

# **COSMOPOLITANISM AND NATIONALISM: A CRITIQUE**

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**DECLARATION**

I declare that the thesis entitled "**Cosmopolitanism and Nationalism: A Critique**" submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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## Introduction

The word cosmopolitan has come from the Greek word *kosmopolitês* meaning “the citizen of the world.” Thomas Pogge discusses three elements that define cosmopolitanism. According to him ‘ First, *individualism*: the ultimate unit of concern are the human beings, or persons --- rather than, say family lines, tribes, ethnic, cultural, or religious communities, nations, or states. The later may be units of concern only indirectly, in virtue of their individual members or citizens. Second, *universality*: the status of ultimate unit of concern attaches to every living human being equally --- not merely to some subset, such as men, aristocrats, Aryans, whites, or Muslims. Third *generality*: this special status has global force. Persons are ultimate unit of concern for everyone --- not only for their compatriots, fellow religionists, or such like.’<sup>1</sup> Thus, the idea of making human being a primary concern is a central theme for cosmopolitanism. Pauline Kleingeld and Eric Brown define cosmopolitanism as ‘the idea that all human beings, regardless of their political affiliation, do (or at least can) belong to a single community, and that this community should be cultivated’<sup>2</sup>.

The idea of cosmopolitanism was first proposed and developed by the stoics. Hence, for some theorists its relevance stems from the fact that cosmopolitanism is in existence for such a long time. Derek Heater argues that ‘ the idea that an individual can be a world citizen, or cosmopolite, has survived for two and a half millennia, and is worthy of investigation if only for its staying power.’<sup>3</sup> The idea of cosmopolitanism espouses to transcend all the particular boundaries including national boundaries and creating a universal human community. But the history shows that the idea of cosmopolitanism has come up in the political arena at certain

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<sup>1</sup> Pogge, Thomas. “Cosmopolitanism and Sovereignty” in *Ethics* (October 1992), p 48.

<sup>2</sup> Kleingeld, Pauline and Eric Brown. “Cosmopolitanism”. *Stanford Encyclopedia of Philosophy* (Summer 2009 Edition), Edward N. Zalta (eds.).  
URL=<<http://plato.stanford.edu/archives/sum2009/entries/cosmopolitanism/>>.

<sup>3</sup> Heater, Derek (1999). *What is citizenship?* (Polity Press, London), p 135.

moments in history. The Greek stoics saw individuals as a part of the larger world community and thus, the 'world citizen'. The underlying idea was the consideration that the welfare of people shall not be confined by the political boundaries. 'But in no case, the Stoics insist, is consideration of political engagement to be limited to one's own polis. The motivating idea is, after all, to help human beings as such, and sometimes the best way to do that is to serve as a teacher or as a political advisor in some foreign place.'<sup>4</sup>From the Greeks stoics the idea of cosmopolitanism went to the Roman Stoics, and this marks the second phase of the cosmopolitanism discourse.

The idea of cosmopolitanism went through a substantial change during the Roman Stoic period. For Roman stoics, cosmopolis became less demanding because the citizenship was generalized to humanity at large on the basis of human rationality. On the other hand, the local cosmopolitanism, that is, the obligation to the Roman Empire became more demanding for the stoics, as the obligation to Rome was acknowledged as legitimate. Importantly, this perception of obligation was supplemented by the fact that the Roman Empire, at that point, was expanding. The Roman 'empire made the doctrine very easy for many Romans by identifying the Roman *patria* with the cosmopolis itself.'<sup>5</sup> Thus, the obligation to the Empire translated into the obligation to the humanity. 'For the Stoics, the citizens of the polis and the citizens of the cosmopolis do the same work: both aim to improve the lives of other citizens.' During the Roman Stoics period, the early Christianity adopted cosmopolitanism. 'The Christians respond to a different call: "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's" (Matthew 22:21). On this view, the local city may have divine authority (*John* 19:11; cf. *Romans* 13:1,4,7), but the most important work for human goodness is removed from traditional politics, set aside in a sphere in which people of all nations can become "fellow-citizens with the saints"(*Ephesians* 2:20).'<sup>6</sup>

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<sup>4</sup> Kleingeld, Pauline and Eric Brown. "Cosmopolitanism". Stanford Encyclopedia of Philosophy

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

Cosmopolitanism was revived again, in the Age of Enlightenment with a renewed interest in the Stoic Philosophy. The resurgence of Cosmopolitanism was supplemented by the historical context. Kleingeld and Brown argue that ‘The increasing rise of capitalism and world-wide trade and its theoretical reflections; the reality of ever expanding empires whose reach extended across the globe; the voyages around the world and the anthropological so-called “discoveries” facilitated through these; the renewed interest in Hellenistic philosophy; and the emergence of a notion of human rights and a philosophical focus on human reason.’<sup>7</sup> Thus, during the enlightenment era, cosmopolitan theory emphasised on an attitude of openness and impartiality. Cosmopolitanism aspired for a person ‘who was not subservient to a particular religious or political authority, someone who was not biased by particular loyalties or cultural prejudice. Furthermore, the term was sometimes used to indicate a person who led an urbane life-style, or who was fond of traveling, cherished a network of international contacts, or felt at home everywhere.’<sup>8</sup> Hence, cosmopolitanism became more universal in approach, with the emphasis on the rational human being detached from his surroundings and thus, at home everywhere.

In the contemporary period, the revival of cosmopolitan theory has been attached with the Globalization. It has been argued that with the end of Cold War, the emergence of new world order has brought about the apt context for cosmopolitanism to flourish. Globalisation is the result of the process of integrating the national system, especially the national economy system with the international economic system. As a consequence, the international organisations have a substantial bearing on the national issues. At the same time, the ever-increasing means of communications and transportations have brought people together in an unprecedented manner. Hence, giving a significant impetus to the cosmopolitan argument for the universal human community. The other side of the globalisation is the spread of severe poverty in the poor countries. Cosmopolitanism attempts to address the issue of severe poverty by invoking the freedom from poverty as a basic human right.

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<sup>7</sup>Kleingeld, Pauline and Eric Brown. “Cosmopolitanism”, Stanford Encyclopedia of Philosophy

<sup>8</sup> *Ibid.*

In the present work cosmopolitanism has been contrasted with a significant entity in the contemporary times called the Nation-states. Such a contrast is important because, where as cosmopolitanism aspires for the universal human community, nations are the epitome of the particular attachments. The nation-state, it has been argued, are the recent development. Benedict Anderson defines the nation to be an “imagined community”. The nation is an “imagined community” according to Anderson because the populace of a nation may not know each and every one of them and yet they feel attached to each other as a member of the community called the nation. The ideology of the nation, that is, nationalism has been the main tool of spreading the national consciousness. Thus, the nation is a shared political community brought together by the attachments to the nation through nationalism.

The second aspect of the nation-state is the State. Hugh Seton-Watson explains the difference between the nation and the state as ‘A state is a legal and political organization, with the power to require obedience and loyalty from its citizens. A nation is a community of people, whose members are bound together by a sense of solidarity, a common culture, a national consciousness.’<sup>9</sup> Thus, a state is a bureaucratic network of institutions to govern the nation-state. The difference, thus, lies in the fact that the nation is assumed to be a community with shared culture; state on the other hand is the bureaucratic organisation that governs the nation. The hyphenated relationship between the nation and state explains the nature of the modern nation-state, being part of the nation is an attachment, brought to the order by the state. The nation brings the sense of the belonging and deep attachments of people to the association. State on the other hand, has institutions that give stability to the nation. This is not to argue that there is a homogeneous national community residing in the nation-state that develops the attachments through a homogeneous shared culture. Seton-Watson argues that there can be more than one nation in a state, which implies that there can be more than one community that views it self as a nation and

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<sup>9</sup> Seton-Watson, Hugh (1977). *Nations and States: An enquiry into the origins of Nations and the politics of Nationalism*, (Methuen, London).



cohabit with other communities as an amalgamation of a nation-state. Another clarification regarding the nation-state is instructive, it has been argued that in comparison with the cosmopolitanism nation-state stands out because, whereas cosmopolitanism argues for a vague universalism, nations on the other hand are in reality holding the political system of together, and bring order into the political community. Therefore, nation is a solid reality unlike cosmopolitanism. However the nation-states are also accused to be the dominant power in the society and of subsidizing the interests of those who lack power or affluence. In reply it shall be made clear that nations, here, are assumed to be democratic polities with people having citizenship rights. The citizenship rights, in return provide the arena for the people to claim their legitimate share in terms of rights and privileges. Therefore as Craig Calhoun says that the nation-states are important because 'Nations organize the primary arenas for democratic political participation. Nationalism helps mobilize collective commitments to public institutions, projects and debates. Nationalism encourages mutual responsibility across divisions of class and region. We may doubt the capacities of the nation-states and the morality of many versions of nationalism, but we lack realistic and attractive alternatives.'<sup>10</sup>

### **The Problem**

There are few things that stand out in this brief introduction of the cosmopolitanism. Cosmopolitanism comes into the political discussions at certain historical juncture and withers away as that juncture passes away into oblivion. The junctures refers to the political context that gives impetus to cosmopolitanism like the Roman Empire complemented the Roman Stoics; the Enlightenment Cosmopolitanism came up at the time of the emergence of capital, Imperialism and world trade. In the contemporary times, the phenomenon of Globalization has been the background conditions for the discussions of cosmopolitanism. Thus, it has not been a stable phenomenon, and it has occurred only when there were a certain universalising trends in politics, that

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<sup>10</sup> Calhoun, Craig (2007). *Nations Matter: Culture, history and the cosmopolitan dream*, (Routledge, New York), p 148.

advocated a world communion. This aspiration has not become a reality, as in the case of present times, it has been argued that the nation-state has been a constant factor since its inception, that is, the nation-state gradually developed to hold a central position in the contemporary political reality and discourse. The particular attachments that people have with their nation are important to them, along with the fact that the nation is an accessible entity through the institutions of the nation-state, an attribute not available to cosmopolitanism.

### **The Approach**

The question of the comparison between cosmopolitanism and nationalism has been approached; with keeping in mind that cosmopolitanism has been understood in two distinct and yet related terms. First is the moral cosmopolitanism, Thomas Pogge asserts that ‘The central ideal of the moral cosmopolitanism is that every human being has a global stature as an ultimate unit of moral concern.’ Such moral concern can be realised in a number of ways. One such way of realising the moral concern of individual is the institutional cosmopolitanism. Pogge contends that the institutional cosmopolitanism ‘postulates certain fundamental principles of justice. These apply to institutional schemes and are thus second-order principles: standards for assessing the ground rules and practices that regulate human interactions.’ The relationship between moral and institutional cosmopolitanism becomes clearer when one realises that institutional cosmopolitanism is the scheme to realise the principles proposed by the moral cosmopolitanism. Pogge says, ‘making the institutional view primary leads to a much stronger and more plausible overall morality.’<sup>11</sup>

In the present work, it has been argued that the cosmopolitanism lacks consistency of becoming a stable phenomenon. As discussed earlier, cosmopolitanism emerges with certain impetus towards a global trend, of drifting away from the particular

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<sup>11</sup> Pogge, Thomas. “Cosmopolitanism and Sovereignty” in *Ethics* (October 1992), pp 48-75.

community and imagining the world as a community in itself. History shows that the global trend of this sort do not last long for the similar reasons because they lack the stability of being contextualized in the social reality, they lack the mutual relationship that the populace and the governing body establishes. Thus cosmopolitanism becomes a vague and elusive idea, which lacks the roots in the politico-social system, and a strong institutional basis. This argument is further strengthened by the fact that, in reality, cosmopolitanism lacks the strength and concreteness to eclipse the nation-state. Along with Craig Calhoun, it has been contended that the present political order is defined in terms of the nation-states. In comparison with the cosmopolitanism, nation-state is important for various reasons, which render concreteness to the nation-state. Some of the reasons have been discussed as the basis of the argument against cosmopolitanism.

A few of reasons for the concreteness of the nation-state are discussed in the following chapters. In chapter one, it is contended that one sort of cosmopolitanism rejects the nation-state as particularistic and xenophobic. Whereas the second type of cosmopolitanism believes that the nations as a shared community are permissible only if the nations are *liberal egalitarian* in nature. Cosmopolitanism does not take into consideration the fact that the nation-state is more than just a shared community. Nation-state is concrete reality by the virtue of the fact that it is assessable to the populace and that the political orientation of the public sphere within a nation-state further accentuate its presence. Since cosmopolitanism has a very generalized account of the community, it provides no ground for the attachments of people to germinate. Also cosmopolitanism lacks the phenomenon of public culture, and its absence blurs the cosmopolitan argument of human agency and rights. Since no arena is provided to exercise the individual assertion. Therefore, it has been argued that cosmopolitanism is a free-floating idea that lacks the substance of being a vibrant political system.

In chapter two, it has been argued that Cosmopolitanism aspires to realise the principle of global justice through international institutions. The institutions are of great importance, since they are responsible to impart justice. And cosmopolitanism to become effective, the attention has to be paid to the governing institutions. Nation-

state on the other hand has an extensive network of institutions. Theorists like Thomas Pogge have also devised a tax system to support the requirements to eradicate the poverty in the poor nations. Importantly, no attention has been paid to the need to have institutions with egalitarian basis and equal importance of all nations concerned. Secondly, it has been argued that cosmopolitanism undermines the relationship between the institutions and the idea of justice itself.

Chapter three revolves around the idea of rights. Rights are pertinent to any account of justice and philosophy. Justice requires that the individual shall get her share of the legitimate rights. Especially in a situation, where the claims are demanded from the institutions the relationship between the right-bearer and the right-provider becomes that of the claimant and the guarantor of the rights. Rights are attained when there is a claimant to claim a right and the guarantor to guarantee the right. Going by this line of argument, Cosmopolitanism does not propose any sound conception of rights, given to individuals. Moreover, in the theory of cosmopolitanism, there is no clear authority to guarantee the rights to people. On the other hand, the nation-state ensures the rights to its people through citizenship rights. Hence, cosmopolitanism turns out to be an elusive concept in comparison to the nation-state.

## Chapter One

### Cosmopolitanism and Nationalism

Cosmopolitanism holds the individual as the ultimate unit of concern and believes that she has an independent moral worth. It believes that people across the world belong to one community, that is, the human community. Cosmopolitanism is an idea inspired from the Greco-Roman stoic tradition. Martha Nussbaum explains the history of the idea of cosmopolitanism in *Kant and Stoic Cosmopolitanism*. Nussbaum argues that the stoics held the fundamental idea that the actions that humans take, the deliberations that people undertake shall be aimed at the larger good of humanity. Stoics believed that 'we should regard our deliberations as first and foremost deliberations about human problems of people in particular concrete situations not problems growing out of local or national identity, that confines and limits our moral aspirations. The accident of where one is born is just that, an accident; any human being might have been born in any nation.'<sup>12</sup> Since stoics believed that humans belong to one universal community, by the same token they assigned the obligation on the humanity to help those in need.

The Greco-Roman tradition and Enlightenment theorists especially Immanuel Kant are the two major influence on the contemporary Cosmopolitanism Discourse. Nussbaum traces the origins of the cosmopolitan tradition to the Greek stoic Diogenes the cynic, who believed himself to be "a citizen of the world". He and his followers believed that the first and foremost affiliations one can have, has to be to the human community as a whole. "The first form of moral affiliation for the citizen should be her affiliation with the rational humanity; and this, above all, should define the purpose of her conduct"<sup>13</sup>. Roman Stoics were influenced by this conception of Cosmopolitanism and they further developed the idea into 'arguing that each one of

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<sup>12</sup> Nussbaum, Martha (1997). "Kant and Stoic Cosmopolitanism", *The Journal Of Political Philosophy*, Vol.5, No.1, pp 1-25.

<sup>13</sup> *Ibid.*, p 5.

us dwells, in effect, in two communities-the local community of our birth, and the community of human argument and aspiration that is, in Seneca's words "truly great and truly common, in which we look neither to this corner nor to that, but measure the boundaries of our nation by the sun"<sup>14</sup>

The basis of stoic cosmopolitanism was their belief in the capacity of reason, and hence, capacity of wisdom in each and every human being. Stoics considered the "moral substance of humanity in each individual"<sup>15</sup> to be the common attribute along with the element of rationality of the world community they espoused. Keeping in mind their belief in human reason and human community, they considered identities and affiliations like family, religion, gender and nationality as limits on the moral aspirations of the human community. Thus, for the stoics, differentiations among humans were unacceptable, because by the virtue of being human all have equal respect and value. To stoics the local affiliations were important only to the extent that the local attachments were important to the individual. Beyond that the particular attachments were not desirable. Nussbaum contends that the moral attribute of individual was 'most worthy of reverence and acknowledgement. This aspect may be less colorful than some of the more eye-catching morally irrelevant attributes of tradition, identity and group membership.'<sup>16</sup> In this context, it is interesting to note that the stoics did not negate the presence of the particular attachments like that of the family, community or nationality. Furthermore, stoics had the understanding of such attachments in the concentric circles. 'The stoics stress that to be a world citizen one does not need to give up local identifications and affiliations, which can frequently be a great source of richness in life. Hierocles, a stoic.....argued that we should regard ourselves not as devoid of local affiliations, but as surrounded by a series of concentric circles. The first one is drawn around self; the next takes in one's immediate family; then follows the extended family; then in order, one's neighbor or local group, one's fellow city-dwellers, one's fellow countrymen. Outside all these

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<sup>14</sup> *Ibid.*, p 6.

