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«Роман Захаров против России»
большой брат под контролем?

Национальное измерение
Европейской Конвенции

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The National Dimension
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Cosmopolitan Democracy and the State: Reflections on the Need for Ideals and Imagination

Abstract

In *Towards Perpetual Peace*, Kant is known to give up the ideal of a world republic in favour of a federation of free republics. Following this lead in a contemporary perspective, Michael Walzer has argued for a “3rd degree of global pluralism”, and Jürgen Habermas for “global governance without global government”. To develop such a constitutional pluralism, Habermas has proposed a pluralist concept of sovereignty which includes the idea of democracy beyond the nation state. For Habermas this implies a multi-layer democracy, whereas David Held talks about “cosmopolitan democracy”. The viability of such humanist ideals has been contested by Carl Schmitt, and a recent article by William Scheuerman argues in favour of a similar kind of realism. The basic objection raised is classical; namely that democracy requires a state, and this constitutes the point of departure for my reflections on these matters. The conclusion is not surprising. Yes, on the one side Scheuerman is right, but on the other, he is not: without unworldly ideals, there are no politics at all. It is thus worth continuing to develop the original Kantian approach.

Keywords: Peace, imagination, global government, federation, republicanism.

Космополитическая демократия и государство: размышления о необходимости идеалов и воображения

Аннотация

Известно, что в трактате «К вечному миру» Кант отказался от идеи всемирной республики в пользу федерации свободных республик. Следуя за Кантом, Майкл Уолтцер обосновал идею «третьего уровня глобального плюрализма», а Юрген Хабермас – «глобального управления без всемирного правительства». В целях развития такого конституционного плюрализма Хабермас предложил плюралистическую концепцию суверенитета, которая включает в себя идею демократии за пределами нации-государства. Если для Хабермаса эта идея предполагает «многоуровневую демократию», то Дэвид Хелд использует термин «космополитическая демократия». Жизнеспособность таких гуманистических идеалов была поставлена под сомнение Карлом Шмидтом; в сравнительно недавней статье Уильям Шаерман также высказался в пользу похожего реалистического подхода. Реализм опирается на классический аргумент, который является отправной точкой моих рассуждений по данному предмету: демократия возможна только в пределах государства. Мой вывод предсказуем. С одной стороны, Шаерман прав, но, с другой, – нет: без возвышенных идеалов нет политики как таковой. Поэтому есть смысл в дальнейшем развитии кантианского подхода.

Ключевые слова: мир, воображение, глобальное правительство, федерация, республиканизм.

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COSMOPOLITAN DEMOCRACY AND THE STATE: REFLECTIONS ON THE NEED FOR IDEALS AND IMAGINATION

Introduction

Within political philosophy the point of departure is often a conflict considered 'classical'; e.g. natural freedom and insecurity versus conventional restrictions and security. This conflict is most often discussed as a conflict within a society of peoples, but it can also be considered at the global level as a conflict between peoples or states. Within a society of peoples, some combination of autonomy, democracy and the state of law is normally considered a viable solution, but what about conflicts between states? What kind of political order should we strive for at the global level to achieve security and, ideally, perpetual peace?

A simple and seemingly reasonable solution would be to scale up the approach just mentioned to conflicts at the national level and propose a world state which secures peace through autonomy, democracy and the state of law. In *Towards Perpetual Peace*, however, Kant apparently gave up the ideal of a world republic, instead recommending a federation of free republics. Following this lead in a contemporary perspective, Michael Walzer has argued for a "3rd degree of global pluralism" and Jürgen Habermas for a "global governance without global government". To develop such a constitutional pluralism, Habermas has proposed a pluralist concept of sovereignty which includes the idea of democracy beyond the nation state. For Habermas this implies a multi-layer democracy, whereas David Held talks about "cosmopolitan democracy". Habermas stages his argument against the so-called realism of Carl Schmitt, and, in a recent article by William Scheuerman, the viability of ideals concerning a democratic world order beyond nation states has also been contested. The basic objection raised by Scheuerman is classical; namely that democracy requires a state, and this I have taken as an opportunity to reflect on these matters.

First I will briefly present Kant's original argument for a federation of republics, at the centre of the project towards perpetual peace, and Walzer's more recent argument for a third degree pluralist

global political order (1). Second, Habermas offers a reminder of the deficiencies of both these conceptions in neglecting the importance of economy to politics. Neither Kant nor Walzer show any awareness of the disintegrating forces of capitalism. And when it comes to Walzer, his approach to peace is simply lacking in ambition. Instead I will present Habermas' own idea of a viable political order that may lead to global peace and justice (2). Thirdly, I will consider the legitimacy of possible objections to this ideal, including Scheuerman's objections (3). The conclusion is not surprising: on the one side Scheuerman is right, but on the other, he is not. Utopianism might pose a threat, but without unworldly ideals, there are no politics at all. It is thus worth continuing to develop the original Kantian approach and discussing the idea of a democratic world order beyond nation states (4).

