own time more clearly with levity and joy points toward the knowledge that may come of Nietzsche’s hopes for a “gay science,” which emerges as an alternative to the scientific conscience driven by probity (*Redlichkeit*) born of an old morality. Rather than the deadly seriousness of a scientific conscience bound to an old morality, a capacity to laugh at ourselves may allow us to endure the tension that builds when we see ourselves from a distance. Instead of expecting a radical freedom from nature, a tension between a new vision and our own sources, mediated by laughter or an artistic view, can allow us to hold together the growing tension between our vision and what we see in ourselves. Instead of separation or the generation of a new being, such distancing sustains a permanent tension between the origin and the free vision.

In Nietzsche’s account of overcoming the time in oneself, overcoming the legacy of Christianity and its manifestation in moral universalism is the vital need. As Nietzsche presents both scientific conscience and cosmopolitanism as Christian morality in a new guise, he aims to guide those who have taken one step but remain bound to their own aversion toward a new embrace of life rather than a replacement form of otherworldliness. Nietzsche treats Kant as a manifestation of what he calls the “theologian’s instinct” to look beyond life and establish standards that are contrary to life (A 9), a new version of “priestly philosophy,” and a path “on which one could sneak back to the old ideal” (A 10). Indeed, it seems that Kantian morality is even more problematic for Nietzsche than Christian faith. In Kant, the hostility to nature is pushed to its full extent, and the universalism of moral duty is at its greatest

opposition to life. He describes the concepts of virtue, duty, and the good in Kant as harmful and opposed to “the fundamental laws of self-preservation and growth” (A 11). Nietzsche suggests that the generalizability of the Kantian categorical imperative and the universal principles of cosmopolitan right are contrary to the basic drives of life. Nietzsche takes aim at Kant’s identification of freedom with abstract rationality, treating it as the contrary: “What could destroy us more quickly than working, thinking, and feeling without any inner necessity, with any deeply personal choice, without pleasure—as an automaton of ‘duty’? This is the very recipe for decadence” (A 11). Kantian morality eliminates freedom just where it promises freedom. Principles of morality and by extension principles of political right that treat duty in a generalized way destroy all that is particular to any life and ultimately life itself. Even more than a critique of religious belief, Nietzsche’s position as an anti-Christian targets priestly philosophy and its spirit manifest in Kant.

Nietzsche demonstrates the problem presented in Kantian universalism by showing its role in the degeneration of god toward nothingness. Describing the decay of god from a particular power to a generalized good, Nietzsche writes; “Now he transfigured himself into something ever thinner and paler; he became an ‘ideal,’ he became ‘pure spirit,’ the ‘Absolute,’ the “thing-in-itself. The deterioration of a god; God become the ‘thing-in-itself’” (A 17). Nietzsche’s description of the decay and corruption of god from one who is attached to a people to the “god of the good alone” presents it as a movement that is anti-natural, a step on a path toward the full opposition of goodness and nature, and a path toward “the deification of nothingness” (A 18). A god that is pure goodness asserts no power and becomes self-destructive.¹³ Describing such a “god,” Nietzsche writes: “He moralizes constantly, he crawls into the cave of every private virtue, he becomes god for everyman, he becomes a private person, a cosmopolitan” (A 16). A private person, a cosmopolitan, the good god becomes detached from any public role and service to the life of a people. Such a lifeless god easily becomes an abstraction, and one might even say that the faith Nietzsche attacks here has become the Kantian principle of cosmopolitan right. When Nietzsche presents the need for freedom from European morality of the day, he surely has such cosmopolitan morality in mind. The mere overcoming of Christian belief in favor of enlightenment is not sufficient for freedom from European inheritance. A step beyond the secularized Christianity of European morality is necessary.

CONCLUSION

An ascent beyond one’s time and in contest with one’s time in oneself is surely rare indeed. The good Europeans that are a model approaching such

heights are the artists and philosophers such as Goethe, Beethoven, Stendhal, Napoleon, Heine, Schopenhauer, and Wagner whose accomplishments are European phenomenon extending beyond anything merely national (BGE 256). The capacity to combine the lightness of the artist and the rigors of science in Nietzsche's hope for a gay science may extend even further than these past accomplishments in a realm of contested freedom far from the values of the age and modes of valuing that might bind contemporary Europeans.

The expectation for this kind of estrangement and a hospitality linked to it cannot be applied directly to political life. Yet, Nietzsche has rejected both national attachments and cosmopolitanism as the basis for a future politics. While Nietzsche surely does not expect the attainment of philosophical heights above one's own age for all, he does want to combat the large-scale rule of the vestiges of Christianity as the defining feature of future good Europeans. Where the Church can no longer dominate, he sees Kantian morality and political cosmopolitanism as carrying the legacy of a universalism that is destructive to life and flourishing cultures. The rejection of such universal claims would foster a way of thinking about political principles that turned from questions of what principles might be universalized to those about what might serve the flourishing of a people. This mode will inevitably leave contest and conflict because the variety of ways of living and valuing do not have the common ground of universal principles on which to meet. An agonistic view of authority would allow space for multiplicity without subsuming it under efforts to find grounds to find generalized respect for that multiplicity. This multiplicity is the space for both hospitality and contest.

In her critique of Benhabib's cosmopolitanism (Benhabib 2008), Bonnie Honig calls for an "agonistic cosmopolitics," that acknowledges the unsolvable paradox of peoples and rights, the tension between universal rights and the claim to self-determination by peoples.¹⁴ Instead of seeking a ground that overcomes this paradox, Honig's approach would view it as potentially productive and the very location of politics.¹⁵ Rather than democratizing the demand for openness, Nietzsche directs us toward something akin to an "agonistic cosmopolitics," a politics that extends beyond borders without subsuming contest among claims under universal standards. He points to an agonistic politics among good Europeans in which the nation-state is not the privileged unit of political analysis, and he offers a resource for viewing claims of particularity in an ongoing unsettled agonistic relationship that forgoes hopes for the finality of universality. Without an appeal to democratic politics,¹⁶ Nietzsche nonetheless pits genuine plurality under agonistic conditions against universalizing forms of cosmopolitanism. Preserving genuine strangeness that does not reduce the other to the same leaves open the possibility of hostility as much as it does hospitality.¹⁷ As genuine hospitality relies on genuine difference, it bears with it the continued possibility of conflict.

Because of this persistent possibility of hostility, Nietzsche's agonism is rooted in the honor of enemies for one another, which points to a rich sense of hospitality. Enemies do not stop being enemies because they recognize and acknowledge one another or when they value one another as equals. Indeed, the respect they gain for one another draws from their very difference and their ability to assert and contest values. Rather than subsuming differences under common categories, it thrives on particularity and incommensurable difference. When opponents do more than tolerate one another, their respect for one another is due to precisely the insurmountable differences among them.

Looking to Nietzsche on the matter of hospitality shows us that a "harsh Nietzsche" and "gentle Nietzsche" is a false dichotomy. Nietzsche is genuinely interested in those conditions of difference in which people might flourish apart from life-destroying generalities. He is serious about the advantages of hospitable relations across such lines of difference, hospitable relations that acknowledge and value what remains different. Yet, he is also quite aware that these relations of difference are potentially relations of enmity that could produce large- and small-scale conflicts. Instead of counseling hope for an end to the possibility of such conflict, Nietzsche shows the damaging effects of efforts to dominate or unite under universal principles, an analysis that would expect the persistence of conflicts born of incommensurable claims about what constitutes a flourishing life.

ABBREVIATIONS

A	Antichrist in Nietzsche 1968
BGE	Beyond Good and Evil in Nietzsche 1989
GS	The Gay Science in Nietzsche 1974
TI	Twilight of the Idols in Nietzsche 1968

NOTES

1. Emmanuel Macron, November 11, 2018, "Armistice Day Speech," Paris.
2. The "The Declaration of the Right of Man and of Citizen" already simultaneously declared the natural freedom and equality of human beings and the need for the rule of law that is an expression of the general will, a tension that appears again in the Universal Declaration of Human Rights, and animates tensions within political theory about the relation between private right and public right.

Benhabib describes this tension as one between "sovereignty and hospitality," requiring a "negotiation of constitutional universalism and territorial sovereignty

(Benhabib 2008, 31), a paradox of democratic legitimacy that she argues can be addressed through what she calls “democratic iterations.” James Tully defines the conflict as one between constitutionalism and democracy (Tully 2008, 91–123) and aims to move beyond the opposition in Rawls (1993) and Habermas (1998) by looking to agonistic political theory (Honig 1993; Connolly 1995; Mouffe 2005) for an animated tension rather than a constitutional resolution (Tully 2008). The tension between consensus and agon, universality and sovereignty, reiterates the contest that runs through political theory manifest as positive and negative in Berlin (1977) and as the difference between ancient and modern views of freedom by Constant (1988 [1819]). One can find the origins of this tension in Locke and Rousseau.

3. Benhabib's more recent effort to offer “another cosmopolitanism” that gives due to democratic discourse draws directly from “the Kantian tradition” (Benhabib 2008, 20). On Kant and contemporary cosmopolitanism, see also Nussbaum 2010; Brown 2010. On identity, citizenship, and cosmopolitanism, see Waldron 2010, 2017. Appiah offers conversation as a model for a cosmopolitanism that aims at universal values while giving due to the variety of cultural languages with which to approach those human values (Appiah 2006).

4. Attending to the conditions of the possibility of perpetual peace, Kant offers three definite articles. One, every state must have a republican constitution that guarantees the legal equality of everyone. Two, the right of nations depends on a federation of these free states. Three, cosmopolitan right requires universal hospitality (Kant 1989 [1795]).

5. I have argued elsewhere that Nietzsche's agonism needs to be read in light of his presentation of nobility (Kirkland 2020).

6. For considerations of Nietzsche's agonism, see Acampora 2013; Hatab 2008a, and its possible contributions to agonistic democracy, see Honig 1993; Connolly 1995, 2005, 2008; Hatab 1995, 2008b; Owen 1995, 2002, 2008.

7. See BGE 256, BGE 241, TI Germans 1 for Nietzsche's treatment of “the insanity of nationality” and the harm of German nationalism to German philosophy. See GS 357 for Nietzsche's account of German philosophy as distinct from specifically German culture. Nietzsche writes “Culture and the state—one should not deceive oneself about this—are antagonists: *Kultur-Staat* is merely a modern idea” (TI Germans 5). This opposition to a Bismarckian understanding of the state has been examined with reference to contemporaneous political debates in Bergmann 1987; Shaw 2007; Drochon 2016.

8. For arguments that his political thinking lends to democratic possibilities, see Hatab 1995; Owen 2002. For those who see a singular aristocratic hierarchy, see Detwiler 1990; Appel 1999; Dombowsky 2004. For an attempt to draw a liberal meritocracy from Nietzsche's work, see Church 2015. For the claim that Nietzsche's own political statements remain attached to “neo-aristocratic conservatism,” see Warren 1988.

9. See Warren 1988 for the claim that Nietzsche's expressed political views are shaped by a nostalgia that amounts to “neo-aristocratic conservatism.”

10. In TI, Morality 4 Nietzsche expressly rejects the Christian desideratum of “peace of soul.”

11. Rousseau presents pity in the *Second Discourse* as the source of all social virtues. Schopenhauer argues that pity (*Mitleid*) is the basis of all morality (Schopenhauer 1969). On *Mitleid* in Nietzsche, see Janaway 2007; Harris 2007; Shepherd 2020.

12. Cf. Machiavelli, *Prince*, Dedication.

13. Of course, this identification of god with the good and its implications are first elaborated in Plato, *Republic* 379a–383c.

14. Honig argues that universalism in a variety of guises never really finds a form that is unconditional and free from particularity (Honig 2008, 116).

15. See Honig 1993 for a discussion of active politics as distinct from legal and theoretical resolution. Honig presents this struggle as one over the terms in which democratic politics enacts an Arendtian “right to have rights” (Arendt 1951) and draws from Derrida’s distinction between conditional hospitality, based on specific pacts with some legal status, and unconditional hospitality, which opens itself to the radically other (Derrida 2000, 25).

16. For some recent articulations of an agonistic democratic politics see Honig 1993; Mouffe 2005; Connolly 1995, 2005; Rancière 2010.

17. Derrida emphasizes the etymological connection between hostility and hospitality, linking apparent opposites, in his consideration of hospitality (Derrida 2000). His presentation of the possibility of an unconditional hospitality would entangle the matter in the infinite openness he ultimately demands of democracy and friendship (Derrida 1997). This move has left Derrida open to critique from agonistic democrats (Rancière 2010, 61).

REFERENCES

- Acampora, Christa Davis. 2013. *Contesting Nietzsche*. Chicago: University of Chicago Press.
- Appiah, Kwame Anthony. 2006. *Cosmopolitanism: Ethics in a World of Strangers*. New York: Norton.
- Arendt, Hannah. 1951. *The Origins of Totalitarianism*. New York: Meridian.
- Arendt, Hannah. 1963. *On Revolution*. New York: Penguin.
- Benhabib, Seyla. 2008. *Another Cosmopolitanism*. New York: Oxford University Press.
- Bergmann, Peter. 1987. *Nietzsche, the Last Antipolitical German*. Bloomington: Indiana University Press.
- Berlin, Isaiah. 1977. “Two Concepts of Liberty.” In *Four Essays on Liberty*. New York: Oxford University Press.
- Brown, Garrett Wallace. 2010. “Kant’s Cosmopolitanism.” In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 45–60. Cambridge: Polity Press.
- Church, Jeffrey. 2015. *Nietzsche’s Culture of Humanity: Beyond Aristocracy and Democracy in the Early Period*. New York: Cambridge University Press.
- Connolly, William. 1995. *The Ethos of Pluralization*. Minneapolis: University of Minnesota Press.

- Connolly, William. 2005. *Pluralism*. Durham: Duke University Press.
- Connolly, William. 2008. "Nietzsche, Democracy, and Time." In *Siemens Nietzsche, Power, and Politics*, edited by Herman W. Siemens and Vasti Roodt, 109–40. Berlin: Walter de Gruyter.
- Constant, Benjamin. 1988 [1819]. "The Liberty of the Ancients Compared with that of the Moderns." In *Political Writings*, edited by Biancamaria Fontana. New York: Cambridge University Press.
- Derrida, Jacques. 1997. *The Politics of Friendship*, tr. George Collins. New York: Verso.
- Derrida, Jacques. 2000. *Of Hospitality*. Stanford: Stanford University Press.
- Drochon, Hugo. 2016. *Nietzsche's Great Politics*. Princeton: Princeton University Press.
- Habermas, Jürgen. 1987. *The Philosophical Discourse of Modernity*, tr. Frederick G. Lawrence. Cambridge: MIT Press.
- Habermas, Jürgen. 1998. *The Inclusion of the Other: Studies in Political Theory*. Eds., Ciaran Cronin and Pablo de Greiff. Cambridge: MIT Press.
- Harris, Daniel I. 2017. "Compassion and Affirmation in Nietzsche." *Journal of Nietzsche Studies* 48, 1: 17–28.
- Hatab, Lawrence. 1995. *A Nietzschean Defense of Democracy*. Chicago: Open Court.
- Hatab, Lawrence. 2008a. *Nietzsche's on the Genealogy of Morality: An Introduction*. New York: Cambridge University Press.
- Hatab, Lawrence. 2008b. "Breaking the Social Contract." In *Nietzsche, Power, and Politics*, edited by Herman W. Siemens and Vasti Roodt, 169–88. Berlin: Walter de Gruyter.
- Honig, Bonnie. 1993. *Political Theory and the Displacement of Politics*. Ithaca: Cornell University Press.
- Honig, Bonnie. 2008. "Another Cosmopolitanism? Law and Politics in the New Europe." In *Another Cosmopolitanism*, edited by Seyla Benhabib and Robert Post, 72–120. New York: Oxford University Press.
- Honneth, Axel. 1995. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, tr. Joel Anderson. Cambridge: Polity Press.
- Janaway, Christopher. 2007. *Beyond Selflessness*. New York: Cambridge.
- Kant, Immanuel. 1989 [1795]. "Perpetual Peace." In *Kant's Political Writings*, tr. Hans Reiss. New York: Cambridge University Press.
- Kant, Immanuel. 1996 [1797]. *The Metaphysics of Morals*, tr. Mary Gregor. New York: Cambridge University Press.
- Kirkland, Paul E. 2020 (forthcoming). "Nietzsche, Agonistic Politics, and Spiritual Authority." *Political Research Quarterly* 73, 1: 3–14.
- Mouffe, Chantal. 2005. *The Democratic Paradox*. New York: Verso.
- Nietzsche, Friedrich. 1967–. *Werke*. Critical Edition of Giorgio Colli and Mazzino Montinari. New York: Walter de Gruyter.
- Nietzsche, Friedrich. 1967 [1872]. *The Birth of Tragedy*, tr. Walter Kaufmann. New York: Vintage.
- Nietzsche, Friedrich. 1968 [1888]. *The Antichrist*. In *The Portable Nietzsche*, tr. Walter Kaufmann. New York: Viking.

- Nietzsche Friedrich. 1968 [1888]. *Twilight of the Idols*. In *The Portable Nietzsche*, tr. Walter Kaufmann. New York: Viking.
- Nietzsche, Friedrich. 1974 [1882]. *The Gay Science*, tr. Walter Kaufmann. New York: Vintage.
- Nietzsche, Friedrich. 1984 [1878]. *Human, All Too Human*, tr. Marion Faber. Lincoln: University of Nebraska Press.
- Nietzsche, Friedrich. 1989 [1886]. *Beyond Good and Evil*, tr. Walter Kaufmann. New York: Vintage.
- Nietzsche, Friedrich. 1989 [1872]. *On the Genealogy of Morals*, tr. Walter Kaufmann. New York: Vintage.
- Nussbaum, Martha C. 2010. "Kant and Cosmopolitanism." In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 27–44. Cambridge: Polity Press.
- Owen, David. 1995. *Nietzsche, Politics, Modernity*. New York: Sage.
- Owen, David. 2002. "Equality, Democracy, and Self-Respect: Reflections on Nietzsche's Agonal Perfectionism." *Journal of Nietzsche Studies* 24: 113–31.
- Owen, David. 2008. "Nietzsche, Ethical Agency, and the Problem of Democracy." In *Nietzsche, Power, and Politics*, edited by Herman W. Siemens and Vasti Roodt, 143–67. Berlin: Walter de Gruyter.
- Rancière, Jacques. 2010. *Dissensus*. New York: Continuum.
- Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.
- Schopenhauer, Arthur. 1969. *The World as Will and Representation, 2 Vols*, tr. E. F. J. Payne. New York: Dover.
- Schrift, Alan. 2000. "Nietzsche's Contest: Nietzsche and the Culture Wars." In *Why Nietzsche Still*, edited by Alan Schrift, 184–201. Berkeley: University of California Press.
- Shaw, Tamsin. 2007. *Nietzsche's Political Skepticism*. Princeton: Princeton University Press.
- Taylor, Charles. 1994. "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Guttmann, 25–73. Princeton: Princeton University Press.
- Tully, James. 2008. *Public Philosophy in New Key II*. New York: Cambridge.
- Waldron, Jeremy. 2010. "What is Cosmopolitanism?" In *The Cosmopolitan Reader*, edited by Garrett Wallace Brown and David Held, 163–75. Cambridge: Polity Press.
- Waldron, Jeremy. 2017. "The Cosmopolitanisms of Citizenship." In *Cosmopolitanisms*, edited by Bruce Robbins and Paulo Lemos Horta, 230–9. New York: New York University Press.
- Warren, Mark. 1988. *Nietzsche and Political Thought*. Cambridge, MA: MIT Press.

Chapter 8

Global Enframing, Authentic History, Dasein

Thoughts on the Preview of Heidegger's Beiträge zur Philosophie

José Daniel Parra

Martin Heidegger's *Contributions to Philosophy* offers a condensed meditation on the spiritual state of the modern epoch (Heidegger 1999).¹ This chapter will attempt to follow closely the Preview of the *Beiträge* in order to trace how the book's six "joinings"—echo, playing-forth, leap, grounding, the ones to come, and the last god—convey a hermeneutic contrast between authentic history and our seemingly postmetaphysical condition. The text seeks to explore whether such authentic history, by way of the foundational "going under" of *Da-sein*, may still unfold in our era of *Machenschaft* and global enframing (*Gestell*).

Heidegger did not write the *Contributions* in order to analytically structure an argument. Rather, the text has a particular hermeneutic movement and rhythm that we will try to trace and account for. Heidegger seems to be writing this book, in the first place, as a sort of *hypomnemata*. The *Beiträge* presents and reiterates a series of notions that aim to prepare the "transition" (*Übergang*) from the first beginning to the other beginning of philosophy. In what follows, we will offer an interpretative reading of Heidegger's text, paying particular attention to his intent to prepare the crossing toward new forms of time by way of the historical custodianship of *Da-sein*.

A TIME OF CROSSING

The matter at issue in the *Contributions to Philosophy* is "the age of crossing from metaphysics to be-ing-historical thinking [*seymsgeschichtliches Denken*]" (3). Heidegger tells us that this movement implies a thinking

“underway.” Such authentic historical thinking is not the representational thought of subject/object cogitation, but rather, a kind of process toward an essential transformation of the human from rational animal to *Da-sein*.² The transit toward what Heidegger calls the “other beginning” is a crossing within the traced openness of history (3). He is referring to a history-making crossing, that is, perhaps, a very long sojourn. At the same time, the other beginning has the character of a decisive “intimation” (*Ahnung*). In this sojourn, the essential sway of be-ing manifests itself as “enowning” (*Ereignis*) (3).

Theologically speaking, the intimation toward the other beginning hints at the “*godding* of the god of gods,” from out of which Dasein’s allotment to be-ing comes into its own, as “grounding truth of be-ing” (4).³ This new dispensation remains shrouded in mystery, however; it is a thinking-saying of philosophy that, apparently, does not describe, explain, proclaim, or teach. Rather, the *saying* that intimates the other beginning sounds out as the essential swaying of be-ing. It also seems to have a spontaneous ring to it, for it is not the purposeful activity of an individual, nor is it the limited calculation of a community (4). The other beginning will, according to Heidegger, be communicated by way of momentous “hints,” coming from what is most “question-worthy” (4).

Heidegger also signals his post-structuralist bent: the time of systems is over. We are experiencing a period of transition whereby the time of reassessing the essential shaping of beings has not yet arrived. The *Contributions* are therefore a preparatory exercise within an underlying transitional period. This unfolding, we are told, is a unique and singular epochal event: we do not have guidance from scholastic systems or doctrines, which as such would evade the problematics of the *Seinsfrage* in our time of crossing.

The *other beginning* occurs in tandem with the Platonic-Aristotelian *first beginning* of philosophy. The origin of the *other beginning* seems to have an ambiguous character: it is both an *Auseinandersetzung* or “deciding encounter” (4) with, and a *sublation* of, the *first beginning*. As such, the Platonic-Aristotelian first beginning always remains there opening the way for the preparatory transiting thought: the founding projecting-open of the truth of be-ing as historical mindfulness. The *Contributions* prepare the transit: history (*Geschichte*) for Heidegger is the space-time of fundamental decisions that trace the crossing. The historicity of the crossing and the structure of *Ereignis* are laid out by Heidegger in the following set of interrelated historical moments:

Echo or the resonance (*Anklang*) of the oblivion of be-ing in the age of machination. This produces the experience of “startled dismay” (*Erschrecken*) as the self-referential projection of modern humanity seems to be lacking ontological standards to “hold fast to *Da-sein*” (4).

Playing-forth or foreplay (*Zuspiel*): a *paidia* or *paideia* for gaining momentum toward the leap from the first beginning of classical Greek *wonder* toward the other beginning that, as yet, has no name.

Leap (*Sprung*), which has a familiar ring to Kierkegaard's leap of faith. Occurs when the crossing from the *Leitfrage* of philosophy toward the *Grundfrage* is undergone by way of historical *Dasein*. Heidegger claims that "the self becomes its own in the leap" (4).

Grounding (*Gründung*) as the intimation of founding a new dispensation following the leap: a new freedom of be-ing-historical thinking in poetic "law or song" (*nomos*) (4).

The ones to come (*die Zukünftigen*): post-disenchanted philosopher-poets of the future who are the custodians of the crossing.

The last god (*der letzte Gott*): which still resonates in the hearts and minds of those who might witness and care for the truth of be-ing in the epoch of transition.

The historical structure of *Ereignis* begins with an echo or resonance of be-ing as not granting. Here the playing-forth of the question gains impulse from the first beginning (in *wonder*) which brings the other beginning (in startled dismay) into play; the mutual playing-forth —*paidia* or *paideia*—that is to say, *possibly* a kind of "liberal education," prepares the way for the crossing or leap (5). A leap into the sphere of be-ing releases and therefore makes possible the other grounding of *Da-sein*. This foundational act is somehow allotted from be-ing. Grounding unfolds as the originating grounding of truth as the truth of be-ing in *Da-sein*. All this is alluded to in an attitude of questioning for the few ones to come who shelter the truth of be-ing in the deep resonance of the last god. Now, this nonanalytical framework seems to establish the existential difference between a state of mind of those who live only in the present (and who, as thinkers, engage in *philosophia perennis*), and "those who are to come" or "those who are but once" whose philosophizing is attuned to the synchronicities and needs of be-ing-historical thinking (5).

In order to shed light on the philosophical poles of the crossing, Heidegger introduces the difference between the *Grundfrage* and the *Leitfrage* of philosophy. Heidegger claims that the *Grundfrage*, the question of "the Ground," unfolds historically: it manifests who we are in accordance with our attunement to the *Seinsfrage* (5). The *Leitfrage*, on the other hand, manifests the dualistic question about beings: the "what is" question that structures phenomena in the categories and typologies of genus and species that sustain the epistemology of modern enframing. The *Leitfrage* for Heidegger is synonymous with Platonism and its legacy, that is, the binary set of distinctions of forms/shadows, ought/is, ideal/real, City of God/City of man, *res cogitans/res extensa*, *noumenal/phenomena*, values/facts that in his account has framed the history of western onto-theological thought from Plato to Nietzsche. For

Heidegger, the dualism of is and ought is conceived now as the “open strife between earth and world” (6). It is in this context that the messengers of the truth of be-ing are enowned as potential founders, keeping their measure by their attunement to the essential swaying of be-ing.⁴ According to Heidegger, the act of founding is required by be-ing itself: those who “go under” come “only once” and are the conveyors of “inceptual thinking” (6).

The dynamics between the first and the other beginning are also characterized by Heidegger as a “playing-forth” (6). Such educational *spiel* occurs in the historical context of the echo of be-ing in the distress produced by be-ing’s silence. From such needfulness, a saturation point seems to be reached, which prompts the leap into the quality of be-ing in order to ground its truth. This, in turn, is a preparation for the “ones to come” and their mysterious relation to “the last god” (6). The thinking-saying that follows few is, however, neither a doctrine nor a common opinion, as it contains a preliminary task to retrieve man from the “chaos of non-beings” into the pliancy of a reserved creating of sites set up for the passing of the last god (6). The *ones to come* are therefore learning and re-considering the art of con-templation.

Such task, however, is faced with a relatively new sort of danger as man has become feeble for the custodianship of Da-sein in the age of mass society and global enframing. Heidegger poses the question of whether a sense of “shock of deep awe [*Scheu*]” might put man back into the grounding-attunement of reservedness setting him up for Da-sein again (6). In other words, Heidegger seems to be experimenting with ways to transform our human perspective from a mere rational or calculative animal to let Da-sein emerge mindfully and trustfully into the truth of be-ing. Such emergence would ground the truth of beings and of man in a new foundational act. The *Contributions* are preparing the movement for this post-calculative ontology, which, nevertheless, is still far ahead in the future. For now, we are told that the first thing here remains “to put be-ing into question” (6).

THE POET AS FOUNDER-GUARDIAN

The appropriation from the resonance of be-ing in the midst of the experience of the abandonment of being (*das Seiende*), prepares the awesome leap toward the founding of truth. In this hermeneutic context Heidegger lays out a key distinction between *Geschichte*, the poetic making of history to come, contrasted with merely historiographical (*Historisch*) recounting of past deeds. Da-sein’s historical (*geschichtlich*) task is “to restore beings from within the truth of be-ing” (9). It would seem that “staying in front of the lack” of the *Seinsfrage* prepares the leap into be-ing by the seeker whose “knowing is creating” (9).⁵ This, of course, seems to be a variation of the

modern motto of *knowing as making*. Remaining attuned to the *Seinsfrage* prepares the leap into be-ing, which man as seeker of be-ing enacts, insofar as he is “one who creates in *thinking*.” (9). We seem, however, to not be ready yet for this poetic historical founder, and therefore Heidegger reiterates that today humanity is left with this one duty: to prepare for that thinker who secures the sense of preparedness for what is most question-worthy (9).

Heidegger writes the *Beiträge* in the very Nietzschean manner *for the few and the rare*. This mode of communication, Heidegger claims, implies now steadfastness in the style of *reservedness* carrying its own measure within itself. Such circumspect communication seems to be determined by “the undecidability” about the flight of the gods or their arrival (9). Meanwhile, the few and the rare are to remain attentive to the hints preparing the beginning of another course of history (9). In our historical interregnum, the representational metaphysics of the *Leitfrage* has become unable to lead men to fundamental or unconditional relations with beings. Those who may be able to ask fundamental questions in our epoch are solitaries (e.g., Rousseau, Nietzsche, Hölderlin), who through their questioning prepare the momentous decision of historicity or the “lack of history” (9). That is, whether time has an ontological structure, or is a mere sequence of ontic “now points” apparently without possible wholesomeness (9).

Asking the question of the truth of be-ing occurs for Heidegger in the mood of fundamental distress or needfulness. It is therefore a *painful* or nonsuperficial experience of *pathein mathein* that bears the solitude of this highest hour. Unlike the ontological difference of *Being and Time*, enowning in the *Contributions* is conceived as the “temporal-spatial simultaneity” of be-ing and beings (10). This implies a shift from propositional to dispositional knowing—knowing as creating from higher attunement in alignment with the *Seinsfrage*, which produces the transformation from merely *existentiell* conditioning toward Da-sein as measure. Such dispositional or transformational knowledge is a “turning around” or *metanoia* that clears and opens a new path of the history of be-ing. It seems to follow that such a leap into the *metaxy* or “in-between”⁶ lets Da-sein spring forth into the grounding of the truth of be-ing. The grounding-attunement of thinking in the other beginning resonates as “startled dismay” intimating a “deep awe”⁷ (11). A new *aidos* seems to be intimated in the silencing of the proximity of the last god. This is a historical moment of crossing, moving from the metaphysics of subjectivity to the truth of be-ing channeling the mystery of the *Seinsfrage*.

For Heidegger, the grounding-attunement of the period of transition is one of startled dismay as contrasted to the *wonder* or *astonishment* (*thaumazein*) of the first beginning. Startled dismay means returning from the ease of comportment of what is familiar to the openness of the “rush of the self-sheltering” (11). Apparently, be-ing has abandoned beings.⁸ Startled dismay

seems to be a kind of *alienation*, the realization that be-ing appears to have abandoned all beings withdrawing from them in our period of transition. In this context of overarching perplexity, *reservedness* seems to become a needful practical virtue. Yet, the refusal (*Verweigerung*) is ambiguous: it is also a preparation for “gifting” (11).⁹ *Reservedness* therefore is a pre-disposition whereby refusal constitutes the foreground for the receptivity of the *gift* of thought. A kind of reticent reservedness is the style of thought at the origin of the other beginning. From this follows the centrality of silence, as well as the mindful attentiveness to signals, synchronicities, hints. Reservedness becomes the character of inceptual thinking and midpoint between startled dismay, deep awe, and the circumspect need for mindful reticence. Such reticence according to Heidegger, does not mean evading beings, but the opposite. It means a sense of simplicity in the sheltering of truth.

Heidegger signals the reserved need to carefully cultivate, foster, and give once again historical man a goal: namely, “*to become the founder and preserver of the truth of be-ing*” (12). To be *t/here*—is to be in the attunement of care: care for the sake of be-ing, not merely the being of man but the be-ing of beings as a whole. Care, Heidegger reiterates, that is neither dogma, nor popular opinion. Care that is the opposite of *acedia* or spiritual laziness. The experience of the abandonment of be-ing prepares the thoughtfully poetic decision to attend and tend to the call of care. Care is thus the character of *Da-sein*. *Da-sein* is now for Heidegger historically understood as “seeker, preserver, guardian, caretaker” that attunes itself to the stillness of the passing of the last god (13). Apparently, gods pass (away) or withdraw, and return. Meanwhile, situated creatively in this grounding-attunement of *Da-sein*, man becomes the guardian and caretaker of this stillness (13). The meditative equanimity of *Da-sein* prepares an inceptual mindfulness from which genuine historical thinking may still unfold when the time is ripe. Seeking and finding of be-ing—and thus a *homecoming*—becomes the goal of inceptual thinking. Inceptual thinking rests outside the familiarity of beings and outside the determinations of current opinion. The key figure in this mode of inceptual thought is the poet who unpretentiously veils the truth through use of imagery and thus bestows it to our view for keeping (14).

For Heidegger, the wholesome and open simplicity of poetic-thought determines the will and style of thinking for centuries. Poetic-thinking prepares the crossing from the first beginning to the other beginning of philosophy. This occurs, we are told, in a domain of hints and withdrawal, anchored in stillness, where the “arrival or flight of the last god” are first determined (15). It is not a matter of doing, but of cultivating the grounding of *Da-sein*: preparing the leap or decision toward entrusting the guardianship of care within the truth of be-ing. The counterside to this custodianship would be the un-poetic lack of ontological plot or structure in a world driven by lack of authentic commitment, mere happenstance, and chance. The grounding-attunement

is a fundamental temper, mood, disposition. Heidegger finds thinking and attunement or disposition (*Bestimmung*) analogous: the *Grundstimmung* attunes Da-sein and thus attunes *thinking* as openly unfolding the truth of be-ing in word and concept. In contrast to the *wonder* of the first beginning, the grounding-attunement in the other beginning manifests as startled dismay, reservedness, deep awe, intimating, and “deep foreboding” (16), which may also be articulated in words and concepts.

Heidegger contrasts the sense of historical intimation to calculative standardized reasoning.¹⁰ As such, authentic intimation takes stock of the whole of temporality, or “the free-play of the time-space of the t/here” (16). Intimation shelters the thinking that deals with *crossing*. This sort of thinking, Heidegger tells us, must grow out of “genuine *knowing awareness*” of preservation of the truth of be-ing (17). It is a *gifting* and a *deciding* in-between the apparently no-longer of the first beginning and the not-yet of the fulfillment of the other beginning. It prepares a decision that precedes the guardianship of man as founder of *Dasein*. Such guardianship is grounded on the stillness of the passing of the last god. This is a meditative stillness from which the *going under* of *Ereignis* can be heeded.

