Martha Nussbaum: cosmopolitanism and capabilities approach

Democracy and cosmopolitan education

Richard Rorty's article 'The Unpatriotic Academy', which appeared in *The New York Times* in 1994, signalled a new dawn for cosmopolitanism in the United States. In the same newspaper, a few weeks previously, the sociologist Richard Sennett had criticized the proposal made by Sheldon Hackney of the National Endowment for the Humanities to organize a 'national conversation' in order to explore what could unite the United States, what values could be considered American. Answering Sennett, who had termed this view 'the civil face of nationalism', Rorty reprimanded the liberal left, of which in his opinion Sennett was a typical representative, for its lack of patriotism and for having repudiated the idea of national identity and the thrill of national pride in favour of the 'politics of difference'. The liberal left had substituted traditional American pluralism, which had had the ability to form a community of communities, a nation open to differences, with multiculturalism and, led by this ideology, had supported a policy which had served to increase social fragmentation, and had contributed to keeping communities at odds with one another. Rorty was persuaded that the sense of a shared national identity was an essential component of citizenship; he saw no incompatibility between respect for cultural difference and American patriotism, rather, he considered national pride to be an essential ingredient of the reformative spirit. He invited the liberal left not to despise patriotism, precisely so that they might be in a position to exercise a stronger influence over their country's politics.

The article provoked numerous responses, including Martha Nussbaum's 'Patriotism and Cosmopolitanism' (2002a),[14] in which she addressed the issue for the first time in tones revealing the polemical nature of the article, which are not to be found in her subsequent writings. The thorough study of Stoic cosmopolitanism and the development of her own normative political theory, the *capabilities approach*, would lead her to renounce the cosmopolitan perspective in its more radical version proposed in this article and in the *Reply*, written in response to her critics and published as an appendix to *For Love of Country* (Nussbaum 2002b).[15]

Martha Nussbaum examines the two issues raised by Rorty: whether there is a necessary connection between democracy and nation and what is the best way of pursuing the values of democracy and social justice. Different answers have been given to the first. According to American liberals, democracy does not need a national unity based on a feeling of belonging to a common culture (or ethnic group), but only on a common sharing of, and adhesion to,

the political and universal principles of liberty and civil equality (Gutmann 2002). According to communitarians, in contrast, simply sharing these principles is not enough in itself to elicit in the citizens that feeling of common belonging which alone can nourish civil engagement and that sense of solidarity which modern democracies necessarily need for the implementation of egalitarian and redistributive policies. The feeling of common belonging comes from sharing the same culture, the awareness of being part of the same history, and from the acceptance of the same moral values. Both liberals and communitarians are criticized by Nussbaum because they each consider national borders morally relevant, although for different reasons. Her argument aims in particular at highlighting the contradictions of liberals. For liberals, borders have a political value insofar as they define the context in which democratic citizenship can be exercised. In order to live as free, equal individuals it is necessary to be citizens of a political community, and we therefore need 'to be educated to those (particular as well as universal) skills, understandings, and values that secure full participation and equal standing in our own polity' (Gutmann 2002: 68). Furthermore, they believe that to the extent to which one's own political community is supported as a democratic one, relationships of solidarity are strengthened[16] and the feeling of common good is reinforced, thereby rendering service to humanity and making us more disposed to recognizing and respecting the obligations of justice, including towards those who live beyond our borders.[17]

Nussbaum does not set out to challenge the link between patriotism and democracy, but to demonstrate that the cosmopolitan position is more consistent than patriotism, in view of the declared universality of the principles of equality and justice which are foundation stones of the American constitution. Whoever favours democracy, whoever believes in respect for human dignity and the individual's right to the pursuit of happiness, whoever believes that everyone is created equal and is endowed with certain inalienable rights, cannot but feel bound to ask themselves what this implies, what action it demands that we engage in vis-à-vis the rest of the world. If all are equal and if all have equal worth, how is it possible to justify the fact that people who form part of our particular group are favoured in comparison with those who do not? Everyone who believes in democracy and every liberal ought to recognize that being a citizen of a particular nation is an accidental, an involuntary characteristic and should be viewed as being 'morally irrelevant'. As a consequence, it is unacceptable that differences in nationality should act as a barrier between citizens of a political community and other human beings and, in any case, any unequal treatment needs to be justified. The assumption of a cosmopolitan position is presented, therefore, as a necessary consequence of any serious engagement with the values upon which the democratic community is founded, above all the principle of equality (Scheffler 2001:

262): if only for reasons of consistency, both liberal patriots and communitarians should be cosmopolitans owing to their deep pride in the democratic community in which they live – precisely in order to be good American patriots, it is necessary to be cosmopolitans. Once it has been recognized that the cosmopolitan position is more consistent with democratic values than the patriotic one, we must strive to deliberate from a universal, as opposed to a partial, perspective, paying special attention to our affiliations with humankind. In other words, while for the patriots the universal (i.e. humankind in general) can only be reached by starting from the particular (i.e. one's own national community), for the cosmopolitans, in contrast, the particular can only be reached by starting from the universal. From this, according to Nussbaum, arises the importance of a cosmopolitan education which would allow young people to acquire the awareness of being citizens of the world even before being citizens of the United States. Thanks to this, young people would learn that their place of birth is just an arbitrary endowment, just as family or social class are; and just as they are asked to overcome the differences of class, race, religion within their own nation, they should not erect barriers between themselves and other human beings on the basis of their different nationality and citizenship. Cosmopolitan education aims at forming citizens who do not define themselves (or at least not solely) in terms of their local origin or the group they belong to, but also in terms of more universal aspirations and concerns. The final goal of this education is to pay special attention and respect to the circle of humankind by developing a feeling by virtue of which citizens feel themselves obliged to make every human being a member of their community of dialogue and moral attention and to ground political democratic deliberation on this sense of commonness. Nussbaum gives three main arguments why world citizenship should be the goal of a civic democratic education. First, thanks to a cosmopolitan education young people can learn more about themselves, becoming aware of the fact that some choices and preferences, far from being natural, are cultural, i.e. family structure and the raising of offspring. Secondly, thanks to this education they can learn how to solve problems, which implies international cooperation, requires global knowledge and planning and the ability to identify a common future and to take charge of it. From this derives the utility of a *curriculum studiorum* which envisages the study not only of the geography of other countries, but also of the history, culture and traditions of the people with whom they will be asked to engage. Thirdly, thanks to cosmopolitan education, young Americans will be able to feel moral obligations towards the rest of the world (i.e. poor and developing countries) which would otherwise be disregarded. In conclusion, according to Nussbaum, the universal political principles of liberty and equality on which American democracy is founded, including the pluralistic respect which Rorty calls for within the nation, either cannot develop or would sooner