1. A federation of free republics balances peace and freedom

Kant considers the idea of a world republic an idea of reason,¹ but he nevertheless hesitates in recommending it as the ideal global governance structure. Kant is concerned that a world republic would threaten the diversity of languages and religions guaranteed by the nation state. A world republic might degenerate into the "soulless despotism" of a "universal monarchy"² or a "people's state".³ For Kant, making this state democratic does not represent a solution since he thinks of democracy as the direct rule of the people by the people, without the intermediary of laws, and he considers such a rule despotic.⁴ Ruling by immediate decisions is arbitrary and despotic, no matter whether the ruling agency is collective, as in democracy, or individual, as in tyranny. It is the separation of leg-

¹ Kant, I. (1795/96), *Zum ewigen Frieden*, in Kant, *Werke* (1964), Bd. VI, Darmstadt: Wissenschaftliche Buchgesellschaft, 1983, AB 38.

² *Ibid.*, A62/B63.

³ *Ibid.*, AB 30.

⁴ *Ibid.*, AB 24-29.

islative and executive powers which constitutes the republic as the civilised alternative to despotism, and, for Kant, government without representation is not government at all.

For Kant the ideal of a state as a democratic people's republic would thus not make sense, neither at the local, nor at the global level. Instead, self-determination and autonomy should be thought of in relation to a plurality of republics. Not even at this level, however, did Kant express much faith in popular government. He actually allowed himself to believe that the ideal republic is one where there is only one executive, equivalent to a king. Thus, to have the republic ruled by a single person is perfectly alright, as long as this ruler understands himself as the highest servant of the state.⁵

The idea of a world republic is also the point of departure for Walzer in his essay "Governing the Globe", reprinted in *Arguing about War*. Just as was the case for Kant, Walzer's main concern is not democracy, but global governance structures and their likely impact on war and peace. The question is simply how to rule the world, and that leads to a normative discussion of the idea of a world government in terms of degrees of centralisation. Walzer thus discusses more or less centralist models of global governance in terms of their likely contribution to "peace, justice, cultural pluralism and individual freedom".⁶ And even more than Kant, Walzer is sceptical of the idea of a world republic. Walzer acknowledges that the total absence of any global governance, and the resulting international anarchy, is often considered unattractive.⁷ Nevertheless, he argues that an order of dispersed sovereign states actually does offer something attractive; namely unity and protection for natural, cultural and ethnic groups.⁸

According to Habermas' *The Divided West*, this was precisely Kant's point.⁹ We thus have good

reason to drop the idea of the world republic as an ideal for global governance. Instead of a federation of states, however, Walzer labels his ideal for global governance "third degree of global pluralism",¹⁰ which he considers as the ideal compromise between a world republic and international anarchy. Basically, Walzer argues in favour of maintaining the current order of a world constituted by nation states which are all members of the United Nations (UN) as the overall global organisation. Apart from this basic order, however, Walzer also recognises the importance of regional supranational organisations like the European Union (EU). An organisation like the EU is characterised by having assumed a far greater degree of sovereignty from member states than the UN, and Walzer believes more of such organisations will emerge. In addition, he also acknowledges the importance of specialised cooperative international organisations like the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO) etc., all of which he sees as part of the ideal compromise of a third degree of pluralism.

Walzer's pluralist ideal thus roughly describes the world order as we know it at the beginning of the 21st century. As such, it is important to point to a crucial difference between Kant and Walzer. For Kant the demand for a federation of states is one out of the three constitutive elements in the project for perpetual peace,¹¹ where the other two are republicanism and cosmopolitanism. Apart from these core elements, the project of perpetual peace is also supported conceptually by Kant's philosophy of nature, his anthropology, as well as his philosophy of history.¹² This is not the case for Walzer. His idea of a third degree of pluralism is the final goal, the ideal compromise, and he urges us to give up the dream of having solved the problem once and for all; that is, the dream of perpetual peace.¹³ In-

⁵ Ibid., A98/B104.

⁶ Walzer, M. (2000), "Governing the Globe", in Walzer (2004), *Arguing about War*, New Haven & London: Yale University Press, p. 171.

⁷ Ibid., pp. 172-173.

⁸ Ibid., pp. 174-175.

⁹ Habermas, J. (2004), "Hat die Konstitutionalisierung des Völkerrechts noch eine Chance?", in Habermas, *Das gespaltene Westen*, Frankfurt a.M.: Suhrkamp,

pp. 125-127.

¹⁰ Walzer, Op.cit., p. 187.

¹¹ Kant, I. (1795/96), AB 35.

¹² Kant, I. (1784), *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*, in Kant, *Werke* (1964), Bd. VI, Darmstadt: Wissenschaftliche Buchgesellschaft, 1983, A 402-07; Kant, I. (1795/96), AB 47-58 ("Erster Zusatz").