GODS, ANCIENT, AND MODERN

Heidegger signals several times that we do not yet know how far removed the god is from man. How could we reckon that distance? Such god, for Heidegger, designates us as “founders and creators.” “God,” apparently, is so far removed from us that we are incapable of deciding whether it is “moving toward us or away from us” (17). In the midst of this perplexing theologico-political condition, we seem to inhabit in a lack of ontological awareness shown in the *evading of mindfulness*. The god which Heidegger seems to be witnessing is the transcendent that is not an idea or value. It seems to be something qualifiedly *other* for which one might risk one’s life. This seems to imply a deciding experience in which man comes to stand in enowning, becoming ready for the leap, for it is “god’s staying away or god’s onset” that decides for or against god (19). The decision for or against god fundamentally transforms *Da-sein* and would give history its other beginning.

For Heidegger the flight of the gods is an actual phenomenon, and as such it must be experienced and endured. It is the attunement to this eventuality of the abandonment of be-ing that opens up for us the question of truth. Decision and what is historical in man are linked: from this historical event it is decided whether in the future man belongs to the truth of being (19). Or, as Nietzsche worries, whether the age of the *last man* may take hold of the human imagination and human conduct. Heidegger, however, seems to be offering a panoramic glance of our times: he also feels a coming ripeness of

the times for bearing historical fruit and gifting.¹¹ In the midst of the contrast between earthly labor and the technological crafts that make and enframe our modern global world, thinking of be-ing as *Ereignis* also prepares the other beginning by putting the first beginning in proper perspective (22).

For Heidegger, *Ereignis* occurs in the historical plane and is embodied emotionally as deep distress. In this condition, Dasein feels itself in-between two worlds: paradoxically, such condition is itself a foregrounding from the human side, so that man once again “comes to *himself* and recovers his self-being” (22). Distress becomes therefore a profound needfulness: acknowledgment of and concord with the one thing needful. In the period of transition philosophy makes sense again, as the fundamental questions and alternatives come to light. Although *Ereignis* and *Dasein* belong together, it seems that in the period of crossing they are concealed and will remain estranged for a long time yet: “For there are no bridges and the leaps are not yet accomplished” (22). *Ereignis* is “originary history itself”: *Ereignis* as *Geschichte* is history that is more than will and fate—it is an event in the overall composition of the *Seinsgeschichte*. Heidegger envisions *reservedness* shielding the “fierce steadfastness of Dasein,” and he claims not to interpret such attunement in mere psychologistic terms (24). Reservedness seems to resonate with meditative deep stillness. This is not only a personal development but also seems to have theologico-political implications: deep stillness comprises a hidden history for only in this stillness can there “still *be* a people” (24).

A sheltered history of deep stillness is the prelude to the future founding of a new people. The origin of stillness lies in the reservedness that may transform a nation into a historical people. Reservedness is an openness toward *hints* rather than proofs of certainty. Reservedness tends to the preparation for historical *decision* and therefore *leaping-forth* into the turning of *Ereignis*. Heidegger interprets this as neither romantic escape, nor as bourgeois ease: reservedness is the ground of care. Care for the reaching ahead into the decidedness of historical founding. As such, care seems to reach into the historical plane of Hegelian spirit. Reservedness resonates with silence and nonconventional language: in our time, words are failing, not occasionally, but originally. Such failure (*Ver-sagen*) may propitiate a move into the *nonconceptual* saying (*Sagen*) of the other beginning: a poetic-foundational naming of be-ing that will originate a new people.

A MODERN DESTINY? PHILOSOPHY, ENFRAMING, AND MACHENSCHAFT

Philosophy for Heidegger is “masterful knowing,” a fruitful and yet quite rare inquiry into the truth of be-ing (26). Heidegger urges a distinction

between philosophy and *Weltanschauung* (worldview): a series of ideological frameworks, which, because they deal with standardized structures of social involvement preclude genuine philosophical openness. *Weltanschauung* is the end of history, refusing unprecedented historical possibilities; in our time, it is a product of modern epistemology and of modern intersubjective metaphysics, apparently foreclosing the realm of self-overcoming. Philosophy, on the other hand, is always a beginning. Under the pressures of ideological worldviews (both liberal and anti-liberal) authentic philosophy may even cease for a long time and apparently disappear from public history.

The problem lies in increasingly global *Weltanschauung* trying to become the court of appeal of philosophy. In its overreach it has tried to coopt even Nietzsche's philosophy. Meanwhile, for Heidegger philosophy is degrading itself by becoming mere erudition and efficiently anodyne scholarly production (exponentially facilitated by machine technology). Our modern technological worldview is to a large extent sustained by the calculation, acceleration, and massiveness of *Machenschaft* (manipulative domination). Increasingly, in this civilizational context the necessity of what takes a long time to grow—and with that “the *abgrund* character at the inception of what is creative”—is lacking (28). In this circumstance, *creating* cannot reach beyond itself, because it is put into question by the enframed consensus of the worldview, which urges the production of virtually immediate results that celebrate the given consensus of the worldview. Creating is replaced therefore by a scholarly industry of repetitive endless operations. Only philosophical questioning and existential decidedness to stay with question-worthiness can be set over against *Machenschaft* and the mechanics of pragmatic consensual homogeneity within the *worldview*. Authentic philosophers need to be educated, and the vertiginous conditions of our global enframing at many levels go against their careful and patient process of maturation and learning. Philosophers are not currently persecuted by either church or state: they are merely left out by the consensual apparatus of the worldview where their voice seems to sound both perplexing and practically irrelevant.

The maturation of the philosopher, however, rests on a mindful intimation: mindfulness as inquiry into the meaning or truth of *be-ing*. Such mindful consideration asks in the first place *why you are in be-ing*. The ontic category and mood of necessity is perhaps not unrelated to this intimation for all necessity is rooted in distress (32). Such distress or profound need is particularly felt in periods of transition, or in the preparation and crossing toward essential historical beginnings. This needfulness, Heidegger tells us, is neither pessimistic nor optimistic. As such, it requires an even-keeled awareness of the situation. In the historical context of the crossing Heidegger highlights the key notions of the first beginning: “*phusis, aletheia, en, pan, logos, nous, polemos, me on, dike, adikia.*” (32). The grounding-attunement of the first beginning is one of

cosmological wonder *that beings are*, and also that man is “extant,” extant in that which he is not. The grounding-attunement of the other beginning is now of startled dismay and reservedness within the state of awe, which Heidegger tells us prepares a creative mode. The end of this distress brings about the needful transformation of man into Da-sein and its subsequent grounding. For now though, we experience a powerlessness of thinking: *Machenschaft* and “lived experience” claim to be all that is effective and thus powerful, leaving no space for genuine power (33). Our times represent an obsession with immediate results, conspicuous ease, and self-referential social success.

Meanwhile, philosophy intimates and shelters the question of “who we are?” We learn now from the text that the approach to the *crossing* has not yet fully unfolded. A reasonable attitude in the transitional period therefore would be to find a measure of steadfastness and equanimity for Heidegger indicates that it is not clear how to figure out *from where* we are to get any answer at all (35). A sense of intensity is gained, however, by fully dwelling on the question of whether man already *is*, that is to say, whether we are ready for the transformation to the custodianship of Da-sein. Heidegger stresses a thoughtful movement from the *what-question* to the *who-question*, the question of *whether we are*. Such question is not merely anthropological, but for Heidegger is ontological and essentially historical. History here is therefore understood as the “open time-space” in which an enowning can take place (36). The *who-question*, the Pindaric question of *becoming who you are*, opens up the question of the truth of be-ing.

The transformation from rational animal to the call of Da-sein unfolds in the context of the event of the flight of the gods. The preparation for Da-sein, however, is apparently not a frictionless exercise: we ought to expect resistance. Philosophy in the period of transition becomes to a significant extent self-mindfulness. It seems to be a post-Cartesian ontology of self-mindfulness leaving mere subjectivity behind. Such mindful preparation is something other from clear and distinct cogitation in which the ego rises and “becomes certain” (37). The experience of crossing implies a decision in which, apparently, the one who is experiencing the transition cannot know with certainty what comes onto him. In the midst of this uncertainty, the site for *Ereignis* requires a clearing for what is sheltered as preparation for the leap toward the other beginning. The question of *who we are* runs parallel to the *Grundfrage*, that is, how does be-ing hold sway? The *Grundfrage* is an inceptual, originary process, implying a unique beginning, a call that may shape and transfigure history through the self-remembering of Da-sein.

Modernity is an epoch that for Heidegger apparently goes from Plato to Nietzsche. As we have seen, the crossing seems to imply an *either/or* decision leaping onward from the interpretation of man as mere rational animal toward the custodianship of Dasein. A leap and a *sublation* from *phusis* and

dike to conscience and care (akin, perhaps, to the Christian superimposition of theological virtues onto the Greek cardinal virtues). The other beginning is therefore a qualified critique of modernity. Heidegger, in other words, foresees a crossing from representational subjectivity to the going under of Dasein. Be-ing and *untergehen* imply a thrown venture and decision that is significantly other from the self-righteous activism of the present epoch. Currently, however, we seem unable to foresee the difference. Why? Because our way of reasoning in terms of beingness and typological generality forecloses the who-question, therefore authentic guardians seem to remain anonymous and ineffectual. The *who-question* is foreclosed due to our abstract mode of reasoning in terms of categorical typologies, calculative control, and representational subject/object distinctions.

Transfiguring thought, on the other hand, finds resonance in resting, turning in enowning, remembering its way in the leap, which unfolds in the grounding of Dasein (40). Why has the other beginning become needful? Because of the flattening and homogenizing tendencies of increasingly global *Machenschaft*. Machination to a large extent seems to bar the sustained and patient aperture toward receptive enownment, preventing and resisting the new founding. Nevertheless, the eventuality of enowning still resonates with the emergence of the new founding. What this seems to mean is that, in inceptual thinking, the encounter between the first beginning, which still needs to be won back, and the other beginning, which is still to be unfolded, becomes the “fertile void” for the leap (42). In other words, the other beginning is put into proper perspective and becomes *enactable* as it relates to the authentic appreciation of the first beginning. Inceptual thinking is reticent, mindful, *sigetic* (in the sense of silence as essential possibility of discourse), practiced perhaps for the most part in small educational liberal arts communities. The ontological temporality of the epoch oscillates between echo and the last god. This, again, is an epoch of underlying needfulness, which also seems to be fruitful for creative acts of a high sort: unexpectedly, Heidegger feels the need to convey “what good fortune here is reserved for the poet!” The poet here seems to be understood as teacher and precursor in the domain of inceptual thinking who as such must possess the *reservedness* of being able to forego an effect (42).

The long preparation for authentic *poietic* decisions unfolds in the midst of beings and of godding, which makes room for the “open-between,” in whose free-play of time-space the sheltering of the truth into beings and the flight and arrival of gods pulsate and react to each other (44). Truth is not only the metaphysical goal of eidetic metaphysics or of valuative thought. Heidegger poses the question of whether truth can still ground the uproar of refusal. In the first beginning, the thought of Plato and of Aristotle was still creative. However, over time as it apparently became too successful in the shape of

modern technology, it has produced the unfolding of the oblivion of be-ing. Heidegger is seeking a nonsystematic thought that might resonate truthfully in the other beginning. Such thinking has a transitional character, preparing for resonance and foreplay. Again, it is essentially a crossing and as such a “going-under.” Heidegger is taking the pulse of the *zeitgeist* because, apparently, we cannot simply take ourselves out of the “present situation of self-consciousness” (46).

In these times of standardized calculation, Heidegger affirms the *singularity* of the call of Dasein: a call that is therefore *always mine*. Although the call is *I-oriented*, it is also open to the *we* of relational historical unfolding. This distinguishes the call from solipsistic (inter)subjectivity. Inceptual thinking is a crossing and a going under leap into Dasein. This, we are told, is an ontological shift that transcends mere anthropological explanations. The style of inceptual thought prepares the ground for the founder-legislator whose knowing is creating for the sake of the sheltering of beings. Reservedness in the midst of the strife between earth (cyclical mimesis and labor) and world (works of art) prepares the ground for the founding of the other beginning. Truth in this unfolding is a noncalculative sheltering and hinting that “lights up.” This sheltering is key in the midst of machination and the dominion of expanding technicity. Philosophy shelters this simplicity: in a “simplest saying of the simplest image in purest reticence” (50). Be-ing for Heidegger partakes in history: historicity is here understood as the clearing sheltering of be-ing as such. In our era of technological massiveness, global *Machenschaft* also produces the problem of masses who have become “rootless and self-seeking” established and maintained with the fetters of social organization (43). How to transform uprootedness into authentic *open* rootedness? That is, how can we *be-there* significantly in our epoch of boundless technological dispersion?

IN SEARCH FOR “ROOTS”: SINGING THE AUTHENTICITY OF *DA-SEIN*

The crossing is also a search for authentic groundedness or roots. The transition from the *Leitfrage* to the *Grundfrage* may be described by expressions such as turning around, *periagoge*, *going under*, decision, leap, unfolding of *Dasein*, uniqueness of *Ereignis*, or a new founding.¹² Be-ing *t/here* names not only the actual, but also “what is not and the nothing” (52). Be-ing for Heidegger is not limited to presence. *Da-sein*’s leap ahead into *Ereignis* opens the possibility of a conscious return that is not a mere foolishness of endless recurrence. *Ereignis* intimates a mindfulness of the way in which the other

beginning is enacted as *reticence* (54). It seems that the truth of be-ing cannot be said now in conventional language. And yet, apparently a new language for be-ing also cannot be invented that allows the ability to hear arise from it. How does be-ing hold sway? In our time, *be-ing* and *reticence* hold sway in silence. Such mindful stillness and silence prepare the enownment of the poets to come.

Mindful silence communicates by way of hesitating refusal: “hinting-resonating hiddenness (mystery¹³)” (55). Reticence in silence in the context of the crossing subsumes the *Leitfrage* (and the logic of beingness) within the oceanic *Grundfrage* (a reticence in the reserved silence of thinking-questioning and decision). Staying rooted in front of the question already abides in the truth of be-ing: *whoever seeks has already found!* (Meno’s paradox). *Ereignis* cannot be willfully forced by man: it is an enownment of be-ing itself. This receptive abiding originates in a leap moving beyond conventionally given categories of space, time, and necessary causation.

In other words, the six joinings say the same, evoking and cultivating the crossing for the transformation of western history. Echo is an extension of what has unfolded and what is to come. Playing-forth receives its needful character from the distress at the abandonment of being. The leap finds its momentum and is prepared from the inceptual thinking made possible by the resonance of echo and the playing-forth between the first beginning and the other beginning of philosophy. The leap grounds and (eventfully) gives roots to Da-sein, following the call of *Ereignis*. The in-abiding of Dasein distinguishes the be-ing of those who are to come. Those who are to come stand before the hints of the last god. The epoch of crossing is a thoughtful preparation in the period of transition. However, a clear and distinct account from the perspective of *calculation* would seem to prevent this meditation. For the Heidegger of the *Contributions*, the aim of thinking-saying and the transformation of man seems to be a process of releasing the spirited disputations of the rational animal to remember the healing song of the poetic custodianship of *Dasein* rooted in and attuned to the history of be-ing.

Heidegger’s *either/or* character of reasoning implies a leap rather than a gradual development. The leap seems to occur as an actual history of what is most hidden (59). The hidden authentic history in the midst of global *Machenschaft* is a mindful stillness receptive to the attunement of the truth of be-ing. Such ordinary *enthinking* (*erdenken*) for Heidegger is philosophical and is therefore also a questioning: it is the between [*Zwischen*] that en-owns *Dasein* to god.¹⁴ Here, we are told, man and god become recognizable to each other, “belonging to the guardianship and needfulness of be-ing” (60). Man as Da-sein becomes founder of be-ing’s truth on the basis of his “belongingness to be-ing” and the allotment of be-ing unto the time of the last god (61).

In this historical predicament, needfulness would have to reach a saturation point in order to produce the mood of decision. The other beginning is forward-looking, going beyond romantic antiquarianism: “Every creating that grounds Da-sein must also prepare *for* the stillness of be-ing but also decidedly *against* any attempt to confuse and weaken the [needfulness] of mindfulness by merely wanting to go backward, even to the most ‘valuable traditions’” (66). Authentic *Geschichte* requires a decision in the midst of the strife between cyclical earth and a progressive world. Again, a decision is made by reaching a point of saturation of the innermost distress at the abandonment of be-ing; this would be the origin of the decisive determination of the few, *the ones to come*. The few grounding, guarding, and perhaps witnessing Da-sein through “poetry, thinking, deed” (66). The *ones to come* intimate and make manifest in enactment, “the laws recasting beings” (67). This seems to go from personal intimation to a historical architectonic founding achieving durability by way of a people.¹⁵

The rootedness toward founding is related for Heidegger to the *ontic* category of necessity: necessities light up only in distress. Uprootedness undermines the conditions of authentic world-historical foundational decisions. Heidegger sounds very much like Karl Marx here: limit conditions produce saturation points that presumably lead to needful transformative decisions for historical change. Heidegger’s thought, however, unlike Marx, is not determined by sociological contradictions: for Heidegger existential decisions create time-space. In the epoch of *Machenschaft*, these decisions by necessity seem to acquire global proportions.¹⁶ Heidegger sees that it is the teaching of Da-sein and not neoscholastic doctrines that can transform man from the ground up. Our dire alternative to the transformative fostering of Da-sein seems to be the transition to a *technicized animal* under the logic of the global will-to-will lacking an authentic historical goal.

The decisive problem, in other words, is whether man can still have a history. Such decision is a grounding and creating beyond given categories in order to save and preserve the “law and mission of the west” (69). For Heidegger, the western tradition is in danger as a result of our disastrous uprooting, which precludes and numbs our resoluteness for historical being. The decision, in other words, is about be-ing (*enowning*) or not be-ing (disenchantment and oblivion of self-remembering). Heidegger, not unlike Kierkegaard, sees the decision or *leap* in terms of an *either/or* beyond the conventionally ontic categories of the present. Must a decision be made? According to Heidegger this is an act of liberation: an enactment of freedom historically grounding *Da-sein* at the moment (*Augenblick*) of transition. The true poet thoughtfully sings the traces of this attunement, as he finds the need to carefully reveal the founding of the new dispensation.¹⁷

NOTES

1. All references in the text to Heidegger 1999 hereafter are simply by page number. The *Contributions* are written in an intricate, nonanalytical, aphoristic, and quite reiterative mode of composition. The book is composed of a preview, six “joinings” and a final section titled “be-ing.” The preview and the six “joinings” were written in 1936–1937, and the last part (which is an attempt to rethink what was conveyed in the previous sections) was written in 1938. The book was composed during Heidegger’s middle period, but was published posthumously in the year 1989. One of the key developments of the text is the movement from the *ontological difference* of *Being and Time* toward an attempt of harmonizing or at least approximating the *ontological* and the *ontic* realms as the emergence of a qualifiedly nondualistic historical unfolding. Such temporal attunement of the ontological-and-the-ontic in *Da-sein* Heidegger describes now with the word be-ing (*Seyn*). For commentaries in the secondary literature cf. Vallega-Neu 2003; Scott et al. 2001; Dallmayr 1993, 2001; Warnek 1997.

2. In the *Politics* Aristotle signals two passages that might be relevant in this context: the notion of man as “political animal” (1253a), and, the self-sufficiency of anyone who might not need a political community to live, and as such may be considered “a beast or a god” (1253a30). With the transformation from rational animal to *Da-sein* Heidegger seems to be criticizing a key foundation of Aristotelian political thought. We may wonder: does *Da-sein* fit into the political arena?

3. The notion of the “goddling of the gods” might resonate with the vision of the palinode speech and the ascent of the soul in Plato’s *Phaedrus* (244a8–257b6). Contrast also with Nietzsche’s otherwise intriguing assertion that “the gods also philosophize” in Nietzsche 2000: aphorism 295.

4. For a panoramic survey of the modern tradition from Rousseau to Heidegger see Beiner 2011.

5. Nietzsche 2000: aphorism 211.

6. Voegelin 1990: 289–90 uses the expression “metaxy” as being “in-between” immanence and transcendence. Heidegger, on the other hand, would probably regard the “metaxy” in this context as a qualified non-dualism, and would perhaps consider Voegelin’s distinction as yet another instance of the *Leitfrage* or Platonism.

7. See Dodds 1951.

8. Cf. Plato *Statesman* (269c7–d7).

9. In this ambiguity there might be echoes in relation to the Book of Job or St. John of the Cross’ *Dark Night of the Soul*, which for Heidegger would seem to take historical or collective form.

10. Contrast with Oakeshott 1991: “In politics, then, every enterprise is a consequential enterprise, the pursuit, not of a dream, or of a general principle, but of an intimation” (57). Later in the book, Oakeshott finds it appropriate to explain that the expression the “pursuit of intimations” is intended as a “description of what political activity actually is in the circumstances [of] ... hereditary, co-operative groups, many of them of ancient lineage, all of them aware of a past, a present, and a future, which we call ‘states’” (66). He concludes, in response to his critics: “does it all become

much more intelligible if we exclude circumstance and translate it into the language of ‘principles,’ the bowler, perhaps, arguing his ‘natural right’ to throw?’ (68). For Oakeshott the “pursuit of intimations” is a historical (Burkean) critique of “natural right.” In his own way Heidegger would also be on the side of Burkean conservatism in contrast to the Cartesian rationality at the philosophical core of the French Revolution.

11. Cf. Heidegger 2004: 139–42.

12. The difference between the *Leitfrage* and the *Grundfrage* may also be described in terms of the Apollonian and the Dionysian symbols. The *Leitfrage*/Apollo might be related to the *koinon*, beingness, presence, the categories of *ousia*, and the dualistic distinction of “real and ideal.” For Heidegger this has been the guiding-question of philosophy from Platonism all the way to his reading of Nietzsche. Conversely, The *Grundfrage*/Dionysus seems related to Orphic poetic “song,” the *Nichts* or the Sanskrit notion of *Akasha*, *Aletheia*, the myth of Er, and the overall symbolism of eternal return.

13. As noted in Parra 2019: 14, footnote 52, the German word for mystery (*Geheimnis*) is “etymologically related with the notion of the uncanny (*Unheimlich*) and not-being-at-home (*Unheimlichkeit*).”

14. Cf. Martin Heidegger 1977: 35.

15. Machiavelli 1996: I. 58.

16. The classic text bringing together Hegel, Marx, and Heidegger is Kojève 1980. Cf. also Darby ed. 1986.

17. Consider Heidegger 2001: 89–139.

REFERENCES

- Aristotle. 1998. *The Politics*. Trans. C.D.C. Reeve. Indianapolis: Hackett.
- Beiner, Ronald. 2011. *Civil Religion: A Dialogue in the History of Political Philosophy*. Cambridge: Cambridge University Press.
- Dallmayr, Fred. 1993. *The Other Heidegger*. Ithaca: Cornell University Press.
- Dallmayr, Fred. 2001. “Heidegger on *Macht* and *Machenschaft*.” *Continental Philosophy Review* 34: 247–67.
- Darby, Tom, ed. 1986. *Sojourns into the New World: Reflections on Technology*. Ottawa: Carleton University Press.
- Dodds, E. R. 1951. *The Greeks and the Irrational*. Los Angeles: University of California Press.
- Heidegger, Martin. 1977. *The Question Concerning Technology and Other Essays*. Trans. and Intro. by William Lovitt. New York: Harper.
- Heidegger, Martin. 1999. *Contributions to Philosophy (From Enowning)*. Trans. Parvis Emad and Kenneth Maly. Indianapolis: Indiana University Press.
- Heidegger, Martin. 2001. “What are Poets For?” In *Poetry, Language, Thought*. Trans. Albert Hofstadter. New York: HarperCollins: 89–139.
- Heidegger, Martin. 2004. *What is Called Thinking?* Trans. J. Glenn Gray. New York: Harper.

- Kojève, Alexander. 1980. *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*. Ithaca: Cornell University Press.
- Machiavelli, Niccolò. 1996. *Discourses on Livy*. Chicago: University of Chicago Press.
- Nietzsche, Friedrich. 2000. *Beyond Good and Evil*. In *Basic Writings of Nietzsche*. Intro. by Peter Gay. Trans. Walter Kaufmann. New York: Modern Library.
- Oakeshott, Michael. 1991. *Rationalism in Politics and Other Essays*. Indianapolis: Liberty Fund.
- Parra, José Daniel. 2019. *Heidegger's Nietzsche: European Modernity and the Philosophy of the Future*. Lanham: Lexington.
- Plato. 1990. *Complete Works of Plato*. John M. Cooper, ed. Indianapolis: Hackett.
- Scott, Charles E., et al., eds. 2001. *Companion to Heidegger's Contributions to Philosophy*. Bloomington: Indiana University Press.
- Vallega-Neu, Daniela. 2003a. *Heidegger's Contributions to Philosophy: An Introduction*. Bloomington: Indiana University Press.
- Voegelin, Eric. 1990. "Reason: The Classic Experience." In *The Collected Works of Eric Voegelin: Published Essays, 1966–1985* (Vol. 12), edited by Ellis Sandoz, 289–90. Baton Rouge: Louisiana State University Press.
- Warnek, Peter. 1997. "Reading Plato before Platonism (After Heidegger)." *Research in Phenomenology* 27: 61–89.

Part III

**COSMOPOLITANISM IN
CONTEMPORARY POLITICS
AND ECONOMICS**

Chapter 9

John Rawls against the Clash of Civilizations

Michel Seymour

What can now be said concerning Samuel Huntington's (1993, 1996) thesis about the clash of civilizations? He believes that conflicts on a global scale are no longer only economic or ideological, since they are now more than ever civilizational conflicts. According to him, civilization is the broadest cultural group with which a person can identify. We cannot be citizens of the world because there can be no cultural foundation common to all of humanity.¹ In this sense, Huntington's thesis is a major blow to our cosmopolitical ideals.

Still according to him, civilizations are distinguished by history, language, culture, traditions, as well as by religion. Huntington divides the world into eight different civilizations. These coincide more or less directly with a preferred religion: Western, Russian, Islamic, Indian, Chinese, Japanese, Latin America, and African. At a time when religion is once again at the forefront of political agendas, especially since September 11, 2001, Huntington's thesis seems to be confirmed up to a certain point. A fictitious, but still growing, opposition has emerged over the past twenty years between the Christian West and Islam. Western societies are increasingly inclined, for the most part, to consider religion as a private, isolated, and subjective experience. On the other hand, in some non-Western societies, such as Arab-Muslim ones, it seems that society takes the form of a "community," and therefore of a group sharing common values and beliefs. Religion is experienced in these countries mainly through community rituals, customs, ceremonies, and celebrations that determine individual behavior. Islam does not seem to exist independently of a certain presence in the political space. It tends to be a public, social, and objective phenomenon.

My goal is not to discuss Huntington's ideas in detail. I only want to focus on some aspects of his thesis that seem to be confirmed by current political events. I am thinking in particular of Western reactions toward Islam. In his

work, Huntington himself discusses Islam extensively and uses it as a scapegoat: “The underlying problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power” (Huntington 1996, 217). The thesis about the clash of civilizations has spread. It has entered the minds of many people to such an extent that it has taken the form of a self-fulfilling prophecy. By believing in this shock, we end up provoking it and making it happen. Its way of compartmentalizing societies into tight civilizational units is shared and it has led to the emergence of widespread Islamophobia. This is in a way not new. Palestinians in Israel, Rihongyas in Myanmar, Uighurs in China, Chechens in Russia, Bosnian Muslims and Kosovars by Serbia, Muslims in Kashmir by India state and those in the Philippines are all oppressed minorities. Even the victims of ISIS were mainly Muslim. Moreover, since 9/11, the feeling of hatred toward Islam has also spread in the Northern hemisphere. Nationals of seven Muslim countries were prohibited from entering the United States. A distrust that borders on hatred has been rampant in both Europe and America. At the domestic level, a virulent criticism of multiculturalist or interculturalist policies took place. Approaches that seek to recognize religious diversity have been vigorously opposed, largely because they would force us to welcome Arab-Muslim minorities in a hospitable manner. The fight against Islam is thus intertwined, at the domestic level, with the fight against recognition of religious and ethnocultural diversity.

While Islamophobia is gaining ground throughout the West, replacing anti-Semitism or adding to it, I want to reflect on John Rawls’ work on the rights of peoples (Rawls 1999), as an extension of political liberalism (Rawls 1993a) which, six years after the publication of Huntington’s article and three years after the publication of his book, highlights the relationship that so-called liberal democratic societies can have with an imaginary Muslim society that he calls “Kazanistan” (Rawls 1999, 75–8). The reference to Kazanistan is not present in the initial paper on the law of peoples (Rawls 1993b), written at the same time as Huntington’s article, but Rawls could not have ignored Huntington’s thesis at the time when he wrote his book. After all, his Harvard colleague has had a global impact following the publications of the article in *Foreign Affairs* and his eponymous book.

It is difficult to see in the reference to Kazanistan anything but a latent response to Huntington. And yet, to my knowledge, no one has ever noticed this fact. Rawls believes that bridges can be built between liberal and Muslim societies. As a matter of fact, in ideal theory, the representative of Kazanistan is even invited to join the representative of a liberal people under a veil of ignorance. It seems possible to overcome oppositions and reach a sincere agreement on a set of principles that transcend these two “civilizations.”

While Muslims are for Huntington favorite targets confirming the existence of a clash of civilizations, Rawls made them favorite interlocutors under the veil of ignorance. However, it does not matter whether or not Rawls intended to answer Huntington. It is only important to emphasize the fact that Rawls' ideas have a real *de facto* impact in countering Huntington's ideas.

I intend to show that Rawls' political liberalism makes it possible to formally recognize the profound diversity of political cultures. For the purposes of the discussion, I assume that civilizations exist, and I will not dispute this aspect of the thesis.² In addition, I focus my attention mainly on the relationship between "Western civilization" and "Muslim civilization." My main hypothesis is that the source of the confrontation between the two groups ultimately takes the form of an opposition between moral individualism and moral communitarianism. Moral individualism is the doctrine according to which (a) persons are prior to their ends, (b) individuals are the ultimate sources of valid moral claims and (c) autonomy is the ultimate value. Moral communitarianism is the view that (a*) persons are defined on the basis of ends bequeathed by the community, (b*) communities are the ultimate sources of valid moral claims, and (c*) the ultimate value is the common good (Rawls 1999, 71). Of course, there are moral individualists who are also against Huntington's thesis, but as we shall see, they are of no help for solving the problem he has raised.

In a perfectly schematic way, one could say that political liberalism makes it possible to respect individualistic and communitarian identities of persons and peoples, to account for the universality of human rights and the universality of peoples' rights, and to achieve a balance between individual autonomy and common good. In doing so, it rejects the comprehensive supremacist doctrines that are at the root of the clash of civilizations, namely moral individualism and moral communitarianism.

THE MAJOR FLAWS OF AN IMPORTANT BOOK

This, in my view, is the lesson to be learned from *The Law of Peoples*. The clash of civilizations can be attenuated, bypassed, minimized, and ultimately avoided in ideal theory. Why has this essential message gone unnoticed? The first answer is that the eight principles that the partners end up accepting under a veil of ignorance are somewhat disconcerting (Rawls 1999, 37). They reproduce at best nothing more than the status quo in international law. Rawls is still largely under the influence of the Westphalian model of international relations. In his view, interventionism by the international community is only justified in the case of an extreme violation of fundamental human rights, as well as on humanitarian grounds. Even if he describes himself as a supporter

of a realistic utopia (Rawls 1999, 4–6), his *Law of Peoples* appears to be more realistic than utopian. To be credible, the right of peoples should be revamped to increase the list of rights and obligations conferred on individuals and peoples. It should, for instance, be recognized that all peoples have rights to self-determination, direct or indirect participation in international decision-making bodies, territorial integrity, natural resources, equal development, and international solidarity. Rawls should have accepted a difference principle applied to all peoples. Peoples should also have the duty to protect civil and political freedoms, equality of opportunity, and a difference principle within their own societies. In my view, these provisions should all be included in the law of peoples. They would represent a significant departure from the Westphalian model.

Notice, however, that these principles would still have included the rights and obligations of peoples. Rawls can be criticized for the predominance of the nation-state, but this does not entail having to remove the rights of peoples from cosmopolitan law. Unfortunately, and this is the second reason why Rawls' message has been ignored, critics have too often believed that in order to break free from the Westphalian model, it was also necessary to break free from any reference to the rights of peoples themselves. Interpreters have thus tended to ignore Rawls' contribution to the law of peoples. Bruce Ackerman (1994), Charles Beitz (2000), Allen Buchanan (2000), Simon Caney (2001a, 2001b, 2005), Andrew Kuper (2000), Martha Nussbaum (2006), Thomas Pogge (1994), Kok-Chor Tan (2000), and Philippe Van Parijs (2003), to name but a few, have expressed the strongest reservations. Most authors consider the book as a foreign body within the Rawlsian corpus. However, they take moral individualism for granted.

If, however, Rawls is right to see moral individualism as a supremacist comprehensive doctrine that must be set aside and replaced by political liberalism and if it is for this reason that an agreement with Kazanistan can be reached, it must be concluded that moral individualism does not mitigate the clash of civilizations. On the contrary, it may help to keep it in place or even accentuate it. It may deepen the gulf that separates Western civilization from Islam. I am not only targeting those cosmopolitan authors who would advocate the replacement of nation-states by a world government. I am also referring to those who, even with the presence of nation-states, believe that the person is the ultimate source of valid moral claims. In my view, it would be a mistake to argue, as Kok-Chor Tan (2000) does, that the problems affecting *The Law of Peoples* are due to the general philosophical framework of political liberalism. We should put the blame on the Westphalian model adopted in Rawls (1993b). It is perhaps the requirement of coherence with that essay that explains the meagre "constitutional essentials" already present in Rawls (1993a). We should not target *Political Liberalism*, for it is the change in

perspective since *Political Liberalism* that has led to the admission of a dual regime of individual rights for persons and collective rights for peoples, and it is this axiological pluralism that is at the heart of a possible Rawlsian response to Huntington.

A third reason explaining why Rawls' message has been ignored is that he provides simplified models (Rawls 1993a, 12; 1999, 24–25). Principles of justice are first applied within the simplified case of a single closed society, containing no immigration, and then applied at the level of the law of peoples to those societies assuming a simplified situation in which all of them would be organized into sovereign states. For methodological reasons, Rawls discusses these two applications of justice separately even if, in a real multinational society, both of them should simultaneously be applied. However, given the unsatisfactory character of the eight principles and the acceptance of moral individualism by most cosmopolitan authors, a methodological separation between two simplified models made it look as though they were just two separate modules. It looked as though it was possible to discard his *Law of Peoples* without having the impression that we were removing an essential part of the overall account.

A fourth reason, correlative to the first one, can now be considered. Many authors have expressed dissatisfaction with the idea of welcoming an undemocratic society under the veil of ignorance, but we can make an amendment that shows how a communitarian society that did not experience in its political culture the irreducible pluralism of moral, philosophical, and religious conceptions can nevertheless become an authorized democratic partner under the veil of ignorance. Kazanistan is, according to Rawls, an imaginary illustration of what he calls a “decent hierarchical society” (Rawls 1999, 71–5). It is a communitarian society that is not aggressive toward other peoples, which respects a hard core of individual rights, but is not governed by a democratic regime, in the sense of representative democracy. It does not involve an electoral system because it is limited to a consultation process.