or later be weakened if first we are not educated to show respect for those who lie outside the national confines. If one allows an 'arbitrary' border, such as a national frontier, to play such a decisive role in deliberation, it will become more difficult to appeal to the principle of equality when attempting to persuade citizens to offer their help in solidarity across barriers which act to separate them within a given community. In order to be consistent with the ideals of democratic liberalism, according to which every human being is endowed with certain inalienable rights, we are morally obliged to reform education. This reform will endow education with a cosmopolitan outlook in addition to thinking about what is to be done with and for the rest of the world in order to guarantee those rights.

Some objections raised by patriots are due to a partial misunderstanding, sometimes a deliberate misunderstanding, of Nussbaum's position.[18] But most of the criticism is rooted in the fact that Nussbaum, in that phase of the development of her thought, put forward an idea of liberal impartiality which in effect rendered cosmopolitanism and patriotism incompatible.[19]

Radical cosmopolitanism and global justice

Radical cosmopolitanism can be found in Nussbaum's *Reply* to her critics (Nussbaum 2002b),[20] where she again justifies her view by appealing to the universality of the principle of equality. She says that if it is our human personality, that is our possession of practical reason and other fundamental moral capacities, the source of our moral value, and if it is to be found equally in all human beings, then nationality, and all various particular affiliations, which depend on accidental circumstances are 'morally irrelevant' – 'irrelevant' in relation to that position of equality – and they should not and must not determine the moral value of a person. Two claims spring from this philosophical premise: the first is that it must be recognized 'at whatever personal or social cost' that every individual is a human being who counts as morally equal to every other human being. The second is that the equal value of every human being should be seen 'as a regulative constraint on our political actions and aspirations' (133) and requires legal and constitutional arrangements through which this can be institutionalized. It is not difficult to see why such claims have become the target of so many critics. As far as the first is concerned, if the recognition of the equal value of every person is to be achieved 'at whatever social or personal cost', then it is easy to understand why it is considered and refuted by anti-cosmopolitans as a morally too demanding position. The second claim, that the equal value of each human being represents a regulatory constraint on political action and on the legitimate aspirations of a democratic national community, raises the issue – not yet present in 'Patriotism and

Cosmopolitanism' – of the political and institutional implementation of cosmopolitanism, as well as the additional and no less thorny question of the *scope* of the principles of distributive justice. In contrast to 'Patriotism and Cosmopolitanism', here cosmopolitan impartiality is not presented as a mere moral ideal,[21] according to which individuals, considered as the ultimate unit of moral value, are entitled to equal consideration without any regard to the contingencies affecting their lives, such as citizenship or nationality. Instead, cosmopolitan impartiality, in Nussbaum's view, now requires that distributive principles transcend national affiliations, that these principles be applied equally, and that entitlements be recognized independently of citizenship or nationality.

The ideal of cosmopolitan impartiality conflicts here with the moral belief that people can and should have an obligation to prioritize the needs of compatriots over the needs of foreigners.[22] As the anti-cosmopolitans have pointed out (Taylor 2002; Walzer 2002), to deny patriotism per se is to deny the fundamental moral fact that people form special relationships, and that these relationships involve special claims which are stronger than the impartial claims which they actually have or feel they have in relation to others in general. A theory of justice which is incapable of giving sufficient space to the different bonds which characterize the lives of individuals, and to the special commitments which these involve, makes the very idea of justice, as Nussbaum would later admit, a 'hollow fantasy' (Nussbaum 2003: 245) because it is incapable of dealing with the complexity and richness of the relations and associations which characterize human life. In order to answer the objections of the anti-cosmopolitans, Nussbaum subsequently attempted to reconcile universalism with the legitimacy of at least some form of partiality. In 'Patriotism and Cosmopolitanism' and in the 'Reply', Nussbaum justified partiality in universalistic terms, recognizing that it is a question of being the only 'sensible way to do good'. As she puts it: 'the primary reason a cosmopolitan should have for preferential attention paid to one's own compatriots or one's own children – is not that the local is better *per se*, but rather that this is the only sensible way to do good' (Nussbaum 2002b: 135–136).

