

GLOBAL JUSTICE THROUGH UTOPIA?

KANT'S UNDERSTANDING OF 'COSMOPOLITANISM' AS INITIAL POINT FOR CONTEMPORARY POLITICAL PHILOSOPHY

DOMINIK HARRER

e-mail: dominik.harrer@ku-linz.at

ABSTRACT: Though the cosmopolitan way of thinking did not start with Immanuel Kant, his influence on the concept of 'acting globally' is an essential basis for contemporary political philosophy – especially in times of growing worldwide interconnectedness. Thus, in this paper I will (1) attempt to connect Kant's notion of a 'league of republics' as a realistic-utopian transition to the genuine ideal (the 'world republic'), to with John Rawls's approach of a 'theory of justice'. And (2) I will show how this relation can be 'sublated' by bringing in a Hegelian understanding of philosophy and Seyla Benhabib's 'cosmopolitanism without illusions'.

KEYWORDS: Cosmopolitanism, Utopia, Political Philosophy, Non-Ideal Turn, Normativity, Global Justice

Introduction: The ancient Greeks and governmental justice

The fact that a state leaves the International Criminal Court, as Burundi did on the 27th of October this year, should make us sensitive regarding the underlying conditions in which such an event is grounded. One month before the withdrawal, the ICC was urged to move forward and open a comprehensive examination. UN investigators claimed that there were "reasonable grounds to believe that crimes against humanity have been committed [in Burundi] in 'a systematic attack against the civilian population'".¹ At a time when "the machine continues to kill with impunity", as one activist said, the state's departure from the ICC reminds of both the fragility and the necessity of internationally accepted institutions. In regard to this charged situation – among many others – we ought to continue to ask: How could a global world order at best – if at all – be established, sustained, and refined? And what may a philosophical approach

¹ Agence France-Presse, "Burundi becomes first nation to leave international criminal court", in *The Guardian*, 28th of October 2017 → <https://www.theguardian.com/law/2017/oct/28/burundi-becomes-first-nation-to-leave-international-criminal-court> [2017-12-17].

contribute to these questions?

One of the final aims of a worldwide political order which includes institutions such as a globally binding criminal court is to bring perpetrators who violate international law to *justice*. This term is one of the basic concepts of political and practical philosophy, and there is a richness of answers to what it means. In Plato's *Republic* we come upon the same as crucial element of his draft of a state. The goal of his governmental construct is the making and protection of justice as a *relational structure*. This leads to the bottom line: 'to each his own', which is meant to be oriented towards the set capabilities of the citizens.² Aristotle as well thought of justice as relational. However, in his *Nicomachean Ethics* he disapproves of a mere 'arithmetical' understanding of justice whereby the given goods are distributed equally to the citizens dependent from their individual skills or properties only. Instead he demands a 'geometrical-analogous' relation in the sense of an equality of proportions: Though justice has to be referred to the individuals living and working in a state, it should not be based on their skills but on their *merits*.³

Thus, initially we find two divergent concepts of justice in the Western history of philosophy: One that has its criteria in the citizens' capabilities which should be realized in the world as best as possible. And another one that is essentially distributional and has not so much to do with individual skills. Instead, the latter demands an adequate relation between the actually achieved merits of the citizens on the one hand and their share of the commonly generated goods on the other.

The Enlightenment and the universality of human rights

Since the ancient Greeks, the discussion of justice as a central concept continued in ethics, and in legal and political philosophy. Meanwhile, though the discussion has become (at least partly) less state-centered and moreover driven by the aim to seek for justice on a global level. Further it has become related to the human being itself and neither individual skills nor merits hardly matter anymore. Above all, the proponents of the Enlightenment promoted the idea of the individual right to self

2 Plato, *Republic*, IV, 433a. – Of course, this sentence must not be mistaken with the utterly cruel version of the same stemming from the National Socialists.