¹³ Walzer, Op.cit., p. 188.

stead Walzer wants us to imagine a dynamic world order which allows individuals to engage politically in various aspects and at multiple levels. Walzer admits that there is a real danger that “no one will stop the awfulness”,¹⁴ but, on the other hand, in a world organised in a plurality of levels and aspects, there will be a lot of agents who can interfere. And for Walzer, this is as good as it can get; eternal peace is just an illusion.

2. The ideal global governance is without global government

Apparently Habermas’ starting point is the same as Walzer’s, and at first sight Habermas also seems to be more or less in accordance with Walzer in his normative conclusions. Like Walzer, Habermas argues for realising a multilevel global institutional structure which offers the individual opportunities to participate in various aspects and at various levels of governance. However, in contrast to Walzer, Habermas seems to follow Kant in his idealism. As such, Habermas also wants to maintain a reasonable hope for achieving something more than just a reform of the empirically given political reality; that is, something unconditional like perpetual peace. Habermas thus considers it meaningful to go beyond Walzer’s modest realism and try to solve some of the contradictions that Kant ran into. It is in this perspective that Habermas acknowledges that Kant’s project may not be particularly well-founded in all of its details.

As mentioned, republicanism is for Kant one of the main constitutive elements to achieving perpetual peace. Representation and the division of power are the key elements of the republic for Kant, and it therefore seems fair to draw a parallel to the contemporary idea of representative democracy. In this modern sense of democracy, democratically ruled states can be said to have been relatively peaceful in relation to each other, even though, according to Habermas, they have not lagged behind other states in waging wars in general. For Kant, however, this was not all. The benefits of republicanism would be supplemented by those of trade. Kant had great trust in the peace-generating effect of trade, since “the spirit of trade cannot coexist

with war”.¹⁵ For Habermas, however, it is obvious that unchaining capitalism has “worrying effects”,¹⁶ but, as he has also pointed out, in *Towards Perpetual Peace* Kant did not have the insights that Hegel gained from the English economists; namely that capitalism would lead to a contradiction between social classes which, in turn, would threaten peace itself within societies thus affected. Neither did Kant see the logical progression, resulting from such contradictions within a capitalist nation state, towards imperialism, and consequently war and not peace. As Habermas reminds us, it was only in the later stages of the 20th century that European welfare states managed to put a lid on these internal conflicts,¹⁷ and it remains unclear whether these solutions will last. As Thomas Pogge, among others, often reminds us, international economic inequality is increasing as we speak.¹⁸

As mentioned, Walzer puts his trust in existing organisations such as the World Bank, IMF and WTO to form part of the future global governance structure, each having its positive role to play.¹⁹ In contrast, Habermas emphasizes in *The Divided West* that these institutions have a mandate for business integration, which in reality means decisions of political nature.²⁰ When it comes to ideal examples of international coordination, Habermas actually sides with the classical anarchists pointing to the success of voluntary agreements in the 19th century regarding, for instance, postal and telegraphic communication.²¹ Habermas’ pluralism thus turns out to be quite different from Walzer’s, and one of the reasons is no doubt that whereas Walzer appears to accept the premises of mainstream liberal political philosophy, Habermas has his philosophical roots

¹⁵ Kant, I. (1795/96), A 65/ B 64.

¹⁶ Habermas, J. (2004), p. 143.

¹⁷ Habermas, J. (1995), “Kants Idee des ewigen Friedens – aus dem historischen Abstand von 200 Jahren”, in Habermas (1996), *Die Einbeziehung des Anderen*, Frankfurt a. M.: Suhrkamp, p. 201-203.

¹⁸ Pogge, T. W. (2007), “Cosmopolitanism”, in Goodin, R. E., Pettit, P. & Pogge (2nd ed.; eds.), *A Companion to Contemporary Political Philosophy*, Vol. I, Oxford: Blackwell, p. 318.

¹⁹ Walzer, Op.cit., p. 187.

²⁰ Habermas, J. (2004), p. 174.

²¹ Ibid., p. 173.

¹⁴ Ibid., p. 189.

in Marx' critique of political economy as the basic logic relevant for normative reflections about politics. Habermas thus takes a far more critical stance than Walzer in relation to capitalism, and along with such a stance comes greater hopes for the possibilities of a future political economy.

Habermas emphasises that global capitalism must be regulated in order to inhibit the disintegrating forces of business economy; forces which have been acknowledged within political economy since long before Marx. As I have argued, for Hegel there was no way to escape alienation and injustice in modernity.²² Including the critique of business economy in political considerations, however, means recognising that a society has good reason for intervening in the business of entrepreneurs, which implies exercising governmental power and force. In spite of the anarchist tendencies just mentioned, in the end Habermas actually becomes even more supportive of some kind of global governance than Walzer.