<sup>15</sup> *Ibid.*, p 7.

<sup>16</sup> *Ibid.*, p 8.

circles is the largest one, humanity as a whole. Our task as citizens of the world will be to “ draw the circles somehow toward the center,” making all human beings more like our fellow city dwellers, and so forth.’<sup>17</sup>

Immanuel Kant, according to Nussbaum is one of the leading Enlightenment philosophers. He wrote extensively on the discourse of cosmopolitanism. As Nussbaum understands it, Immanuel Kant stands for ‘a politics based upon reason rather than patriotism or group sentiments, a politics that was truly universal rather than communitarian, a politics that was active, reformist, and optimistic, rather than giving to contemplating the horrors, or waiting for the call of Being’<sup>18</sup>. Stoics influenced Kant immensely and according to Nussbaum, Kant owed his conception of Cosmopolitanism to the Roman stoics. It is evident in his influential work on cosmopolitanism *Perpetual Peace*. The influence of Stoic Philosophers like Cicero, Seneca, and Aurelius is apparent on him, for example when he discusses his concept of the “kingdom of ends”. The kingdom of ends refers to the Kantian argument regarding state of affairs where individuals, by the virtue of being rational creatures are treated as end in themselves and not means to some greater good ‘...the idea of a kingdom of free rational beings equal in humanity, each of them to be treated as an end no matter where in the world he or she dwells.’<sup>19</sup> Nussbaum argues that the proposal of kingdom of ends is not explicit in the Stoic treatise of Cosmopolitanism, and what Kant did was to give it a better formation. At the same time, the Stoic idea of world community laid the basis on which Kantian understanding of cosmopolitanism stand. Thus Kant and stoics understand the standing of the world community as ‘As do Marcus and Cicero, Kant stresses that the community of all human beings in reason entails a common participation in law (*ius*), and, by our very rational existence, a common participation in a virtual polity, a Cosmopolis that has an implicit structure of claims and obligations regardless of whether or not there is an

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<sup>17</sup> *Ibid.*, p 9.

<sup>18</sup> *Ibid.*, p 3.

<sup>19</sup> *Ibid.*, p 12.

actual political organization in place to promote and vindicate these'.<sup>20</sup> Kant and the Stoics agree on the participation of the general public in the matters concerning the community and law making deliberations. Since all are to be treated equally, people's say, for the stoics and Kant, becomes important.

This line of argument heavily influences the contemporary version of cosmopolitanism. Cosmopolitanism argument reiterates the stoic vision of the world community on the basis of the recent developments in the international politics. As the technological development and the globalization especially in the field of politics and world trade has facilitated the cosmopolitan aspiration. As Thomas Pogge said, "The human future suddenly seems open. This is an inspiration; we can step back and think more freely"<sup>21</sup>. The channels of communications have developed at revolutionary pace. It has resulted in the increasing interconnectivity through out the world. To cosmopolitanism it is a welcome development, as it has brought the human community together, more than ever before, a dream that cosmopolitanism has cherished since the days of Stoics.

Nationalism, on the other hand, is an important political category, for the simple reason that the contemporary world is inhabited by the nation-states. National community is situated against a concrete background of the political system of the nation-state, which is particular to every nation and not easy to be generalized. Thus nation-state is based on the understanding of a particular society of people with definite territory. The nation-state is assumed here to be the "imagined Community"<sup>22</sup> of people brought together by the public culture of the nation-state as a union of right bearing individuals and groups along with the governing institutions of the nation-

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<sup>20</sup> *Ibid.*, p 12.

<sup>21</sup> Pogge, Thomas (1992). "Cosmopolitanism and Sovereignty" *Ethics* 103 (October 1992), p 48.

<sup>22</sup> Benedict Anderson define the nation-state as an "imagined community" because, according to him, 'the members of even a smallest nation will never know most of their fellow-members, meet them or even hear of them, yet in the minds of each lives the image of their communion.' For further discussion see, Anderson, Benedict (1983). *Imagined Communities: Reflections on the origins and Spread of Nationalism*, (Verso. London).



state. Nation-state plays an important developmental role in the society by the virtue of having an extensive network of institutions. It should be acknowledged here, that the just institutions along with the vibrant public culture are pertinent for bringing about the development and well being of people. At the same time it shall be clarified that nationalism, here, is assumed to be a positive nationalism. Tom Nairn's metaphor of nationalism being a dual faced, a 'Janus-faced entity'<sup>23</sup> is a useful metaphor to explain the potential of the nationalism to be progressive or backward. As a roman deity with two faces, Nairn argues that nationalism too has two faces, one looking forward, that is, progressive and the other looking backward meaning regressive. What needs to be emphasised here, is that the progressive nationalism shall be supported.

It is argued in this chapter that in comparison with the nation, cosmopolitanism proves to be fuzzy and uncertain, on three accounts. First, the attachment and the obligation that people have. The nation-state proves to be a better contender than cosmopolitanism because, first and foremost the allegiance or the attachments that people have with the nation is substantial than the cosmopolitan ideal of a global order based on the institutional cosmopolitanism. Second, the privilege of jurisdiction that nation has with in the national territory. Along with the institutional and administrative network, which brings order in the political community, and hold it together. The extensive net of institutions that the nations possess is not to be found with the institutions at the global level. And the third feature of the antithesis of nation-state and cosmopolitanism is the concreteness and accessibility of the nation-state. The concreteness is defined in terms of the existence of the nation-state. The presence of the nation-state is felt on the day-to-day basis. Apart from this fact, the public culture of the nation state, people like Dipankar Gupta and David Miller have argued, forms the ground for politics in the nation-state assisted by the norms and institutions of that particular society. The public culture argument reiterates the concrete presence of the nation-state in the society. In comparison to this, it has been argued, the cosmopolitanism is an elusive argument especially so, since

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<sup>23</sup> Nairn, Tom (1997). *Faces of Nationalism: Janus Revisited*.(Verso. London).

Cosmopolitanism lacks the substance of attachments of the shared community by the virtue of the access of the individual to the state and visa versa.

### **Cosmopolitanism on Nationalism: Kok-Chor Tan**

Martha Nussbaum asserts that cosmopolitanism, traditionally, assumes the nation to be akin with ethnocentric particularism. While invoking Richard Rorty's comment regarding the difference between the ethnocentric politics and the national politics, Nussbaum says 'nationalism and ethnocentric particularism are not alien to one another, but akin –that to give support to nationalist sentiments subverts, ultimately, even the values that hold a nation together, because it substitute a colorful idol for the substantive universal values of justice and right'.<sup>24</sup> The substantive value here is the aspiration to make an effort for the betterment of the people across nations. Nussbaum while taking the stoic position of making individual the ultimate unit of concern appeals for global justice, at the same time, undermining national affinities. as secondary to the concern for individual. This argument, in a way rejects the nation as being regressive and a hindrance to the welfare of individual. The nation state, according to this line of argument, proves to be an obstacle in the way of individual to become part of the world community. This line of argument has been rejected by the second approach to the question of nationalism. Kok- Chor Tan primarily discusses the second approach. Since Tan addresses the issue of nationalism and cosmopolitanism comprehensively, considering his argument is pertinent for the present discussion. According to Tan, nation as a shared community is important to the individual so, cosmopolitanism shall strive to accommodate the nation into its folds.

Tan argues that the Cosmopolitan argument for global justice is compatible with the Nationalism if the nationalism is liberal in nature. Tan contends that the Nationalism

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<sup>24</sup> Cohen, Joshua (eds) (1996). *For love of Country*,(Boston: Beacon Press), pp 4-5.

in its liberal form shall appreciate the cosmopolitan argument for the global justice. Further, the need to appreciating nationalism comes from the fact that ‘ a cosmopolitan theory that cannot accommodate certain forms of *associative ties that characterize the lives of individuals, including the ties of nationality*, (emphasis mine) is *prima facie* implausible.’<sup>25</sup> The fact that, the nationality forms one of the many identities is the only concession that Cosmopolitanism is making to the nation-state. Tan argues that the need to consider the nation-state as compatible with cosmopolitanism arise from the fact that liberalism, in some version of it, has accommodated the idea of nationalism. He define such liberalism as *Liberal Nationalism* and contends that ‘ liberal nationalism (proposed by theorists like Yael Tamir, under the similar name) is a *liberal* form of nationalism because liberal principles set constraints on the kinds of nationalist goals that may be legitimately pursued and the strategies that may be deployed to further these goals.’<sup>26</sup> Tan assumes the cosmopolitanism to be moral cosmopolitanism in pursuit of global justice. He defines moral cosmopolitanism in terms of ‘ moral cosmopolitanism makes no necessary *institutional* demands or recommendations. Moral cosmopolitanism simply says that the individual is the ultimate unit of moral worth and concern ...In other words, moral cosmopolitanism is not concerned *directly* with the question of how global *institutions* are to be ordered, but with the *justificatory basis* of these institutions. And nothing in this interpretation of cosmopolitanism necessitates the idea of a world state.’ Since the moral cosmopolitanism holds the individual to be the ultimate concern and says nothing about the nature of institutions, hence it is, defined thus, according to Tan is compatible with the Liberal Nationalism, as it implicitly holds the argument for the nations to exist unlike the institutional cosmopolitanism.

Secondly, the moral cosmopolitanism is concerned with the idea of global justice and not with the culture. Tan observes that the cosmopolitanism concerned with the idea of justice ‘says nothing about the (ir)relevance of cultural membership. Cosmopolitanism about justice hold that the baseline distribution of material goods

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<sup>25</sup> Tan, Kok-Chor (2004). *Justice Without Borders*, (Cambridge University Press, Cambridge), p 87.

<sup>26</sup> *Ibid.*, p 88.

and resources among individuals should be decided *independently* of the national and state boundaries within which individuals happen to be.<sup>27</sup> The moral cosmopolitanism, according to Tan, remains silent about the cultural aspect of society because ‘Distributive justice is foremost concerned with how resources are to be fairly allocated, and can remain neutral about the separate issues of cultural and individual freedom.’<sup>28</sup>

Nationalism, according to Tan has two sorts of objections to cosmopolitanism. The (non egalitarian) nationalism has two sorts of objections with cosmopolitanism. The first objection is the right to self-determination of the nation-states. It has been objected that the right to self-determination of the nations implies the ownership of the resources of the nation state and ‘hence, any “outward” redistribution of such resources to other nations is at their discretion, contra the demands of global justice.’<sup>29</sup> Secondly, self-determination rights of the nations regarding taking responsibility of the economic development contradicts the global distributive principles, since the rich nations objects about the resources being channeled to ill-governed poor nations. To quote Tan ‘global distributive principles contradict this ideal of responsibility by compensating, through redistributive channels, poor nations for their bad domestic decisions.’<sup>30</sup> According to Tan, this argument does not stand before the moral cosmopolitanism, viewed from the point of view of the liberal nationalism, simply because Liberal nationalism does not raise these self-determination objections because by principle the liberal nation will take its rightful share of the global resources. Hence, Tan believes that liberal Nationalism limits the unjust demands of the Self-determination principle, because ‘the global conditions against which nations exercise their right to self-determination be regulated by principles of justice and that nations are to take responsibility for their choices made

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<sup>27</sup> *Ibid.*, p 97.

<sup>28</sup> *Ibid.*, p 97.

<sup>29</sup> *Ibid.*, p 100.

<sup>30</sup> *Ibid.*, p 101.

within the rules of just institutions.’<sup>31</sup> The underlying argument is that the egalitarian nationalism shall complement Cosmopolitanism by complying with its principles of global justice.

Another objection that the (non egalitarian) nationalism has against the cosmopolitanism argument of justice is the lack of national affinity. Tan states that ‘(T)he national affinity argument claims that justice depends on shared meanings and common understandings about the goods to be distributed.’<sup>32</sup> The shared meanings and understandings, Tan understands to be the basic goods that people across nations must have. He gives the example of the generalizable and universal goods as the ‘notions of individual human capacities, as defined by the combination of such factors as life expectancy, literacy rate, income, infant mortality rate’<sup>33</sup> etc that he consider to be the basic goods desirable by all. Nationalism may argue against such perception, that the affinity to the nation gives the “moral motivation” of being part of the community and hence, a rightful place in the society translating into social justice, ‘ it is a claim about the need for a common belonging, in particular a moral community (the “ bounded world”) shared by individuals, before we can reasonably (and possibly) expect their compliance with the demands of justice’<sup>34</sup>. *Liberal* nationalism reconciles the objections of nationalism with cosmopolitanism because a nationalism being “liberal”, he contends, is egalitarian in nature. ‘More precisely, if we begin from an egalitarian conception of liberalism and want to marry the understanding of liberalism to nationalism, then the liberal nationalism we get has to be an *egalitarian* liberal nationalism. And as egalitarian nationalism begins from the basic idea that there are no principled differences between individuals on the basis of contingencies, or what Rawls has called factors that are “arbitrary from the moral point of view” so too must egalitarian liberal nationalism discount morally arbitrary facts about persons when it comes to determining their just global entitlements. And one arbitrary factor

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<sup>31</sup> *Ibid.*, pp 101-2.

<sup>32</sup> *Ibid.*, p 102.

<sup>33</sup> *Ibid.*, p 103.

<sup>34</sup> *Ibid.*, p 103.

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here would be people's national membership.'<sup>35</sup> Liberal nationalism reconciles the national particularity with cosmopolitanism, hence, making nationalism desirable for the cosmopolitanism. The liberal nationalism endorses the claims of the national affinities and the social justice. Tan argues, nations are not the only avenues of social justice, by endorsing the attribute of sharing the national affinity, does not hamper the universal project of the liberal nationalism because 'the purpose of common nationality, in the views of liberal nationalists, is to enable citizens to transcend the local and parochial bonds and ties of family, kin, and tribe, and to extend the scope of their moral universe to also encompass the strangers (who are fellow citizens).'<sup>36</sup> Shared nationality, for liberal nationalist bring along the obligation to attend to the needs of the compatriots. Tan hopes to stretch the obligation to the compatriots to the general humanity and one day to serve the purpose of cosmopolitanism.

### **Defining Nationalism**

The nation-state is the principle political entity in the contemporary times. Nationalism in the present discussion is thus understood in terms of the ideology of the governing body that governs and brings order to a political community. Secondly the nation-state is assumed to be an imagined community, as understood by Benedict Anderson. A community that is brought together by the consciousness of the public culture, that shapes the course of the politics in a certain society. Further in this part of the argument, it is argued that the nationalism is an ideology of an entity that can be experienced and based upon concrete reality. Unlike cosmopolitanism that is elusive in nature. To begin with it has been argued by Alasdair MacIntyre that the patriotism is a virtue, since it is rational in nature and thus desirable in itself.

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<sup>35</sup> *Ibid.*, p 101.

<sup>36</sup> *Ibid.*, p 104.

Benedict Anderson famously defines the nation as an imagined community. He understands the nation as imagined because the population residing in the territory of the nation may not know each and every one of them and yet they “imagine” themselves to part of one nation. At the same time, the nation is imagined as a community according to Anderson ‘ because, regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship.’<sup>37</sup> Anderson notes that historically, Nationalism filled in the space created by the fall of dynastic realm and the religious communities. The reason for this, according to Anderson was the rise of vernacular languages, coincided with the rise of Print Capitalism.

Anderson explains that in the case of Europe the rise of nationalism began at the same time when the three different realms of the community, holding and sustaining it started to fall. To people, these realms were like “certainties”, that is, it was assumed that they would survive forever. One among them was the religious community, which were falling in rapport and influence. According to him ‘ the great merit of traditional religious world-views has been their concern with man-in-cosmos, man as species being, and the contingency of life.’<sup>38</sup> With its fall nation filled in its place as a spiritual community that addressed the questions about the cycle of life, of the relations between the dead, the present and the unborn generations. Thus ‘ with the ebbing of religious belief, the suffering which belief in part composed did not disappear. Disintegration of paradise: nothing makes fatality more arbitrary. Absurdity of salvation: nothing makes another style of continuity more necessary. What then was required was a secular transformation of fatality into continuity, contingency into meaning....few things were better suited to this end than an idea of nation. If nation-states are widely conceded to be ‘new’ and ‘historical,’ the nations to which they give political expression always loom out of an immemorial past, and still more important, glide into a limitless future.’<sup>39</sup> Therefore, to Anderson, the nature of

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<sup>37</sup> Anderson, Benedict (1983). *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, (Verso, London), p 16.

<sup>38</sup> *Ibid.*, p 18.

<sup>39</sup> *Ibid.*, p 19.

nationalism is understood in terms of the communities it replaced and it competed against.

The fall of the religious communities was the result of the fall of the sacred language used in terms of communication. According to Anderson, sacred language had a crucial attribute that separate the older religious communities from the newer national communities, and that is the exclusiveness of the language through which the dominance of the religious communities was established. Therefore, with the downturn of the sacred language like Latin, resulted in the shrinking of the folds of the religious communities. Anderson notes, ‘ the fall of Latin exemplified a larger process in which the sacred communities integrated by old sacred languages were gradually fragmented, pluralised, and territorailised.’<sup>40</sup> Second “ certainty” was the dynastic realm that, according to Anderson started to fall apart since the 16<sup>th</sup> century onwards. The dynasties, in the older times held the centre of the political system. Anderson tells, with the unstable borders, the kingdom was sustained by the monarchical order. But over a period of time, the monarchy lost its prestige in the eyes of the populace, for example the execution of the British king Charles Stuart in 1649. Hence, the dynastic realm slowly, ceased to be the loci of the society.