If, however, unlike Rawls, we fully appreciate the consequences of a global basic structure, these societies can experience irreducible pluralism within the society of peoples. And since the experience of this pluralism is at the root of the establishment of a sustainable democracy, it follows that societies that do not have a pluralist tradition may still be inclined to adopt a fully democratic regime. Citizens brought into contact with other societies may indeed conceive their own society as only one among others and therefore as possibly becoming very different from what it is. They will then want to have the right to deliberate and vote on the type of society they wish to become. This is not just a theoretical matter. Despite its failures, what has been called the Arab Spring is the result of the contact of historically communitarian societies with other societies in the global basic structure. It is because they

have experienced societies that are very different from their own that people in several Arab countries have risen up to demand more democracy. This would perhaps have happened a long time ago were it not for the interference of colonial Western states preventing them from becoming democratic nation-states.

For the purposes of our own argument, Kazanistan is no longer strictly speaking a decent hierarchical society. The concept of a democratic communitarian society must be used to model what a Kazanistan might look like.³ It is this amended version that serves as a starting point for countering Huntington's thesis. The democratic communitarian society resembles Turkey at the time when, in 2003, Recep Tayyip Erdogan took power as Prime Minister in Turkey. It was then believed that a democratic and non-repressive Muslim society was possible. Events later proved us wrong, and a better illustration would perhaps be Indonesia, but we also have every reason to believe that Maghreb countries are in the process of getting closer and closer to that goal, while still remaining political communities organized around the normative ideal of common good.

RAWLS' CONTRIBUTION

To fully understand *The Law of Peoples*, we must return to *Political Liberalism* (Rawls 1993a). This work does not rely on the moral individualism of Kant and Mill (Rawls 1993a, 173, 190, 196, 199f, 221fn). It takes very seriously the irreducibility and reasonableness of religious, moral, and philosophical diversity within a single society. Rawls now recommends first of all the adoption of a thick veil of ignorance that excludes, in addition to the usual information, the one concerning the different components of our comprehensive background theory (Rawls 1993a, footnote 24). This is information that the person in the original position must be deprived of. The veil of ignorance, as proposed in Rawls (1971), was based on a certain conception of the person as prior to her ends. The consideration of moral, religious, or philosophical pluralism, which is now at the root of the veil of ignorance method, and the correlative adoption of political conceptions of persons and peoples requires that we do not take a stand on issues related to personal or even people's identities. If the veil is thick, it is precisely to respect this kind of diversity. Rawls also believes that an overlapping consensus between the respective comprehensive doctrines of citizens is possible within a single society, but only if these doctrines are reasonable (Rawls 1993a, 58–66). Now reasonableness consists, here again, in respect for moral, religious, and philosophical diversity. If individualists and communitarians are reasonable, they will respect each other and will abandon their supremacist ambitions.

Finally, the principles that are obtained by the veil of ignorance and that are reinforced by an overlapping consensus will be sources of political stability if, in addition, the ultimate justification for those principles can be achieved with arguments based solely on the ideal of public reason, that is, on a political conception of justice as a freestanding view (Rawls 1993a: 10). The political conception of justice is presented “independently of any wider comprehensive religious or philosophical doctrine” (Rawls 1993a, 223). This approach requires the avoidance method, imposing on everyone, on the communitarians, but also on individualistic liberals, an effort of abstraction and the conciliation of certain fundamental political values (Rawls 1999, 125). However, if such a restrictive clause is required, it is once again out of respect for the differences in moral, religious, and philosophical points of view.

In place of moral individualism and moral communitarianism as defined above, political liberalism implies (a**) equal respect for individualistic and communitarian conceptions of the person and of the people, (b**) equal respect for the rights of persons and the rights of peoples, and (c**) equal respect for individual autonomy and the common good. While the majority of Western peoples value individual rights and autonomy, non-Western peoples very often give primacy to community rights and to the common good. To be convinced of that, it is not necessary to mention the anti-democratic societies of China, Russia, North Korea, or Saudi Arabia. The communitarian perspective is also present in democratic societies such as insular Japan, India where Hindu nationalism predominates and also, to a certain extent, in the Maghreb countries where the Muslim religion dominates.

If both types of societies are reasonable, they will both understand each other as “societies” composed of “citizens.” At this level of abstraction, they understand themselves as distinct from the comprehensive doctrines in which they are embodied. They must abstract themselves from their respective particularisms, but without ignoring them. The political conception of the person effectively goes hand in hand with respect for individualistic and communitarian conceptions of personal identity. It remains neutral toward the conception of the person as prior to her ends, defended by Paul Grice, and toward the communitarian conception according to which the person’s ends are constitutive of her identity, as understood by Derek Parfit (Rawls 1993a, 32, n 34). We must overcome our cultural particularism in order to access the political conception of the person, which implies access to a commonly shared citizenship, but a *sine qua non* condition for this is to respect individualistic and communitarian identities.

In the same way, the political conception of the people, understood as society, is one that requires abstraction from associative and communitarian conceptions of peoples (Rawls 1993a, 40–43). The political concept of

society must however also require respecting associative and communitarian societies, and this is done under the second veil of ignorance (Rawls 1999). The crucial point is this. There has to be respect for comprehensive doctrines, and this requires respecting different identities, different rights, and different values. It does not entail that comprehensive doctrines must not be present in the political institutions and constitution of society. It only means that there must be justifications for them based on public reason alone. This in turn requires respect for public expression of different comprehensive doctrines and it leads to abandoning the supremacist component involved in both moral individualism and moral communitarianism.

While freeing itself from moral individualism, public reason, national or international, still requires respect for fundamental human rights and freedoms. While freeing itself from moral communitarianism, the same public reason also requires respecting the rights of peoples, understood as moral agents. Their valid moral claims must also be taken into account. Peoples must now be considered as subjects of moral rights in the same way as persons. Their moral claims justify, for this reason, the introduction of a second original position. By coming into contact with each other, liberal and communitarian societies have lessons to learn from each other.

To overcome the clash of civilizations, we must not dismiss the possibility that cultural factors, including religious ones, may partly shape the identity of peoples. This is of course Huntington's view: "Religion reinforces the revival of ethnic identities" (Huntington 1993, 33). The reasonable and irreducible diversity of different types of societies, liberal and communitarian, must be recognized and respected, even when the latter are predominantly religious in nature. For the ideal Western society, this means recognizing and respecting communitarian peoples in which the members are in very large numbers religious persons actively practicing a majority religion. Such peoples along with their societies must be respected as long as they function under the umbrella of a secular state.

There are several ways for a state to be secular. Secularism may imply a neutrality whereby the state does not compromise itself in any way with regard to religion and sees neutrality as a way of respecting all postures toward religion, all religions and all the different ways of practicing religion. In this case, it does not provide subsidies or income tax reductions to religious schools or religious groups. Secularism may however also be embodied in a state that financially supports all postures toward religion and all religions present on the territory (that of the majority and those of minorities) (Bhargava 2010). In other words, neutrality can be achieved in many different ways. The absence of any commitment on the part of the state is just one way of achieving respect toward pluralism, and financial support of pluralism is another way.

Let us imagine, for example, a society in which religious principles appear in the constitution reflecting the identity of the majority. Political parties use ideas influenced by their religious practices in their electoral platforms. Governmental authorities also act in accordance with a calendar of celebrations essentially identified with a particular faith. The state subsidizes religious practices and citizens choose their representatives based on the religious ideas they defend. The education system of this society is mainly oriented according to faith and so is immigration policy. Immigrants are mostly chosen among those who share the majority religion. At first glance, such a society is very clearly nonliberal, since it does not clearly separate the state from religion. But let us suppose that citizens can legally derogate from these religious practices. Let us also assume that the state agrees to fund secular schools and minority religious schools. Let us also suppose that the rights of those minorities are mentioned in the constitution, and then assume that citizens not only have a right of withdrawal but are also allowed to express themselves freely on religious matters. They can form associations that are openly opposed to the influence of religious faith in the conduct of the city's affairs, and that they are even authorized to create political parties that promote such separation. We also imagine that there is a democratic system that allows political parties with all sorts of views concerning religion to take power. The education system of this society also includes the teaching of minority religions and not only the teaching of the majority religion. Finally, the immigration policy adopted by the state would also allow for immigrants belonging to minority religions to become full blown citizens (Rawls 1999, 75–6).

Such a society would be very different from Western societies in which there is state neutrality and a relatively clear separation between religion and politics, but it is still a society in which citizens subscribe to fundamental principles of respect toward minorities. What should we think of such a society? Is it really illiberal? The framework of such a society can be considered secular enough provided that (i) the state itself (its constitution and institutions) is associated not only with the dominant religion, but also promotes minority religions and various other postures toward religion, (ii) it is sufficiently democratic to enable the whole society to transform itself, and (iii) its existence can be justified on the basis of public reason alone (freed from any supremacist comprehensive doctrine, and respecting diversity). According to Rawls (1993b, 37), a state forcing adherence to a single comprehensive doctrine can only be oppressive.

We can understand why Rawls wanted to include at the end of his book a revised version of his considerations on public reason. At the level of relations between peoples, public reason requires that we can abstract ourselves from cultural particularisms, but it also requires us not to ignore them. Respect for different particularisms is even a *sine qua non* condition for our

ability to abstract ourselves from our own particularism. Public reason does not require in any way a postnational identity as in Habermas (2001), and thus to place oneself at a level of abstraction where people disappear from the radar screen. Nor does it command freedom from religion. It is true that in the simplified model of the first application of justice, cultural differences occur only in a social environment. They are not relegated to the private realm, but while they do not penetrate the public realm of a closed liberal society, they can do so under the second veil of ignorance where the relationship between peoples is considered. In the second application of justice, cultural differences are explicitly recognized in the public realm. The respect for different conceptions of personal and national identity leads to a mutual respect between liberal and communitarian societies, to the admission of collective rights for peoples in addition to the individual rights for persons and to a balance between the value of individual autonomy and the value of common good. This means that in any real liberal society where the two sets of principles of the two original positions are simultaneously applied, peoples must formally recognize the religious identities of their internal ethnocultural minorities.

WESTERN ETHNOCENTRISM

These conclusions are important, because hatred of Islam has taken root all over the Western hemisphere. The theory of the great replacement is sometimes invoked. Islam is very often seen as a political religious movement and the Islamic headscarf as a form of flag displaying passive proselytism militating in favor of political Islam. The communitarian conception of identity is in other words amalgamated with moral communitarianism, that is, with the exclusive identification of the person with her own community and thus with the rejection of plural identities and the rejection of belonging to an inclusive citizenship. To combine communitarian societies with moral communitarianism is to represent these societies as incapable of rising to the level of the society of all peoples. It means locking them in watertight civilizational silos and this reproduces the essence of Samuel Huntington's conception.

First of all, we must see that we too often think from a Western-centric perspective. Non-Western societies are seen as refractory to democracy and human rights, and the whole effort is to provide paternalistic arguments on how these societies can also access democracy or at least on how they can accept a core set of human rights. This way of seeing things immunizes Western thought itself. The only difficulty seems to be how to extend (export!) the achievements of our societies to non-Western societies that are not yet democratic. However, this kind of argument precludes any form of critical

self-reflection. It is a Western-centered type of argument. Contrary to Huntington, I believe in the universality of political liberalism, but he is partly right in his diagnosis about the clash when he describes the actual liberal ideology, which happens to be based on moral individualism:

The problem for Islam is not the CIA or the US Department of Defense. It is the West, a different civilization whose people are convinced of the universality of their culture and believe that their superior, if declining, power imposes on them the obligation to extend that culture throughout the world. These are the basic ingredients that fuel conflict between Islam and the West. (Huntington 1996, 217)

Some cosmopolitan thinkers are sensitive to such criticism and are trying to correct the situation. To get out of a condescending and Westernized perspective, they argue that non-Western societies have also, in their own tradition, shown an openness to fundamental individual human rights. This is the strategy deployed by Amartya Sen (2006, chapter 3, 49–55).

Another typical reaction is to show that our own societies are far from respecting human rights and freedoms themselves. Thus, Thomas Pogge (2008) highlights the multiple violations of individual freedoms perpetrated by Western societies that plunder the natural resources of “developing countries.” If Pogge is right, and I believe that he is, it would be very natural to invoke also an imaginary Western society that we could call “Americana,” since there are no clear examples of societies exemplifying a perfect liberal democracy. Now, if we look closely at what is commonly shared in all these above arguments put forward by cosmopolitan authors, we notice that individual rights are perceived as having absolute priority over any other rights. Most of these thinkers believe that individual rights must form the sole basis for a possible consensus between societies on a global scale. The vast majority of them do not question the supremacy of individual rights over group rights. By contrast, even if he himself adopts arguments similar to Sen (Rawls 1999, 76 fn 17) and to Pogge (Rawls 1999, 75), Rawls rejects the supremacy of individual rights.

Many Western societies are still largely dominated by the idea that the homogeneous nation-state is the only possible model of political organization. Of course, many among them acknowledge their diversified and plural character, but this does not translate into a formal recognition of this diversity and pluralism. They are *de facto* plural states, but they remain *de jure* homogeneous. In such a model, the only components of society are individual citizens. Therefore, there can only be individual rights. In a homogeneous nation-state, there is no place for collective minority rights. Among those who go beyond the simple observation of diversity pluralism and who believe

that there must be a formal recognition for minorities, there are those who only accept a policy of recognition for individuals (Honneth 1996; Fraser 2001, for example). There are also authors who admit the politics of group recognition (Buchanan 1994; Kymlicka 1995; Young 1990, Pogge 1997; Tan 2000; Taylor 1994), but they justify their approach on moral individualism. They are willing to recognize group differentiated rights, but they nevertheless assume that these rights are ultimately subordinated to individual rights because they themselves serve the cause of individuals.

Of course, cosmopolitan philosophers want to move beyond the nation-state model, but the cosmopolitan critics of Rawls mentioned at the outset of this chapter, as well as other cosmopolitan philosophers such as Jürgen Habermas (2001), David Held (2010), and Amartya Sen (2006), are unanimously in favor of the supremacy of individual rights.

In short, whether they are nationalist liberals or cosmopolitan liberals, most liberal authors subscribe to the classical version of liberalism, based on the comprehensive doctrine of moral individualism. There are also those who might want to acknowledge communitarian identities, but who think that we can recognize communitarian societies themselves by justifying this respect on the basis of the supreme value of individual autonomy. They would accept that some people have individualistic values in their rational preferences while others would have rational preferences for their community membership. If so, everyone should be given a sufficient margin of autonomy to choose what is best for them. However, this path is not really available to us because the individualist is precisely the one who gives more value to individual autonomy, while the communitarian gives more value to the common good. It is then necessary to recognize a pluralism of values and not to give priority to individual autonomy.

However, this response seems to be based on the idea that persons are entitled to equal respect. Respect for persons requires respecting both the community and the individual, the common good and individual autonomy. Can we then not justify the protection of communitarian societies on the basis of the principle of equal dignity of persons, as in Taylor (1994)? This would be another way of justifying the approach on the basis of a respect for individual persons. The individualistic person would have to be respected in her autonomy, while the communitarian person would have to be respected in her community ties. However, this answer is not acceptable either. If respect for community ties is required, it is because the political community to which she belongs is itself worthy of respect. In other words, if the principle of equal dignity applies first and foremost at the individual level for individualists, equal respect is for the communitarian first and foremost due to the political community. It is not the community attachment that is in itself worthy of respect. If it is important, it is only because of the value

of the community to which she belongs. She values her belonging to her community, but it is because she believes respect is due to her community of belonging. If we listen to her claim, we must therefore accept the equal dignity of peoples and not only the equal dignity of persons. Admittedly, adopting Habermas' vocabulary (Habermas 1995), it is necessary to recognize that the principles that govern society have a "co-originating character" and this is also true within a democratic communitarian society. We must listen to the claims of individualistic and communitarian citizens. Is this not another way of making the principles based on individuals? Not really, for we can understand differently the nature of the co-originating source. They may be autonomous individuals, but members can also be understood as parts of a collective body.

VARIOUS SOURCES OF INDIVIDUALISTIC RESISTANCE

We have argued that the thesis of the clash of civilizations, although initially false, has entered people's minds to the point of becoming a reality. If this is the situation in which we find ourselves, one might be inclined to think that it is sufficient, in order to neutralize the thesis, to empirically refute the false news to the effect that there are religious civilizational groupings. You could be inclined to think that they are just projections of our minds. It is therefore sufficient to simply deny the existence of civilizations. And if we do so, what then remains, if not individuals and associations of individuals within a state or in the global basic structure enjoying individual rights? There are several ways of developing such an argument. It can be based on a wrong reading of Benedict Anderson's imagined communities. Whereas Anderson (1991) treats them as real "cultural artefacts," one might for instance believe that peoples and civilizations are fictitious entities. They could for instance be understood as ideological constructs or assimilated to the fictional status of races. However, the real fiction involved in Huntington's thesis is to postulate communities that cannot be transcended, and to see that these communities are watertight, not allowing mixing. This is the true fictional nature of Huntington's account.

The most important source of resistance however is one that rejects the idea according to which the clash of civilizations takes the form of an opposition between Western moral individualism and non-Western moral communitarianism. As things stand in France, should we not on the contrary say that an opposition is taking place between the institutional weight of the Republic, which is the expression of the general will, and the individual rights of people wearing headscarves? If this is the case, individualists are those who advocate

an open, hospitable, and generous secularism toward Islam, while those who are resistant to it invoke collective interests.

There is indeed a disagreement on the diagnosis here. In reality, France opposes first and foremost the equality of republican citizens against Muslim “communitarianism.” The denunciation of moral communitarianism is explicit and it structures the debates. But what about those who claim the right to wear the headscarf? Do they not defend their individual rights, freedom of religion, and the right to manifest that religion? Do they not exploit the resources offered by article 18 of the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*? Must they not assert the supremacy of individual rights? If this is the case, is it not wrong to represent the debate as an opposition between moral individualism and moral communitarianism? Undoubtedly, issues related to freedom of religion and equality are at stake. As has been argued, however, Muslim religious faith is deployed for many Muslims in various practices such as Ramadan, prayer to Mecca, and an ethical view of the good life involving a certain conception of female modesty and the wearing of religious scarf. However, these practices are community-based and if the wearing of religious symbols is perceived as carrying an identity dimension, it is because the community in question is ethnocultural. The individual right claimed is in this sense subordinated to the collective right of the Muslim ethnocultural community to express its identity through religious community practices. The same kind of remarks could be made about wearing the Jewish kippah or Sikh turban.

In order to see more clearly why the source of the clash is to be explained by an opposition between moral individualists and moral communitarians, we must notice that Western societies, composed both of atheists and believers, tend to share an individualistic conception of religion. The same idea implies that religious faith is to be understood as a set of beliefs or practices that can be detached from the individual. In short, it is the idea that religion is a private, subjective, individual matter. It is through individualistic interpretations of religion that moral individualism pervades the minds of those who reject the wearing of religious symbols in the public service. The alternative, according to them, is nothing less than moral communitarianism. If a person enjoys rational freedom, we are told that she can extract herself from any particular comprehensive doctrine and it is thought that she must therefore be understood as prior to her ends. Otherwise, she is alienated for good; or so the argument goes. However, the fact that identity and religion are inseparable for some does not mean that no conversion is possible. Rational freedom may be exercised in the communitarian context of a research of one’s authentic self. A communitarian is able to reflect upon herself, to engage into a Taylorian “strong evaluation” as in Taylor (1985) and in the performance of thought experiments about herself. This is all that is needed to enjoy rational freedom, and it can be done without the idea that she is prior to her ends.

Those whose identities are connected with their communities are in principle able to revise their conception of themselves. They are able to extract themselves from particular ends through conversion and with the discovery of their true underlying nature.

If I am right, attacking Islam is sometimes equivalent to attacking the identity of a Muslim person. Islamophobia is a certain position that targets both religion and the identity of Muslims. This last remark is not meant as an argument that seeks to immunize Islam from criticism. We can criticize persons for what they are and so we can criticize Islam even if it is part of one's identity. It is hatred, not criticism, that must be prohibited and Islamophobia is such an example of hatred. Fostering hatred to the point of wanting to eradicate their religion can be seen as an attempt to attack the very cultural identity of a minority group. This can of course affect the personal identity of those who belong to this group. Racism can target cultures and not only phenotypic features of individuals. Collective stigmatization may target ethnocultural groups and not just individuals. And since religion can play a defining role within some ethnocultural groups, a discourse that seeks to validate the legal prohibition of certain identity practices taking place within an ethnocultural group can become an instance of Islamophobia. We shall be entitled to describe it this way if it is unable to demonstrate how the practice compromises public security or how it affects the freedoms of other citizens. Islamophobia is reprehensible because it is a hatred directed not only against Islam, but also against practices that are part of the identity of Muslim ethnocultural groups.

CONCLUSION

I hope I have shown how Rawls is able to neutralize the clash of civilizations. If I acknowledge the existence of a clash in this paper, it is mostly one that opposes Rawls and Huntington. I have considered a possible meeting point between liberal and communitarian societies. In order to appreciate this ideal, we need to deconstruct the prejudices that underlie the trends that exist within these two types of societies. It is possible to identify sources of conceptual tension that are unwarranted and that may increase rather than reduce conflicts. To defeat the ideology that locks people and peoples into civilizational silos, to defuse it instead of making it effective, to prevent it from growing, we need a new normative framework that requires major changes from the dominant framework. The solution as we have seen is to adopt a law of peoples inspired by political liberalism. If liberal societies accept fundamental collective rights and communitarian societies accept fundamental individual rights, both moral individualism and moral communitarianism can be defeated.

In this chapter, I have identified a premise almost never questioned by Western authors and one that functions as a blind spot in their analyses. According to Rawls, moral individualism is not a universal doctrine to be accepted but rather an historical and cultural particularism, typical of Western societies. It is a comprehensive doctrine that Rawls no longer endorsed by the time he wrote *The Law of Peoples*. His thinking provides keys to preventing the escalation of tensions. He allows us to reflect on a possible, conceivable law of peoples available to reasonable persons and peoples. In this sense, the *Law of Peoples* contains a very deep lesson for us cosmopolitans.

NOTES

1. Huntington invokes at the end of the book the possibility of achieving an inclusive Civilization (with a capital C), but this is first and foremost a rhetorical precaution. See Huntington 1996: 321–2.
2. We could and should also question Huntington's unitary, static, and essentialist characterization of civilizations.
3. See footnote 46 in Rawls (1997) or in Rawls 1999, 151, where he refers to the work of Abdullahi Ahmed An-Na'im (1990) in which the author explains how an interpretation of Islam based on the Mecca period of Muhammad instead of the Medina period enables us to see how a Muslim society can be compatible with a constitutional democracy.

REFERENCES

- Abdullahi, Ahmed An-Na'im. 1990. *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*. Syracuse, Syracuse University Press.
- Ackerman, Bruce. 1994. "Political Liberalisms," *Journal of Philosophy*, 91 (7): 364–86.
- Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, Verso.
- Beitz, Charles. 2000. "Rawls's Law of Peoples," *Ethics*, 110 (4): 669–96.
- Bhargava, Rajeev. 2010. *The Promise of India's Secular Democracy*, New Delhi, Oxford University Press.
- Buchanan, Allen. 2000. "Rawls's Law of Peoples: Rules for a Vanished Westphalian World," *Ethics*, 110: 697–721.
- Buchanan, Allen. 1994. "Liberalism and Group Rights," In *Harm's Way: Essays in Honour of Joel Feinberg*, edited by Janet Coleman, 1–15. Cambridge, Cambridge University Press.
- Caney, Simon. 2005. *Justice Beyond Borders. A Global Political Theory*, Oxford, Oxford University Press.
- Caney, Simon. 2001a. "International Distributive Justice," *Political Studies*, 49: 974–97.

- Caney, Simon. 2001b. "Cosmopolitan Justice and Equalizing Opportunities," *Metaphilosophy*, 32 (1–2): 113–34.
- Fraser, Nancy. 2001. "Recognition without Ethics?" *Theory, Culture & Society*, 18 (2–3): 21–42.
- Habermas, Jürgen. 2001. *The Postnational Constellation: Political Essays*, MIT Press.
- Habermas, Jürgen. 1995. "Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism," *The Journal of Philosophy*, 92 (3): 109–31.
- Held, David. 2010. *Cosmopolitanism. Ideals and Realities*, London, Polity Press.
- Honneth, Axel. 1996. *The Struggle for Recognition*, Translated by Joel Anderson, Cambridge, MA, MIT Press.
- Huntington, Samuel. 1996. *The Clash of Civilizations and the Remaking of the World Order*, New York, Simon and Schuster.
- Huntington, Samuel. 1993. "The Clash of Civilizations?" *Foreign Affairs*, 72 (3): 22–49.
- Kuper, Andrew. 2000. "Rawlsian Global Justice. Beyond The Law of Peoples to a Cosmopolitan Law of Persons," *Political Theory*, 28 (5): 640–74.
- Kymlicka, Will. 1995. *Multicultural Citizenship*, Oxford, Oxford University Press.
- Nussbaum, Martha. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge, MA, Belknap Press.
- Pogge, Thomas. 2001. "Rawls on International Justice," *The Philosophical Quarterly*, 51: 203, 246–53.
- Pogge, Thomas. 1997. "Group Rights and Ethnicity," in *Ethnicity and Group Rights*, edited by Ian Shapiro and Will Kymlicka, 187–221. New York, New York University Press.
- Pogge, Thomas. 1994. "An Egalitarian Law of Peoples," *Philosophy and Public Affairs*, 23 (3): 195–224.
- Rawls, John. 1999. *The Law of Peoples*, Cambridge, MA, Harvard University Press.
- Rawls, John. 1997. "The Idea of Public Reason Revisited," *University of Chicago Law Review*, 64: 765–807.
- Rawls, John. 1993a. *Political Liberalism*, New York, Columbia University Press.
- Rawls, John. 1993b. "The Law of Peoples," *Critical Inquiry*, 20 (1) (Autumn): 36–68.
- Rawls, John. 1971. *Theory of Justice*, Cambridge, MA, Harvard University Press.
- Sen, Amartya. 2006. *Identity and Violence: The Illusion of Destiny*, New York/London, W. W. Norton & Company.
- Tan, Kok-Chor. 2000. *Toleration, Diversity and Global Justice*, Philadelphia, The Pennsylvania State University Press.
- Taylor, Charles. 1994. "The Politics of Recognition," in *Multiculturalism*, edited by Amy Guttmann, 25–73. Princeton, Princeton University Press.
- Taylor, Charles. 1985. "Self-Interpreting Animals," in *Philosophical Papers, Vol. 1, Human Agency and Language*, 45–76, Cambridge, Cambridge University Press.
- Van Parijs, Philippe & Rawls, John. 2003. "Three Letters on *The Law of Peoples* and the European Union," in *Autour de Rawls*, special issue of *Revue de philosophie économique* 8: 7–20.
- Young, Iris Marion. 1990. *Justice and the Politics of Difference*, Princeton, Princeton University Press.

Chapter 10

Glocalism and Democracy in James Tully's Critique of Cosmopolitanism and Imperialism

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In the age of Brexit and Trump, the critique of cosmopolitanism from the political right has received much more attention in the media and among academia than cosmopolitanism's critics on the left. The zeitgeist of this new era of anti-cosmopolitanism seems to be co-eval with the looming presence of renewed nationalism and right-wing populism with its major concerns being the weakening of the claims of national sovereignty and territoriality, fears about the demographic and cultural impact of migration and immigration, and a penchant for *volkish* authoritarian politics. The prevailing belief in our time, then, is that the ascendant political forces are coming from the anti-establishment right wing, which derives much of its ideological, even spiritual, strength from a deep ambivalence, and often outright hostility, toward supranational organizations, international treaties, and cosmopolitan values.

But just a few short years prior to 2016, it was a very different story. In the summer of 2010, it was the left-wing critics of globalization who garnered the world media spotlight with large and well-coordinated demonstrations, led by politically astute and technologically savvy activists. At that time, it was Greek trade unions calling a general strike to oppose European Union imposed austerity measures and it was the mass arrest of "black bloc" G-20 protestors battling police in the streets of Toronto that seemed to challenge complacent assumptions about the new global world order. Indeed, in some respects in the lead up to the events of 2016 in the United States and the United Kingdom the anti-globalization, anti-cosmopolitan left and right found common cause as can be seen for instance in the opposition to the Trans-Pacific Partnership in the United States in 2015–16 led by Donald Trump in the Republican Party and by Senators Bernie Sanders and Elizabeth Warren among the Democrats. Likewise, the complex politics of the Brexit debate in the United Kingdom

revealed similar ambivalent attitudes toward the European Union shared by the right-wing populist Nigel Farage's United Kingdom Independence Party and the hard-left Labourites led by Jeremy Corbyn.

To most observers, the critics of cosmopolitanism from the political left are viewed primarily as activists focused on political practice or *praxis*, rather than political theory per se. To the extent that the progressive anti-globalization movement remains a viable political force, and continues to have a core philosophical commitment, the prevailing theoretical concern tends to be the need to reconsider and re-theorize the value of participatory democracy as a response to the imperialist dynamic many progressives take to be inherent in global capitalism. This chapter will reexamine the theoretical foundations of the critique of cosmopolitanism from the political left by reflecting upon one of the preeminent progressive political theorists in the English-speaking world today, Canadian thinker James Tully. Central to Tully's effort to fashion a new more engaged and truly democratic political theory, which he terms "public philosophy," is his assault upon the universalist tendencies of Enlightenment rationalism embodied in Immanuel Kant's cosmopolitan philosophy. For Tully, the Kantian cosmopolitan ideal provided philosophical justification for the vast network of both formal and informal structures of imperial domination that over several centuries de-territorialized socio-economic and political spaces through a system of international law and free trade.

Today, this Janus-faced phenomenon of globalization means both that citizens can more effectively organize at the local and global levels to resist Kantian cosmopolitanism-inspired imperialism, even while institutions of global governance such as the World Trade Organization (WTO), United Nations (UN), the International Monetary Fund (IMF), as well as multinational corporations, govern informally over the global relations of inequality inherited from the colonial period. In contrast to the "constrained" system of representative constitutional government that he associates with the western idea of citizenship and rule of law, Tully presents his conception of "glocal citizenship" as an alternative model for a globalized, de-imperialized era in which the "extensive" practices of genuine democracy can emerge from networks of local groups resisting oppression and inequality.

This chapter will proceed in four sections. The first section will outline Tully's project to replace the traditional model of "elite-driven" political theory with a new understanding of democracy as a public philosophy that encourages civic engagement and practical "strategies of freedom." Tully's account of democratic freedom utilizes an historical method as well as a de-westernized version of constitutional "multiplicity" to critique the constrained models of representation and constituent power that undermine democratic life on the domestic level, in addition to illuminating the contours

for the critique of the informal networks of imperialism that persists in our putatively postcolonial era. The second section will examine Tully's rejection of Kant's cosmopolitan-imperial legacy, which Tully identifies with the genesis of European colonization in the nineteenth-century. In particular, we will look at how Kant was instrumental, in Tully's view, for developing the Westphalian concept of the modern state and its derivative the idea of a rule-based global order governed by international law. The third section will consider the possibility of holding the European Union (EU) as a nonimperial alternative to the Kantian rule-based global order model of cosmopolitanism. We will demonstrate that while Tully sees genuine value in an EU alternative to globalization, he concludes that the EU model ultimately does not respond adequately to the depths of the political, cultural, and constitutional problems produced by the legacy of imperialism. In section four, we will turn to the concept of "glocalism," which Tully believes provides a more radical, and ultimately more promising, alternative to Kantian cosmopolitanism. Tully argues for the idea of glocalism reflected in the "extensive" practices outside of traditional institutions that are situated in concrete local conditions but can resist the predatory tendencies of global institutions precisely because these practices revive local democracy. This chapter will conclude by suggesting that Tully's conception of "glocal citizenship" may offer a valuable way to frame the diverse techniques, motivations, and goals of the anti-globalization movement that emerged from the WTO protests in Seattle in 1999 and continues to this day in the annual meeting of the World Social Forum based in Porto Alegre, Brazil.

DEMOCRACY AS PUBLIC PHILOSOPHY

James Tully's critique of liberal constitutionalism is an important element of his larger philosophical project to establish a more robust account of democracy as the hallmark of a new public philosophy for the twenty-first century. Central to this new public philosophy is Tully's effort to reconcile democratic theory and practice through the identification and promotion of certain "practices of civic freedom."¹ The actual content of these practices of civic freedom will vary due to the diverse circumstances and local contexts in which these practices arise and develop, but Tully insists that his idea of democracy is recognizable as much, or more, by what it is not, as opposed to any specific substantive institutional features. That is to say, Tully's conception of democracy amounts to a rejection of what he takes to be "elite" political theory. Traditional elite political theory is more constrained than democratic public philosophy because it forecloses a wide range of discursive possibilities for constructive dialogue. Elite political theory assumes causal

processes and universal norms that determine the citizen's field of activity, even as it presupposes certain "canonical preconditions" that supply background knowledge to democratic institutions (8–9). But how precisely does Tully's democratic public philosophy differ in practice from traditional elite political theory?

The first obvious difference relates to Tully's insistence that a truly democratic public philosophy will build from the grassroots up and avoid all forms of grand theoretical meta-narratives by looking instead to theorizing about observable practices that inform "strategies of freedom" befitting democratic citizens. Another point of departure from traditional political theory is Tully's endorsement of agonistical principles embedded into the practices of civic freedom. By the call "to act differently," Tully encourages democrats to embrace a spirit of disruption and civil disobedience, while his secular faith in "a world without end" enjoins a practically endless drive for constant negotiation, re-negotiation, and dialogue. As Robin Celikates observes, Tully's conception of peaceful disobedience by political actors operating outside the limits of official citizenship is much more robust than the rigid, legalistic definition offered by John Rawls' ideal theoretical approach (Celikates 2014, 226; Rawls 1999, 335–43).² For Tully, "acting differently" in a dialogical mode grounded on an abiding confidence in never-ending conversation, also means that democratic political theory must focus on what appears to be contingent, as well as on the particular aspects of political life that the laws or formal constitutions do not adequately describe. Indeed, echoing Richard Rorty, one of his philosophical inspirations, Tully affirms that every citizen in a democracy is or can become a philosopher because by rejecting elite political theory we no longer believe that the theorist must assume "a position above the *demos*" (4). With this, Tully strives to replace the influential Enlightenment model of disembodied reason.