In principle there is a duty to do good to everyone; giving preference in doing good to those who are close to us is justified only on practical grounds. But this in no way implies that our fellow citizens or our children have any greater moral value than other human beings. In this framework, patriotism is to be justified on the basis of cosmopolitanism: when partial concern violates fundamental cosmopolitan principles, patriotism loses its moral basis. This form of cosmopolitanism, as Miller says, shows itself to be incapable of recognizing the intrinsic value of patriotic bonds (Miller 2000), because it accepts patriotic partiality only to the degree to which the latter can be reconciled with the principles of impartiality. Such a solution exposed

Nussbaum to the objection raised by anti-cosmopolitans that, in effect, she was proposing an impoverished form of patriotism. In 'Compassion and Terror' (2003), Nussbaum puts forward a modified form of cosmopolitanism[23]: to some extent rejecting patriotism, she takes up the challenge of showing how the impartiality of cosmopolitanism can be reconciled with the special bonds that exist between compatriots, thereby moving from a form of 'impartial cosmopolitanism' to a form of 'limited or constrained patriotism'.[24]

The limits of Stoicism and Cicero's problematic legacy

The analysis of the radical cosmopolitanism attributed to Marcus Aurelius is an occasion, for the purposes of contrast, to re-evaluate the importance of bonds and particular affiliations. Rejected in this radical or extreme form, in 'Compassion and Terror', cosmopolitanism is presented as a complex dialogue between local loyalty and duty to humankind, and as a continuous and difficult negotiation between what is right to keep for ourselves and what we owe to humanity. The tension present in each individual between diverse loyalties and diverse feelings is maintained, and a form of cosmopolitanism is proposed which is compatible with a form of patriotism 'constrained by respect for human dignity and by a vivid sense of the real losses and needs of others' (Nussbaum 2003: 251). Rather than maintaining the incompatibility between cosmopolitan impartiality and patriotic partiality, she makes the cosmopolitan ideal a parameter through which one can understand and conceptualize patriotic partiality. Having recognized that there are aspects of certain personal relationships – including those of shared nationality – whose value cannot be reduced to higher principles or values, or to some general idea of justice, she admits the moral independence of these bonds, while demanding that they be limited by certain principles of justice. The perspective has therefore changed, because, as has rightly been pointed out, 'one thing is to say that the worth of a relationship is *reducible* to some impartial principle of justice . . ., and quite another to say that the moral legitimacy of that relation is *conditional* on its not violating this principle' (Tan 2005: 175). Nussbaum, in short, holds that individuals may have specific cultural, historical, non-universalistic reasons for their sense of unity, but every decision aimed at promoting the collective good must also be reconciled and be compatible with the interests of *outsiders*.

In 'Patriotism and Cosmopolitanism' and in the 'Reply', Nussbaum maintained that to give special attention to particular groups, such as our family or our compatriots, is justified only on practical grounds, and not on principle. Here, in contrast, she recognizes that everyone has multiple and

legitimate loyalties, among which there must however be some commitment to and concern for humanity beyond one's own narrow network of relationships. Commitment to those who are in proximity must be subject to constraints, which arise from the need to consider those who are further removed from us. Therefore, cosmopolitanism plays a limiting role and no longer a justifying role. Nussbaum argues that patriotism should be constrained by considerations of cosmopolitan justice, but also that its value is not reducible to or explicable in terms of these considerations. In 'Compassion and Terror', Nussbaum took definite leave of the radical version of cosmopolitan impartiality. In the following step, Nussbaum had to identify and justify the duties towards others and elaborate a theory of obligation coherent with the new version of cosmopolitanism she had developed. A first result of this task is found in Nussbaum's 'Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy' (2000b) in which the analysis of Cicero's *On Duties* (*De Officiis*), regarded as 'perhaps the most influential book in the Western tradition of political philosophy' (178), is the occasion to clarify the different types of moral obligations and to work out a theory capable of overcoming the limits (in Nussbaum's opinion) of Cicero's view.

Duties can be owed either to others or to oneself. Among duties owed to others, Cicero distinguishes duties of justice (duties to refrain from doing any harm to anyone unless provoked by a wrongful act) and duties of material aid. While in order to fulfil duties of justice, national borders are regarded by him as morally irrelevant, in order to comply with the second type, borders are viewed as a neat line between people who live inside the nation and people who live outside. Outsiders are regarded as that *infinita multitudo* who, as Nussbaum says, 'would drain off all our resources if we let their demand be heard at all' (Nussbaum 2000b: 187).[25] According to Nussbaum, by regarding national borders as morally relevant, Cicero's Stoicism would not offer any support to a theory of justice with a global scope.[26] Moreover, Stoicism is, for her, incapable of providing a philosophical foundation and a justification for the duties of material aid. And this is because in order to ground the moral equality of all human beings, Stoics have diminished the importance of material conditions: for them 'humanity can shine out in a poor dwelling', poverty is just an external condition and 'it does not cut to the core of humanity' (191). In other words, Stoics claim that external conditions are not necessary for the true *flourishing* of a human being.[27] According to Nussbaum, this idea is the origin of the common conviction held by many of us when we consider crimes against humanity to be horrific, but never consider that a failure of material aid might be such a crime. Instead, as she asserts and as Karl Marx demonstrated convincingly, poverty touches the very core of humanity: desires, hopes, plans are shaped and affected by the material world which surrounds us. Stoicism is affected by an irreconcilable contradiction arising from the idea of the

invulnerability of the Will to external contingencies. According to Stoic thought, even lack of compassion towards the poor of the world would be justified, given that, in its view, poverty is either irrelevant for the true well-being of people or is under the control of the Will, and consequently is the result of some moral weakness within the person, and so the person himself is to blame. From the analysis of Stoicism Nussbaum realized that it could not be the source of a contemporary theory of global justice: for how

> can we give a sufficiently important place to the goods of fortune for political purposes, once we admit that the truly important thing, the thing that lies at the core of our humanity, doesn't need the goods of fortune at all? How can we provide sufficient incentive to political planners to arrange for an adequate distribution of food and shelter and even political rights and liberties, if we say that dignity is unaffected by the lack of such things?
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> NUSSBAUM 2000B: 239