The third certainty was the apprehension of Time and the world. Anderson notes that in the older times the world was apprehended as simultaneous in the past, future and the present, that is, there was ‘simultaneity of past and future in an instantaneous present.’<sup>41</sup> According to Anderson the simultaneity of time was lost with the coming of homogeneous empty time. Anderson defines homogeneous empty time as ‘ in which the simultaneity is, as it were, transverse, cross-time, marked not by prefiguring and fulfillment, but by temporal coincidence, and measured by clock and calendar.’<sup>42</sup> The combination of print capitalism and vernacular languages had its

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<sup>40</sup> *Ibid.*, p 25.

<sup>41</sup> *Ibid.*, p 30.

<sup>42</sup> *Ibid.*, p 30.



effect on the apprehension of time, Anderson contends, in the form of calendars and newspapers. Calendars and newspapers played an important role in bringing homogeneity within the national communities in two ways, firstly, with the calendars the time was apprehended precisely, in the form of date and time, and secondly, the newspapers brought about the awareness of being a community as the source of the news from various parts of the world. The homogeneous empty time, in effect, changed the approach of seeing the world as in continuity for time immemorial. Instead, it spread the awareness of the existence of other people at the same time and therefore enhanced the sense of the community. Anderson notes that through the homogeneous empty time ‘ the idea of nation...conceived as a solid community moving steadily down (or up) history. An American will never meet, or even know the names of more than a handful of his 240-000-000-odd fellow-Americans. He has no idea of what they are up to at any one time. But he has complete confidence in their steady, anonymous, simultaneous activity.’<sup>43</sup> The fall of these three certainties gave the necessary impetus to nationalism to rise.

To Anderson, the spread of the national consciousness was the result of the advent of print capitalism. Anderson notes that the print capitalism was the earliest forms of capitalism, and after saturating the Latin- market; logic of capitalism was to tap the vast potential of vernacular languages. Thus, Anderson argues that, in order to capture the literature market of Europe, print capitalism aligned with the diverse vernacular languages. He notes that besides the capitalist logic of profit, the vernacularization thrust of capitalism was complemented with three distinct external causes. A.) The change of the character of Latin itself, B.) The period of reformation coincided with the rise of vernacularization of print capitalism and C.) The vernacular languages became the official languages. The result of this was the increased readership of the printed vernacular literature. The spread of vernacular as a result created national consciousness through three developments. He notes that the vernacular created ‘unified fields of exchange and communications’<sup>44</sup> whereby people became aware of

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<sup>43</sup> *Ibid.*, p 31.

<sup>44</sup> *Ibid.*, p 47.

the millions of others who spoke the same language. Secondly, ‘ print-capitalism gave a new fixity to language, which in long run helped to build that image of antiquity so central to the subjective idea of the nation.’<sup>45</sup> Thirdly, print capitalism created the “ Language-of-power” that is some vernacular language by the virtue of being close to print-capitalism became the language of the power. This language of the power in effect became the national language. Anderson gives the example of the ‘ High German, the King’s English, and later, Central Thai, were correspondingly elevated to a new political-cultural eminence.’<sup>46</sup> Anderson argues that the nationalism was proliferating through the development of the vernacular languages, which resulted in the national consciousness among the masses. Thus, setting the stage for the national communities to emerge. Hence, Anderson argues that the nations are “imagined” and at the same time cohesive communities. Importantly, Anderson’s account points out the fact that the attachments of the nation is not merely out of the fact that it is a shared community, but the affiliations runs deeper. Since the nation, for Anderson addresses the spiritual question regarding the relation between the dead, present and the unborn generations, it gives continuity to the cycle of life, hence, the feeling of connectedness with the nation is substantial.

### **Defending Nationalism**

The deep founded attachments of the nationalism do not go down well with cosmopolitanism. It has been argued by cosmopolitanism, that national attachments have a secondary role in the universal human community argument. The nationalism is particularistic in nature and thus not desirable, beyond its importance for the individual. Thus there is tension between nationalism and cosmopolitanism. Alasdair MacIntyre, while acknowledging the tension between nationalism and liberalism<sup>47</sup> asks the question: Is patriotism a virtue? Under the similar name he brings out his

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<sup>45</sup> *Ibid.*, p 47.

<sup>46</sup> *Ibid.*, p 48.

<sup>47</sup> Liberalism is understood here in terms of its universalizing attributes, thus, akin with cosmopolitanism.

argument in an article, where he tries to examine the moral potential of the nationalism or patriotism vis-à-vis moral standpoint or liberalism. MacIntyre uses the dialectics to understand the moral positions of both the claims. He begins his argument by defining patriotism as ‘a kind of loyalty to a particular nation which only those possessing that particular nationality can exhibit’<sup>48</sup> For him patriotism is a peculiar kind of loyalty which involves a particular kind of gratitude, a gratitude which individuals possess for their fellow patriots. Such a gratitude is based on the ‘requital for benefits received, based on some relationship of reciprocity of benefits.’<sup>49</sup> Accordingly, the situation of an individual in the context of his community is important because individual understands the society around her and the world at large through her situation and moral vantage point, developed and conditioned by in her particular community. According to the author ‘On this view it is essential characteristic of the morality which each of us acquires that it is learned from, in and through the way of life of some particular community.’<sup>50</sup> Through such a perspective Patriotism can be treated as a virtue in certain conditions. It is a virtue when it is realized that moral context of a particular community conditions individual understanding of the rules of the morality. Moreover, if the goods enjoyed in the community are exclusively available to them and the individual is brought up and maintained by that community as a moral agent, the community became invariably important for the individual, since it explain an important part of the individual’s identity and understanding of the world. In such a context it is clear that individual is not expected to flourish without the existence of the particular community. Thus the loyalty to the community is a “prerequisite of morality”.

A patriot remains partial towards the projects and practices of his\her nation, and he has to realize what such a partiality is all about, and should be exempted from individual scrutiny. MacIntyre contends that the rationality of tradition makes sense through the values it holds. Hence, in the case of patriotism the rationality comes

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<sup>48</sup> MacIntyre, Alasdair (2003). “Is Patriotism a Virtue?” In Matrover, Derek and Jonathan Pike (eds.) (2003). *Debates in Contemporary Political Philosophy: An Anthology* (Routledge. pp 287 London)

<sup>49</sup> *Ibid.*, p 288.

<sup>50</sup> *Ibid.*, p 291.

through the image that patriotism envisages of the nation, its goals and projects, along with it a certain notion of its past. The individual attaches himself with a certain past of the nation and to him, it does not matter who the present ruler is, if the nation has not attain its desired ends, patriot can raise his voice in protest. He can disobey the government as well. 'What the patriot is committed to is a particular way of linking a past which has conferred a distinctive moral and political identity upon him or her with a future for the project which is his or her nation which is his or her responsibility to bring into being. Only this allegiance is unconditional and allegiance to a particular governments or forms of government or particular leaders will be entirely conditional upon their being devoted to furthering that project rather than frustrating or destroying it.'<sup>51</sup>

The issue remains that what if a particular project of one's nation is incompatible with other nations and humanity at large? How is a patriot to answer it? MacIntyre contends that the traditional patriotic morality does not seek compatibility with the universal liberal morality for two reasons. A.) Patriotism can be rational; the allegiance of the patriotic is not to the particular government but to the understanding of the nation and patriotism, which can be rational. For MacIntyre belonging of the individual to the community and his patriotic allegiance are justifiable only when the tradition is rational and it remain progressive, on the other hand every tradition has its own specific sort of understanding and articulations on concerned issues. In order to understand the issues, for example patriotism it is essential to see it from the perspective of its adherents. B.)MacIntyre launches his critique of liberalism by saying that liberalism itself has become a tradition of inquiry, therefore liable to the shortfalls of any other tradition. Since liberalism as a tradition has its own internal incompatibilities and incommensurabilities, it cannot judge any other tradition without its own bias. Also the claim of liberalism that it is outside any sort of tradition, and therefore has universal values seems redundant to MacIntyre because for him 'the person outside all traditions lacks sufficient rational resources for enquiry and a *fortiori* (emphasis original) for enquiry into what tradition is to be rationally

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<sup>51</sup> *Ibid.*, p 295.

preferred. He or she has no adequate relevant means of rational evaluation and hence, can come to no well-grounded conclusions that no tradition can vindicate itself any other'.<sup>52</sup>

Thus, the question to be asked is what if patriotism is negated from the political understanding, and then will liberalism be able to provide a worthy substitute to it? Will it be able to maintain the modern nation-states? MacIntyre believes that though there is a concern between liberalism and patriotism regarding the "moral danger" of the presence of the other. Yet patriotism is necessary in order to maintain the modern polities. It roots individual in a particular society and give them a sense of belonging to their community. On its part, liberalism promotes rational individual who is autonomous and has an independent agency to act. It gives him the freedom to move away from the society and pursue his own goals. Such an understanding attacks the very basis of the society and the social existence of humans. The confusion remains that though the nations promote certain kind of patriotism among their subjects but the majority of its institutions are liberal in nature, which, according to the author, important in order for the effective functioning of the modern nations.

There is a paradox in the nature of modern Nation-state that has at its basis the liberal institutions, which gives it stability, and it draws its strength from the patriotic sentiments. MacIntyre calls it confusion, which is necessary to maintain the modern polities. Yael Tamir takes a different position and asserts that the very character of the modern nation-state is liberal nationalism. For her, liberalism and patriotism are very much compatible because the very basis of liberalism has been a nation-state. Or the attributes like social justice, freedom, equality etc. would not have been realizable at all, if it was not a relatively closed community, territorially defined and with individual situated in the social context. Individual, by the virtue of belonging to a specific cultural, political society have been contextualised and conditioned by her

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<sup>52</sup> Knight, Kelwin (ed) (1998). *The MacIntyre Reader*, (Polity Press, Cambridge), p 169. In the similar vein MacIntyre argues that Liberalism, which professes itself to be outside tradition, is also a tradition. It is a tradition in the sense that it provides the context and the basic values, to all those who adhere to it, for rational inquiry.

life in the community. Tamir believes that this contextualised individual is a rational, autonomous person, yet her social context has a bearing on her personality. She feels attach to it, and is comfortable in it. Tamir calls it “contextualised rationality” According to her the idea of contextual individual ‘combines individuality and sociability as two equally genuine and important features. It allows for an interpretation of liberalism that is aware of the binding, constitutive character of cultural and social membership together with an interpretation of nationalism that conceives of individual as free and autonomous participants in a communal framework, who conceives of national membership.....as a daily plebiscite.’<sup>53</sup>

Tamir argues that liberalism, in order to maintain its relevance in today’s times has to resort back to nationalism ‘because national values are hidden in liberal agenda’.<sup>54</sup> The liberal state had to resort back to nationalism for the feeling of attachment because, as Tamir cites Sandel ‘ It is striking feature of the (liberal) welfare state that it offers a powerful promise of individual rights, and also demands of its citizens a high degree of mutual engagement. But the image that attends the rights cannot sustain the engagement.’<sup>55</sup> Another factor that necessitated the inculcation of nationalism into liberalism was failure of liberal theory to ‘ give a convincing account of.....the roots of social union, the social forces that keep society as a distinct, separate, and more significantly a continuous framework’.<sup>56</sup>The necessity for liberalism was to situate its arguments about autonomous self in voluntary associations, in a frame that is rather stable and continuous. Voluntary associations cannot be the basis of, say, distributive justice, and it needed a partially relatively society which could be at the same time continuous and its members share a “common fate”. At the same time liberalism presupposes the existence of such a community with its members obliged to provide for the welfare of each other as well as of the future generations. Hence, Tamir asserts that by incorporating Nationalism,

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<sup>53</sup> Tamir, Yael (1993). *Liberal Nationalism*, (Princeton University Press, New Jersey), p 33.

<sup>54</sup> *Ibid.*, p 117.

<sup>55</sup> *Ibid.*, p 118.

<sup>56</sup> *Ibid.*, p 118.

liberalism has been able to attend to the otherwise tricky issues of citizenship and community membership.

In the modern nation-state, liberalism shares a peculiar relationship with patriotism. Macintyre indicates at it, when he says that there is confusion in the functioning of the modern nation state, a confusion regarding the liberal institutions and patriotic sentiments. To this, Tamir says that liberalism cannot sustain itself on its own, not at least on the basis of autonomous individual situated in the voluntary association called state. In order to bring about stability, liberalism has to take back the course to patriotism. This being the so, one need to see how patriotism brings stability to the liberal state. One way to analyse this issue can be to see how a state reacts in the situation of external aggression, and how its institutions and members react to the crisis situation.

### **Public Sphere/ Public Culture**

The modern states are an amalgam of modern democratic institutions and the patriotic sentiments. The public culture of the nation-state is the entity that brings patriotism and liberalism together. David Miller argues that public culture is the cement that keeps the nation-state together. Thus, public culture refers to ‘a set of ideas about the character of the community which also helps to fix responsibilities. This public culture is to some extent a product of political debate, and depends for its dissemination upon mass media.’ So the obligations of the people of a particular nation are, in a way ‘artifact of the public culture of that nation.’<sup>57</sup> Assuming nation to be an imagined community with no clear way of grasping the demands and expectations of others like in the case of more immediate communities, there is created a void of communication, and according to Miller this empty space is filled by the “public culture”. Public culture is meant to do what the Hegelian civil society

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<sup>57</sup> Miller, David (1995). *On Nationality*. (Oxford University Press, Oxford), p 68.

does, that is a creating an arena for the citizens and associations to discuss the relevant issues and forming public opinions. Such an arena is indispensable for the democratic nation, hence, an important part of it. According to Miller public culture is important because it is the basis of the nationality and the specific obligations to the members of the nation, which accompany it. The nature of the obligations towards the compatriots is of more serious consequence than that towards lesser important communities for two reasons. First, the nationality as an identity is more strongly felt, as Miller says 'people are willing to sacrifice themselves for their country in a way that they are not for other groups and associations.'<sup>58</sup>Second, these obligations are determined by the political debates within the framework of public culture. The question may come up regarding the public culture especially in the traditional societies. How such a public culture is the basis of an obligation that is rational in nature. Miller point out to the fact that as long as public culture and the obligation of nationality are based on the rational deliberations, it can be assumed that such a public culture does not 'amount to the sanctifications of merely traditional ethical relations'<sup>59</sup>. The public culture is liable to change over a period of time; it can be modified according to the dynamics of the current environment. Therefore, for Miller, public culture is vibrant and developing.

Dipankar Gupta discusses the idea of public sphere as the realm of contestation and negotiations where differing parties contest their claims. It is specific to particular nation-state, and the difference between one public spheres from another is the dominance of the particular metaphors in the respective nation-state. The metaphors refer to the dominant ideology in the nation-state. Thus, in a secular liberal nation-state, the metaphor will be the belief in secularism. Importance of the metaphor lies in the fact that they condition the public sphere and the nature of the arguments to be held therein. Public sphere is essential for the functioning of liberal democracy because it allows for the debates to come up for public discussion; this attribute makes public sphere an essential pre-requisite for the vibrant democracy. It

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<sup>58</sup> *Ibid.*, p 70.

<sup>59</sup> *Ibid.*, pp 70-71.



‘constantly revamps and revitalizes the practices that enliven the membership of belonging to the nation.’<sup>60</sup> Public sphere entertain the metaphors, arising out of the cultural space and non space and the discussions that follows them only as long as they do not jeopardize the basic rights of citizens, which according to Gupta are “foundational”. It is important because there is a tendency in the democracy of the dominance of the majoritarian opinion. The voices of minorities are under the constant threat of being overpowered. This concern makes the importance of basic rights to all, important for the public sphere, right to education, freedom of speech, freedom to opinion, etc. Since all have the right to participate in the public sphere and debate, decisions are taken democratically. Thus, public sphere informs the creation of the national culture and the formation of the opinion in the members of the nation-state. It is the direct way through which the sense of belonging to the nation is felt and perpetuated.

It has been argued that the public sphere is an exclusive attribute available only to the nation-state. The exclusivity of the public sphere is complemented by the democratic institutions of the nation-state and the rights that nation-state provides to its citizens. Thus, in this part, it shall be argued that together the public sphere, national institutions and citizenship rights creates an arena that makes the nation available to its populace. This argument has two distinct points. First point is the availability of the nation-state. The public culture, as discussed by Miller, argues that over a period of time there is a reciprocal interaction between the citizens on the one hand and the nation-state on the other. The citizenship rights, for example the right to freedom and the right to elect the government, facilitate this interaction, in the context of the democratic nation-state. This interaction ensures that the nation-state and its institutions are available to the people. Importantly, the availability of the governing body is necessary for any sort of argument for the betterment of the community, because unless this is the case, there always remain a threat of the government to become hostile and ignorant of the welfare of its population.

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<sup>60</sup> Gupta, Dipankar (2000). *Culture, Space and Nation-State: From Sentiments to State* (Sage Publications, New Delhi), p 243.