3 Aristotle, *Nicomachean Ethics*, V, 6, 1131a f.

determination which became more and more important over time. This led to the understanding of human beings as *legal persons* who thenceforward inherently had a claim to certain rights and goods which should be distributed equally, for example a decent health care or security. And even if in the present the distribution of goods may be regulated differently according to the particular political constitutions, the mutual respect for human rights is uncontroversial – at least in the so called ‘Global North’.

However, referencing the ‘North–South divide’ as socio-economic and political division between differently ‘developed’ states foregrounds the fact that even human rights do not seem to be as solid as they are meant to be. One fiercely contested contemporary debate in Europe relates to the so called ‘migration flows’ and the persistent disagreement of the EU Member States concerning how much refugees should be taken in by each country. Some Eastern countries, for example, want EU migration policy focused on the external borders. The common solution should not be a binding rate for each of the Member States, they claim, but a “toughening of the European Union’s immigration policy.”⁴ In comparison, we can look into Hannah Arendt’s thoughts on this matter: In the 1950s she stated that the sole existing right is the “right to have rights” – an “internationally guaranteed right to *Citizenship*” – with which she responds to the spreading “statelessness” after the two World Wars in the 20th century.⁵

But Arendt was not the first one who called for hospitality regarding persons with refugee status: Being in line with the aforementioned thought of universal human rights, Immanuel Kant understands every human being both as a citizen of a nation-state and as a *world citizen*, who belongs to the common *world republic*. In his text *Toward Perpetual Peace*⁶ from 1795, we find the right of the cosmopolitan after the

4 Chrysoloras, Nikos / Dendrinou, Viktoria, “Divisions Over Immigration Expose EU’s Fault Lines at Summit”, in: Bloomberg, 14th of December 2017. URL: <https://www.bloomberg.com/news/articles/2017-12-14/hungary-defends-the-donalds-exposing-eu-fault-lines-in-summit> [2017-12-17].

5 Arendt, Hannah, “Statelessness”, 22nd of April 1955. URL: <http://www.hannaharendt.net/index.php/han/article/view/155/276> [2017-12-17].

6 For an important translator’s note see: Kant, Immanuel, *Towards Perpetual Peace*, in: *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*. Immanuel Kant, edited and with an introduction by

state law and the law of nations. Kant's declaration of the cosmopolitan law though is characterized by caution, for it is a mere *right to visit*: Nobody should be treated hostilely, but nobody has the right of residence either. Yet there is one exclusion: The person who seeks refuge must not be rejected if it would mean her demise (*Untergang*).⁷ Therefore Kant formulates an inceptive 'law of asylum' which he explains in a culture-historical way: According to the distribution of territorial property and to the founding of the states every person must be granted at least a place for herself anywhere on the globe to stand on. This cosmopolitan right which every human being has by nature can be thought of as a minimal condition of global justice: It is meant as a *human right*, not only as the right of a citizen living in a certain state. This right is grounded in the most essential right a human being has according to Kant, that is the unconditional claim to *human dignity*, which is in turn an 'intrinsic value' of every person just for the sake of her personality without regard to other possible goods or ends. In brief: A person must not be degraded to a mere means, respectively to a fungible factor to another person's ends.⁸

With that said essential remaining questions read as follows: How could this non-negotiable right of every person be enforced in the whole world? Or in Hannah Arendt's words: How could the 'right to have rights' be enforced on a global scale? Would it not be more of an 'ideal world order' if all living human beings had this right, adequately secured by assertive non-state political institutions? And should we not strive after the most comprehensive understanding of such a political ideal in terms of an initiating just global world order?

The ideal and nonideal part in political theories

It seems that Kant's concept of a 'league of republics' – understood as a necessary transition to the genuine final end of a 'world republic' – gives an answer to these

Pauline Kleingeld, translated by David L. Colclasure, with essays by Jeremy Waldron, Michael W. Doyle, and Allen W. Wood, New Haven/London 2006, 67.