Nussbaum became aware that to put forward a valid, or at least partially plausible, theory of global justice she had to succeed in re-conceptualizing the very notion of human dignity. This meant taking up a difficult challenge, that is 'to be able to say that there is *something* about human beings that persists throughout the blows of chance, supplying us with a basis for our moral duties – and that this something is equal, providing a basis for attitudes of equal respect and concern – and yet, also, that the things that matter to human life can be deeply affected' (200). However this is not to say that unfortunate circumstances can affect an individual to the point that they make him no longer recognizable as a human being. To overcome this challenge, Nussbaum substitutes the Stoic-based idea of human dignity, which is affected by what she called the 'problem of external goods',[28] with that of human capability, which is the Kantian-Stoic notion of the inviolability and dignity of a person, supplemented with Aristotle's and Marx's idea that the main powers of a human being need material support. This notion of human capacity is that *something* Nussbaum was looking for. In this new reformulation, human dignity consists in 'the innate power to develop higher level human capacities', which is the basis of our moral duties towards others. This power is equal in all human beings, but (unlike the Stoic notion of human dignity) 'can be thwarted in development so that its more developed forms (of reasoning, moral character, sociability, and so forth) may never fully mature, or may be blocked in expression' (Nussbaum 2000b: 201).[29] Therefore, the connection between the universality of the principle of moral equality and global social justice is grounded in this flexible, multi-layered notion of human capabilities, which lies at the core of Nussbaum's *capabilities approach* (Nussbaum 2000a, 2006, 2011).[30] The capabilities approach is focused on what persons are truly capable

of doing and being and identifies ten fundamental human capacities[31] which governments of all nations should guarantee that their citizens possess, at least above a given minimum threshold deemed necessary in order to respect human dignity. Equal respect for human dignity demands that these ten capabilities should be guaranteed at a suitable threshold level for all inhabitants of the world and that the rich countries should take collective responsibility for promoting such capabilities by removing the structural characteristics of the world system preventing persons from leading decent lives. Since the distribution of the responsibilities demanded by global justice is ethical in nature and political only in its ideal acceptance, as there is no active coercive structure acting on the world as a whole that can oblige certain parties to perform the tasks assigned to them, above all a change of mentality is needed.

Capabilities across national boundaries

This change of mentality is embodied in Nussbaum's proposal contained in *Frontiers of Justice. Disability, Nationality, Species Membership* (2006), which appears as an alternative to the tradition of the social contract. The latter conveys an image of society viewed as a contract for the mutual advantage of free, equal and independent persons. According to Nussbaum and for reasons that she argues efficaciously, it cannot resolve three problems of social justice: (1) the question of justice versus physically and mentally handicapped persons as it fails to take account of the fact that strong inequalities exist in the physical and moral capacity of persons; (2) the problem of extending justice to all citizens of the world as it attributes moral significance to national boundaries and considers the individual society as self-sufficient and not interdependent with the others; (3) the questions of justice stemming from our manner of treating non-human animals as it does not include them in the group of subjects for which the theory has been devised since they do not participate in the stipulation of the contract. Nussbaum asserts that the capabilities approach is much more promising. As far as the issue of international justice in particular is concerned, she proposes that humankind (the international community) should shoulder the collective obligation of guaranteeing the ten capabilities for all world citizens, at least up to a certain minimum level. Contrary to the option of creating a World State, she suggests that the institutional structure should be kept light and decentralized at the global level. It would be made up of: (1) the basic national structures of the rich countries, which would be given the responsibility for redistributing a certain amount of resources to the other nations; (2) the multinational corporations which would be given the task of promoting human capabilities in the countries in which they do business; (3) the world economic policies, the organizations (including

the World Bank and the International Monetary Fund), the trade agreements; (4) the international organizations (such as the United Nations, the International Labour Organization, the International Court of Justice, the International Criminal Court); (5) NGOs. Nussbaum proposes a list of ten principles on which the world order should be based in order to ensure that human capabilities can be promoted in a world of inequalities. They are:

1. Overdetermination of responsibility: the domestic never escapes it.
2. National sovereignty should be respected, within the constraints of promoting human capabilities.
3. Prosperous nations have a responsibility to give a substantial portion of their GDP [gross domestic product] to poorer nations.
4. Multinational corporations have responsibilities for promoting human capabilities in the regions in which they operate.
5. The main structures of the global economic order must be designed to be fair to poor and developing countries.
6. We should cultivate a thin, decentralized, and yet forceful global public sphere.[32]
7. All institutions and (most) individuals should focus on the problems of the disadvantaged in each nation and region.
8. Care for the ill, the elderly, children, and the disabled should be a prominent focus of the world community.
9. The family should be treated as a sphere that is precious but not 'private'.
10. All institutions and individuals have a responsibility to support education, as key to the empowerment of currently disadvantaged people.

Of course, since no coercive structure actually exists in the world these principles can only be considered as moral requirements; and yet Nussbaum concludes (324):

> If our world is to be a decent world in the future, we must acknowledge right now that we are citizens of one interdependent world, held together by mutual fellowship as well as the pursuit of mutual advantage, by compassion as well as by self-interest, by a love of human dignity in all people, even when there is nothing we have to gain from cooperating with them. Or rather, even when what we have to gain is the biggest thing of all: participation in a just and morally decent world.

Cosmopolitanism and the capabilities approach

In reply to Noah Feldman's review of *Frontiers of Justice*, Nussbaum (2007) took the opportunity to clarify her conception of cosmopolitanism[33] and its relation to the normative political theory of the capabilities approach. She explicitly, but surprisingly, refuses to classify this political theory as 'cosmopolitan'. Why? Feldman acknowledges that the cosmopolitan ideal is never explicitly named in *Frontiers of Justice* to the extent of not even appearing in the index. Nevertheless, he maintains that Nussbaum has grounded her political theory of capabilities on a determinate moral theory, namely cosmopolitanism.[34] In short, he accuses her of having elaborated a morally non-neutral political doctrine founded upon a substantive vision of the good.[35] Nussbaum replies by neatly stressing the distinction between the capabilities approach (a political theory capable of offering a set of 'basic political principles' for a minimally just and decent world) and cosmopolitanism (a 'comprehensive ethical doctrine', 'a view that holds that our loyalties and our ethical duties ought to transcend the local and even the national, focusing on the needs of human beings everywhere') (2007: 123).