Secondly, the availability of the nation-state makes it a concrete reality. Nationalism is about the entity that is accessible. People experience the nation in their day-to-day lives. The nation is experienced, as Anderson remarks, while reading newspaper, it is experienced when the issues of government policies is discussed in the public sphere. More over, the understanding that the individual rights are ensured by the nation-state and, thus, to claim these rights assume that the nation-state is a concrete reality. Yael Tamir discusses the nature of membership in the nation-state and distinguishes it from the voluntary associations, espoused in the liberal conception of the state. She observes that the membership of the nation-state is by and large a birthright and the membership in the nation state is different from the liberal idea of membership and ‘the allocation of rights and services in the modern world depends on the membership in a state, turning the latter into a necessity. Second, in the case of a bridge club or an operatic society, those who are refused membership can easily create an alternative association, but new states are not so easily established.’<sup>61</sup> In other words, unless one wishes to migrate to another nation-state one remains the part of the nation of her birth. Thus, the membership of the nation-state is more or less a birthright. The obligation and special duties members have towards their compatriots is “derived from the notion of membership rather than from general moral duties.’ Since the nation state, in the contemporary world provides the membership of a political community, and the rights it ensures reiterates the larger point that the nation-state is a concrete reality.

### **The Critique of Cosmopolitanism**

Cosmopolitanism espouses to attain global justice without suggesting any account of the set up to achieve the global justice. This claim becomes evident when one considers Tan’s argument for the reconciliation of liberal nationalism and cosmopolitanism. Tan’s argument is insufficient on a number of places, making it confusing and weak argument. To begin with, Tan argues a case for moral

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<sup>61</sup> Tamir, Yael (1993). *Liberal Nationalism*, p 126.

cosmopolitanism in order to realise the global justice argument, that the global justice can be realised without the international institutions and through the institutions of nation-states. Therefore, moral cosmopolitanism does not require the features of institutional cosmopolitanism, to attain the aim of global justice. Consider further, Tan assumes the presence of a certain kind of nationalism to facilitate the demands of moral cosmopolitanism, that is, the liberal nationalism. The major reason for this being, the nation has a practical importance in the political reality of today. Tan contends that the moral cosmopolitanism is not antithetical to the nationalism because in the moral version cosmopolitanism does not argue for the creation of World state. Hence, 'moral cosmopolitanism makes no necessary *institutional* demands or recommendations.'<sup>62</sup> And since the cosmopolitan distributive justice argument invokes the moral argument for the equality among individuals, moral cosmopolitanism logically becomes the basis of the global justice argument, while undermining the institutional cosmopolitanism. Since cosmopolitanism does not have a definitive stand on the issue of global justice, it remain fuzzy and uncertain as to who has the responsibility of working towards the ideal of the Global justice. And if it is the nation-state that has to realize the justice on the basis of liberal nationalism, then where is the need to have the theory of cosmopolitanism?

Tan contends that the moral cosmopolitanism negates institutional cosmopolitanism because institutional cosmopolitanism defines itself in terms of the world state assumes the world state to realize the cosmopolitan ideal of global justice. This negation only weakens the cosmopolitan argument, because in creating the world state, it might have been attempted to get thorough with the cosmopolitan aspirations of attaining global justice through fundamental change in the whole approach to the question. By creating the institutions to cater to the needs of cosmopolitanism. Instead, Tan attempted not to temper with the present system of nation-states, and, at the same time floated the idea of moral cosmopolitanism. If the aspiration of the global justice has been to "redress, or help buffer weaker nations from, the detrimental effects of the decisions and politics of the richer and more powerful

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<sup>62</sup> *Ibid.*, p 94.

nations.”<sup>63</sup> It would have required a mammoth attempt to alter the global system in favor of the poor nations and people. As it will be argued in the coming chapter, the cosmopolitanism needs to take into account, the ground reality of the politics in the international arena that requires the realization that unless the international institutions are not reformed radically the global justice argument will remain a non-starter.

Second point of criticism is regarding the nature of liberal nationalism. Tan privileges the liberal nationalism because; being liberal it is supposed to be egalitarian in nature. Thus, according to him desirable for cosmopolitanism. Tan borrows the term Liberal Nationalism from Yael Tamir to stress on the egalitarian principles of justice. Where as Tamir describe Liberal Nationalism in terms of the *significance of nationalism*. Not only in terms of the lives of individuals but also in terms of the liberalism itself. As it shall be discussed below, to Tamir, nationalism is important because any conception of liberal ideology implicitly assume the presence of the nation-state and its institutions. Thus, the usage of the term liberal nationalism by Tan seems misleading. Furthermore, this point is iterated by Tamir’s observation that Liberalism needs nationalism to sustain itself and therefore nationalism is important to liberalism.

Thirdly, Tan wishes the liberal nationalism to be the basis of global justice, therefore implicitly privileging the liberal nationalism. Here it shall be argued that, nationalism can be of more than one type and liberalism is one of it. This also does not mean that any other type of nationalism will be xenophobic. The communitarian argument will suggest that the type of nationalism in the non-western societies may not be liberal in the conventional sense of the term and yet they can be desirable. MacIntyre follows this line of argument and holds that the patriotism, which may not be liberal, can be rational and, thus, appreciable. The rationality of a patriotic community comes from the fact that the principles and values a community holds, informs its system of reasoning. By the token of this argument Macintyre contends that liberalism too is a

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<sup>63</sup> *Ibid.*, p 102.

system of rational thinking, just like patriotism. Thus, to privilege liberalism undermines the variety of patriotic communities. Therefore, the MacIntyre argument challenges the desirability of the liberal nationalism.

Cosmopolitanism proves to be uncertain and vague on all the three points of comparison with the nationalism. In the lieu of recalling all the points, it was argued that cosmopolitanism lacks depth in the area of a.) The allegiance of people b.) The institutional back up to entertain cosmopolitan principles, like the national institutions with jurisdiction c.), and complementary to the above-mentioned point the nation being a concrete reality.

Cosmopolitanism lacks the allegiance of people essentially because it lacks the concept of public culture that reinforces the attachment of individual to the community and, hence, makes her obliged to address the duties assigned to her therein. It has been argued by a number of cosmopolitan theorists that the global civil society has come of age. The presence of international institutes, International NGO's and Multinational Corporations has brought about the awareness regarding the issues concerning the world. But, one needs to remain cautious regarding the inception of such global civil society. Since the activists in the civil society, explained under the name of global civil society are primarily centered in the first world, secondly the civil society argument assumes a right bearing individual with the liberty to discuss the matters and forming pressure on the authorities to comply with the demands of people. In the global civil society there is no conception of substantial rights. Since the majority of people in the world are left out of the deliberations of the global civil society, the obligation argument does not hold its ground.

Secondly, the nation-state has an extensive network of institutions that work closely with the citizens. But cosmopolitanism lacks any account of substantial institutions to implement the principles of global Justice. For example, Kok-Chor Tan argues that, in

order to realize the aspirations of global justice the institutional set up of, say, world state is not argued by cosmopolitanism. Instead the aspirations of cosmopolitanism shall be realized through the egalitarian liberal nationalism. Such an argument evidently, opens up the vague approach of cosmopolitanism towards the issue of global justice. Thomas Nagel argues that ‘Current international rules and institutions..... lack something that according to the political conception is crucial for the application and implementation of standards of justice: They are not collectively enacted and coercively imposed in the name of all the individuals whose lives they affect; and they do not ask for the kind of authorization by individuals that carries with it a responsibility to treat all those individuals in some sense equally.’<sup>64</sup> Nagel here is indicating at the political processes of nation-state, acting in the name of people they represent. Since the global institutions lack the mechanism to reach out to people and reciprocate their concern, Nagel finds them and the argument for global justice insufficient.

Together the affiliations argument and the institutions argument reiterate that unlike the nationalism Cosmopolitanism lacks the substance to make it a concrete reality. As discussed earlier the public sphere of the nation-state enables the political processes to run smoothly within the society. But, cosmopolitanism lacks any commendable account of global public sphere. Apart from the conceptual inconsistency, the fact that cosmopolitanism does not propose any viable option to the national system, at the same time aspiring for the universalizable principles like global justice renders it a vague character.

### **Conclusion**

Cosmopolitanism has too ambitious a project of universal concern and welfare. It aspires to bring greater equality among people especially in the material terms. And in pursuance of its desired goal cosmopolitan tends to undermine the importance of the nation. As of now cosmopolitanism is vague and is required to consider the

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<sup>64</sup> Nagel, Thomas (2005). ‘The Problem of Global Justice’, in *Philosophy and Public Affairs*, 33,no. 2.

importance of the nation, and may be through such a pursuit it can achieve some depth and substance. It has been argued here that nation is an important category to reckon with because; the important role nation in sustaining the life of the society within its folds. It is an important actor in the domestic politics and world politics alike. It has been the sustaining force for the liberal ideas themselves. As it has been argued before, nation is an important element of personal identity. In the practical terms as well, nation-state and nationality forms an important political configuration in the sphere of public culture. Moreover, the presence of the institutions of the nation-state gives nation an edge over cosmopolitanism. The institutions of the nation-state not only substantiate the existence of the nation, it ensures the stability and development of the national community. Nationalism has an important advantage over cosmopolitanism, and this advantage is its *established* institutions, institutions responsible for the distributive justice that materialize the very idea of the nation-state itself, something which cosmopolitanism lack.

## Chapter Two

### Cosmopolitanism and Institutions

The idea of justice has been closely associated with the concept of cosmopolitanism since the days of Cicero.<sup>65</sup> He distinguished between the duties of justice (i.e. the duty of being a human and, to help any one in desperate times) and duties of material aid (to help some one with money and other resources) Duties of material aid, for Cicero, are to be imparted based on the attachment of a person with others, whereas duties of justice treats everyone including the foreigners equally. Cicero defined the duties of justice as ‘not doing any harm to anyone, unless provoked by a wrongful act.’<sup>66</sup> Nussbaum notes that ‘the Ciceronian duties of justice involve an idea of respect for humanity, of treating a human being like an end rather than means. To assault someone aggressively is to treat them as tool of one’s desire for wealth or power or pleasures...Duties of justice are fully universal, and impose strict, exception less obligations.’ On the other hand, the duties of material aid require certain considerations like ‘human fellowship will be best served if the people to whom one has the closest ties should get the most benefits.’<sup>67</sup> To Cicero ‘there are an infinite number of people in the world who might possibly ask us for something, we have to draw the line at the point’<sup>68</sup>

Cicero’s duties of justice and duties of material aid were not equal. Understanding of material aid evolves in the concentric circles, where aid of resources shall be given considering the closeness and attachments of the people being bestowed upon with

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<sup>65</sup> Nussbaum finds the problem with the fact that justice of material aid should not be confined to the compatriots. The important question is “what do we owe to the other people?” And this question has been the basis of the global justice argument. For further argument see Nussbaum, M (2000). “Duties of justice, Duties of Material Aid: Cicero’s Problematic Legacy.” *The Journal of Political Philosophy*, vol. 8, No.2, pp 176-206.

<sup>66</sup> *Ibid.*, p 181.

<sup>67</sup> *Ibid.*, p 183.

<sup>68</sup> *Ibid.*, p 186.



aid. Therefore aid shall be given first to the family members and close friends and then to compatriots. Cicero limits the material aid up to the level of compatriots only. He justifies it by saying that since the material resources are scarce, they should be distributed with economy, and therefore limits and preference are desirable. Duties of justice, on the other hand, are generalized to everyone, its limits being the humanity itself. In defining the duties of justice, Cicero is influenced by the stoics, who believed in the sanctity and the virtues of the human self. Following stoics Cicero believed that even an alien shall be respected and protected in the troubling times, and if the duty of justice demands the sacrifice of the utmost kind, one shall not retreat from doing it.

Nussbaum finds the distinction between the duties of justice and the duties of material aid problematic because, even though given by the same philosopher, the duties are asymmetrical. On the one hand, the duty of material aid puts the barrier of preference and on the other hand, the duty of justice covers the entire humanity in its folds, so much so, that one can sacrifice his life in order to complete his duty of justice. Nussbaum argues that ‘with Cicero and Seneca, we hold that torture is an insult to humanity; and we now go further, rejecting slavery itself. But, to deny people material aid seems to us not in the same category at all. We do not feel that we are torturing or raping people when we deny them the things that they need in order to live-presumably because we don’t think that these goods are in the same class.’<sup>69</sup>

The cosmopolitans, especially the institutional cosmopolitans, have taken up the issue of the duty of material aid and the redistribution of resources of the world. It has been argued by the cosmopolitan theorists that the world of today is standing face to face with grave poverty and massive inequalities of all sorts, like inequalities of wealth, life expectancy, education, access to basic amenities etc. Comprising of the rich nations of the world, with all sorts of resources at its disposal, the west, according to the cosmopolitanism, has a duty to assist the poorest of the poor nations to overcome

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<sup>69</sup> *Ibid.*, p 191.

the poverty and the poverty related problems. Cosmopolitanism makes the global justice the cardinal principal that should govern the norms of the duties of material aid. Global justice is defined in terms of the assistance in form of resources to the poor countries by the rich countries and primarily by the international institutions like the IMF and the World Bank. It has been argued that since the cost of creating a better and poverty free environment is very less, it should be promoted as an obligation towards the humanity.

Following Stoics and Kant, cosmopolitan theorists consider the individual as the prime concern. To see people suffer in grave poverty raises normative question about the obligation rich people have towards the less fortunate human beings. Since the philosophical roots of cosmopolitanism go back to the stoics, who had no belief in the particular attachments of the individuals, the likes of family and nationality and citizenship. These particular attachments are considered secondary. The existence of the individual and his wellbeing is the main concern. In the present context of the massive poverty and inequalities, cosmopolitanism emphasizes on the appeal to create an egalitarian world order with no poverty. Thomas Pogge argues that the people in the rich countries have a negative duty to ‘stop imposing the existing global order and to prevent and mitigate the harms it continually causes for the world’s poorest populations.’<sup>70</sup> Pogge espouses to apply the Rawlsian notion of justice as fairness into the international realm, especially the egalitarian difference principle. He notes that in the Rawlsian conception of justice, in a given society, the national economy is controlled by the adult members of the society with democratic process and that ‘justice requires citizens to aim for a national economic order that satisfies the difference principle, that is, that allows social and economic inequalities to arise only insofar as they tend to optimize the lowest socioeconomic position.’<sup>71</sup> Pogge complains that Rawls did not apply his understanding to the global realm and hence, his conception is distorted.

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<sup>70</sup> Pogge, Thomas (ed) (2001). “Priorities of Global Justice” *Global Justice* (Blackwell Publishing, Oxford), p15.

<sup>71</sup> *Ibid.*, p 15.

With the inception of the Globalization, nations of the world have come closer, having integrated economies conditioned by the policies of the global institutions. The cosmopolitan justice argument extends the equal moral concern for all humans irrespective of their particular location in the world and it holds that “distributive principles are not to be constrained or limited by state or national boundaries”<sup>72</sup>. By the virtue of being human, all have the right to respectful life and a decent level of subsistence. Cosmopolitans argue that after the end of cold war developed states have done little to eradicate poverty worldwide. Since two third of the world is living in poverty and the poorest of all are sustaining with less than a dollar a day, it becomes a duty for the rich people to assist the poorest and eradicate poverty. Especially when eradicating poverty is not an unachievable task. In order to eradicate hunger related problems and issues of basic amenities; global justice argument presents various models like Pogge’s notion of *Global Resource Tax*. The responsibility to eradicate poverty and impart justice for the cosmopolitans depends on the international institutions, like IMF, World Bank, international NGO’s, multinational corporations etc.<sup>73</sup>

Coming to the institutional aspect of cosmopolitanism and justice, institutions are an important aspect of the idea of justice itself. Justice is realized and materialized through the institutions. The democratic attributes and effective working of institutions goes a long way with the spirit of justice. Institutions are closely related to justice and therefore inescapable object of consideration. The importance of institutions of a given democratic society, which we can say are institutions of the nation-state, is evident in John Rawls seminal work *Theory of Justice*. Rawls makes it clear right in the beginning that the prerequisite of justice is a society with democratic *institutions* at its foundation. He introduces Institutions as “a public system of rules, which defines offices and positions with their rights and duties, powers and

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<sup>72</sup> Tan, Kok-Chor (2004). *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism.*, p 19.

<sup>73</sup> For further discussion on the international institutions for global justice. see Nussbaum, Martha (2000). *Frontiers of Justice* (Oxford University Press, New Delhi).

immunities, and the likes. There rules specify certain forms of actions as permissible, others as forbidden; and they provide for certain penalties and defenses, and so on, when violations occur.”<sup>74</sup> As noted by Pogge, justice in Rawls’ eyes prevails when the basic structure of the society is governed by the principles of justice, that is, the principle of equal liberty and the difference principle. Rawlsian argument will be dealt with in greater details later; it suffice here to say that the Rawlsian conception of the basic structure is in fact the cluster of the institutions of a political community or society. These institutions play an important role in the Justice as Fairness, as Rawls discuss it.

