

Engaging Cosmopolitanism and Multiculturalism:

Tolerant Commitments at Home and Abroad

By

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A Thesis Submitted to The Honors College

In Partial Fulfillment of the Bachelor's degree

With Honors in

International Studies

THE UNIVERSITY OF ARIZONA

May 2009

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Divergent Approaches

In *The Public and its Problems*,¹ John Dewey keenly linked the shape of the dominant tradition of political theory today to the historical situation in which it arose; this family of theories portrays individuals as inherently existing outside social institutions, joining together only at their own discretion, and as little as possible. Dewey saw this portrayal as a sensible reaction to the oppressive feudal and monarchic political structures that those authors were, in their day, still fighting against; however, he also thought that this portrayal of individuals was false, that people were inherently much more social and communal beings. As he was writing eighty years ago, he argued that society had changed enough on the successes of these theories that strongly shared political institutions were not a threat but instead held great potential. The tradition of theory Dewey's philosophy and those who have followed him are part of have continued on as a persistent but vocal minority to what remains the dominant tradition.

We can find this difference still in divergent approaches to political theory today. Theories of cosmopolitanism – the idea that all of humanity belongs to a single moral community – have received renewed interest in the wake of globalization. Multiculturalism – broadly, how multiple cultures may peacefully coexist in the same area – has received similar attention. In this thesis I seek to explore four formulations, two each, of cosmopolitanism and multiculturalism. Underlying the four formulations are two similarly grounded basic approaches. One approach is to characterize cosmopolitanism and multiculturalism as primarily moral projects, grounded in bedrock universal principles based on reason; this is the dominant tradition. The other approach is

¹ John Dewey. *The Public and its Problems*. Chicago: Swallow Press, 1954.

to establish cosmopolitanism and multiculturalism as ever-ongoing political projects to be undertaken by people building common institutions; this social approach is indebted to the kind of thinking Dewey espoused. While the first approach has garnered substantial achievements, it also has substantial drawbacks; I endorse the second approach as the more promising and consistent with the spirit of cosmopolitanism and multiculturalism.

Part 1: Rejecting Contemporary Accounts

I. Universal Reason Cosmopolitanism

Asked where he came from, Diogenes the Cynic is reputed to have said he was a “*kosmou politês*,” a world-citizen. In “Kant and Stoic Cosmopolitanism,” contemporary American philosopher Martha Nussbaum attributes great importance to Diogenes’ proclamation as a forerunner to the Stoic’s and Kant’s cosmopolitanism. In it she sees the first repudiation of the greater importance typically given to local group attachments, a repudiation all the more startling because of the immense importance of these attachments to the Greeks of the prideful city states. Specifically, she says “he insisted on defining himself, primarily, in terms of more universal aspirations and concerns. It would appear that these concerns focused on the worth of reason and moral purpose inherent in defining one’s humanity.”²

Diogenes proclamation finds echoes in Marcus Aurelius, the emperor of Rome, whose diary entries have become among the most celebrated Stoic texts:

If our intellectual part is common, the reason also, in respect of which we are rational beings, is common: if this is so, common also is the reason which commands us what to do, and what not to do; if this is so, there is a common law also; if this is so, we are fellow-citizens; if this is so, we are members of some political community; if this is so, the world is in a manner a state.³

Nussbaum characterizes this not as a call for a world state, but as a point “more radical still...we should give our first allegiance to no mere form of government...we should give it instead to the moral community made up of the humanity of all human beings. One should always behave so as to treat with equal respect the dignity of reason and

² Martha Nussbaum. “Kant and Stoic Cosmopolitanism.” *The Journal of Political Philosophy*: Volume 5, Number 1, 1997, pp. 5

³ Marcus Aurelius. *The Meditations of Marcus Aurelius*. IV.4.

moral choice in each and every human being.”⁴ I take this to be not just Nussbaum’s description of Stoic cosmopolitanism, but as iterating her own allegiance to this ideal.

Nussbaum argues that the full picture of Kant’s debt to the Stoics is his appropriation of the deep core of their ideas about reason and personhood, “the idea of a kingdom of free rational beings equal in humanity, each of them to be treated as an end no matter where he or she dwells.” This is more a moral exhortation, a regulative idea, than a political proposal. It does, however, give rise to some moral-political obligations, common participation in “a cosmopolis that has an implicit structure of claims and obligations regardless of whether there is an actual political organization in place⁵.”

This is evident in Kant’s use of the term cosmopolitan, first used by Diogenes the Cynic, further developed by the Stoics. The Stoics developed for their purposes an image that man dwells in two communities, one being the local community one enters by random choice of birth, and the other being the universal one we are part of on account of our status as human beings. Accordingly, it is to the latter that our real allegiance lies: “we should recognize humanity wherever it occurs and give its fundamental ingredients, reason and moral capacity, our first allegiance and respect⁶”. There are still very good reasons to care about the local community, to accept one’s place and duty in it. Parents, for instance, should care intensely for their own children, rather than for all children of the world. This is not because they should regard their children as actually any more worthy than others, but that our efforts are best placed in this way because this will make for the best human community, and this is consistent with a cosmopolitan world

⁴ Nussbaum, pp. 8

⁵ Ibid, pp. 12

⁶ Ibid, pp. 7

community⁷. Nussbaum continues elaborating on Stoic formulations of cosmopolitanism, and Kant's deficit and difference to them; much of this ensuing discussion revolves around the role of the passions. While interesting, the focus in the essay is the deep core, elaborated here, that she accepts from both.

Preceding the exegesis of the Stoic roots of Kantian cosmopolitanism, Nussbaum finds cause to appeal to a politics "based on reason and optimism," maligning those theorists, who, influenced by Nietzsche reject reason and optimism in lieu of based "less on reason and more on communal solidarity, less on principle and more on affiliation, less on optimism for progress than on a sober acknowledgment of human finitude and mortality."⁸ Nussbaum criticizes these theories in a general way, finding them wanting for much guidance in the way of political action, and in danger of lapsing into regress and parochialism.

II. Liberal Universalism and Multiculturalism

The concerns Nussbaum has are similar to those articulated by Susan Moller Okin in her own famous article, "Is Multiculturalism Bad for Women?"⁹ In this article Moller discusses the dangers of what might be characterized as a kind of "fuzzy-minded" group-rights multicultural liberalism. A "fuzzy-minded" group rights approach is so called because rather than strictly adhering to a standard or principle, it endorses the idea that different communities within a nation should have some leeway in which to define their own purposes, especially as they relate to preserving what they take to be as crucial

⁷ Ibid, pp. 9

⁸ Ibid, pp. 1-2

⁹ Susan Moller Okin. "Is Multiculturalism Bad for Women?" in *Is Multiculturalism Bad for Women?* Ed. Joshua Cohen and Matthew Howard. Princeton, NJ: Princeton University Press, 1999.

practices or traditions. This typically involves providing for the preservation of a native language, certain customs, religious beliefs and the like by a variety of official or semi-official routes, like codified legal documents protecting a culture's self-determination, or funding for special school curricula.

Moller Okin's approach to the issue is to highlight some actual abuses that have taken place in Western countries seeking a multiculturally tolerant approach to immigrant customs and communities. The main thrust of her argument is to show the tension often in place between the liberal desire, on one hand, to let others lead lives according to their own values, within their own communities and traditions, and on the other, the vigilance that lives should be fulfilling, unhampered by domination. She importantly highlights this tension by reminding us of the sometimes barbarity of other cultures we might be expected to tolerate in immigrant communities, or as cosmopolitans abroad. Subjects of discussion include France's (albeit short-lived) toleration of polygamy, several American doctors' failure to condemn clitoridectomy in a New York Times article, attitudes towards rape that stigmatize the woman in Latin American and African societies, and so on. For Moller Okin, whatever some truth in the necessity of group rights for fulfilling liberal tolerance and allowing people to establish bases of independence and self-respect, it is important for us to remember that many cultures (the claimants of group rights) are fundamentally patriarchic.

The deficit of Moller Okin's article is a lack of constructive suggestions, and with it, a certain binary polarization of possibilities. In the latter part of the article, Moller Okin acknowledges that Will Kymlicka, the figure whom she takes to best represent the liberal theoretical advocacy of group rights, has confronted these issues head on. She

makes an important clarification that it is not just group membership in a viable culture that generates the bases of self-esteem, and not only our capacity to question our social roles, but it is the situatedness of our social roles themselves: whether our culture hoists our role upon us and enforces it. This leads her to conclude that minority group rights might exacerbate women's problems (and by extension, everyone's problems when facing the cosmopolitan concern for universal human dignity), and so that in the case of a more oppressive minority culture within a less oppressive majority culture, the minority culture shouldn't be tolerated or granted rights. But this forceful argument rests upon an even more forceful point, that even Kymlicka sees that *no* culture in the world would likely pass a test about whether men and women were treated equally in a culture. Moller Okin ultimately falls hard on a binary distinction between a multicultural approach to group rights versus liberal universalism. Without saying so, it is apparent in her language that "it is clear that many instances of private sphere discrimination against women on cultural grounds are never likely to emerge in public where courts can enforce their rights and political theorists can label as such practices as illiberal and therefore unjustified violations of women physical or mental integrity."¹⁰ She simply does not trust that the minority cultures protected by group rights can be adequately watched to ensure that women (or others) are being mistreated, so the only recourse is to heavily dampen group rights with liberal universalism.¹¹

The problem is that the first argument does not follow from the second; because both societies with only liberal rights and liberal societies with group rights both fail the private equality test, it does not follow that we should simply opt for the liberal one.

¹⁰ Ibid, pp. 10

¹¹ Ibid, pp. 10. She ultimately seems to say that group rights should be tolerated only when group can justify (essentially prove) the rights as necessary for them and the group's culture is internally liberal.

Indeed, that both types of societies fail is indicative that there is nothing special about group rights which make them inherently more prone to oppression. I would argue that though her discussion of rather egregious failures of liberal societies to guard against abuses of group rights is doubtless warranted and accurate, many communities maintain healthy group practices: Irish, Italian, Polish, Chinese, Indians, to name just a few. Each of these, for instance in large American cities, have thriving communities that still abide by many of their (to outsiders, peculiar) native customs and ways of relating to one another. It is simply not apparent that there is a need to polarize our choices into one or the other of purely equal liberalism or group rights. Can we not trust ourselves to set criteria; to figure out to what limits it is and is not working? We do not simply give up because we sometimes fail – there isn't likely to be any hard and fast-applied principle telling us what the proper limits are every time.

III. Atomism

In the last section, I tried to show that Nussbaum and Moller Okin are motivated by similar concerns, and hinted that I don't think Moller Okin's stance on the issue of multiculturalism – coming down to a rejection of multicultural group rights – works because her solution – adherence to a certain form of politics as a principle – is very tenable. What I'll try to argue in this section is that both are ultimately founded on a similar mistake, and would have similarly bad effects if they were actualized in policy.

My explanation will take a long detour through some considerations on the history of political philosophy, human nature, and society because the mistake they make is very deeply imbedded in a long-standing and dominant family of political theories.

While the length of the explanation might at first seem overly indulgent, it will provide the foundation for the reforms I propose.

