

THE TRINITY OF COSMOPOLITANISM

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Abstract: The purpose of this paper is to offer a general account of cosmopolitanism. Doing so, it explores five commitments of present cosmopolitanism, modeled after Kantian cosmopolitanism, and is championed by many philosophers including Jürgen Habermas and various others. These five commitments are: the commitments to the principle of human rights, to the rule of law, to the idea of democracy, to the norm of inclusion, and to the ideal of humanity. In whole, these five commitments aim at the trinity of a cosmopolitan project: global justice, global humanity, and global democracy. It therefore demarcates the project of cosmopolitanism from that of communism. The essay also explores the dual ethical obligation of an individual person as both a citizen of a nation-state and a world citizen.

COSMOPOLITANISM IS a political ideal of our time. How best to define it? Why a cosmopolitan order? Are there cosmopolitan rights that are juridical? What are cosmopolitan norms? Can there be cosmopolitan law that is both authoritative and legitimate without a world state? Is constitutionalization of a global order possible without a world state? These questions are among many questions heatedly debated by philosophers today. They are philosophical questions loaded with practical concerns. No wonder, philosophers' proposals of a cosmopolitan order today often call for both institutional reform and philosophical re-conceptualization. For example, Jürgen Habermas' proposal of a world constitution and constitutionalization of international laws requires not only philosophical reorientation in view of "statehood, democratic constitution, and civic solidarity", in Habermas' words, but also practical reforms of various global institutions or world organizations existing today including the United Nations. Thomas Pogge's proposal of institutional cosmopolitanism based on human rights and justice requires not only philosophical re-conceptualization of justice and obligation, but also a global assembly of institutional architecture. All the same, philosophical reconstruction of the ideal of cosmopolitanism is a daunting task.

In this essay, I will offer a preliminary account of cosmopolitanism by drawing a comparison between present cosmopolitanism and communism. Both cosmopolitanism and communism purport to develop a new global order. Each has its own vision of the kind of global order that is vital to the prosperity of humankind. Present communism teaches us a dire lesson too. In spite of some success, present communism brings about a disaster on the earth. It destroys far more than it builds. Admittedly, communism was originally devoted to promoting a global order of equality, freedom and human dignity, and theoretically it may still commit to do so. In addition, contemporary global communist movement does not lack heroes and heroines and it has had some legendary events. It is not long ago that *The*

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Internationale was one of the most popular songs on the earth. Even today, singing this song still makes some people's blood boiling and sentiment running high. That being said, present communism in the world has ended up only promoting one of the most oppressing orders in the globe. Justice, freedom, democracy, and human dignity are not found in the supposed DNA of communism in its history. Worse yet, these supposed DNA of communism are intellectually, ethical-morally, and politically antithetical to present communism as it exists today. Therefore, to avoid turning the ideal of cosmopolitanism into that of communism today, much can be learned from some comparative studies of these two belief systems and much should be learned.

Meanwhile, drawing some comparisons between cosmopolitanism and communism, my underlying objective is to demonstrate that in a desirable cosmopolitan order today, global justice, global democracy, and global humanity are, and should be, understood to be inseparable — that is, they should be understood to form a trinity of a cosmopolitan order. To achieve this objective, I will focus on a particular version of cosmopolitanism today, Kantian-Habermasian cosmopolitanism, which Pogge characterizes as social-justice cosmopolitanism and which Seyla Benhabib dubs as “another version of cosmopolitanism”. Whatever its proper name may be, three features remain distinctive of this version of cosmopolitanism. First, in its vision, cosmopolitan norms such as basic human rights are juridical, not merely moral norms. Second, a cosmopolitan order is a juridical order. Third, a cosmopolitan order is anchored around the norm of human rights. From this version of cosmopolitanism, we can develop a concept of a cosmopolitan order under the stare of global justice, housed in global humanity, and built through global democracy as the path. All the same, in this essay, the term, “present cosmopolitanism” refers to Kantian-Habermasian cosmopolitanism and its modified version.

Some comparative studies of cosmopolitanism and communism are helpful for us not only to address the conceptual question of cosmopolitanism, but also to address the normative question of it. They illustrate why a desirable cosmopolitan order should be a trinity of global justice, global humanity and global democracy. The idea of the trinity of cosmopolitanism is that global justice is the true light of a cosmopolitan order; global humanity is the true home of a cosmopolitan order; and global democracy is the proper path of building a cosmopolitan order. By this token, as we learn from the dire lesson of contemporary communism, global justice, global humanity, and global democracy are not separable. Global justice without global humanity would be homeless. Global humanity without global justice would be in dark and impossible. Global justice and global humanity without global democracy would not be attainable. Global democracy without global justice and global humanity would be a pale, soulless ghost. That much we have learned from the failure of communism. And that much we should learn from the adventure of communism.

I. The Key Differences

There can be many talking-points which one can talk philosophically, not politically, about cosmopolitanism and communism. The striking contrast of the fates of these two belief systems vouches for which belief system has truth. Philosophically, while

communism becomes self-sabotaging and self-subverting today, cosmopolitanism enlightens and liberates, becoming the ideal of our time. The volcano of communism destroys. The morning sun of cosmopolitanism nurtures. Communism is not even akin to the Hindu God Shiva who both destroys and liberates. Cosmopolitanism is more than the Hindu God Vishnu who preserves. Cosmopolitanism builds and creates too. Fair to say, both cosmopolitanism and communism challenge us metaphysically, cognitively, ethically-morally, and politically. Still, when all is said and done, what we learn from the most recent human history is that communism is metaphysically destructive, cognitively blind, ethically-morally happiness-hindering, and politically undesirable; in comparison, cosmopolitanism is metaphysically enriching, cognitively enlightening, ethically-morally liberating, and politically empowering. What we learn today is that communism is not compatible to the spirit of our time, and cosmopolitanism embodies the spirit of our time.