Cosmopolitanism approaches institutions as ‘The fact that shared institutional arrangements makes justice consideration necessary; but the existence of such arrangements is *not* a pre requisite for justice<sup>75</sup>’. Cosmopolitanism bases its understanding of the idea of justice on the Rawlsian conception of justice as fairness. Rawls’ understanding of the basic structure, to the cosmopolitans, is realizable at the global level in the shape of “global basic structure<sup>76</sup>”. The institutions at the global level are not similar to that of the nation-state. One major difference lies with the nature of the institutions governing the domestic society, and the international institutions. The national institutions are governed by the authority elected and hence, accountable to people. International institutions on the other hand, are not accountable to people or their governments, as their organization has been based on the influence of rich nations. Secondly, since the institutions at the international level have no accountability to those whom their policies gravely affect, they are left off the hook. Such a scenario makes a close look at the institutional cosmopolitanism pertinent. Institutional argument makes sense all the way more in the present context of cosmopolitan justice, because cosmopolitanism bases its justice argument on the

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<sup>74</sup> Rawls, John (1971). *A Theory of Justice* ( Harvard University Press, Cambridge, MA), p 7.

<sup>75</sup> Tan, Kok-Chor (2004). *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*, p 33.

<sup>76</sup> *Ibid.*, p 28.

global institutions, responsible to administer the relations among nation-states. A critical gaze into the institutional set up of cosmopolitan justice is desirable here, especially so because the way it proposes to deal with the gulf of inequality between the rich and the poor nations. At the same time, in the context of globalization, the way in which international institutions work and perpetuate the inequalities among nation-states gives a new shade to the whole question of global justice.

In the present chapter, it has been argued that the institutions on the basis of which cosmopolitanism argues for the global economic institutional set up, to impart justice to the least advantaged, is standing on the flawed understanding of the international institutions. Moreover it does not realize that there is a marked difference between a national community and a global community, characterized clearly in the nature of the institutions and their workings at both the levels. Cosmopolitan argument of greater interconnectivity is among nations is valid, and the fact that the central element of the nation-state i.e. sovereignty is being undermined, *of the poor states*. As far as the rich states and their institutions are concerned *their sovereignty is well in place and maintained*.

Before moving further on the institutional cosmopolitanism, one needs to clarify the approach taken for institutions. Generally political institutions are defined in terms of the purpose they serve. Accordingly, 'On the one hand, they (political institutions) help mitigate collective action problems, particularly the commitment and enforcement problems so debilitating to political exchange and, thus, allow the various actors in politics to cooperate in the realization of gains from trade. On the other hand, political institutions are also weapons of coercion and redistribution.'<sup>77</sup> Institutions have been understood in terms of the working mechanism to deliver goods and services to people. They have specified rules and regulations, with clear prescriptions of the ways in which institutions can be modified according to the changing times rendering flexibility to them. The important part of any democratic

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<sup>77</sup> Moe. Terry M (2007). " Political Institutions: The Neglected Side of the Story" in *Institutionalism*, volume 1. Peters, B. Guy and Jon Pierre (eds.), (Sage Publications. New Delhi), p 366.

institutions is the scope of the participation of the concerned parties in its working, the possibility for them to raise their concerns. The right to participation is not limited to the present generation but encompass the future generations as well. Most importantly, they provide effective mechanisms for redressing the grievances occurred to any party. Implicit in this definition is the assumption that the institutions have been founded on fair rules equally concerned for all. The spirit of fairness is the moving force of the redressal mechanism. In the present chapter, institutions at both levels, i.e. global and national level are to be measured against this parameter, and it is assumed, if the argument goes right, that global institutions will fail, precisely because these institutions are puppet at the hands of the few, who controls the system.

### **The Global Original Position: Thomas Pogge**

In *Rawls and Global Justice*, Pogge argues that the idea of justice premised upon this understanding can be generalized at the global level. In order to create a global original position, Pogge ponders over the possibility of Rawlsian global position, and in turn presents his own take on the issue. According to him, Rawlsian position can be discussed at the two levels<sup>78</sup>. First, a global position where parties are representatives of “persons of various societies”, and secondly, parties as “representatives of states”

Pogge presents his position in contrast with the Rawlsian conception of original position. The global original position, as Pogge defines ‘envisions a single, global, original position. This modification – again appealing to the thick veil of ignorance – leaves intact Rawls’ whole argument for the two principles, directing it however at our entire social world. The relevant “closed scheme” is now simply taken to be the

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<sup>78</sup> Two positions, as mentioned by Pogge are: “R1: the global parties are viewed as representing persons from the various societies. They deliberate in the standard way, instructed ‘to make a rational choice to protect their interest .....for which they know nothing about the particular circumstances of their own society, *nor do they know their place in their own society*”.

R2: “ the second session involves a more dramatic adaptation of the original positions, since the parties are conceived as “representative of *states*”

world at large'.<sup>79</sup> The global original position- G, it is an original position argument based on the Rawlsian original position. G refers to the coming together of all the relevant parties, at the global level to deliberate on the principles of justice, According to Pogge it is an improvement over Rawls original position on various accounts, and in dealing with it Pogge makes his case for institutional cosmopolitanism. According to him, societies do not exist in isolation. They are part of the multinational scheme. So there is a reason to assume that, as moral person, 'they would...favor a standard of justice on which *all* institutions are assessed by reference to the life prospects of the globally least advantaged.'<sup>80</sup> There is an added reason to believe that a global original position is plausible, since by the virtue of existing in the multinational scheme, national basic structure is bound to be affected by the global conditions. On the other side, global institutional scheme, if has to succeed, it will, also, have to 'engender in national societies and populations sufficient compliance with, and a basic moral allegiance to, its ground rules'.<sup>81</sup> For Pogge, since national and global institutions co-exist, closely with each other, it makes perfect sense to assume a global original position. This is more so, because we may think that the national policies may affect only the compatriots. But national policies of one nation (developed nation) may hold great significance for the foreigners as well.

The global original position undermines the nation-state and its territorial sovereignty. As a matter of fact, institutional cosmopolitanism can be fully worked out when the power to make policy decisions have been dispersed from the level of national governments, to various sub-state and supra-state levels. Pogge<sup>82</sup> believes that the dispersal is important for two-fold reasons. Firstly, sovereignty is not an exclusive matter of the state, but a federal regime spreads its decision making power to the sub-state units. And secondly, there is a need to take away the decision-making power from the states, in the wake of the issues concerning the world at large. The important

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<sup>79</sup> Pogge, Thomas. "Rawls and Global Justice" *Canadian Journal Of Philosophy*, Vol.18. No. 2, June 1988. pp237-238.

<sup>80</sup> *Ibid* , pp241.

<sup>81</sup> *Ibid.*, pp 242.

<sup>82</sup> Pogge, Thomas (1992). "Cosmopolitanism and Sovereignty" *Ethics* 103 (October 1992) pp 48-75.

issues like peace and security, global economic justice, ecology requires a global response. Therefore, the power to make decisions shall be transferred to International bodies.

The dispersal of sovereignty at the sub-state levels require close consideration, the supra-state level of sovereignty will be dealt with later on, in the context of the feasibility and claim of institutional cosmopolitanism. To argue that at the sub-state level, the decision-making power has been surrendered by the state, presents a partial picture. The decision making power has been delegated to the units of the federation, only as far as it concerns that particular unit. It has been done in consonance with the spirit of democracy and self-rule. For example in the case of India, the units of the union of India are allowed to take decisions on the matters of the importance of that particular unit. On the issue of national concern, or in the matter concerning more than one unit of the union, decisions are taken at the union level, in consensus with the sub-state units. Thus, the sub-state units are provided with the autonomy to deal with the issues concerning them exclusively, at the same time being a vibrant part of the democratic nation-state.

### **Framework of Institutional Cosmopolitanism: The Global Resource Tax**

The guiding force of the global original position has been the need to have a global system to eradicate wide spread global poverty and the casualties sustained by poverty and hunger world-wide. There has been a general concern among the cosmopolitan theorists regarding the ever-increasing gap between the rich and the poor of the world. Thomas Pogge, for one, has developed his argument for the *Global Resource Tax*. It is a framework to modify the present global economic structure. Though it remains to be seen how such a proposal affects the global economics in practice especially with the sort of the International institutions in place. According to



Pogge 'The basic idea is that, while each people owns and fully controls all resources within its national territory, it must pay a tax on any resources it chooses to extract.'<sup>83</sup>

The GRT is the tax levied on the commodities of consumption, ranging from the petroleum to the water used by the countries. 'The burdens of the GRT would not be borne by the owners of resources alone.'<sup>84</sup> The tax would ultimately increase the price of the commodity at its extraction point. Since the price will be hiked the consuming party will have to pay the increased tax. The idea is to put tax on 'goods and services roughly in proportion to their resource content: in proportion to how much value each takes from our planet.'<sup>85</sup>

The aim of the GRT is to create a pool of economic resources to help the global poor. It follows the maxim that 'One may use unlimited amounts, but one must share some of the economic benefits.'<sup>86</sup> Nation-states will generate the GRT from their own internal resources. Pogge speculates 1% of global GDP as the tax, paid by nations 'to be used towards the emancipation of the present and future global poor.'<sup>87</sup> GRT is the standard example of the means to be created, in order to address the issue of global poverty.

### **Agents of Institutional Cosmopolitanism: International Economic Institutions**

GRT, for its execution, requires an international institutional base. Cosmopolitanism, by the virtue of globalization, assumes the presence of the global institutions, which

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<sup>83</sup> Pogge, Thomas (1994). "An Egalitarian Laws of Peoples", *Philosophy and Public Affairs*, Vol. 23, No.3 (Summer, 1994), p 200.

<sup>84</sup> *Ibid.*, p 200.

<sup>85</sup> *Ibid.*, p 200.

<sup>86</sup> *Ibid.*, p 201.

<sup>87</sup> *Ibid.*, p 201.

complement the increasingly unifying global economic order. Institutions range from the IMF and World Bank to the likes of United Nations and multi national corporations. Pogge discusses the dispersal of sovereignty from the national level, hence, making it one among many players at the international arena. The deciding factors of institutional cosmopolitanism are invariably, the global institutions on whose basis the institutional cosmopolitanism stands.

As discussed above, besides the nation-states the international institutions especially the economic institutions are the important agents of the institutional cosmopolitanism. These institutions like the IMF, World Bank, G-7, multinational corporations, etc., which determine the policies of the global economic structure, are the agents of institutional cosmopolitanism. The international economic institutions are very important in any discussion institutional cosmopolitanism. For the simple reason that they form the “global basic structure”.<sup>88</sup> Globalization, especially in its economic avatar, with ‘the advent of new technologies, new global markets, and new global economic institutions and regulations in recent decades has brought about a global economic space in which decisions and actions in one corner of the world have rapid and profound effects in another.’<sup>89</sup> Though cosmopolitanism, takes into notice the perilous impact of globalization, on the poor nations of the world, they do not see the problem in the face of the need for *fundamental change* in the global institutions, bringing about justice among rich and poor nations. But to them the problem lies with the “*terms* of globalizations”. Cosmopolitanism understands that ‘Economic globalization must be followed by normative globalization so to speak. As the marketplace becomes one without borders, so should justice be without borders.’<sup>90</sup> In other words the globalization is to have the normative justifications for the cosmopolitanism, irrespective the severe implications globalization is having on the poor. It is important to observe that for cosmopolitanism the terms of globalization do

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<sup>88</sup> Tan, Kok-Chor (2004). *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*, p 28.

<sup>89</sup> *Ibid.*, p 30.

<sup>90</sup> *Ibid.*, p 33.

not involve the democratic membership of nations in the international institutions. Rather in order to achieve the goal of justice, institutions are a sufficient condition, according to Tan, but it is “not a necessary one”<sup>91</sup>

### **Institutional Cosmopolitanism: Influence of John Rawls**

Institutional cosmopolitanism, according to Thomas Pogge, “postulates certain basic principles of justice”<sup>92</sup>. Pogge has been one of the leading theorists engaged with institutional cosmopolitanism. There have been certain preconditions, for the inception of institutional cosmopolitanism. The advent of globalization increasingly unifying the world has been one of them. Apart from it, institutional cosmopolitanism received its impetus from the persisting and escalating inequalities in the world’s richest few and poorest many. As a matter of fact the data regarding the inequalities of income and poverty are astonishing.<sup>93</sup> With this background in mind, Pogge has attempted to develop a global “egalitarian laws of people”<sup>94</sup>, taking inspiration from John Rawls’ idea of Justice as fairness.

John Rawls’ justice as fairness has been the major influence on the institutional cosmopolitanism. Rawls assumes justice to be the first virtue of the society, and justice is done when the rights of citizens are secured and the “liberties are taken to be settled”<sup>95</sup>. In order to ensure a fair notion of justice, Rawls proposes a deliberative process whereby the adult inhabitants of a given society comes together to discuss and

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<sup>91</sup> *Ibid.*, p 33.

<sup>92</sup> Pogge, Thomas (1992). “Cosmopolitanism and Sovereignty” *Ethics* 103 (October 1992), p 50.

<sup>93</sup> For the data related to World Poverty see Pogge, Thomas (eds.) (2001). *Global Justice* (Blackwell Publishing, Oxford). Chapter 2.

<sup>94</sup> Pogge, Thomas (1994). “An Egalitarian Laws of Peoples” *Philosophy and Public Affairs*, vol. 23, No.3 (summer, 1994). pp 195-224.

<sup>95</sup> Rawls, John (1971). *A Theory of Justice*, p 4.

decide the principles of justice. This, to Rawls is the justice as fairness, since all the concerned people shall agree upon the principles of justice. Before venturing onto the principles of justice Rawls discuss the concept of original position. Original Position is ‘an initial position of equality’<sup>96</sup>. It assumes coming together the members of the society in a joint act to deliberate over the principles of justice ‘ which are to assign basic rights and duties and to determine the division of social benefits.’<sup>97</sup> Rawls describe original position, as ‘the original position is the appropriate initial status quo which insures that the fundamental agreements reached in it are fair.’<sup>98</sup> The principles chosen in the Original Position shall be binding on the institutions of the society in assigning rights and duties to the people and distributing social and economic benefits.

The principles of justice, as a result of the deliberations undertaken in the original Position, are as followed:

1. “Each person is to have an equal right to the most extensive basic liberty compatible with the similar liberty for others.
2. Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be everyone’s advantage, and (b) attached to the positions and offices open to all.”

The advantage of the Rawlsian conception of justice is the feature of systematic provisions of the principles of justice. At one end it gives the scope for people to exercise their liberty under the provisions of the first principle. On the other end, the second principle makes a systematic attempt of bridging the socio-economic disadvantages, by leaving the scope for the equality of opportunity for the inhabitants of the society.

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<sup>96</sup> *Ibid.*, p 12.

<sup>97</sup> *Ibid.*, p 12.

<sup>98</sup> *Ibid.*, p 12.

In his later work, *Laws of People*, Rawls illustrates his stand on the issue of justice and cosmopolitanism. Rawls contends that the idea of justice as he understands is concerned with the basic structure as it is found in a society; hence, the principles of justice are related with the just institutions of the society. While describing the Laws of people, Rawls argue that there is a pluralism of societies, which means; there is more than one type of society. The basic structure of every society is, by the virtue of its political culture, unique to it. The generalization on the basis of the basic structure is not possible. Cosmopolitan view “ is concerned with the well-being of individuals, and hence, with whether the well-being of the global worse-off person can be improved. What is important to the Laws of Peoples is the justice and stability for the right reasons of the liberal and decent societies, living as members of a Society of well- ordered Peoples.”<sup>99</sup> Global justice is concerned with the well being of individual; where as the Laws of people are concerned with the justice within Society. Therefore To apply the principles of justice, to the global justice argument, for Rawls, is a conceptual error.

Samuel Scheffler in “Cosmopolitanism, justice and institutions” observes that Rawls has focused on the primacy of the basic structure over the individual rights, and Scheffler notes three distinct reasons for Rawls’ focus on the institutions. First of all, the basic structure and the institutions are important because they affect individual’s life prospects profoundly. Secondly, the basic structure itself shapes the lives of its inhabitants. Scheffler explains ‘social system inevitably shapes people’s desires and aspirations, and helps to determine the kinds of persons they are and want to be. The choice among different systems therefore implicates different views of the human good and different moral assumptions.’<sup>100</sup> Thirdly, and most importantly, the basic structure maintains the background of justice and, thus, brings stability to the society. Scheffler notes that pursuing the particular individual concern can undermine the principle of justice designed for the society. To this end, the basic structure is devised

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<sup>99</sup> Rawls, John (1999). *The Laws Of Peoples*, (Harvard University Press, Massachusetts), p 120.

<sup>100</sup> Scheffler, Samuel (2008). “Cosmopolitanism, justice and institutions” in *Daedalus*, Summer, p 73.

to maintain the background conditions of justice. 'In view of the tendency of individual transactions to erode background justice, and the unavailability of feasible rules of personal conduct to counteract this tendency, individuals by themselves cannot achieve a just society. Only properly designed basic structure can secure the background conditions that are a precondition of such a society.'<sup>101</sup>

The discussion on the importance and role of institutions has been furthered by Amartya Sen in his recent work *Idea of Justice*. Sen, in *Idea of Justice*, appeals to view justice in the broad sense of societal background. For him every society has its own norms and understandings of the conception of justice, and justice is best realized when it is viewed with this understanding. 'In contrast with *niti*, the term *nyaya* stands for a comprehensive concept of realized justice. In that line of vision, the roles of Institution's, rules and organization, important as they are, have to be assessed in the broader and more inclusive perspective of *nyaya*'<sup>102</sup>. Sen considers the *nyaya* view of justice, that is, the comprehensive view of justice to be the ideal one. *Niti*, the circumstantial view, on the other hand is the policy specific, short-term approach of justice. Thus, for Sen, justice is comprised of the institutions of a *particular society*. Hence 'The central recognition here is that the realization of justice in the sense of *nyaya* is not just a matter of judging institutions and rules, but of judging the societies themselves.'<sup>103</sup> Sen, rightly, expresses his doubt regarding the feasibility of Global Justice argument by invoking Thomas Nagel, that 'Global Justice is not a viable subject for discussion, since *the elaborate institutional demands needed for a just world* (emphasis mine) cannot be met at the global level at this time.'<sup>104</sup> Invariably the idea of justice will require the well-established institutions, like the institutions of the nation-state. Unless such institutions are not in place, the argument of justice will not be able to cover much ground.