The two major political implications of Tully's democratic public philosophy derive from his assessment of the "strange multiplicity" of diverse political practices in the world and in history. The first aspect of this strange multiplicity is the alternatives to western ideas of governance often associated with indigenous customary law (Tully 1995, 116–39). This idea of the "ancient constitution" is not confined to indigeneity and could involve a variety of historically and culturally contingent accommodations that provide durable and constructive models of intercultural dialogue. This notion of salutary continuity in ways of self-governing has obvious applications to imperialism as Tully highlights the *Quebec Act* of 1774 as a remarkably enlightened policy by Britain that allowed French Canadians to preserve their language, religion, and customs even while remaining within the British Empire (Tully 1995, 154–49). Tully assumes that in an age of imperialism (as he insists the world has been in since 1500 AD) the political and constitutional present

reality typically only reveals itself after a second closer look to be a kind of palimpsest in which each new form of governance bears the scarcely noticeable impress of what came before. Tully is thus hopeful that in this postcolonial era, the vestigial practices of civic freedom are recoverable and can serve as social and cultural material for re-constructing alternative models of governance to the dominant western ideas.

The second relation between Tully's idea of democracy and diverse civic practices is his tendency to employ history as an instrument of critique. Tully views history as a critical tool against the universalizing tendencies of Enlightenment thought insofar as history contains a liberating power that combats intellectual and normative homogeneity or the "unity" imposed by western rationalism. Tully's assumption is that past customs were generally more organic and consensual than contemporary practices built around a legal philosophy of individual rights and private property. Legitimacy as such is not determined by an objective standard of right, but by a regime's capacity to encourage certain beneficial political practices and the positive public sentiments toward the government. This involves a full-throated rejection of the traditional western ideas of constituent power and representation. While Tully criticizes the low-intensity, nonparticipatory democracies characterized by the modern system of representation, he is especially concerned to illustrate the fallacious nature of the traditional concept of constituent power in particular the notion of a "decisive moment" of nation-building and the predilection in western political thought toward a Rousseauian semi-mythical Legislator figure (Rousseau 1987, Book 2: chapter 7). By employing history as an instrument of critique Tully's democratic public philosophy aims to cast a bright, penetrating light on these western ideas of constituent power and representation designed to hide their particularity and produce the appearance of reflecting universal rules. Both constituent power and formal models of representative democracy bind democratic practice to obvious discursive limitations of low-intensity, elite-driven legislative frameworks as "these legitimating meta-narratives are woven into ... the day-to-day administration of all aspects of constitutional democracies, so deeply that even critics accept them as the bounds of reasonable argument" (209).

For Tully, the legacy of what Charles Taylor identified as the *naturalistic fallacy* of liberalism (Taylor 1985, 204–10), in this case produced by the western ideas of constituent power and representation, impacts enormously the entire global system. It is Tully's contention that contemporary world politics is still largely structured by 500 years of inherited imperial relations. While the postcolonial era is not marked by the same direct colonization and occupation as in the prior past imperial age, Tully claims that western imperialism continues to dominate the developing world through informal means of international capital and global institutions such as the IMF, the World Bank,

and UN. For Tully, globalization is in some respects profoundly antagonistic to democracy as it locks nations into uneven, hierarchical networks that de-territorialize socioeconomic and political space and produce structures of dependence and control (58–9). Yet Tully also sees democratic possibilities in globalization as communications technology and greater consciousness of international links among groups and places allow political actors and public philosophers to effectively organize at local and global level. But before we can appreciate Tully's complex attitude toward the Janus-faced phenomena of globalization we need to consider in more detail his rejection of the Kant-inspired idea of liberal cosmopolitanism.

KANT'S COSMOPOLITAN-IMPERIAL LEGACY

Immanuel Kant's *Perpetual Peace: A Philosophical Sketch* is, in Tully's view, the seminal text in liberal cosmopolitan imperialism. The intersection between cosmopolitanism, imperialism, and representative democracy is the Kantian ideal of the republican state at the center of a rule-based system of international law that culminates in a league of nations or "pacific federation" (Kant 1991, 104–5). Needless to say, Kant's idea of the modern representative government is profoundly European, deriving as it does from the Westphalian model of a centrally organized sovereign state—that unique product of the political and religious conflicts of early modern western Europe. The Kantian concept of the state and the Kantian ideal of a rule-based global order are historically and intellectually intertwined, according to Tully, in the ideology of European imperialism: the imperialist impulse contained within what Tully identifies as the "historical idea of Europe" (17).³ Kant assumed the cultural superiority of Europe and saw in the modern republican state the furthest stage in national development and representative government. As Tully observes, not coincidentally, the most rapid expansion of European imperial conquest occurred in the period immediately following the publication of Kant's writings.⁴ Kant's cosmopolitanism, then, emerged at least in part as a philosophical justification for the imperialist drives of the European great powers.

Perhaps the most fundamental legacy of Kant's political philosophy is the connection between republican government and imperialism. In one sense, the rational model of republican government and theories of sovereignty became the intellectual blue print for the Kantian project of a system of international law and a rule-based global order favoring the imperial powers. But Tully also identifies the role played by the Kantian idea of republican government in promoting forms of postcolonial state-building and forms of international organization in the "particular fusion of developmental and

juridical universalism” dominant since 1945 (144, n.5). In this way, Kant’s cosmopolitan vision, including either the rule-based order or the more remote possibility of a formal world government, ensured continuing aspects of imperialism especially continuity in cultural and economic systems of dominance. That is to say, according to Tully, contemporary anti-imperialism struggles against forms of cultural imperialism imposed by institutions Kant took to be cosmopolitan (23). The philosophical foundation of Kant’s idea of liberal imperialism involved the classic Enlightenment move in which Kant assumed a transcendental posture toward reality by virtue of which Kant assumed superiority of European “national characteristics” as ranked by a relative measure of cultural and intellectual development. In this respect, Tully compares Kant’s political philosophy unfavorably with that of his German contemporary Johann Herder, who advocated a pluralistic approach to understanding cultural and national differences (27–8).

For our purposes, the central question appears to be: Is Kant’s idea of republican government and global order compatible with Tully’s idea of democracy? Or to put it somewhat differently, is the western concept of representative government consistent with democracy in the Tully key? As we have already seen, Tully does not understand democracy primarily as a set of representative institutions designed to promote majority rule. Embedded in this idea of representation is a series of restrictive practices that are formal, legal, hierarchical, and tend toward the perpetuation of structural inequalities both domestically and internationally. The internationally restrictive practices derive from a system of international law designed to promote great power interests and enforced through international institutions such as the IMF, WTO, and the UN that impair and undermine self-government in the postcolonial states. This condition generates two kinds of related problems today. First, Tully recognizes a diversion and dispersal of political power within decolonized states that produces weaker political institutions relative to regulative regimes imposed by international institutions such as the IMF and the World Bank. Second, Tully identifies the decline of democratic deliberation in traditional representative institutions as witness in voter apathy, powerful special interests, and prerogatives of judicial elites. He traces the causes of these conditions back to the original Kantian model of representative government, which he suggests promoted a highly restricted conception of democracy.

Tully’s conclusion is that inequality and restrictive political practices are intrinsic to Kantian cosmopolitan democracy. Tully is skeptical about the “end of sovereignty” thesis advanced by some observers of globalization, but he agrees that globalization skews discussion of democracy away from local practices of civic freedom negatively toward the big picture formal criteria of international political development. For this reason, Tully determines that it

is hard to see how the current stratified state system can be the basis for truly nonimperial alternative, especially if ideas of self-determination and representative government are always determined by the western powers (60–3).

The true democratic alternative to Kant's cosmopolitan democracy would be a political vision that promoted and supported the extensive practices of civic freedom central to Tully's democratic political philosophy. True democratization would need to transform both the domestic and international forms of political representation. What would be required in Tully's view is nothing less than adopting "a form of contestation that transforms an imperial relationship, whereby it comes under the shared, continuing democratic authority of those subject to it (and thus is de-imperialized)" (162–3). The form of democratic struggle that Tully endorses will require not only bringing the nonrepresentative practices of government under the control of democratic representative institutions, but also challenging the international system of universal rights in which the Kantian general principles of rational autonomy are typically too long term, too disengaged, and too elitist to actually support democratic forces on the ground. At the interface of democracy and global order, Tully finds local practices and local conflicts. He sees local conflicts against unrepresentative governments, multinational corporations, and the international financial institutions such as the IMF as the contingent and particular entry points for a truly democratic dialogical relationship to replace the prevailing legal narratives that only poorly describe the actual local conditions for democracy. Thus, Tully's distinctive political methodology for a de-imperialized democratic future rejects the representative institutions of Kant's cosmopolitan order, but rather advances a philosophical orientation that is intrinsically "in motion," and mediates between diverse experiments in forms of conduct (72).

THE EU AS AN ALTERNATIVE TO COSMOPOLITAN IMPERIALISM

Tully recognizes that the contemporary idea of Europe is more constitutionally and culturally diverse than what Kant envisioned two centuries ago. But is the European Union—arguably the epitome of European identity today—a unique state form that provides an alternative model to formal and informal western imperialism? There is clearly much that Tully admires about the EU, in particular the diverse conceptions of citizenship, multicultural practices, and innovative integrative transnational institutions that by and large do not impair the self-government capacities of the constituent national and regional parts. Indeed, on the level of practice, Tully sees an "invisible form of democratic integration" at work in everyday activities that are not normally picked

up in theory, for example in the activities of ecological and refugee groups or cultural associations and regional governments (226). This is not to suggest that Tully is unaware of the criticism that the EU suffers from a “democratic deficit,” according to which technocratic elites in Brussels and Strasbourg make rules and regulations out of touch from the reality of life and actual concerns of European peoples still organized under national governments. He clearly does recognize this problem but his solution is not abandoning the European project, but rather Tully claims that if this invisible form of integration were to be made more prominent in the official institutions of the EU, it would be a “new and different form of association” (226).

Distinguishing between the good and deficient forms of integration in the EU rest upon Tully's distinction between the elitist and democratic approaches to political *praxis*. The elitist model Tully associates with the characteristics of the Kantian cosmopolitan ideal. In this elitist approach, integration is imposed on peoples through technical expertise and coercive methods of standardized and homogenized rule enforcement that depends upon, and mutually reinforces, low-intensity restrictive practices of apathetic European electorates who provide only formal consent to institutions to which they feel little genuine attachment. In contrast, the invisible democratic orientation points toward the nonrestrictive possibilities of democratic practices. The hallmarks of this nonrestricted approach are an encouragement of diverse practices of grassroots, local, and indigenous groups, a tendency to avoid universalizing language and reconceive politics in terms of participation, as well as the replacement of authoritative relations of consent between governors and governed with the idea of dialogical partnerships (228–30).

Tully's major conclusion based upon his observations of the EU is that diverse democratic societies cannot be held together by a definitive single set of institutions, procedures, and norms because these place limits on democratic negotiations precisely where disagreement is likely to arise in diverse societies (230).⁵ The result of the Brexit Referendum in 2016 in this sense, confirms Tully's recognition of the vast conceptual challenges confronting the EU as it struggles to negotiate among distinct, and often competing, claims of civic identity and political self-determination. But the promise, as well as the limits, to the EU's nonrestricted approach lies in the capacity to avoid “seeing like a state” by learning to appreciate the vast field of unorganized practical arts of integration among citizens of diverse states (240). The role of the political theorist, then, is to link these informal practices to official policies of integration by means of democratic negotiating forums in which citizens, policy-makers, and researchers can work together in an egalitarian manner. While Tully concludes that the major political parties have largely failed to provide this negotiating forum, he nonetheless sees promise in the notion of fortifying grassroots democratic practices within Europe's political

parties, as well as forming networks among European parties that can better mediate between citizens and policy-makers (241–2).

Despite the palpable promise for democratic practices in the multinational and multicultural EU, Tully also, however, recognizes structural limits on the degree of economic and foreign policy integration possible. Moreover, while the EU model of consensual and self-limiting practices are laudable, these practices do not provide a complete response to the depth of the legacy of imperialism. Indeed, for Tully it is difficult to see how the current stratified state system, of which the EU remains a part, can be the basis for a genuinely nonimperial alternative model of government. The limits of the EU model are similar in this respect to the inadequacy of postcolonial theory, which Tully identifies as problematic because it still retains categories of colonial power and subalterns that operate within the logic of informal imperialism. Even by the practice of tactical resistance, the subalterns are playing a scripted role established by the theory (161–2).⁶ Thus, to this extent, the EU is not a complete alternative for Kantian cosmopolitanism because it may have a limited role of application to similarly situated countries with similar political traditions and cultures as is the case of Europe. For Tully, the more daunting, and hitherto more elusive, task is to democratize the entire global order.

GLOCALISM AS ALTERNATIVE TO COSMOPOLITANISM

Glocalism is the term that Tully employs to describe a radically democratic alternative to the Kantian-inspired cosmopolitan-imperial political order. Originally coined by sociologist Roland Robertson in the mid-1990s to characterize the occurrence of both universalizing and particularizing tendencies in the globalization process (Robertson 2015, 86–93), Tully draws upon the aspect of glocalism that he believes reflects the struggle for democracy in the extensive sense that involves bringing globalized civic practices under the democratic control of the participants (300–8). For Tully, the promise of glocalism is the prospect of a response to globalization that is not simply a return to old-style nationalism or right-wing populism. To some extent, Tully shares Chantal Mouffe’s ambition to counter the dominance of the tradition of political liberalism based on rights and rule of law by recovering an alternative democratic tradition grounded on equality and popular sovereignty (Mouffe 2018, 14). But in contrast to Mouffe, Tully’s version of a “left populism” is framed as a grassroots response to globalization. Glocalism is, thus, potentially an authentically progressive movement and democratic alternative to the imperializing effects of liberal cosmopolitanism.

Tully identifies several main elements that characterize the glocal strategies of freedom, including the development of civic practices outside of traditional representative institutions that are derived from, or at least compatible with, local particular conditions. Tully envisions the glocal approach as a way to remedy the problem of traditional representative institutions that he believes are inadequate precisely because they typically lack proportionality and do not truly represent marginalized groups (300–1). The structural character of glocalized institutions will, of course, vary, but Tully views the primary moral energy of glocalism deriving from its focus on conflicts at the interstices of local and global issues such as the environmental impact of multinational corporations in developing countries or opposition to high-profile international projects such as the XL-Keystone Pipeline designed to transport Alberta oilsands to refineries in the United States. Disputes such as these provide an opportunity for bringing international actors into dialogue with grassroots organizations. But Tully insists that glocalism requires replacing the traditional rule of law approach, according to which matters are definitively “settled” in courts (typically favoring powerful interests), with a model of confrontation, disturbance, negotiation, and further on-going negotiation and further consultation: “world without end.” Ultimately, the techniques of resistance that Tully associates with glocalism have the goal of permanently redressing power imbalances by establishing durable networks that provide oversight for any resolution (305).

The networked character of glocalism makes it highly dependent upon technological advances in communications. Tully is sensitive to the Janus-faced nature of modern telecommunications, which can become simply an arm of the state-controlled media or partisan propaganda, for example the “Netroot” political campaigns of the 2000s or the presidential twitter feed of more recent times. But Tully also recognizes the emancipatory potential of modern telecommunications as local activists discover new ways to use or evade networks subject to formal political and legal institutions (190), such as for example what we witnessed with the use of social media by the Iranian opposition groups in the aftermath of the disputed 2009 election or the Egyptian anti-government protestors in Tahrir Square two years later.

Tully presupposes that cosmopolitanism largely reinforces structures of hegemony and inequality by promoting

a form of global cosmopolitan citizenship for official NGOs and multinational corporations; low-intensity citizenship for dependent elites of the former colonies; the dispossession or marginalization of local citizenship and governance; [and] the subordination of local economies and polities to global corporations and trade regimes. (301)

Glocalism, on the other hand, provides an alternative model of citizenship that signifies embedded diversity. It is this globalized conception of diverse citizenship that Tully is confident “has the capacity to overcome imperialism and bring a democratic world into being” (243). The four main features of this theory of diverse citizenship are: (1) encouraging a multiplicity of practices including local grassroots and indigenous practices, (2) avoiding universalizing language and reconceiving politics in terms of participation, (3) starting from local languages and negotiated practices, and (4) the need to replace authoritative relations of consent between governors and governed with the idea of dialogical partnerships (229–30). These inclusive dialogical partnerships are, of course, rooted in local experience of conflict and negotiations far more accessible to democratic control than what would be available with the Bretton Woods institutions such as the IMF and the World Bank. Once again, Tully’s emphasis is on glocalism as a form of *praxis* reflected in local and customary *nomoi*, as well as experiments with alternative economic models such as cooperatives, Fair Trade, mutual aid, and deep ecology. The principle of glocalism naturally lends itself to the creation of networks of people and practices constituting “arguably the largest non-centralized diverse coalition of movements in the world” (308). The characteristics of these networks of local actors will in most cases be determined by the specific context and issues that generated local opposition in the first place.

CONCLUSION: FROM SEATTLE TO PORTO ALLEGRE

Arguably, Tully’s account of a democratic public philosophy elucidates the fundamental theoretical principles that have animated the anti-globalization left since the early anti-WTO protests in Seattle in 1999 through to the establishment of the annual World Social Forum (WSF) in Porto Alegre, Brazil.⁷ Tully’s vision of a glocalized future draws together various strands of democratic *praxis*, often seen as too inchoate and nebulous to constitute a political philosophy, so as to provide a coherent theoretical framework for establishing the WSF as an internationally recognized counterpoint to the annual gathering of global political and economic elites at the World Economic Forum in Davos, Switzerland. But why we may ask has glocalism taken hold, as it were, and spread into becoming a global network of democratizing, and in Tully’s view de-imperializing, practices and institutions?

In the first instance, Tully contends that the inevitable resistance to globalization by the parties most directly negatively impacted by multinational corporations, global financial institutions, or intermediate bodies such as the UN, IMF, or World Bank has produced a renaissance of local forms of civic participation. Thus, the intersection of global and local issues generates a

distinct dynamic of resistance, cooperation, and solidarity. Tully argues that there is also a sense in which the “networkisation” of local diverse civic practices has produced a kind of global, or rather glocal, federation. The loose alliance of activist researchers and policy-makers collaborating on issues of common concern and expertise generally avoids the undemocratic tendencies of formal institutional structures that reflect entrenched powerful interests. As such, in contrast to the more established postcolonial theory, the goal of glocalized democratic theory is not for subalterns to become “independent” of colonialism as defined by imperial powers, but rather for partners engaged in constructive dialogic relationships gradually to become “interdependent” through on-going democratic, nonsubordinate and nonexploitative relations among them (274–6).

Tully's critique of liberal cosmopolitanism is, then, a theoretical framework for a practical call to action that includes several distinct features. First, Tully, views the glocalized approach as an opportunity for ecological groups and indigenous peoples to collaborate to bring international attention to local issues and disputes with global significance (86–7; cf. Keck and Sikkink 2015, 510–18). In this way, the specific, context-driven forms of partnerships produced by the protests at Standing Rock in North Dakota or local opposition to the XL-Keystone Pipeline more generally produce an alternative model of environmental activism to the macro-level international treaties of the Kyoto Accord or the Paris Accord variety. Second, Tully encourages new forms of cooperation linking urban and rural citizens through such things as organic farming cooperatives or regional sustainability projects. These forms of cooperation may indeed be controversial as they would potentially disrupt the food supply chain and promote the precautionary principle regulating genetically modified organisms in the face of fierce opposition by powerful agri-business interests (77). Third, Tully's appeal to glocalism celebrates the specific campaigns led by Non-Governmental Organizations, social movements, and civic federations involved in “creative” improvisations in the local context (303). For instance, glocalism highlights the actions of organizations such as *Médecins Sans Frontières* that operate outside the normal conventions of international law, as well as the extra-legal impromptu consumer boycotts of multinational corporations that employ “sweat shops” (298, 305). Finally, Tully sees considerable promise in burgeoning North–South partnerships such as the informal federations committed to advancing Fair Trade. In a similar vein, the WSF provides an important operational posture in that it does not take positions on specific issues per se, but rather provides civic space in which participants from diverse citizenship practices enter into civic dialogues of translation, criticism, research, and further networking (306).

James Tully's critique of liberal cosmopolitan imperialism does not, however, in the final analysis deny the central historical fact that cosmopolitanism

has made a globalized democratic future both necessary and possible. Perhaps in a parallel introspective process the political theorist and democratic citizen of the future will likewise need to reflect upon the rarefied vision of a cosmopolitan global order in order to return again with clear eyes and fresh energy to truly experience the world where we now are.

NOTES

1. Tully 2008, 4. Hereafter in notes and text simply page number in parenthesis.
2. Although Honig and Stears suggest that there is a certain naiveté in what they term Tully's "agonistic realism" insofar as his endorsement of democratic critique and engagement does not prepare subjects "for the often violent contestations of political life" (2014, 144).
3. See chapter 5 in this volume for an anti-imperialist reading of Kant.
4. According to Tully, in 1800, 35 percent of world territory was under the control of a handful of European powers, but by 1914 it was 85 percent (19).
5. Tully identifies the *Alliance of Civilizations* set up by the governments of Spain and Turkey in 2005 with support of the United Nations as a model for a democratic approach to fostering multi-level dialogue among Muslim and non-Muslims (234).
6. Tully notes that neo-Marxist theorists of empire such as Michael Hardt and Antonio Negri (2000) reach a similar conclusion albeit for different reasons (162 n.102).
7. Porto Allegre is also well known as a world leading example of a municipal democratic budgetary process that requires direct public participation in decisions about nondiscretionary spending. For more on the World Social Forum, see Santos 2006.

REFERENCES

- Celikates, Robin. 2014. "Civil Disobedience as a Practice of Civic Freedom." In *On Global Citizenship: James Tully in Dialogue*, edited by James Tully, 207–28. London: Bloomsbury.
- Hardt, Michael and Antonio Negri. 2000. *Empire*. Cambridge, MA: Harvard University Press.
- Honig, Bonnie and Marc Stears. 2014. "James Tully's Agonistic Realism." In *On Global Citizenship: James Tully in Dialogue*, edited by James Tully, 131–52. London: Bloomsbury.
- Kant, Immanuel. 1991 [1795]. "Perpetual Peace: A Philosophical Sketch." In *Kant Political Writings*, edited by Hans Reiss, 93–130. Cambridge: Cambridge University Press.
- Keck, Margaret E. and Kathryn Siddink. 2015. "Environmental Advocacy Networks." In *The Globalization Reader*, 5th Edition, edited by Frank J. Lechner and John Boli, 511–18. Oxford: Wiley-Blackwell.

- Mouffe, Chantal. 2018. *For a Left Populism*. London: Verso.
- Rawls, John. 1999 [1971]. *A Theory of Justice*, Revised Edition. Cambridge, MA: Harvard University Press.
- Robertson, Roland. 2015 [1992]. "Globalization as a Problem." In *The Globalization Reader*, 5th Edition, edited by Frank J. Lechner and John Boli, 86–93. Oxford: Wiley-Blackwell.
- Rousseau, Jean-Jacques. 1987 [1762]. *On the Social Contract*, translated by Donald Cress. Indianapolis: Hackett Publishing.
- Santos, Bonaventura de Sousa. 2006. *The Rise of the Global Left: The World Social Forum and Beyond*. London: Zed Books.
- Taylor, Charles. 1985. "Atomism." In *Philosophy and the Human Sciences: Philosophical Papers 2*, 187–210. Cambridge: Cambridge University Press.
- Tully, James. 1995. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press.
- Tully, James. 2008. *Political Philosophy in a New Key. Volume 2: Imperialism and Civic Freedom*. Cambridge: Cambridge University Press.

Chapter 11

Rethinking the Democratic Boundary Problem

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Democracy means primarily that laws and policies are made or authorized by the people. But who are the people? Who is entitled to democratic participation? How should the boundaries of the *demos* be drawn? This is the so-called *democratic boundary problem* (Whelan 1983). Although this problem has haunted democratic theory throughout the twentieth century, during the past decade or so it has received even more intense attention due to the works of Robert Goodin (2007), Arash Abizadeh (2008), David Miller (2009), and others. In this chapter, we attempt to clarify the central question of the democratic boundary problem and the fundamental theoretical grounds on which it rests. To do so, we first analyze the central question and introduce a typology of possible answers. Then we review boundary-setting principles currently proposed in the literature. Next, we offer a general evaluation regarding which *types* of principles are most promising to provide the *kind* of answer that the boundary problem calls for. Finally, we reconstruct one possible theoretical justification for what we call a strongly political demarcation criterion.

WHAT IS THE QUESTION?

The question may seem puzzling, at least from the point of view of democratic theory. The question at the center of the democratic boundary problem is usually stated, in some variation, in the following terms: how is the “demos” of democratic regimes to be constituted? To invoke a canonical formulation, the boundary problem is about “how to decide who legitimately makes up ‘the people’ and hence are entitled to govern themselves” (Dahl 1970, 60). If stated this way, the question may puzzle the reader untrained in

contemporary debates in democratic theory. It may rightly appear ambiguous. It could be taken to ask who among the members of the political community should constitute the demos. And then, the obvious answer suggests itself, at least for self-declared democrats: aren't we to understand "the people" or "demos" as including everyone within a political community, perhaps with the usual exceptions (children, the severely impaired, etc.)? After all, it is central to the idea of democracy that each and every individual is entitled to participate in collective self-government. If the question is understood in this way, then it appears to be one question too many, at least for those who adopt the standpoint of democratic theory. Posed in this sense, it is not a question in democratic theory, but one that has already been answered by adopting democracy as our normative framework. Therefore, democratic theorists who insist that the boundary problem raises genuine practical and theoretical challenges for democratic theory (see Dahl 1970; Arrhenius 2005; Sarah Song 2012, etc.) must have a different sense of demos-constitution in mind.

To clarify the sense in which the boundary problem poses genuine questions for democratic theory, it is crucial to notice that the context in which it is discussed is that of a plurality of self-governing political communities, or *demosi*. The "boundary" in the boundary problem refers to the ones demarcating particular political communities from one another, rather than separating people within them. It asks, by what criterion should it be determined which individuals should be part of which of the several *demosi*; it does not ask, by what criterion should it be determined whether an individual member of a political community is entitled to participate in the collective self-government of that political community.

With these differentiations in hand, one may distinguish between what we might call the "*enfranchisement criterion*" and the "*demarcation criterion*" regarding any specific political community. The enfranchisement criterion (whatever its content) is the basis of determining what general characteristics of persons are relevant for their entitlement to participate in the self-government of the polity to which they belong. The demarcation criterion (whatever it may be) is the basis of determining whether specific persons (already identified by the enfranchisement criterion as being entitled to participate) should belong to this or that political community. The main burden of democratic theory as traditionally understood has been to vindicate a maximally inclusive and egalitarian account of the enfranchisement criterion: that all or almost all the adult members of the political community is entitled to participate in its self-government, and that characteristics such as property, education, race, ethnicity, gender, or religion are irrelevant and thus not appropriate grounds for exclusion. By contrast, the demarcation criterion has been for the most part neglected by democratic theorists, at least until relatively recently, as observed by Dahl in the quote above.¹

In other words, the boundary problem in democratic theory operates with at least two background assumptions. The first is that a maximally inclusive and egalitarian membership criterion has already been vindicated, such that whatever the boundaries of political communities are, everyone or nearly everyone is entitled to participate as an equal in the self-government in the political community to which one belongs according to the correct demarcation criterion. And the second is that the human population of the world constitutes several distinct and bounded political communities that are to be organized internally as maximally inclusive and egalitarian, in light of the democratic enfranchisement criterion.² (Needless to say, the democratic theory fixes existing political communities). With these assumptions in mind, the boundary problem asks this question: from a moral point of view, what criterion should be the basis of grouping people into distinct, bounded, self-governing political communities?³

Now that we have a more satisfactory statement of the question, we can proceed by categorizing the different types of answers. Let us start with a distinction between accounts that specify the demarcation criterion with reference to some normative ideal that is itself independent of the ideal of democracy.⁴ For instance, one could propose that the governing consideration is that of approximating as best as possible a principle of socioeconomic justice of global scope: political institutions, including the boundaries of political communities, are to be arranged so as to make them optimal for the prospects of global justice so understood. If this requires the establishment of a global state, then there are strong *pro tanto* reasons to act accordingly. If the goal of global justice is consistent with the division of humanity into several distinct political communities, then we may let further, secondary considerations govern that division. And so on.

The second set of answers insists that democratic theory itself suggests considerations that bear on the demarcation criterion. Considerations drawn from the normative ideal of democracy itself, rather than from the distinct ideal of justice (or some other) are relevant for the boundary problem.⁵ These may come in a number of varieties, corresponding to different conceptions of democracy.⁶ One set of considerations drawn from democratic ideals points to the societal bases of well-functioning democratic communities. It could be pointed out, for instance, that large-scale societal deliberation on issues of public-political concern is facilitated by a shared language, some degree of commonality of culture and political traditions. Or, that the proper functioning of democratic institutions depends on a certain level of societal trust or solidarity.⁷ Others point to some further features of democracy. We will call the principles democratic boundary-making that are derived from the democratic ideal itself, that is, conceived of as internal to democratic theory, *internalist*, and the others *externalist*.

In order to get a clearer grasp of the theoretical landscape, we will make the following distinctions. We will characterize certain demarcation criteria as *pre-political* if the criterion in question relies only on such characteristics of persons and groups that can be fully specified without reference to any activities or characteristics of existing political institutions and their procedures. Sharing an appropriately specified national culture or language would arguably be a *pre-political* criterion in this sense. Demarcation criteria that define the demos on the basis of properties of individuals that cannot be fully specified without reference to the activities or decisions of political institutions or of the formal relationships established by them are, by contrast, *political* in our sense.

Furthermore, a political demarcation criterion may be weakly or strongly political depending on which aspects of the activities of political institutions are referenced by them. We will call a demarcation criterion strongly political if it invokes relations that are defined by the state, or of which the state's decisions are constitutive. The most obvious example of a strongly political demarcation criterion is that of citizenship or legal residence, for example. Citizenship is a formal relationship between individuals and the states of which they are the citizens, and the conditions of entering into, maintaining, and exiting this relationship are defined by the state through its law-making activity. In this case, the acts of the state play a constitutive role in demarcating the demos and those who are part of it. In the case of weakly political demarcation criteria, the state's role is contingent, for example, causal, rather than constitutive.⁸

WHAT ARE THE ANSWERS?

In what follows, we briefly discuss some of the most influential proposals on the table and explore their appeal and weaknesses. One idea, which often seems to be in the background of public discourse about democracy, is that the human population simply divides into discrete groups ("peoples") which are entitled to self-government or self-determination. Members of a particular people, then, are entitled to democratic participation in the self-government of the people. This proposal seems to be in line not only with popular historical narratives, which often talk of certain peoples' struggle for independence, self-determination, and the like, but also with international law, which recognizes the right of peoples to self-determination.⁹ These are typical *pre-political* principles of democratic boundary-setting.

There are two main problems with this idea. First, it has proven to be rather hard to pin down what a people exactly is. Is a people a group of individuals sharing certain linguistic or cultural traits? Do members of a people share a

certain identity or form of life? If so, why are these traits relevant for self-determination, let alone democratic inclusion? These and similar questions suggest that the prospects of defining the notion of a “people” in a coherent way that is also useful for inquiries about the democratic boundary problem are not particularly promising. However, suppose that some such account can be given. Even then, it appears that there are cases involving multiple peoples where the question of democratic inclusion can still be meaningfully asked.

Consider the famous case of the now closed Barsebäck nuclear power plant in Sweden which was to be built just 20 kilometers away from the Danish capital Copenhagen. Many have the intuition that since in the event of an accident the ensuing effects would likely not have left the citizens of neighboring Denmark untouched, the Danes should have had a say in this particular decision. What kind of principle is at work here? The so-called *All Affected Interests Principle* (AAI) is often invoked:

(AAI) For all individuals x , if x 's interests are affected by a decision d , then x ought to be included as a democratic decision-maker on d .

Note that AAI is what we called a weakly political demarcation criterion. The relationship of being affected is a causal rather than constitutive one. Who is affected is not defined by the decision itself; being a citizen of a state or standing in some other formal relationship with it is neither necessary nor sufficient for one's interests to be affected by its particular decisions. Likewise, the criterion that identifies being exposed to the coercion of a state as the relevant property is weakly political, because whether one is so exposed is not something that can always be simply gleaned from facts about the formal relations that exist between her and the state.¹⁰

AAI is a widespread and intuitive solution to the democratic boundary problem endorsed by many democratic theorists (Dahl 1989; Shapiro 2003, 52; Young 2002). In recent years, it has been defended by authors such as Robert Goodin (2007), Gustaf Arrhenius (2005, 2018), and many others. Although it certainly has intuitive appeal, AAI is also multiply ambiguous and has rather counterintuitive consequences. First, it is unclear what it means to be affected by a decision exactly. For one thing, as Goodin himself points out, until we make the decision, it is impossible to say who is affected. The Danes are affected by the building of the Barsebäck power plant only once it is decided that it will be built off the coast of Denmark. Had Sweden decided to build it in the country's desolate northernmost regions, no Danes could claim to have been affected.

To remedy this problem Goodin proposes a *possibilist* reading of AAI according to which what matters for democratic inclusion are *possibly* affected interests. But Sweden could have *possibly* decided to build the power

plant right on the Finnish or Norwegian border. Does this mean that not only Danes, but also Norwegians, and Finns should be included into the decision-making process? But couldn't Sweden possibly invade, for example, Great Britain, and set up the power plant there? How remote are the possibilities that we should still take into account? One easily gets the impression that almost everyone is possibly affected. Indeed, a major objection to AAI is that it is overinclusive insofar as it includes virtually all people in virtually all decisions. In a world as interconnected as ours, it is very likely that the ripple effects of any political decision would eventually affect all interests (Näsström 2011, 125). While Goodin is happy to accept that excessive inclusiveness of AAI (Goodin 2007, 68), many feel that even if there are good reasons to introduce global democratic institutions, the simple fact that everyone is possibly affected by every decision is not one of them.¹¹

An alternative principle of democratic inclusion is the *All Subjected Persons Principle* (López-Guerra 2005; Beckman 2008; Miller 2009; Abizadeh 2008, 2012):

(ASP) For all individuals x , if x is subjected to the state's institutions and legal system, then x ought to be included as a democratic decision-maker on how the power of these institutions is exercised, and how the laws are made.

ASP seems to cater to the basic democratic intuition that laws should be made by those to whom they apply. At the same time, it seems to avoid the problem of overinclusion as it appears to restrict democratic inclusion to the members of a political community governed by the same set of laws. However, similar to AAI, ASP quickly proves to be ambiguous and perhaps even counterintuitive. First, it is unclear what it means exactly to be subjected to the state's legal system. Tourists are subjected to the state's laws, and yet we usually do not take their inclusion to be necessary. Some try to modify ASP by invoking enduring and systematic subjection to a state's legal system to solve this problem (Erman 2014, 539). However, first-generation emigrants are usually no longer subject to their state's institutions, and yet many believe that it would be unjust to strip them of their voting rights.

ASP may also prove as overinclusive as AAI. As Goodin (2016) argues, if AAI can be suspected to include virtually everyone, then so does ASP. After all, states regularly make laws that apply to virtually everyone, whether the state's citizens or not. The clearest examples are border laws, which prescribe the rules of entering the state's territory not only for citizens but for *everyone* (Abizadeh 2008). Here again, some proponents of ASP, such as Abizadeh, are happy to endorse the globalizing implications of ASP. Yet these considerations may cast doubts on the preferability of ASP over AAI on grounds of superior extensional adequacy.

