PRINCIPLES OF COSMOPOLITANISM ORDER

David HELD
London School of Economics (United Kingdom).

Cosmopolitanism is concerned to disclose the ethical, cultural and legal basis of political order in a world where political communities and states matter, but not only and exclusively. In circumstances where the trajectories of each and every country are tightly entwined, the partiality, one sidedness and limitedness of 'reasons of state' need to be recognized. While states are hugely important vehicles to aid the delivery of effective public recognition, equal liberty and social justice, they should not be thought of as ontologically privileged. They can be judged by how far they deliver these public goods and how far they fail; for the history of states is marked, of course, not just by phases of bad leadership and corruption but also by the most brutal episodes. A cosmopolitanism relevant to our global age must take this as a starting point, and build an ethically sound and politically robust conception of the proper basis of political community, and of the relations among communities.[1]

Two accounts of cosmopolitanism bear on its contemporary meaning. The first was set out by the Stoics who were the first to refer explicitly to themselves as cosmopolitans, seeking to replace the central role of the *polis* in ancient political thought with that of the *cosmos* in which humankind might live together in harmony (Horstmann, 1976). The Stoics developed this thought by emphasizing that we inhabit two worlds — one which is local and assigned to us by birth and another which is 'truly great and truly common' (Seneca). Each person lives in a local community and in a wider community of human ideals, aspirations and argument. The basis of the latter lies in what is fundamental to all — the equal worth of reason and humanity in every person (Nussbaum, 1997, pp. 30, 43). Allegiance is owed, first and foremost, to the moral realm of all humanity, not to the contingent groupings of nation, ethnicity and class. Deliberation and problem solving should focus on what is common to all persons as citizens of reason and the world; collective problems can be better dealt with if approached from this perspective, rather than from the point of view of sectional groupings. Such a position does not require that individuals give up local concerns and affiliations to family, friends and fellow countrymen; it implies, instead, that they must acknowledge these as morally contingent and that their most important duties are to humanity as a whole and its overall developmental requirements.

The second conception of cosmopolitanism was introduced in the eighteenth century when the term *weltbürger* (world citizen) became one of the key terms of the Enlightenment. The most important contribution to this body of thought can be found in Kant's writings (above all, 1970, pp. 41-53, 54-60 and 93-130). Kant linked the idea of cosmopolitanism to an innovative conception of 'the public use of reason', and explored the ways in which this conception of reason can generate a critical vantage point from which to scrutinize civil society (see Schmidt, 1998, pp. 419-427). Building on a definition of enlightenment as the escape from dogma and unvindicated authority, Kant measured its advance in terms of the removal of constraints on 'the public use of reason'. As one commentator eloquently remarked, Kant grounds reason 'in the reputation of principles that preclude the possibility of open-ended interaction and communication… The principles of reason are those that can secure the possibility of intersubjectivity' (O'Neill, 1990, p. 194). Kant conceived of participation in a cosmopolitan *(weltbürgerlich)* society as an entitlement — an entitlement to enter the world of open, uncoerced dialogue —and he adapted this idea in his formulation of what he called 'cosmopolitan right' (1970, pp. 105-8). Cosmopolitan right meant the capacity to present oneself and be heard within and across political communities; it was the right to enter dialogue without artificial constraint and delimitation.

Contemporary conceptions of cosmopolitanism can be found in the work of Beitz, Pogge and Barry, among others (see, in particular, Beitz, 1979, 1994, 1998; Pogge, 1989, 1994a, 1994b; and Barry, 1998a and 1999). In certain respects, this work seems to explicate, and offer a compelling elucidation of, the classical conception of belonging to the human community first and foremost, and the Kantian conception of subjecting all beliefs, relations and practices to the test of whether or not they allow for uncoerced interaction and impartial reasoning. In the sections that follow, I will draw on some of this writing and use it as a basis to set out the outlines of a comprehensive account of the principles of cosmopolitanism —their nature, status, justification and political implications. I begin by stating the principles and explain how they cluster into three types. I then go on to explore their standing and scope.

COSMOPOLITAN PRINCIPLES

Cosmopolitan values can be expressed formally in terms of a set of principles (see Held, 2002, 2004). These are principles which can be universally shared, and can form the basis for the protection and nurturing of each person's equal significance in 'the moral realm of all humanity'. Eight principles are paramount. They are the principles of: 1. equal worth and dignity; 2. active agency; 3. personal responsibility and accountability; 4. consent; 5. collective decision-making about public matters through voting procedures; 6. inclusiveness and subsidiarity; 7. avoidance of serious harm; and 8. sustainability. The meaning of these principles needs unpacking in order that their nature and implications can be clarified. While eight principles may

seem like a daunting number, they are interrelated and together form the basis of a cosmopolitan orientation.

The first principle is that the ultimate units of moral concern are individual human beings, not states or other particular forms of human association. Humankind belongs to a single moral realm in which each person is regarded as equally worthy of respect and consideration (Beitz, 1994; Pogge, 1994a). To think of people as having equal moral value is to make a general claim about the basic units of the world comprising persons as free and equal beings (see Kuper, 2000). This notion can be referred to as the principle of individualist moral egalitarianism or, simply, egalitarian individualism. To uphold this principle is not to deny the significance of cultural diversity and difference —not at all— but it is to affirm that there are limits to the moral validity of particular communities —limits which recognize, and demand, that we must treat with equal respect the dignity of reason and moral choice in every human being (Nussbaum, 1997, pp 42-3). In the post-Holocaust world, these limits have been recognized in the UN Charter, in the human rights regime, among many other legal instruments (see Held, 2004, part III).