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<sup>101</sup> *Ibid.*, pp 74-75.

<sup>102</sup> Sen, Amartya (2009). *The Idea of Justice*, (Allen Lane, London). p 20.

<sup>103</sup> *Ibid.*, p 20.

<sup>104</sup> *Ibid.*, p 25.

### **National Institutions**

National institutions are important pre requisites of justice as fairness. The idea of justice depends on the institutions in two ways, to embed its principles and to impart the basic goods to all. Thus, the institutions are indispensable to the conception of justice. The advantage of national institutions is that the national institutions are situated in a context where, the mutual relationship between the institutions and the people is possible. Therefore the nation-state fairs better on the account that the institutional structure of the nation state is within the reach of the people, to whom the justice is being imparted. At the same time, being democratic institutions, they stand in mutual relation, that is, they affect people, and are affected in return by the general opinion of the populace. As it is well known citizenship rights on the one hand ensure the basic rights to people, on the other hand it acts like check and balance the governmental power. These rights provided by the national institutions to the members of the nation-state are a unique attribute of the modern nation-state. It is important to note that cosmopolitanism argument for the international institutions does not discuss any account of institutions that shall be responsible to provide the basic goods. Hence, the cosmopolitan argument of overshadowing the nation-state does not come across convincingly.

In order to elaborate this point, consider the relationship between the two principles of justice and the corresponding stages of *institutions* to realize them. Rawls divides the principles into two stages and club them with the two levels of basic structure. The first stage of the basic structure is the constitutional stage, where the representatives of the people deliberate over the constitution of the society. The first principle of justice i.e. the liberty principle asks for the atmosphere that will secure the right of liberty of all. Rawls assert, 'The constitution establishes a secure common status of equal citizenship and realizes political justice.'<sup>105</sup> The second principle, that is the difference principle, requires further institutional support since the aim is to bridge the

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<sup>105</sup> Rawls, John (1971). *A Theory Of Justice*, p 199.

inequality in the society and to this end Rawls devise the second stage of institutional arrangement. The second principle is realized at the stage of legislature, the legislature formulates the socio-economic policies to address the second principle. Rawls elaborates, 'It (the second principle) dictates that social and economic policies be aimed at maximizing the long-term expectations of the least advantaged under the conditions of fair equality of opportunity, subject to the equal liberties being maintained. At this point, the full range of general economic and social facts is brought to bear. The second part of the basic structure contains the distinctions and hierarchies of political, economic, and social facts are brought to bear.'<sup>106</sup> Thus, the principles of justice depend on the institutions for the carrying out duties and imparting justice to the populace. The way Rawls tries to weave principles of justice into the institutions of the state, the relevance and importance of institutions speaks for it self. The idea of justice as extensive as Rawls is theorizing will need the institutions with exactly that extensive reach. Considering the institutions cosmopolitanism is basing its idea of justice creates doubts regarding the reach and the outcome of such idea.

Secondly, and supplementing the previous point, a national community creates a culture of its own. This culture takes shape in the public sphere, through the debates on the governmental policies and the interaction between the citizenry on the one hand and the national institutes on the other. The public sphere provides the impetus for people to exercise their agency. It is the background condition for the democratic politics. The citizenship rights and the public sphere together create the national culture. National culture is the basic difference between the national institutions and the global institutions.

The global institutions are essentially measured against the institutions of the nation-state. The institutions of the nation state have the advantage of being clearly prescribed by the constitution of the land, and regulated through the accountability to

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<sup>106</sup> *Ibid.*, p 199.



the general public. With the redressal system in place (for example the basic right to constitutional remedies) the relationship between institutions and the people is the reciprocal one. The advantage that national institutions have over the global ones stems from this very fact, that there is accountability of the institutions in place. Global institutions are primarily run by the rich states, and it is a well-established fact that they exist to protect the interests of the rich nations at the cost of the rest of the world. If such is the case, then asking for the modifications in the global institutions, to change for the betterment of the poorest of the poor sounds ironic. Global institutions do not need modifications; they need radical transformation to achieve the goals that cosmopolitanism sets for itself.

The global institutions, and institutional cosmopolitanism stands on abstract grounds, the grounds of generalised conception of the world. They lack the concreteness and the expertise that the national institutes possess. Their abstractness frees the international institutes of the liability or the accountability to any one. This lack of accountability is dangerous, for the simple reason; there is absolutely no one who can be made answerable in such a scheme as in the institutional cosmopolitanism. The ones who are answerable i.e. the nation-state, they have not been given the power to decide for themselves. The example of the globalization is the telling one here. If not all, at least majority of the nations, most of them being poor have no say, whatsoever in the dealings of the international institutions. Their sovereignty is effectively encroached. Stiglitz's account of the workings of globalization can be sited here. Numerous developing countries have been bounded by the IMF conditionalities and their economies have been ruined. On the other hand the developed rich nations have maintained high control on their economies. To expect global justice in this scenario would be an ambitious hope. Vidhu Verma concludes the issue of International justice by assessing 'The main problem is that the global economy within which structural inequalities are now generated are reflected and perpetuated not only abstractly in

terms of global norms and principles but at a more concrete level as well through the policies and methods of established institutional bodies'.<sup>107</sup>

As the international institutional system is, in the contemporary times, it needs radical change, changes that are humane and compassionate to the poorest of the world. But as it has been pointed out, there are some fundamental flaws in the institutional scheme of the Institutional cosmopolitanism e.g. they lack the structure that ensures and guarantee the basic rights to all. And the rights, that are being talked about do not have a bearing because the institutions, which provide them, are not accountable to or responsible for ensuring them. Unlike the international institutions, the national institutions have ensured the citizenship rights to their subjects and this is the very advantage that puts nation-state ahead of the institutional cosmopolitanism in the case of providing justice. Citizens can demand justice from their state; they are protected against the encroachments by the state itself. But the institutional cosmopolitanism has not developed any criteria like this, and this fact again brings us to the conclusion that the very idea of cosmopolitanism lacks the depth and concreteness of the institutions, which is pertinent if it has to succeed in its goals of providing the justice and freedom from the poverty to the millions of poor in the world.

### **Critique of the Institutional Cosmopolitanism**

John Rawls has been the major influence on the formulation of the institutional cosmopolitanism. Institutional cosmopolitanism attempts to extend the Rawlsian original position to the global arena to create the principles of Global justice. But, the theorists of institutional cosmopolitanism grossly misconceive the Rawlsian principles of justice. Rawls has been primarily concerned with the justice in a *society*

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<sup>107</sup> Verma, Vidhu (2006) "The State, Democracy and Global Justice" in *Economic and Political Weekly*, August 26, 2006.

and its distributive mechanism. It is intended to prove here, that Rawlsian idea of justice has been wrongly applied to the issue of global justice. The concept of institutional cosmopolitanism undermines the prerequisites of the principles of justice, the institutions, on which the idea of justice is heavily dependent. Further more, Rawls himself asserts that the principles of justice are not concerned with the individuals, but with the institutions that assign rights and duties among people and distribute the social- economic benefits among them. He states the subject of justice to be the institutions of the society. In *Theory of Justice*, Rawls says. 'For us the primary subject of justice is the basic structure of the society or more exactly, the way in which the major *social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.*' (Emphasis mine) Rawlsian original position is not to be generalized at the global level, as it has happened in the institutional cosmopolitanism, because of specific features that contextualize Rawlsian idea of justice in the framework of the nation-state. First of all Rawls assumes a certain society in pursuit of justice, for justice to be realized. Such a society is a prerequisite because of the institutional capabilities it possesses. Secondly, the specific institutions that Rawls has mentioned, a just constitution and the body of delegates pondering over policies and legislation. As Rawls mentions, the legislative body is there to serve the long term needs of those who are poor and whose representatives these delegates are.

As an implication of not recognizing the importance of the institutions in the basic structure, results in taking away the focus from the institutions and concentrating only on the spirit of justice is a grave mistake, done by the cosmopolitans. It is a folly because, by keeping the institutions off the hook, and contemplating the "terms of globalization"<sup>108</sup> along with fairer rules of distributing the burdens and benefits equally, the point is being amiss that justice is a closely related to the institutions that impart it. Especially, in the case of international institutions where there is no mechanism to redress the follies committed by the institutions, and no one is answerable for their actions, to public at large and states in particular, renders

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<sup>108</sup> Tan, Kok-Chor (2004). *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*, p 32.

cosmopolitanism a fuzzy, rootless concept. It should be made clear that, is not to privilege the institutions, but to prove that, justice and institutions go hand in hand. If the institutions are unjust, the noblest intention of justice will be invariably defeated. Justice will be defeated particularly because it is the vigor and the rules laid down at the foundation of the institutions that sustain the spirit of justice.

International institutions cannot be just, not until they are transformed radically. The change seems difficult, because as the status quo is, developed nations have an inherent reason to keep it under their influence. This fact cannot be better explained, then taking into account how poor nations were incorporated into globalization. The poor nations were hastily admitted into the global institutions through the likes of IMF and World Bank. In contrast, the developed nations were cautious enough to keep their economy closed until it matured over a period of time. Joseph Stiglitz analysis this aspect of globalization when he argues 'To take just a few examples, most of the advanced industrial countries- including the United States and Japan- had built up their economies by wisely and selectively protecting some of their industries until they were strong enough to compete with foreign companies.....Forcing a developing country to open itself up to imported products that would compete with those produced by certain of its industries, industries that were dangerously vulnerable to competition from much stronger counterpart industries in other countries, can have disastrous consequences-socially ,and economically. Jobs have systematically been destroyed- poor farmers in developing countries simply could not compete with highly subsidized goods from Europe and America- before the countries' industrial and agricultural sectors were able to grow strong and create new jobs. Even worse, the IMF's insistence on developing countries maintaining tight monetary policies has led to interest rates that would make job creation impossible even in the best of circumstances. And because trade liberalization occurred before the safety nets were put into place, those who lost their jobs were forced into poverty. Liberalization (globalization) has thus, too often, not been followed by the promised growth, but by *increased misery*.'<sup>109</sup> (Emphasis mine)

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<sup>109</sup> Stiglitz, Joseph (2002). *Globalization and its Discontent* (Penguin Books India, New Delhi) p 17.

There has been an outcry, against the monopoly of the global economic institutions. At the same time the dominance of the international institutions tells about international relations itself. The global economic system, i.e. globalization is founded on the basis of a structure, which release decree of far and wide implications based on a very narrow perspective of the world. Worse still, the concerns of the most of the people are not even expressed in them. There is no need to go into details of the inequalities generated by the globalization. The point is it fails not only because that it is meant to serve the interest of the few, but also, that it lacks accountability to those whom it affects. International institutions, by default have no answerability to people of the world and lesser still to the poor people of the world. In this sense, cosmopolitanism, based on globalization, raises grave doubts about the viability of the Global Justice.

To make any institution a success, especially when it claims to deal with justice, democratic basis of its functioning is mandatory. Being democratic here is used with a specific perspective. The democratic institutions are marked by their quality to give all the concerned parties an equal say in the important matters. It is important for the success of any public institution to have, what we can call, a reciprocation of concern, at the levels, people and the concerned authority. People express their concern by voicing their issues and the authorities have to respond to the demand of their subjects. The democratic principles bind the authorities to act upon the wishes of the public, as they are the representatives of people, hence, accountable to them. There are numerous examples, when the government had to take into account the views of their subjects like, the linguistic re-organization of the Indian Union or the Civil Rights Movement in USA. The international institutions completely lack this reciprocation.

The viability is questionable, all the more, because globalization is not answerable to people, and the Nation-state have been given a subsidiary role, the role of the implementer. Nations, especially poor ones are not being consulted about the kind of

policies best suited for their countries, and ironically they are the answerable parties to the millions of their subjects.<sup>110</sup> Such a system of international institutes, even in the best of circumstances will not be able to bring about substantial change in the lives of the poorest of the world, because the institutions are not democratic, and they are not just indifferent, while formulating policies they lack the reality check of the happenings on the ground. . On comparing the institutions at the level of the nation-state and the global ones, the contrast brings out this fact more clearly.

### **Conclusion**

In this chapter it has been argued that the idea of justice and institutions share a close relationship. The institutions are important because being the agents to impart justice they come at the forefront of any discussion on justice. Furthermore John Rawls also endorses this point in his conception of justice as the basic structure of the society, responsible to provide the basic rights and liberties to the people. To Rawls the two principles of justice are related with the *Institutions* of the society and not with people as such. Institutional cosmopolitanism lacks the depth and concreteness of the democratic institutions because for the cosmopolitan theorists the institutions are not the necessary condition for justice. This is a grave limitation of the concept of global justice because it lacks the reciprocation of concerns between the decision makers and the people it claims to serve. Thus, it has been argued that, we need to see into the relationship between the idea of justice and the institutions that impart justice. Just to focus on the “spirit of justice” and ignoring the importance of embedding it into the institutions will be a grave mistake.

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<sup>110</sup> Stiglitz deals with this issue in detail, when he discusses the issue of Ethiopia and South Korea. For discussion see Stiglitz, Joseph (2002). *Globalization and its Discontent* (Penguin Books India, New Delhi) Chapter 2. See also Hurrell, Andrew (2001). “Global Inequality and International Institution” in, *Global Justice* (ed.) By Thomas Pogge pp- 47 (Blackwell Publishing, Oxford).

## Chapter Three

### Cosmopolitanism and Rights

Stanford encyclopedia of philosophy defines rights as the ‘entitlements (not) to perform certain action or be in certain states or the entitlements that others (not) to perform certain actions or be in certain states.’<sup>111</sup> Rights are indispensable to the meaningful existence of individual. Rights give the autonomy to the individual from others. Rights have evolved over a period of time, as the assertion of people, and as voices rising in the matters important to people. Thus, rights are understood as leverage, a restraining power that individual possesses against the state and society. An example, of what rights may mean can be Ronald Dworkin’s understanding of rights as trumps. Dworkin understands right as the essential immunity from the larger society. Rights of individual are important because, as Dworkin notes, it shields the individual from the whims of the larger society, thus ‘we need rights.....when some decision that injures some people nevertheless finds prima-facie support in the claim that it will make the community as a whole better off in some plausible account of where the community’s general welfare lies.’<sup>112</sup> Thus, the rights have the attribute of being trump when individual interests are in danger. To Dworkin rights acts as trumps to ensure equality for people in minority.

Martha Nussbaum gives another interpretation of rights. She defines rights as capabilities. According to her, there are certain fundamental human entitlements required by all people to develop the “basic human dignity”. She argues that these entitlements shall be respected and implemented by governments of all nations, ‘ as a bare minimum of what respect for human dignity requires’. Thus, Nussbaum defines the capabilities as ‘the source of political principles for a liberal pluralistic society;

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<sup>111</sup> Wenar, Leif, “Rights” The Stanford Encyclopedia of Philosophy (Fall 2008 Edition), (ed.) Edward N. Zalta, URL< <http://plato.stanford.edu/archives/fall2008/entries/rights/>>

<sup>112</sup> Dworkin, Ronald (1985) “ Rights as trumps” in Jeremy Waldron (ed) *Theories of Rights*. (Oxford University Press, Oxford).

they are set in the context of a type of political liberalism that makes them specifically political goals and present them in a manner free of any specific metaphysical grounding. . . . the capabilities. . . . can become the object of an overlapping consensus among people who otherwise have very different comprehensive conceptions of the goods.’<sup>113</sup> Nussbaum includes in capabilities rights like, bodily health, bodily integrity, and most importantly, the control over one’s environment in the political and material sense of the term. As far as the political environment is concerned, the right includes the right to elect the government and the protection of the fundamental rights like right to free speech and association. Material rights include the right to have property, the right to seek employment etc.<sup>114</sup>

Leif Wenar notes that rights, in contemporary times, have four basic components, and these are known as “hohfeldian incidents”. Named after a legal Theorist Wesley Hohfeld, who discovered them, rights have four components, that is, the privilege, the claim, the power and the immunity. Jeremy Waldron finds the problem with the Hohfeldian conception of rights, that is, hohfeldian understanding of rights lacks any account of duty. Though the right as a claim comes very close to the individual rights as understood by political morality. Waldron notes that the nature of claim right enables the individual to make a valid assertion regarding his rightful claim and ‘When a person’s rights are violated, we say not only that something wrong has been done but that the right-bearer himself has been wronged. He is conceived to have a unique relation to the duty and to cases of its violation: he can validly demand its performance and he, above all others, is entitled to complain when it is violated.’<sup>115</sup>

Rights and duties are the opposite sides of the same coin. Duties complement the rights, as they play an important role in fulfilling certain right. The duties complement rights, as it is generally said, one’s duty is the right of the other. Waldron considers

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<sup>113</sup> Nussbaum, Martha (2000). *Frontiers Of Justice: Disability, Nationality, Species Membership*, (Oxford University Press, New Delhi), p 70.