The most pressing problem with ASP, however, is the unclarity of its theoretical foundations. What is it exactly about being subjected to a state's legal system that triggers the duty of democratic inclusion? Some point to the inevitably coercive nature of the law. But it is unclear if coercion generates duties of democratic inclusion. If a stranger wishes to enter my home and I apply coercion against this person, I am under no obligation to include the would-be intruder as a decision-maker on how I will apply coercive force.¹² Furthermore, if the three of us come together to coerce you to perform a task, our coercion does not become justified once we let you vote on the matter.

A third solution to democratic boundary problem is to turn not to subjection or affectedness, but rather to the *stakes* individuals have in democratic inclusion. This is the *Stakeholder Principle* of democratic inclusion defended most extensively by Rainer Bauböck (2007, 2015, 2018; see also Macdonald 2008, 2012):

(SP) For all individuals x , if x has sufficiently high stakes in being included as a democratic decision-maker in the government of a set of political institutions, for example, a state, then x ought to be included.

SP is in many ways an appealing principle. It allows for the exclusion of tourists and other transients who, while subject to the state's power, do not have sufficiently high stakes in how the state is governed. At the same time, SP supports the inclusion of long-term immigrants, who are very much dependent on how the state is governed, and who therefore have sufficiently high stakes. SP accounts for the inclusion of expatriates who are no longer subjected to the state's power, insofar as these individuals may retain important ties to their state and a strong interest in an adequate prospect of return, which can all render their stakes in inclusion sufficiently high. On the other hand, SP excludes long-term expatriates, and their descendants who have lost their ties to the political institutions of their state of origin, and therefore may be thought of as having no business in influencing its government.

In addition to producing intuitively appealing outcomes, SP seems to have a strong theoretical foundation. It expresses the idea that the fundamental reason why citizens should have a say in government is because their most fundamental interests are *intertwined* with these institutions. As Thomas Christiano notes, the fundamental ground of democracy is the fact that members of a society inhabit a *common world*:

The system of property, contract, and torts, the systems of collective provision of goods financed through taxation, and the systems of regulation (to name just a few elements of the legal system) are all shared arrangements. [. . .] Such a system also engages the moral interests of each person by enlisting him or her

into a common project of establishing justice among them. [. . .] In this way the establishment of justice creates a common world shared by all the members of the society and in which the interests of all members are deeply intertwined. (Christiano 2008, 79)

SP gives expression to the idea that it is the fact that our interests are so intertwined, rather than mere subjection or affectedness, that serves as the ground of democratic inclusion. Note, further, that what matters is our relation to, that is, our stakes in, the whole of the institutional structure or legal system subject to democratic government, rather than individual decisions as in the case of AAI. Therefore, SP is a distinct and sophisticated alternative to both AAI and ASP.

Nonetheless, it also has serious problems. As with affectedness and subjection, the term “having sufficiently high stakes” is ambiguous. Who has sufficiently high stakes for inclusion? Bauböck argues that those whose autonomy and well-being depend upon how certain institutions are governed. But take a state with exceptionally great economic or military power, sufficient to affect the global economy or the global political order, such as China or the United States. Clearly, everyone’s well-being and autonomy depend upon whether or not United States’ trade policies drag the world economy into a global recession or whether it launches a nuclear war against some other country. It seems that the threat of overinclusiveness does not evade SP either. One might also argue that SP does not include too many, but rather too few people, for some people may not at all be dependent for their autonomy and well-being on any particular state. Take a very wealthy individual who can simply decide to move whenever her interests are threatened by some state’s policies. Or think of self-sufficient and secluded communities, such as some religious or diaspora communities, which only want to be left alone by their state, and do not derive much of their well-being from its institutions (Sprio 2018). On the face of it, SP would allow the exclusion of these individuals—but this seems highly counterintuitive.

Note that both ASP and SP are ambiguous between a weakly and a strongly political reading. On the weak reading, democratic inclusion is due when individuals’ interests are causally caught up in the workings of the state, either through subjection to coercion or through a Christiano-style intertwining. They focus either on individuals as a) recipients of favorable or unfavorable political treatment at the hands of others, or b) on their individual interests as agents, who have a desire to act in the political world.¹³ The strongly political reading also focuses on subjected persons as agents, but shifts the focus from their *interests* in being active agents to the normative consequences of *being enlisted in the service of the agency of the state*. Citizens and long-term residents of a state are not merely *causally* impacted by being subject to its

rule in terms of being coerced by it or their interests being intertwined with or depend on its decisions. Their *normative situation* is also altered in two related fundamental ways. First, their routine compliance with the directives of the state is a necessary condition for the latter to function properly, and thus to exercise its power. All government depends on the general compliance of the overwhelming majority of its subjects. Such compliance enables them to focus their scarce enforcement resources on the non-complying few. In this manner, people who are subject to the rule of a state are enlisted in its exercise of power in a causal sense, whether or not they have a say in how that rule is exercised. Second, their agency is not merely causally implicated, but normatively as well: the state makes a moral claim on them to comply with its directives, and insofar as it possesses legitimate authority, they have normally decisive *moral* reasons to obey its rule. In both the causal and normative sense, their agency is enlisted in the projects of the state.¹⁴ This changes their *normative situation* in profound ways.

By being enlisted causally and normatively in the projects of the state, the persons who are subject to its power appear under the guise of both recipients and agents of its treatment, both as treated and as treaters. In the latter capacity, they arguably become proper targets of moral assessment, of praise or blame, and may be also liable in other ways (such as compensation or reparation, etc.) for the wrongdoings of the state.¹⁵ Needless to say, people have a strong interest in not being exposed to such liability. But more fundamentally, people have a strong moral claim to have some control over what is done in their name, morally speaking. It appears highly plausible that we have a right that actions made with our normative involvement are at least informed by our own moral judgment on the matters concerned.¹⁶ What is fundamentally objectionable about wrongful exclusion is that one's moral judgment cannot be brought to bear on the acts in which one's agency is normatively enlisted. We may call this general idea the *enlistment principle*, which may be further specified as a strongly political variant of either ASP or SP.

WHICH ANSWERS WORK?

With these distinctions in mind, we would like to draw some more general consequences. As our overview indicates, the current literature is somewhat ambiguous as to what constitutes a plausible theory of democratic boundary-making. Various objections are raised against potential solutions including ambiguity or vagueness, extensional inadequacy, that is, overinclusiveness or underinclusiveness, and theoretical inadequacy. How should we think about these counterarguments and evaluations? The answer largely depends on how one disambiguates question of the democratic boundary problem. To put it

succinctly, when we ask where the boundaries of the demos should lie, it is unclear what this “should” means exactly.

As Gustaf Arrhenius points out, we might simply treat it as an *all things considered* matter (Arrhenius 2018, 98). On this reading, the boundary problem concerns the question of which way of setting democratic boundaries would be most compatible and best satisfy *all* moral and political requirements. It does make sense to ask this question. However, as a reading of the democratic boundary problem it is highly implausible. Suppose that due to some contingent circumstances it so happened that *all things considered* the best course of action would be to disenfranchise all Norwegians and let Danes rule them democratically. Even if such a situation emerged, we would not say that under these circumstances the principles of democratic boundary-setting demand the disenfranchisement of the Norwegians. To the contrary, we would say that *other* normative requirements prescribe their disenfranchisement *despite* the demands of the principles of democratic boundary setting. In other words, it seems that any *genuine answer* to the democratic boundary problem presupposes that there are separate normative principles that govern democratic boundary-setting; although these principles may be dependent upon or derive from other principles, for example, justice.

So the question of democratic boundary-setting is not simply a question about the *overall* preferability of certain boundaries over others. How should, then, the principles of democratic boundary-setting be identified? The test of overinclusiveness and underinclusiveness is often invoked. Indeed, it seems reasonable to demand proposed principles of democratic boundary-making to conform with our considered judgments about democratic participation rights. Still, it remains unclear how far this conformity should go and with which exact judgments and intuitions. Clearly, a theory that implies that the Danes should rule the Norwegians is wrong; it underincludes Norwegians and overincludes Danes. Yet the mere fact that a theory is revisionist to some extent or goes against received wisdom as to who belongs where should not by itself disqualify it as a viable theory. Judgments about the appropriate inclusiveness of boundaries should be subject to reasoned revision in the light of stronger theoretical considerations that speak against certain inclusion regimes previously deemed intuitive or in line with our considered judgments. But what kind of theoretical considerations should count here?

To answer this question, it is worth reflecting on the structure of the arguments normally offered for boundary-setting principles. One way to reconstruct these arguments is as follows. Each such argument identifies a requirement *R*, which political arrangements in general should live up to, and boundaries are judged according to whether they contribute to satisfying *R*, hinder satisfying it, nor neither. Take, for example, AAI. One way

to understand how arguments for AAI work is to say that advocates of AAI propose in the first step a general principle according to which no one should be affected by decisions in the making of which they were not involved. This constitutes a requirement to which political arrangements should live up to, for example, by granting universal franchise to all citizens who thus get involved in the making of the decisions that affect them. Democratic boundaries, then, are also judged in terms of this requirement. The reason why, on this view, AAI is deemed to be most plausible boundary-setting principle is because it best contributes to satisfying this requirement. If democratic boundaries are drawn according to AAI, no one will be affected by decisions in the making of which they were not involved.

Viewing arguments for democratic boundary-setting principles this way helps make sense of our aversion to *all things considered* principles. These views treat *R* as the (perhaps weighed) conjunct of *all* moral criteria to which political arrangements should live up to. Even if one accepts that *R* so understood should indeed be promoted—this in fact looks much like an analytic truth—one may still very well doubt that it is the job of democratic boundaries, as such, to do so. In order for an argument for a particular boundary-setting principle to be successful it needs to be shown that the requirement *R* that the proposed boundaries should cater to are such that they should be catered to *by democratic boundaries* rather than something else.

What are the right kinds of things to be catered to by democratic boundaries? One straightforward answer is *democracy*. Recall that in the previous section we distinguished between internalist and externalist principles of democratic boundary-setting. Internalist principles, such as AAI, ASP, or SP, take the principles of boundary-making internal to first-order democratic theory itself, externalist ones do not. For internalist theories, the reason why we set up democratic boundaries in certain ways are the same why we set up democracy in the first place. It is important to distinguish this idea from the simpler claim that democratic boundaries should be set up in such a way that best promotes democracy *overall*. Suppose that empirical findings show that according to some relevant metric democracies of under 10 million citizens function best; for example, they are the most stable and least prone to democratic backsliding. Then it might be the case that dividing up the world into democracies of less than 10 million citizens would best promote democracy overall. But this is not how internalist accounts of democratic boundary-setting work. Rather, they identify an underlying principle, value, or requirement that grounds both democratic institutions, for example, universal franchise, within the boundary, as well as boundary setting in general. These are normally individualist principles that identify the wrongs that befall on wrongfully excluded persons.

The internalist idea that democratic boundaries should ultimately serve the same purpose as democracy itself is an intuitively appealing one. What can be said about externalist principles? These are the ones that hold that the demarcation criterion is based on different normative principles than the enfranchisement criterion. For example, a *nationalist* demarcation criterion might hold that individuals derive certain goods from their membership in the national community and they are best able to derive these goods if the boundaries of the demos are drawn around their group. Setting up the demarcation criterion this way is compatible with a range of other enfranchisement criteria.

Such externalist views seem to face a particular difficulty that internalist views do not. For one could always ask; even if it is true that the goods individuals derive from their membership in national communities are important, and even if it is true that access to these goods would be best promoted by certain democratic boundaries, why should we accept that access to these goods is something to be promoted by democratic boundary-setting rather than something else? It certainly does not seem that this consideration would suffice to justify *any kind of* democratic boundary. Again, suppose it turns out that the Norwegians could only access the goods they derive from their national membership if they were placed under the stewardship of Danes. In this case, the demarcation criterion defined by the nationalist principle would select the Danes as democratic rulers of Norwegians. Note that a devoted nationalist might accept that it would be *overall* preferable that Norwegians preserve their national identity and culture under Danish overlordship. But it would be strange to say—without further explanation—that Danish overlordship is a requirement of the appropriate democratic boundary-setting principles.

Indeed, it seems that any proper explanation would have to run through first-order democratic theory. Principles of democratic boundary-setting are not simply principles about the boundaries of the political community; they do not simply answer the question, “which individuals should be governed together?” or “which individuals are most likely to feel solidarity towards one another and see each other as compatriots?” The democratic boundary problem asks specifically how people should be divided up into democratic decision-making communities in which universal franchise applies. It simply seems odd to claim that something plausible can be said about the divisions or demarcations in complete independence of the considerations regarding the purposes of democratic decision-making and universal franchise. This constitutes a strong *prima-facie* case against externalist principles.

Perhaps seemingly externalist principles can be salvaged by turning them into internalist principles based on *instrumentalist* accounts of democracy. Such theories hold that democracy’s value as well as individuals’ claims for

a democratic say depend entirely on certain ends to which democratic institutional arrangements serve as good means. For example, our hypothetical nationalist might claim that she is not an externalist at all; she believes that the purposes of enfranchisement and demarcation overlap, but the sole purpose of democratic institutions is to serve as an instrument of furthering the goal of national unity or the preservation of the national culture. Therefore, democratic boundaries should also be drawn in such a way that furthers this goal. This is an internalist idea insofar as the reason for enfranchisement and the reason for demarcation are the same, that is, the furthering of the national culture.

Instrumentalist theories of democracy certainly have been employed in the democratic boundary debate. For example, Goodin (2007) has such a theory of democracy in mind when presenting his argument for AAI. He argues that the purpose of democracy is the protection and promotion of individuals' interests. The reason why AAI should be adopted, for him, is not that there is some general prohibition against affecting people's interests through decision-making without their involvement, but rather that implementing AAI would be the best instrument for protecting and promoting individuals' interests.

Such conceptions of democracy, while perhaps plausible, have a particular difficulty providing genuine solutions to the democratic boundary problem. It is not impossible that under some contingent circumstances democracy becomes unfeasible or undesirable. It seems to be a reasonable expectation of any plausible principle of democratic boundary-setting that when this happens, they cease to apply. If a principle genuinely concerns *democratic* boundary-setting, that is, the question of how democratic decision-making communities characterized by universal franchise should be set up, then when such communities cannot or ought not be set up, the principle in question should have no prescriptions whatsoever. This indeed seems to be true of many boundary-setting principles. For example, if due to some cataclysmic event all political order broke down and people were not subjected to any legal systems anymore, then ASP would simply not prescribe any boundaries for such situations.

The same is not true of instrumentalist boundary-setting principles. They prescribe, for example, that when nondemocratic arrangements would better contribute to the preservation of national culture, or in Goodin's case, the protection and promotion of people's interests, then they should be implemented. That is, instrumental democratic boundary-setting principles may prescribe that no democratic boundaries should exist at all, but *not* because they ceased to apply, but precisely because nondemocratic arrangements better satisfy their core requirements than democratic ones. These are, therefore, not genuine principles of democratic boundary-setting at all. They are more

generic principles, which occasionally have implications as to which democratic boundaries would be overall desirable.

Our discussion so far suggests that externalist and instrumentalist internalist principles of democratic boundary setting are at a disadvantage, and therefore noninstrumentalist internalist principles are in the best position to provide plausible solutions to the democratic boundary problem. Does this discussion have any consequences for the other distinction we made between various solutions to the boundary problem, that is, the political vs. pre-political distinction? Many pre-political principles of democratic boundary setting, for example, the nationalist one discussed so far, tend to be externalist. Is it possible for a pre-political principle to be internalist? Perhaps, but, again, note that democratic boundary-setting is about the question of how democratic decision-making communities should be set up. The purpose of democratic decision-making is, however, inherently political. Its goal is to set up institutions and make institutional decisions of a distinctly political character. This seems, at least on the face of it, to speak against the possibility of a pre-political internalist principle.

What can we say about weakly and strongly political demarcation criteria? Weakly political principles that base democratic inclusion on contingent, for example, causal relations to political institutions seem to be open to the same kind of objection. One can always ask, you may be causally implicated in the workings of this political institution that disadvantages you in some ways, for example, via coercion; suppose that this could be addressed through democratic inclusion, but most likely it can also be addressed by other measures as well, for example, wealth transfers, legal immunities etc.,¹⁷ so why should this problem be remedied via democratic inclusion rather than something else? The causal implication that the weakly political principles invoke does not establish a sufficiently close link with a claim to democratic inclusion *in particular*; they may succeed in establishing a claim to some form of remedy, but not democratic participation specifically.

Take, for example, a weakly political version of ASP, which focuses on the need to secure the conditions of individual autonomy: it is incompatible with one's status as an autonomous agent to be subject to another's unilateral power without having any say in the terms on which that power is exercised.¹⁸ The ideal of personal autonomy demands that individuals be in charge of their lives, which is inconsistent with subjection to the unilateral power of another. The difficulty with this rationale is twofold. First, having a say in collective decision-making in any large-scale community has minuscule effects, and therefore hardly mitigates the autonomy-related impacts of being subject to political rule in the first place.¹⁹ Second, this account is always vulnerable to the objection that one could be better off in terms of overall personal autonomy by being subjected to the rule of a constitutionally well-limited

and well-meaning autocracy than to democratic rule that is governed by the whims of an ever-changing and excitable population. Whether democracy is the most favorable arrangement from the point of view of overall personal autonomy is highly contingent and dependent on further societal factors.²⁰

Strong political principles, on the other hand, do not seem to face this difficulty. For example, the enlistment principle outlined above divorces the claim to participation from any sort of causal impact and focuses on being normatively implicated in the state's projects as a consequence of being subject to it. The reason why the wrong of illegitimate exclusion should be rectified by changes in the institutional setting to which the individual is subjected, that is, by extending the reach of democratic inclusion, is because this wrong is *constituted* precisely by—rather than being contingently causally connected to—the way in which this institutional arrangement is set up. This, in our view, points to a much closer and more straightforward ground for having a democratic say in particular, which cannot be easily replaced by other forms of remedy. Thus, it seems that strongly political criteria provide a *sufficient* ground for democratic inclusion. We would like to leave it open whether it is also a necessary ground.

NOTES

1. Extant discussions of the Boundary Problem often elide the distinction between these two criteria, and slide from one to the other. See, for example, Claudio Lopez-Guerra (2005, 218) and Goodin (2016, 366), both of whom transition seamlessly from the discussion of the exclusion of groups within a polity on racial, etc. grounds to addressing problems of voting across currently existing national boundaries. This confusion may well have originated with Joseph Schumpeter, who claimed that exclusions on the basis of religion or gender are no different from ones that are widely held to be compatible with democracy Schumpeter (1975, 244–5).

2. Of course, this assumption should be understood as in principle defeasible. It should be open to a democratic theorist to argue, as some cosmopolitan democrats do, that the whole of humanity should constitute a single demos, engaging in the self-government of a universal republic (see Abizadeh, Goodin). It should also be noted that the democratic boundary problem makes no assumption about the number of political communities in which an individual may be entitled to participate in self-government. It should be treated as a live option that the correct demarcation criterion grounds such an entitlement in multiple constituencies.

3. This way of presenting the demarcation criterion (and the boundary problem) does not exhaust all the available logical possibilities, and therefore does not do full justice to all accounts proposed by contemporary theories. The criterion as presented assumes that there are to be political communities with more or less fixed boundaries of membership, and the main question concerns only the problem of the best way of dividing the total population of the world into bounded self-governing communities

from a moral point of view. However, some have argued that this is a too restrictive understanding of the problem: it is conceivable that each particular political decision should have its own demos, demarcated independently of the demoi of other political decisions, so that there are no political communities with reasonably fixed boundaries (See Goodin 2007). To be sure, such an account, too, stands in need of a demarcation criterion to account for the normative basis of determining the demoi of each decision. For the purposes of this chapter, we set this possibility aside.

4. We will not consider here the skeptical answer to the question, which maintains that there are no significant normative considerations that bear on the demarcation problem; what matters is only that political communities ought to be maximally inclusive and egalitarian internally (Goodin 2007 raises and rejects this possibility).

5. Of course, this way of dividing up the available theoretical options assumes that the ideals of democracy and justice are at least at some distance from one another, in that none of them is simply derivative from the other. For a purely instrumentalist democrat in the mode of Richard Arneson, for instance, the division has little relevance, since for them democracy is *only* valuable to the extent that it increases the likelihood of just outcomes (Arneson 2003, 2009; Wall 2007). We will discuss the problems of instrumentalism in detail later. Yet for the division to make sense, one need not assume that justice and democracy are wholly normatively unrelated, each grounded in different moral principles. For instance, it is consistent with this way of grouping the theories that both the ideal of democracy and justice are ultimately grounded in some account of moral equality, for instance. It should also be noted that plausibly several independent considerations, drawn from both democracy and justice, may bear on the demarcation criterion. In that case, the criterion that one should endorse will incorporate some weighing or other sort of ordering of the different considerations.

6. See the discussion in David Miller (2009) on how what he calls the liberal and radical conceptions of democracy have divergent implications for the boundary problem.

7. Song (2012), Kymlicka (1999), Miller (2009), Christiano (2008).

8. For this distinction, see Arash Abizadeh (2012, 868–9).

9. On self-determination see Margalit and Raz (1990), Buchanan (1991, 2004), Miller (1998, 2016) Stilz (2016, 2019).

10. Abizadeh (2008) argues that the coercion principle's implications are just as expansionary as those of the All-Affected Principle.

11. For more discussion on AAI see Saunders (2012), Miklósi (2012), Owen (2012).

12. See Miller (2010) and Saunders (2011) for a discussion.

13. Civic republican theories are of the second sort. See also Ronald Dworkin's discussion of agency interests in *Sovereign Virtue* (2000).

14. This reasoning has been foreshadowed by Thomas Nagel in "The Problem of Global Justice" (2005). However, Nagel invokes this thought to argue that the scope of socioeconomic justice is limited to those who are subject to the authority of a shared state, while here it is introduced in the service of an argument about the scope of democratic inclusion, that is, the demarcation criterion. For discussion, see Christiano (2008) and Miklosi (2016).

15. See Anna Stilz (2011), Avia Pasternak (2013), Nagel (2005), Eric Beerbohm (2012), and Alex Zakaras (2018) for the discussion of this and closely related problems.

16. We write “informed by” our moral judgment rather than “conform to” it because under circumstances of disagreement collective decisions cannot conform to the moral judgments of all involved.

17. Or if not, then purely contingently so. *In principle* they could be solved by other measures.

18. Abizadeh (2012, 878).

19. Kolodny (2014).

20. The focus on autonomy also tends to paper over the distinction between being subjected and being coerced. By contrast, the rationale offered here makes that distinction salient.

REFERENCES

- Abizadeh, Arash. 2008. “Democratic Theory and Border Coercion.” *Political Theory* 36 (1): 37–65.
- Abizadeh, Arash. 2012. “On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem.” *American Political Science Review* 106 (4): 867–82.
- Arneson, Richard J. 2003. “Defending the Purely Instrumental Account of Democratic Legitimacy.” *Journal of Political Philosophy* 11 (1): 122–32.
- Arneson, Richard J. 2009. “The Supposed Right to a Democratic Say.” In *Contemporary Debates in Political Philosophy*, edited by Thomas Christiano and John Christman, 197–212. London: Blackwell.
- Arrhenius, Gustaf. 2005. “The Boundary Problem in Democratic Theory.” In *Democracy Unbound: Basic Explorations*, edited by Folke Tersman, 14–29. Stockholm: Department of Philosophy.
- Arrhenius, Gustaf. 2018. “The Democratic Boundary Problem Reconsidered.” *Ethics, Politics, and Society* 1 (1): 89–122.
- Bauböck, Rainer. 2007. “Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting.” *Fordham Law Review* 75 (5): 2393–447.
- Bauböck, Rainer. 2015. “Morphing the Demos into the Right Shape. Normative Principles for Enfranchising Resident Aliens and Expatriate Citizens.” *Democratization* 22 (5): 820–39.
- Bauböck, Rainer. 2018. “Democratic Inclusion: A Pluralist Theory of Citizenship.” In *Democratic Inclusion: Rainer Bauböck in Dialogue*, edited by David Owen, 3–102. Manchester: Manchester University Press.
- Beckman, Ludvig. 2008. “Democratic Inclusion, Law, and Causes.” *Ratio Juris* 21 (3): 348–64.
- Buchanan, Allen. 1991. “The Right to Self-Determination: Analytical and Moral Foundations.” *Arizona Journal of International and Comparative Law* 8 (2): 41–50.

- Buchanan, Allen. 2007. *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*. Oxford: Oxford University Press.
- Christiano, Thomas. 2008. *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford: Oxford University Press.
- Dahl, Robert A. 1970. *After the Revolution? Authority in a Good Society*. New Haven: Yale University Press.
- Dworkin, Ronald. 2000. *Sovereign Virtue*. Cambridge MA: Harvard University Press.
- Erman, Eva. 2014. "The Boundary Problem and the Ideal of Democracy." *Constellations* 21 (4): 535–46.
- Goodin, Robert E. 2007. "Enfranchising All Affected Interests, and Its Alternatives." *Philosophy and Public Affairs* 35 (1): 40–68.
- Goodin, Robert E. 2016. "Enfranchising All Subjected, Worldwide." *International Theory* 8 (3): 365–89.
- Kolodny, Niko. 2014. "Rule Over None I: What Justifies Democracy?" *Philosophy and Public Affairs* 42 (3): 195–229.
- Kymlicka, Will. 1999. "Citizenship in an Era of Globalization: Commentary on Held." In *Democracy's Edges*, edited by Ian Shapiro and Casiano Hacker-Cordón, 112–16. Cambridge: Cambridge University Press.
- López-Guerra, Claudio. 2005. "Should Expatriates Vote?" *The Journal of Political Philosophy* 13 (2): 216–34.
- Macdonald, Terry. 2008. *Global Stakeholder Democracy*. Oxford: Oxford University Press.
- Macdonald, Terry. 2012. "Citizens or Stakeholders? Exclusion, Equality and Legitimacy in Global Stakeholder Democracy." In *Global Democracy: Normative and Empirical Perspectives*, edited by Daniele Archibugi, Mathias Koenig-Archibugi, and Raffaele Marchetti, 47–68. Cambridge: Cambridge University Press.
- Margalit, Avishai and Joseph Raz. 1990. "National Self-Determination." *The Journal of Philosophy* 87 (9): 439–61.
- Miklósi, Zoltán. 2012. "Against the Principle of All-Affected Interests." *Social Theory and Practice* 38 (3): 483–503.
- Miller, David. 1997. *On Nationality*. Oxford: Oxford University Press.
- Miller, David. 2009. "Democracy's Domain." *Philosophy and Public Affairs* 37 (3): 201–28.
- Miller, David. 2010. "Why Immigration Controls Are Not Coercive: A Reply to Arash Abizadeh." *Political Theory* 38 (1): 111–20.
- Miller, David. 2016. "Neo-Kantian Theories of Self-Determination: A Critique." *Review of International Studies* 42 (5): 858–75.
- Näsström, Sofia. 2011. "The Challenge of the All-Affected Principle." *Political Studies* 59 (1): 116–34.
- Owen, David. 2012. "Constituting the Polity, Constituting the Demos: On the Place of the All Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem." *Ethics and Global Politics* 5 (3): 129–52.
- Saunders, Ben. 2011. "Immigration, Rights and Democracy." *Theoria* 58 (129): 58–77.

- Saunders, Ben. 2012. "Defining the Demos." *Politics, Philosophy and Economics* 11 (3): 280–301.
- Schumpeter, Joseph A. 1975. *Capitalism, Socialism and Democracy*. New York: Harper Perennial.
- Shapiro, Ian. 2003. *The State of Democratic Theory*. Princeton and Oxford: Princeton University Press.
- Song, Sarah. 2012. "The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State." *International Theory* 4 (1): 39–68.
- Spiro, Peter. 2018. "Stakeholder Theory Won't Save Citizenship." In *Democratic Inclusion: Rainer Bauböck in Dialogue*, edited by David Owen, 204–24. Manchester: Manchester University Press.
- Stilz, Anna. 2016. "The Value of Self-Determination." *Oxford Studies in Political Philosophy* 2: 98–127.
- Wall, Steven. 2007. "Democracy and Equality." *The Philosophical Quarterly* 57 (228): 416–38.
- Whelan, Frederick G. 1983. "Democratic Theory and the Boundary Problem." *Nomos* 25 (1983): 13–47.
- Young, Iris Marion. 2002. *Inclusion and Democracy*. Oxford: Oxford University Press.

Part IV

**POPULISM, NATIONALISM, AND
DEMOCRATIC CITIZENSHIP**

Chapter 12

“Forced to be Free”

Nationalism and the Hijab Controversy in France

Ann Ward

The hijab, or Muslim headscarf that covers completely the hair of women and girls, is becoming more visible in political debate in the West. In January 2019, The U.S. Congress, after 181 years, voted 234–197 to change their rule banning the wearing of headgear on the floor of the House in order to seat representative Ilhan Omar while wearing her hijab. On the March 2019 cover of *Rolling Stone* magazine, Speaker of the House Nancy Pelosi posed with three freshman representatives—Jahana Hayes, Alexandria Ocasio-Cortez, and Ilhan Omar—the latter in her hijab. The clear message coming from Speaker Pelosi and the Democratic Party establishment is that these women represent the future of the Democratic Party and as such there is a prominent place for the hijab within it.

Linda Sarsour, Women’s March co-chair and prominent organizer of the protests on Capitol Hill against Brett Kavanaugh’s confirmation to the Supreme Court, will not leave her home without her hijab. According to Sarsour, this is so because, “For me my hijab is my choice, it’s my identity [. . .] it makes me feel whole.”¹ Sarsour is also clear that wearing the hijab is a religious practice and not a fashion statement, as it represents, “The freedom to practice one’s religion, symbolic of our obedience to Allah. It means modesty.”² The modesty of the hijab is empowering to women, Sarsour argues, because it, “desexualizes women. It gives them recognition for who they are and not what they look like.”³ The hijab thus forces men and others to look beyond the external and focus on the internal character of the woman. In this sense, for Sarsour, the hijab resists the objectification of women, the vehicle for which are the standards of beauty imposed by Western, patriarchal society. This leads Sarsour to claim, “I am a hijabi feminist.”⁴ It is in this

spirit that Sarsour embraced Macy's launch in February 2018, of a "modest" clothing line that features hijabs and other full body covering but fashionable articles of clothing such as maxi skirts and long-sleeved blouses.⁵ Known as the Verona Collection, it was founded by fashion photographer Linda Vogl after she converted to Islam in 2011.

In June of 2015, the U.S. Supreme Court ruled against popular clothing store chain Abercrombie & Fitch for refusing to hire a Muslim woman who wore the hijab. In 2008, Abercrombie had declined to hire Samantha Elauf as a sales associate because her hijab violated the company's "look policy."⁶ The Equal Employment Opportunity Commission then filed suit against Abercrombie on behalf of Elauf for violating her rights under Title VII of the 1964 Civil Rights Act, which requires employers to provide "reasonable accommodation without undue hardship."⁷ Abercrombie denied its "look policy" was discriminatory because its ban prohibited all types of headgear, such as hats and scarfs, and was not, therefore, based on religion.⁸ Ruling against Abercrombie and in favor of Elauf, the Court's opinion was delivered by Scalia: "the applicant need only show that his need for an accommodation was a motivating factor in an employer's decision [. . .] The rule for disparate treatment claims are straightforward: An employer may not make an applicant's religious practice [. . .] a factor in employment decisions."⁹ With respect to taxpayer-supported public schools, to date there is no Supreme Court ruling addressing the issue of the hijab, worn by either teachers or students. This is generally interpreted to mean that teachers and pupils are free to wear the hijab if they so choose.

As the hijab is becoming more acceptable, fashionable, and increasingly a sign of one's progressive political commitments in the United States, other parts of the world are moving in the opposite direction. For instance, more and more women in Iran are protesting the country's compulsory hijab law by removing their hijab in public and online. In January 2018, twenty-nine women were arrested in Tehran for participating in these protests. For these women, the hijab is a vehicle for women's oppression, not their empowerment. Trends in the United States are also out of step with recent trends in Europe, and France specifically. In 2004, France extended the ban on wearing the hijab to pupils in French public schools, teachers having been prohibited from wearing religious symbols in the classroom since 1884. The French government also clarified in this same 2004 law that all employees in state buildings were banned from wearing the hijab. It has recently extended the ban on the hijab in the public sector workplace to the private sector workplace, upheld by the European Court of Justice in 2017. The case involved a French woman, Asma Bougnaoui, dismissed from her job at the IT consultancy firm Micropole after a customer complained of being "embarrassed" by her headscarf while she was on their premises.¹⁰

The European Court, unlike the U.S. Supreme Court, decided that the prohibition of wearing the hijab in private sector workplaces did not constitute discrimination.

In this chapter, I will explore the hijab controversy in France through an analysis of Cecile Laborde's *Critical Republicanism: The Hijab Controversy and Political Philosophy*. Laborde argues that hostility to the hijab in France results from a particular interpretation of the republican principle of *laïcité*. Under this interpretation, the state is justified in compelling French citizens to prioritize their homogeneous and therefore rational public identity as citizens, over against their private and therefore subrational identity as Muslims, Christians, or Jews, men or women. Although this is more commonly viewed by Laborde and others as a rejection of civic multiculturalism, I will argue that the ban can also be understood as a rejection of cosmopolitanism or a certain concept of "global citizenship." As such it is (a largely unspoken) assertion of nationalism; it requires citizens to be "French first," as it were, or to be citizens of France rather than of the world.

My analysis of Laborde's explanation and critique of the 2004 French law prohibiting the hijab in public schools, assumes that French republicans behind the law understand the principle of *laïcité* through the lens of Jean-Jacques Rousseau's *On the Social Contract*. In this work, Rousseau argues that a civil society or people comes into being through a social contract, the ends are purposes of which are the security of our person and goods while obeying only ourselves and remaining as free as before (Rousseau 1987, 24). The contract is brought into being with "the total alienation of each associate, together with all of his rights, to the entire community," or each of us laying down all of our rights to all (Rousseau 1987, 24). We can be understood as retaining our freedom because we give ourselves and our rights to the community as such, and not to any human being in particular, and thus "*each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole*" (italics in original) (Rousseau 1987, 24). In hence agreeing to be ruled by the whole or the community as such, we "authorize," as it were, or agree to see the "general will" as our own will. In other words, I become "an indivisible part of the whole" when I, as an individual, only will the general will; in this way when I obey the general will I am only obeying myself.