The second principle recognizes that, if principle one is to be universally recognized and accepted, then human agency cannot be understood as the mere expression of a given teleology, fortune or tradition; rather, human agency must be conceived as the ability to act otherwise —the ability not just to accept but to shape human community in the context of the choices of others. Active agency connotes the capacity of human beings to reason self-consciously, to be self-reflective and to be self-determining.[2] It bestows both opportunities and duties —opportunities to act (or not as the case may be), and duties to ensure that independent action does not curtail and infringe upon the life chances and opportunities of others (unless, of course, sanctioned by negotiation or consent: see below). Active agency is a capacity both to make and pursue claims and to have such claims made and pursued in relation to oneself. Each person has an equal interest in active agency or self-determination.

Principles 1 and 2 cannot be grasped fully unless supplemented by principle 3: the principle of personal responsibility and accountability. At its most basic, this principle can be understood to mean that it is inevitable that people will choose different cultural, social and economic projects and that such differences need to be recognized. People develop their skills and talents differently, and enjoy different forms of ability and specialized competency. That they fare differently, and that many of these differences arise from a voluntary choice on their part, should be welcomed and accepted (see Barry, 1998a, pp. 147-9). These *prima facie* legitimate differences of choice and outcome have to be distinguished from unacceptable

---

2. The principle of active agency does not make any assumption about the extent of self-knowledge or reflexivity. Clearly, this varies and can be shaped by both unacknowledged conditions and unintended consequences of action (see Giddens, 1984). It does, however, assume that the course of agency is a course that includes choice and that agency itself is, in essence, defined by the capacity to act otherwise.

structures of difference which reflect conditions which prevent, or partially prevent, the pursuit by some of their vital needs. Actors have to be aware of, and accountable for, the consequences of actions, direct or indirect, intended or unintended, which may radically restrict or delimit the choices of others. Individuals have both personal responsibility-rights as well as personal responsibility-obligations.[3]

The fourth principle, the principle of consent, recognizes that a commitment to equal worth and equal moral value, along with active agency and personal responsibility, requires a non-coercive political process in and through which people can negotiate and pursue their public interconnections, interdependencies and life chances. Interlocking lives, projects and communities require forms of public reasoning, deliberation and decision-making which take account of each person's equal standing in such processes. The principle of consent constitutes the basis of non-coercive collective agreement and governance.

Principles 4 and 5 must be interpreted together. For principle 5 acknowledges that while a legitimate public decision is one that results from consent, this needs to be linked with voting at the decisive stage of collective decision-making and with the procedures and mechanisms of majority rule. The consent of all is too strong a requirement of collective decision-making and the basis on which minorities can block or forestall public responses to key issues (see Held, 2002, pp. 26-7). Principle 5 recognizes the importance of inclusiveness in the process of granting consent, while interpreting this to mean that an inclusive process of participation and debate can coalesce with a decision-making procedure which allows outcomes which accrue the greatest support (Dahl, 1989).[4]

The sixth principle, which I earlier referred to as the principle of inclusiveness and subsidiarity, seeks to clarify the fundamental criterion of drawing proper boundaries around units of collective decision-making, and on what grounds. At its simplest, it connotes that those significantly affected by public decisions, issues or processes, should, *ceteris paribus*, have an equal opportunity, directly or indirectly through elected representatives, to influence and shape them. By significantly affected I mean that people are enmeshed in decisions and forces that impact on their capacity to fulfil their vital needs (see Held, 2004, chapter 6). According to principle 6, collective decision-making is best located when it is closest to and involves those whose life expectancy and life chances are determined by significant

---

3. The obligations taken on in this context cannot, of course, all be fulfilled with the same types of initiative (personal, social or political) or at the same level (local, national or global). But whatever their mode of realization, all such efforts can be related to one common denominator: the concern to discharge obligations we take on by virtue of the claims we make for the recognition of personal responsibility-rights (cf. Raz, 1986, chs. 14-15).

4. Minorities clearly need to be protected in this process. The rights and obligations entailed by principles 4 and 5 have to be compatible with the protection of each person's equal interest in principles 1, 2 and 3 —an interest which follows from each person's recognition as being of equal worth, with an equal capacity to act and to account for their actions. Majorities ought not to be able to impose themselves arbitrarily upon others. Principles 4 and 5 have to be understood against the background specified by the first three principles; the latter frame the basis of their operation.

social processes and forces. On the other hand, this principle also recognizes that if the decisions at issue are translocal, transnational or transregional, then political associations need not only be locally based but also to have a wider scope and framework of operation.

The seventh principle is a leading principle of social justice: the principle of the avoidance of harm and the amelioration of urgent need. This is a principle for allocating priority to the most vital cases of need and, where possible, trumping other, less urgent public priorities until such a time as all human beings, *de facto* and *de jure*, are covered by the first six principles; that is to say, until they enjoy the status of equal moral value, active agency and have the means to participate in their respective political communities and in the overlapping communities of fate which shape their needs and welfare. A social provision which falls short of the potential for active agency can be referred to as a situation of manifest harm in that the participatory potential of individuals and groups will not have been achieved; that is to say, people would not have adequate access to effectively re-sourced capacities which they might make use of in their particular circumstances (Sen, 1999). But even this significant shortfall in the realization of human potential should be distinguished from situations of the most pressing levels of vulnerability, defined by the most urgent need. The harm that follows from a failure to meet such needs can be denoted as serious harm, marked as it often is by immediate, life-and-death consequences. Accordingly, if the requirements specified by the principle of avoidance of serious harm are to be met, public policy ought to be focused, in the first instance, on the prevention of such conditions; that is, on the eradication of severe harm inflicted on people 'against their will' and 'without their consent' (Barry, 1998a, pp. 231, 207).