Like Walzer, Habermas thus calls attention to the UN and its sub-organisations, as well as regional organisations such as the EU. For Habermas, however, the point is that these organisations all have mixed political constitutions, and together they thus constitute various examples of multilevel political organisations. According to Habermas, by creating such institutions, history has helped us go beyond Kant's original ideal of a federation of states. The existing international and transnational organisations, with their different forms of mixed constitutions, can therefore serve as a "pattern"²³ for the ideal organisation of global governance which should include both transnational and supranational organisations.²⁴ Kant's problem was how to develop his federalism into an idea of global governance. However, according to Habermas, this was only because Kant presupposed state sovereignty to be indivisible. This is not the case for Habermas. His procedural concept of popular sovereignty makes it possible to conceive of a multilayer structure as sovereign, both in its entirety and at various levels.

²² Sørensen, A. (2016), "Not Work, but Alienation and Education. Bildung in Hegel's Phenomenology", *Hegel-Studien*, 49 (forthcoming).

²³ Habermas, J. (2004), p. 163.

²⁴ *Ibid.*, pp. 134-142.

Habermas argues that, with such a concept of sovereignty, the rule of law according to a constitution does not have to be embedded in a state,²⁵ and it is upon these conditions that Habermas can provide a consistent formulation of his idea of "global governance without global government".

3. Cosmopolitan risks

Habermas' idea of "global governance without global government" is thus intended as a modern version of Kant's combination of republicanism, federalism and cosmopolitanism. So far I have focused on Habermas' constitutional pluralism, and I have been able to do this rather affirmatively. It is only when looking at cosmopolitanism, and especially at cosmopolitan democracy, that the problems begin.

Even though Kant apparently gives up the ideal of a world republic, Habermas argues in *The Divided West* that Kant nonetheless must be credited for precisely this idea. The idea of the world republic represents a crucial innovation in international law since it is this idea that displaces the focus of international law from the state to the individual human being. Instead of only states and citizens of states, international law must now recognise every single human being as a citizen of the world. It is Kant who makes it clear that there must be a cosmopolitan law alongside a law for citizens of states and a law for states or peoples,²⁶ and this represents one of the major roots of the modern acknowledgement of cosmopolitanism.²⁷ After Kant, international law has to recognise two types of actors and concerned parties; i.e. states and human beings. And after the holocaust, the balance has shifted, so the reference to state sovereignty can no longer be considered the final word. As such, Habermas sees the Universal Declaration of Human Rights in 1948 as meaning that non-intervention can no longer be a non-violable right of the state.²⁸ This is expressed most clearly in the UN Charter with its dual concerns; i.e. state sovereignty and universal human rights.²⁹ Unlike the declaration itself, the charter is binding for

²⁵ *Ibid.*, p. 138.

²⁶ Kant, I. (1795/96), AB 19.

²⁷ Habermas, J. (2004), p. 123.

²⁸ *Ibid.*, p. 157.

²⁹ *Ibid.*, pp. 133, 161.

all members of the UN, as are the conventions and covenants on human rights since they have been ratified by a sufficient number of member states.

This, however, sets the stage for a sequence of interrelated problems. In the context, it is important for Habermas to argue for the legitimacy of pursuing cosmopolitan goals. This brings him in conflict with Schmitt. It is Schmitt who has argued most forcefully that international politics based on the universalist morality inherent in human rights are a danger to the stability of the international order. The ideal of cosmopolitanism is such an ideal for international politics. Since Schmitt thus must consider cosmopolitanism as a threat to the stability of the world, he must also believe that it should be abandoned. In the particular case of Schmitt, however, Habermas argues that the claim that there is a conflict between the sovereignty of the state and the sovereignty of man is backed up by an ideology that idealises war as such, and this ideology is in turn backed up by vitalism, nationalism and anti-Semitism.³⁰ Nevertheless, Habermas does not disprove the validity of Schmitt's basic claim about the conflict. The conflict within modern international law between human rights and state sovereignty is thus still worth considering. I will explore this conflict by considering cosmopolitanism related to law (3.1.), institutions (3.2.) and hopes (3.3.).

3.1. Law is not a threat to peace

When it comes to Schmitt's challenge, Habermas' immediate solution is to recommend further developing the laws and institutions which are intended to manage these conflicts. In contrast to Kant, Habermas seems to accept that armed conflicts on the scale of war between nation states will always occur, but it is precisely because of the likelihood of such conflicts that he finds that a "democratically legitimate world organisation capable of taking action"³¹ is vastly preferable to continuing to solve international conflicts through limited small-scale wars, as Schmitt would have it. Habermas recommends that breaches of international peace should be regarded as crimes within a global legal order. The existing legal system handling interna-

tional crime should thus be expanded. This would also imply that war criminals receive legal protection, which, according to Habermas, would protect everybody against the dangers of excessive moralisation highlighted by Schmitt.³² Quoting Klaus Günther, Habermas would therefore recommend "a democratic transformation of morality into a positive system of law" with all of its legal procedures. And Habermas adds his own conclusion: "Fundamentalism of human right is to be avoided not by giving up on the politics of human rights, but rather only through the cosmopolitan transformation of the state of nature among states into a legal order".³³

In this way governance without government is also a "global domestic politics". By institutionalising human rights as legal rights within a constitutional framework, Habermas believes that Schmitt's argument can be dismissed, and I think he is right. However, such a dismissal is not that easy, especially when we consider Held's project for a cosmopolitan democracy.