This should not be surprising. Substance and character determine fate. This is true of persons and of belief systems. In substance and essence, cosmopolitanism differs fundamentally from communism. Their substantial and essential differences determine their different fates as described above. Their differences are comprehensive, meaning metaphysical, cognitive, ethical-moral, and political. Their differences are exhibited conspicuously as follows:

1. *A global order in cosmopolitanism is anchored around the idea of basic human rights. In comparison, a global order in communism is based on the idea of abolition of private property*

The touchstone of present cosmopolitanism is the concept of basic human rights. This can be traced back to the Kant cosmopolitan ideal. As Habermas indicates, in Kant, a cosmopolitan order is “founded on human rights” and “a global legal order that unites all peoples and abolishes war”; it is a global order “where a violation of rights in one part of the world is felt everywhere. The idea of a cosmopolitan right is therefore not fantastical or overstrained; it is a necessary component to the unwritten code of political and international right, transforming it into a universal right of humanity” (Habermas, 1998b, 176; Kant, 1972, 142). The concept of cosmopolitan rights is not only central in Kantian cosmopolitanism, but also its foundational stone. Kant’s celebrated concept of the rights of hospitality as the paradigm of cosmopolitan rights remains an inspiring concept today. Kantian cosmopolitanism differs from all forms of traditional cosmopolitanism including Grecian cosmopolitanism, Stoic cosmopolitanism, Confucian cosmopolitanism, Taoist cosmopolitanism, and Christian cosmopolitanism. Above all, Kantian cosmopolitanism is rights-centered, while Grecian cosmopolitanism, Stoic cosmopolitanism, and Confucian cosmopolitanism are virtue-centered. Meanwhile, Taoist cosmopolitanism is *Dao*-centered; and Christian cosmopolitanism is God-centered. So far as its modern counterpart is concerned, Kantian cosmopolitanism differs from the Marx-Engels-style communism. Kantian cosmopolitanism is right-centered while communism is equality-centered. This difference is of important consequence. There can be true global justice in Kantian rights-centered cosmopolitanism, while global justice is the moon in water, the flower in the mirror for equality-centered communism. This is the historical

lesson of humankind: in any viable visions of a global order today, the principle of basic human rights must be the operating norm or watching word. Not surprisingly, in the world we live today, the concept of human rights has a metaphysical, ethical-moral, and legal reality. Equality without rights is abnormal.

Present cosmopolitanism is anchored on the idea of basic human rights. In its vision, a cosmopolitan order is geared to guarantee, defend, and promote basic human rights in the globe. Indeed, today, “cosmopolitanism imagines a global order which the idea of human rights is an operative principle of justice, with mechanisms of global governance established specially for their protection”; “Human rights are a social form of right that has arisen in our own times and is an achievement of our age ... Human rights exist not just in the mind but as a determinate form external to our own subjective feelings and opinions of it. It has a legal status within international law and has percolated into other areas of international and domestic law.” (Fine, 2009, 8). In *Another Cosmopolitanism*, Seyla Benhabib asserts, “since the UN Declaration of Human Rights in 1949, we have entered a phase in the evolution of global civil society which is characterized by transition from international to *cosmopolitan* norms of justice” (Benhabib, 2006, 15-16). As Benhabib indicates, since Kant, we have a version of cosmopolitanism that emphasizes “cosmopolitan right, which concerns relations among civil persons to each other as well as to organized political entities in a global society” (*Ibid.*, 21).

As Habermas, Pogge and many other philosophers indicate, cosmopolitanism starts with two commitments: the commitments to the concept that individual persons as free, equal citizens are the ultimate units of cosmopolitan concern and to the concept of full inclusion. As Habermas says, “Today any conceptualization of a juridification of world politics must take as its starting point individuals and states, as constituting the two categories of founding subjects of a world constitution” (Habermas, 2009, 119). Pogge also indicates, “The central idea of moral cosmopolitanism is that every human being has a global stature as an ultimate unit of moral concern” (Pogge, 2002, 169). Pogge identifies this as one of the four commitments of all forms of moral cosmopolitanism (Pogge, 2007, 316). The commitments to the concept that individual persons are the ultimate units of cosmopolitan concern and to the norm of inclusion entail the commitment to the principle of human rights in a cosmopolitan vision. As Habermas says: “The inclusion of all persons in a cosmopolitan political order would demand not only that everyone should be accorded political and civic rights, but in addition, that the ‘fair value’ of these rights should be guaranteed” (Habermas, 2009, 212). Pogge points out that “Article 28 of the Universal declaration of Human Rights [reads]: ‘Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.’ The basic idea here is that the design of all social institutions should be guided by the pre-eminent goal that human rights of all human beings be fulfilled” (Pogge, 2007, 318).