In these passages Rousseau believes he is describing the process whereby persons replace their private, passionate will with the public, rational will of the community as such. In the state of nature, individuals are natural wholes, completely sovereign with natural liberty and hence an unlimited right to everything that instinct tempts them to (Rousseau 1987, 27). To enter civil society, an individual must become part of greater whole, which is sovereign,

and can do so and retain self-government and freedom only by willing what the whole wills, or willing the general will. In this case, there is no felt conflict between individual will and community will. In willing the general will one replaces one's lost natural liberty for moral liberty, understood as obeying laws that one gives to oneself, and civic liberty, acting in a rational, because general, way (Rousseau 1987, 27). Although gaining the advantages of moral and civic liberty as citizens, Rousseau acknowledges that individuals in society may retain a private will of their own contrary to the general will. Rousseau's prescription for this problem gives rise to the title of this piece. According to Rousseau, "in order for the social compact to avoid being an empty formula, it tacitly entails the commitment—which alone can give force to the others—that whoever refuses to obey the general will will be forced to do so by the entire body. This means merely that he will be forced to be free" (Rousseau 1987, 26). The individual will be compelled, in other words, to put rational loyalty to their homogeneous public identity as citizens over against any passionate attachments they may have to irrational, particular characteristics such as religion, race, class, or gender. Moreover, the hijab ban as an assertion of nationalism and as an example of being "forced to be free," explicates an important assumption of Rousseau's social compact theory; every body politic with a general will conceives of other body politics or entities beyond it. The general will is not global but local.

LAICITÉ AS A POLITICAL PRINCIPLE

In *Critical Republicanism*, Cecile Laborde, who opposes the measure, investigates how France got to the law promulgated on March 15, 2004, that banned the wearing of the hijab in state schools. Prohibiting in primary and secondary schools "the wearing of signs or clothes through which pupils ostensibly express a religious preference," the law, while technically covering Jewish yarmulkes and large Christian crosses, is aimed at the Muslim headscarf.¹¹ It is intended to put an end to the fifteen-year long "hijab controversy" in France that started in the autumn of 1989 in Creil when two girls came to class wearing the Muslim dress. To understand the ban, Laborde argues, requires reflection on the French principle of *laïcité*, which is the French republican interpretation of the requirements necessary for the liberal ideal of religious freedom to be achieved (CR 32). From what Laborde terms the "official republican"—heretofore simply republican—point of view, the minimal requirement for *laïcité* or religious freedom is state neutrality or a neutral public sphere. Moreover, as Laborde notes, French republicans have a much more expansive understanding of the public sphere than traditional

political "liberals" (CR 32). "Public service" in France can include postal services, public transportation, public libraries, doctor's offices, and state schools, taking in up to 5 million public service providers across the country.

As a political principle, *laïcité* for French republicans has three components: separation of church and state, religious freedom, and equal citizenship. The first component, separation, has its legal framework in the 1905 Law of Separation between Church and State. Article 1 states: "The Republic ensures freedom of conscience. It guarantees the free exercise of religions," and Article 2 states: "It neither recognizes nor subsidizes any religion" (CR 33). Laborde explains that the 1905 Law of Separation replaced the "Concordat" which, since 1801, had recognized Catholicism as, "the religion of the great majority of the French" (CR 35). Conferring many benefits to the Roman Catholic Church—for instance, the free use by Catholics of state-owned churches and the near monopoly over primary education—unavailable to other "recognized religions" such as Protestantism and Judaism, these benefits were withdrawn in 1905 when "recognized religions" were abolished and all religious institutions vis-à-vis the state were put on an equal plane (CR 35).

The second component of *laïcité*, religious freedom, requires that the state refrain from interfering in religious affairs such that religion be allowed to flourish in the private sphere without public interference. Equal citizenship, the third component, holds that the moral equality between believers of all faiths vis-à-vis the state is made possible by the state's refusal to give preference to one religion over another (CR 34, 35). Laborde argues that this latter principle is distinct from and much more than the principle of religious freedom. Unlimited religious freedom, Laborde notes, is consistent with state preference for one religion; the Anglican Church in England is established while complete religious freedom is simultaneously extended to all citizens, similar to the position of the Catholic church in France under the Concordat (CR 35). *Laïcité*, however, grounded by the 1905 Law, places all religious institutions and faiths on an equal plane, or endorses what political liberals would call religious pluralism.

Laborde argues that *laïcité*, or state neutrality in France after 1905, embraces religious pluralism in its refusal to give preference to one religion over another. I would argue, however, that the French republican view of state neutrality, as described by Laborde, actually goes much further than the embrace of religious pluralism, revealing key differences with the American understanding of the requirements for religious freedom as embodied in the First Amendment of the U.S. constitution. For French republicans, state neutrality requires not simply separating the state from preference for one particular religion over another, as in the American understanding, but

separating the state from “religion as such.” A state separated from religion as such, or, “neutral by ignorance—vis-à-vis the respective claims of believers and non-believers,” is what Laborde calls an “agnostic” state, yet what Americans would call an “atheist” state (CR 36). State neutrality in France, in other words, means that the state is *secular* and not simply *non-sectarian* as in the American understanding. Such a purely secular public morality assumes no need for “transcendental foundations,” and produces what Laborde terms the “naked public square,” by which she means a public space bereft of any religious expressions or symbols whatsoever, even of a nonsectarian nature (CR 36, 37). Examples of the “naked public square” in France are communal cemeteries “secularized” in the 1880s, with religious signs such as crosses removed from tombstones. Another example is the French state’s prohibition against collecting statistics about racial origins or religious affiliation, with the result that it is very hard to get an accurate figure of just how many Catholics, Protestants, Jews, Muslims, and other religiously affiliated persons are in the country. The French state, in other words, does not recognize the existence of “minorities,” including religious minorities (CR 37).

Perhaps the most significant example of the “naked public square” in terms of how French republicanism differs from American republicanism in its understanding of the requirements for religious freedom, is that in France representatives of the state, or public service providers, must refrain from expressions of religious faith. Laborde explains that for French republicans, equal respect for citizens, meaning that no citizen is discriminated against on the basis of religion, requires that state actors show outward signs of neutrality; they must not simply be neutral but must be *seen* to be neutral (CR 48). This entails what the French call a “*devoir de reserve*,” or an obligation of restraint on public actors; in order to show equal respect to all citizens or *users* of public services, providers of public services must not express or display any sign of “religious allegiance” as such, even of a nonsectarian nature (CR 48). Thus, whereas in America it is believed, in accordance with the First Amendment, that religious liberty requires *freedom* of expression, in France, in accord with republican *laïcité*, it is believed that religious liberty requires *restraints* on expression, on the part of both public actors and, with the ban on the hijab, citizens or receivers of public services as well.

Recent examples of the free expression of “religious allegiance” in the public square in America, include Ilhan Omar’s wearing of her hijab on the floor of the House. As discussed above, this required a close House vote to change its 181-year rule against the wearing of head gear while in the chamber. They would also include Brett Kavanaugh’s references to God when introduced by President Trump as a nominee to the Supreme Court, during his various testimonies to the Senate, and after being confirmed by now former

Justice Kennedy at the White House. For instance, in his testimony to the Senate after Dr. Christine Blasey Ford’s testimony accusing him of sexual assault while both were high school students, Kavanaugh said,

The other night, Ashley and my daughter Liza said their prayers. Little Liza, all of 10 years old, said to Ashley, we should pray for the woman. That’s a lot of wisdom from a 10-year-old. We mean no ill will.¹²

By this statement Kavanaugh let the American people know that he and his family pray, and that faith, therefore, is a crucial part of who he is. Moreover, Kavanaugh closed with, “I thank God every day for Ashley and my family.”

Kavanaugh, by his testimony, and Ilhan Omar, by her wearing of the hijab on the floor of the House, indicate their belief that the public square and the liberty of the citizen requires an explicitly transcendental foundation, and hence state actors who are explicitly persons of faith. A nonsectarian or tolerant faith, both would argue—perhaps simply affirming the existence of a god or a divine being and the immortal soul—allowing for religious pluralism, but faith nonetheless. French republicans, on the other hand, believe that *laïcité* requires just the opposite. Religious liberty and the equality of all citizens necessitates a completely secular public morality that eschews any references to a transcendental entity such as God, even on a non-sectarian basis, and state actors who strictly refrain from giving any indication of transcendental beliefs. The “naked public square” means no religious expression of any kind in the public sphere.

DISPARATE TREATMENT VS. DISPARATE IMPACT

The differing conceptions that French republicans, adhering to *laïcité*, and American political liberals have concerning the requirements for religious freedom, is also manifested in the American recognition of “disparate impact” as a form of religious discrimination. In the United States, most religious discrimination cases in the workplace are adjudicated under Title VII of the 1964 Civil Rights Act. Title VII case law as regards religious discrimination suggests that employer discrimination can result from either “disparate treatment” or “disparate impact” (Moore 1998, 138). The prohibition against “disparate treatment” is articulated in section 703 (a) of the Act, which states:

It shall be an unlawful employment practice for an employer 1) to fail or refuse to hire or to discharge any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin [. . .]. (Moore 1998, 138)

Following the language of section 703(a), “disparate treatment,” understood as intentional discrimination, occurs when the employer has favored some people over others, and the motive for such disparate treatment is based on religion (Moore 1998, 139). For example, a Catholic grocery store owner only hires Catholics, refusing to hire persons of other religious faiths. A disparate treatment challenge, in other words, is a demand to be treated equally, and the remedy is the uniform treatment of all applicants and employees regardless of religion (Moore 1998, 139). Thus, a Catholic grocery store owner is required to hire applicants of all faiths and let them assume all positions in the store provided they have the proper qualifications. The law will allow an exception for disparate treatment when religion is a “bona fide occupational qualification” (BFOQ) for the job (Moore 1998, 138). For instance, a Baptist-affiliated university may favor the hiring of Baptist applicants, as the teaching and modeling of the Baptist faith may be an essential part of the university’s mission in the way that imparting of the Catholic faith is not an essential mission of a grocery store.

A second kind of employer discrimination as regards religion, however, can involve not “disparate treatment” but “disparate impact” (Moore 1998, 139). The latter form of discrimination is not regarded as intentional discrimination but rather unintentional, and results when otherwise valid, facially neutral employment policy leads to unequal results (Moore 1998, 139–40). A prominent example is *Ambercrombie and Fitch’s* former “look policy,” referenced above, which prohibited its employees from wearing all types of headgear, such as hats and scarfs. *Ambercrombie* argued that because it prohibited all types of headgear and was applied uniformly to all applicants and employees regardless of religion, their policy was not discriminatory. The EEOC and the Supreme Court ruled against the popular retailer, however. The underlying assumption is that, although on its face the policy did not address religion and hence was religiously neutral, it had a disparate impact on observant Muslim women who believe their religion requires them to wear the hijab. A successful disparate impact challenge, therefore, must show that a given policy has a harsher effect, however unintentionally, on members of certain religious groups in contrast to other individuals affected. Thus, a religious conviction to wear a hijab is legally protected, but not the fashion choice to wear a hat or scarf. The remedy to discrimination flowing from disparate impact is not equal treatment but accommodation of difference; the complainant wants an exception to the rule or to be treated differently than others (Moore 1998, 139).

In order to address religious discrimination arising from disparate impact rather than disparate treatment, Title VII of the 1964 Civil Rights Act had to be amended to include a “reasonable accommodation” provision, articulated in section 703 (j) as follows:

The term “religion” includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he [or she] is unable to reasonably accommodate to an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business. (Moore 1998, 140)

Examples of “undue hardship” that would override the employer’s obligation to reasonably accommodate an employee’s religious observance or practice would include overtime wages to substitute workers so that a Sabbatarian would not have to work on Saturdays for religious reason (Moore 1998, 141). Another example is an accommodation that would result in a violation of a collective bargaining agreement, such as accommodating the refusal to work with or do group projects with members of the opposite sex.

Laborde argues that the European Court of Justice, like the U.S. Supreme Court acting under Title VII of the 1964 Civil Rights Act, recognizes that religious discrimination can occur in two ways. Discrimination can be “direct” when similar situations or persons are treated differently (disparate treatment under Title VII) or it can be indirect when a uniform rule imposes an unfair burden on individuals (disparate impact under Title VII) who cannot comply due to obligations arising from their religious membership (CR 63). A prominent example of such indirect discrimination, Laborde suggests, would be the 2004 law in France prohibiting the wearing of “ostentatious” religious symbols in public schools. While facially indiscriminate toward all religious individuals, covering yarmulkes and Christian crosses, its main target is the Muslim headscarf. Thus, the law would actually be a form of “indirect discrimination” against Muslim schoolgirls and an “unfair burden” on “religious minorities” (CR 65, 88, 94). However, unlike European and American law, according to Laborde, “French law is incapable of dealing with such indirect discrimination [. . .] because it postulates that no unfair discrimination can [. . .] occur when individuals (even when situated differently) are treated identically” (CR 64). In other words, while accepting the concept of disparate treatment, which requires remediation, French law rejects the concept of disparate impact and the demand for reasonable accommodation that flows from it.

LAICITÉ AS A RELIGIOUS PRINCIPLE

Religious freedom for French republicans requires not simply separating the state from religion—wherein the state refrains from interfering in religious affairs and even religious expression—but also separating religion from the state, wherein religious institutions refrain from interfering in political affairs

and debate. Laborde calls this the “*laicization*” of French religious groups, and it occurs when religious groups accept that religious life is a private, personal activity having no business in public debate, and recognize that attempts at religious conversion—“proselytism” or religious propaganda—is divisive and threatening to public order and individual freedom (CR 44, 45). *Laïcité*, in other words, imposes obligations on religious groups to support religious liberty by changing their doctrines, practices, and institutions.

Three major transformations, Laborde argues, must occur within religious groups to achieve *laicization*. First, religious life must be privatized and individualized (CR 45). In other words, religious groups themselves must believe in and support the separation of church and state, in addition to the state believing in the separation of church and state. Privatization and individualization of religious life, according to Laborde, was a difficult and protracted adjustment for the Roman Catholic Church in France, as the Church claims to constitute a “total institution,” covering the whole of social, cultural, and political life (CR 45). Yet, in 1964 at the Vatican II Council, the Church accepted “privatization” when it renounced its ambition to bring about a confessional Catholic state, and fully accepted religious pluralism in politics and society. The second transformation required of religious groups is the revision of their beliefs or doctrines to allow for the primacy of state laws over religious prescriptions, for instance in the area of family law (CR 45). The third transformation is “nationalization,” or the recognition that believers must show full allegiance to the French state, not foreign-based religious authorities, such as the Vatican in Rome (CR 45–6). According to Laborde, French republicans historically were particularly suspicious of the Jesuits in this latter regard (CR 46).

The problem with Islam in France today, Laborde explains, is that republicans suspect that unlike Catholics, Protestants, and Jews in the past, Muslims may be unwilling to reform or “laicize” their religion in order to privatize it and ease tensions between their religious and civic identities (CR 46). Islam, for many French republicans, seems incompatible with *laïcité*. As such Islam is viewed much like the Catholic Church was prior to Vatican II. Thus, Islam is seen as an all-embracing communal identity, not a personal or private choice of faith (CR 46). According to Muslim leader Youssouf al Qaradawi, “from the Islamic point of view, everything pertains to religion, and everything pertains to the law” (CR 46). Islam, therefore, does not believe in separation of mosque and state, and has no concept of secularism. Second, membership in the *Umma*, the universal community of believers, overrides national citizenship, and potentially creates a conflict of loyalties between civic and religious allegiances (CR 46). Finally, Islam is seen by French republicans as prone to proselytization, thereby threatening the fragile social peace historically obtained through restraint on religious expression (CR

47). Adding to these negative perceptions of Islam from the point of view of French republicans, are the internal dissensions within Islam itself that have, in the past, prevented the development of a centralized Islamic religious authority in France to act as an interlocutor with the French state (CR 47). According to Laborde, the recent creation of the French Council of the Muslim Cult, through which the French state seeks to entrench the authority over the Muslim community of moderate Muslim leaders who support *laïcité*, is seen as a positive development toward a truly “French Islam” independent of foreign influences and states (CR 47).

LAÏCITÉ AND PUBLIC IDENTITY

Laïcité seeks to have citizens embrace a robust and “homogeneous public identity” that transcends more particular religious, cultural, or class loyalties (CR 41). It wants citizens to think and say, “I am French,” meaning republican—being “French” is not politically neutral—rather than “I am Catholic, Jewish or Muslim,” white or black, male or female, rich or poor. To embrace this civic identity requires an autonomous public sphere protected from interference by particular loyalties, identities, or groups. The historical context of this *laïque* concept of identity, according to Laborde, is the struggle with the Roman Catholic Church in the nineteenth century for control over the public sphere, known as the “Conflict between the two Frances” Catholic and republican (CR 42). In this conflict, the Church sought to control the public sphere by holding a near monopoly over primary education. Moreover, Laborde argues that in Catholic primary schools prior to 1884, children were socialized into an explicitly anti-republican culture; children were taught deference toward traditional authorities, tolerance for natural and social inequalities, and sectarian adherence to the Church, all of which was anathema to the Revolutionary principles of 1789 (CR 49).

Republicans in the nineteenth century, however, wanted to transform “believers” into “citizens,” “Catholics” into “republicans,” and “peasants” into “Frenchmen,” with explicitly shared public values of democratic and egalitarian citizenship independent of religious faith (CR 42). This meant that control over primary education had to be wrested from the Church, which was effected by the 1884 Educational Laws. The Educational Laws established the republican school that would provide free, compulsory primary education to both girls and boys, subjected to a nation-wide uniform curriculum (CR 49). The republican state school, conceived as a “public space” rather than an extension of the family or local community, was not politically neutral; state schools were openly anti-monarchical and pro-republican, understanding their mission as fostering a sense of integration, mutual respect, and civic

commonality between all children (CR 50). The state school, in other words, is the primary vehicle for creating the homogeneous public identity that *laïcité* intends French citizens to adopt.

The political mission of the state school, republicans believe, requires strict religious neutrality (CR 50). Examples of such neutrality in state schools are the removal of all religious signs, such as crosses, from classrooms, and importantly, teachers must strictly refrain from endorsing or criticizing religious values (CR 50). Teachers are understood as “public servants” who must embody the *laïcité* doctrine of state neutrality, which requires, as noted above, a “*devoir de réserve*” or restraint on religious expression. The religious neutrality of the state school, Laborde explains, allows republicans to conceive of the school as a “sanctuary” from divisive sectarian-moral divisions that threaten to tear civil society apart (CR 51).

THE BAN ON THE HIJAB

The 1884 Educational Laws require strict neutrality or restraints on expression on the part of teachers understood as public servants or providers of public services. The 2004 law banning the wearing of the Muslim headscarf in state schools enacted a significant innovation to the 1884 laws. The 2004 law, Laborde explains, requires neutrality or restraints on expression not just from teachers but students as well; not just from the providers of a public service but from their “receivers” as well (CR 53). The problem with this innovation, Laborde argues, is that students themselves, or “receivers” of state services such as education, are not state actors and thus in no way can be understood as representing the neutrality of the state (CR 53). Thus, Laborde reflects on how France came to the 2004 ban, which sought to restrain the religious expression of students as well teachers.

The “hijab controversy,” as noted above, began in 1989 in Creil when two girls arrived in school wearing the headscarf. In 1994, Education Minister Francois Bayrou issued a directive that stated the hijab is an “ostentatious” religious symbol—the hijab itself is a form of “proselytism”—and as such it constitutes religious discrimination that defeats the schools’ mission of “integration” and homogeneous “identity formation” (CR 52–53). How can the hijab itself be a form of religious discrimination? According to Laborde, for French republicans, religious signs separate or divide students from each other; they separate believers from non-believers, Muslims from non-Muslims, “good” Muslims from “bad” Muslims, men from women (CR 54). As such, religious signs infringe upon the “difference-blind equality” between all students that the school is to maintain (CR 54). Moreover, tolerating the hijab would create a special exemption from the obligation of restraint otherwise

required from other believers, who must refrain from wearing such items as yarmulkes or crosses.

Bayrou's directive singling out the hijab as an ostentatious religious symbol that constitutes discrimination, laid the groundwork for the four premises Laborde identifies as underlying the 2004 ban. The first is that the Muslim headscarf is an intrusion of religious identity into the secular public square, which is supposed to be protected from sectarian divisions (CR 53). Second, the headscarf asserts "the primacy of the believer over the citizen," and hence one's private religious identity over one's public, homogeneous civic identity, symbolizing, for republicans, "the refusal by Muslims to separate their identity as citizens from their private religious identity" (CR 53–54). Third, the hijab points to the problem of what the French call "a la carte schooling," whereby parents' organizations and local and religious communities reshape or even nullify the universal curriculum to accommodate their private differences or needs (CR 54). For instance, Laborde cites concerns that the request to allow girls to wear headscarves is often accompanied by other requests such as exemptions from physical education or biology classes, or not having to do group projects with the opposite sex (CR 54).

The fourth and most important premise, I would argue, of the 2004 ban is that the wearing of the Muslim headscarf undermines the religious freedom of others who are not wearers (CR 54). To me this is the most interesting premise of the ban, as Laborde describes it, and points to a key difference in the way that French republicans and American political liberals understand religious liberty. According to the fourth premise, the argument proceeds as follows: children in primary and secondary school are at a "vulnerable" age, and if exposed to the "ostentatious" religious behavior of others, such as wearing the hijab, the freedom of conscience of these vulnerable children may be infringed (CR 54). This line of thought, I would argue, is very different from the American understanding of the "free exercise" clause of the First Amendment. The "free exercise" clause is usually understood as protecting the freedom of conscience and expression of the person engaging in the religious behavior, in this case the wearer of the hijab, against opposition. In France, by contrast, it appears that *laïcité* principles seek to protect the freedom of conscience and expression of the person *not* engaging in the religious behavior—in this case those who are not wearing the hijab—against those who are.

What does it mean to protect the freedom of conscience of those persons *not* engaging in the contested religious behavior? Out of Laborde's description of the official republican understanding of *laïcité* and the premises that underlie their ban on the hijab, I would reconstruct something like the following line of argument I believe French republicans are making. First, if the hijab is tolerated in public schools, non-wearers are made to feel that their religious

beliefs and values are defective. For instance, girls not wearing the hijab are implicitly pointed to as immoral because they are not showing due modesty as girls should. Likewise, boys whose mothers and sisters do not wear the hijab are made to feel that the female members of their family are immoral. All this even though the parents of these children are taxpayers whose taxes support the public school. The second problem, given that the hijab itself is a form of proselytism, is the problem of conversion. For instance, you send your non-Muslim daughter to school, a “sanctuary” that you believe is religiously neutral, and being consistently exposed to the headscarf by her friends, she converts to Islam. Isn’t this a violation of her and her parents’ freedom of conscience? The headscarf had an undue influence because there were no other religious symbols in the school to compete with it.

If I am correct that in imposing the 2004 ban on the hijab in state schools, French republicans are following some such line of thinking as I sketch above, important questions present themselves: Are French republicans worried about French children becoming Muslim? If so, are they not implicitly acknowledging a problem with *laïcité* and enforced state neutrality or secularism in public schools? If you empty public schools of all religious symbols and expressions from the country’s past—in France’s case Catholic symbols—creating the so-called “naked public square,” will children and youth be drawn to the only religious symbols that they *do* see—the hijab—and the religion it symbolizes, Islam? Moreover, isn’t this an underhanded acknowledgment by French republicans that children and youth *naturally* seek transcendence—beyond their homogeneous public identity—and will be drawn to that—Islam—that offers it to them? Isn’t it an acknowledgement, in other words, that the state cannot suppress the soul completely?

NATIONALISM AND THE REJECTION OF COSMOPOLITANISM

Laborde, who associates herself with a “critical republicanism” in opposition to the “official republicanism” she sees behind the 2004 ban on the hijab in state schools, commonly addresses the ban as a rejection not just of religious expression in the public square on the part of official republicanism, but of civic multiculturalism as well (CR 61–63, 72–73, 80, 83). Official republicans reject cultural diversity in the public square, Laborde argues, because such diversity mitigates against the homogeneous public identity that they believe *laïcité* guides the citizen body in France to achieve. I would argue, however, that the ban is not simply a rejection of civic multiculturalism, but of cosmopolitanism or of “global citizenship” as well. What is meant by “global citizenship” in this context? Laborde herself and other “critical republicans,”

I argue, have a concept of it even if they do not explicitly term it as such. This comes out most clearly in Laborde’s admittedly unorthodox proposal from the critical *laïcité* perspective, that the contemporary French state provide public subsidies for the building of mosques (CR 94).

Laborde comes to this admittedly unorthodox and counterintuitive conclusion—most critical republicans believe the 1905 Separation Law prohibits the use of public funds for the building and maintaining of places of worship—by first arguing that the legal prohibition against “ostentatious” religious symbols in public schools, although facially indiscriminate toward all religious individuals, is actually a form of “indirect discrimination” against Muslim schoolgirls and an “unfair burden” on “religious minorities” (CR 65, 88, 94). In other words, whereas, for example, neither the wearing of the cross nor the covering of the hair for either sex is a religious obligation for Christians, it is for observant Muslim girls and women (CR 65). Although the Jewish yarmulke may be in a similar situation to the headscarf, Laborde claims that the existence of Jewish private schools mitigates against the costs of its exclusion from state schools (CR 65). The requirements of *laïcité*, therefore, as this example shows, produce less tension for Christians between their private, religious identity and their homogeneous public identity than it does for other religious minorities, especially Muslims. Thus, Laborde argues:

Official *laïcité*, insofar as it urges religious minorities to respect the principle of separation, imposes unfair burdens on them, in cases when historically established religious groups have benefited from favorable treatment by the state. The problem here is how to achieve equality between religions under status quo, non-ideal conditions. The basic critical republican intuition is that status quo entitlements [. . .] which burden minority religious groups must be corrected or compensated for. Only then can we guarantee the (roughly) equal opportunity to practise Islam under institutional conditions which, while requesting that minorities abide by the “hard rules” of secular restraint, entrench customary “soft rules” which in practice favour historically established religions. (CR 88–89)

The “historically established religions” that Laborde refers to in this passage are Christian, particularly Roman Catholic Christianity. The “hard rules of secular restraint” imposed on Muslims in contrast to the “soft rules” imposed on Christians, in this context is the prohibition of religious expression in the public sphere, which require Muslim girls and women to remove the headscarf whereas Christians do not have to remove anything; in Christianity crosses and other pieces of clothing are not religious obligations. Yet, what does Laborde mean when she references how Catholic Christianity has “benefited from favorable treatment by the state,” such that “the (roughly) equal opportunity to practise Islam” requires that these benefits be “corrected or compensated for”?

Laborde argues that fundamental to religious freedom is, “the availability of suitable places of worship,” and notes that, “Scholars agree that the establishment and maintenance of a place of worship is part of the fundamental rights of religious freedom enjoyed by everyone in Europe” (CR 94). Given this fundamental right of “free exercise” combined with the fact that Muslims in France are demographically significant yet economically poor, an exception to the principle of separation should be made and the French state should subsidize the building and maintaining of mosques for the permanent Muslim community under its jurisdiction (CR 94). Laborde is emphatic in this proposal, claiming:

This is all the more legitimate, I would argue, because Catholics still benefit from pre-1905 advantages: [. . .] houses of worship built before 1905 continue to be state property and are maintained by local municipalities. Thus, it is incorrect to speak of compensating Muslims for the fact that they did not benefit from state help *before* 1905: strictly speaking, Muslims should be compensated for *present* disadvantage, as public money is being channeled towards the maintenance of (mostly Catholic) churches. Helping Muslims build mosques, then, would rectify this exorbitant historical privilege while facilitating the exercise of religious rights. (CR 94–95)

Before analyzing Laborde’s argument in this passage, I must clarify what I believe is a rhetorical sleight of hand, as it were, on her part. Laborde tries to insist that she believes the French state should subsidize the building of mosques for *present* disadvantages Muslims suffer when public money is used to maintain Catholic churches—remember, for example, French President Macron’s promise to rebuild after the 2019 fire that swept through Notre Dame Cathedral in Paris. Yet, I would argue that if the French state had built and maintained synagogues or mosques *before* 1905, public money at *present* would be used to maintain these buildings and not Catholic churches—think of secular governments in Turkey for decades using public money to maintain the *Hagia Sophia* and the Blue Mosque. Thus, the apparent disadvantage Muslims suffer at *present* when public money is not used to build mosques stems from French history *before* 1905; it is this history that Laborde is actually addressing and taking issue with.

Roughly speaking and without being an historian, for centuries the Catholic Church in France, with the acquiescence of local and royal authority, built Catholic Cathedrals and Churches for the Catholic faithful. After 1789 cathedrals and churches for the most part came under the control of the French State, but the Concordat of 1801 allowed Catholics free use of these state-owned buildings. After the 1905 Separation Law, public money was still used to maintain these buildings for cultural, economic, and religious purposes; as Laborde notes no one raised an eye when the official burial for Socialist

President Francois Mitterand took place at Notre Dame Cathedral, or when the republic celebrated “in great pomp the anniversary of the baptism of the first medieval Christian King, Clovis” (CR 69). It is this more than 1000-year history that I believe Laborde and other critical republicans are taking issue with. Their line of argument is, I believe, something as follows. Catholics were living in the territory commonly known as France during this 1000-year history, so political authorities allowed this Catholic religious group to build churches and generally have their religious beliefs and values adopted by the people living in this territory. This, however, was unfair to Muslims who were not yet living in this territory; because they were not living in the territory at the time they did not have the opportunity for public funds to be spent on them in this way and for their religious beliefs and values to take root. Muslims who do now live in the territory we call France must be compensated for this “exorbitant majoritarian historical privilege” that Catholics benefitted from. The best way to compensate Muslims for this historic injustice is to publicly subsidize the building and maintaining of mosques as was done for churches in the past, and to let Muslim girls and women wear the hijab in the public square, including public schools.

If this line of argument is correct, it is in this sense that I argue that Laborde and critical republicans have a concept of “global citizenship”: any individual or religious group living at any time in history and located anywhere on the globe has, in theory, rights from or claims against the French state. In practice, however, these individuals and groups can only claim their rights when they or their descendants arrive in the territory under the control of the French state, and when they do the French state must make retroactive recompense, as it were, to these new arrivals. It is also in this sense that I think official republicans, who oppose the public subsidy to mosques and tolerating the hijab in the public square, are making a nationalist assertion against this concept of “global citizenship.” I believe they would argue that France, its territory or land and its people, is contextualized or is a unique place with a unique history. The current French secular state recognizes that it governs a nation that has this unique history and place, and thus that to be a citizen of France today is not to be a citizen from any decontextualized time and place—a citizen *as such* or always in *potentia*, as it were—but a particular, contextualized citizen living today in a nation that has this unique history and place.

NOTES

1. Sarsour 2018: 2.
2. Sarsour 2017: 2.
3. Sarsour 2017: 3.

4. Sarsour 2017: 1.
5. Sarsour 2018: 1, 4.
6. Levine 2015: 2.
7. Levine 2015: 2.
8. Levine 2015: 2.
9. Levine 2015: 2.
10. *The Local France* 2017: 2.
11. Laborde 2008: 32. Hereafter in notes and text CR and page number.
12. *New York Times*, 2018.

REFERENCES

- Laborde, Cecile. 2008. *Critical Republicanism: The Hijab Controversy and Political Philosophy*. Oxford: Oxford University Press.
- Levine, Marianne. 2015. "Supreme Court Rules against Abercrombie in Hijab Case," <https://www.politico.com/story/2015/06/ambercrombie-fitch-hijab-case-supreme-court-ruling-118492>, accessed 10/10/2018.
- Moore, Kathleen. 1998. "The Hijab and Religious Liberty: Anti-Discrimination Law and the Muslim Women in the United States," in *Muslims on the Americanization Path*, edited by Yvonne Yazbeck Haddad and John L. Esposito, 129–58. Atlanta: Scholars Press.
- New York Times*, 2018 (September). "Brett Kavanaugh's Opening Statement: Full Transcript," <https://www.nytimes.com/2018/09/26/us/politics/read-brett-kavannahs-complete-opening-statement.html>, accessed 06/11/2019.
- Rousseau, Jean-Jacques. 1987 [1762]. *On the Social Contract*, translated and edited by Donald A. Cress. Indianapolis: Hackett Publishing Co.
- Sarsour, Linda. 2017 (June). "I am a Hijabi Feminist," https://www.huffingtonpost.com/entry/I-am-a-hijabi-feminist_us_593c78b4e4b014ae8c69e11d, accessed 10/16/2018.
- Sarsour, Linda. 2018. "Muslim Women," <https://www.cnn.com/2018/02/17/middleeast/macys-hijab-debate/index.html>, accessed 10/16/2018.
- The Local France*. 2017 (March). "French Firms Told They Can Ban Staff from Wearing Muslim Headscarves at Work," <https://www.thelocal.fr/20170314/french-firms-told-they-can-ban-the-muslim-headscarf-at-work>, accessed 10/10/2018.

Chapter 13

Demos or No Demos?

Citizenship and Democracy in the EU

Claudia Wiesner

In Political Science and EU studies, the EU's democratic deficits have been intensely debated regarding the strengths and weaknesses of the EU's institutional system since the 1990s (for an overview see Føllesdal and Hix 2006). A second strand of the democratic deficit debate regards the question of whether the EU has, or can obtain, a proper democratic subject, a *demos*. This strand hence regards the affective dimensions behind the mechanisms of legitimation in representative democracy. Input legitimacy, this is the core argument, requires a democratic subject, a *demos*, which has a certain affective link to the EU. In the academic debate, it is often argued that the EU population is a long way from being such a *demos*. This is a decisive conceptual move: if there is no *demos* that democracy can legitimately be grounded on, on which basis should the representative institutions work? Such arguments inevitably lead to favoring the output or throughput parts of legitimacy, as has been repeatedly claimed by Fritz Scharpf (1999). But is this really the royal way out? To clarify these questions, this chapter links both perspectives in discussing the question of EU *demos* formation. It discusses, first, to what extent EU citizenship as it stands can be regarded as democratic citizenship. Second, the *demos* question is discussed in a theoretical-conceptual perspective and regarding some core empirical findings in this respect (for a previous version of the following arguments, see Wiesner 2019).

CITIZENSHIP AND ITS FOUR DIMENSIONS

Citizenship is a core concept for modern representative democracies in several respects. It not only defines the *demos* (or the democratic subject, or the sovereign) in a legal and political sense, whichever kind of political system is

concerned. Citizenship also concerns the practice of the relationship between citizens and politics with regard to the conceptual subdimensions of the *conditions* of access; the legal consequences of citizenship in the sense of a citizen's *rights* and a citizen's *duties*; and the *active content* of citizenship, that is, political participation and activity (Marshall 1950; see in detail Wiesner et al. 2018b; Wiesner and Björk 2014). These dimensions shall now be briefly specified in order to allow for a discussion of the EU setting in this context.