<sup>114</sup> *Ibid.*, pp 76-77.

<sup>115</sup> *Ibid.*, p 8.



duty to be an important aspect of the rights discourse. He discusses two theories addressing the relationship between rights and duties. First, the 'Choice theory' proposed by H. L. A. Hart. Second, the 'Interest theory', originally discussed by Jeremy Bentham and further elaborated by Joseph Raz, Neil MacCormick and David Lyons.

The Choice Theory argues that an individual is a right bearer in relations to others when he has the power to control the duty of the other party involved. Waldron explains, 'when an individual Q has a duty to do something, may be there is some other individual P who is in the position to control that duty in the sense that his say-so would be sufficient to discharge Q from the requirement. This degree of control makes P the right-bearer on Hart's account.'<sup>116</sup> Hence, the choice theory gives the individual the right to decide the limits of other person's duty towards one self.

Jeremy Bentham originally discussed the Interest Theory or the Benefit Theory under the name of legal rights. Waldron states that in the Benthamite understanding, an individual is said to possess right if others duly comply with the duties or actions, in the benefit of the right-bearer. He explains, an individual P can be said to have a right, if someone else Q has a duty to perform some act (or omission), which is in P's interest. The duty is assumed to be fulfilled if it complements or proves advantageous to the rights of the right-bearer. The sole consideration of the duty is its relation with the right and the benefit it would provide. 'A benefit giving rise to a right must be so intimately related to the duty that it is possible to say in advance that unless this benefit is conferred, the duty has not been carried out.'<sup>117</sup>

Having rights has two aspects; the claimant who claims the rights and the guarantor, who guarantees the rights and is also accountable to provide them. Especially in the

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<sup>116</sup> *Ibid.*, p 8.

<sup>117</sup> *Ibid.*, p 10.

case where rights are institutionalized the relationship between the claimant and the guarantor is a formal one in the sense that the claimant can only claim her right if she has been specifically bestowed with it by a superior authority. The similar authority is also required to assign the duty to the guarantor to ensure that the claimant has been able to avail her rights. This description has been given in the specific context of the democratic public institutions and the citizens that should hold for both national and international institutions. The government in democratic nation-state has such a responsibility to ensure the rights of its citizens, guaranteed to them by the constitution of the land. It is assumed in this argument that in democratic nations people elect governments, as the representatives of the public, the government is under the obligation to provide the rights to its populace. Therefore claiming rights is a legitimate attribute of citizenship. A claim right, it has been argued, is the one that can be legitimately demanded and it can be enforced since it is justifiably belongs to the individual. And it cannot be taken away without infringing the basic liberties of the individual. Henry Shue quotes Joel Feinberg on the nature of basic rights, Feinberg says 'A claim-right.....can be urged, pressed or rightly demanded against other persons. In appropriate circumstances the right holders can 'urgently peremptorily or insistently' call for his rights, or assert them authoritatively, confidently, unabashedly. Rights are not merely gifts or favors motivated by love or pity. For which gratitude is the sole fitting response. A right is something that can be demanded or insisted upon without embarrassment or shame.'<sup>118</sup>

In the present discussion, rights and duties are understood in the terms of claimant-guarantor relationship. It has been argued that, rights of any sort require a mutual and established mechanism of obligation, to fulfill the requisites of rights. People, as right bearers can hold the authorities accountable, and demand rights as a matter of justice and equality. This criterion of rights-obligation-accountability-justice is important because it encompasses and explains the relationship between rights, obligation and justice. Individual rights are effective when others, people and authorities, ensure them. Thus, the accountability lies with those who stand in mutual relationship of

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<sup>118</sup> Shue, Henry (1980). *Basic Rights: Subsistence, affluence and US Foreign Policy*,(Princeton University Press, Princeton), p 14-15.

rights and duties. This accountability of, say, the democratic government urges it to fulfill the obligation of rights of people and hence, to do justice to them.

Cosmopolitanism espouses to create a world order that undermines the importance of the nation-state and has human beings as the primary concern. We have earlier discussed the basic attributes of cosmopolitanism and the vision cosmopolitan theorists have towards creating “an egalitarian laws of people”, that is an egalitarian world order. To create such a world order will require, not only the global institutions but also a conception of membership and rights of people. The concept of cosmopolitan citizenship or the world citizenship, as Heater calls it, has become important as globalization created a sort of a global civil society that has become the basis of the citizenship of the world. Heater captures this notion by saying ‘ It is becoming increasingly evident that what can be termed global civil society is playing a similar role (of civil society in a domestic community) in a transnational setting. Many people are now acting as world citizens by participating in organizations which are devoted to publicizing global problems and exerting pressure especially on governments and multinational companies to change their policies and activities.’<sup>119</sup>

The cosmopolitan understanding of citizenship has another aspect, that of the conception of rights. Cosmopolitan account of rights bases itself on the universal human rights. Basic human rights like the right to subsistence and freedom from poverty and hunger are the prime goals on the agenda of theorists like Thomas Pogge. Basic human rights put forth the argument that people across the world should have some basic rights like the right to live and the right to subsistence; irrespective to the nation-state they may belong to. Cosmopolitanism endorses this line of argument, and attempts to fuse it with the larger cosmopolitan discourse. The point of consideration here is the role of guarantor to the basic human rights, in the specific context of the cosmopolitanism. The criteria of claimant and guarantor is important, because in order to create better conditions for the poor people, the idea of rights are

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<sup>119</sup> Heater, Derek (1999). *What is Citizenship* (Polity Press, Cambridge), p 143.

indispensable, for reason that development can not be achieved if people are not given rights, and rights can not be substantial if they are not exercised and people can not avail them. Hence, in order to avail on to the rights the mechanism to ensure these rights and the authorities giving those rights shall be specified. Regarding cosmopolitanism, it depends on the international agencies like the UN, WHO, International NGO's to bring about global justice and rights given to people shall stem from these organizations.

Citizenship rights have developed gradually over a period of time. T. H. Marshall contends that citizenship rights have become a reality very gradually since the 18<sup>th</sup> century. These rights, according to him, developed in the successive forms of civil, political and social rights. Important thing to be noted here is that citizenship has been a concept that has been developing, modifying and diversifying from the rights enjoyed by the rich, few men, who could participate in the politics, to the women, minorities, immigrants. The multicultural rights have been the result of the struggle, of those who were kept away from the citizenship rights, and this struggle sheds light on ~~one~~ another aspect of the citizenship rights. Since, the government is accountable to people in a democratic polity, it gives certain leverage to the citizens. This leverage is the immunity that citizenship rights provide from the exploitation by the state government. The immunity opens up the arena of struggle and confrontation for those who have been left out of the mainstream politics. Thus, citizenship rights are enabling in nature, they enable people to voice their concern and therefore, it is a powerful concept.

In the present paper, thus, it is argued that while comparing both, the cosmopolitan version and the national-citizenship version of rights, there is a fair chance that citizenship rights will prove to be substantial, in opposition to the cosmopolitan conception of rights, which is, an underdeveloped concept in the cosmopolitan discourse. In the first part of the argument it is argued that, the substance of the citizenship rights lies in the fact that as a claim they are enforceable by the

government. Further, it argued that since the nation-state is “assessable and accountable”<sup>120</sup> to the people, unlike the international institutions, the phenomena of rights are substantiated. Cosmopolitan conception of rights is discussed in the terms that putting the cosmopolitan conception of rights on the claimant- guarantor parameter, cosmopolitanism conception of rights is inadequate.

### **Individual Rights: National Citizenship Rights**

Citizenship has been developed from two distinct originating points. First is the citizenship as a membership of a political community, as understood in the civic republican tradition. The civic republican tradition views the membership of the community as important attribute in the life of the citizens. The citizens have duties towards the republic and the other members. Citizenship in civic republican tradition is defined in terms of the duties of the citizens or civic virtues. Civic virtues include the active participation in the politics. The duty to participate in the politics goes deep into “the democratic citizenship”. Derek Heater notes that the purpose of the citizenship is ‘for the state and its citizens to be a community, an organic society, not merely a collection of individuals. Constitutions and laws, it is true, lay down the rules by which the groups of individuals live together in a state; but constitutions and laws cannot by themselves make a community, only propitious conditions in which a group of can gel into a community. That gelling process requires the essential ingredients of social friendship and harmony.’<sup>121</sup> The civic virtues of participation in the matters of community and bearing the responsibilities are essential. Civic virtues, according to William Galston, as cited by Will Kymlicka, include ‘(1) *general* virtues: courage; law-abidingness; loyalty; (2) *social* virtues: independence; open-mindedness; (3) *economic* virtues: work ethics; capacity to delay self-gratification; adaptability to economic and technological change; and (4) *political* virtues: capacity to discern and respect the rights of others; willingness to demand only what can be

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<sup>120</sup> Nussbaum, Martha (2008). “Towards a globally sensitive patriotism”. *Daedalus*: Summer 2008, p 82.

<sup>121</sup> Heater, Derek (1999). *What is Citizenship*, p 55.

paid for; ability to evaluate the performance of those in office; willingness to engage in public discourse'<sup>122</sup> The civic republican theorists have contended that for vibrant democracy the inculcation of the civic virtues are pertinent.

The concept of citizenship is also understood in its relationship with rights. It has been contended that the status of citizen is substantiated with rights is an important attribute of modern democratic polities. T.H. Marshall first introduced the concept of citizenship rights, as developed in Great Britain, in his famous essay "Citizenship and Social Class". Marshall notes that the development of citizenship rights began from the late 17<sup>th</sup> century in the form of civil rights. Marshall divides the citizenship rights in three categories (a.) civil rights, (b.) political rights, (c.) social rights. 'The civil element is composed of the rights necessary for the individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice...By the political element I mean the right to participate in the exercise of political power, as a member of the body invested with political authority or as an elector of the members of such a body.....By the social element I mean a whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society.'<sup>123</sup>

Will Kymlicka asserted that the citizenship has become a diversified concept. With demands from the marginalized sections of the society, like the cultural minorities, women, immigrants, etc. raising voices for more equal status in the society, the idea of citizenship has been enlarged from its original shape, to cover all these different identities and groups. Following Iris Marion Young, Kymlicka and Norman calls it "differentiated citizenship" They explain, 'On this view, members of certain groups would be incorporated into the political community not only as individuals but also

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<sup>122</sup> Kymlicka, Will (200). *Contemporary Political Philosophy: An Introduction* (Oxford University Press, Oxford), p 288.

<sup>123</sup> Heater, Derek (1999). *What is Citizenship*, p 13.

through group, and their rights would depend, in part, on their group membership. For example, some immigrant groups are demanding special rights or exemptions to accommodate their religious practices; historically disadvantaged groups, such as women or blacks, are demanding special representation in the political process; and many national minorities (Quebecois, Kurds, Catalans) are seeking greater powers of self-government within the larger country,<sup>124</sup>

Citizenship rights give the individual the required agency to function as the equal and independent part of the democratic system. This is an important attribute of the citizenship, that the citizens can take active participation in the political deliberations, because they have been ensured the rights, by the constitution of the land. It provides the avenues to the citizens to voice their concern and to be heard by the authorities. Without the citizenship rights, democratic polity may not even remain democratic, and turn into autocracy. Will Kymlicka and Wayne Norman notes that citizens 'sense of identity and how they view potentially competing forms of national, regional, ethnic or religious identities; their ability to tolerate and work together with others who are different from them selves; their desire to participate in the political process in order to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands and in personal choices which affect their health and environment. Without citizens who posses these qualities, democracies become difficult to govern, even unstable.'<sup>125</sup>

Rights, in the claimant- guarantor perspective, are closely related with the institutions, which are responsible to guarantee the rights to the members. Justice lies in the fact that the rights of all are ensured to them, and the institutions impart equal advantages to all. Rawls takes somewhat similar take on the rights of people. In his famous conception of the priority of rights over the good, Rawls take up the issue of rights

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<sup>124</sup> Kymlicka, Will and Wayne Norman. " Return of the Citizen: A survey of Recent Work on Citizenship Theory" *Ethics*, p 370.

<sup>125</sup> *Ibid.*, p 353.

with the classic utilitarianism. It is a well-known fact that the central maxim of utilitarianism is the “greatest good of greatest number”, and as the critics of utilitarianism have objected it, the greatest good is not ensured to all. Thus, it demands that good shall prevail over rights, even at the cost of those, who are being undermined and exploited. Rawls presents a formidable critique of utilitarianism by asserting that rights of individual are prior to the good of the community.

In *Theory of Justice* Rawls asserts that the aim of justice is the individual welfare, and not the good of community. Following Kant, Rawls believe the individual being an end in herself, and thus, no good of society is good enough to encroach rights of any person. ‘Justice denies that the loss of freedom for some is right by a greater good shared by others. The reasoning, which balances the gains and losses of different persons as if they were one person, is excluded. Therefore in a just society the basic liberties are taken for granted and the rights secured by justice are not subject to political bargaining or the calculus of social interest.’<sup>126</sup> Just institutions of a society based on this principle of justice shall endorse the priority of right over the good, and in the claimant-guarantor relationship this priority of rights is endorsed. In a later essay, Rawls further sheds the light on his understanding of “the priority of right over good”. Rawls argues ‘ In Justice as fairness the priority of rights implies that the principles of (political) justice set limits to permissible ways of life, hence, the claims citizens make to pursue ends that transgress those limits have no weight (as judged by that political conception). But just institutions and the political virtues expected of citizens would serve no purpose – would have no point- unless those institutions and virtues not only permitted but also sustained ways of life that citizens can affirm as worthy of their full allegiance. A conception of political justice must contain within itself sufficient space as it were, for ways of life that can gain devoted support.’<sup>127</sup> Here Rawls justifies the existence of political institutions on the account of preserving the permissible rights of individual. Rights need to be secured by institutions, in order to ensure their priority over the perception of the good that society might have.

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<sup>126</sup> Rawls. John (1972). *A Theory of Justice* (Clarendon Press, Oxford), pp 3-53.

<sup>127</sup> Rawls. John (1999). “ Priority of Rights over Good” *Collected Papers* (ed) Samuel Freeman (Harvard University Press. USA).



Citizenship rights vary from one democratic political system to another, but there are certain cardinal rights that are at the base of any democratic system. There are array of rights that form the fundamental rights, including right to liberty, equality etc. But, the rights considered in this chapter are those, which are exclusive to citizenship and give the specific right to the people to hold the government responsible for the fulfillment of the other rights, hence, establishing the accountability of the government to the populace. One such important right is the right to elect government, that is, adult franchise. The success of any democracy depends on the democratic processes of constituting the government, and more importantly making it accountable to the populace that has chosen it. It is a well known fact that, since in democracy people elect the government, the government is always under pressure to keep the mandate of people and their trust in them. The accountability of the government ensures that the government is accessible to the public, and it has the duty to respect the demands of the people. Hence, the government policies in the democratic nation-state will invariably need to be approved by the populace.

Citizenship rights also include the right of constitutional remedies. This right is a unique feature of the citizenship rights, unlike any other provision of right. The right to constitutional remedies, not only protects the citizenship rights, and making government of the land, liable to fulfill the basic rights of its people, this right provide for the redressal of grievances against the state it self. This right is important for the sheer fact that it keeps the authorities to use their power unreasonably and secure the individual from the potential atrocities committed by the people in the places of power. It has been said before that it is important to institutionalize rights, so that the responsibility of complementing rights, shall be made clear, and the concerned authorities shall be made accountable for it. But, there is a fair chance that, those in power can manipulate the same institution to undermine the rights of the citizens. In such a case the right to constitutional remedies has been devised, for people to avail in case the government encroaches their freedom. For example, in the case of India Article 32 of the Indian Constitution provides 'the right to move to the highest court in the land directly....for the enforcement of the fundamental rights. The Supreme

Court may issue writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari.....the rights guaranteed by the Article 32 cannot be suspended except as provided by the Constitution.’<sup>128</sup>

Therefore by the virtue of citizenship rights being guaranteed by the nation-state, and the state can be held responsible to fulfill the demands of justice of the citizens. Citizenship rights, facilitate the demands of justice of marginalized sections of the society. In the effective way, these rights create the scope for the empowerment of the citizens, and the quest of the people to bring about the change in the positive way. The defining case in this context can be the Women’s Movement in India. As noted by Mary Katzenstein, Smitu Kothari, and Uday Mehta “Examples of movement effort to reshape existing beliefs about power relations abound within the women’s movement. Mobilizing against violence against women, *women’s organizations did engage the state pressuring for legal change* and for special police cells and police training to deal with gender violence. But the objective of this mobilization was also cultural beliefs and practices themselves which women organizers sought to challenge through marches and demonstrations, street theater, plays, journals stories and personal accounts, songs, and poster exhibitions.”<sup>129</sup>

### **Cosmopolitan Rights: Basic Human Rights**

Cosmopolitanism, especially theorists like Thomas Pogge, defines rights in terms of the human rights propounded by Universal Declaration of Human Rights<sup>130</sup>. To

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<sup>128</sup> Kashyap, Subhash C. (2007). *Our Constitution: An introduction to India’s Constitution and Constitutional Law* (National Book Trust, New Delhi), pp140-141.