In comparison, in communism, the idea of human rights, which is criticized by communist thinkers as bourgeois rights and the legacy of bourgeois ideology, is not part of the conceptual schemata and not part of the ontological, ethical-moral, and legal reality of a global order. Indeed, what is the most paradoxical of communism is

its concept of justice without rights. Admittedly, communism is originally devoted to developing a global order where there will be no oppression and exploitation. That said, in the communist vision of a just global order, elimination of oppression and exploitation in the globe is not achieved through recognition and promotion of basic human rights, but through abolition of private ownership and private property. As Marx and Engels said, “The theory of Communists may be summed up in the single sentence: Abolition of private property” (Marx & Engels, 1998, 18). “The abolition of bourgeois individuality, bourgeois independency, and bourgeois freedom is undoubtedly aimed at” (*Ibid.*). We need to walk a fine line between promotion of equality and promotion of basic human rights in the globe. Promotion of equality and promotion of basic rights are related. Part of the idea of basic rights is that basic rights are equal to all. That being said, promotion of basic rights is not identical to promotion of equality, for example, equality in ownership of property. Elimination of violation of basic human rights does not presuppose abolition of private property. Nor does it presuppose equality of private-property ownership. The failure to draw such a distinction is the Achilles’ heel of communism. It is part and parcel of the communist vision to conceive a global order of human dignity without emphasizing on basic human rights, which in turn makes the communist vision paradoxical. In communism, elimination of inequality in the world is achieved through abolition of private ownership of private property and “bourgeois individuality, bourgeois independency, and bourgeois freedom”. In communism, Rawls’s first principle of justice — “Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others” — does not exist (Rawls, 1971, 60).

In sum, its concept of basic rights demarcates present cosmopolitanism from communism. The concept of basic human rights is a touchstone concept of present cosmopolitanism. Communism starts with the precept that private ownership and private property is the source of all evils and economic equality is the corner stone of global justice.

2. A global order in cosmopolitanism is one under the rule of law while a global order in communism is under the rule of the will of the communist party as the representative of the will of one particular social class

In connection with the above, present cosmopolitanism envisions a global order under the rule of law. That is, present cosmopolitanism envisions a cosmopolitan order as a global legal order, not merely a moral order. Discussing Kant’s legacy on cosmopolitanism, Habermas points out that above all, “Kant introduces a third dimension into his legal theory: cosmopolitan law (*das Recht der Weltbürger*)” (Habermas, 1998b, 165). Habermas further indicates that in Kant’s cosmopolitan vision, “the legal principles implemented within single states should lead ultimately to a global legal order that unites all peoples and abolishes war” (*Ibid.*).

Present cosmopolitanism is not a new theory of universal morality, but a new belief system of a globally legal order. On this point, noteworthy, the central piece of Habermas’ reconstruction of the Kantian project is the proposal of a world constitution and of constitutionalization of international laws. Philosophers including Benhabib sometime characterize Habermasian cosmopolitanism as “a normative

philosophy for carrying the universalistic norms of discourse ethics beyond the confines of the nation-state” (Benhabib, 2006, 17-8). However, the central piece of Habermasian cosmopolitanism is not universally valid ethical norms or laws, but having universally binding-force cosmopolitan norms and laws, above all, a world constitution as the basic law. Admittedly, contemporary thinkers such as Habermas, Pogge, Benhabib, and various other also find the concept of a world state undesirable. That being said, a distinctive mark of contemporary cosmopolitanism is its vision that a cosmopolitan order is a juridical order. Noteworthy, philosophers including Rawls and Nagel are skeptical of the concepts of global justice and cosmopolitanism mainly because of their misgiving about the possibility of cosmopolitan laws. Pogge who endorses social-justice cosmopolitanism, but not legal cosmopolitanism because for him, the idea of a world state, which is the core of legal cosmopolitanism in his sense, is undesirable. Meanwhile, Pogge’s social-justice cosmopolitanism is a form of institutional cosmopolitanism based on human rights.

In present cosmopolitanism, cosmopolitan norms such as the norm of human rights and crimes against humanity are conceived to be legal norms. For example, Habermas indicates, “human rights are juridical by their very nature” (Ibid., 190). He further indicates: “Human rights belong structurally to a positive and coercive legal order which founds actionable individual legal claims. To this extent, it is part of the meaning of human rights that they claim the status of basic rights which are implemented within the context of some external legal order, be it national, international, or global” (Ibid., 192). As mentioned above, according to Fine, the norm of human rights has a legal status in international laws. In cosmopolitanism, human rights are not identical to moral rights. Instead, as Habermas insists, human rights are rights that citizens necessarily grant one another in order to extend their lives together under the rule of law. They are basic rights that are juridical and a violation of them will be conceived to be a crime, not merely something morally blameworthy. As Habermas argues, “The establishment of a cosmopolitan order means that violation of human rights are no longer judged and combated immediately from a moral point of view, but rather are prosecuted ... in accordance with institutionalized legal procedure” (Ibid., 193).

In comparison, a global order in communism is an order under the rule of the communist party as the representative of the will of the proletarian class. In essence, a communist global order is merely a moral, political order. In such an order, the rules of the communist party are conceived to be the supreme laws, akin to some religious rules functioning as the supreme laws in some religious countries. In some communist regimes today, where the rule of law is emphasized, positive laws are merely handmaids of the rules of the communist party. In addition, the rules of the communist party are supposed to represent the will of the proletarian class. By this token, the so-called “global justice” in communism is defined by the communist party in accordance with the communist ideology.

This leads to the differences between present cosmopolitanism and communism on global justice. The differences are as follows:

- Global justice in cosmopolitanism is defined by legitimate global laws. In comparison, global justice in communism is defined by the communist ideology;
- Global justice in cosmopolitanism is justice for all. Global justice in communism is justice for a particular social class until all social classes vanish;
- Global justice in cosmopolitanism is impartial, emphasizing all are equal before laws. Global justice in communism is discriminative — it elevates a particular class of people and oppresses other social classes by laws;
- Global justice in cosmopolitanism gives due to basic rights and defines obligations of all citizens in a global order. Global justice in communism gives due to the communist ideal of equality and imposes obligations of citizens to sacrifice themselves for the communist ideal;
- Global laws of justice in cosmopolitanism are democratically established. Global laws of justice in communism are imposed on peoples by the stronger and ruling party-aristocrats;
- Global laws of justice in cosmopolitanism are standards lifting up citizens to full humanity. Global laws of justice in communism are procedural rules totalitarianly turning human beings into things;
- Global laws of justice in cosmopolitanism would be implemented by democratically assembled global legal architecture. Global laws of justice in communism would be implemented by some kind of Communist International.