I think what powers both Nussbaum and Moller Okin's ideas is called "Atomism."¹² Atomism characterizes the family of philosophical theories called "social contract" first arising in the seventeenth century and continuing to today (indeed largely powering today) which conceive society as arising for the mutually advantageous fulfillment of individual ends. Fundamental to these theories is the notion that individuals have certain rights and that these rights serve to override or deny any allegiance to belong to or sustain a certain society or type of society. Any obligation to belong is conditional upon our explicit consent or it being advantageous to us to join/participate, while the rights are unconditional. Taylor characterizes these theories as "atomistic" because they posit that men can be self-sufficient alone, outside of any social context; in this, they posit a view of human nature.

The sort of self-sufficiency in question is not merely survival, but that men are able to develop their characteristically human potential; to develop his ability to act rationally and morally, to be a responsible and autonomous being. In order to gain the full power of asserting primacy of rights as the foundation of a political theory – to appear neutral on the question of what the social order should be, to avoid possibly confining men's freedom by positing a certain desirable end goal for their development – atomist theorists attempt to deny that there are certain prior conditions for rights to be valid. A common attempt at this involves saying that we do not deny rights even to those who

¹² Charles Taylor, "Atomism," in *Philosophy and the Human Sciences: Philosophical Papers 2*. Cambridge, MA: Cambridge University Press.

seem to have lost their potential for full human development in an Aristotelian sense; for instance, the insane and the senile.

Taylor retorts all the same that we ascribe rights to human beings and sometimes animals – but not to trees, rocks and mountains. Sentience is an important consideration for rights to make sense at all, and it is a specific sort of sentience, not perhaps something basic like the ability to feel pain: we would not relinquish our ascription of rights to things if we could prevent them from feeling pain, as with drugs, or in the case of animals, by killing them with a laser ray.¹³ Rather, Taylor spells out that sentience here involves being “capable of enjoying life and one’s various capacities,” broadly, a kind of “self-awareness of self-feeling.” Taylor says the intuition underlying all of this is that wherever we discern in something a capacity like this (even if this capacity has become dormant and is likely to remain that way), we feel that we should respect this capacity where it exists, not impair it, and foster it.

Crucially, the capacity in question determines the shape of the right: men have rights to political and religious freedom while animals do not. And not all capacities are deserving of being fostered and respected: many humans and animals cannot lick their own elbows (if they possess them), but we do not consider this any kind of right. It is only with things of special significance, again, for instance, sentience.¹⁴ While in discussing animal rights, sentience is not something that needs to be fostered – it is there or it is not. Human rights, on the other hand, are much more extensive:

To affirm the worth of the human capacity to form moral and religious convictions...I ought to become the kind of agent who is capable of authentic conviction, that I ought to be true to my own convictions and not live a lie...¹⁵

¹³ Ibid, pp. 192

¹⁴ Ibid, pp. 192-193

¹⁵ Ibid, pp. 194

It would seem incoherent to claim that humans have important rights to these sorts of things, but to claim on the other hand that we should be indifferent as to whether or not these capacities actually get developed. This is certainly a particular moral stance, not a position of neutrality with respect to moral questions.

Taylor's reasoning is convincing to the point of obviousness once we have become acquainted with it. So what drives the illusion? Taylor thinks the idea that we can assert rights outside of a given context is borne from the great, sometimes paramount importance placed by atomist theories on the freedom to choose one's own mode of life. Though this is a deep current of modernity in its liberating forces, this particular case where it is held above all else is a symptom of the fear that any obligations to affirm or foster something lead to pretexts for the restriction of freedom.¹⁶ According to this, we can discriminate the choices we make on the basis of other principles and moral considerations *if* we accept them, but there is no obligation to do so. The fundamental organizing principle for politics is that we be free to choose, and from this point of view all choices are equally valid as long as they are indeed choices.

Fearing hidden pretexts for the restriction of freedom, the pursuant political theory developed to counter it is understandable. This seems like perhaps the ultimate combination of neutrality and respect for individuals because it emphatically centers valuations of worth and the good with the individual, basically unconnected to any social structure. But this too turns out to be an illusion. If one wants to exalt freedom/choice as the paramount human capacity, "it carries with it the demand that we become beings capable of choice, that we rise to the level of self-consciousness and autonomy...not

¹⁶ Ibid, pp. 196

remain mired through fear, sloth, ignorance....”¹⁷ This strays from neutrality because it is based on a tacit assumption that people are born with the “full capacity of choice,” rather than having that capacity as a potential that needs to be developed. If it is indeed a potential that needs to be developed – and it seems very obvious that it is – the whole atomist attempt to assert rights and man’s independence outside of a particular kind of social context (in the name of neutrality) then fails on two major counts.

The first is that it must be linked to substantial considerations about human nature and society, about where the kind of capacity of choice valued can be developed. Flowing from the first point, the second is more major: we have an obligation to belong to and sustain a certain kind of society in which we can develop our capacities.¹⁸ If we are affirming the worth of certain capacities as we assert rights, and if in affirming that capacity we are saying we should foster these capacities wherever they occur, then any proof demonstrating that these capacities can only develop in a certain kind of society is also proof that we should belong to and sustain that society.¹⁹ Discussing the implications of this second point is where Taylor is most convincing and pertinent to explicating the kind of relationships we need to our fellows and institutions.

Our obligation to belong and sustain flows from what would be a contradiction in trying to assert our right as if it were ultimate – doing so if the assertion of the right would come into conflict with the society – as in asserting a right to pure untrammelled private freedom to do whatever you want. Conceiving ourselves as fully free and self-responsible without any unchosen obligations, we will see, has pernicious consequences for freedom and society. But more the point, such a self-conception doesn’t make any

¹⁷ Ibid, pp. 197

¹⁸ Ibid, pp. 196-198

¹⁹ Ibid, pp. 197

sense. The point is not so much that in asserting these freedoms there is a danger. It's asserting these freedoms without obligation or responsibility. It doesn't make sense to assert the primacy of rights over the duty to belong and sustain society. They are on equal footing because they set the conditions for each other. The duty is to inform our choices by making us aware of the conditions under which freedom is possible; and to make this freedom which we sense we must foster available to future generations. The conditions Taylor posits amount to a history of how we got to be the kind of society we are and what it means about us as humans.

First, the kind of autonomy we're concerned with cannot evolve just inside of a family. Though as we are raised we must learn very important things about how we should be from those close to us, we also must learn significantly from participating in common practices. For instance, our identity as individuals is formed and maintained by the widespread recognition of certain rights and through economic exchange. For another, Taylor queries:

What would happen to our capacity to be free agents if this [public] debate should die away, or if the more specialized debate among intellectuals who attempt to define and clarify the alternatives facing us should also cease, or if the attempts to bring the culture of the past to life again as well as the drives to cultural innovation were to fall off? What would there be left to choose between?²⁰

To stably persist, common practices like these need constant moral support in recognition of their worth. Nor do these practices exist in a vacuum; they find material support in other practices and institutions. What would public debate be without museums, libraries, universities, laboratories, forms of representative government, newspapers and the like? It follows from all of this that truly public, common debate is necessary. It is not just that

²⁰ Ibid, pp. 205

we average citizens have intelligent debates here, and intellectuals have their debates there, and we all do this frequently and in widespread manner, feeding off each other but all basically occurring in private. Because the conditions of our freedom are wrapped up in the entire structure of our culture and society, it follows that our full freedom is bound with shaping the direction of our society through “instruments of common decision.”²¹

After this long detour, it’s hard to see in some respects how Okin and Nussbaum fit here. Taylor’s target writing the essay was anarchist-libertarian philosopher Robert Nozick,²² and neither Okin nor Nussbaum have much to do with this kind of theory. It’s a subtle point, but both of them seem to be relying on the atomistic picture of the individual. In the beginning of this paper, I referenced Dewey’s account of how this kind of theory got its start: it was a retreat away from common institutions, an effort to ignore or do away with the common social background because in those days it was an order that repressed freedom and oppressed individuality. Besides leading to the (mostly wonderful) concrete political changes, they led to perhaps an even greater shift in how justification takes place for them. I think this is the source of perniciousness and mistake in the theories, and where attention should be placed in trying to make better ones.

With the social and the community “gone,” at least very lacking in legitimacy, one could no longer justify a state of affairs by appealing to tradition or community sentiment. Nevertheless, some common way of justification had to be in place to maintain enough cohesion in the social institutions, especially with the new emphasis on individuals’ freedom. Drawing partly on the emergence of modern science and the move

²¹ Ibid, pp. 208

²² Nozick’s very famous and influential book *Anarchy, State and Utopia* tries to present a libertarian political system based solely on the rights of individuals. He argues that a functioning society will result from individuals following purely their own inclinations through a totally free market.

towards Deism and agnosticism against an actively controlling, all-knowing God, justification was sought in (an idealized concept of) universal reason. Reason was an objective standard, because for all correctly thinking people, it would lead us to each of us independently towards a set of true principles on which we could organize society. In this way, debate, and so, human folly (human folly being hammered home by memory of the oppressive order being escaped) could be avoided. Nussbaum and Moller Okin both still subscribe to some true organizing principle that trumps all else, including debate. Nussbaum is totally explicit about her reliance on universal reason. If the rest of us, like her, started following universal reason, our political solutions would simply fall in place. There is no need to engage the other peoples of the world in real dialogue: they simply need to be convinced. Moller Okin's case is a little more complicated. In part, it seems she falls back on liberal universalism simply because it has a better history. However, she also does not seem to advocate substantive engagement with the minority culture groups. The way she talks about liberal universalism and how she comes back to it as a solution have it invoked as some kind of monolithic scheme: in short, a principle, and as one not needing any further justification.²³

This point is the significant deficit of both theories: holding to a principle of universal reason establishes a parochial form of "tolerance" based on a differential commitment to reason, which is rather closely tied to the image of a certain way of life. Those who do not fall within the sphere of behaviors defined in that image are not tolerated. To be sure, this is not to say that Moller Okin and Nussbaum are intolerant, or are sorts of closet authoritarians. Far from it: their approaches ultimately still captures

²³ It appears all the more strange and less legitimate to adhere to a form of liberalism on principle, when, under the light of Taylor's critique of atomism, liberalism is not so much a coherent system as a tradition and way of life, sustained by a variety of commitments and principles.

much of what it means to tolerate, and would allow for a wide variety of ways of life. The concern is that there may be (almost certainly are) modes of cultural life which are not internally liberal, but still “healthy.”

In an interesting article Peter Euben²⁴ readily acknowledges not only the moral appeal, but also the historical successes of these leveling ideals. In arguing for man’s inhabiting two moral communities, and in placing emphasis on the larger one of humanity as the more morally substantial, “Diogenes of Sinope [the Cynic] managed in one stroke to undercut the polarization of Greek and barbarian, slave and free, men and women, public and private that had legitimated the exclusivity of citizenship of the polis.” Tracing through the legacies of the Stoics and Kant, a great deal of good as come from this line of thinking: Kant’s thought especially was hugely important in displacing oppressive older orders, as well as providing much of the foundation for our own more open modern order. Euben’s criticism, however, is trenchant:

Have we not learned how purportedly universalistic traditions that promise emancipation from tradition and politics – Christianity, liberalism and Marxism – have in fact elevated the transitory and local into universalistic ideologies?²⁵

Similar to my point about parochial “toleration,” Euben explains that without a definition of reason, of how that conception of reason became the established one, and an account of the politics it is supplemented by, there is risk of adopting a “posture of exile” along with other “cosmopolitans” or of uncritically accommodating to current structures of power that lead to the exclusion or abuse of many. The philosopher can sit proudly aloof, confident of their own moral goodness because they know reason, and can further feel

²⁴ Peter Euben, “The Polis, Globalization, and the Politics of Place.” in *Democracy and Vision*. Ed. by Aryeh Botwinick and William E. Connolly. Princeton, NJ: Princeton University Press, 2001, pp. 256-289.