According to the capabilities approach the minimum level of justice in a society requires that it should make available to all its citizens, at least at a basic level of development, the ten capabilities in which human capacity would manifest and express itself and which are held to be both rights and political objectives (including, amongst others, an adequate health service, free public education and adequate protection for bodily integrity). Below a certain minimum threshold of the development of these capabilities it is not possible to live a dignified human life. The theory of capabilities approach, Nussbaum argues, draws its justification from the idea of equal human dignity and from what is required to live a dignified human life. Given that in virtue of their *equal* dignity, all human beings are *already* entitled to develop those ten capabilities, the fact that a large section of the world's population is not in a condition for them to be developed represents a problem of justice. As can be seen, the obligation to do the utmost in relation to those who do not reach acceptable standards of living by providing material aid is justified neither on the basis of cosmopolitan impartiality, as Feldman claims, nor on the basis of some liberal-Rawlsian universal principle of equality according to which the idea of equality comes from the possession of a common moral capacity (the capability of forming concepts of good and a sense of justice). Rather, this obligation to provide material aid is justified on the basis of human capability, on human dignity understood as that innate power of every individual to develop human capabilities to a higher level. That is why Nussbaum says that the capabilities approach is not even 'a form of cosmopolitanism' (2007: 124) because in concerning itself with the social minimum, and in deliberately

ignoring the way social inequality above a certain minimum threshold is dealt with, 'it does not state that we should always think of our loyalty to humanity as our primary loyalty' (125).[36] In normative terms, the political principles Nussbaum's theory contains *must* be accepted by those who adhere (as she does) to the comprehensive ethical doctrine of cosmopolitanism, but they *should* also be capable of being accepted by those who reject it; her political theory *must* form a part of the ethical doctrine of cosmopolitanism, but *could* also be viewed as a part of Christianity, Judaism or other comprehensive doctrines. In other words, on the one hand her ethical doctrine (cosmopolitanism) contains – among other obligations – the *obligation* to support her political doctrine (*i.e.* her capabilities approach), but it does not limit itself to this and also contains affirmations concerning the love of family and the local community which are not part of the political theory. On the other hand, her political doctrine ought also to be compatible with other comprehensive doctrines, including that of the radical Stoic cosmopolitanism she so firmly rejects. In rejecting the adjective 'cosmopolitan' to qualify her political theory, Nussbaum meant to retrieve the validity of cosmopolitanism as a conception of good, making this ideal a fruitful source of political debate in a world characterized by pluralism, without, however, prejudice to the capacity for the overlapping consensus of her political doctrine. In other words, while cosmopolitan impartiality plays a limiting role in relation to patriotism (instead of a justifying role), the idea of human dignity (as Nussbaum reconceptualized it) plays a justifying role which implies that everybody must accept the commitment to promoting a life worthy of being lived, wherever it is to be lived (2007: 5; see also 2006: 333).

Objections to moral cosmopolitanism

Moral cosmopolitanism elicited much criticism aimed at the ethical universalism it propounds or against the claim that obligations exist versus all human beings wherever they live. The first criticism comes from the ethical relativists and from the postmodern or postcolonial authors who reproach cosmopolitans for not according sufficient consideration to the fact that the standards of universality are historically articulated (Butler 2002). Or else they perceive in cosmopolitanism an approach of homogenization, of imposition of western values on the rest of the world, a view tainted with paternalism which considers all the others as mere passive recipients of rights. For some, the imposition of western values is the go-ahead for the imposition of a unique worldview – neoliberal values and human rights – and for the promotion of the geopolitical and economic interests of some countries at the expense of others.[37] Rejection of cosmopolitanism also amounts to rejecting the general

idea of having global obligations. The main objection to the latter springs from *communitarianism*. According to the communitarians, the nature of the national community, as defined in terms of cultural membership and shared self-understanding, is such as to legitimate or to demand partiality versus one's fellow citizens. In this position the impartiality of the liberal moral argument cannot be coherently applied at the global level, but only within the boundaries of a local cultural community. This limitation of scope of liberal principles to the area of one's own national community, as well as the distinct moral duties deriving therefrom, are justified on the basis of two arguments. For some, partiality toward fellow nationals is a consequence of the very nature of morality. Michael Walzer for instance claims that the impartiality principle at the global level is not coherently defensible since it would entail ignoring the 'situated' nature of moral practices (1983). Alasdair MacIntyre maintains that the moral point of view is incompatible with the patriotic one (1984): it is actually impossible to disregard the patriotic position as it represents the precondition for moral action. A flourishing community of agents sharing moral values and norms is a necessary condition for the continued existence of an individual as a moral agent; patriotism, by implying the special obligation of maintaining and defending one's own country, is the precondition for actual moral functioning. From this point of view, patriotism represents the true basis of morality and not something conflicting with it. Other partialists maintain that the priority given to the interests of one's fellow citizens stems from the importance that membership of a community has in the attainment of the good of each individual; the various duties one has toward one's fellow citizens stem from the moral importance of the development of the cultural sphere as a condition for individual flourishing and from the need to protect the condition of its possibility, namely the national community (Taylor 1992; Tamir 1993). For the communitarians the mutual obligations are embodied in the traditions and in the history; they are obligations strengthened by specific political conceptions in which the citizens' relations with their communities imply special obligations of loyalty to the state which provides a safe framework within which they can live.