In the above, the differences boil down to two key points: (1) global justice as a juridical concept in cosmopolitanism and global justice as a political concept in communism; and (2) laws of all, for all, and by all in cosmopolitanism and laws of some, for some, and by some in communism. It is a distinction between the true rule of law in cosmopolitanism and the *de-facto* rule of will in communism.

The emphasis on the rule of law is a key for present cosmopolitanism to be a vital ideal in the context of cultural diversity in the globe today and a source of strength of present cosmopolitanism. First, in the context of cultural diversity, forced integration of diverse cultures as one would inevitably bring about totalitarianism and oppression. That being said, if there were no unity of diverse cultures, there would be no cosmopolitan order. And the rule of law that provides the legal and institutional frameworks to facilitate unity with inclusion and toleration is the key for a viable cosmopolitan order of global justice and human rights. Second, as a mechanism of global management, the rule of law is the key for cosmopolitanism to avoid what Habermas dubs as “human rights fundamentalism.” Whether or not having law as the mediation is the demarcating point between “human rights fundamentalism” and reasonable global human rights politics. It is the concept of a cosmopolitan order as a legal order in present cosmopolitanism that leads Habermas to reject human rights fundamentalism while advocating global human rights politics. As he says, “As a matter of fact, an unmediated moralization of politics would be just as harmful in the

international arena as in the conflict between governments and their internal enemies” (Ibid.). “The human rights politics of a world organization becomes inverted into a human rights fundamentalism only when it provides a moral legitimation under the cover of a sham legal legitimation for an intervention which is in reality nothing more than a struggle of one party against the other” (Ibid., 200). Accordingly, “Human rights fundamentalism is avoided not by renouncing the politics of human rights, but only through a cosmopolitan transformation of the state of nature among states into a legal order” (Ibid., 201).

Notwithstanding, while the idea of the rule of law as conceived in present cosmopolitanism is pregnant with promises, it also faces serious challenges. For example, so far as the Habermasian proposal of a world constitution is concerned, there can be conceptual questions, normative questions and pragmatic questions of it. How best to define cosmopolitan law? What can be in its content? How is it possible without a world state? Just to list a few. All the same, in present cosmopolitanism, the idea of the rule of law and a cosmopolitan order as a juridical order is essential. And from the point of view of present cosmopolitanism, the absence of some needed international laws and global treaties of justice indicates only the serious task and heavy burden to assemble a global legal structure embodying global justice, not the impossibility of assembling such a global legal architecture. In comparison, communism lives on the rule of the communist party as “the conscience of our time”, to borrow a phrase from Lenin. Cosmopolitanism provides a legal environment for all citizens of the globe to pursue happiness, enjoying legally protected global justice. Communism develops an institutional architecture to make all peoples in the world to live for the communist ideal. All communist regimes in the past and present cannot avoid totalitarianism and tyranny because communism is not built on the rule of law. So far as the issue about the rule of law is concerned. Communism is conceptually handicapped by its emphasis on the will of the party above the will of law and its concept that the will of the party is the best embodiment of the will of the people.

3. A global order in cosmopolitanism lives on global democracy. In comparison, a global order in communism lives on the dictatorship of proletarian class

It follows that present cosmopolitanism adopts a distinctive concept of the proper form of socio-political life and power: global democracy. As a matter of fact, the whole-hearted commitment of cosmopolitanism to the rule of law takes on a new force when democracy becomes its form of life. The total commitment to global democracy is a hallmark of present cosmopolitanism. For example, at the core of Habermas’ reconstruction of Kantian cosmopolitanism is an injection of the idea of global constitutional democracy of multi-levels into the cosmopolitan conceptual framework. In present cosmopolitanism, global democracy is at the core of a cosmopolitan order for several reasons. First, as Habermas and other philosophers insist, democracy is the only legitimate source of legitimate cosmopolitan law and the only bridge to cosmopolitan law having both sovereignty and legitimacy. Conceptually, if citizens must both be subjects who are constrained by cosmopolitan law and authors who author cosmopolitan law, democracy is the only legitimate legislative process. Normatively, laws that express the will of one person or a few persons have no

sovereignty or legitimacy. Only laws that embody the will of all have sovereignty and legitimacy. Cosmopolitan law that embodies the will of all citizens on the earth can only be established democratically by all citizens or through their legitimate representatives, e.g., their nation-state representatives. Second, as Habermas and other philosophers insist, democracy is the necessary condition for global justice in terms of a global legal order and only bridge to cosmopolitan laws of justice. Following Habermas, not only a true concept of global justice must be acceptable to all citizens, but also valid cosmopolitan laws of justice must be acceptable. And the acceptability of a concept of global justice or that of valid cosmopolitan laws can only be determined through a democracy. Third, as I shall see it, democracy is the proper vehicle through which global humanity is elevated and refined. Global humanity as a quality, a property, or standard is elevated and refined through humankind's self-education and cultivation. It is elevated and refined most effectively through humankind's democratic self-education and cultivation. Thus, while humanity is the home of global justice, it should be built democratically by all citizens on the earth.