3.2. Institutions might create peace

Today's advocates for democracy do not want to restrict themselves to arguing for democracy within the limitations of the nation state. Held made this a crucial point in his argument against the grand old man of democracy, Robert Dahl.³⁴ The basic argument is that we are facing problems that do not respect artificial frontiers. Economy, pollution and terrorism do not respect national borders. Perceiving such transnational problems as increasingly urgent is part of what Ulrich Beck calls "cosmopolitanisation", and, as I have discussed elsewhere, this experience is fundamental to the ideology of cosmopolitanism.³⁵ Here, however, the point is to emphasise that globalisation means that we need more comprehensive political structures, and if you are a supporter of democracy – as are the overwhelming majority of contemporary Western intel-

³² Ibid., p. 226.

³³ Ibid., p. 236.

³⁴ Held, D. (1991), "The Possibilities of Democracy", *Theory and Society*, 20 (6), pp. 885-887.

³⁵ Sørensen, A. (2015), "Cosmopolitanism – Not a 'major ideology', but still an ideology", *Philosophy and Social Criticism*, OnlineFirst, March 15th.

³⁰ Habermas, J. (1995), pp. 228-234.

³¹ Ibid., p. 226.

lectuals – then you have to argue for a democratic political order beyond the restrictions of the nation state. The result is that discussions about perpetual peace and global governance become discussions about how we can think of a viable global political system in terms of democracy.

This brings us to the second issue. Held and Habermas think that we should continue developing the ideal of democracy on a global scale, but are they right? Should we try to realise democracy beyond the nation state? Is cosmopolitan democracy an ideal to strive for and, if so, in what sense? If democracy is more than a form of government, i.e. if it is a culture, a lifestyle or, as John Dewey would have it, “a mode of associated living”,³⁶ we may well want it to be developed globally and beyond the borders of a nation state. But what if we think of democracy as a form of government? Will democracy beyond the state be an ideal, or will it be a recipe for disaster?

The point made here is classical; namely that, as it was phrased by Hobbes, “covenants without swords are but words, and of no strength to secure a man at all”.³⁷ It is this realist argument that Scheuerman directs against Habermas. Democracy can only function as a form of government if democratic decisions are backed up materially by state power and sanctions of the law. As Scheuerman stresses, the best way to ensure democratic equality and freedom is through the establishment of fair and reasonable procedures in a state. Only then will the individual have confidence in his possibilities for democratic influence in the future.

The state monopoly on violence is a crucial factor in a well-functioning deliberative democracy. Only a strong state has the power to ensure that action is taken against illegitimate pursuits of power in civil society based on economic inequality, cultural hegemony, or traditional recognition. As Scheuerman emphasises, engaging in developing justice through democracy is a long process, and it only makes sense when there is a legitimate monopoly of power which can be applied against illegitimate

resistance.³⁸ As he puts it: “the state’s monopoly on legitimate violence has repeatedly helped guarantee both the fairness of democratic procedures and the effective enforcement of the policies generated by them”.³⁹

Actually, Habermas would have to agree with this argument since he has repeatedly stated that only a democratic constitutional republic and the state of law can secure the integration of citizens in the political will formation, decision-making and legislation.⁴⁰ Scheuerman’s criticism can thus be said to reveal a conflict in Habermas’ political thought between idealistic hopes and conceptual analysis. His conceptual analysis tells Habermas that, to have a well-functioning democracy, the support of a legitimate state is necessary, but such a state probably needs to be more coercive than Habermas can bring himself to suggest. The conclusion seems to be that there can be no democracy beyond a state, but does that mean that Habermas’ conception of governance without government is but an illusion? Is Habermas’ project “but words”, as Hobbes put it?

No, I think not. Actually I think that it is precisely in accepting the conflict between hopes and concepts, and dealing with it in terms of institutions and law, that Habermas shows himself to be Kant’s true heir. This would require Habermas to argue more clearly in terms of “institutions” rather than “organisations”, but actually, when it comes to giving positive examples, he does indeed speak of institutions rather than organisations.

3.3. *Utopian hopes might threaten peace*

However, this is not the case with Held. Admitting his understanding of the ideals of a cosmopolitan democracy, one may worry about the implications – and thus the consequences – for the stability of the global political order. First of all, Held’s original concept of democracy is strongly critical of procedural limitations and in favour of letting the realisation of democracy transgress the boundaries of constitutional institutions.⁴¹ This however, I would

³⁶ Dewey, J. (1916), *Democracy and Education*, New York: The Free Press, 1966, p. 87.

³⁷ Hobbes, T. (1651), *Leviathan*, Harmondsworth: Penguin, 1985, p. 223 (Part 2, Chap. 17).