7 Kant, Immanuel, *Towards Perpetual Peace*, loc. cit., 82.

8 "So act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means", in: Kant, Immanuel, *Groundwork of the Metaphysics of Morals. A German-English Edition*, ed. by Jens Timmermann, transl. by Mary Gregor, rev. by Jens Timmermann, Cambridge, UK 2011, 87 (BA67).

questions. Actually, according to Kant we *need* this ideal to bear a charmed life. For this reason the German theoretician Henning Hahn speaks of a ‘fourth postulate’ added to Kant’s doctrine of postulates.⁹ Without the justified hope for a cosmopolitan political course of history, that is perpetual peace to be yet to come, we would not be willing enough to subject ourselves to the ‘moral law’.¹⁰ The same would seem just too rigorous and not purposive enough to guarantee the sought after felicity in our mortal life.

Nevertheless we may be skeptical about the idea that we could possibly think of such an ideal world order: In the current very highly complex global constellation it appears to be unrealistic if not presumptuous to believe that an ideal theory of global justice could be developed.¹¹ Thus, another approach to the topic in question is oriented towards a ‘non-ideal’ theory of justice by considering possible concessions to factual circumstances. Obviously the positive outcome consists in the connectivity to the given political requirements. But apart from this it also has to be asked how tolerable we can be in terms of fundamental rights: To what extent could a merely limited enforcement of social or human rights be legitimized? Which influence (if any) should have practicability on a theory of human rights? These questions come with the so called ‘non-ideal turn’ in contemporary political philosophy whereby all rights – especially ones to social claims – have to be connected with practical feasibility at first. In this view to demand anything which is evidently impossible clearly is unreasonable.¹²

But – back to Kant – do we not need a ‘political cosmopolitanism’ which is both

9 Hahn, Henning, “Kants Beitrag zu einer nichtidealen Theorie globaler Gerechtigkeit”, (under examination, *Kant-Studien*) →

https://www.academia.edu/20221196/Kants_Beitrag_zu_einer_nichtidealen_Theorie_globaler_Gerechtigkeit [2017-12-20].

10 The ‘moral law’ (*Sittengesetz*) corresponds to the so called ‘categorical imperative’ (*Kategorischer Imperativ*) which appears in different formulas. One of them is the ‘mankind-formula’ as cited above (fn. 8).

11 Cf. Krell, Grell / Schlotter, Peter, “Weltbilder und Weltordnung in den Internationalen Beziehungen”, in: *Aus Politik und Zeitgeschichte*, 41/42 (2015) → <http://www.bpb.de/apuz/212827/weltbilder-und-weltordnung-in-den-internationalen-beziehungen> [2017-12-20].

12 Cf. Hahn, Henning, “Justifying Feasibility Constraints on Human Rights”, in: *Ethical Theory and Moral Practice*, 15 (2/2012), 143-157.

practicable and responsible to the full extent at the same time? Is it really impossible to think of a just globalization? Are we not obliged to strive after an unconditional human rights-based approach which is oriented globally?

To bring some order into these questions, it is helpful to follow the distinction between the ‘ideal’ and the ‘non-ideal’ part of a given theory of justice: In the ideal part a completely just societal order may be thought of whereas in the non-ideal part the same theory has to face ‘reality’. That means the ideal beforehand constructed has to be adapted to the real circumstances which are predetermined by socio-cultural, economic, and political influences. Otherwise the whole theory would be at risk to develop a moral consequent but political irrelevant ‘lalaland’. Therefore such a theory has to face the problems concerning the unideal reality which unmistakably shows that on the one hand we find limited resources, and on the other more than a few citizens lack the willingness to follow officially resolved norms. However, it has to be put into question against a theory of *justice*, which does not aim at an *ideal* but only targets a *feasible* order, by which underlying principle it is *legitimated*. In this case ‘justice’ appears to be cut back in order to meet the given conditions. As a consequence even the enforcement of basic human rights could be limited to particular requirements, as seen in actual immigration policies all over the world.