In comparison, communism adopts a totalitarian concept of the proper form of socio-political life and power: the dictatorship of the proletarian class. In some forms of communism — for example, in Chinese communism, the concept of the dictatorship of the proletarian class is replaced by the concept of democratic centralism — meaning the people's dictatorship under the leadership of the communist party, which is in essence a kind of party-centered aristocracy-technocracy. Admittedly, there can be reasonable disagreement on what is democracy. One may even argue with reasons that the difference between present cosmopolitanism and communism is not that cosmopolitanism emphasizes democracy and communism does not; instead, the difference is that each has its own concept of democracy. That being said, so far as democracy is concerned, communism suffers two fatal deficits: (1) lack of the rule of law and (2) lack of true public autonomy. No true democracies have these two deficits. As Habermas indicates, democracy provides a new form of social integration and legitimacy. The new forms of social integration and of legitimacy which democracy provides have two indispensable core elements: the rule of law and public autonomy. Communism is not, and cannot be, a normal form of democracy precisely because it does not have these two indispensable, core elements of any true democracy.

The differences between present cosmopolitanism and communism can be phrased differently as follows. First, while emphasizing the rule of law, cosmopolitanism operates with the principle of democracy of law, which dictates that those who are subject to laws must at the same time be co-authors of laws. In comparison, communism elevates one social class to be the law-maker who is above laws, and makes other social classes merely the objects of laws, not co-authors of law. Communism proclaims that the proletarian class is the most advanced social class in the human history and the only self-conscious social class; and that the communist party is the embodiment of the conscience of our time. Cosmopolitanism proclaims the Kantian enlightenment: enlightenment as an exit from immaturity which exhibits most strikingly in three paradigmatic cases: letting one's book replace one's thought,

letting one's teacher/priest do the thinking for one, letting one's physician decide one's diet; enlightenment means self-autonomy.

Second, while emphasizing the sovereignty and legitimacy of cosmopolitan law, as indicated above, cosmopolitanism has a distinctive concept of the legitimacy, validity, and sovereignty of cosmopolitan law: legitimate cosmopolitan law must be, and can only be, established through global democracy. According to such a concept, those who subject themselves to laws must at the same time be co-authors of the laws to which they subject themselves. As Robert Post indicates, "contemporary law cannot easily appeal to the authority of God, divine rulers, or universal ethics, it must appeal to democratic self-determination" (Post, 2006, 2). In Habermas' cosmopolitan vision, the democratic process of establishing laws is the only source of the legitimacy of laws. By this token, for Habermas, all legitimate cosmopolitan laws must be democratically established in a global democracy. And the democratic process of legislature is the very process that gives legitimacy to cosmopolitan law. In other words, cosmopolitan law has no other source of legitimacy than global democracy. The same point is emphasized by other philosophers today too. According to Benhabib, "democratic iteration" is the mid-wife "through which cosmopolitan norms come to acquire positive legal status" (Post, 2006, 4). By democratic iteration, Benhabib means a process wherein citizens can "reiterate these principles and incorporate them into democratic will-formation process through argumentation, contestation, revision and rejection" (Benhabib, 2006, 4). In sum, according to the cosmopolitan concept of legitimacy and validity of cosmopolitan law, "only those norms deserve to be valid that could meet with the approval of those potentially affected, in so far as the latter participate in rational discourse" and democracy is therefore the necessary vehicle (Habermas, 1998a, 127; 1998b, 41). And "those potentially affected" potentially include all citizens on the earth. In comparison, those communist rules that embody only the will of one particular social class and are dictated to others should be considered to be illegitimate to be cosmopolitan laws.

Because a cosmopolitan order as a legal order in cosmopolitanism is democratically constructed, not imposed, such an order is not a soil for any forms of oppression. Indeed, it will be such an order that governments would be held accountable for any gross violations of basic human rights and any crimes against humanity. So will individual persons be held accountable. In comparison, because a communist global order is one of proletarian dictatorship that can only be imposed, it is a rich soil for terrorism, in particular, state-organized terrorism or class-centered terrorism. The history of modern communism is a history of terrorism of various forms, in particular, state-organized terrors or "red-terrors". Noteworthy, the dictatorship of the mass is not true democracy, though democracy, in the operational and procedural level, is often the rule of the majority. In democracy, all count. In the dictatorship of the mass, those who do not belong to the social class of the mass do not count — that is, they are unjustly deprived of basic political rights because of their class belonging.

Admittedly, today, there are practices that can be called "exportation of Western liberal values" through tanks, airplanes, missiles, and the like, which is in essence not

different from religious terrorism or fundamentalism of various kinds. This kind of practice is not that of cosmopolitanism, but of imperialism. This kind of practice constitutes another form of global totalitarianism. As Habermas indicates, “Cosmopolitanism is not the same thing as global export of its own way of life” (Habermas, 2009, 16). It is certainly not Western imperialism or any religious imperialism today. Cosmopolitanism lives on reason and truth. Imperialism or terrorism lives on force, violence and oppression. Communism can be an ally to imperialism or terrorism, but cosmopolitanism not.

4. A global order in cosmopolitanism is of full inclusion while a global in communism is of class exclusion

The comparison between cosmopolitanism and communism here is not between citizen-politics and class-politics. It is between democracy and dictatorship in various forms. The difference is between an inclusive form of life and politics and an exclusive form of life and politics. It is the struggle between the idea of power of all and the idea of power of some. It is the conflict between equal respects for rights of all and unequal treatment of rights of citizens in according with their social classes and political alliance. In the globe, it will be the conflict between inclusion of all citizens as free, equal citizen in a cosmopolitan order and inclusion of only some, but exclusion the other in a communist order. It will be the conflict between the form of life wherein all nations and peoples are united as one global family regardless of their national origins, political beliefs, religious beliefs, constitutional systems, and the like and the form of life wherein all proletarians are united as one family to wage war on the rest of the world.