²⁵ Ibid, pp. 274.

confident that dissenters just don't know what is right yet, and they don't need to be talked with. Real engagement is just an option, or an additional plus.

The broader point to be gleaned from all of this is that we should be careful of considering ourselves as all the same in any pointed way²⁶. This attitude may be, paradoxically, among the very things that lead to ethnic and internecine conflict. Even among groups thought to be similar, upon invoking them as the same, inequalities in power and other factors might invoke feelings of marginalization in some divergent cultural practice or value held dearly, leading to backlash. As we shall see, “careful” is the operative word in the preceding paragraph, and there are more promising ways to invoke commonality with less danger of marginalization. What I propose rests on conceiving ourselves as involved in a common project, whether in continuing and modifying a tradition, or some more strictly practical political project, or most likely, a combination of the two. What it involves is rebuilding around the critique of atomism. It cannot *just* be that we have things as choices available to us, that I may stroll to the library or read the newspaper on Sunday afternoon because these things are pleasurable to me. We have to conceive them as in a sense part of us, something that is a source of who we are and: we are a people who have libraries, resources for public culture, and so are capable of realizing their freedom and choice. Now this of course sounds overly dramatic. It is not as if we need to walk about in our daily lives feeling deep gratitude for the existence of libraries. Rather, it is something to hold in the background of our political and ethical judgments. Articulating the shape our commitments will take will be a large part of the broad political project I'm trying to articulate, but there is a more

²⁶ We can still consider ourselves the same in some ways – it is obvious that all humans share some commonalities, even culturally. “Pointed” is supposed to convey that “sameness” is invoked for a purpose, such as to justify acting on a political agenda.

immediate gap to be filled before the task of designing political institutions comes to the fore. I refer to it as a “gap” because with the critique of atomism, the image of the lone, rational, self-sufficient individual that is so much a foundation of politics now, falls out. The gap needs to be filled by a more realistic picture of what human beings are.

Part 2: New Foundations

IV. Aristotelian Personhood

Perhaps heeding to criticisms in the vein above, in *Frontiers of Justice*²⁷, a more recent work, Nussbaum has modified her cosmopolitan position from a Stoic and Kantian approach to one much more reliant on Aristotle. The wide variety of ancient Greek ethical theories aimed not at subjective happiness as a singular mood however sustained in duration, but at *eudaimonia*. That term is a complex notion of “human flourishing,” indicating an interrelation between knowledge, virtue, and external goods. The Stoics sought to deny the relevance of external goods to living the good life, to full human flourishing, and focused on reason and through it, virtuous knowledge. Aristotle by contrast thought virtue was an important component, but also recognized the importance of certain degrees of wealth, power, beauty, good children, and so on, for a eudemonistic life. In this, Aristotle’s conception of *eudaimonia* leaves one’s chances of reaching *eudaimonia* much more dependent on the flourishing of others. Nussbaum’s thought has in fact long sided with Aristotle on this point²⁸, and here she replaces the grounding of human dignity in reason articulated in her earlier article with the grounding of reason in the beauty of seeing our reliance on one another to flourish.

Nussbaum now seems to reject most of her earlier position, lambasting those theories which ground reciprocity and dignity in terms of the “allegedly crucial importance of human rationality.”²⁹ Emanating from this focus on rationality she believes are the two commitments at the heart of the social contract tradition: the idea that parties

²⁷ Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, MA: Belknap Press of Harvard University Press, 2006.

²⁸ Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*. 2nd Edition. Cambridge, MA: Cambridge University Press, 2001.

²⁹ Nussbaum, *Frontiers*, pp. 93.

to the social contract are roughly equal in power and ability, and the related idea of mutual advantage as the goal they pursue through cooperating rather than non-cooperation. Nussbaum finds these positions objectionable because they make some rather unrealistic, stifling and exclusionary assumptions. Among these is that most people are not typically roughly equal in power and ability, but vary widely over their lives: we rely on the care of others extremely extensively in our early youth, in our old age, and might do so as well at any point in the prime of our lives when we fall seriously ill or suffer grave injuries. Disputed too is the narrow idealization that mutual advantage is all that should be sought from a social order, where Nussbaum says it is hard to imagine human flourishing outside of a wide range of relationships that have little to do with mutual advantage – “indeed, it would be odd to imagine the human being flourishing outside a network of such relations; such a notion may even be a contradiction of terms.”³⁰ Perhaps the most illicit assumption is that the parties to the social contract are setting the rules for themselves. Such a focus which also serves to deny or make derivative (cast them in terms of charity) any obligations we have to those who are not roughly equal to us, and who, by helping, we would likely give up any strictly conceived mutual advantage. For Nussbaum, this is not an adequate base of dignity.

Driving her new approach, she says, is “the Aristotelian sense that there is some wonderful and worthy of awe in any complex natural organism.”³¹ She bolsters this point with the explicit recognition of her debt to Aristotle’s notion of man as a “political animal.” Man as a political animal chiefly suggests at two things. Man is political in the sense that he cannot be whole, reach eudemonia, outside of a *polis*, the ancient Greek

³⁰ Ibid, pp. 86.

³¹ Ibid, pp. 94

term for a city-state, signifying not only government but also the whole range of complex social relations between citizens and to institutions. “Animal,” as Nussbaum puts it, is meant to convey that man is a being “whose dignity, rather than being opposed to his animal nature, inheres in it, and its temporal trajectory. Humans begin as needy babies, grow up slowly, and require lots of care as they grow.”³²

While this extreme dependency may fade for most of us, none of us are ever fully free from dependent relations on others. Instead of a reason for shame and exclusion, it should be acknowledged as a dignified condition of human life, and honestly taken into account in our political deliberations. What she now endorses is a “capabilities approach, with its emphasis on a continuum of types of capability and functioning.” In this approach she seeks to make room to accommodate and let flourish those who would fall out of a social contract: the very young, the elderly and the disabled; those in other countries; and animals. A look at the provisional list Nussbaum has made of those capabilities necessary for human flourishing is necessary to get a better sense the “complexity” that generates the sense of wonderfulness and awe.

The central human capabilities outlined cover a fittingly wide range of concerns, running the gamut from the need of adequate health and housing, to some fairly explicit political needs concerning property rights and employment. Though Nussbaum formulates the list of capabilities in such a way as to set each grouping of capabilities on equal grounds with the other, the purely physiological and the political capabilities seem to bookend some capabilities related to our relationships with others:

- 5. Being able to have attachments to things and people outside ourselves;
- 7A. Being able to live with and towards others; to recognize and show concern for other human beings;

³² Ibid, pp. 87.

- 7B. Having the social bases of self-respect and nonhumiliation;
- 8. Being able to live with concern for and in relation to animals, plants, and the world of nature.
- 10A. Being able to participate effectively in political choices that govern one's life;³³

These are the capabilities that seem the most forcefully Aristotelian of Nussbaum's project, as they recognize the plurality of people, goods and circumstances directly out of the control of one's life needed to achieve eudaimonia. The fact of this interdependence, the interwoven quality of our fates, is the source of complexity, wonder and awe for Aristotle and Nussbaum.

It should be readily clear that this cosmopolitanism is by leaps and bounds an improvement over Nussbaum's earlier Stoic-derived formation. Rather than grounding her cosmopolitanism in an ambiguous and possibly stultifying notion of universal reason, this Aristotelian cosmopolitanism aspires more explicitly to a form of cultural neutrality. The sense of dignity is less contingent on the possession of a certain culturally important characteristic, and more simply given on account of our biological humanness. The plurality of capabilities it recognizes seems a more realistic treatment of the tolerance of variety that seems implicit in cosmopolitanism. Further in contrast to the Stoic-based cosmopolitanism, it includes a sort of politics with it: the satisfaction of capabilities in concrete ways is a more actualized cosmopolitanism, rather than leaning towards celebrating the mere regard of others as equals. In so doing, it directly aspires to a sort of multiculturalism: the careful, but inspecific wording of her capabilities – for instance, *effective* political participation (italics mine) – is meant to leave room for cultural practices apart from our own. By this and the rather unconditional nature of Aristotelian dignity (e.g., not based on a commitment to reason, but to the fact of interdependence),

³³ Ibid, pp. 76-77.

Nussbaum's Aristotelian approach is less vulnerable than her Stoic approach to a parochial tolerance. However, it still does not give us sufficient criteria as to how we might discern where a capability, particularly the ones relating to relationship fulfillment, is being met. It still falls (albeit slightly differently) to Euben's criticism that dominant particulars may establish themselves in universal ways. I will return to this question in the latter half of the essay; before addressing them, there is a deeper and more pressing question that must be accounted for. That is, what motivates us to care for others in the way she is proposing?

Nussbaum's neo-Aristotelianism goes part of the distance. A sentimental feeling of beauty, dignity and awe at the deep entwinement of living things upon each other seems to me as likely a candidate as any – perhaps more than most – to help foster goodwill among humanity. But this will still treat morality as something that is in a certain sense exterior to us. In this it is still akin to her earlier stoicism, celebrating the reason essential in all of us. Neither of these theories get at how the grounding of dignity (in reason or entwinement of needs) affects our sense of self, the very core of why we act – only the picture of ourselves and others, and how we should act.

V. Care of the Self

In a broad and insightful article, "Cosmopolitanism: Moral and Political," Fred Dallmayr discusses Foucault's work in the *History of Sexuality* series on ancient Cynic and Stoic ethics as cognizant and indeed aiming at precisely this moral motivation.³⁴ On Foucault's reading, Nussbaum's characterization of Diogenes is accurate, but does not convey the full picture. He was surely influential to the Stoics, and thus Kant, and in declaring

³⁴ Fred Dallmayr, "Cosmopolitanism Moral and Political," *Political Theory*: Volume 31, Number 3, 2003

himself a world citizen, just as much gave no importance to markings of status. This is, after all, the Diogenes whom Alexander the Great stumbled upon basking in the morning sun, and thrilled to meet the famous philosopher, asked whether there was anything he might do for him, to which Diogenes replied, “Yes: Stand out of my sunlight.” But this is also the Diogenes whom came to the Academy while Plato was giving Socrates’ (then-praised) definition of man as a “featherless biped” with a plucked chicken and announced “Behold! I have brought you a man”; who wandered among the city’s bustle with a lit lamp in broad daylight telling others he was merely looking for a human being; and who celebrated dog’s virtues of shamelessness, simplicity and unpretension.