The first conceptual subdimension is access, which in the nation-states is regulated by nationality laws. The second dimension is rights. In order to further assess the changes to the concept of citizenship in the EU system, it is useful to dwell further on a categorization by T. H. Marshall. His classical distinction (Marshall 1950) differentiates between three different types of rights: freedom rights, political rights such as the right to elect and to be elected, and—historically seen, these are the youngest—social rights. With this distinction, Marshall describes both the historical course of the development of the citizenship status in national states and the different types of citizenship rights derived from this development. Even if Marshall's categories have since been subject to justified criticism—mainly because they rely on a reality of classical gender and ethnic divisions characteristic of the 1940s Western nation states—their core idea is useful. In addition to Marshall, I suggest complementing his list with a “right to protection by the state” (internal security), which can be distinguished as the oldest citizenship right (interestingly, not listed by Marshall), and with cultural rights (Kymlicka 2002; Turner 1997; Young 1990), which were not yet debated in Marshall's times (see also Wiesner and Björk 2014; Wiesner et al. 2018b).

The third conceptual subdimension classically associated with citizenship in representative democracies is citizen's *duties* such as the duty to go to school, to do military service, and to pay taxes. The fourth dimension, finally, is *active citizenship*, referring for instance to active and passive participation in elections, political activity, and public discourse in representative democracies. I suggest terming the total of these four dimensions of citizenship the *citizenship acquis of the twentieth century* (see also Wiesner and Björk 2014). How is EU citizenship to be assessed against this background?

EU CITIZENSHIP AND DEMOCRACY: ELEMENTS, PARTICULARITIES, AND FLAWS

The development of European citizenship over the decades has been very impressive: what started out with limited market participation rights ended in a comprehensive catalogue of fundamental rights, some social rights, and elementary political rights (see in detail Wiesner 2007, 2019). A positive

view on this development is highlighted by the famous quotation by Hannah Arendt in *The Origins of Totalitarianism* (1951, 2004). She discussed citizenship as “the right to have rights,” which used to be limited to the possession of a nation-state nationality. With EU citizenship, this right to have rights is now additionally directed to a new, second polity level. An EU member state national enjoys rights because he or she is a member state national *and* because he or she is an EU citizen.

But there is another side to the coin: *regarding what EU citizenship contains, how it has developed, and who the decisive actors in influencing and pushing forward this development were.* My central result relativizes this seemingly positive first conclusion and can be summed up in one sentence (Wiesner 2007):

EU citizenship is a derived, sectoral, multilevel, passive, legal citizenship without duties.

What does this mean for the first leading question of this chapter, that is, whether and to what extent EU citizenship as it stands is democratic citizenship, or to what extent it can work as the democratic sovereign and the democratic subject of the EU (for similar arguments see Kostakopoulou 2007; Closa 1995; Besson and Utzinger 2008; Wollenschläger 2011)?

- 1) The EU has no proper nationality, but the status of EU citizenship is derived from the member states nationalities. This has no direct consequences for the question of whether or not it is democratic citizenship, because EU citizenship still defines a citizenship that can be active. Nevertheless, it creates a kind of second-hand linkage of EU citizens and the polity concerned: the EU as such does not have a sovereign, but it pools the sovereigns of the member states.
- 2) EU citizenship is sectoral citizenship: Looking at the EU with Marshall’s classical distinction in mind, one notices a decisive difference to representative national systems. In a nation-state, a person who acquires a nationality also acquires the whole range of protection and liberties guaranteed by that *acquis*, whereas in the EU, the range and strength of the rights ensuing from EU citizenship differ in different policy areas and sectors. The first sector is what can be called market or economic citizenship—a citizenship that only concerns persons who contribute to the EU common market, be it as customers, producers, workers, or providers. But in that limited sector, from the beginning of European integration, citizenship has had the character of a direct and clearly defined relationship between individuals and the EU. As in the nation-states, rights can be claimed. Therefore, the interesting thing about this economic citizenship is that—unlike what happened in the construction

process of nation-states – it contains freedom rights and social rights, but is not comprehensive. The rights concern only the limited scope of the policy area of the common market. Moreover, most of the rights are freedom rights like free market access, and there are only a few social rights. This means that economic EU citizenship has fixed only parts of the classical citizenship rights *acquis* at the EU level, whereas the other parts have remained at the national level.

With the Maastricht Treaty, Union Citizenship introduced a first but rudimentary bunch of rights that were applicable to all EU citizens irrespective of their participation in the market, such as the right to free movement in the EU, and it defined political rights, the right to vote in municipal and EP elections in the country of residence. This catalogue was much enlarged by the Charter of Fundamental Rights. It must be said, though, that particularly some social rights that have been gained in the member states, like the right to have work, have not been included. But this does not change the fact that EU citizenship is still sectoral. This raises some problematic prospects for its functioning as democratic citizenship because of its next characteristic:

- 3) EU citizenship is multilevel citizenship, as citizenship rights in the EU are spread among different levels. Moreover, we find essential differences in the density of rights, laws, and the means of their application when looking at the nation-states and the EU. While for several economic questions the EU level is the decisive one, social rights remain nearly entirely at the national level. The economic part of EU citizenship is clearly “thick,” whereas political and social citizenship are “thin,” and still other classical parts of citizenship do not exist at the EU level. This is of course a consequence of an integration process centering on economic integration and a common market—but in the sense that democracy also necessitates fundamental social rights, this means that democratization of the EU will depend on their being guaranteed at the national level (see Wiesner 2019, 249–60).
- 4) EU citizenship is passive. This conclusion contains several crucial problems for the question of whether it is democratic citizenship. First, citizenship policies and programmes that are led top-down by EU and nation-state institutions are currently dominant in the EU. To put it polemically: EU citizenship policy is very much similar to EU telecommunication policy. Bottom-up citizenship practice in the shape of active citizenship going further than participating in EU referenda or voting for the European Parliament (EP) is only in its infancy—but lately there have been growing activities of nongovernmental organizations, petitions to the EP, and even EU-wide demonstrations. This means that, in the EU, the passive use of rights by citizens is more important than their active

use. This also means that EU citizenship today does not consist in much democratic practice or active citizenship.

- 5) EU citizenship is legal citizenship. It broadened the range of rights EU citizens can profit from in member states that are not their home countries, and it contains a range of modern citizenship rights that broaden the classical *acquis*, particularly to the areas of nondiscrimination and equal treatment. This means that, in the EU, a new layer of citizenship rights has developed, and that the range of citizenship rights the EU provides in some areas is broader than those of the nation-states, even if the formal legal situation has often been further advanced than the practice. I nevertheless suggest speaking of a step from economic to legal citizenship in the EU that was begun with the Maastricht treaty and accomplished with the charter, in spite of the criticisms one may have regarding the range of the rights that are included, and even if legal citizenship remains incomplete in light of the resulting laws and their implementation.
- 6) Finally, there are no EU citizens' duties. This is directly related to the fact that the EU does not have its own disciplinary institutions (like a compulsory EU army), and it can be judged a positive aspect of EU citizenship as democratic citizenship. As EU citizenship comes along without compulsory duties, it better fit into a normative ideal of freedom of access and mutual consent to a political community.

Citizenship Development and Democratization: A Comparative Look on the Nation-State

In order to further judge the process and the state of the art of EU citizenship formation and its relation to representative democracy, I will now have a short comparative glance at the processes of the formation of the democratic citizenship *acquis* in two Western representative democracies that are dissimilar in many respects, Germany and France (see in detail Wiesner 2007). Briefly said, there is one main similarity, and three are three decisive differences:

- 1) The similarity concerns the institutions and institutional actors that shaped citizenship in the nation-states. They developed step by step, as did the citizenship rights *acquis*. Both were often linked, like the development of parliament and its competences, which often went along with the development of the right to vote. This is similar to what is happening today in the EU. The EU development in fact shows significant similarities to the "late federal nation state" of Germany. But, different from the EU, the development of national citizenship was characterized by processes of inclusion and exclusion, the work of disciplinary institutions and bottom-up initiatives and activities.

- 2) A decisive factor in the development of national citizenship in France as well as in Germany has for many years been settling the question of who belonged to the state and who did not. The criteria of inclusion and exclusion were decisive—be it because it is important for a state to know who exactly has to do military service, or be it because the growing political rights necessitated a clear definition of those who could profit from them (Brubaker 1992; Gosewinkel 2001; Weber 1979). The EU also shows conflicts around the question of inclusion. But these conflicts, different from the nation-states, are not carried out by nationality laws and the related policies, because these lie with the competences of the member states. The debate regarding the EU, first, centers on the inclusion, or the exit, of states, not of persons. Moreover, EU citizenship is also exclusive, but it is a derived exclusion: EU citizenship takes over not only the inclusions but also the exclusions effected by national citizenships.
- 3) Both in France and in Germany, the nation-state governments used their disciplinary institutions to shape citizenship and identity, or to “create subjects” in the Foucaultian sense (Foucault et al. post 2006, 2004) through school and military service. In France, for example, it was school that furnished a first part of the republican education, and the military that was said to be the second step in that process of “making peasants into Frenchmen” (Weber 1979). In both institutions, people were taught how to behave as a good republican French citizen. Since these processes only work if citizens have to attend the respective institutions, these disciplinary institutions went along with the definition of far-reaching citizens’ duties (Gosewinkel 2001; Brubaker 1992).
- 4) In both France and Germany, bottom-up initiatives and fights had a decisive role in the development of citizenship and citizenship rights, be it in the French revolution or in the fight for women’s suffrage in Germany in the late-nineteenth and early-twentieth centuries. Contestation and participation were decisive in shaping citizenship, and there have been several battles about citizenship rights. Without them, today’s citizenship *acquis* would not be as broad as it is (see in detail Wiesner 2008). The importance of initiatives that try to use or to broaden their rights in a bottom-up way, in contrast, is currently small in the EU. But this was also the case when the first bottom-up initiatives in the nation-states began.

Two intermediate conclusions follow: First, national citizenship has been shaped in its development much more than EU citizenship by both top-down citizenship policies and bottom-up citizenship practice. And, second, whereas national citizenship therefore also served the needs of a nation-state, EU citizenship is adapted to the needs of the EU. It is a non-nation-state citizenship, without proper duties, proper disciplinary institutions and without a link to

the idea of a nation. It is, of course, adapted to the logic of the EU and its common market—nondiscrimination rights may be judged a gain in citizenship rights, but also as a condition to make a common market function. EU citizenship has a logic of its own.

DOES THE EU NEED A DEMOS AND AN IDENTITY?

Having thus drawn an account of EU citizenship as it stands, the focus will now be on the second question raised at the beginning of this chapter, the question of demos formation. I have discussed the question of whether the EU can develop a full-fledged demos and whether it is on the way in this direction elsewhere (see in detail Wiesner 2014). For the purposes of this chapter, I will address the main questions and arguments in the conceptual academic debate. The question of EU demos formation has been raised particularly in German contributions, which have argued, first, that a mere democratization of EU institutions (like an improvement of the competences of the European Parliament) is not sufficient (Scharpf 1998; Kielmannsegg 1996; Habermas 1999b) because representative democracy needs to be based on a democratic subject, a demos.

Following Lincoln's well-known formula (Lincoln 1863), democracy is government of, by, and for the people. This leads to distinguishing three decisive directions and components of the relations between citizens, their representatives, and government. The input dimension refers to the citizens and their rights and possibilities for participation and contestation, as well as the right to elect their representatives. Throughput refers to the representatives being accountable; the procedures of election and government in the representative system must be organized transparently and follow the rule of law, and possibly the ideal of the separation of powers (Schmidt 2013). The output dimension refers to the decisions taken by the representatives satisfying the majority of the represented.

It is the input dimension that is of utmost importance to the question of demos formation, as it entails a decisive normative interrelation between the practice of democracy and the development of a demos: Democracy, no matter if it is conceptualized following a republican, communitarian or liberal ideal, needs not only elections and citizenship rights, but also a minimum of democratic practice (meaning participation, contestation, and representation). As a consequence, democratic institutions and procedures must be carried out and should also be actively filled by a democratic subject, a *demos*, that defines itself as such, at least to a minimum extent. This self-definition and self-identification of a democratic subject, then, can be termed democratic identity (see in detail Wiesner 2014), and it is necessary in a democratic

polity for several reasons: It is a condition for political activity that the demos be at least conscious of the fact that it is linked to a respective polity—that is, people should consider themselves as members of that polity. If this is not the case, people will not direct their political activity to it. Moreover, to make redistributive policies acceptable, the members of the demos should mutually identify themselves as such—again, if this is not the case, redistributive policies are not impossible, but will be hardly accepted beyond a minimum degree (Wiesner 2019, 249–60). I hence argue that the democratic subject needs, at least to a minimum extent, a) to define itself as such (mutual recognition of the citizens or demos members), b) to identify with the EU as a polity (e.g., by identification and support), and c) to be politically active in the EU as a polity (Wiesner 2014, 38–43). Thus far, I agree with the argument made in the *demos* debate.

THE CHICKEN AND EGG QUESTION OF DEMOS BUILDING

When it comes to the development of a *demos*, the academic debate, particularly in Germany, also indicates that there are two approaches to the processes that can or will lead to EU *demos* formation. First, there are the adherents of the *no demos thesis*, many of them German academics. Their argument can be summed up as such: currently, the EU does not show—or does not show enough of—a democratic identity among the population, a European public space, or a European civil society. Therefore, it lacks crucial elements of a *demos*. These are seen as preconditions (not only conditions) for EU democratization by the defenders of the *no demos thesis*, for whom further democratization of the EU would not only be unwise, but could also be dangerous from a normative point of view (e.g., Scharpf 1998; Kielmannsegg 1996).

What is the main content of the argument? The *no demos thesis* postulates a normatively binding chronological succession of *demos*-building and democratization. It argues that *before* institution-based democratization (like an empowerment of the European Parliament) may take place, the development of an EU *demos* is needed, consisting in the development of a European identity, a European public space and a European civil society. The *no demos thesis*, in sum, postulates a pre-political identity as a *precondition* for the further democratization of the EU. It implies a formula that claims democratization has to follow *demos*-building. This also, and obviously, means that the legal framework of European citizenship described above is insufficient for establishing a *demos*. Looking at the current debate on the EU, one notices that the *no demos thesis* is still frequently defended (see e.g., Streeck 2014).

The opposing approach is more constructivist and claims that this postulate must be declined, first from a normative point of view: democratic identity as well as a European public space or a European civil society can and probably will develop within (representative) democratic institutions and democratic practice. It is democratic citizenship that enables this development (Habermas 1999a; Lepsius 1990). Moreover, as will be argued in more detail later, pre-political identities do not exist. A comparative look at historical *demos*-building processes shows that identity formation first and democratization following has simply never occurred in practice in the simplified way suggested by the defenders of the *no demos thesis*.

To sum up: the *no demos thesis* is much too simple, because *demos*-building processes are far more complex and consist of mutual dependencies between institutional components and different aspects of democratic practice. Furthermore, the *no demos thesis* is circular, because it implies a permanent repetition of negative circumstances that must forever hinder *demos*-building.

But the discussion that has been briefly sketched underlines some important aspects that characterize the relation between *demos* formation and democratization: first, the *demos* question is crucial for the further democratization of the EU, since democratization is not only to be understood as institution-based, but also as the development of democratic practice. Second, both of the approaches that have been presented hint at four decisive components of a *demos*: a democratic identity, a European public space, a European civil society, and democratic citizenship. They also agree on the fact that at least three of these elements—democratic identity, a European public space, and a European civil society—are currently missing or incomplete in the EU.

But the two approaches disagree; first on the question of whether a European *demos* can or will develop, because they disagree, second on the presumed ways and chronological orders in which it could develop. Whereas the *no demos thesis* claims the normative ideal of *demos*-building preceding democratization, which has been discussed and rejected, the more constructivist approach is based on the idea that *demos*-building and identity formation will go hand in hand with the development of democratic practice. The syllable “pre” in this respect indicates a decisive normative as well as methodological difference: *demos*-building is not a precondition for EU democratization, but an indicator of a sufficiently successful democratization process.

Following this normative and conceptual perspective, the chances of EU *demos* formation can be characterized as follows: the EU is not at the beginning of its democratization, but it is—despite its democratic deficits—the best-developed example of a democratically organized transnational political entity. Therefore, the development of an EU *demos* and its elements is no longer at its strict beginning, either. But the four *demos* elements mentioned

have not yet reached an equal status quo: although EU citizenship, at least in a legal sense, has been developing decisively over the last twenty-five years, active citizenship has not developed to a similar extent. The same is true for the development of a European public space and an EU civil society, as well as for the development of a European identity. But democratic identity (as well as a European public space and a European civil society) can (and probably will) further develop through democratic practice and active citizenship at the EU level. It can be assumed that the development of the *demos* elements of citizenship, identity, public space, and civil society will be mutually interdependent. The further discussion will concentrate on the component of self-definition of a *demos*, democratic identity.

WHAT IS EUROPEAN IDENTITY?

It is no surprise that since the 1990s the question of further EU democratization has been increasingly discussed in relation to the question of the formation of a European identity. But what exactly does European, or EU identity¹ mean from a normative and methodological point of view? As has been said above, democratic identity means the self-identification of a democratic subject. EU identity, then, is often depicted as a type of “collective identity.” Constructivist research on nationalism of the last decades has shown that this term needs to be further specified and criticized. The results of the research of Benedict Anderson (2006), Ernest Gellner (1997), and Eric Hobsbawm (2008) can be summed up as follows: first, collective identity is not something that is naturally existing or pre-political, but is socially constructed. Second, collective identity is not static, but open to change. There are no stable collective identities, only narratives that are historically changing. Third, democracies do not rely on a homogeneous people or nation, but on heterogeneous societies comprising multiple different groups and interests. Fourth, even though they are related to regions or countries, identities are not necessarily linked to fixed geographical areas. Fifth, there are no simple or monolithic identities. Identities, on the contrary, are always complex and they express belongings on all levels of human existence. Sixth, the term collective identity can only be used in the sense that collectively shared memories, values, and identifications are always a part of individual identity.

This means that the phenomenon can be more accurately termed a collective pattern of individual identifications than a collective identity in the proper sense. These collective patterns of individual identifications are socially constructed. What is at stake is that the EU population needs to develop a minimum level of identification with the EU polity and a minimum set of collectively shared values. It also needs a minimum level of civic trust

in and support of the EU (the next question is, of course, what “minimum” might mean in this sense). A second idea from more recent democratic theory is relevant when asking how to conceptualize European identity from a normative point of view: Democratic identity must be respectful of difference, because otherwise the collective patterns of identifications and values can offend individual identities in multiple ways. This means that democracies need to be respectful of differences in race, class, gender, religion, and culture (see, e.g. Habermas 1999b; Benhabib 2008, 1996; Taylor 1994). This normative premise can result in multiple tensions, because one easily reaches conflicting points between individual and collectively shared patterns of values or identifications. The potential conflicts, for instance, are illustrated by the question of whether Muslim headscarves, or burqas, should be allowed to be worn in public or even in carrying out public office, or in cases where fundamentalist Christians want to prevent their children from going to school, which in a number of EU countries is a compulsory duty.

Such tensions between individual and collectively shared values and norms cannot be discussed here in more detail, but it has to be underlined that they teach important lessons for conceptualizing European identity. Even in relatively well-integrated Western nation-states, it proves difficult to balance democracy and difference. But the European Union is much more heterogeneous than a single one of its member states. Therefore, claiming that European identity must enable a minimum set of shared democratic values while preserving a maximum respect for difference is a challenge, which will inevitably lead to a considerable number of conflicts. There is huge variation and several different opinions on what should even be the range and content of that minimum set.

Nevertheless, from a normative point of view, what is clear after these considerations is that the EU polity will have to rely on a set of mere political and democratic fundamental values. The EU is a political community based on currently twenty-eight different nation-states, their respective cultures, and their differences regarding the role of religion (ranging from a very Catholic tradition in Poland and Ireland, to state religions in Germany and Scandinavia, to *laïcité* in France). If the EU wants to succeed in reconciling democracy and difference, its political values must be as neutral as possible regarding these differences. Therefore, neither culture nor religion can be made part of the EU political values base; rather, Habermas’ model of constitutional patriotism (e.g., Habermas 1999a, 188–91) indicates the way to follow. For this, it will probably help that there are already bases for the definition of core political EU values: the European Charter of Fundamental Rights, the treaties, and the Copenhagen criteria. European identity will also have a character of its own in the sense that it will be a multilevel identity comprising different national models of identification.

To sum up, European identity formation is not a *precondition* for EU democratization, but democratic identity is what defines a *demos*, and the existence of a *demos* is a normative condition for a democratic system that can be termed fully developed. European identity does not have to exist *before* further EU democratization can start, but the degree of development of a European identity will be an indicator for the *quality of the EU democratization process*. The democratization process therefore can well go on without yet having a strong European identity—but from a normative point of view, it should get stronger over time.

EMPIRICAL FINDINGS

The results of empirical studies and discourse analyses on EU identity construction indicate that when not searching for an identity that can be directly compared to national identity, elements of a European identity can already be found. But they appear to be different from national identity. Moreover, the results can be differentiated into two types: there are a) survey findings that tend to regard the micro-level of citizens, their support for and their identification with the EU, as well as their trust in the EU; and b) there are results of discourse analyses rather regarding the macro- and meso-levels of large-scale national discourses and narratives, which tend to analyze the work of political elites.

Regarding the empirical findings on EU citizens, there is good reason to argue that a *demos* is in development in the EU (see in detail Wiesner 2014, 55–60). Taking Eurobarometer Survey results (see for instance Eurobarometer 2016, 38), roughly two-thirds of EU citizens feel that they are citizens of the EU (66 percent). In twenty-six member states, the majority of citizens say that they feel this way. There are, however, considerable national variations: in Luxemburg, nearly all citizens feel that they are EU citizens (93 percent), followed by Malta (84 percent), Finland (82 percent), and Ireland (80 percent). Interestingly enough, a majority of UK citizens (53 percent) also say so. In Italy and Bulgaria only 49 percent of the people feel they are EU citizens, and Greece is the only member state where the majority claim not to feel they are EU citizens (54 percent no and 46 percent yes). As all Eurobarometer polls have indicated a severe shrinking of identification with and support for the EU and its policies in the countries most hit by the financial crisis, this hardly seems surprising. Without claiming that such a feeling of EU citizenship is enough for strong input legitimacy that also justifies redistributive policies, I argue that it perfectly justifies the EU citizens to be the *demos* electing the EP. But it is also true that, besides this EU-related *demos*, the EU will depend on the stronger *demos* in the member states and

their member state-related input legitimacy in the future, which speaks all the more in favor of taking the whole multilevel system into consideration when speaking about democracy in the EU. In sum, we can speak of related *demos*: the stronger, older national ones and the newly developing, weaker, EU-related *demos*.²

While surveys analyze individuals' opinions, the discourse analyses concentrate on EU elites, that is, politicians and leading national media. Empirical results are mostly in accordance with these survey findings (see in detail Wiesner 2014, 60–5). They underline that national and European identities are related in their construction processes. However, there are different national narratives of European identification. These findings fit with survey findings indicating that European identity is part of a multilevel system of identities. Finally, identity construction processes in the EU are indeed similar to national identity construction. Like national identity, European identity is constructed in discourse, and is enforced by institutions and socioeconomic structures. In Europe, it has also been important, like in national states, to distinguish an 'Other' (EU politicians thus often distance themselves from the United States or Asia), and to refer to positive founding myths.

CITIZENSHIP AND DEMOCRACY IN THE EU: CONCLUSIONS

The conclusions to be drawn from the above concern citizenship, demos-building, and democratic identity in the EU, as well as their conceptual, normative, and empirical linkages. First, what I called the modern citizenship *acquis* is the result of a process, and the manifestation of the nation-state period in this process. Therefore, there is no guarantee that (a) it will all continue to exist and/or (b) that it will exist in the combination we are used to. Citizenship elements in the future may spread further to different polity levels, or they may entirely disappear. This could mean, for example, that while the conditions for access stay linked to the national level, rights partly stay there and are partly transferred (a) to the EU level and (b) to the global level. And the level(s) that participation, contestation, and deliberation may be directed to could be others still. Such a process cannot be adequately understood when citizenship is seen as a static bunch of conditions, rights, duties, and active citizenship, and in assuming that these elements necessarily have to stick together. Citizenship rather has to be understood as something that can be sectoral, organized among multiple levels and differentiated into several elements (Wiesner et al. 2018a). But this also means that the citizenship *acquis* cannot be taken for granted. In particular, the sectoral and multilevel character of EU citizenship entails a number of

follow-up problems for the relation between citizenship and democracy in the member states.

EU citizenship is currently a weak democratic citizenship, as it is a derived, sectoral, multilevel, passive, legal citizenship without duties. The passive status of EU citizenship makes it a weak democratic citizenship regarding the basic normative premise on demos formation—democracy has to consist not only of formal elements and rights, but also of democratic practice and active citizenship. The legal framework, the core of a demos that has been established with legal EU citizenship, needs to gain a more active life, in the sense of an active democratic citizenship. But, as the example of democratizing the nation-states shows, active citizenship and legal citizenship can be positively interrelated. In the nation-state, it was for example the use of the right to vote, to free expression of opinion and the founding of parties—participation, deliberation, and contestation—that developed civil society and a public sphere and, therefore, a demos. This also means that the feeble state of the art of demos development in the EU is not at all an argument against the further democratization of the EU—it is rather an argument in favor of it.

Thus, depending on the shape and intensity at which EU active citizenship develops, EU democracy may be obliged to go along with a weak demos in the sense of a citizenry that is not very politically active or interested with regard to the EU. In this case, the further democratization of the EU would take on a weak, passive, and legal character. Weak in this context would mean weaker than what we experience in representative nation-states, because the democratic traditions and founding of the EU are weaker than in the nation-states, with their long traditions in this respect. Moreover, if there are no impulses coming bottom-up, there is no possibility for a positive interrelation between top-down citizenship policies and bottom-up citizenship practice, between legal innovations and active citizenship. Probably, in that scenario, the development would be limited to further steps via top-down citizenship policies like the enlargement of the existing union citizens' rights.

In another scenario, the development of an active EU citizenry could go along with strong democratization if NGO activities, citizen's initiatives, protests and so on would encourage the development of a stronger demos. Therefore, the way the development of an EU demos and the democratization of the EU will go will depend to a large extent on what the demos-in-the-making, the EU citizens themselves, do. In that context, the turnout of the last *European Parliamentary (EP)* elections in spring 2019 marks a positive sign in two respects: first, it rose considerably, and second, the campaign was marked by different types of politicization and contestation, and besides the right-wing populist latent criticism of democracy, climate change was a core

issue especially for the younger generations. It may be duly deemed a positive sign that younger generations not only participate in EP elections, but also take the EU as an addressee of their immediate concerns.

NOTES

1. The term “European identity” is often used in the debate on these topics. Even if this term probably expresses everyday feelings of EU citizens better (they feel they are “Europeans” rather than EU citizens), the term EU identity expresses what is at stake more exactly: a democratic identity of EU citizens *as* EU citizens.

2. This argument differs from the one made in the *demoicracy* debate: *demoicracy* mainly argues that only the national *demos* can be a legitimating base for the EU (see, e.g., Nicolaidis 2013).

REFERENCES

- Anderson, Benedict R. 2006. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Rev. ed. London, New York: Verso.
- Arendt, Hannah. 1951, 2004. *The Origins of Totalitarianism*. 1st ed. New York: Schocken Books.
- Benhabib, Seyla. 1996. *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton paperbacks. Princeton, NJ: Princeton University Press.
- Besson, Samantha and André Utzinger. 2008. “Toward European Citizenship.” *Journal of Social Philosophy* 39: 185–208.
- Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Harvard: Harvard University Press.
- Closa, Carlos. 1995. “Citizenship of the Union and Nationality of Member States.” *Common Market Law Review* 32 (1): 487–518.
- Eurobarometer. 2016. “Standard Eurobarometer 85, Spring 2016.” Accessed November 8, 2016. <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2130>.
- Føllesdal, Andreas and Simon Hix. 2006. “Why There Is a Democratic Deficit the EU: A Response to Majone and Moravcsik.” *Journal of Common Market Studies* 44 (3): 533–62.
- Foucault, Michel, François Ewald, Alessandro Fontana, and Michel Senellart. 2004. *Sécurité, Territoire, Population: Cours Au Collège De France, 1977–1978*. Hautes Études [Paris]: Éditions Gallimard; Éditions du Seuil.
- Gellner, Ernest. ca. 1997. *Nations and Nationalism*. Cornell paperbacks. Ithaca, NY: Cornell University Press.
- Goswinkel, Dieter. 2001. *Einbürgern Und Ausschliessen: Die Nationalisierung Der Staatsangehörigkeit Vom Deutschen Bund Bis Zur Bundesrepublik Deutschland*. Kritische Studien zur Geschichtswissenschaft Bd. 150. Göttingen: Vandenhoeck & Ruprecht.

- Habermas, Jürgen. 1999a. "Braucht Europa Eine Verfassung? Eine Bemerkung Zu Dieter Grimm." In *Die Einbeziehung Des Anderen*, 185–91. Frankfurt am Main: Suhrkamp.
- Habermas, Jürgen. 1999b. *Die Einbeziehung Des Anderen*. Frankfurt am Main: Suhrkamp.
- Hobsbawm, Eric J. 2008. *Nations and Nationalism Since 1780: Programme, Myth, Reality*. Cambridge: Cambridge University Press.
- Kielmannsegg, Peter Graf. 1996. "Integration Und Demokratie." In *Europäische Integration*, edited by Markus Jachtenfuchs and Beate Kohler-Koch, 47–71. Opladen: Leske and Budrich.
- Kostakopoulou, Dora. 2007. "European Union Citizenship: Writing the Future." *European Law Journal* 13 (5): 623–46.
- Kymlicka, Will. 2002. "Citizenship Theory." In *Contemporary Political Philosophy: An Introduction*, edited by Will Kymlicka, 2nd ed., 284–326. Oxford: Oxford University Press.
- Lepsius, M. Rainer. 1990. *Interessen, Ideen Und Institutionen*. Wiesbaden: Westdeutscher Verlag.
- Lincoln, Abraham. 1863. "The Gettysburg Address." Accessed November 27, 2012. http://www.americanwriters.org/classroom/resources/tr_lincoln.asp.
- Marshall, T. H. 1950. "Citizenship and Social Class." In *Citizenship and Social Class: And Other Essays*, 1–85. Cambridge: Cambridge University Press.
- Nicolaïdis, Kalypso. 2013. European Democracy and Its Crisis. *Journal of Common Market Studies* 51 (2): 351–369.
- Scharpf, Fritz W. 1998. "Demokratische Politik in Der Internationalisierten Ökonomie." In *Demokratie – Eine Kultur Des Westens?* edited by Michael T. Greven, 81–103. Opladen: Leske + Budrich.
- Scharpf, Fritz W. 1999. *Governing in Europe*. Oxford: Oxford University Press.
- Schmidt, Vivien A. 2013. "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'." *Political Studies* 61 (1): 2–22.
- Streeck, Wolfgang. 2014. *Buying Time: The Delayed Crisis of Democratic Capitalism*. Brooklyn, NY: Verso.
- Taylor, Charles. 1994. "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Guttmann, 25–73. Princeton, NJ: Princeton University Press.
- Turner, Bryan S. 1997. "Citizenship Studies: A General Theory." *Citizenship Studies* 1 (1): 5–18.
- Weber, Eugen. 1979. *Peasants into Frenchmen. The Modernization of Rural France, 1870–1914*. Stanford: Stanford University Press.
- Wiesner, Claudia. 2007. *Bürgerschaft Und Demokratie in Der EU*. Münster: Lit.
- Wiesner, Claudia. 2008. "Women's Partial Citizenship." In *the Ashgate Research Companion to the Politics of Democratization in Europe: Concepts and Histories*, edited by Kari Palonen, Tuija Pulkkinen, and José M. Rosales, 235–50. Farnham, Surrey, Burlington, VT: Ashgate.
- Wiesner, Claudia. 2014. *Demokratisierung Der EU Durch Nationale Europadiskurse? Strukturen Und Prozesse Europäischer Identitätsbildung Im Deutsch-Französischen Vergleich*. Baden-Baden: Nomos.

- Wiesner, Claudia. 2019. *Inventing the EU as a Democratic Polity: Concepts, Actors and Controversies*. Palgrave Studies in European Political Sociology. Cham, Switzerland: Springer Science and Business Media; Palgrave Macmillan.
- Wiesner, Claudia and Anna Björk. 2014. "Introduction: Citizenship in Europe After World War II." *Contributions to the History of Concepts* 9 (1): 50–59.
- Wiesner, Claudia, Anna Björk, Hanna-Mari Kivistö, and Katja Mäkinen, eds. 2018a. *Shaping Citizenship: A Political Concept in Theory Debate, and Practice*. Routledge: London.
- Wiesner, Claudia, Anna Björk, Hanna-Mari Kivistö, and Katja Mäkinen. 2018b. "Shaping Citizenship as a Political Concept." In *Shaping Citizenship: A Political Concept in Theory Debate, and Practice*, edited by Claudia Wiesner, Anna Björk, Hanna-Mari Kivistö, and Katja Mäkinen. [S.l.]: Routledge.
- Wollenschläger, Ferdinand. 2011. "A New Fundamental Freedom Beyond Market Integration: Union Citizenship and Its Dynamics for Shifting the Economic Paradigm of European Integration." *European Law Journal* 17 (1): 1–34.
- Young, Iris Marion. 1990. *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.

Chapter 14

A Decline in Democratic Say?

The Accounts of James Allan and Pierre Manent

Carl Eric Scott

In 2006 and 2014, two slender books appeared that anticipated the worldwide populist upsurge of the last several years. These were *Democracy without Nations?* by the Catholic French political philosopher Pierre Manent (2007) and *Democracy in Decline*, by the Canadian-Australian legal scholar and political opinion columnist James Allan (2014). While Manent has long been recognized both in France and America as an important theorist, and Allan has made a prolific contribution to the legal literatures of the Anglosphere nations, neither book attracted a great deal of notice upon publication. But in my judgment, these two works were not only ahead of the curve, but remain the most impressive articulations of the idea that a number of contemporary patterns of liberal governance, including several rightly called “cosmopolitan,” are diminishing the incidence and authority of democratic say. Those who want to better understand the movements that have embraced this kind of critique would do well to attend to these two thinkers.

Pierre Manent criticizes the newer types of governance especially through a consideration of the stated theory and actual practice of the European Union, and particularly in the light of his ground-breaking theory of *political form*. He holds that the European discovery of the political form “nation” was central to the realization of modern democracy. Understanding this is not merely a matter of getting the history right, but as Manent’s leading American interpreter Paul Seaton indicates, it also has implications for contemporary politics:

Led by enlightened elites, democracy in Europe has increasingly disassociated itself from its birthing form, opting to supercede it with an unprecedented humanitarian project. Still, the democrat may, after trying out the shiny new

European vehicle of his post-national hopes and discovering that it has grave defects, see fit to return to the garage and bring out the older model, happy to discover anew its merits and dependability. (Seaton 2017, 2)

Manent's critique of the European Union thus does involve a "Defense of the Nation State," but it is vital to see that it is one that recognizes the unsavory ways in which many nations were put together, and how their citizens misused this form in the colonialist and militarist race of the later nineteenth century, eventually leading to the two World Wars. The sins associated with the form admitted, Manent argues that nonetheless we should admit its superior suitability for democracy compared to the project of a supranational polity. While at one point he was open to the possibility of the nations of the European Union choosing to reorient the project according to the exigencies of political form, and thus perhaps becoming something like a United States of Europe, for the last decade and a half he has been an outright opponent of the European Union (Manent 2006, 63; Manent 2007, 77). That is, Manent answers the question posed by the title of his little book with an emphatic "No!"