With regard to the principle of inclusion of all citizens in cosmopolitanism, Pogge describes social-justice cosmopolitanism which he endorses as having four commitments. One of these four commitments of social-justice cosmopolitanism is “all-inclusiveness: Every human being counts as an ultimate unit of moral concern and is therefore included in the information base on which a cosmopolitan moral criterion bases its assessments and prescriptions” (Pogge, 2007, 316). For Habermas, “the inclusion of all persons in a cosmopolitan political order” is a necessary component of a cosmopolitanistic vision (Habermas, 2009, 119 — 121). Conceptually, the norm of inclusion and the norm of basic human rights are importantly related. Basic rights make inclusion necessary. Inclusion honor basic rights.

As a result of the above, cosmopolitanism brings about solidarity of all citizens on the earth through inclusion and toleration of all citizens under the rule of law. Communism unites all men and women in the so-called working class in the world but excludes and intolerates others of men and women that are allegedly not belonging to the working class. Cosmopolitanism focuses on protection and promotion of basic rights, obligations, and human dignity of all citizens in the globe. Communism focuses on liberation of men and women in the so called working class from their current situation, turning them from ruled class into the ruling class. The concept of class division and class struggle in communism is its Achilles’ heel.

A distinction should be drawn between political unity through inclusion and political unity as metaphysical integration. In the former, differences exist and are

included and tolerated. In the latter, differences vanish. Cosmopolitanism strives for the former, not the later. Communism strives for the latter, not the former. A cosmopolitan order in cosmopolitanism is a global legal order in which all peoples of all social classes, social status, and social backgrounds are included and citizens of all social classes, social status, and social backgrounds tolerate each other. A communist global order is a political order wherein citizens from the proletarian classes are sovereignty masters and the rest of other social classes are objects of reform and thus not full citizens. Cosmopolitanism focuses on individual citizens as citizens of the globe. Communism emphasizes a particular social class as the one that embodies the historical mission of moving history forward. Cosmopolitanism accommodates diversity, and tolerates difference. It allows citizens of all social classes with equal, full citizen-rights to extend their lives together under the rule of law. In comparison, communism practices what can be called “class blackmail” — either citizens in the globe become members of the proletarian class or they will be casted out as the other.

Cosmopolitanism calls for a legal order democratically established in the globe because it recognizes the legitimacy of diverse centers of happiness, values, and interests of nations and individuals in the globe. It calls for a global legal order wherein these diverse centers can co-exist and thrive amid their conflict and antagonism. Communism does not draw a distinction between the rule of law and the rule of the will of some because it does not want a global order of diversity and difference; instead, it wants a world of total equality, same identity, and pure red.

Therefore, a cosmopolitan order is an order of total, full inclusion wherein a unified legal order, which is established through global democracy, provides an ethical-political unity, but not metaphysical integration and oneness. In comparison, a global order in communism is an order of metaphysical unity wherein all are integrated as one and all differences and diversity are eliminated. A cosmopolitan order is an order of global unity with diversity — unity with the same legal framework wherein ethical, cultural diversity are tolerated and included. In comparison, a communist global order is an order of pure “red” wherein all other ethical, cultural, moral, and political — in short, ideological — “colors” are either eliminated or transformed into the color “red”.

5. A global order in cosmopolitanism embodies full commitment to realization of humanity in the globe, while a global order in communism lacks such a commitment

In present cosmopolitanism, a cosmopolitan order is a humanity-centered one. It is an order wherein humanity as the standard and quality stands straight and humankind will thrive to realize humanity. It is an order in which humanity is not merely a moral norm, but also a legal norm. Accordingly, it is an order wherein “crimes against humanity” constitute a distinctive category of crimes. Cosmopolitan norms of justice frame “the morality of laws” and “signal the eventual legalization and jurisdiction of the rights claims of human beings” on the earth (Benhabib, 2006, 20). Global laws of justice take global humanity as their home, defining basic human rights, obligations, inviolability of humanity, and crime against humanity. Rawls is right in insisting that justice prescribe the inviolability of a person’s humanity. Pogge is profoundly right in concluding that “Rawls, Blake and Nagel have given no good reasons for exempting

transnational institutional arrangements from any and all social justice assessment.” (Pogge, 2007, 320). Noteworthy also, the concept “crimes against humanity” makes humanity a legal object that can be injured by crimes and a legal subject that has legitimate claim of inviolability. The concept “crimes against humanity” is at the core of the conceptual framework of present cosmopolitanism.

The “political stance of the cosmopolitan is intrinsically valuable: for it recognizes in persons what is especially fundamental about them, most worthy of reverence and acknowledgement” (Nussbaum, 1997, 8). Cosmopolitan norms of justice indicate that a citizen’s humanity-identity is “the source of all reasons and values” (Korsgaard, 1996, 122). They indicate that “We must treat our humanity identity as a form of practical, normative identity” (Ibid., 132). “Humanity is, of course, a name not merely for a species but for a quality” (Williams, 1995, 88). Whether we call humanity the human condition or the human quality and standard, humanity elevates human existence, practice and institution. Thus, for example, “a human right . . . is a reason to treat persons in certain ways” (Orend, 2002, 18). Cosmopolitan laws embody global justice in terms of global humanity. For example, laws prohibiting cruelty and crimes against humanity in the globe are of global justice in terms of global humanity. Noteworthy, the concept of crimes against humanity makes humanity a legal subject for the first time. That is, it indicates that humanity itself can be an object upon which criminal acts can introduce injury and damage. Thus, while a cosmopolitan order is a juridical order, the norm of humanity is a juridical norm. In present cosmopolitanism, violation of humanity will be prosecuted through the proper legal procedure, not merely be morally condemned.