There is certainly a leveling quality to Diogenes’ teachings that would lend itself to the cosmopolitan tradition as we understand it today. It is emphatic in his practices that differences of culture and status are unimportant for ascertaining human dignity. However, this exact point was not Diogenes’ explicit or direct aim. Diogenes was more interested in dispelling status and its attendant cultural norms as arbitrary and unnatural, and so subject to the whitherings of reason. Foucault explains Diogenes’ strange behavior as a form of “performance criticism” – his words to Alexander, to Plato and onlookers, and lamp-carrying in public places imply something like the Greek maxim to “know thyself.” That is, Diogenes meant for his targets to question what was assumed or seemingly apparent, and to apply these questions to their most basic ethical foundations. Interestingly, rather than aiming at the developing new ethical rules, it was to suggest motivational guidance: “A rule of conduct is one thing; the conduct that may be governed by this rule is another. But another thing still is the manner in which (one thinks) one

ought to conduct oneself.”³⁵ This understanding, and the various specific forms it took, were captured under the banner of the ancient Greek term “epimeleia hatou,” or “care of the self.” Foucault and his interlocutors have been careful to emphasize that care of the self is not a deeply inward and contemplative or self-centered process, but in fact “passed through an elaborate network of relationships with others...it was oriented from the self outward, to things, to events, and then back to the self.”³⁶

Diogenes’ lived strictly according to his teachings. In maligning material goods, he lived in a kind of tub in the middle of the city, ate poorly, dressed shabbily, and did not work. A care of the self need not be as radical and foreign as Diogenes’, however. Diogenes’ conception of the good, giving birth to the Stoics’ as it did, places emphasis on the self-contained nature of reason to be virtuous, and is critical of anything that seems unnatural or arbitrary; in caring for himself, Diogenes also had to care for others, hence his performance criticism. An Aristotelian form is also possible. This form would recognize the plurality of goods needed to flourish for oneself, and by the logic of it, need to care for others to achieve their flourishing.

VI. Aristotelian Care of the Self

“If people fall below the threshold on any one of the capabilities, that is a failure of basic justice, no matter how high up they are on all others...Human beings are characterized by...the need for an irreducible plurality of opportunities for life activity.”³⁷

It is clear that Nussbaum’s theory actually requires a great deal from us towards others.

On the same page, she offers her critique of Rawls’ emphasis on distributive justice, on money and wealth, are not enough to sufficiently capture this plurality of needs.

³⁵ Michel Foucault, *The History of Sexuality, Vol 2: The Use of Pleasure*. Translated by Robert Hurley. New York: Pantheon, 1986. pp. 26.

³⁶ Paul Rabinow, *Anthropos Today*. Princeton, NJ: Princeton University Press, 2003. pp. 10.

³⁷ Nussbaum, *Frontiers*, 167

Nussbaum insists that no matter how much money is given to a person in a wheelchair, they will not have proper access to public space unless public space itself is redesigned. This is aside even from political-institutional considerations as in the wheelchair example just given. In talking about the need to care for others, she mentions a “good public culture” is necessary so that care is not considered burdensome, does not fall too disproportionately on any one person, but is handled by all (in a general sense) as a matter of course.³⁸ However, this would actually be quite a large change from what one might roughly call our current political ethic. What would drive the move to this? I think this must be related back again to Foucault’s distinction between moral codes and its motivational sources. Describing these shifts Nussbaum is advocating, I think Nussbaum cannot be but heading in this direction. She takes care to present it very even-handedly, but it really is quite a large change in how we think, or would be in order to be implemented. Such a radical change in thought needs something like a “care of the self,” a way that links the way we take care of ourselves with the way we take care of others.

This need comes out most pressingly in her discussion of the tension she suggests exists between liberalism and some strands of neo-Aristotelian thought.³⁹ Feminist theorist Eva Kittay suggests (and I think this is actually not terribly far from Nussbaum’s own core as well) that we think of ourselves as all some mother’s child, all entwined in relations of dependency. This would seem to result in a care-based society, very different from liberal aspirations to independence and liberty. Kittay’s rough theory, Nussbaum suggests, is familiar in some ways to the welfare state, but one “in which liberty is far less important than security and well-being.” The tension appears when at times Kittay

³⁸ Ibid, pp. 170

³⁹ Ibid, pp. 217-218.

herself falls back to classic liberal arguments, suggesting that we ensure caregivers have enough independence and choices to be able to live their own lives. The work that a notion of care of the self does here is to oppose the supposed tension here: care of others is consistent with and part of care of oneself.

That tension lessened, Nussbaum's concern with an overly maternal state now comes to the fore. Stated in new terms, might care of the self might carry an absolutizing risk where one has to "take care" of everyone (or overly "care" for one) and become an exercise of domination? The Greeks were much consumed by this: the problem of slavery; of not being enslaved by others, and in the case of being free, not being a slave to oneself and one's desires. Caring for others was limited, structured, by a person's relationships:

"If you know what it means for you to be a citizen in a city, to be the head of the household in an *oikos*, if you know what things you must fear and those that you should not fear...you cannot abuse your power over others."⁴⁰

Care of the self proceeds through a series of relationships, and comes back to define the individual through their practice of it. One cannot concern oneself with being good, without taking on the roles of citizen, father, friend, and so on. One must have knowledge of what these roles are and knowledge of certain ethical principles. If one has all of this, then care of the self cannot become domination of others.

This does not in itself do away with Nussbaum's worry. Though the practice properly construed is not very open to domination, the roles through which it takes route are open to interrogation. What exactly does it mean to be a citizen or father? Indeed, some of our most pressing concerns today revolve around these questions. We are

⁴⁰ Michel Foucault, "Ethic of Care for the Self," an interview in *The Final Foucault*, ed. by James Bernauer and David Rasmussen. Cambridge, MA: MIT Press, 1988, pp. 8.

pushing for openness in these roles because we have come to see rigid definition of them as stifling. Some tentative answers seem to me to supply themselves in response to this kind of inquiry.

First is to emphasize again that care of the self was less concerned with supplying strict ethical codes and more concerned with motivation. This implies that there was flexibility to these roles that were defined by more general codes of conduct. That the roles weren't beyond question is attested to by the number of texts discussing the nature of citizenship, friendship and so on.

Second is to emphasize (as Foucault did) that a new practice of care of the self would not be revived in any way, but reconstructed. We are too far in our present cultural practices from ancient modes to simply revive them. Accordingly, any reconstruction would take place within current institutions. We have a host of political institutions devoted to easing rigid hierarchies and roles, like anti-discrimination laws, child-leave policies in European countries encouraging male leave, and democracy itself in a broader sense. This, of course, is preceded by a much deeper-seated cultural trend that has been evolving at least since the Enlightenment encouraging these kinds of things. These institutions have a stability in themselves and nor is their cultural impetus is likely to dry up soon. These are cause for allaying the fear that overbearing traditionalism is necessarily attendant with establishing care of the self.

To be clear, care of the self cannot go without roles. Nor can Nussbaum's approach realistically go without them as it seeks to establish obligations to others.⁴¹ Our current ambivalence about these roles comes from two sources. The first is that most

⁴¹ It is hard to envision Nussbaum's project operating without a more extensive definition of citizenship, for instance.

liberal theories seek to deny obligations to others except as derivative from something more primary, usually negative rights. This is precisely what is being criticized by Nussbaum as ultimately problematic. The second is that even basic roles, such as father, are in upheaval. This should be in some ways a temporary phenomenon. The cultural pressure from the long-developing liberal cultural impulse to do away with rigid hierarchies has only in the past few decades fully permeated the private sphere. In time roles will probably reestablish themselves in a more open form. We have seen the utterly destructive effect that lack of any sort of father figure has had on poor African-American communities in urban areas of the United States. On the other hand, signs that roles are reconstituting are in homosexual couples settling down with children, and again, in more egalitarian gender roles in heterosexual couples, especially in countries with policies actively pushing in this direction.

The latter developments serve to remind us that a certain roles like “father” are not homogenous but composed of multiple points of relationship. Fatherhood might once have generated an illusion of being one monolithic relationship when all of its duties fit into a tightly knit bundle under the onus of “teaching one’s son to be a man,” but these points are now more ably diffuse. This is in part because things like “being a man” have opened and this allows them to be taken on in new ways. So the way is paved for the redefinition of roles with less attachment to illicit social hierarchies, genders, orientations and the like. Clarifying, critiquing, supporting these new roles and relationships would then become one of the central tasks of liberal political theory, and this would entail some

of the familiar tasks at present, like the legitimacy of authority and the access and distribution of material and cultural wealth.⁴²

This reconceptualization of a liberalism based around various kinds of relationships – to people and institutions – would also do much to arbitrate the enduring debates between liberals, and related but historically dissenting groups like republicans and communitarians. Both of the latter, with an emphasis on acquiring a kind of virtue through active political or community participation, have affinity with an identity formed through care of the self in that all three posit that an individual needs more relationships to really even be an individual and to flourish as such, than do liberalisms based on incarnations of the sovereign rational individual. Characterizing in more detail, in this focus, just what these relationships are, provides a good way to frame this great debate and to analytically clarify each position. I will argue in the second half of this paper that broad engagement with the critiques offered here drives us towards specifying the constituent parts of a new sort of liberal theory. In finding elements worthy in republican and communitarian ideas, liberalism can find resources for multiculturalism and cosmopolitanism in a richer, fuller social setting, allowed by something like of developing a new ethic of care of the self. The tools to defend against parochial threats that the more austere liberalism of today fought against by trying to detach individuals from each other and their institutions are provided by a few key thinkers. Charles Taylor’s more concrete work in political theory offers a sketch of the problems our current institutions generate for freedom, and what relationships we should have to some new ones. Thomas Pogge’s work on a more culturally-adaptable form of

⁴² The full list of Nussbaum’s ten capabilities could supply a good framework for such kinds of questions, and would require only minor tinkering to fit with a care of the self based reconceptualization of her project.

cosmopolitanism and human rights can be important for carrying out our cosmopolitan obligations.⁴³

⁴³ It may seem strange that I will be focusing on institutional relationships, as opposed to the interpersonal relationship aspect more prominent so far in the discussion. However, I believe that it is not the place of philosophy to venture so far; to try and spell out such close relationships in detail would be a kind of imposition on the future. Relationships should change over time as the institutions themselves evolve, and relationships will – must – adapt to the institutions they occur in. Work by Bernard Williams, Nussbaum herself, and other figures in the philosophy of emotions and friendship can help guide and inform, but the process must be organic.

Part 3: Rebuilding Our Common Enterprise

VII. Active Civic Participation

In an overlooked article⁴⁴, Charles Taylor offers a brief but broad sketch of the history of political systems concerned with human freedom as they relate to each side of an enduring question of Western political and moral philosophy. The question is whether our political system should be founded on a conception of what is a good life for human beings, or alternately, founded on an enumeration of neutral rights. The former was long the dominant paradigm, beginning with Aristotle and Plato, and in connection with freedom-concerning political philosophies finds itself allied with republican-strains (and to an extent, modern communitarians). The latter rights-based paradigm is a relatively recent development, beginning only a few centuries ago, but has since become the dominant one. It is the one that underpins the current model of a liberal government.

Aristotelian ethics starts with a focus on the kind of life that is good for human beings. The issue of what is right to do at any given time is determined for ourselves in terms of the prior, more fundamental and more important concept of the good life. The right thing to do is that which will contribute to the good life. There are two reasons we moderns have gone away from this kind of ethics. One is epistemological and the other is moral/political. The epistemological one is that we aren't as sure about any of this kind of ethical structure: we are much less certain about what the good life is. The political/moral reason is connected to a modern definition of freedom concerned with giving oneself one's own purposes and law, and a corresponding notion that everyone should be equally entitled to the freedom to define these things.

⁴⁴ Charles Taylor, "Hegel's Ambiguous Legacy for Modern Liberalism" in *Hegel and Law*, ed. Michael Salter. Hanover, NH: Aldershot ; Ashgate/Dartmouth, 2003. pp 287-312

Replacing Aristotelian ethics has been a structure of ethics that tries to place the right before the good by developing some kind of procedure, ostensibly grounded in reason, that allows one to find the right thing to do in any circumstance without using a particular concept of the good as part of one's premises. Proceduralism can be your whole moral theory⁴⁵ or it can be a political tool. Taylor says the social contract theories originating in the seventeenth century marked the rise of proceduralism's dominance because they don't aim at establishing what the good life is, but instead look at the procedure, of whether or not something has come about through consent.