While James Allan has entered the scholarly fray about Brexit with a lively essay in which he lays out the "democratic deficiencies of the E.U. project" (Allan 2018), *Democracy in Decline* does not dwell upon the European Union except as it impacts the United Kingdom. This is because his procedure is to compare the Anglosphere liberal democracies, that is, the United States, New Zealand, Canada, the United Kingdom, and Australia. He compares their constitutional orders, and particularly with respect to their development since the 1960s in ways that diminish majoritarian say. He shows that in all five, increasing numbers of issues are being decided by international law, supranational organizations, and most especially, by "living-constitution" judicial decisions. This means that democracy is declining in these nations, at least if we make our judgments using "thin" or procedure-focused criteria.

Allan's analysis thus stirs up a debate largely different from that about whether democracy has been "in retreat" across the globe.¹ We might say that what he does is to take the democracy deficit discussion we are used to hearing with respect to the EU, and apply its main questions to four non-EU nations, as well as one EU nation. As these Anglosphere nations have cultivated liberal democracy longer than most other nations, and with no interruptions, his argument that democracy has been in decline within them is disturbing. It suggests that the troubles of liberal democracy in our time are fundamental ones, and will not be mitigated by mere tinkering with political structures or adjustment of economic policies.

I largely agree with Allan and Manent that democratic decision-making has been declining in our time, both inside and outside the EU; like them,

I am convinced that this trend needs to be stopped and reversed. My primary task in this chapter is to recount their main arguments regarding this trend and situation, concentrating on their arguments most fully developed in these particular books.

A good portion of the readers of a collection like this will be broadly in favor of cosmopolitanism. They would regard two developments that both Manent and Allan would welcome as serious set-backs to the cause. These would be 1) a major diminishment of the EU project, and 2) a decrease in the use of the various forms of international law. But given the range of the possible conceptions of cosmopolitanism that this book has illustrated, it may be that by a certain more limited definition and understanding of it, its adherents would not regard such political developments, even though they would tend to oppose them, as intrinsically hostile to it. Perhaps the possibility of being both a “cosmopolitan” and a supporter of, say, Brexit, might be a real one. After the main task of explicating the two works by these thinkers is complete, we will briefly consider such possibilities, which I mention here in the hope that readers of the cosmopolitan persuasion will not assume in advance that they must oppose the reasonings of Allan and Manent.

JAMES ALLAN

James Allan is the Garrick Professor in Law at the TC Beirne School of Law of the University of Queensland. Prior to teaching law in Australia, he did so in New Zealand, and prior to his academic career, he practiced law in both Canada and Great Britain. With nearly one-hundred academic journal articles and book chapters published, Allan has demonstrated his expertise regarding the constitutional orders of all five of the Anglosphere nations. The comparison he conducts in *Democracy in Decline* sketches the differences between their constitutional development. He argues that there has been a serious decline in democracy in all of them, and especially since the 1990s, although the “trend . . . is worst in the United Kingdom . . . and least apparent in Australia” (Allan 2014, 9).

The terms and phrases Allan commonly uses to sketch his “thin” conception of democracy are “majoritarian,” “letting-the-numbers-count,” and “democratic say.” The gist of the conception is easily seen in various judgments he makes in his comparative analyses. Appointed legislatures (like the British House of Lords) are less democratic than elected ones. Filibuster-friendly rules are less democratic than those that make filibustering difficult. Judicial decisions that delineate fundamental rights are less democratic than amendments or referenda that do so. The American system of judicial appointment, which features the action of the President and Senate, is more

democratic than the present British one, which has “no democratic input at all” (Allan 2014, 77). And so on. Allan’s thought is consistent enough to also lead him to this surprising judgment: not having a bills of rights is more democratic than having one.

His judgments reflect his refusal to employ a “thick” criteria for democracy, which typically adds expectations of liberal or progressive features:

Once you’ve turned the idea of “democracy” into the thicker, more substantive idea of “liberal democracy,” you eliminate much of the room you would otherwise have for keeping separate the issues of how a country makes its key decisions . . . and whether some, all or most of us think those decisions are . . . freedom-protecting or autonomy-enhancing or rights-respecting or morally palatable. (Allan 2014, 135)

While Allan feels that majorities more often than not make better decisions than elites, he admits that they make many mistakes, and repeats the Churchill chestnut about democracy being the worst form of government besides all the others that have existed. He never advocates, as at least one pro-populist thinker in our day has, a form of modern representative democracy more interspersed with referenda-like direct decision-making (Fuller 2019). However, it does seem his gold-standard for the right amount of democratic say is that which was enjoyed by New Zealand prior to 1990, when it had

a one-chambered legislature, democratically-elected, that was legally unlimited in what it could do. No bill of rights. No upper house. No federalism. No written constitution. . . . This was pretty much the post-World-War II British model, one that foreswore all of the formal institutional checks on majoritarian decision-making built into the American model. (Allan 2014, 24; cf. 47)

Allan is flexible. Earlier, he had said that a high degree of federalism, as in the United States, promotes one aspect of greater democratic say by giving voters multiple levels for their input, but here, its absence in New Zealand allows for another aspect, that of unchecked action by the national legislature.

Allan’s employment of this “thin” criteria contains one blind-spot in the final theoretical analysis. Despite his disciplined application of it, we can see that he tends to assume that the more democratic a modern nation is the better, even as we also notice that he never lets himself explore the limit of that assumption. That is, he never discusses to what extent he accepts a Madisonian condemnation of pure or Athens-like democracy, never tries to determine how far modern democracies should go with the greater plebiscitary potentialities the Internet now permits, and never weighs the positives and negatives of contemporary governments outside the Anglosphere that might fit the description of “illiberal democracy.” But since the trend he is

measuring in *Democracy in Decline* is running in the other direction, that is, one that diminishes democracy in the name of a putative liberalism, his incomplete theorization does not damage his overall argument.

Moreover, his thin approach has much to recommend it. Wider application of it would help journalists and political scientists avoid falling into the tendentious framing many of them have in describing the populist governments of Poland and Hungary.² Put it this way, it could be useful for us to know how a “Democracy House” run by Allan-type analysts would rate these governments prior to learning how Freedom House does.³ Of course, Allan does not provide what the analysts of Freedom House do with respect to “freedom,” namely, a system for numerically scoring each nation. His descriptions of the five Anglosphere nations’ different institutions and development are supple, like those of a historian, and unlike the scorable descriptions preferred in the comparative politics sub-field. But Allan is largely uninterested in exercises in ranking; rather, his concern is to get us to see the similarity of the decline in all five of these nations.

What constitutes the decline, and why has it occurred? The three main factors are the increasing rule of judges, the increasing authority of international law, both the treaty-based kind and the “customary” kind, and the increasing activity of supranational organizations, which range from the trade-related organizations like the WTO and the GATT (which in Allan’s view, do little harm to democratic say), to the second-tier organizations of the UN. Much of the book is an explanation of these three factors, especially the first two, although toward its end Allan briefly discusses “challenges threatening more decline,” which include diminishment of freedom of speech, and lenient immigration policies designed—in his view—to provide the left-leaning political parties with a more promising electorate.

Allan’s legal expertise makes him a good guide for these topics, and becomes particularly useful in his discussion of international law. His distinction between the two main types of international law—treaty-based and customary—is helpful for those unfamiliar with the field, as is his discussion of how customary international law increasingly is built upon the judgments of a guild-like group of legal experts called “publicists.” As its name suggests, customary international law is not codified by any treaties or agreements, but is “inferred from the practice of States.” Only the publicists can do this inferring, and acceptance into this group occurs according to a concept of “soundness,” which as one scholar has described it, “seems to require that one be committed to the project of international law” (Allan 2014, 96–8). The nondemocratic and agenda-hiding character of this could seem of relatively limited importance, if customary international law kept itself, as it once did, to issues that arise between nations; but it increasingly “concern(s) itself with a nation’s treatment of its own citizens.”⁴

In addition to going through the main causes of decline, Allan also makes noises against the arrogance of contemporary “elites,” and accuses them of having lost faith in the “ultimate good sense . . . of the majority of their fellow citizens.” He does not provide extensive analysis on this point, but he does provide a definition:

The “elite,” in my sense, are all those who succumb to the temptation to bypass letting-the-numbers-count institutions in favour of putting their case to some committee of ex-lawyers. . . . Or if not to the ex-lawyers on some top court, then to EU bureaucrats, or to international judges, or to law professors, or to those sitting on tribunals or some committee monitoring a convention or treaty. (Allan 2014, 121–3).

Also elitist in his book are refusals by elected representatives to defend the public’s democratic say against the claimed authority of judges, international laws, and supranational organizations. Key examples include the decision of the UK Parliament to refrain, despite previous promises, from putting the EU’s Lisbon Treaty to a referendum vote in 2008, and the many decisions of the Canadian Parliament to not invoke the judicial override provision known as the “section 33 notwithstanding clause” against Supreme Court invalidations of their laws.

Among all of these causes of democratic decline, the one that really stands out is the rule of judges, and its relation to bills of rights. This has long been a favorite topic of Allan’s scholarship. He highlights the fact that Canada, New Zealand, and the United Kingdom adopted bills of rights fairly recently, respectively, in 1982, 1990, and 2000. He argues that such charters of rights tend to be written with a vagueness that inevitably invites the *de facto* rule of judges over wide areas of decision-making (Allan 2014, 18–19, 63–6).

In America and Canada, the democracy-decreasing activity of judges occurs through the invalidation of statutes, whereas in Great Britain and New Zealand, it occurs through “reading-down provisions,” which “direct the judges to do whatever they possibly can to read all other laws in a rights-respecting way.” He quotes a shocking section from the UK’s 2004 *Ghaidan* decision, which shows that leading judges there feel the Human Rights Act of 1998 gives them a nearly unlimited power to essentially re-write law (Allan 2014, 69–71). And he convincingly argues that existing constitutional provisions that seem to offer checks against these rights-grounded judicial powers have serious weaknesses.

As for Allan’s fundamental argument against bills of rights, it positions him as the half ally and half doubter of the interpretative theory of originalism, which was largely developed by conservative American jurists and legal scholars, and only in the last five or so decades. He is in complete agreement with them that the living-constitution method of constitutional interpretation

is radically mistaken and anti-democratic. Speaking of how this kind of jurisprudential power has asserted itself in Canada since the adoption of its Charter of Rights, he says this:

the Canadian judges wasted no time at all in announcing that they would be interpreting these new rights . . . in a way that was in keeping with understanding the Charter as a living tree that would, over time, grow and alter and branch out. . . . What follows from that, but was virtually always left unsaid, was that it would be the judges—and only the judges—doing all this altering, changing, ramifying, recalibrating, and expanding. . . . They would be the ones who decided if, and when, the meaning of the rights would change. (Allan 2014, 64)

It is obvious that this widespread pattern where rights are “re-sized or super-sized by the judiciary” diminishes democracy. Each supreme court becomes, in effect, an on-going constitutional convention.

Allan at times sounds like Justice Antonin Scalia, echoing his humor-lightened style and his continual concern to protect “constitutionally-channeled democratic say” from judicial encroachment (Scott 2019). But he is skeptical that an originalist interpretive method, if adopted by a majority of top justices, would allow judicial review and bills of rights to work within democratic limits. Scalia defined originalism for a popular audience as follows: “Our manner of interpreting the Constitution is to begin with the text, and to give that text the meaning that it bore when it was adopted by the people” (Scalia 2005). And in his last book, he and his co-author Bryan Gardner compiled an entire canon of interpretive principles to guide judges determined to abide by this approach (Scalia and Gardner 2012). Allan is unwilling to put much faith in all this:

As for . . . how useful original understanding of, say, the literal meaning of vague, amorphous rights-protecting phrases might be in resolving all that many real-life disputes, my opinion (as to the ability of originalist interpretation to . . . constrain today’s judges) floats between mild optimism and regretful skepticism. (Allan 2014, 60)

In my judgment the originalists have found a great deal of evidence about the understanding of terms during the American Founding, and have sharpened their thinking about their theory of interpretation. Allan would be less skeptical, I think, were he to more thoroughly understand their work. In any case, America has now entered an era of a Supreme Court dominated by justices at least sympathetic to originalism, and one that looks likely to last some time. We will learn what such a court can do to prevent further unauthorized constitutional development, and to what degree it will overturn doctrines established by living constitutionalist rulings.

But while originalism might do democracy-restorative work in America, it admittedly has less potential elsewhere. Keeping the recent dates for the adoption of the Canadian, New Zealand, and British bills of rights in mind, an originalism applied to the provisions of those documents might well reveal that their framers expected a fluid (but always progressive!) interpretation of the meaning of the key terms.

However that may be, we now can see why Allan staunchly defends Australia's refusal to adopt a bill of rights, and why he further reasons that when nations newly adopt democracy in the twenty-first century—perhaps he has a happy day in China's future in mind—they would have every incentive, due to the recent history of the Anglosphere nations, *not* to adopt a bill or rights. It is the case that were I an adviser to a newly democratic people, I would counsel them to frame their constitution in ways likely to discourage the development of living constitutionalist jurisprudence, as it truly is a fundamental danger. But as for bills or rights, they have a close relationship to the notion that a liberal democracy should ground itself in *natural rights* and *written constitutionalism*. Unless one is prepared to argue that democracies should seek to do without those liberal features, and I can see no convincing arguments for doing so (and what is more, much evidence that the British practices that have made their unwritten constitutionalism workable are breaking down), one must accept that most democracies will continue to have fundamental-law charters of rights, and some degree of judicial review. Allan's opposition to bills of rights pushes us to think more critically about their impact, but certainly, less radical remedies to the abuse of judicial power are available. Our democracies could amend the worst aspects of the more contemporary bills of rights, and could give the public greater power to shape legal education, to appoint and remove judges, and to amend constitutions.⁵

PIERRE MANENT

Pierre Manent is the author of around a dozen books in political philosophy, most of which have been translated into English. His earlier works include one of the most incisive surveys of the liberal political philosophers, *An Intellectual History of Liberalism*, and what is in my judgment the very best study of Alexis de Tocqueville's thought, *Tocqueville and the Nature of Democracy*. Given my agreement with those scholars who hold that Tocqueville's *Democracy in America* is among the most profound books about modern democracy, if not the very best, my judgment logically has to place Manent among the greatest thinkers on democracy in our time. Manent's subsequent works, particularly his trio of books (Manent 2006, 2007, 2013), which

prominently feature his theory of political form, have given yet more reason for this high assessment.

Democracy without Nations? belongs to this trio; it consists of a seventy-page essay written for its 2006 publication, and two appendices on the same topic, one of which is his 1996 essay “Democracy without Nations.”⁶ It is one of only two books, the other being 2015’s *Situation de la France*,⁷ in which Manent has directly addressed a contemporary political debate.

Manent’s theory of political form is an addition to the classic theory of regime, or in Greek, the theory of *politeia*. In Aristotle’s summary schema there are six or seven main regimes: monarchy, aristocracy, a moderate form of democracy called “polity,” tyranny, oligarchy, democracy proper, and the “mixed regime” that combines features of the first three. Most of us still utilize something akin to regime theory, when we speak of this or that government being a liberal democracy, a despotism, a constitutional monarchy, etc. What Manent’s theory adds is a consideration of the political community’s shape: Is it a tribe, a city-state, a nation, or an empire? Various combinations of regime-type and form-type are thus imaginable, but whereas city and nation are able to sustain several regime types, the other forms are less flexible (Manent 2007, 31). There are only a few places in his work where Manent speaks of the forms *band* and *tribe*, but he says they are “archaic” and inhospitable to civilized life (Manent 2007, 31; Manent 2006, 44). As for the form *empire*, a key point of his theory is that a tyranny or monarchy fits it best. A good deal is at stake in considering whether that always winds up being the case, for Manent holds that the form of the United States is as much that of an empire as of a nation, and that the form of the European Union is simply that of an empire (Manent 2006, 49–50, 63).

Manent’s historical-theoretical sketch of how late medieval and early modern Europe was the site of realizing a new political form, that of the nation, works as follows. In the ancient world, there were no nations in the strict sense; communities like Persia and Macedonia in their prime were empires. Confederations (usually of cities) were occasionally important, but the basic forms were the empire and the city (Manent 2007, 90–5). Later, Christianity’s insistence upon the *church* as the primary community for its believers came into tension with the claims of both. We can see how serious and cross-cutting these tensions were when we attend to Dante’s corpus: we notice him turning against both the political primacy of city-states like his own Florence, and against the political claims of the church, in favor of the German-led Holy Roman Empire re-exerting its power in Italy. Manent holds that the nation emerged as a *fourth* alternative of political allegiance. It was initially only possible within Christendom, and in large part due to the work of the “Christian king.” This role was built upon Germanic precedents, but also upon claims of divine ordination, and through it, communities were

constructed that could claim precedence with respect to the “things of Caesar” without directly threatening the church, and most importantly, could combine aspects of the empire’s universality and the city’s particularity (Manent 2007, 95–100).

The nation developed both due to the possibilities brought about by Christianity—Manent does claim that it at least initially made appeal to the theological virtue of charity—and due to a need to limit Christian claims regarding politics. This latter aspect was underlined when early modern thinkers such as Thomas Hobbes provided the ideas that would eventually convince the monarchs to implement “a neutral state” (Manent 2007, 100–01). As for the rest of the story, it is well known that the nations’ competition generated great economic and military energies, that their monarchies tended to raise the commoners at the expense of the nobles, and that the national form was necessary for the development of the Hobbes-influenced social contract theories that led to modern democracy.

Several influences⁸ caused Manent to develop this theory, but clearly, one was a pressing need, after the Maastricht Treaty of 1992, to think clearly about the EU. In his initial presentation in his 1996 essay, he began by explaining how the nation and the modern conception of democracy were yoked together from the French Revolution to World War II. However, he also argued that “modern democracy . . . is not immediately political. It is a principle of legitimacy, that of consent” (Manent 2007, 75). Thus, this principle could conceivably part ways with the form that first allowed it to flourish. By contrast,

In ancient politics . . . democracy presupposed the city. . . . It was the city as city—as a relatively small, homogeneous civic body capable of being taken in at a glance . . . that made ancient democracy possible, and in a way called it forth. (Manent 2007, 75–6)

There is, thus, a disjunction between modern democracy and the national form it was born into; the relation is not the natural one of the ancient democracy and the city, but rather, one of tension. Manent presented this as modern democracy’s core “political problem,” and yet, a problem unnoticed until Maastricht, because all through 1789–1939, and even largely up through 1992, the “national framework” had been “taken for granted” (Manent 2007, 76).

The way the European project was unfolding, circa 1996, promised only to deny and aggravate this problem:

Modern democracy, which is founded on the will, wants to be self-sufficient, but it cannot do without a body. Therefore, democracy has put on this abstract

body called “Europe.” But in order for this body to become real, and to be able to produce and circumscribe awareness of itself, it must have height, length, depth, and dimensions—that is, limits. But since every limit would be arbitrary from the point of view of the democratic principle, democracy gives itself a body without limits: a Europe of indefinite extension. How many nations, in fact belong to it? Twelve? Twenty? Thirty? Does Turkey, for example, belong? Why not? Or why? The European political class has not even seriously begun to ask these questions, let alone answer them. (Manent 2007, 82)

Manent thus linked the deepest theoretical shortcomings of the European Union with the practical problems involved in its expansion. About a decade later, his critique on this point was becoming even sharper: “the present democratic movement . . . attempts to make democracy unconditional, to free the democratic soul from the national body, and to endow democracy with the purity of angels. . . . ‘Europe’ is indeed the astral body of angelic democracy” (Manent 2004, 41).

In addition to its main point, this passage suggests why so many progressivists in Great Britain reacted to the “leave” vote with such unbounded dismay and outrage. For many, faith in the onward march of the European Union had become a component in a vague and only half-articulated secular religion.

More disturbingly, these passages reveal how Manent’s theory of forms connects the European Union, and indeed, most modern articulations of cosmopolitanism, to one of the classic justifications of empire. Looking back upon the history of empires, and influenced by the thinking of “the most systematic theoretician of empire, the poet Dante,” Manent argues the deepest justification for empire has always been a vision of unifying all of humanity (Manent 2006, 49–50).

There are moments in Manent’s writings where it appears he seeks dialogue with any European thinker who might seek a fairly specified destination for the European Union, with the main options—besides returning to pre-Maastricht arrangements—being a European Union that (a) forges a nation out of an empire-like confederation (broadly along American lines), (b) forges an actual empire open to continual expansion, backed by real military strength in addition to already-existing soft-power attractions, or (c) attempts to forge a *new* political form that explicitly combines features of (a) and (b). Ultimately, he does not think that the last option is possible, but that hardly matters, because it has become starkly evident that the degree of political will that would be necessary to pursue any one of them will never emerge in our lifetimes. What remains is perpetual indeterminacy, and delusion on a mass scale. For it has proved all too possible for EU-supporting Europeans, and cosmopolitans across the world, to embrace a vague vision of what he calls

a “virtual empire,” one of *democracy* understood in the new rights-focused way. And this vision does logically suggest the goal of uniting the world (Manent 2007, 91–2).

Manent claims that “pure democracy is democracy without a people—that is, democratic *governance*, which is very respectful of human rights, but detached from any collective deliberation (2007, 7). Of course, this vision is seldom presented in so unvarnished a manner. The typical cosmopolitan rhetoric rather emphasizes an “imagining” of all the world’s people having *no countries*, and thus, as John Lennon put it, *living life in peace*.⁹ And as “Europe” is simply to be the first part of humanity to begin putting the dream into practice (Manent 2007, 65), the European Union’s professional advocates can continue to deny, and with the support of the official documents, that the project aims at this wider goal.

If we review Manent’s thought over the course of the last three decades, we notice that at different times he has held different expectations about whether the plausibility and desirability of this vague aim for “Europe” can survive the inevitable shocks reality will deliver it; but what he is certain about is the authority this vision has held through all these years. Much of its attraction he connects to the increased tendency to understand liberal democracy as the articulation and enforcement of a body of rights-studded law, a law that ought to eventually protect all peoples. It is here that the overlap of Manent’s thought with Allan’s is most evident. Allan seems to presume a self-interested and class-based explanation for the behavior of such judges domestic and international; by contrast, Manent’s theoretical explorations of the contemporary tendency to equate democracy with rights,¹⁰ allow us to see why even citizens who are not members of the elite, as well as those members of it who are not in fact motivated by self-interest, might be sincerely attracted to the newer conception.

But whatever the reasons behind all this, the results do diminish collective decision-making. Manent observes that “Instead of increasing our ability to govern ourselves, our new instruments of government—in contrast to their predecessors, the sovereign state and the representative government—shackle it more and more each day” (Manent 2007, 39). He argues that there is an increasing “debility” of the governments of Europe in the face of the many questions that cannot be addressed by technical regulation. He describes this in many places, and in the last several works, he connects this to a claim that the Europeans are losing their ability to shape international affairs, and even their ability to defend themselves. By self-defense, he of course means in military terms against future aggression, but he also means in political terms against the presently occurring transformation of their cultures through “immigration without assimilation,” which the recent “Paris Statement” from Manent and several of his allied European intellectuals calls a form

of “colonization” (Bénéton et al. 2017). This is only the most hot-button of the issues upon which he discerns a pattern of “government(s) . . . stoically observ(ing) their inability to put into practice reforms they otherwise freely declare to be indispensable, even urgent” (Manent 2007, 39).

And then there is a more fundamental question, regarding the legitimacy of the governance that is at work. Manent is generally a restrained writer, but by 2013, he felt himself unable to hold back on this topic: “what we say as citizens has no importance whatsoever, since political actions will be decided in an indeterminate place. . . . One does not know where the rule comes from, only that one must obey it” (Manent 2013, 12). In such anger, coming from a man as dedicated to the scholarly life as Manent, one can hear precursors to the British vote of 2016, and the French riot-protests of 2018–2019.¹¹ But one must not ignore the underlying judgment: our newer understanding of democratic freedom as an ever-elaborated supranational set of rights and rules is increasingly felt as an outright assault on democracy.

CONCLUSIONS

Kwame Anthony Appiah, a generally careful thinker who wrote an entire book on cosmopolitanism, once said in an interview that it consists of two or three key ideas. First, it is a special type of universal “concern for all human beings,” and second, and more distinctively, it is “the idea that people are entitled to live lives according to different ideals.” He also associated it with a positive stance toward the idea of “global citizenship,” but stressed that since many cosmopolitans are skeptical about the possibility or desirability of a single world state, quite a few of them would embrace the idea as merely a “metaphor” (Appiah 2010).

What might cosmopolitans have to learn from Allan and Manent? We must first say the obvious. They will learn nothing if they equate them with movements of “populism” and “nationalism” that they are already determined to be hostile to, and similarly, they will learn nothing if they dismiss them as irrelevant, because the sophistication of their views cannot reflect the supposedly crude beliefs of those movements. To learn from Allan and Manent requires one to admit that those movements appeal to an ideological range of adherents, and to be open to the possibility that the more numerically significant sections of them, including the leadership, are not motivated by racism, xenophobia, or a desire for an authority-figure.¹² More generally, one must realize that it is self-blinding to essentially use “populism” and “nationalism” as *bogeyman terms*.

Assuming that barrier to thought is not present, the first thing any person might learn from Allan and Manent is that the challenge for modern

democrats is not only to oppose the possibility of *illiberal democracy*, but also, that of *anti-democratic liberalism*. Whatever the threat of the former, the threat of the latter clearly needs to be taken more seriously. That is hindered when analysts begin with definitions of liberalism that assume it is inherently democracy-friendly, or when they otherwise muddle Allan-like “thin” efforts to gauge the degree of democracy.

What the cosmopolitan must learn is to avoid reflexively dismissing the evidence that a broad anti-democratic trend is at work. Defenders of the European Union have tended to assure critics that its “democracy deficit” will eventually decrease, but such assurances feel hollow when other engines of democracy-diminishment are simultaneously at work. Allan’s and Manent’s books identify a mindset that equates liberal democracy’s freedom with an ever-expanding declaration and enforcement of rights by judicial operatives and other unelected officials, working in tandem at the national, international, and supranational levels. Prudent cosmopolitans should oppose this mindset as hostile to the necessary balancing act between rights and democratic say; they should seek to de-couple the cause of cosmopolitanism (and the case for the European Union) from it. However, that will be difficult so long as leading lights like Appiah speak in favor of all persons being *entitled* to live their lives according to different ideals, as such a right can only be secured by judge-ruler governance.

Manent’s theory of political forms, however, poses a more fundamental challenge to cosmopolitanism than his agreement with Allan about the over-emphasis on rights. The moderate cosmopolitan could potentially take away from his theory and analysis the idea that a future European Union that was more careful to set firm lines of definition for its stages of advance would be better positioned to honor and win-over democratic majorities. Imagine a European Union that could convincingly promise to not expand beyond its present borders for a century and that could provide easier and clearer rules for member states leaving (and rejoining). More radically, imagine one that dedicated itself to a timetable for the forging of a single nation, but which similarly provided democratic opportunities for member states uncertain about that destination to opt out. Either way, this would be a European Union that acknowledges that democratic legitimacy requires the posing of distinct choices to the peoples in question, and that political form is a fundamental reality that limits the menu of choices. If such a European Union is possible, it could look back upon Brexit, and upon Manent’s little book, as important corrections of its early sins against democratic clarity.

But of course, the more obvious application of Manent’s theory would be the conclusion that the supranational state that is also democratic is impossible, likely even within a regional sphere. Thus, one must return to strengthening the national form, which in Europe would require a retrenchment of

the European Union back to something like the Common Market, given the overwhelming odds against the project of forging a single nation. And such a conclusion would also require, across the world, a readjusting of the cosmopolitan ideal to the point of transforming it. For if modern democracy requires the form nation, and if “citizen” is a meaningless and deceptive term when applied to any person governed by a nondemocratic state, then there can *never be a world citizenship*. Thus, it becomes quite questionable whether “global citizenship” can continue to serve as a useful aspirational metaphor. So perhaps those who, like Appiah, want to foster the values of universal concern, of respect for cultural diversity, and of complexity of individual identity, along with cooperative international legal and economic practices that complement these, will eventually find that this bundle of values and practices would be better signaled by a term besides “cosmopolitanism.” For Manent’s theory suggests it is a word that will forever evoke fundamental contradiction.

Regardless of whatever new turns occur in the political theories that either still associate themselves with cosmopolitanism, or which present themselves as its proper successor, that is, whatever new Kantian, Rawlsian, Habermasian, and Tully-esque ideas develop regarding the possibilities for international or supranational governance, there are strong reasons to stand with Manent and Allan in insisting that our leaders, whether political or academic, make an overriding commitment to defend democratic political life, and voice a fulsome recognition of its present decline.

NOTES

1. Kurtlanzick, 2013.
2. Mahoney, 2019, illustrates the problems with the typical presentation. For one of the better, if still fairly typical, political science analyses, see Krekó and Enyedi, 2018.
3. “Freedom in the World 2019.” freedomhouse.org.
4. Allan 2014, 99–100; cc. Delsol 2008, 9–15, 93.
5. By “increased power” I do not mean deciding all these issues by simple majority-votes. Cf. my advocacy of lowering the 66.6 percent (of Congress) and 75 percent (of state legislatures) thresholds for amendment of the U.S. Constitution down to 55 percent and 66.6 percent. Scott, 2013.
6. This essay, first published in *Commentaire*, Fall 1996, was also published in English in *Journal of Democracy*, April 1997, 92–102, and in Manent, 1998.
7. Retitled in English as Pierre Manent, *Beyond Radical Secularism: How France and the Christian West Should Respond to the Islamic Challenge* (Manent, 2016). Manent’s proposal is that France should “make the transition from a passive coexistence between the society of rights and an Islamic morality to the active participation

of both groups in a common political form.” It is a proposal that requires compromise on both sides, including the willingness of French Muslims to accept laws prohibiting polygamy and the burqa, and those defending full freedom of speech. What it especially requires is a willingness of political leaders to put aside dogmas of “radical secularism” that prevent discussion of France’s real options (83; cf. 51, 108).

8. The thinkers who seem to have had the biggest influence were Dante, Montesquieu, Rousseau, and in particular, Leo Strauss and Jean Baechler.

9. Scott 2014. This essay owes a good deal to Delsol, 2008, which is one of the best critical explorations of cosmopolitan theory.

10. Manent 2020; Manent 2006, esp. the chapters “Declaring the Rights of Man,” “The Empire of Law,” and “The Empire of Morality.”

11. On the *Gilets Jaunes*, cc. Berlinksi 2019 and Gobry 2018. There is every reason to be appalled by their violence, their lack of coordinated leadership, and the impossibility of some of their demands. But there is also reason to fear that when democratic say through constitutional channels is severely limited, it will burst out in mob actions.

12. See Allan 2018, 894–6, for evidence concerning the motivations of those who voted for Brexit.

REFERENCES

- Allan, James. 2014. *Democracy in Decline: Steps in the Wrong Direction*. Montreal and Kingston: McGill-Queen’s University Press.
- Allan, James. 2018. “Democracy, Liberalism, and Brexit.” *Cardozo Law Review*, Vol. 39, 879–904.
- Appiah, Kwame Anthony. 2010. Interview by Whitney Johnson. “A Conversation with Kwame Anthony Appiah.” *Mandala Journal*, 2009–2010 issue.
- Bénéton, Philippe et al. 2017. “The Paris Statement: A Europe We Can Believe in.” thetrueeurope.eu.
- Berlinkski, Claire. 2019. “The Problem with No Name.” *American Affairs*. January 21.
- Delsol, Chantal. 2008. *Unjust Justice: Against the Tyranny of International Law*, trans. Paul Seaton. Wilmington: ISI Books.
- Fuller, Roslyn. 2019. “In Defence of the People: The Only Problem with Democracy Is That There Is Not Enough of It.” *Spiked*. September 27.
- Gobry, Pascal-Emmanuel. 2018. “The Yellow Rise in Paris.” *Commentary*. December.
- Krekó, Péter and Zsolt Enyedi. 2018. “Explaining Eastern Europe: Orbán’s Laboratory of Illiberalism.” *Journal of Democracy*, 29, 3, 39–51.
- Kurlantzick, Joshua. 2013. *Democracy in Retreat: The Revolt of the Middle Class and the Worldwide Decline of Representative Government*. New Haven: Yale University Press.
- Mahoney, Daniel J. 2019. “Beyond the ‘Fanaticism of the Center’: Giving Poland and Hungary their (Qualified) Due.” *Public Discourse: The Journal of the Witherspoon Institute*. April 14.
- Manent, Pierre. 1998. *Modern Liberty and Its Discontents*, trans. Daniel Mahoney and Paul Seaton, with Brian Anderson. Lanham, MD: Rowan & Littlefield.

- Manent, Pierre. 2004. "Autumn of Nations." *Azure*, Winter.
- Manent, Pierre. 2006. *A World without Politics? A Defense of the Nation-State*, trans. Marc Le Pain. Princeton: Princeton University Press.
- Manent, Pierre. 2007. *Democracy without Nations? The Fate of Self-Government in Europe*, trans. Paul Seaton. Wilmington: ISI Books. Translation of: Manent, Pierre. 2006. *La raison des nations: réflexions sur la démocratie en Europe*. Paris: Gallimard.
- Manent, Pierre. 2013. *Metamorphoses of the City: On the Western Dynamic*, trans. Marc LePain. Cambridge: Harvard University Press.
- Manent, Pierre. 2016. *Beyond Radical Secularism: How France and the Christian West Should Respond to the Islamic Challenge*, trans. Ralph Hancock. South Bend: St. Augustine's Press.
- Manent, Pierre. 2020. *Natural Law and Human Rights: Toward a Recovery of Practical Reason*. South Bend: Notre Dame University Press.
- Scalia, Antonin. 2005. "Constitutional Interpretation the Old-Fashioned Way," speech at the Woodrow Wilson International Center for Scholars in Washington, D.C.
- Scalia, Antonin and Bryan Garner. 2012. *Reading Law: The Interpretation of Legal Texts*. St. Paul: Thomson/West.
- Scott, Carl Eric. 2013. "Mark Levin, Meet Herbert Croly." *First Things* website (*Postmodern Conservative*). August 8.
- Scott, Carl Eric. 2014. "Carl's Rock Songbook No. 98: Imagine No Countries." *National Review Online: Postmodern Conservative*. July 8.
- Scott, Carl Eric. 2019. "The Originalist and Democratic Legacy of Antonin Scalia." *Perspectives on Political Science*, Vol. 48, January.
- Seaton, Paul. 2017. "Pierre Manent's Defense of the Nation-State." *Law & Liberty*. June 1.

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