<sup>129</sup> Katzenstein Mary, Smitu Kothari, and Uday Mehta (2001). “Social movement politics in India: institutions, interests and identities” *The Success of India’s democracy* (ed.) Atul Kohli (Cambridge University Press, Cambridge), pp 266-267.

<sup>130</sup> Theorists like Iris Marion Young and David Held, develops the idea of a cosmopolitan citizenship, primarily based on the international institutions, irrelevance of state sovereignty in the wake of globalization. They argue that the idea of citizenship transcend the national boundaries, since the borders of nations do not matter anymore and the Global Civil Society has emerged with the inception of globalization. Therefore, people, are now cosmopolitan citizens. Notably, here is the fact that there

Pogge's analysis of "The International Significance of Human Rights"<sup>131</sup> Universal Declaration, especially the Article 28 of the declaration is of importance. In this article, he argues that the escalating poverty of the world's poor and the ever-widening gulf between the richest and the poorest of nations compels to reform the global institutional structures, and making the human rights its basis or guiding principle.

Pogge takes the Article 28 of the Universal Declaration to be the cardinal principle for the assertion to bring about reforms in the global institutional structures by people on the basis of human rights. The article says 'Everyone is entitled to the social and international order in which the rights and freedoms set forth in this Declaration can be fully realized'<sup>132</sup> According to Pogge, the basic human rights should be the parameter of the functioning of institutional order at the international level, '*by the reference to its relative impact on the fulfillment of the human rights of those on whom it is imposed*'.<sup>133</sup> For Pogge, human rights, importantly, needs to be secured in the *official* structures of the national and international order, because the onus to fulfill and security of the human rights, for him, falls on the "government and its officials".<sup>134</sup>

In the official structures that Pogge discusses, the global institutions are more important than the national ones. In defense of global justice, Pogge appeals for the reforms in the global institutions, because international institutions will help in supporting democratic regimes 'we support institutional reforms toward a global

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is no discussion regarding the rights of citizens or the obligation of the international institutions to be accountable to them. For further reading: Held, David (1996). *Models of Democracy* (Polity Press. Cambridge). Young, Iris Marion (2000). *Inclusion and Democracy* (Oxford University press. New York).

<sup>131</sup> Pogge, Thomas (2000). "International Significance of Human Rights", *The Journal of Ethics*, Vol.4 No. ½.

<sup>132</sup> *Ibid.*, p 51.

<sup>133</sup> *Ibid.*, p 53.

<sup>134</sup> *Ibid.*, p 53.

order that would strongly support the emergence and stability of democratic, right-respecting and peaceful regimes that would also tend to reduce radical economic deprivations and inequalities, which now engender great vulnerabilities to civil rights violations as well as massive premature mortality from malnutrition and easily curable diseases'.<sup>135</sup> Thus, it has the direct implications for the fulfillment of human rights '*the fulfillment of human rights importantly depends on the structure of our global institutional order and that this global institutional order is to some extent subject to intelligent (re) design by reference to the imperative of human rights fulfillment.*'<sup>136</sup> To address the issue of the institutional reforms at the global level, Pogge illustrates two examples, first, on the basis of common international law, a council determining if a national government is democratic or not. Secondly, the Global Resource Dividend.<sup>137</sup>

Pogge's analysis of the human rights in the context of the global institutions, shed light on the deficiency that the discourse of cosmopolitanism is facing. To begin with, any discussion of justice would invariably talk about the rights, and the duties specifically mentioned. Cosmopolitanism lacks the specifications of the rights and duties of people, institutions and the participants of the institutions. For example it has not been mentioned, what if some member country try to encroach the international institution? Will it not jeopardize the whole idea of creating the egalitarian global institutions, determining the norms of greater equality among people? Here it needs to be clarified, that there is a need to specify the rights of people, including the right to seek answers and redressal, individually and collectively, to enable them to stand up and raise voice. It is required; more so because once the institutions are created without taking into account all the concerned parties and their rights. There would be a fair chance that those institutions will slip away into the control of the few affluent nations\people. Cosmopolitanism clearly lacks on this account and the reason

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<sup>135</sup> *Ibid.*, p 55.

<sup>136</sup> *Ibid.*, p 56.

<sup>137</sup> The Global Resource Dividend is equivalent to the GRT discussed in the previous chapter.

apparently is that, in their quest to address the universal, cosmopolitans have ignored the particular.

### **Cosmopolitan Rights: World citizenship**

Cosmopolitanism has been closely related with the idea of the world citizenship. The membership of the world has been the driving force of cosmopolitanism. The idea behind world citizenship is that since the individual is the primary concern, his particular location, his attachments shall not come in the way of his being part of the world community. The aspiration of creating a world community and world citizenship for cosmopolitan theorists has come very close to become a reality in the age of globalisation. Derek Heater has discussed the idea of world citizenship in the terms of global civil society. Heater notes that in discussion of citizenship, the concept of civil society plays an important role. The cardinal attributes of citizenship are the political rights, and rights can be asserted in the international scenario in three ways: 'one is to participate in civil society organizations with global reach. A second is to be involved in the supra-national political institutions that already exist. And thirdly, there is the advocacy of new opportunities and institutions to enhance the reality of political world citizenship.'<sup>138</sup>

Heater views the international humanitarian organizations like the Oxfam, Amnesty International as good example of the global civil society. The World citizenship is understood in terms of the active role assigned to people in the relevant global issues. Heater explains this aspect of the world citizenship in terms of the works of Amnesty International, because 'it is confronting national governments with transgressions against the UN and International Bill of Rights.'<sup>139</sup> Civil society has been viewed as the coveted space, ideal for the interaction between the citizens and civil associations

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<sup>138</sup> Heater, Derek (1999). *What is Citizenship*. p143.

<sup>139</sup> *Ibid.*, p144.

and the government, Heater believes that the increasing numbers of international NGO's is realizing the dream of global civil society, because international NGO's stress on the greater role of the individuals in the global organizations. Hence, international NGO's are viewed as the participants in the global civil society.

Humanitarian organizations like Amnesty International have, indeed, done some remarkable work all over the world. The awareness regarding human rights violations, generated by these organizations is an achievement in itself. However, to consider the inception of global civil society, on the basis of the International NGO's, hence, World Citizenship shall be a hasty conclusion. The civil society emerges with the active participation of people in the public realm. The mutual relationship between the government and people reinforces the utility of the civil society in a democratic polity. An important attribute of the civil society is the equal status assigned to all the citizens, and the fact that they can raise their issues. In other words the agency of the citizens, the rights of the citizens, makes the civil society a vibrant concept. Hence, the rights of the citizens are the litmus test that civil society has to pass. Viewed from the perspective of the agency and rights of people, the concept of global civil society argument looks far from the reality. Chris Brown gives a cultural justification for the limited scope of the global civil society. According to him, civil society at the domestic level evolved in few western countries. Civil society is compatible only in those nations, and with the lack of the global domestic society, it would be a mistake to assume that concept of civil society could be applied to the world. Brown says, 'civil society is the fragile achievement of a small number of western societies, under some threat 'at home' and unlikely to spread further afield without a very radical change in the ways in which most human beings form themselves and desire to live.....and because of the absence of an international political counterpart to the domestic state, to apply the notion of civil society to developments globally is a mistake, a metaphor that misleads rather than illuminates. The only place where

anything resembling “global” civil society is to be found in the interrelations of those countries where civil society is already established at a local level.’<sup>140</sup>

### **Cosmopolitanism rights: Is it substantial?**

The aim of cosmopolitanism is to bring about justice at the global level. Appeals for justice are made to bring down the levels of inequalities and that of poverty. The idea of justice, assume that people have some basic rights that are ensured by those who controls the processes and the material resources. Cosmopolitanism, as the present discussion shows, lacks the account of rights that would be of any substance. Cosmopolitanism lacks any substantial or meaningful account of rights for two distinct reasons. One among them is the reason, that the Universal Declaration of Human Rights, on the basis of which, cosmopolitanism discusses the concept of basic rights, falls short on the account of becoming substantial rights. The other reason being the fact that cosmopolitan account of rights, if any, lacks the institutional set up, in order to make it workable. An example against it would be the citizenship rights, given by the nation-state to its citizens.

For example, Universal Declaration addresses the nation-state to uphold the human rights in their domestic jurisdictions. Noam Chomsky argues that in the post war world, along with the Declaration, the other UN declaration is the UN charter that espouses the political order in the post war world. The charter along with the Universal Declaration explains the political order and the basic human rights for all that UN aimed to achieve after the Second World War. Noam Chomsky notes ‘its (UN Charter) fundamental principle is that the threat or use of force is barred, with two exceptions: when specifically authorized by the Security Council, or in the self-defense against the armed attack until Security Council acts. *There is no enforcement mechanism* (emphasis mine) apart from the great powers, decisively the US. But

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<sup>140</sup> Brown, Chris (2001). “Cosmopolitanism, World Citizenship and Global Civil Society” Jones Peter and Simon Caney (eds.) *Human Rights and Global Diversity* (Frank Cass, London). p 21.

Washington flatly rejects the principles of the charter, both in the practice and official doctrine.<sup>141</sup>

Chomsky further argues ‘With regard to the doctrine (Official Doctrine), in the early years it was generally confined to internal documents, as in the 1947, when the first memorandum of the newly formed National Security Council called for military intervention in Italy, and national mobilization at home “in the event the communist s obtained domination of the Italian government by legal means” a danger thwarted by control of food supplies and other modes of subversion. Or in 1954, after the ‘disaster’ of a diplomatic settlement of the first Indo China war, when the National Security Council called for a broad range of covert actions through out the region, and even possible attack on China, in the event of “local communist subversion or rebellion *not constituting armed attack* (emphasis original); the phrase articulates intended clarity the *rejection of the UN charter* (emphasis mine). The decisions are repeated verbatim annually through the 1950’s and have yet to enter history. The same fate has befallen the official definition of “aggression” to include unwelcome internal political developments; not only ‘overt armed attack from within the area of each of the sovereign state’ but ‘aggression other than armed, i.e. political warfare or subversion’<sup>142</sup>. In the same vein, the human rights violations by the US in Afghanistan and Iraq can be sited. The lack of the effective mechanism to enforce the basic rights of people, especially under foreign attack raises the questions about the intentions behind humanitarian intervention.

Cosmopolitanism bases its aspirations of global justice on the Universal Declaration. It should be borne in mind that the Universal Declaration can be easily fall pray to the particular strategic and political aspirations of some countries, especially in the case when most of the other nations lack the influence to affect the proceeding of the international body. Cosmopolitanism needs to develop its own conception of Rights,

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<sup>141</sup> Chomsky, Noam (2003) “Recovering Rights’: A Crooked Path” *Globalizing Rights: The oxford Amnesty Lectures* (ed) Matthew J. Gibney (Oxford University Press, New York) p 66.

<sup>142</sup> *Ibid.*, pp 66-67.



if the global justice is the aspiration. Since it lacks any substantial understanding of rights, cosmopolitanism stands on shacking ground.

Cosmopolitanism has developed *absolutely no mechanism* that can ensure accountability of the international institutions to the people of the world. It would be understandable, that the rich countries may not wish to ensure rights to the poor of the world, but when the discussion is based on the institutions of the international level, the matter attains a different shade altogether. The rich countries, on the other hand, dominate the international institutions, and the policies of these institutions, in effect have, far and wide implications on the lives of millions of poor in the world. There is no mention of rights of people to justice and there is no guarantor to ensure them their basic right. Time and again it has been argued by the cosmopolitans, of the need to bring about the greater justice, by creating international institutions and by creating funds, out of the mercy of the rich nations. As Thomas Pogge tells us, time and again, it is a duty of the rich people, who have influence to change the international institutions and contributing little of their incomes to help many of the people in the poor nations. It is never discussed as a matter of the rights of those poor people, to get equal share of the resources of the world, from which they have been historically excluded for centuries. Hence, there is no liability on the rich nations to provide for them. It would be entirely the discretion of the rich nations if they want to give *aide* to the poor nations. Thus, considering the present scenario, it will make perfect sense that the appeals of the poor people for justice, is not a matter of right.

In opposition to the cosmopolitanism Nation-state provide their citizens with the citizenship rights. The special attribute of the citizenship rights is the fact that these rights stand well on the parameter of the claimant- guarantor. The state is the guarantor of the rights and the citizens can claim them as a matter of their basic rights and in the capacity of being member of the nation state. It means that the state institutions are supposed to recognize the rights of all. In case the national institution excludes certain groups, as the history shows, citizenship rights provide the avenue of protest against the state, for example in the case of women, national minorities etc.

The idea of citizenship rights along with democracy has been successful in creating a viable polity, is because of an apparent yet important fact that the government of the nation state is assessable to its citizens. Further more the nation is accountable to people. Thus, citizenship rights are substantial account of rights, and an example of the fact that the demands of justice are fulfilled with the rights, ensured to the people and with the accountability of the authorities to the populace.

### **Conclusion**

The concept of justice is incomplete without the account of rights. Rights of those who are demanding justice are, as a matter of fact, the aim of the whole pursuit of defining and achieving justice itself. As discussed in the present chapter, cosmopolitanism has no account of rights. In its struggle for global justice, cosmopolitanism falls on to the basic human rights, defined by the Universal Declaration. The major set back of such an approach is that, there is no clarity, as to who is going to guarantee these rights. The international institutions that are being given greater role of imparting global justice have no obligation to who there are supposed to provide. Citizenship in contrast presents a different picture. It gives individual a scope to engage in the politics and an avenue to voice her concerns. The nation-state, by the virtue of citizenship rights, is a substantial entity. Citizenship rights validate the claim of a nation to be at advantage in comparison with the cosmopolitanism. In more than one way, nation-state addresses the issue of rights and the demands of justice effectively. Unlike cosmopolitanism that still needs to develop a viable option to the nation-state. Cosmopolitanism, thus, lacks the depth of institutions and fails to provide the basic goods of justice i.e. individual rights.

## Conclusion

Cosmopolitanism is fundamentally concerned about the well being of individual. It gives the utmost importance to the fact that the individual shall be the central concern in any deliberation. Nation-state on the other hand is a particular political community, with well-defined political system and established institutions. It has been argued, in the present work, nation-state plays central role in the lives of individual. Cosmopolitanism views the nation and nationalism, as the particularistic and xenophobic at worse and a shared community with secondary importance at best. On the basis of such understanding about the nation-state, cosmopolitanism assumes it to be one sort of subsidiary association among many. Moral Cosmopolitanism argues that the affiliations of the individual shall be towards the human community. In reply to such an understanding, it has been contended that the affiliations to the nation-state, are a result of the fact that the nation provides the concrete reality that is accessible to the individual. Secondly, the membership of the national community, gives a unique identity through which, the individual understands her place in the world.

The idea of justice shares a close relationship with the institutions. It has been, thus, argued that the institutions of the nation-state are instrumental in realizing justice in the society. Cosmopolitanism, on the other hand, aspires to realize justice at the global level on the basis of the international institutions. With globalisation, cosmopolitanism has received an additional impetus to argue the case for the global justice. It has been argued that, as the interconnectivity among nations is increasing, the need to address the global justice issue has become easier. In opposition to it, it has been argued that any account of justice requires the accountability of the institutions to those, whom they are serving, since justice is closely related to the institutions because they are the ones responsible to impart justice among people. As far as cosmopolitanism is concerned, there is no clear conception regarding the accountability of the institutions, as to who is going to be accountable to the people for their rights. Moreover, as the age of globalisation is unfolding, the international institutions are controlled by the developed nations. Thus, if the ideal of global justice

is to be realized, it has been argued; global institutions will have to transform radically.

John Rawls too, realises the importance of the national institutions, especially when he discusses the justice as fairness in a society and its basic structure. It has been argued that the justice as fairness argument cannot be applied in the global justice scenario, precisely because the global justice argument lacks the depth of the basic structure required in order to rea\

lise justice as fairness. The national institutions satisfy the requirement of accountability and effectively carry out of the duties of justice. Therefore, to apply Rawlsian conception of justice, it has been argued, is a conceptual error.

One basic attribute of any conception of justice is the provision of rights for the people. Cosmopolitanism has, it has been contended, two sorts of rights provision, that is, the basic rights and the cosmopolitan citizenship. Both types of rights have the conception of an authority accountable to provide the rights and to redress any damage bore by the right-bearer. It has been argued, in the chapter three, thus, the conception of rights has two actors, in order to execute the function of right and duty. One is the claimant and the other is the guarantor. Especially, in the institutionalized set up the guarantor becomes important, as she possesses the power to consider and settle the claims of the right-bearer. In the case of the nation-state, national institutions ensure the rights of people by the virtue of being the citizens of the democratic nation-state. Thus, the citizenship rights brings along the awareness that the since the government is elected by people, it is liable to address the right-claims of them. Cosmopolitanism on the other hand lacks any account of the accountability to those, whom it claims to serve.

In conclusion, it is argued that cosmopolitanism lacks the depth of the nation-state. It is an elusive and free-floating idea, which does not possess any concrete background to make it substantial. The idea of the nation-state is, on the other hand, standing on

the foundations of the institutions and the public culture. It is a force to reckon with, unlike the contention of cosmopolitanism that tends to undermine the importance of the nation-state.

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