It is against this cultural background divided between partialists and impartialists that Martha Nussbaum wrote 'Patriotism and Cosmopolitanism' (2002a). In her paper she defends the idea that national borders are morally arbitrary and that it is necessary to become citizens of the world, namely citizens whose 'allegiance is to the worldwide community of human beings' (2002a: 4). The authors who have commented on and criticized her position have put forward a wide range of reasons to reject the moral cosmopolitan ideal. Benjamin Barber (2002) claims that it is sufficient to treat the pathological drift of patriotism and nationalism and to replace them with healthy forms instead of turning to cosmopolitanism which would deprive us of concreteness

and immediacy.[38] Sissela Bok expresses scepticism regarding the chances of loving humankind in general and, through the verses of the poet Alexander Pope, reminds us that 'God loves from Whole to Parts: but human soul Must rise from Individual to the Whole' (Bok 2002: 43). Amy Gutmann (2002) asserts that in order to be acknowledged as free and equal individuals it is necessary to be members of a given democratic community, in which it is possible to put forward demands for justice for all and not just for one's own fellow citizens. For Gertrude Himmelfarb, cosmopolitanism is a perilous illusion as it 'obscures, even denies, . . . the givens of life – parents, ancestors, family, race, religion, heritage, history, culture, traditions, community – and nationality. These are not "accidental" attributes of the individual. They are essential attributes' (2002: 77).

To feel loyal towards the whole of humankind entrains the risk of not feeling any loyalty at all. The identity of the cosmopolitan seems to lack emotion and warmth and to be liable to lack motivational power. Indeed these authors emphasize a problem that is hard to overcome: if an extreme version of cosmopolitanism is embraced, that is, if all human beings count and count equally, no partiality is acceptable and in any case would have only a derived and non-intrinsic value. As Nussbaum writes, a serious commitment to equality demands that the local (family, fellow citizens) be granted an additional dose of attention compared with outsiders: 'the primary reason a cosmopolitan should have for this is not that the local is better *per se*, but rather that this is the only sensible way to do good' (Nussbaum 2002b: 135–136). Special attention focused on someone in particular has only a derived value (for instance, it is an effective way of doing the good of humankind in general); if this were not the case it would mean that someone (the person on whom we focus special attention) possesses a greater value than others. Moral cosmopolitanism is either extreme or does not exist. It follows, in Samuel Scheffler's (2001) opinion, that patriotism and cosmopolitanism are incompatible and that moderate cosmopolitanism, in which all persons are believed to have equal value, but at the same time acknowledges special responsibilities having an intrinsic and non derived value, is not a tenable position.

To this list of criticisms we may add the ironical words of Michael Walzer, who points out that without a World State there can be no world citizenship: 'I am not a citizen of the world . . . I am not even aware that there is a world such that one could be a citizen of it. No one has even offered me citizenship, or described the naturalization process, or enlisted me in the world's institutional structures' (Walzer 2002: 125). However, in defence of cosmopolitans it may be pointed out that ethical cosmopolitanism does not imply political-legal cosmopolitanism. Its supporters may conceive of global citizenship in a purely ethic sense and refer to a *moral* global community, Kant's kingdom of ends, to

which each individual belongs as a moral agent and in which everyone has obligations of principle towards human beings as such.

Critiques of social justice cosmopolitanism

As we have seen, Beitz's theory is grounded on the idea that international economic interdependence represents a scheme of cooperation to which, following Rawl's theory, demands for justice must be applied. This idea poses an analogy between domestic society and the society of international relations that several authors have rejected for two reasons. Firstly, interdependence is viewed as a necessary but not sufficient condition for the global application of principles of justice. This is because it is considered that to justify such an application, other conditions would have to be satisfied, which are lacking in the arena of international relations. The main difference between the area of international relations and domestic society is to be found in the absence in the former of effective decision-making and decision-enforcing institutions, as well as of a world constitution similar to the codes that define the structure of authority within a state. Nor does any world police exist which is capable of enforcing compliance with world community policy. The second reason for which it is believed that the demands for justice are not to be applied in the sphere of international relations is that this sphere differs from domestic society in that it lacks an (international) sense of community. Within domestic society, community feeling is an important motivational basis for the respect of laws and decisions. Rawls considers that respect for principles of justice is dependent on the fact that persons have a capacity for the sense of justice and that this capacity is developed thanks to participation in the life of a well-ordered society (1971: 496–504). Within the framework of international relations no such community feeling exists: the world seems to be too vast and the cultures too many to be able to share a sense of global justice. Therefore, as Beitz himself admits, 'it is unlikely that a sense of global community comparable to the sense of national community will develop' (1999: 155). For some authors, however, even if they were feasible, global coercive institutions would by no means be desirable as they would be inefficient or oppressive. Then there are some who defend the so-called 'priority thesis' and claim that social cooperation at the national level is justification for distributive claims capable of having priority over requirements of a global difference principle: special obligations exist towards the less fortunate members of their own societies which take priority over the obligations to improve the life prospects of the more disadvantaged groups living in other countries. This group of critics includes those who believe that the members of the rich countries should receive a larger proportion of resources than that envisaged in the global difference principle on the strength

of their superior technology, organization, economy and efficiency; others object that the attempt to implement the global difference principle is a breach of the states' autonomy, while others again point out that citizens in the rich countries could well consider unfair the sacrifices requested for global distribution in view of the lack of any guarantee that rich persons in other countries do their fair share. In the absence of global institutions capable of coordinating and enforcing redistribution policies, these sacrifices could indeed offer undeserved advantages to others.