³⁸ Scheuerman, W. E. (2009), “Postnational democracies without postnational states? Some sceptical Reflections”, *Ethics & Global Politics*, 2 (1), p. 51.

³⁹ *Ibid.*, pp. 46-47.

⁴⁰ Habermas, J. (2004), p. 140.

⁴¹ Held, D. (1991), pp. 881-882.

claim, contributes to a blurring of the idea of democracy as a constitutional ideal in relation to more general normative ideals such as justice, equality or the good life. The most important point in this context, however, is Held's way of dealing with one very important material condition of democracy; namely the state.

Like Habermas, Held was also raised as a critical theorist, and just like Habermas he argues for sharing sovereignty among multiple agencies and multiple layers, where some agents are national governments, while others are trans- or supra-national institutions and organisations. However, whereas Kant put the emphasis on law, Walzer on governmental institutions, and Habermas on legal institutions, Held's idea of cosmopolitan democracy is to a much larger degree an expression of hopes for the development within civil society of voluntary non-governmental organisations (NGOs) such as Amnesty, Greenpeace, Oxfam, Human Rights Watch, etc.⁴² While Habermas restricts himself to arguing in favour of a multi-layer democracy, Held calls his ideal "cosmopolitan democracy"⁴³ precisely to signal a much greater role for a global non-governmental civil society and the rights of world citizens in relation to each and every state. Held admits in the third edition of his *Models of Democracy* that his hopes for a cosmopolitan democracy and cosmopolitan governance might seem utopian, but he believes that what we stand to gain from being able to settle conflicts democratically – that is, for him, peacefully, without war – is so important that we must do everything possible to try anyway.⁴⁴

Under the heading of cosmopolitan democracy, Held's wish is to establish a plurality of trans- and supranational structures, *fora* and NGOs. The problem is that this expansion in the number of organisational actors legitimately entitled to demand political influence contributes to a weakening of the relative legitimacy of the state, and thus of its sovereignty. Add to this that the mere augmentation of *fora* increases complexity and thus the difficulties

in relevant and recognised authorities deciding anything when something awful happens and action is required. The problem is actually double-sided; i.e. how the decision must be taken and who has the legitimate authority. Following Schmitt, one can argue that the very recognition of cosmopolitan ideals in itself increases the possibility that horrors occur. The real danger is thus that ideals of cosmopolitan democracy such as Held's mean that the sovereignty of the nation state is no longer recognised as an almost sacred and inviolable entity. When state sovereignty is weakened ideologically, so is its important judicial function in international relations; namely as a disincentive to other people's bellicose intentions. The point is thus that strong political hopes for cosmopolitan democracy by implication can increase the risk of war for a number of reasons which may even work together and reinforce each other.

The argument is that if we demand democracy beyond the legal framework of a state, then we weaken the legitimacy and the power of governmental decision-making for the benefit of the sovereignty both of individuals and of transnational organisations, and this will increase the risk of armed conflicts. When the border of the state is no longer something sacred, then it can be transgressed all too easily. It is this development of sovereignty and international law that Michael Hardt and Antonio Negri have identified in *Empire*, with inspiration from precisely Hobbes and Schmitt. Their main approach is classically Marxist; namely that politics must be envisaged on the basis of the economy. When capitalism extends its logic and dynamic to a global scale, sovereignty is similarly extended. That means that we cannot talk about wars between sovereign states in the classical sense, but only about armed conflicts, civil wars and police actions within the global sovereign order, referred to by Hardt and Negri as "the Empire".⁴⁵ I have argued this point in more detail elsewhere.⁴⁶ Here the point is only to add to the scepticism towards Held's exaggerated

⁴² Held, D. (3rd ed. 2006), *Models of Democracy*, Cambridge: Polity, pp. 306-311.

⁴³ Held, D., Archibugi, D. & Köhler, M. (1998; eds.), *Re-imagining Political Community. Studies in Cosmopolitan Democracy*, Cambridge: Polity.

⁴⁴ Held, D. (2006), p. 311.

⁴⁵ Hardt, M. & Negri, A. (2000), *Empire*, Cambridge, Mass.: Harvard University Press, p. 189.

⁴⁶ Sørensen, A. (2015), "The Law of Peoples on the Age of Empire: The Postmodern Resurgence of the Ideology of Just War", *Journal of the Philosophy of International Law*, 6(1), pp. 19-37.

hopes for cosmopolitan democracy.