The eighth and final principle is the principle of sustainability which specifies that all economic and social development must be consistent with the stewardship of the world's core resources —by which I mean resources which are irreplaceable and non-substitutable (Goodin, 1992, pp. 62-65, 72). Such a principle discriminates against social and economic change which disrupts global ecological balances and unnecessarily damages the choices of future generations. Sustainable development is best understood as a guiding principle, as opposed to a precise formula, since we do not know, for example, how future technological innovation will impact on resource provision and utilization. Yet, without reference to such a principle, public policy would be made without taking account of the finite quality of many of the world's resources and the equally valid claims of future generations to well-being. Because the contemporary economic and military age is the first age to be able to take decisions not just for itself but for all future epochs, its choices must be particularly careful not to pre-empt the equal worth and active agency of future generations.

The eight principles can best be thought of as falling into three clusters. The first cluster (principles 1-3) sets down the fundamental organizational features of the cosmopolitan moral universe. Its crux is that each person is subject of equal moral concern; that each person is capable of acting autonomously with respect

to the range of choices before them; and that, in deciding how to act or which institutions to create, the claims of each person affected should be taken equally into account. Personal responsibility means in this context that actors and agents have to be aware of, and accountable for, the consequences of their actions, direct or indirect, intended or unintended, which may substantially restrict and delimit the opportunities of others. The second cluster (principles 4-6) forms the basis of translating individually initiated activity, or privately determined activities more broadly, into collectively agreed or collectively sanctioned frameworks of action or regulatory regimes. Public power at all levels can be conceived as legitimate to the degree to which principles 4, 5 and 6 are upheld. The final principles (7 and 8) lay down a framework for prioritizing urgent need and resource conservation. By distinguishing vital from non-vital needs, principle 7 creates an unambiguous starting point and guiding orientation for public decisions. While this 'prioritizing commitment' does not, of course, create a decision procedure to resolve all clashes of priority in politics, it clearly creates a moral framework for focusing public policy on those who are most vulnerable. By contrast, principle 8 seeks to set down a prudential orientation to help ensure that public policy is consistent with global ecological balances and that it does not destroy irreplaceable and non-substitutable resources.

THICK OR THIN COSMOPOLITANISM?

It could be objected at this point that, given the plurality of interpretive standpoints in the contemporary world (social, cultural, religious and so on), it is unwise to construct a political philosophy which depends upon overarching principles. For it is doubtful, the objection could continue, that a bridge can be built between 'the many particular wills' and 'the general will' (see McCarthy, 1991, pp. 181-99). In a world marked by a diversity of value orientations, on what grounds, if any, can we suppose that all groups or parties could be argumentatively convinced about fundamentally ethical and political principles?

It is important to stress that cosmopolitan philosophy does not deny the reality and ethical relevance of living in a world of diverse values and identities —how could it? It does not assume that unanimity is attainable on all practical-political questions. The elaboration of cosmopolitan principles is not an exercise in seeking a general and universal understanding on a wide spectrum of issues concerning the broad conditions of life or diverse ethical matters (for example, abortion, animal rights or the role of voluntary euthanasia). This is not how a modern cosmopolitan project should be understood. Rather, at stake is a more restrictive exercise aimed at reflecting on the moral status of persons, the conditions of agency, and collective decision-making. It is important to emphasize that this exercise is constructed on the assumption that ground rules for communication, dialogue and dispute settlement are not only desirable but essential precisely because all people are of equal moral value and their views on a wide range of moral-political questions will conflict.

The principles of cosmopolitanism are the conditions of taking cultural diversity seriously and of building a democratic culture to mediate clashes of the cultural good. They are, in short, about the conditions of just difference and democratic dialogue. The aim of modern cosmopolitanism is the conceptualization and gene-ration of the necessary background conditions for a 'common' or 'basic' structure of individual action and social activity (cf. Rawls, 1985, pp. 254ff).

Contemporary cosmopolitans, it should be acknowledged, are divided about the demands that cosmopolitanism lays upon the individual and, accordingly, upon the appropriate framing of the necessary background conditions for a 'common' structure of individual action and social activity. Among them there is agreement that in deciding how to act, or which rules or regulations ought to be established, the claims of each person affected should be weighed equally —'no matter where they live, which society they belong to, or how they are connected to us' (Miller, 1998, p. 165). The principle of egalitarian individualism is regarded as axiomatic. But the moral weight granted to this principle depends heavily upon the precise modes of interpretation of other principles.