Moreover, cosmopolitan norms and global laws define a cosmopolitan order in which humanity as a value and as a substance, humankind’s intrinsic worthiness, rights, potentiality, and capacity can be fully realized. By these norms, violation of humanity will not only be morally condemned, but also legally prosecuted. Cosmopolitan norms create a legal order centered on the norm and standard of humanity. In such an order, we see, in the words of Hannah Arendt, “How great a burden of mankind is for man” (Arendt, 1978, 235). In such an order, we see justice to be, in the words of Josiah Royce, “fidelity to human ties” (Royce, 1971, 60). At the end of the day, in a cosmopolitan order, “the first form of moral affiliation for the citizen should be her affiliation with rational humanity” (Nussbaum, 1997, 5).

Anthony Giddens argues that “Cosmopolitan morality itself needs to be driven by passion” (Giddens, 2000, 68). The project of cosmopolitanism is driven by a passion for a global legal order of justice and humanity. It is driven by the sentiment that “justice pursued consistently must be justice pursued globally” (Jones, 2007, 6). It is also driven by the sentiment that in the words of Kant, “Out of the crooked timber of humanity no straight thing can ever be made” (Kant, 1923, 23). It is driven by the passion to establish the human standards and norms of human existence and human community, which are not only moral, but also legal. In comparison, communism has no commitment to the realization of full humanity on the earth, even though communism emphasizes equality and criticizes capitalism for turning various natural human relations — including familial relations — into naked commercial relations. The idea of human rights is criticized in communism. The concept of crime against

humanity is not part of the vocabulary of communism. The notion of the inviolability of humanity is absent in communism. Without recognizing, emphasizing, and promoting basic human rights, dignity, and human values, communism merely trades one form of human (social) alienation for another form. In a communist order, individual persons are still merely things and functions of the system of history, not fully autonomous human beings of free will and full human dignity.

In short, from its comparison to communism, as well as to other visions of a global order, cosmopolitanism aspires to develop a global legal order that defines and protects basic human rights, fundamental human values, and common human bonds and wherein humanity develops itself within, through the path of democracy, and under the stare of justice.

II. Cosmopolitan Citizens and Communist Citizens

“Working men have no country,” claimed Marx and Engels (Marx & Engels, 1998, 22). In other words, communist citizens have no dual citizenship — as both national citizens and communist citizens. Instead, they have but one citizenship — the communist citizenship. In comparison, as we learn from Habermas and various others, cosmopolitan citizens always hold a dual citizenship — as both cosmopolitan citizens and as national citizens (Habermas, 2009, 112-123). Communism de-legitimizes national citizenship. In comparison, cosmopolitanism recognizes it. According to present cosmopolitanism, an American or a German does not join the globe village as a non-American or a non-German, but as an American or a German. The same can be said of a Russian, a British, a French, a Chinese, a Japanese, and the like. By this token, communism violates the law of *wu ji bi fan* (extremity produces self-destruction), turning a cosmopolitan citizen into a homeless ghost. In comparison, cosmopolitanism recognizes the law of *wu ji bi fan* and therefore does not turn a cosmopolitan citizen into his or her opposite or something else. More crucial, the different concepts of citizenship lead cosmopolitanism and communism to have different concepts of law and of the democratic process.

The concept of dual citizenship in cosmopolitanism indicates that cosmopolitanism has a more substantial concept of global humanity; in comparison, the communist concept of global humanity is a pale ghost. It reinforces the concept of global justice and the concept of global democracy in cosmopolitanism too. It rejects the communist vision of a global order without full inclusion and global democracy. This is what inclusion in cosmopolitanism means: an inclusion of citizens of different social classes as well as an inclusion of citizens of different nationalities; inclusion of differences not only in class, but also in nationality. By this token, as a distinctive approach to the problems of human existence in our time and in all times, cosmopolitanism is not another form of moral-political universalism, even though it emphasizes obligations of justice to all, obligations of humanity to all, and tasks of democracy of all.

Admittedly, traditional cosmopolitanism talks about global citizens without nations from time to time and cosmopolitan citizens “measure the boundary of our [their] nation by the sun” (Nussbaum, 1997, 6). As Pogge indicates, “based on the

ancient Greek words *cosmos* (world) and *polites* (citizen), a *cosmopolitan* is a citizen of the world” (Pogge, 2007, 312). In the discourse of cosmopolitanism, a typical criticism is that cosmopolitanism proclaims, in the words of Martin Wight, “a world society of individuals, which overrides nations and states” (Lu, 2000, 249). Nonetheless, as described above, developing the Kantian insight, present cosmopolitanism envisions a cosmopolitan order wherein nations do not disappear and cosmopolitan citizens do not lose their national citizenship. The crucial change involves three. First, present cosmopolitanism is rights-centered and basic human rights in present cosmopolitanism are juridical, differing from moral rights. As juridical rights, claims of basic human rights are substantial, and part of their substantial claims is rights as citizens of particular nations, in addition to their cosmopolitan rights as citizens in the globe. Second, present cosmopolitanism recognizes rights of state-nations, cultures, and peoples, while it emphasizes rights of individual persons. Third, present cosmopolitanism recognizes that while basic cosmopolitan rights are rights that citizens in the globe necessarily grant one another under the rule of law, the right and liberty of citizens to retain their membership of particular nations is among basic rights that citizens in the globe necessarily grant one another under the rule of law. Present cosmopolitanism brings into the foreground the daunting task of assembling a global legal architecture amid diversity of national democracies. It emphasizes, not side-steps, the dual obligations of a citizen to everyone and to compatriots.