Ideal, nonideal, and utopian: From Kant to Rawls

Compared with this rather nonideal understanding of politics Kant’s cosmopolitan approach to practical philosophy can be seen as a carefully thought through answer to both the risk of an ideal but unrealistic conceptualization of (global) justice and the necessity to meet the real circumstances. As an additional regulatory idea we have to strive after a transitory ‘realistic utopia’ in order to bring about ‘perpetual peace’, Kant argues. This utopia has the form of a voluntary subordination under the international law by every state there is.¹³ This so-called ‘league of republics’ is meant as a ‘transitory’ situation, for the real ideal remains the perpetual peace in form of a just ‘world republic’. Thus, the main topic of Kant’s attempt in political philosophy is the

13 For the three definitive articles of perpetual peace see: Kant, Immanuel, *Towards Perpetual Peace*, loc. cit., 74-85.

relation of three different aspects: the foundational ideal, the realistic utopia, and the non-ideal part of the theory of global justice. According to Kant we *need* this idea of a (transitory) utopia which is within reach. Otherwise we would not be able to trust in the upcoming overall peace, as said above, and thence be more easily tempted to abandon the moral law as such. To conclude, this utopia may not fulfill all of the moral criteria concerning the fairest social order, but it is rightly legitimized through the genuine final end which is the cosmopolitan world order. Ultimately this leads to the principle that any practical concession or compromise has to be oriented towards the vindicated ideal of justice which is the final end of every action we undertake (politically). As a consequence we also have to think quite clearly about the means we bring into action.

To shed more light on this approach we can look into another, very similar theory of justice stemming from John Rawls. He both scrutinizes the social contract theory coming from Locke and Kant and includes questions of social justice as well as modern methods of decision and game theory. At this point there is no room for delving deeper into his concept of justice as ‘fairness’ which reposes on the hypothetical ignorance of one’s social status.¹⁴ But if the conditions associated with the so called ‘veil of ignorance’ are thought through then two fundamental principles are to be found which everyone can easily realize, according to Rawls: That is firstly the *liberty principle*, which implies that “each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all”;¹⁵ and secondly the *equality principle* which concerns social and economic inequalities and is split into two parts:

“Social and economic inequalities are to satisfy two conditions:

- a. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
- b. They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*)”.¹⁶

14 Cf. Rawls, John, *A Theory of Justice* (Revised Edition), Cambridge, MA 1999 [1971], 11, 17, et passim.

15 Wenar, Leif, “John Rawls”, in: *Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), first published on 25th of March 2008 → <https://plato.stanford.edu/archives/fall2008/entries/rawls> [2017-12-19].

16 *ibid.*

For our purpose especially the second part of the second principle is important, that is the ‘difference principle’. Transferred to the foregoing question, how – in terms of fundamental rights – political concessions could be legitimized in a coherent way, it may be claimed that this is only permissible on condition of the betterment of the least-advantaged. Additionally Rawls names two rules of priority as secondary conditions: firstly the *priority of liberty*, which implies that a limitation of liberty would be only acceptable if the whole system of liberty got improved and all members of society could agree to the limitation in question; and secondly the *priority of justice*, which means that the *equality of opportunities* is *prior* to the difference principle, at least as long as the *inequality of opportunities* does not *improve* the situation of the worse-off. Thence, Rawls’s general orientation first and foremost is securing the liberty and equality of all citizens without subverting certain fundamental rights such as the right to vote, personal liberty, the property right etc. – namely *unconditionally*. Yet at first his theory of justice merely applied to closed nations respectively societies. Immigrants, for example, would come up far too short from the perspective of a strong human rights-based approach.¹⁷ Thus, due to sharp criticism from many sides Rawls further developed his theory by expanding it beyond national borders.¹⁸ The remaining question is though to what extent the Rawlsian approach can be denoted as ‘cosmopolitanism’ in the Kantian sense.

‘Globalizing’ Rawls?

One way to clarify the different variants of globally oriented political theories is to divide between a ‘weak’ and a ‘strong’ form of cosmopolitanism. This relates to the moral obligations one can have to others beyond the national borders.¹⁹ Albeit another view does not find this division too helpful for it would distort the concept of cosmopolitanism itself:

17 “Since the aim of government in a community is to assure the basic liberty and property rights of its citizens, borders are not of great moral significance in classical liberalism”, in: Gaus, Gerald / Courtland, Shane D. / Schmidtz, David, “Liberalism”, in: *The Stanford Encyclopedia of Philosophy* (Spring 2015 Edition), ed. by Edward N. Zalta → <https://plato.stanford.edu/entries/liberalism> [2017-12-19].