Two broad positions exist in the literature. There are those for whom membership of humanity at large means that special relationships (including particular moral responsibilities) to family, kin, nation or religious grouping can never be justified because the people involved have some intrinsic quality which suffices alone to compel special moral attention, or because they are allegedly worth more than other people, or because such affiliations provide sufficient reason for pursuing particu-lar commitments or actions. This does not mean that such relationships cannot be justified —they can, but only in so far as nurturing or honoring such ties is in the cosmopolitan interest; that is, is the best way to achieve the good for humanity overall (Nussbaum, 1996, pp. 135-6; Barry, 1998a). As Scheffler succinctly put it, 'special attention to particular people is legitimate only if it can be justified by re-ference to the interests of all human beings considered as equals' (1999, p. 259).

The second interpretation recognizes that while each person stands in 'an ethi-cally significant relation' to all other people, this is only one important 'source of reasons and responsibilities among others' (Scheffler, 1999, p. 260). Cosmopolitan principles are, in this context, quite compatible with the recognition of different 'spheres' or 'layers' of moral reasoning (Walzer, 1983).

In the light of this, it is useful to draw a distinction between 'strong' and 'weak' cosmopolitanism, or between thick and thin cosmopolitanism as I refer to it. Miller has summarized the distinction well:

> According to the strong [thick] version… [a]ll moral principles must be justified by showing that they give equal weight to the claims of everyone, which means that they must either be directly universal in their scope, or if they apply only to a select group of people they must be secondary principles whose ultimate founda-tion is universal. The weak [thin] version, by contrast, holds only that morality is cosmopolitan in part: there are some valid principles with a more restricted scope. According to… [thin] cosmopolitanism…we may owe certain kinds of treatment to

all other human beings regardless of any relationship in which we stand to them, while there are other kinds of treatment that we owe only to those to whom we are related in certain ways, with neither sort of obligation being derivative of the other (1998, pp. 166-7).

Whether cosmopolitanism is an overriding frame of reference (trumping all other moral positions) or a distinctive subset of considerations (specifying that there are some substantive global rules, norms and principles of justice which ought to be balanced with, and take account of, those derived from individual societies or other human groupings) is not a question which will be focused on here at length (cf. Barry, 1998a; Miller, 1998). However, some comment is in order if the rationale and standing of the eight principles are to be satisfactorily illuminated.

I take cosmopolitanism ultimately to denote the ethical and political space occupied by the 8 principles. Cosmopolitanism lays down the universal or regulative principles which delimit and govern the range of diversity and difference that ought to be found in public life. It discloses the proper basis or framework for the pursuit of argument, discussion and negotiation about particular spheres of value, spheres in which local, national and regional affiliations will inevitably be weighed. In some respects, this is a form of thick cosmopolitanism. However, it should not be concluded from this that the meaning of the eight principles can simply be specified once and for all. For while cosmopolitanism affirms principles which are universal in their scope, it recognizes, in addition, that the precise meaning of these is always fleshed out in situated discussions; in other words, that there is an inescapable hermeneutic complexity in moral and political affairs which will affect how the 8 principles are actually interpreted, and the weight granted to special ties and other practical-political issues. I call this mix of regulative principles and interpretative activity neither thick nor thin cosmopolitanism, but, rather, a 'layered' cosmopolitan perspective (cf. Tully, 1995). This cosmopolitan point-of-view builds on principles that all could reasonably assent to, while recognizing the irreducible plurality of forms of life (Habermas, 1996). Thus, on the one hand, the position upholds certain basic egalitarian ideas —those which emphasize equal worth, equal respect, equal consideration and so on— and, on the other, it acknowledges that the elucidation of their meaning cannot be pursued independently of an ongoing dialogue in public life. Hence, there can be no adequate institutionalization of equal rights and duties without a corresponding institutionalization of national and transnational forms of public debate, democratic participation and accountability (McCarthy, 1999). The institutionalization of regulative cosmopolitan principles requires the entrenchment of democratic public realms.

A layered cosmopolitan perspective of this kind shares a particular commitment with thin cosmopolitanism in so far as it acknowledges a plurality of value sources and a diversity of moral conceptions of the good; it recognizes, accordingly, different spheres of ethical reasoning linked to everyday attempts to resolve matters concerning modes of living and social organization (Böhme, 2001). As such, it seeks to express ethical neutrality with regard to many life questions. But ethical

neutrality of this sort should not be confused with political neutrality and its core requirements (see Kuper, 2000, p.649f). The point has been succinctly stated by Tan: 'a commitment to ethical neutrality entails a particular type of political arrangement, one which, for one, allows for the pursuit of different private conceptions of the good' (1998, p.283, quoted in Kuper, 2000, p.649; see Barry, 1995, p.263). Only polities that acknowledge the equal status of all persons, that seek neutrality or impartiality with respect to personal ends, hopes and aspirations, and that pursue the public justification of social, economic and political arrangements can ensure a basic or common structure of political action which allows individuals to pursue their projects —both individual and collective— as free and equal agents. Such a structure is inconsistent with, and, if applied systematically, would need to filter out, those ends and goods, whether public or private, which would erode or undermine the structure itself.[5] For value pluralism and social pluralism to flourish, political associations must be structured or organized in one general way —that is, according to the constituting, legitimizing and prioritizing principles specified above (cf. Pogge, 1994, p. 127). Arguments can be had about the exact specification of these; that is, about how these notions are properly formulated. But the eight principles themselves constitute guiding notions or regulative ideals for a polity geared to autonomy, dialogue and tolerance.