Of course, being critical theorists, Habermas and Held are very familiar with this logic, but I believe that it has been important for both of them to distance themselves from the political realism, cynicism and despair which could easily be the implication of such a radical critique of ideology. Therefore they stick to the ideals of what, for instance, the EU could be and ignore what the EU really is; that is, how it actually functions. As reminds us, when we consider what the EU has actually done in the past, it does not regulate the globalised capital. In fact, the opposite is true: the EU has created financial structures that are conducive to increasing capital circulation and accumulation, and it remains a “paradigmatic case of primarily neo-liberal supra-national governance”.⁴⁷

Applying the same critical perspective, one might argue that, when Held argues in favour of cosmopolitanism in terms of a utopian cosmopolitan democracy including all kinds of transnational NGOs, it increases the ideological support of civil society, which in itself weakens the state, thereby strengthening the possibilities of further globalisation of capital. What adds to this worry is not just Held’s very liberal understanding of democracy, as demonstrated in his relationship to the Gaddafi family – letting his place of employment at the time, the London School of Economics, receive substantial funds while acting as a political adviser to the Libyan regime and as academic adviser to Saif al-Islam Gaddafi, son of former Libyan leader Muammar Gaddafi, up to his award of a doctoral title from the university, amid allegations of plagiarism and the use of a ghost writer, for a thesis praising democracy (Wikipedia) – but also the case of Habermas who, according to Perry Anderson, has actually spoken in favour of almost all possible military interventions in recent international conflicts.⁴⁸ As Peter Niesen has stressed, one should keep in mind that, no matter how liberal the ethos behind foreign policy unilateralism may appear, in international relations, the UN has already institu-

tioned an order of “legal omnilateralism”. There are therefore good reasons to view the “ethical imperialism”⁴⁹ of a stronger state as detrimental to the world order.

In this light – with a nod to Lenin – one might be tempted to think of Habermas and especially Held as useful idiots for the ideological support and consequent expansion of the global capitalist world order. As such, Marx and Engels already used “cosmopolitan” to characterise the “bourgeois” “exploitation of the world market” through “production and consumption” in *The Communist Manifesto*.⁵⁰ Apparently this hint was developed in Stalin’s Soviet Union, and, according to Veljko Vujacic, the authoritative definition of cosmopolitanism in 1953 was the following: “reactionary bourgeois ideological current which, under the guise of slogans in favour of a “world-wide state” and “world citizenship”, denies the nation the right to an independent state existence, national traditions, national culture, and patriotism”.⁵¹

Cosmopolitanism was thus “the ideology of American imperialism striving for world domination”, and it was concluded that “bourgeois cosmopolitanism is the reverse of proletarian internationalism and hostile to it”.⁵² Even though such dogmatic definitions sound a little corny today, I still think they contain elements of insight worth maintaining.

4. Keep dreaming: politics requires ideals

The conclusion is not surprising: Hobbes, Scheuerman *et al.* are of course right. A well-functioning and stable democracy requires a government that can pass laws and has the power to enforce these laws. Without this, democracy risks degenerating into the kind of mob rule that led Kant

⁴⁷ Scheuerman, W. E. (2009), p. 46.

⁴⁸ Anderson, P. (2005), “Arms and Rights. Rawls, Habermas and Bobbio in an Age of War”, *New Left Review*, pp. 31, 32-34.

⁴⁹ Niesen, P. (2007), “The ‘West divided’? Bentham and Kant on law and ethics in foreign policy”, in Chandler, D. & Heins, V. (eds.), *Rethinking Ethical Foreign Policy*, London and New York: Routledge, pp. 95, 113.

⁵⁰ Marx, K. & Engels, F. (1848), “Manifest der kommunistischen Partei” in *Marx-Engels Werke (MEW)*, Bd. 4, Berlin: Dietz, p. 466.

⁵¹ Vujacic, V. (2007), “Stalinism and Russian Nationalism: A Reconceptualization”, *Post-Soviet Affairs*, 23 (2), p. 176.

⁵² *Ibid.*

to consider democracy despotic. And, of course, Schmitt, Hardt and Negri are also right. Recognising universal human rights and transnational structures weakens the legitimate sovereignty of the state. This is the same point made by the Soviet ideologists. As Habermas would remind us, we should be particularly wary of capitalism and the political organisations that contribute to the globalisation of capital, such as the EU, World Bank, IMF, WTO, GATT, etc. But it is not just a question of facilitating the globalisation of capitalism. Even UN-affiliated institutions dedicated to the protection of universal human rights, such as the International Court of Human Rights, in principle weaken the state precisely by recognising the universality of such rights, and thus their validity transcending the legal framework of any particular nation state. As organisations they of course rely on the states to recognise them and enforce their decisions, but the ideology they promote undermines the legitimacy and sovereignty of the state. As indicated above, in that sense cosmopolitanism is indeed a liberal ideology in the traditional Marxist sense; something which I have also argued elsewhere in more detail.⁵³

Nevertheless, we must accept the challenge behind cosmopolitanism: our problems *are* global, and even though there are social classes with different interests, we are all in this together. Economic, technological and political developments mean that today we are struggling with material challenges that do not respect national state borders. Actually, we have seen it coming for a long time. As can be seen in *The Communist Manifesto*, this was already quite clear to Marx more than 150 years ago.⁵⁴ In relation to the fight against the exploitation of bourgeois capitalism, the “worker has no fatherland”,⁵⁵ and it was precisely therefore the International Working’s Association, often called the First International, was formed in 1863. For Marx, Bakunin *et al.* it was obvious that the problems of the global capitalist economy require international solutions, and today it is just as obvious that planetary ecology requires the same. Confronted with such challenges, we should

⁵³ Sørensen, A. (2015), “Cosmopolitanism – Not a ‘major ideology’, but still an ideology”, *Philosophy and Social Criticism*, OnlineFirst, March 15th.