18 Cf. Rawls, John, *The Law of Peoples*, Cambridge, MA 1999.

19 Cf. Kamminga, Menno R., “Cosmopolitan Europe? Cosmopolitan justice against EU centredness”, in: *Ethics & Global Politics* (2017), 10: 1, 1-18.

“Supposedly, whereas the ‘weak’ version [of cosmopolitanism] merely requires that equal concern is shown for all human beings and, as such, is acceptable to theorists who defend the ‘naturalness’ of priority to compatriots [...], ‘strong’ cosmopolitanism requires also that all persons receive substantively equal treatment, so that we are bound to apply globally, for instance, a principle of (roughly) equal access to resources or wealth, or a principle of equal opportunity”.²⁰

In this sense only a ‘strong’ cosmopolitanism would involve an equal responsibility in regard to individuals and peoples in need at a global scale. But if

“cosmopolitanism could also be nationally particularist and drop the global scope of our obligations of justice, as in the ‘weak’ version, the concept would lose its critical distinctiveness by indeed turning all morally sensitive people who acknowledge at least some extra-national moral obligations into ‘cosmopolitans’”.²¹

By contrast one can “maintain that only the ‘strong’ version is truly ‘moral cosmopolitan’”.²² According to this understanding “our first allegiance lies with the world community and we put the global interest before the national interest”, as among others Martha Nussbaum argues.²³ Consequently every political decision, especially in regard to seemingly necessary concessions, has to be oriented towards the betterment of the individuals’ lives on a global scale.

Now, Rawls himself does not seem to fully implement this ‘strong’ version of cosmopolitanism in his theory of justice even in his latter works. Apart from Martha Nussbaum as a prominent critic of Rawls’s, whose *Frontiers of Justice* from 2006 also discusses the widening gap between rich and poor and the claim of the less-

20 ibid., 4. – See also: Rawls, John, *The Law of the People*, loc. cit.; Nagel, Thomas, “The Problem of Global Justice”, in: *Philosophy & Public Affairs* (Spring, 2005), 33: 2, 113-147; Miller, David, *National Responsibility and Global Justice*, Oxford 2007.

21 Kamminga, Menno R., “Cosmopolitan Europe? Cosmopolitan justice against EU centredness”, loc. cit., 5.

22 ibid., 4.

23 Nussbaum, Martha, “Patriotism and Cosmopolitanism”, in: *For Love of Country? Debating the Limits of Patriotism*, ed. by Joshua Cohen, Boston 1996, 3-20. URL: <http://bostonreview.net/martha-nussbaum-patriotism-and-cosmopolitanism> [2017-12-19].

advantaged to welfare (on a global scale),²⁴ we find other important representatives of the cosmopolitan way of thinking politics as well.²⁵ Political philosophers as Thomas Pogge or Simon Caney may follow the Rawlsian theory of justice, but they attempt to ‘globalize’ it at the same time. The critique of Rawls can be exemplified by a prejudice regarding the insensitivity of wealthy countries:²⁶ One may claim that it is hard if not impossible to judge foreign grief on the same scale as that observed in one’s own society or nation. Thus, as a nation it only seems appropriate to treat ‘others’ with lessened moral obligations by “applying a double standard, namely by subjecting the global economic system to moral constraints that are weaker than the national ones”.²⁷ Rawls seems to follow this evaluation by adapting the distributive criterion (the ‘difference principle’) only within the national boundaries. On the international level instead he applies

“the distributive criterion known as the just savings principle, according to which we must concern ourselves with the poor countries only until such time as we have put them in a position to develop by themselves. Beyond this threshold any further transfer of resources from us to them would perhaps be merit-worthy but not morally necessary”.²⁸