Dworkin's theory that a liberal society must be one where political decisions earnestly try to avoid relying on any particular conception of the good life because the government does not treat citizens as equals if it officially prefers one conception to another. We are all very familiar with this kind of society because it is the type we live in now. Its viability is premised on the operation of "invisible hand" mechanisms. The market is the most famous of these, but Taylor makes a very interesting point that the US Constitution is another such mechanism because it seeks to design society in such a way that the system it sets up will channel all energies towards the maintenance of stability and freedom no matter how selfish people's motivations. This liberal tradition contrasts to the civic humanist one, which we are somewhat familiar with from antiquity. Civic humanist systems were participatory and republican. Citizenship was a much weightier, socially and politically more important concept in these systems. Not only because it was a more active and substantial role, but because it also carried more

⁴⁵ Utilitarianism is one such theory, as it says what is right is what increases pleasure or utility, without reference to a larger "good." Kantianism, though to a lesser extent, is also such a theory. The categorical imperative, the centerpiece of the moral theory, is something like a procedure: "Act only according to that maxim whereby you can at the same time will that it should become a universal law."

personal import. At the core of citizenship was citizenship dignity, which rested, as Taylor puts it, on having the sense that “I am an agent – I act in the world, I do significant things – as against a metic [resident alien], or a slave, or a noncitizen who lives in a purely private public sphere prior to any public life.”⁴⁶ Public life differed in significance from private life because it concerns itself with the continuing well-being of the community that is the republic or polis. Thinking of civic humanist societies, for example the ancient Greeks, there was an important link between significant action and fame, wherein fame attached to greatness, feeding back to dignity and honor. The greatness in turn depended on a strong concept of the public space. Public fame was not just the consequence of everyone turning out to share their private admiration: it was admiration in public space, dependent on a widely shared sense of what is significant. The crucial feature of these societies was that the shared significance of strong public space was focused on public institutions because the laws were thought of as the common repository of citizen’s dignity. The laws were considered such because allegiance to upholding them prevented a slide to despotism, in which case public space would effectively disappear, because only one person would be valued.

Taylor points out that there is a kind of public space that still exists, as a dictator might require praise and glory in the form of poems and tributes from his subjects – but it’s a different sort of fame still because the shared significance presumes a kind of equality, more or less, of opportunity. Within the space of shared significance, there was competition for fame, glory, and honor – “full scope for rival ambition” in Taylor’s

⁴⁶ *ibid* 190. Already here we see a connection with care of the self in Foucault, which will be explored in later portions of this paper; remember that a tyrant was something like a slave because he did not know his roles, and because he would be giving in wholly to his desires.

words, where “rivalry and ambition were almost the name of the game.”⁴⁷ What keeps it together is common allegiance to the laws. This common allegiance to laws and institutions, along with the shared sense of public significance, generates an understanding that “we have launched a particular common enterprise...creates a particular bond around this society, this tradition, this history.” To maintain this society, and renew this community bond, citizens need to make political decisions that are pointedly not neutral, but aimed at the well-being of their community. Entwined through this framework – this sense of connected agency as a “being in the world,” as acting with one’s fellows in a public space, tied together by allegiance to a common project and set of institutions - is the basic framework which care of the self fits into.

In some ways, this all seems very distant and even unobtainable. Yet in others, it is not so far from what we do now. The chief difference is the confidence we have in invisible hand mechanisms and their widespread proliferation. By strongly linking private pursuit to public good as markets and modern constitutions following the US’s example have done, we have gone to link private success to a kind of fame and greatness. We have devalued common participation in politics under the idea that private conduct makes it secondary. As indicated at the beginning of this section, the shift to emphasizing the private sphere is underlied by some very strong and worthy political/moral considerations. We are not as sure about what the “good” is as our predecessors were, and we’ve made a shift to emphasizing the importance of a lone acting individual and their ability to shape their own lives as they see fit. And it might seem harder to accommodate the kind of diversity and personal self-rule that we value today in our liberal societies in a civic humanist one. The question would arise then, as to why the

⁴⁷ *ibid* 192.

civic humanist tradition should be given attention as more than a passé historical development. The answer is that some very prominent historical thinkers, Taylor the most forceful and eloquent in that lineage today, have argued quite convincingly that a procedural approach is not a sustainable mode of free society in the long run.

The United States is undoubtedly among the freest countries in the world, but Taylor is concerned that its institutional structure works to basically undermine it. The United States even has some characteristics of civic humanism in that people are bonded very strongly to their institutions. It differs in that these institutions are thought of as repositories of rights in the vein of the liberal tradition, rather than as the goal of citizen self-rule. Familiarly, it leaves us with political participation

which is very adversarial and looks on political power as ‘them’ against ‘us,’ and looks on political action as the retrieving of rights or the retrieving of certain important, very circumscribed goals. So one would have a pattern of political action which is either punctually aimed at a particular goal and/or generally oppositional.

Parts of this description, perhaps, aren’t particularly objectionable. “Them against us” and special interests (if in a more curtailed measure than the present), though unsavory, seem to us part of the dirty but necessary business that is politics. But the rest of the passage is more revealing, reminding us of the darker facets of American politics.

That is, its stance would be that the citizens should defend themselves against government as something beyond them, almost an enemy. The objective is to make sure that, among other bad things, government does not affect this particular interest or that particular group. There is a pattern of political action here which would turn on the legal process of defending rights rather than the representative institutions as a medium of collective self-rule.”

This encourages the defense of rights in court or through single-issue political campaigns, and thus discourages and even hampers real democratic participation in the political process. It forces citizens to mediate their concerns through secondary groups and influential-in-their-own-right specialists, and clear winning and losing sides, not

compromises, often result. Correspondingly, a strict requirement of neutrality in policy decisions along with heavily mediated and dampened public participation would tend to push governance towards mere technical administration. This kind of society – full of fiery protest, free initiative, and even responsive government – is surely not unfree, but it makes democracy harder by pushing life towards fragmentation.

Towards rectifying this, Taylor implores that “what should have died along with communism is the belief that modern societies can be run under a single principle.” This is both communism, which opted for only state planning under “to each according to his ability, to each according to his need” and the reactionary movement in the wake of communism’s collapse that says society should be totally organized by the competitive principle of the free market. The latter system would likely endanger its stability and member’s freedom if the government withdrew from the economy because of the inequalities and exploitation truly wild capitalism would generate. What we need instead is to understand that we have a number of legitimate aims – the efficiency of the market, provision for the needy, effective democratic control and individual rights – and that we must balance them against each other. This recognition of a “diversity of goods” is among the first steps in reclaiming common democratic life.

IX. Multicultural Space

Along with recognizing a diversity of goods, there is also the need to drop the requirement of neutrality from the justification or consequences of public policies. Amy Gutmann, a close interlocutor of Taylor’s work, puts the consequences as such:

Public institutions [are permitted] to further particular cultural values on three conditions: (1) the basic rights of all citizens – including freedom of speech, thought, religion and association – must be protected, (2) no one is manipulated (and of course not coerced)

into accepting the cultural values that are represented by public institutions, and (3) the public officials and institutions that make cultural choices are democratically accountable not only in principle but also in practice.⁴⁸

Particular cultural values can assume the civic humanist cast, of maintaining one's local community, or they can be for sustaining a particular national identity or culture via supporting whatever practices it is based on. These are, or at least involve, substantive conceptions of the good life.

Even with individual rights and democratic safeguards, one might still be weary about founding our politics on the pursuit of a concept of the good, and even if there is wide scope for competition and ambition. The weariness is not misguided: it is not in error that we've come to place a great deal of emphasis on people's autonomy and determining the course of their own lives. Any reformations to our political system that significantly threaten that freedom should be rejected – and wouldn't the establishment of a common good rob them of that freedom? Wouldn't the necessity of active political participation rob them further of choosing their own way of life, for instance, a life solely focused on the private sphere? These are probably strong and importantly felt objections. Much of the sway these objections have is due to holdover atomist illusions.

The first question is brought on by the idea that our current institutions are indeed neutral. They do strive for this in some sense, but by way of Taylor's analysis, the procedural ethic itself is based on a very determinate conception of what it means to be human: the atomist picture that says humans are basically self-contained, self-sufficient and fully autonomous. Just as important as this being a specific moral take on humanness,

⁴⁸ Amy Gutmann, "Introduction" in *Multiculturalism and the Politics of Recognition: an essay by Charles Taylor*. ed. by Amy Gutmann. Princeton, NJ: Princeton University Press. pp 10-11.

is that the neutral procedural ethic probably cannot secure the conditions of its own existence in the long run: it must be partial towards its own values.

This leads the second concern. To deflate it, it must be remembered that we are not atomic beings, but political animals. Active political participation directed towards the shape our society will take – the kind of society that lets us live as autonomous beings, and anyway profoundly shapes our personalities and values – is not in conflict with our freedom, but is very much part of it. And there are of course many different ways of participation, some indeed more and less direct, more and less widely public, according to the institutions. Even if it were possible, it surely wouldn't be that we all had to devote the greater part of our lives to the common legislature or whatever. Public forums and modes of national debate and deliberation about important issues with wide-effect will probably have a place, but part of the “invisible hand” idea should still hold: everyone can (mostly) independently do their small part for the larger good. Part of the “roles” alluded to in care of the self would have to do with what institutions one was closest to. One would have a somewhat different set of obligations, relations to others and idea of themselves according to their “place”⁴⁹ in society.

But the significant key to allaying these fears rests with Gutmann's third criteria and a subsequent clarification of what a substantive conception of the good is; rather than being opposed, active democracy is the perfect avenue for pursuing a common and substantive conception of the good. Let us start with the concept itself. Common good is

⁴⁹ I don't put “place” in quotation marks to wholly invalidate it: people existing in public space implies that they exist within it, and there undoubtedly will be something like roles, as articulated in first discussing care of the self.” What the quotation marks are meant to signify is that the roles won't be as sharply defined as they were under oppressive old orders. There will be flexibility to fulfill them in unique ways, and of course, ability to change from one to another. Again, we are not so far from this in some ways: a professor has a different role and set of ethics to abide by than a doctor or a stockbroker.

not a monolithic idea as one might be led to think, but has different components, as the earlier discussion (e.g., ethical goodness, happiness, good family, etc.) of eudaimonia might suggest. For instance, eudaimonia for Aristotle largely consisted of the four virtues of wisdom, justice, temperance, courage. We hold at least parts of all these in our national identities, which are again not monolithic concepts, but a shifting set of beliefs and practices. Even for him, the four virtues weren't timeless or totally objective, but open to some interpretation and capable of being lived in different ways.

For us, the epistemological doubt powering the procedural approach still holds – wisdom, justice, temperance, courage – we are not as certain what any of these things are as we used to be. This has to do with developments in philosophy, but also with the fact that nations are becoming porous and more populated by immigrants who will bring their own practices and beliefs, as well as modify native ones. This leaves dominant native national practices, ideas and self-conceptions more open than ever to interrogation, to members of incoming cultures attempting to think through their own traditions trying to reach a shared view with what the native culture holds dear or prizes. One can witness this happening all over Western Europe and the United States as, for instance, Germany tries to integrate Turks; Spain, North Africans; and the United States, Central Americans. These minority groups can be seen as sometimes simply retaining their practices, but they often try to partially redefine or expand what it means to be the dominant nationality. This process surely isn't without conflict and never will be.