One criticism of the champions of social global cosmopolitanism was made by John Rawls himself who, in *The Law of Peoples* (2002), rejects the maximalist interpretation given by Beitz and Pogge to his theory of justice, reiterating a minimalist version of duties outside national borders. Cosmopolitans start from the idea that all persons are reasonable and rational and possess the two fundamental moral powers (the capacity to develop a sense of justice and the capacity to form a conception of good) underlying political equality both in comprehensive liberalism (Kant, Mill) and in political liberalism. From here they imagine an original global position in which all the contracting parties are situated symmetrically behind a veil of ignorance; these parties are believed to adopt a principle guaranteeing that each person has equal fundamental rights and freedoms. According to Rawls, this way of proceeding makes the theories of Beitz and Pogge hard to reconcile with the fact of plurality characterizing international society because it leads straight to the foundation of 'human rights in a political (moral) conception of liberal cosmopolitan justice' (2002: 82); that is to say, on a comprehensive conception of the good. Furthermore, this theory also seems to be somewhat problematic as far as tolerance is concerned since, in the cosmopolitan view, all persons should enjoy liberal rights equal to those enjoyed by the citizens of a liberal constitutional democracy, non-liberal societies would always be subject to some form of sanction and as a result 'the foreign policy of a liberal people . . . will be to act gradually to shape all not yet liberal societies in a liberal direction, until eventually (in the ideal case) all societies are liberal' (2002: 82). Rawls also criticizes the application of a global distributive principle. He considers that 'well-ordered peoples have a duty to assist burdened societies'; from this point, however, he does not draw the consequence that the only way to fulfil this duty is to apply globally a distributive justice principle to regulate the social and economic inequalities among societies, and even less a principle that, like that of the cosmopolitans, which he defines as a global egalitarian principle, does not have 'a defined goal, aim, or cut-off point, beyond which aid may cease' (2002: 106).[39] The differences between the two views are quite remarkable and are pointed out by Rawls himself: 'The ultimate concern of a cosmopolitan view is the well-being of individuals and not the justice of societies. According to that view there is still a question

concerning the need for further global distribution, even after each domestic society has achieved internally just institutions' (2002: 119–120). The cosmopolitan outlook is concerned with the well-being of individuals and thus with the possibility of improving the well-being of the individual who is globally worse off. What is instead significant for the law of peoples is that 'once the duty of assistance is satisfied and all peoples have a working liberal or decent government, there is . . . no reason to narrow the gap between the average wealth of different peoples' (2002: 114). Rawls differs from the cosmopolitans also because, in explaining the causes of poverty, he adopts the stance – defined by Pogge as 'explanatory nationalism' – that the development of a country is explained on the basis of internal factors. Rawls actually considers that the well-being of a country does not depend primarily on its resources but on its political culture: 'a society with few natural resources and little wealth can be well-ordered if its political traditions, law, and property and class structure with their underlying religious and moral beliefs and culture are such as to sustain a liberal or decent society' (2002: 106). Except in marginal cases, there is no society in the world that is so strongly deprived of resources that it cannot become a well-ordered society if it is organized and governed reasonably and rationally. Other Rawlsians have criticized the supporters of social global cosmopolitanism on the strength of the lack of any legal coercion in the field of international relations. Michael Blake (2001) maintains that the egalitarian principles of distributive justice should not be applied globally as, even though a duty exists to remedy *extreme* deprivation wherever it is found, and even if forms of coercion exist inside the international arena, only legal coercion inside a state can represent a condition for concern vis-à-vis *relative* deprivation: the concern over liberal autonomy leads to a concern over relative economic deprivation only among compatriots.[40] In 'The Problem of Global Justice' (2005) Thomas Nagel, while acknowledging the profound inequality present in the world, as well as the need for political philosophy to come up with an answer to such a serious situation, in harmony with Rawls, maintains that the justification and legitimacy of a global justice theory needs must assume the existence of shared institutions and social practices. It is necessary to satisfy the minimal requirement, which he defines as Hobbesian, of a global institution capable not only of imposing and enforcing international justice requirements over the entire planet, but above all of justifying this coercive power on the basis of moral principles of universal scope. According to both Nagel and Rawls, despite the existence of negative rights that set universal and pre-political limits on the legitimate use of power, that is, rights that are independent of special forms of effective political association referring for example to the freedom of individuals, other positive rights, such as those referring to the reduction of unfairness in the distribution of social and economic goods, are instead found to have their legitimation only within the

sociopolitical context in which they are situated. To date, a minimal Hobbesian requirement like the one described by Nagel would actually be totally absent; it would also be quite difficult to imagine in the near future. In a sovereign state a special justice obligation exists versus arbitrary inequality in the treatment of persons subject to the laws of the legal and political system, not only because the laws are coercively imposed but also because it is assumed that individuals subject to them are also the authors thereof. Membership of a society thus implies the 'engagement of the will', and the political authority is wielded in the name of participants in the general will. This element leads to special duties against arbitrary inequalities in the treatment of members by the system. Since the states wield sovereign power over their citizens and in their name, the citizens have associative justice duties to each other, with which the legal, social and economic institutions made possible by sovereign power comply. According to Nagel, international relations based on material relations, as well as on economic interactions, do not represent 'an inappropriate site for claims of justice'. On the other hand, there is not even an obligation to enter into 'strong political relations' with others, an obligation that could give rise to socioeconomic justice duties. Nagel comes to the conclusion that the demands for justice do not apply to the world as a whole, although they can apply if and when the world is governed by a single unified sovereign power. In contrast to Nagel, Pogge argues that, in the real world, the governments of the rich countries impose a coercive global order which perpetuates the poverty of the many who are unable to stand up to this imposition. He points out that the current International Property Rights (IPR) system is applied to the world through sanctions and that the citizens of the World Trade Organization member states are obliged to accept the international IPR regime just as they are compelled to follow the norms prevailing in their own countries. The coercive element is consequently an integral part of the IPR regime, a regime that has dramatic effects on individuals, excluding poor persons, for instance, from having access to life-saving medicines. Therefore, also from Nagel's point of view, conditions apparently exist to be able to subject international institutional arrangements to the constraints of global social justice.