By contrast cosmopolitans seek to apply the Rawlsian ‘difference principle’ not only to the own society or nation but also on a global level. This seems much more relevant in view of the fact that – as never before – states are ineluctably entangled both economically and culturally. We just cannot comprehend ourselves as ‘closed societies’ anymore. One way to meet this fact by referencing Rawls is Simon Caney’s suggestion of globalizing four principles:

“(1) persons have a right to subsistence; (2) persons of different nations should have equal opportunities; (3) persons have the right to equal pay for equal work; (4) benefiting persons matters more the worse off they

24 Nussbaum, Martha C., *Frontiers of Justice. Disability, nationality, species membership*, Cambridge, MA 2006.

25 Cf. Beitz, Charles, *Political Theory and International Relations*, Princeton, NJ 1999; Pogge, Thomas, *Realizing Rawls*, Ithaca 1989; Caney, Simon, *Justice beyond Borders: A Global Political Theory*, Oxford 2005.

26 Cf. Tarraborrelli, Angela, *Contemporary Cosmopolitanism*, extended and revised edition, translated by Ian McGilvray, London et al. 2015.

27 *ibid.*, 19.

28 *ibid.*

are".²⁹

Furthermore, by means of 'realizing' Rawls we can find a similar transitory element just as in Kant's approach regarding the development of global justice: If inequality is only legitimate when the lives of the least-advantaged factually signify an improvement then the ideal of a just society cannot be *replaced* by a 'second best' ideal. Instead we are committed to find both *morally valid* and *politically feasible temporary arrangements* (as "transition cases") which are themselves headed for a fully just society, respectively – in the cosmopolitan sense – a just global world order.³⁰ Accordingly Rawls himself speaks of a 'realistic utopia' which can only be understood as a 'transition case' in the aforementioned sense.³¹

However, even under the provisions of this 'extended' Rawlsian approach the same does not reach the Kantian one, namely for the following reason: As said above the ideal part of a theory of justice is concerned with the basic lines of a political order which is just to the full extent. From the true cosmopolitan viewpoint any concession or compromise can only be thought of as being in accordance with the desired ideal. Therefore the 'being-able-to' in the political sense must never surpass what ought to be done in the moral sense. Now, to genuinely comprehend the Kantian cosmopolitanism it would be necessary to connect his 'critique of reason', his philosophy of history, and the given political-historical circumstances. Though this could not be achieved here at least it has to be indicated the following: The realistic utopia in form of a 'league of republics' itself may not be able to establish the sought after 'perpetual peace', but on condition of the enlightened absolutism of Kant's own time the cultivation of the peoples and nations can be actuated sufficiently enough to build a cosmopolitan conscience of law and politics over time. Or as Pauline Kleingeld puts it:

"In order to make peace durable a merely voluntary league of republics is not enough, but it does make a positive contribution to progress towards

29 cited in: Kamminga, Menno R., "Cosmopolitan Europe? Cosmopolitan justice against EU centredness", loc. cit., 4 (fn 3). – Cf. Caney, Simon, *Justice beyond Borders*, loc. cit., 122-124.

30 Cf. Rawls, John, *A Theory of Justice*, loc. cit., 218.

31 Cf. Rawls, John, *The Law of Peoples*, loc. cit., 4, 11, et passim.

this goal".³²

The problem with Rawls is by contrast that he already forms the ideal part of his theory of justice in dependence on “deep tendencies and inclinations of the social world”.³³ Thus, following Kant, we do not find a ‘pure’ ideal where it should be. Although Rawls attempts to develop a theory of justice which is split into two parts, the ideal and the nonideal, whereas the former “assumes strict compliance and works out the principles that characterize a well-ordered society under favorable conditions”,³⁴ he does not meet the ‘ideality’ which Kant is seeking for in the first place. Contrary to this the transitory ‘league of republics’ as ‘realistic utopia’ in Kant’s sense is not only able to explain the huge concessions in regard to the factual power interests of the absolutist monarchs of his time; also, the same are grounded in a most extensively conceptualized ideal which is the ‘world republic’ as true cosmopolitan political order.