A frequent and wholly legitimate concern is whether or not these groups' traditions are too far from democracy and liberal tolerance to ever really integrate. Upfront, there are limits to tolerance. The subjugation and denial of freedom for women

is unacceptable. At times this will involve outright conflict and even the use of force by a more tolerant majority culture over a minority culture. It is more often likely that true democratic say will suffice; a majority might support the enacting of some policy aimed at preserving their national culture which the minority feels may steamroll them.

Claiming their individual rights and group rights not to be coerced or manipulated, they may soften the policy, or receive some sphere of non-interference. The hope is that by granting entering minority cultures some autonomy to preserve their way of life, members will feel less threatened in their own identities and be more willing to engage their traditions with the majority culture's. All cultures have some notion of the inherent dignity of human beings (even if often unequally applied); can their notion meet ours, and so come to accept on their own terms the freedoms that our notion of dignity has come to imply? Part of the beauty of pairing the active, civic humanist tradition with a conception of the self which realizes its dependence on others, is that we have to be earnestly concerned with others' flourishing. This means engaging them on what is of significant value to them – and it is rare that earnest engagement does not produce better understanding and tolerance. The basic requirement of minority groups is that they contribute to the national project (including its moral standards). As we see, there is a great deal of room in which contributions are possible, from a number of heritages.

Further, there is nothing that says we have to put all our eggs into one basket, e.g., to have everything pursued under one overweening cultural project. What I have been describing would be a multicultural nation; but also possible is something like a multinational federation, under which common purposes are more pragmatic, for instance, in pursuit of shared resources, wealth, or defense, but not necessarily culture. In

some ways, the founding of the US is emblematic of this. Each of the states was quite different (and often still are), joining into a federal union for common defense. In a much more pointed way, Quebec in Canada has done this. Taylor himself is Quebecois and has written extensive policy proposals⁵⁰ trying to unite Canada in multinational federation that embraces “deep diversity.” He explicitly disavows the need to establish a national identity based on some single conception – even if multifaceted and diverse – of what it is to be Canadian.

In either model, knowledge of *the* organizing moral/political principle is eschewed in favor of an open-ended, inclusive system that actively works to bring people into jointly determining what tolerance and the good are; engagement is built in. This model marks a dramatic improvement over Moller Okin’s that makes a reason-inferred principle the absolute (unquestionable) foundation, and so makes optional engagement with others as to whether they felt they were being tolerated. Paradoxically, the openly moralized civic humanist approach would be more tolerant, diverse and open than the “neutral” approach of procedural liberalism.

⁵⁰ Charles Taylor and Gérard Bouchard. *Bulding the Future: A Time for Reconciliation*. Quebec, Canada: The Consultation Commission on Accommodation Practices Related to Cultural Differences. 2008.

Part 4: Institutional Cosmopolitanism

IX. Human Rights and Diversity

Thomas Pogge is a philosopher who seems to have been very much influenced by Charles Taylor's work. Sometimes explicitly, but implicit in his whole approach, humans are essentially portrayed as communal beings that live in and need institutions to flourish. They have a variety of traditions and ways of life that need to be taken seriously because they are constitutive of their identities and a base of their dignity. Another base of dignity, of course, is also a decent life and standard of living and human rights can be said to be a claim that everyone should have this latter base of dignity. Pogge's approach to their fulfillment is partly an attempt to secure the former base of dignity.

Of fundamental concern for Pogge is the relationship between human rights and autonomy. That they inevitably go together may not be as evident when we discuss human rights to adequate food, shelter and the like, but it is certainly evident when we talk about human rights to freedom of expression and religion. What sense would these latter rights make if we were not talking about beings with their own will and purposes? However, it is not quite clear what exactly we mean by autonomy when we speak of it in relation to human rights. Different degrees of autonomy can be had, and there are different reasons for valuing it. Concomitant with the Western emphasis on the individual, much value is placed on the capacity of individuals to form, choose and carry out purposes in some sense entirely on their own. For communal societies, to apply the Western over more basic standards like disallowing outright coercion and force, would represent an imposition.

In his excellent book, *World Poverty and Human Rights*,⁵¹ Pogge is clearly aware of this specific concern, and of cultural imposition in general. Speaking of the difference between more and less stringent standards of autonomy, Pogge says “what matters us that a society’s institutional order and way of life be endorsed by those to whom they apply – they need not be endorsed in a way others find sufficiently reflective.” But it is hard to see how this works because the need for people to endorse a society is tied up with autonomy. What good is an endorsement if it is not real? Persons must indeed be sufficiently reflective to ensure they are not merely brainwashed by an authoritarian society. The pressure of the contradiction seems felt immediately, as just down the page, Pogge says that we should often promote a person’s good as they define it for themselves “while sometimes perhaps also engaging him in a discussion of this subject.”⁵²

My feeling is that the entire “institutional” understanding of human rights developed in the book is significantly geared towards solving this contradiction and saving cosmopolitan diversity. Rather than to fall back on Western standards, Pogge gives a skeletal account of how institutions may block the realization of human rights, and within the broad context of guarding against human rights failures, cultures are left free to act in their own manner, in accord with their own traditions and understandings of human beings.

However, there seems to me to be some tension in how well Pogge succeeds at dealing with the concerns he tackles in the passages where he touches on autonomy, between Western standards and less imposing ones. On first reading, the framework of Pogge’s institutional understanding seems to guarantee what I’ll call an integrity of will

⁵¹ Thomas Pogge. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms. Second Edition*. Polity Press. Malden, MA. 2008.

⁵² *Ibid*, pp. 40

formation, this term meant to suggest that the person's actions are not improperly induced by others, as opposed to the more stringent and culturally-specific autonomy. Upon closer successive readings, details of the framework evoke questions about whether the framework itself is too reliant on specifically Western standards. I think the question tilts towards a yes, but is ultimately indeterminate. Regardless, the complexity of the answer is not reason for paralysis, but a constant signal that caution and continuing work is needed.

Social justice is closely tied to the question of human flourishing, that "their lives are good, or worthwhile, in the broadest sense," encompassing more partial measures like pleasure, well-being and affluence.⁵³ What actions and goods feed into these partial measures, and the emphases placed on them for flourishing, vary undoubtedly across cultures and individuals. Continuing, Pogge says globalization has rendered obsolete the idea that countries "can agree to disagree about justice."⁵⁴ Here approaches the threat of paternalism. If there is such a wide variety to actual human flourishing, how are we to establish a measure of social justice based on it?

If we are concerned with respecting people's conceptions of flourishing, perhaps the apparent route to take is to avoid making much in the way of a determinate decision at all. Perhaps we would offer as the criteria for justice, to what degree a people's social institutions square with their standard of flourishing. Pogge is admirably candid about the difficulty of following this route. Under that criterion, "a highly oppressive institutional order would be rendered just by the fact that the oppressed are raised so as to accept their abysmal status"; this cannot deliver an adequate conception of justice. Rather, we must

⁵³ Ibid, pp. 33

⁵⁴ Ibid, pp. 39

deal with the “daunting responsibility” that we will shape the world, values and sense of justice of those who come after us in the world. This requires a determinate, substantial conception of human flourishing and “shaping social institutions with such a conception in mind inevitably involves a dose of paternalism.”⁵⁵ Pogge’s candidness is admirable here because I think it is an honest approach to a tough question in philosophy: how one sets a universal standard while tracking between the extremes (really, flip sides of the coin) of absolutism and relativism.

To track this middle ground of setting a conception of human flourishing, with substantive standards but room for cultural interpretation, Pogge proposes four criteria. The first is that the conception of human flourishing should be “thin,” relating means to flourishing, rather than components of; for instance, food, clothing, shelter, basic freedoms. Second, the criteria of justice should be modest: not the highest point an open-ended scale, but a threshold for treating persons “in a minimally decent and equitable way.” Third, the modest criteria are not exhaustive, but compatible with more demanding national standards. Fourth, the more demanding national standards cannot undermine the minimal modest criteria.⁵⁶ Continuing, Pogge’s account of how the criteria may be fulfilled begins towards the heart of ensuring integrity of will formation.

In keeping with a focus on the means to flourishing suggested by the first and subsequent criteria above, Pogge suggests basic goods as the measure for justice and outlines again four criteria for their dispersal. The first two criteria mirror the first two above; only those goods absolutely essential for flourishing count as basic goods, and that possession of the basic goods be limited (qualitatively and quantitatively) to a minimally

⁵⁵ Ibid, pp. 42

⁵⁶ Ibid, pp. 42-43

adequate share. I will temporarily skip the third criteria, which needs much more explanation, in favor of the fourth: that basic goods be limited probabilistically. One's basic needs cannot be one hundred percent guaranteed in any society, but we can say that on this count, as long as the probability of fulfillment is very high, the basic goods are met.⁵⁷

Though we are commonly accustomed to considering only food, shelter and the like to be basic good, Pogge wisely includes some cultural goods as basic goods. Freedom of association, for instance, and also interaction with others are basic goods, though we do not necessarily need them all the time – only a minimally adequate share, for most people. There are some interesting things at work in including cultural goods among the basic goods that link to the framework of the institutional understanding of human rights Pogge is developing. They concern some universal considerations on the shape politics must take and what human beings are, but I'll ask the reader to hold onto these in the back of their head in lieu of the more immediately interesting third criterion, which will lead us into that discussion.

The third criterion proposed is that what should truly be sought is “secure access” to the basic goods, not the basic goods in themselves. This may at first seem weird – why not the goods themselves? The reasoning behind it is simple. People should be free to pursue the basic goods or not, to be a hermit, or to fast for religious reasons, or even to deny some of the basic goods in their entirety. What actually makes this such an interesting criterion is that it marks a significant departure from common ways of thinking about a human right as something that must be met, in a certain sense given to or bestowed directly upon a certain person, to something the person must get for

⁵⁷ Ibid, pp. 44

themselves. Now it might be objected that the difference is not so great: even under the commonly-held conception of human rights, people are assumed to have the dignity to be responsible for their social order and improving their own situation. This is apparent in any good development work; communities' opinions are sought, people talked with and questioned, that they may influence the work being done, which is all eventually to be self-sustaining.

Especially in the case of very impoverished or oppressed people, however, securing human rights is a task to be achieved, and from thereon held more or less as a matter of course – in some sense garnered for them. It will certainly be true for any realistic account that often people will need help. The novelty is that it changes the whole relationship between right and person, actually leaves the person/culture to develop their own stance and way of creating secure access to the right. Room is left here for more political-societal responsibility. It probably won't yet be very clear to the reader exactly what is meant, but this is the kernel that Pogge's "institutional approach" to human rights is built around: instead of securing human rights, we secure institutions in which basic human rights can be reasonably and freely secured.