COSMOPOLITAN JUSTIFICATIONS

However, while cosmopolitanism must stand by these principles, they are not, of course, self-justifying. Or, to put the point another way, whence these principles? From the outset, it is important to distinguish two things too often run together: questions about the origins of principles, and questions about their validity or weight (see Weale, 1998). Both kinds of question are relevant. If the first illuminates the ethical circumstances or motivation for a preference for, or commitment to, a principle or set of principles, the second is the basis for testing their intersubjective validity. In this regard, the justificatory rationale of cosmopolitan principles is dependent on two fundamental metaprinciples or organizing notions of ethical discourse —one cultural and historical, the other philosophical. These are, respectively, the metaprinciple of autonomy and the metaprinciple of impartialist reasoning.

The metaprinciple of autonomy (henceforth, the MPA) is at the core of the democratic project. Its rationale and standing are 'political not metaphysical', to borrow a phrase from Rawls (1985). A basic concept or idea is political, in this sense, if it represents an articulation of an understanding latent in public political life and, in particular, if against the background of the struggle for a democratic culture in

---

5. As Miller aptly wrote, 'an institution or practice is neutral when, as far as can reasonable be foreseen, it does not favour any particular conception of the good at the expense of others' (1989, p. 7; see pp. 72-81).

the West and later elsewhere, it builds on the distinctive conception of the person as a citizen who is, in principle, 'free and equal' in a manner 'comprehensible' to everyone. In other words, the MPA can be understood as a notion embedded in the public political culture of democratic societies and emerging democracies.

The MPA is part of the 'deep structure' of ideas which have shaped the constitution of modern political life. It has roots in the ancient world, although many elements of its deep structure were not part of classical thinking, marked as the latter was by a very restricted view of who could count as a citizen and by a teleological conception of nature and the cosmos. It was not until the modern world that the MPA became more firmly entrenched (Held, 1996). It became entrenched in the pursuit of citizenship, which has always been marked by 'an urge', as Marshall put it, to secure 'a fuller measure of autonomy' for each and every person; for autonomy is the 'stuff' of which modern citizenship is made (1973, p. 84). Or, to restate the point in the language used hitherto, it has been marked by an urge to realise the core elements of an egalitarian conception of the person (with its emphasis upon people as free and equal, capable of active agency and accountable for their choices), of the democratic regulation of public life (including consent, deliberation, voting and inclusiveness) and of the necessity to ensure that, if people's equal interest in self-determination or self-governance is to be protected, attention must be focused on those who lack the capacity to participate in, and act within, key sites of power and political institutions (that is, that there must be a measure of social protection).

Another way to put these points is to say that the MPA is the guiding political thread of modern democratic societies and that the first seven cosmopolitan principles, suitably unfolded from a commitment to self-determination and autonomy, are the basis for specifying more fully the nature and form of a liberal and democratic order.[6] In short, these cosmopolitan principles are the principles of democratic public life, but without one crucial assumption —never fully justified in any case in liberal democratic thought, classic or contemporary— that these principles can only be enacted effectively within a single, circumscribed, territorially based political community (see Held, 1995). The cosmopolitan principles do not presume, as principle 6 makes clear, that the link between self-determination, accountability, democracy and sovereignty can be understood simply in territorial terms. Hence, it is possible to have a modern democratic rendition of the Stoic aspiration to multiple forms of affiliation —local, national and global. The cosmopolitan principles are the core element of democratic public life, shed of the contingent link with the borders of nation-states. How these principles should be spliced with organizations, institutions and borders of political communities is a separate question, to which I will return.

It could be objected that the language of autonomy and self-determination has limited cross-culture validity because of its Western origins. But a distinction must

<hr />

6.   I say 'first seven cosmopolitan principles' because the eighth, sustainability, has traditionally not been a core element of democratic thinking, although it ought to be (see Held, forthcoming).

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

To test the generalizability of claims and interests involves 'reasoning from the point of view of others' (Benhabib, 1992, pp. 9-10, 121-47). Attempts to focus on this 'social point of view' find their clearest contemporary elaboration in Rawl's original position, Habermas's ideal speech situation and Barry's formulation of impartialist reasoning (see Rawls, 1971; Habermas, 1973, 1996; Barry, 1989 and 1995). These formulations have in common a concern to conceptualize an impartial moral standpoint from which to assess particular forms of practical reasoning. This concern should not be thought of as over-demanding. As one commentator aptly put it: 'all the impartiality thesis says is that, if and when one raises questions regarding fundamental moral standards, the court of appeal that one addresses is a court in which no particular individual, group, or country has *special* standing' (Hill, 1987, p. 132, quoted in Barry, 1995, pp. 226-7). Before the court suggesting 'I like it', 'it suits me', 'it belongs to male prerogatives', 'it is in the best interest of my country', does not settle the issue at hand, for principles must be defensible from a larger, human standpoint. This social open-ended, moral perspective is a device for focusing our thoughts and testing the intersubjective validity of our conceptions of the good. It offers a way of exploring principles, norms and rules that might reasonably command agreement. I refer to it as the metaprinciple of impartialist reasoning (MPIR).

The MPIR is a moral frame of reference for specifying rules and principles that can be universally shared; and, concomitantly, it rejects as unjust all those practices, rules and institutions anchored in principles not all could adopt (O'Neill, 1991). At issue is the establishment of principles and rules that nobody, motivated to establish an uncoerced and informed agreement, could reasonably discard (see Barry, 1989; cf. Scanlon, 1998). In order to meet this standard a number of particular tests can be pursued, including an assessment of whether all points of view have been taken into consideration; whether there are individuals in a position to impose on others in such a manner as would be unacceptable to the latter, or to the originator of the action (or inaction), if the roles were reversed; and whether all parties would be equally prepared to accept the outcome as fair and reasonable irrespective of the social positions they might occupy now or in the future (see Barry, 1989, pp. 372 and 362-3).