When Kant used metaphors such as “world congress”, “alliance of nations”, and “permanent association of states” to describe the ideal of cosmopolitanism, he had in mind a cosmopolitan order where nations exist and national citizenship exists. Habermas does not believe that national sovereignty is absolutely inviolable as Kant did. That said, Habermas entertains the concept of a cosmopolitan order with nations and national citizenships. He explicitly talks about the possible conflict of the normative expectation of a cosmopolitan citizenship and that of a national citizenship in a citizen. He explicitly talks about dual citizenship, arguing that “cosmopolitan citizens would have to be guaranteed the conditions they require given their respective local contexts if they are to be able to make effective use of their formal rights. On this basis, fair boundaries between national and cosmopolitan solidarity — that is, boundaries acceptable to both sides — would have to be laid down” (Habermas, 2009, 121).

In his response to Thomas Nagel’s misgiving about a just global political order without a world government, Habermas indicates that the conflict between the role of national citizen and that of cosmopolitan citizen is inevitable but reconcilable. In what he dubs as “the thought experiment” of a cosmopolitan order, which he labels as a “second state of nature”, he insists: “The contradiction between the normative standards of cosmopolitan and national citizens (analyzed by Thomas Nagel) must be defused within a monistic constitutional political order”; meanwhile, “the monistic construction should not lead to a mediatization of the world of states by the authority of a world republic which ignores the fund of trust accumulated in the domestic sphere and the associated loyalty of citizens to their respective nations” (Ibid., 119 — 120). Just as a European order brings about the contradiction between the normative

standards of European and national citizens, a cosmopolitan order brings about the contradiction between the normative standards of cosmopolitan and national citizens. Just as a European citizen is not without nation, a cosmopolitan citizen is not without nation. Just as the contradiction between the normative standards of European and national citizens must be resolved through deliberative, democratic politics, so should be the contradiction between the normative standards of cosmopolitan and national citizens resolved.

The dual citizenship of a citizen in cosmopolitanism imposes a unique burden on a citizen in global democracy, in particular global democracy to assembling global legal architecture — that is, global democracy to transform from national and from regional to global. In such a context, as Benhabib notes, “The tension between universal human rights claims and particularistic cultural and national identities is constitutive of democratic legitimacy” (Benhabib, 2006, 32). In such a context, a citizen might be in a situation of the conflict between meeting the normative standard expectation as a citizen of a particular nation and meeting the normative standard and expectation of a cosmopolitan citizen. A citizen should resolve this conflict within himself or herself through active participation in democratic deliberation.

Recognition of the dual citizenship of a citizen is recognition of the citizen’s concrete humanity — that is, his or her concrete, particular embodiment of universal humanity. A citizen’s national citizenship makes the citizen’s embodiment of humanity cultural and national. A citizen’s cosmopolitan citizenship makes the citizen’s her embodiment of humanity globally. By this token, global humanity is not an abstract concept or being, but one of flesh-soul. Here, national embodiment of universal humanity in a citizen is lift up by his or her global embodiment, and his or her global embodiment of humanity dwells in his or her national embodiment. A citizen’s global humanity is not separable from his or her national/cultural humanity as is the Hindu Atman separable from an empirical self. Nor is national humanity separable from global humanity as does a postmodern self conceive itself to be an isolated island. A citizen in a cosmopolitan order is both national and global. Such a citizen does not run away from his or her national obligations or puts them in the secondary position. Such a citizen simply views these obligations in a greater, more comprehensive horizon.

By this token, with a view of the dual citizenship of a citizen in the cosmopolitan order, cosmopolitanism provides a better account of a citizen’s national and global obligation. It provides us with a better framework for mediating the interests of compatriots and non-compatriots. This can be seen as the following.

First, cosmopolitanism provides us with a comprehensive view to see the nature, legitimacy, scope, and limit of the interests of compatriots and that of non-compatriots. It demands us to meet both the normative standards and expectation of our roles as national citizens and that of our roles as cosmopolitan citizens. While as Josiah Royce indicates, “Justice means, in general, fidelity to human ties in so far as they are ties” (Royce, 1995, 68), our human ties are both national and global. By this token, cosmopolitanism is not only better than communism, but also better than other theories and visions of a possible political order of the world today.

Second, cosmopolitanism provides a far better vehicle to define and fulfill one's national and global obligations. Armed with the concept of global democracy, cosmopolitanism has a better theory of legitimate laws that define a citizen's national and global obligations. Insisting on the horizon of both the global and the national, cosmopolitanism liberates a citizen from provincialism on the one hand and resists abstract universalism on the other hand. Meanwhile, obligations defined in a cosmopolitan order as a legal order would be legal, not merely moral. Therefore, cosmopolitanism provides a concept of obligations of global justice richer and more substantial than concepts of obligations of global justice in any other theories.

Third, anchored around the concept of a citizen's humanity identity as embodied in his or her dual citizenship, cosmopolitanism provides a better theory of the nature and scope of one's national and global obligations. A person's humanity identity is, in the words of Christine Korsgaard, "the source of all reasons and values" for the person (Korsgaard, 1996, 122). Appealing to the idea of a citizen's humanity identity as embodied in his/her dual citizenship, cosmopolitanism indicates the most important source of normativity of human existence. Meanwhile, cosmopolitanism houses obligations of global justice in humanity on the one hand and transcends abstract humanism and abstract universalism on the other hand.

In summary, cosmopolitanism is a belief system advocating the trinity of global justice, global democracy, and global humanity. A cosmopolitan order is an order wherein basic human rights are legally protected, promoted, and honored, fundamental human values thrive, and common human bonds unite all. In a cosmopolitan order, global justice is the light; humanity, the home; and global democracy, the way.

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