The task that then arises is discerning how institutions affect us – how we might be prevented access to the goods guaranteed by our human rights. Again aiming for a thorough account, Pogge proposes six general ways. We can be deprived of access by (1) official mandates, as in legal restrictions against certain groups; (2) by the legally authorized conduct of private persons; (3) social institutions "foreseeably and avoidably engender (but do not specifically require or authorize) the shortfall through conduct they stimulate"; (4) by conduct that is legally prohibited but barely mitigated; (5) and (6)

concern lack of access caused by social institutions “avoidably leaving unmitigated the effects” of natural (5) and self-caused (6) defects. These concern situations where lack of access to treatment is avoidable. Further, Pogge excellently includes the “attitude” of social institutions in assessing the moral status of human rights shortfalls, which encompasses something like how avoidable human rights failures are and to what extent certain groups may be explicitly targeted to cause human rights shortfalls.⁵⁸

On Pogge’s own admission there can be overlap among the six ways⁵⁹, and this is a preliminary classification, presumably to be modified in practice. But it seems to me that he has all the bases covered. Malicious or irresponsible actions directly by the government are covered by the first two; disturbances in civil society – for instance, powerful hate groups – are covered by the second through fourth (especially third). For any institutions that meet these skeletal requirements, it seems to me that they would have something like what I referred to earlier as an integrity of will formation. Persons under them are not guaranteed Western autonomy, but especially in light of the six criteria in the preceding paragraph, persons would be seem to be free from pernicious forms of coercion that would impair their ability to reflect sufficiently well on their way of life. If this is correct, then I cannot see how responsibility would not fall on the average person to ensure (to the reasonable extent possible) that there is secure access to the goods indicated by human rights. Responsibility and autonomy of course, also go together. Within the framework Pogge has created, what kind of responsibilities is entailed, and what forms of autonomy do they presuppose?

⁵⁸ Ibid, pp., 47-48

⁵⁹ A critique of the list as it is now would be that the first two criteria are unnecessarily legalistic. One could have a dictator strongly linked with “private” death squads bent on ethnic cleansing, but not legally addressed at all. This is a minor critique, of course. The situation described would be something like the first and third criteria dovetailed together, in keeping with Pogge’s caveat that criteria can overlap.

X. Responsibility and Autonomy

The language in preceding section belies concern for the shape of institutions, of how they act – but which groups or individuals are responsible? According to Pogge, “we should conceive human rights primarily as claims on coercive social institutions and secondarily as claims against those who uphold such institutions.”⁶⁰ But again what exactly does it mean to uphold an institution, and are there degrees of it? Before fully delving into this, and the relation between political-social responsibility and autonomy, it is best to follow a general transition into it by way of some further clarifications and qualifications because this is where the tension noted at the beginning of the paper starts coming to the fore.

The further conceptual development offered is where we see how explicitly the institutional understand of human rights is geared towards pluralistic (culture internal) ways of meeting human rights. Pogge sets the institutional understanding quoted above against the common “interactional” one “which presents human rights as placing the treatment of human beings under certain constraints that do not presuppose the existence of social institutions.”⁶¹ This seems to conceive human rights as “a moral right to an effective legal right,” to which Pogge has, I think, a very interesting critique. Tracking human rights directly to legal rights can lead to demands that are “both too strong and too weak.”

Demands that are too weak reflect, simply, that legally ensured human rights, even if well-enforced, do not guarantee access. The poor and uneducated, for instance,

⁶⁰ Ibid, pp. 50-51

⁶¹ Ibid, pp. 52

may not know how to go about claiming their rights. Demands may be too strong because some societies might have secure access to some human rights as part of their way of life such that legal codification is necessary; and we would not want to charge them with human rights failures just because there is no legal guarantee. Legal mechanisms not specifically directed at human rights, for instance those that could “keep land ownership widely dispersed, ban usury or speculative hoarding of basic staples,” can effectively secure them; as can cultural practices of solidarity with one’s fellows. Here, Pogge seems to be relying on Charles Taylor in “Atomism.”⁶²

To summarize that essay again, it involves the claim that rights spring from our according worth to certain features about people, that this sense of worth entails a commitment to protect and foster that feature, and that this fostering or protection can only take place inside of certain social institutions. Accordingly, we have an obligation to belong to a society in which we’re claiming a right in and a duty to uphold the institutions.⁶³ Instead of trying to assert human rights directly on people via parallel legal rights, which we can now see could be an imposition,⁶⁴ the institutional understanding enables societies to endorse human rights according to their own historically derived

⁶² Charles Taylor, “Atomism” pp. 187-210. There are two tipoffs that Pogge has this essay in mind. The first is tipoff is his articulation of the interactional understanding of as (incorrectly) failing to “presuppose the existence of social institutions.” The second is his invocation of Taylor’s term “atomism” on page 52 when recounting the suspicion aroused in communitarians and those from communal cultures that human rights lead people to view themselves like Westerners, as autonomous and “self-interested individuals willing to insist on their rights no matter what the cost may be to others or society at large.”

⁶³ Again, Taylor is making the case about the autonomy and rationality of individuals as it relates to the ability to choose one’s way of life, which is very highly valued by liberal cultures. Rights protecting the freedom to choose are often asserted outside any social context, but Taylor very convincingly demonstrates that in order to be able to make significant political choices for instance, one needs things like libraries, newspapers, courts, and so on, and a climate in which free speech and debate is respected. Equivalent formulations can be made about what is valued by other cultures, and the institutions and obligations needed to sustain their way of life.

⁶⁴ The two previous footnotes make this point more clear. Parallel legal rights overbear upon other ways of securing access to human rights, ways which are built according to their way of life and points of cultural significance.

ideas about what features of human beings are morally significant and deserve fostering and protection. We may feel that what is most significant about humans is their capacity for autonomy and choice, while another society might find most worthy their ability for spiritual commitment, or the goings on of love and life in a family. The variety – and need for – of legal and cultural practices of securing human rights becomes much more apparent here. So a very great diversity of cultural and social orders can secure access to human rights on their own terms – but again, who designs and upholds these orders, and who is responsible when there isn't secure access to the goods guaranteed by human rights?

Pogge initially lays most of the responsibility at the feet of authority. Those who “uphold” institutions are paradigmatically the highest officials: presidents, dictators, perhaps influential religious leaders in certain societies, generals in others. Lesser figures though, are also very much involved in upholding institutions. Regional ministers, city police chiefs, even individual police officers can be responsible for human rights violations. Consistent with the earlier criteria, crimes become human rights violations “the more closely they are related to his [the official’s] job and the more tolerated or encouraged they are throughout officialdom.”⁶⁵ The six criteria listed earlier are ordered in terms of severity of moral violation; official disrespect at higher and higher levels makes a mockery of human rights by masquerading under the name of law and justice and they are generally committed quite openly for all to see.” Their occurrence throughout officialdom is important because it harkens back to some of the first criteria setting up the institutional approach, the unavoidably probabilistic nature (in no society can all harms be completely guarded against) of human rights fulfillment. A lone crime

⁶⁵ Ibid, pp. 65

committed by even the highest official is not a human rights violation, but merely a crime.⁶⁶ Government also partakes in official disrespect when it fails to adequately address problems raised in civil society, by “rich landowners” or “veterans of the revolutions.” Crimes need not even be committed for official disrespect to occur: a populace can be so terrorized by the prospect of violence that they do not even attempt to claim their rights. Again, the attitude of the institutions matters.

Here Pogge shifts gears, and I think rightfully so: “what is needed to make the object of a right truly secure is a vigilant citizenry that is truly committed to this right and disposed to work for its political realization.”⁶⁷ What sense does it make to talk about the attitude of institutions without talking about the common person? Institutions, after all, do not exist independent of us, but are sustained through our interactions with them. If they are designed in a certain way so as to carry a certain attitude, it is partly by our accepting this feature of them that it holds its force; and partly through the attitudes we might carry to institutions, can they be changed. Ultimately, the people bear final responsibility in their territory, and they help to make for a responsive government that does not participate in human rights violations.

Here, finally, a bevy of questions emerge about the kinds of actors presupposed by Pogge’s institutional account. This goes to the heart of his attempt to square cosmopolitan diversity with human rights fulfillment. It fundamentally concerns not just the duties and act required of people, but the bedrock cultural assumptions about the kind of beings humans are, and how they understand themselves in relation to others. To

⁶⁶ We can imagine special circumstances under which this murder might be a human rights violation. For instance, the murder of a rising leader of a long-oppressed minority threatening the status quo might count as a human rights violation, not merely a crime.

⁶⁷ Ibid, pp. 68

design institutions with secure access to the goods of human rights, how much would the members of a given culture have to adopt a more Western way of viewing themselves?

It helps to start generally. Pogge suggests, in line with Taylor's formulation, that one has a duty to uphold the kind of society in which rights can take hold. His explanation is worth quoting in the whole.

I would be violating this duty if, through my participation I helped sustain a social order in which such access is not secure, in which blacks are enslaved, women disenfranchised, or servants mistreated, for example. Even if I owned no slaves or employed no servants myself, I would still share responsibility: by contributing my labor to the society's economy, my taxes to its government, and so forth. I might honor my negative duty, perhaps, through becoming a hermit or an emigrant, but I could honor it more plausibly by working with others towards shielding the victims of injustice from the harms I help produce, or if this is possible, establishing secure access through institutional reform.⁶⁸

This explanation needed to appear in toto, first, because of the power and dignity of the formulation, and second, because there is a lot tied up in the passage in the way philosophical assumptions. We have, of course, a person who is reflective here. They can abstract themselves from the immediate mores (slavery) of their society and judge it. From this, they can significantly choose their way of life: to be a hermit or a helper. Now, this kind of judgment is probably available to just about everyone we would consider a basically healthy human being. It seems that all people desire an ethical worldview by which they can judge themselves and others, in both personal and ethical senses. But Pogge adds that a basic criteria of just social institutions is that "persons affected by them can develop, deepen, and realize an ethical worldview of their own."⁶⁹ The formulation of reflection is now much more particular and demanding. It seems awfully close to, if not synonymous with, the kind of self-legislating autonomy that Pogge did not want to impose on others – which he tried to avoid with the institutional understanding, and

⁶⁸ Ibid, pp. 72

⁶⁹ Ibid, pp. 54

especially the six criteria. But let me try to avoid the issue of autonomy temporarily by breaking it down. I think this will lead to more pointed considerations.

To develop this kind of reflective capacity some things are needed. One must have some amount of liberty in their way of life. Ethics inevitably has a pragmatic component, and without some freedom to pursue one's ethical inclinations, one could never reflect on the consequences. One would probably also need some source of information on which to contrast your way of life. Books and newspapers serve the purpose well, though conversation with knowledgeable travelers or foreigners might also do. In any case, some degree of freedom of expression is supposed. And if we speak of developing our ethical sense of others, and keeping in mind ethics' pragmatism, some substantial political control is necessary. We cannot fully use our ethical sense unless we can bring it to bear on the broader society and see its consequences. This means having the ability to shape politics and the political agenda.⁷⁰

These do and do not seem specifically Western. Even through the history of imperialisms, many conquered people were basically allowed liberty of conscience. Books are certainly a transcultural phenomenon, but freedom of expression is more tilted towards something Western. Its importance is linked to a person's self-definition, and also to participation in politics – and both of these are linked to the value placed on people's independence and individuality. So Western values, and perhaps Western reflectiveness and autonomy are to some degree presupposed here. The precise character of this reflectiveness can be better ascertained by resituating it in what people are supposed to do for the institutions.

⁷⁰ Ibid, pp. 55. This seems to be another instance where Pogge is indebted to Taylor's "Atomism," especially pp. 204-207.