The MPIR cannot produce a simple deductive proof of the ideal set of principles and conditions which can overcome the deficiencies of a political order; nor can it produce a deductive proof of the best or only moral principles that should guide institutional development. Rather, it should be thought of as a heuristic device to test candidate principles of moral worth, democracy and justice and their forms of justification (Kelly, 1998, pp. 1-8; Barry 1998b). These tests are concerned with a process of reasonable rejectability, which can always be pursued in a theoretical dialogue open to fresh challenge and new questions and, hence, in a hermeneutic sense, can never be complete (Gadamer, 1975). But to acknowledge this is not to say that theoretical conversation is 'toothless' either with respect to principles or the conditions of their entrenchment.

In the first instance, moral impartialism has a crucial critical and debunking role. This position is emphasized most clearly by O'Neill (1991). Impartialist reasoning, in this account, is a basis for disclosing non-generalizable principles, rules and interests, and of showing how justice is a matter of not basing actions, lives or institutions on principles that cannot be universally shared. The impartialist vantage point has efficacy *qua* critical stance.

The principles of coercion and deception are among the principles open to serious objection from this perspective. It is impossible for a principle of coercion to be universally shared, for those who are coerced are denied agency and so cannot share their coercer's principle of action. Likewise, it is impossible for a principle of deception to be universally upheld because those who are deceived cannot adopt their deceiver's underlying concerns or share the deceiver's principle of action. (If the deceiver's plan of action was known to all parties, the deception could not, of course, work.) Such arguments do not show 'that all coercion or deception is unjust: they show only that actions, institutions and lives which make coercion or deception fundamental are unjust' (O'Neill, 1991, p. 298). Moreover, the same line of reasoning can disclose that human beings cannot construct a just order based on the neglect of need. For a principle of neglecting need will also fail the test of universal adoption. Human beings who sought to adopt such a principle would risk failing to meet their own finite, needy states, let alone those of others. But how, and to what extent, needs should be met remains unspecified in this account.

Impartialist reasoning, thus understood, is a critical device for disclosing non-generalizable principles and unjust institutions, but can it state a more positive position, which lays down the underlying principles of a just cosmopolitan order? I believe something more positive can be disclosed in the pursuit of principles and rules that can be universally shared. There is only space here to sketch this thought. In this regard, it is my contention that the eight cosmopolitan principles can all meet the test of impartiality, and form moral and political elements upon which all could act. For they are at the root of the equal consideration and treatment of all human beings, irrespective of where they were born or raised. The impartialist emphasis on taking account of the position of the other, of only treating political outcomes as fair and reasonable if there are good reasons for holding that they

would be equally acceptable to all parties, and of only treating the position of some socio-economic groups as legitimate if they are acceptable to all people irrespective of where they come in the social hierarchy, is consistent with the eight principles and does not provide grounds on which they can be reasonably rejected. The principles of equal moral status, equal public engagement and the public justification of collective institutional arrangements are robust enough not to fall foul of these considerations (see Held, forthcoming).

Within this theoretical framework, it can be argued that individual or collective social arrangements generating serious harm (urgent unmet need) cannot be justified by reference to a special social standing, cultural identity, ethnic background, or nationality —in fact by reference to any particular grouping— if the latter sanctions closure or exclusion in relation to the core conditions of human autonomy, development and welfare (see Caney, 2001). To the extent that a domain of activity operates to structure and delimit life expectancy and life-chances, deficits are disclosed in the structure of action of a political association. These deficits can, furthermore, be regarded as illegitimate to the extent to which they would be rejected under the conditions of the MPIR. If people did not know their future social location and political identity, they would not find the self-interested defence of specific exclusionary processes and mechanisms convincing. These justificatory structures cannot easily be generalized and are, thus, weak in the face of the test of impartiality. Unless exceptional arguments are available to the contrary, social mechanisms and processes generating serious harm for certain groups and categories of people fall to the requirement of impartiality (see Barry, 1995, 1998a).

Impartialist reasoning is a basis for thinking about the problems posed by asymmetries of power, unevenness of resource distribution and stark prejudices. It provides the means for asking about the rules, laws and policies people might think right, justified or worthy of respect. It allows a distinction to be made between legitimacy as acquiescence to existing socio-economic arrangements, and legitimacy as 'rightness' or 'correctness' —the worthiness of a political order to be recognized because it is the order people would accept as a result of impartialist reasoning. The latter can be conceived not as an optional element of a political and legal understanding, but as a requirement of any attempt to grasp the nature of the support and legitimacy enjoyed by particular social forces and relations; for without this form of reasoning, the distinction between legitimacy as 'acceptance' and legitimacy as 'rightness' could not be drawn.

It should be emphasized that the pursuit of impartial reasoning is a social activity —not a solitary theoretical exercise. For as Arendt has written:

> 'The power of judgement rests on a potential agreement with others, and the thinking process which is active in judging something is not… a dialogue between me and myself, but finds itself always and primarily, even if I am quite alone in making up my mind, in an anticipated communication with others with whom I know I must finally come to some agreement… And this enlarged way of thinking… cannot function in strict isolation or solitude; it needs the presence of others 'in

whose place' it must think, whose perspective it must take into consideration, and without whom it never has the opportunity to operate at all. (1961, pp. 220-1, as cited by Benhabib, 1992, pp. 9-10).'