Hence, by following Kant as well as Rawls and his successors nowadays we would have to ask who is ruling the world, how the global power structure is organized, and which concessions would be truly legitimate in respect to the final aim of a just world order. At least Kant is confident when it comes to the realization of this ideal:

“For my part, I place my trust in what the theory that is based on the principle of right says about how relations *ought to be* among human beings and states and which extols the maxim to the earthly gods to always act in their conflicts with one another such that such a general state of peoples could thereby be introduced and therefore to assume that it is possible (*in praxi*) and that it *can exist*”.³⁵

32 Kleingeld, Pauline, *Kant and Cosmopolitanism. The Philosophical Ideal of World Citizenship*, Cambridge, UK 2012, 66. – See also: Kleingeld, Pauline / Brown, Eric, “Cosmopolitanism”, in: *The Stanford Encyclopedia of Philosophy* (Fall 2014 Edition), ed. by Edward N. Zalta → <https://plato.stanford.edu/entries/cosmopolitanism> [2017-12-20].

33 Cf. Rawls, John, *The Law of Peoples*, loc. cit., 128.

34 Rawls, John, *A Theory of Justice*, loc. cit., 216.

35 Kant, Immanuel, *Towards Perpetual Peace*, in: *Toward Perpetual Peace and Other Writings on Politics, Peace, and History. Immanuel Kant*, edited and with an introduction by Pauline Kleingeld, translated by David L. Colclasure, with essays by Jeremy Waldron, Michael W. Doyle, and Allen W. Wood, New Haven/London 2006, 65 (AA: 8:313). – Cf. Rawls, John, *The Law of Peoples*, loc. cit., 128.

Prospect: Cosmopolitanism with Hegel and Benhabib

At this point it seems only appropriate to replace the conclusive part by a prospective one, albeit not in the sense of a futurological attempt to show how perpetual peace can be realized anytime soon. In contrast it is an important remaining question how exactly it can be reasoned that we could (or should) develop an ideal political world order such as Kant or Rawls offer. Kant's reasoning is *transcendental*, which means that according to him we *need* to have an ideal such as the world republic to be able to hope for the best and therefore lead a livable life. This 'postulate' – that perpetual peace is yet to be come – lines up with three others, which are that god, immortality of the soul, and freedom exist. We cannot empirically or scientifically *prove* that these postulates are true in reality, as Kant states in his *Critique of Practical Reason*; but they are *necessities* in regard to the practical interest of pure reason. From this perspective it should be clear that we have to work on a coherent cosmopolitan theory which is led by the question how the globalization of the world can be steered in a good direction. Put transcendently, we have to look for the possibility conditions of a 'critical cosmopolitanism'. With that said, it seems that by connecting Kant and Rawls in the proper way we may accomplish the desired stable relationship between the three aforementioned aspects: the ideal of a globally just system of liberty, the realistic utopia of a voluntary 'league of republics', and the urgent questions coming from the nonideal part of the same theory.

But this approach does not remain uncontradicted. Although the reasoning of an ideal yet to come seems to be highly attractive, it does not correspond with another concept of political philosophy which first and foremost consists in analyzing the given situation. Only hereafter possible solutions may be evaluated in terms of their reasonability. One prominent agent of this approach is Georg Wilhelm Friedrich Hegel. He 'sublated' Kant's critique of reason by deducing a critical reflected systematical terminology based on the 'speculative-dialectical' thinking.³⁶ In his understanding of philosophy we cannot take stock of our present time if we ignore any of the necessary

36 Cf. Hemetsberger, Leo, "Die Geschichtsphilosophie von Kant zu Hegel als Entwicklung", in: *Armis et Litteris* (2007), 16: 3, 59-84 → http://83.64.124.74/medien/armis/Armis_et_Litteris_16_3.pdf [2017-12-20].