⁵⁴ Marx, K. & Engels, F. *Op.cit.*, pp. 463-67, 474, 479.

⁵⁵ *Ibid.*, p. 479.

be happy that also today we have intellectuals who insist that these crucial decisions must be made in democratic *fora*, even though we still do not know precisely what democracy may mean beyond the state. As André Gorz clearly already saw decades ago, it is a short path from dealing with real environmental problems politically to “ecological techno-fascism”.⁵⁶

So let us rejoice in humanity’s sustained commitment to what is still not real but might become so, even if it may appear impossible, in both the technological and the political fields. As Aristotle expressed it in relation to politics and ethics, there is a part of reality which might be different,⁵⁷ and it is precisely this part of reality that we as human beings have a hand in. As Jørgen Huggler has emphasised, for Kant, cosmopolitanism is subordinated to the political goal of perpetual peace,⁵⁸ and today, with millions of refugees fleeing wars east and south of the Mediterranean Sea, this is certainly more important than it has been for a long time.

We should therefore honour Kant’s project to initiate a global political process, building upon some rather simple preliminary principles, such as that of non-intervention, to reach the mature state of legally institutionalised republicanism, federalism and cosmopolitanism. This is actually what has happened with the establishment of the UN, and we should continue in the same way, just as we should think of Habermas’ project for governance without government, multi-layer democracy and divided sovereignty in the same spirit. Both Kant and Habermas represent attempts at conceptualising and incorporating ideals in legal institutions, and this is so far the best way we have for handling conflicts in a civilised way. It is not perfect, but in relation to the powerful forces of economy and technology at our disposal, it is better than nothing.

⁵⁶ Gorz, A. (1991), *Capitalism, Socialism, Ecology*, London: Verso, 1994, pp. 43-44 (here after Lataouche, S. (2007), *Farewell to Growth*, Cambridge: Polity, 2009, p. 94).

⁵⁷ Aristoteles, *Nicomachean Ethics*, in *The Complete Works of Aristotle* (1984), New Jersey: Princeton University Press, Vol. 2, p. 1139a.

⁵⁸ Huggler, J. (2010), “**Cosmopolitanism and peace in Kant’s essay on ‘Perpetual Peace’**”, *Studies in Philosophy and Education*, 29 (2), p. 134.

The final conclusion is thus that we should respect the hopes of Kant, Habermas, Held and other idealists. Without their commitment to political ideals and legal norms, we would be much worse off. In the U.S. they often say to idealists, in a slightly derogatory way, “Keep dreaming”. Yet dreaming, imagining, is precisely what it takes. Politics demands a willingness to imagination, as John Lennon reminded us with *Imagine*. Of course, we must engage critically with the way these dreams have been conceptualised so far, but we must be ready to imagine a world which goes beyond the realities we currently face. It is the demand for justice that makes this lack of realism legitimate. Our history so far has been all too generous with examples of injustice; to continue the fight for justice, we therefore need imagination.⁵⁹ To save the world it is necessary to demand the impossible: peace, freedom and justice. Making such demands just might make it possible.⁶⁰

⁵⁹ References to imagination are actually quite common among critical theorists. Max Horkheimer and Herbert Marcuse often made remarks about it (e.g. Horkheimer, M. (1937), “Traditionelle und kritische Theorie”, in Horkheimer (1988), *Gesammelte Schriften*, Bd. 4, Frankfurt a.M.: Fischer, p. 194 and Marcuse, H. (1937), “Philosophie und Kritische Theorie”, in Marcuse (2004), *Schriften*, Bd. 3, Springe: zu Klampen, p. 246), and an anthology on these matters edited by Held et al. is aptly titled *Re-imagining Political Community* (Polity, 1998).

⁶⁰ Thanks for comments, corrections and critique to those attending my presentations of earlier versions of this article at the Shanghai Academy of the Social Sciences, China, Sept. 2010; at Xiamen University, China, later the same month; at the Nordic Summer University workshop, Copenhagen Business School, Denmark, Jan. 2011; at the Conference Philosophy and the Social Sciences, Academy of Sciences of the Czech Republic and Charles University, Prague, May 2011; and at the 17th week of ethics and political philosophy, the international congress of Asociación Española de Ética y Filosofía Política (AEEFP), Donostia – San Sebastián, Spain, June 2011. Thanks especially to Jacob Dahl Rendtorff for organizing the workshop on global governance at the 24th World Congress of Internationale Vereinigung für Rechts- und Sozialphilosophie (IVR), China Law Society, Beijing Sept. 2009 at which I presented my initial reflections on these matters. Thanks also to the two

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