The aim of a 'theoretical conversation' about impartiality is an anticipated agreement with all those whose diverse circumstances affect the realization of people's equal interest in self-determination and autonomy. Of course, as an 'anticipated agreement' it is a hypothetical ascription of an intersubjective or collective understanding. As such, the ultimate test of its validity must depend in contemporary life on the extension of the conversation to all those whom it seeks to encompass. Only under the latter circumstances can an analytically proposed interpretation become an actual understanding or agreement among others (Habermas, 1988). Critical reflection must conjoin with public debate and democratic politics.

Together the MPA and MPIR provide the grounds of cosmopolitan thought. The MPA lays down the conceptual space in which impartialist reasoning can take place. For it generates a preoccupation with each person as a subject of equal moral concern; with each person's capacity to act autonomously with respect to the range of choices before them; and with each person's equal status with respect to the basic institutions of political communities, that is, with an entitlement to claim and be claimed upon (see Rawls, 1971, pp. 544-5; Barry, 1989, p. 200). It provides motives, reasons and constraining considerations to help establish agreement on reasonable terms. The MPIR is the basis for pursuing this agreement. It is a device of argument that is designed to abstract from power relations in order to disclose the fundamental enabling conditions of active agency, rightful authority and social justice. Of course, as a device of argument it can be resisted by those who reject the language of autonomy and self-determination; but then we must be clear that this is precisely what they are doing.

FROM COSMOPOLITAN PRINCIPLES TO COSMOPOLITAN LAW

Cosmopolitan law refers to a domain of law different in kind from the law of states and the law made between one state and another for the mutual enhancement of their geopolitical interests. Kant, the leading interpreter of the idea of such a law, interpreted it as the basis for articulating the equal moral status of persons in the 'universal community' (1970, p. 108). For him, cosmopolitan law is neither a fantastic nor a utopian way of conceiving law, but a 'necessary complement' to the codes national and international law, and a means to transform them into a public law of humanity (see Held, 1995, ch. 10). While Kant limited the form and scope of cosmopolitan law to the conditions of universal hospitality —the right to present oneself and be heard within and across communities— I understand it more broadly as the appropriate mode of representing the equal moral standing of all human beings, their entitlement to equal liberty and to forms of governance founded on deliberation and consent. In other words, cosmopolitan law is the form

of law which best articulates and entrenches the eight principles of cosmopolitan order. If these principles were to be systematically entrenched as the foundation of law, the conditions of the cosmopolitan regulation of public life could initially be set down.

Within the framework of cosmopolitan law, the idea of rightful authority, which has been so often connected to the state and particular geographical domains, has to be reconceived and recast. Rightful authority or sovereignty can be stripped away from the idea of fixed borders and territories and thought of as, in principle, an attribute of basic cosmopolitan democratic law which can be drawn upon and enacted in diverse realms, from local associations and cities to states and wider global networks. Cosmopolitan law demands the subordination of regional, national and local 'sovereignties' to an overarching legal framework, but within this framework associations can be self-governing at diverse levels (Held, 1995, p. 234).

In this conception, the nation-state 'withers away', to borrow an old Marxist phrase. But this is not to suggest that states and national democratic polities become redundant. Rather, states would no longer be regarded as the sole centres of legitimate power within their borders, as is already the case in many places (Held et al, 1999, the Conclusion). States need to be articulated with, and relocated within, an overarching cosmopolitan framework. Within this framework, the laws and rules of the nation-state would become but one focus for legal development, political reflection and mobilization. Under these conditions, people would come, in principle, to enjoy multiple ctizenships — political membership, that is, in the diverse communities which significantly affect them. In a world of overlapping communities of fate, individuals would be citizens of their immediate political communities, and of the wider regional and global networks which impacted upon their lives. This overlapping cosmopolitan polity would be one that in form and substance reflected and embraced the diverse forms of power and authority that already operate within and across borders. In this sense, cosmopolitanism constitutes the political basis and political philosophy of living in a global age (see Held, 2004).

REFERENCES

Arendt H (1961). The crisis in culture. In: *Between Past and Future: Six Exercises in Political Thought.* Meridian: New York.

Barry B (1989). *Theories of Justice.* Harvester Wheatsheaf: London.

Barry B (1995). *Justice as Impartiality*. Clarendon Press: Oxford.

Barry B (1998a). International society from a cosmopolitan perspective. In: Mapel D and Nardin T (eds.). (1998).

Barry B (1998b). Something in the disputation not unpleasant. In: Kelly P (ed.). *Impartiality, Neutrality and Justice: Re-thinking Brian Barry's Justice as Impartiality.* Edinburgh University Press: Edinburgh.

Barry B (1999). Statism and nationalism: a cosmopolitan critique. In: Shapiro I and Brilmayer L (eds.). *Global Justice*. New York University Press: New York.

Beitz C (1979). *Political Theory and international Relations.* Princeton University Press: Princeton.

Beitz C (1994). Cosmopolitan liberalism and the states system. In: Brown C (ed.). (1994).

Beitz C (1998). Philosophy of international relations. In: *Routledge Encyclopaedia of Philosophy.* Routledge: London, pp. 826-833.