To go through the points of emphasis again, it's a duty of average people to make sure rights are compatible with their everyday practices; that they carry themselves and act in such a way that rights have a context in which to make sense. They have to care about the tone other people conduct themselves in, and encourage traits in others like open-mindedness, for instance, to ensure freedom of expression has a respected place. They cannot assert their rights in a way that threatens other's access, or even do so in an indirect way (e.g., paying taxes in an unjust society). All but people we would take to be seriously damaged can reflect ethically, and think about what it takes to sustain their (and their culture's) way of life – as in, “I know that I should tend to this thing here so that this other process keeps occurring.” But to consider one's actions in the above sense – in the frame of the duties one has to uphold a certain order – which is a little more abstract, takes something special. It involves the more or less conscious modification of society and the determined creation of a certain kind of society. To do so requires the ability to objectify (in a non-pejorative sense) oneself and one's surroundings: to consider themselves and their relationships to various parts of life as objects to be abstractly modified, planned up on, and implemented back onto everyday life. I think this is probably the quintessential feature of the Western identity, and it does seem to be presupposed by Pogge's institutional approach.

Even if we grant that under Pogge's formulation something similar to Western interiority and autonomy is needed, much may remain of the institutional approach's cosmopolitan aspirations. It turns on the question of how the institutions can be reliably established to provide secure access to human rights and the critique of the necessity of legal human rights. How much a society needs to resemble a liberal democracy to

adequately meet human rights? For some, the ultimate goal of the world might be universal liberal democracy with a great variety of window dressing: all that is possible in a just world is basic institutions like ours. Almost as a second thought, some particular culture practices can be thrown on top – different holidays, foods, buildings and the like – but nothing too far from the basic model. I am more optimistic about how other societies might try to go about the task in ways more deeply aligned with their culture. How might societies go about ensuring secure access to specific goods, and assigning responsibility for particular things such that institutions and secure access are stable and lasting?

For instance, who makes sure that the poor know how to assert their rights? That all of its children receive education and a decent standard of living? When are people complicit in tyrannical government? Or against rich landowners' roving death squads? I think in questions like these it is easy to see how some may decide that liberal democracy is the only way to properly engage accountability, stability, and the requisite political forms to mobilize and guard against these kinds of human rights violations. In my mind, this answer is too easy, and could border on offensive. It ignores more subtle deficiencies and dangers in our own model, while insinuating that it is only we smart guys in the West that have the answers: others are not resourceful enough to develop their own very different, but also effective ways. Of course, some of the pressure to copy Western institutions is let off by the caveat that justice in terms of human rights in this institutional understanding only need minimally meet them. The much more comprehensive coverage Western institutions provide for human rights is optional. Still, it is hard to imagine much political stability for a political society that only met minimal human rights. Demand for secure access above the minimum would almost surely be too much. And in that case,

these societies might look to the West as a model to emulate anyway. This would hardly be a bad situation, but again, I am very curious about other institutions societies might develop in accord with their history and culture. A deeply diverse plurality of just human cultures would be something to behold.

Whatever the truth turns out to be, changing themselves to accord with meeting human rights standards is ultimately an imposition on what exists today for many societies, and especially so for those that are the worst at respecting them. Pogge admitted as much in saying that a substantial conception of human flourishing “inevitably involves a dose of paternalism” and Pogge has admirably faced up the “daunting responsibility” by trying very hard to avoid paternalism. What to make, in the end, of where he fails? It might seem weird on its face for other cultures developing this Western disposition to interiority, autonomy and abstract reflection to be objectionable. Is it really such an imposition, as much as simply an addition? What harm may come from it? It does seem to be an increase in human freedom, but freedom is one (albeit very important) good we aim for among many. Other goods might suffer. It might come about as a loss in vitality of relations with others. Experience might not be so immediate, or so unquestioned. Either of solidarity or harmony with the social order might suffer, and this might be something very highly prized for a culture. Likewise, nature might lose some of its immediacy, and this too might be something very highly valued. Charles Taylor’s brilliant work in *Sources of the Self*⁷¹ suggests that interiority and immediacy can be reconciled, but it would nonetheless be an adjustment. Whatever the case, deciding what is worthy among these tradeoffs is a question to be answered by each culture.

⁷¹ Charles Taylor. *Sources of the Self: The Making of the Modern Identity*. Harvard University Press. Cambridge, MA. 1989.

XI. Responsibilities of Cosmopolitans

So much for the obligations of those within the culture – what obligations do those of us outside have? Barring all but the worst of catastrophes, our interconnections will likely deepen and multiply, even if occasionally being interrupted and receded. It is all but a forgone conclusion that cultures' influence on each other will deepen accordingly.

Relatedly, the critique of atomism serves to remove two sets of blinders; that we are always acting within institutions and cultures; and that when we assert a right we are also asserting something to be valued and fostered. Our obligations rest on the premise of our connectedness, and our commitment to value and foster certain goods wherever we find them. Following Pogge's dictum that human rights are first a claim on institutions and second a claim on those who uphold them, the first kind of obligation we have is to not interact with foreign institutions in ways that encourage them not to provide secure access to human rights.

Pogge believes there are two main ways in which developing countries' progress towards meeting human rights standards is consistently hampered. They stem from the way in which we accord sovereignty:

Any group controlling a preponderance of the means of coercion within a country is internationally recognized as the legitimate government if this country's territory and people – regardless of how this group came to power, of how it exercises power, and the extent to which it may be supported or opposed by the population it rules.⁷²

Conferring sovereignty in this manner gives the ruling group the “international borrowing privilege” and the “international resource privilege.” The borrowing privilege has three pernicious effects. One, it helps even the worst of authoritarian rulers to stay in power

⁷² Pogge pp. 119

because it lets them borrow more than they could alone; two, it incentivizes coup attempts by those so inclined to borrow at the expense of their country; and three, because the international banking system does not often forgive debts even of this morally illegitimate nature, fledgling democracies are often settled with the enormous debts or an altogether revocation of their borrowing privileges (upon a failure to pay enough).⁷³ The international resource privilege comes with similar faults: the same de facto government has the ability to conduct legal transfers of resource ownership and stewardship with the effect of depriving the people of a common source of revenue for development. Again, it also encourages coups – if simple military control over, say, a country’s oil wells, grants legitimacy to whatever profits may come, this is an attractive prospect. These two features of the international order may have a great deal to do with what are commonly seen to be national failures of developing nations, e.g. inadequate infrastructure, political instability, poor stewardship, etc. The obligations flowing from this circumstance are simple: do not interact with these groups in ways that sustain them or the illegitimate infrastructure they create, especially as related to these two international privileges. Were these obligations upheld, developing countries might have an easier time building themselves to meet human rights standards. Consistent with the latter half of Pogge’s dictum, these obligations are a claim on those who uphold improper institutions: not the average citizen of a developed country, but officials in global trade and governance regimes and decision makers in international business. The closer one is to the action, the more the moral weight of the existence of improper institutions one has.

The second kind of obligations are my own proposal (the above being Pogge’s), meant to correct a deficit in the first kind of obligation. The first kind of obligation is

⁷³ Pogge pp. 120-121

dependent upon persons or entities actively causing harm through their support. But if it turns out that this support is not a major factor in a country's struggles to develop, then there are no major obligations. Further, though it does not rule out active help, the formulation of this first kind of obligations suggests that they are met by simply not doing something. Not participating in harmful activities is a good thing, but we should want more out of a cosmopolitan account. It does not seem to me very much in the spirit of cosmopolitanism – on whatever founded – to stop with just that. Fortunately, it is here that the blinders being removed by the critique of atomism are really significant. As we assert rights to something, we assert that we value what it protects, and that it should be not only protected but fostered. When a right is conceived as purely a claim to protect something, for instance, free speech, it is easy to think of it in a confined way, as related only to us. If we know that, additionally, it is a claim that we should care for people's dignity and their ability to be conscientious beings, it is much harder to claim that it should only apply to us. Especially given the great mixing of peoples through globalization, people will have a hard time viewing foreign others as somehow having less personhood, less in that person than themselves worth respecting, whose development need not be fostered. Implicit in the "political animal" view of people shared by Aristotle, Nussbaum, Taylor and most importantly here, Pogge, is that there are multiple ways of fostering what is good in humans, and that helping them achieve their own way is part of that fostering.

I do not propose anything radically different for what it is to care about the fostering of others. There is already much going on in this vein; for instance, the charitable contributions of developed countries; UN and other transnationally

collaborative development initiatives; and the hard work of so many other NGOs. I do not pretend to be an expert on this sort of work and will not offer concrete recommendations. I simply mean to suggest that Pogge's institutional formulation of human rights and the obligations that flow from it are a very good model, and as far as I can tell, consistent with the best work – careful, nuanced, respectful and culturally sensitive – being done in real development projects. This second set of obligations again falls much less on the average person, and much more on those close to the action – but I think there is one final worry – is even this enough? Albeit a powerful one, these obligations fall on a very small group of people. Should we not still expect more from a cosmopolitan theory? Pointedly, should there not be more cosmopolitans?

This is a question whose careful answer is yes and no. For international obligations, for those whose role brings the obligations closest to them – none are forced into it, but choose to be there. Likewise, we should not arbitrarily force more people into such roles. However, I think it would be very much in the right to encourage people to take them on – to tell them that helping distant others is not only the right thing to do, but that it ties into your very dignity as a human being. I think there is reason for optimism, also, that those in the future who take on these roles will be more conscientious and aware of what their place in life with respect to others means – that this talk of care, connectedness and fostering is not just wishful thinking.

From Here to There

There are a confluence of factors at work in the world at present which suggest to me that a sort of change is coming; that acceptance of the minority tradition of political theory which has so influenced the shape of our world today may be in the process of faltering; and that a greater place for common and shared purposes is, if not already emerging, becoming possible.

First, the critiques of atomism seem to be finally taking hold in mainstream political theory. Among the most influential philosophers in recent time was John Rawls, for his book, *A Theory of Justice*. The book is an attempt to update social contract theory, its centerpiece being an elaborate mechanism designed to let people neutrally decide outside of any real political action (any engagement) a right and just set of institutions. Under the weight of Taylor's and others' critiques, however, Rawls backed away from some of his initial claim about the nature of the mechanism, saying now that it is indeed "political, not metaphysical."

Second, confidence in triumphant, naked capitalism is at a severe low, if not an end, due to the world's current financial turmoil. World leaders are openly discussing massive reforms to world political and economic institutions to end of this way of doing things and avoid the dangers of the tumult. Communism discredited, this should mark the end of single-principle political organization; there is no way to go but to pursue a "diversity of goods."

Third, people seem to be striving for a resurgence of community and shared purpose. The massive worldwide excitement towards the election of President Obama is one instance of this. His popularity is surely due in part to being young, good-looking, a

traditionally repressed ethnic minority, and the unpopularity of his political predecessor. Nonetheless, it is hard to see that his unifying rhetoric and international heritage are touching some deeper chord. The continuing emergence of “new social movements” in various countries around the world also bespeaks dissatisfaction with an atomized life; these self-organizing movements all aim to find common purpose and exercise common influence on the direction their societies are taking. In some instances, the emergence of religious fundamentalism and radicalism may be the flip side of the same social movement phenomenon. Even social networking sites, I believe, have some connection to this; it is ever interesting how people in the most strongly atomistic countries, particularly the US, have joined these “online communities” in droves. The self-contained individual disappears here: in nearly simultaneous posts and status updates, people seek advice and others’ opinions on emotions, events and other matters throughout their day.

However, my perception of events and trends may be biased: it is my extraordinary colleagues in the International Studies major who seem to me to be the greatest sign. These are people who have lived and worked with people in developing nations in the most intelligent and interesting ways for solutions to the problems facing them, and in most cases, plan to spend the rest of their lives doing so. Their enthusiasm and dedication cannot be anything but contagious to all who witness it, and I am confident their efforts will be successful. They bring me to quote Margaret Mead:

“Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.”