‘moments’ of ourselves as human beings and consequentially of the given communality we are living in. Thus, “philosophy [...] is its own time comprehended in thoughts”, as Hegel states in the preface of his *Elements of the Philosophy of Right*.³⁷ Nothing should be crossed out in a merely abstract way but methodically integrated in the holistic system. Only then all the assumptions that are presupposed can be understood properly, whereby this is the true ground of opposing the frenzy of a merely ‘instrumental rationality’ as Max Horkheimer and Theodor W. Adorno named it in their *Dialectic of Enlightenment*.

In line with this, one very promising approach nowadays comes from the US-American philosopher Seyla Benhabib. According to both Jürgen Habermas and John Rawls she describes the best aim of a political philosophy as “a state of affairs to which all affected would assent”.³⁸ And following Kant she understands cosmopolitanism (in the ‘strong’ sense) as the only possible way of recognizing

“that human beings are moral persons entitled to legal protection in virtue of the rights that accrue to them not as nationals, or members of an ethnic group, but as human beings as such”.³⁹

Furthermore she claims that with Kant “we also begin to see that cosmopolitanism and democracy, as embedded in a republican constitution, are not incompatible but may in fact require each other”.⁴⁰ Besides, Benhabib takes on Arendt’s moral imperative to ensure every human being the fundamental ‘right to have rights’ which also can be found in Hegel’s phrase in his *Elements* which reads: “*be a person and respect others as persons*”.⁴¹ Now, Benhabib argues that both Arendt and Hegel see clearly that we as human beings cannot be understood as isolated individuals without social relations and living in cultural contexts. Accordingly being a person cannot be achieved by oneself alone but rests on the respect of others. Though Benhabib also

37 Hegel, Georg W. F., *Elements of the Philosophy of Right*, ed. by Allen W. Wood, transl. by H. B. Nisbet, Cambridge, UK 2003, 21.

38 McAfee, Noëlle, “Feminist Political Philosophy”, in: *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), ed. by Edward N. Zalta → <https://plato.stanford.edu/entries/feminism-political> [2017-12-20].

39 Benhabib, Seyla, “Cosmopolitanism and Democracy. Affinities and Tensions”, in: *The Hedgehog Review* (Fall 2009), 30.

40 *ibid.*, 33.

41 Hegel, Georg W. F., *Elements of the Philosophy of Right*, loc. cit., 69.

elucidates that Arendt eschews certain concepts such as ‘nature’ or ‘history’ by what her justification of ‘the right to have rights’ remains obscure.⁴² In contrast Hegel’s metaphysics of freedom, which is grounded in his philosophy of history, seems to deliver the strong language of normative justification which we need so desperately. Benhabib herself seems to point exactly in this direction: By her concept of ‘democratic iterations’ she attempts to comprehend how we practically enforce rights both as individuals and societies: “Democratic iterations are processes of linguistic, legal, cultural, and political repetitions-in-transformation, invocations which are also revocations”.⁴³ At another point she explains what consequences these iterations have:

„Through such iterative acts, a democratic people that considers itself bound by certain guiding norms and principles reappropriates and reinterprets these, thus showing itself to be not only the *subject* but also the *author of the laws*”.⁴⁴

Finally, she claims that the cosmopolitan approach has to be expanded by economic regulations:

“We need to rethink the rules and regulations of global markets from the bottom up, and we need to extend legal cosmopolitan norms into the sphere of the economy as well”.⁴⁵

It is my belief that Benhabib’s cosmopolitan approach satisfies and furthers the Hegelian interpretation of philosophy by seeking for an adequate normative language to firstly describe what surrounds us and secondly claim what has to be changed or preserved.

42 Cf. Benhabib, Seyla, *Kosmopolitismus ohne Illusionen. Menschenrechte in unruhigen Zeiten*, übers. v. Karin Wördemann u. a., Berlin 2016, 86.

43 Benhabib, Seyla, “Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times”, in: *Citizenship Studies* (2007), 11: 1, 19-36, here: 32.

44 Benhabib, Seyla, “Cosmopolitanism and Democracy. Affinities and Tensions”, loc. cit., 38.

45 *ibid.*, 39.