Benhabib S (1992). *Situating the Self.* Polity Press: Cambridge.

Böhme G (2001). *Ethics in Context*. Polity Press: Cambridge.

Caney S (2001). Cosmopolitan justice and equalizing opportunities. In: Pogge T (ed.). *Global Justice*. Blackwell: Oxford.

Cohen J (ed.) (1996). *For Love of Country: Debating the Limits of Patriotism*. Beacon Press: Boston.

Dahl R A (1989) *Democracy and its Critics*. Yale University Press: New Haven.

Gadamer H G (1975). *Truth and Method*. Sheed and Ward: London.

Giddens A (1984). *The Constitution of Society*. Polity Press: Cambridge.

Goodin R (1992). *Green Political Theory*. Polity Press: Cambridge.

Habermas J (1973). Wahrheitstheorien. In: Fahrenbach H (ed.). *Wirchlichkeit und Reflexion*. Neske: Pfüllingen.

Habermas J (1988). *Theory and Practice*. Polity Press: Cambridge.

Habermas J (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Polity Press: Cambridge.

Held D (1995). *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Polity Press: Cambridge.

Held D (1996). *Models of Democracy*. Second edition. Polity Press: Cambridge.

Held D (2002). Law of states, law of peoples. *Legal Theory*. 8, 2, pp. 1-44.

Held D (2004). *Global Covenant: The Social Democratic Alternative to the Washington Consensus*. Polity Press: Cambridge.

Held D (forthcoming). *Cosmopolitanism: A Defence*. Polity Press: Cambridge.

Held D, McGrew A, Goldblatt D, Perraton J (1999). *Global Transformations: Politics, Economics and Culture*. Polity Press: Cambridge.

Hill T (1987). The Importance of autonomy. In: Kittay E, Meyers D (eds.). *Women and Moral Theory.* Roman and Allanheld: Towata, N. J.

Horstmann A (1976). Kosmopolit, Kosmopolitismus. In: *Historisches Worterbuch der Philosphie*. Band 4. Schwabe: Basel, pp. 1156-1168.

Kant I (1970). *Kant's Political Writings.* ed. and intro. Reiss H. Cambridge University Press: Cambridge.

Kelly P (ed.) (1998). *Impartiality, Neutrality and Justice: Re-reading Brian Barry's Justice as Impartiality.* Edinburgh University Press: Edinburgh.

Kuper A (2000). Rawlsian global justice: beyond *The Law of Peoples* to a cosmopolitan law of persons. *Political Theory*, 28, pp. 640-674.

Mapel D, Nardin T (eds). *International Society: Diverse Ethical Perspectives*. Princeton University Press: Princeton, N.J.

Marshall T (1973) *Class, Citizenship and the Welfare State*. Greenwood Press: Westport, Conn.

McCarthy T (1991) *Ideals and Illusions*. MIT Press: Cambridge, Mass.

McCarthy T (1999). On reconciling cosmopolitan unity and national diversity. *Public Culture*, 11, pp. 175-208.

Miller D (1988). The ethical significance of nationality. *Ethics*, 98, pp. 647-62.

Miller D (1989). *Market, State and Community: Theoretical Foundations of Market Socia-lism*. Clarendon Press: Oxford.

Miller D (1998). The limits of cosmopolitan justice. In: Mapel D, Nardin T (eds.). (1998).

Nussbaum M C (1996). Patriotism and cosmopolitanism. In: Cohen J (ed.). (1996).

Nussbaum M C (1997). Kant and cosmopolitanism. In: Bohman J, Lutz-Bachmann M (eds.). (1997).

O'Neill O (1990). Enlightenment as autonomy: Kant's vindication of reason. In: Jordanova L, Hulme P (eds.). *The Enlightenment and its Shadows.* Routledge: London.

O'Neill O (1991). Transnational justice. In: Held D (ed.). (1991).

Pogge T (1989). *Realizing Rawls*. Cornell University Press: Ithaca, N.Y.

Pogge T (1994a). Cosmopolitanism and sovereignty. In: Brown C (ed.). 1994.

Pogge T (1994b). An egalitarian law of peoples. *Philosophy and Public Affairs*, 23, pp. 195-224.

Rawls J (1971). *A Theory of Justice*. Harvard University Press: Cambridge, Mass.

Rawls J (1985). Justice as fairness: political not metaphysical. *Philosophy of Public Affairs*, 14 (3).

Raz J (1986). *The Morality of Freedom*. Oxford University Press: Oxford.

Scanlon T M (1998). *What We Owe to Each Other.* Belknap: Cambridge, Mass.

Scheffler S (1999). Conceptions of cosmopolitanism. *Utilitas*, 11, pp. 255-276.

Schmidt J (1998). Civility, enlightenment and society: conceptual confusions and Kantian remedies. *American Political Science Review*, 92, pp. 419-227.

Sen A (1999). *Development as Freedom*. Oxford University Press: Oxford.

Tully J (1995). *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge University Press: Cambridge.

Walzer M (1983). *Spheres of Justice: A Defence of Pluralism and Equality*. Martin Robertson: Oxford.

Weale A (1998). From contracts to pluralism? In: Kelly P (ed.). *Impartiality, Neutrality and Justice: Re-Reading Brian Barry's Justice as Impartiality.* Edinburgh University Press: Edinburgh.