There are also authors whose criticism is levelled in particular against the social justice cosmopolitanism version developed by Thomas Pogge. While several authors criticize Pogge for having incorporated an egalitarian instance in global justice theory (Miller 1999b: 201; 2005: 55), others conversely blame him for not being egalitarian enough. Joshua Cohen criticizes Pogge for not having grounded global justice in egalitarianism but rather 'on the relatively weak *normative* premise that we are morally required not to harm others, together with strong (and highly contentious) *positive* claims about the extent to which current global arrangements, including the rights

to command resources that are associated with sovereignty, harm people who are badly off' (Cohen and Sabel 2006: 152, note 10). Another group of authors criticizes him for using the concept of negative duty and for having affirmed that the rich countries are actively responsible for the poverty of the poor countries. In particular, the problem of the responsibility of the rich countries has given rise to a heated debate between Pogge and the theorists Alan Patten, Mathias Risse and Debra Satz, who charge him with having made three basic errors: (1) a conceptual error in that he used the verb 'to harm' in order to indicate what should instead be interpreted as failure to help and protect; (2) a material error in that the idea that the global institutional order is the main cause of poverty in the world is not corroborated by empirical evidence; (3) a moral error in that his theory puts forward minimum moral requirements that are unduly demanding. Patten, in particular, thinks that Pogge's theory is tainted with the defect of 'explanatory cosmopolitanism' in that it overemphasizes international factors in explaining poverty and pays too little attention to domestic ones. In his view it presents a relatively implausible outlook as no guarantee is provided for the fact that if a fair international environment were achieved, any steps would be taken at the national level towards the achievement of policies required to combat poverty. A few studies seem to confirm Rawls' thesis that what mainly determines the economic prosperity of a country is the quality of its local institutions, which might well play a more important role than what Pogge is willing to allow (Sen 1981). Indeed Pogge maintains that it would be an illusion to believe that poverty could be reduced without acting upon the local factors, although he seems to believe in the fact that the changes he proposes in the global order would bring about essential reforms in the local institutions. Others argue against Pogge that remedying the wrongs perpetrated by colonialism should affect only the countries involved and that the problems it caused should be handled by means of bilateral agreements rather than through global institutions.

Social justice cosmopolitanism has been criticized also by the liberal-nationalists. David Miller, for example, complains of the potentially imperialistic implications of Beitz's and Pogge's cosmopolitanism. He argues that this theory cannot simply be limited – as these authors claim – a moral kind of cosmopolitanism that has no political knock-on effects. In order to generate feelings of obligation towards all human beings it is necessary to be part of a political community. Consequently the social justice cosmopolitanism project can be achieved only if a World State is set up. This is where it appears as a project the fulfilment of which could have despotic outcomes, in addition to the disappearance of the different nationalities and cultural differences. The liberal-nationalists (but not only them) object that the cosmopolitan conceptions of distributive justice and the underlying arguments are based on premises

and types of argument of western origin and so not only cannot have a universal validity but should not even be exported to non-western contexts if accusations of ethnocentrism and cultural imperialism are to be avoided. Against social justice cosmopolitanism, David Miller further stresses the difficulty of deciding, in the absence of any common gauge, which resources are to be distributed (1999a: 106).

Communitarians and liberal-nationalists generally reproach the cosmopolitan view for not leaving any or enough room for partiality vis-à-vis the family, friends or personal projects. Some communitarians claim that the contextualized nature of justice implies that global justice is impossible; Walzer (1983: 29–30), for example, asserts that liberal impartiality can be properly applied only within domestic borders. Priority must unembarrassedly be given to those who are closer, compatriots, since this is what represents the origin and the very foundation of human affiliation and the bonds of the community. Furthermore, so large is the degree of diversity among the various nations that it would not even make sense to rely on the existence of shared global justice principles. More recent criticism of social justice cosmopolitanism has been made by Seyla Benhabib (2006), who raises three objections against it: (1) an epistemic objection (the existing relations of causality in the global economy are not clear); (2) a hermeneutic one (who is to be deemed 'the less advantaged member of society?'); and (3) a democratic one. She points out that the difference principle should be used as a guideline, as a normative objective, not as a specific policy aimed at reducing inequalities, since no exact and uncontested causal relationship can be established between global economy and poverty. Moreover, the difference principle demands that it should be able to judge who the 'less advantaged' member of society is; however, as Benhabib points out, this judgement is not univocal as the criteria it is based on are not only economic but also political-economic. The third objection is particularly strongly felt by the philosopher. According to her, global justice theories are affected by a 'democratic deficit' as they pay little attention to the democratic legitimation of their distribution policy. She argues that socioeconomic justice and the criteria for measuring it cannot be identified independently of the democratic practices of liberty and self-determination. Benhabib also claims that the processes of interaction among actors in contexts of complex multilevel governance are forms of democratic iteration, moral and political dialogues in which cosmopolitan principles and norms may be appropriated and reiterated by constituencies of all sizes. The concern for global justice may thus become one of the principal action and iteration guidelines for democratic peoples. Although these processes may lead to outcomes that are anything but ideal, she nevertheless considers them to be preferable to global redistribution principles which have to rely on coercive enforcement agencies whose democratic credentials are questionable.

Benhabib believes that in international justice it is necessary to clear the field of the dichotomy between pure global justice on the one hand and democratic governance on the other; it is rather necessary to seek to achieve a 'democratic justice' (Shapiro 1999) that, through a series of interrelated and overlapping mechanisms, can lead to global justice.