A CARTOGRAPHY OF COSMOPOLITANISM: PARTICULARISING THE UNIVERSAL

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Abstract

The present assumed understandings of cosmopolitanism can lead legal scholars to misinterpret what is entailed by a given cosmopolitan claim and result in their talking at cross-purposes. This article is a call to refine what we mean by cosmopolitanism and to develop an understanding that is fit for purpose. It will attempt to categorise the major strands of cosmopolitan understanding, from institutional and political cosmopolitanism to moral and legal cosmopolitanism, amongst others. With the distinctions between these understandings of cosmopolitanism exposed, legal scholars may be better equipped to speak more precisely about the form of legal cosmopolitanism they are advocating or rejecting. Indeed, charting the topography and destination of these major strands may also serve to rebut the counter-narratives of the cosmopolitan critics, such as Koskenniemi, who suggest that cosmopolitanism can be used as a 'façade for particular interests'. Cosmopolitanism can no longer be all things to all people.

Keywords

Cosmopolitanism, philosophy of law, history

But if thought corrupts language, language can also corrupt thought.¹

1 Introduction

The above quotation is from George Orwell's 1946 essay entitled 'Politics and the English Language'. In that essay, Orwell criticised political language for its misdirection and vagueness, intended or otherwise. In particular, he highlighted the abuse of political words whereby they acquire 'several different meanings

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¹ G Orwell, 'Politics and the English Language' *Horizon* (April 1946).

which cannot be reconciled with one another'.² This article starts from a similar observation about the conceptualisation of cosmopolitanism in international legal scholarship, it challenges the adequacy of its definition and argues that it is thereby susceptible to abuse. Nevertheless, as Orwell said of political locution, 'the decadence of our language is probably curable'.³ At least part of the cure for a lack of conceptual specificity, I argue, can be found in the development of a cartography aimed at identifying different strands of cosmopolitan thought and highlighting the nuances between these strands.

This article will first consider the need to clarify the concept of cosmopolitanism in international legal scholarship. Critically, the present 'one-size fits all' approach to cosmopolitanism can lead legal scholars to misinterpret what is entailed by a given cosmopolitan claim and result in their talking at cross purposes.⁴ I make a call for greater definition in our cosmopolitan claims.

The second part of this article will attempt to categorise the major strands of cosmopolitan understanding, from weak and strong, to institutional, moral and cultural cosmopolitanism, amongst many other sub-categories. A catalogue of cosmopolitan strands will facilitate deeper analyses, the pursuance of clarity and consensus building around different iterations of cosmopolitanism in a legal context. Overall, cosmopolitanism can no longer be all things to all people.

2 The Need for Clarity

In general, the term cosmopolitanism has acquired an inflated corpus of meanings. Başak Çalı has observed that 'cosmopolitanism does not mean the same thing to every commentator'⁵ and yet '[i]nternational lawyers do not spend time discussing the theoretical foundations of cosmopolitanism'.⁶ In other disciplines, it has been acknowledged that use of the term cosmopolitanism can be something of a lowest common denominator. Indeed, Samuel Scheffler notes that 'disparate views have been advanced under the heading cosmopolitanism, and these views

² Ibid.

³ Ibid.

⁴ See, for example, how Robert Howse and Ruti Teitel critique Martti Koskenniemi's reading of Kant: R Howse & R Teitel, 'Does Humanity Law Require (or Imply) A Progressive Theory of History? (And Other Questions for Martti Koskenniemi)' (New York University Public Law and Legal Theory Working Paper No 422, 2013).

⁵ B Çalı, 'On Legal Cosmopolitanism: Divergences in Political Theory and International Law' (2006) 19 *LJIL* 1149, 1150.

⁶ Ibid, 1163.

share little more than an organizing conviction that any adequate political outlook for our time must in some way comprehend the world as a whole⁷ and, as Gillian Brock has pointed out, '[f]inding common ground among the many varieties of cosmopolitans (both historical and contemporary) is difficult'.⁸ Similarly, and while uncovering the antinomies in cosmopolitan reason, Olivier Rемаud articulates poignantly that:

[c]osmopolitanism serves a variety of purposes, and its objects vary widely. They are usually apprehended through the epistemological interests of the beholder, as if through the ever-changing perspective of a kaleidoscope. When one compares and contrasts the different uses of the term, the colors merge into a chaotic image.⁹

Contemporary attempts at modifying or refining the terminology around cosmopolitanism are evident but they exist almost exclusively within the realms of political science and international relations theory.¹⁰ The object of this article is to draw upon this refinement project, bringing to international legal discourse a greater variety of analytical tools for lawyers to have recourse to when they discuss cosmopolitanism. Presently, little legal literature defining cosmopolitanism¹¹ goes beyond a hat tip to the etymological source of the term,¹² perhaps a reference to Thomas Pogge's three-part constitution of the

⁷ S Scheffler, 'Cosmopolitanism, justice and institutions' (*Daedalus*, Summer 2008) 68, 68.

⁸ G Brock, 'Re-thinking the Cosmopolitanism versus Non-Cosmopolitanism Debate: An Introduction', in G Brock (ed), *Cosmopolitanism versus Non-Cosmopolitanism: Critiques, Defenses, Reconceptualisations* (2013) 1, 3.

⁹ O Rемаud, 'The Antinomies of Cosmopolitan Reason' (2014) 5 *Humanity* 73, 73.

¹⁰ S Vertovec & R Cohen, 'Introduction: Conceiving Cosmopolitanism', in S Vertovec & R Cohen (eds), *Conceiving Cosmopolitanism* (2002) 1. For examples of an attempt in the field of international law, see Çalı, above n 5; T Redmond, *People, States and Hope: Cosmopolitanism and the Future of International Law* (2012); and R Pierik & W Werner, 'Cosmopolitanism in context: an introduction', in R Pierik & W Werner (eds), *Cosmopolitanism in Context: Perspectives from International Law and Political Theory* (2010) 1.

¹¹ See, for example, R Domingo, *The New Global Law* (2010); I Porras, 'Liberal Cosmopolitanism or Cosmopolitan Liberalism', in M Sellers (ed), *Parochialism, Cosmopolitanism, and the Foundations of International Law* (2012) 118; M Sellers, 'Parochialism, Cosmopolitanism, and Justice', in M Sellers (ed), *Parochialism, Cosmopolitanism, and the Foundations of International Law* (2012) 250; R Teitel, *Humanity's Law* (2011).

¹² Etymologically, 'cosmopolitan' derives from the Greek 'cosmos' meaning 'universal' and 'polity' literally meaning 'city' or more precisely today meaning a way of ordering society. *Kosmopolitēs* is from the Greek word for 'citizen of the world': see P Kleingeld & E Brown, 'Cosmopolitanism', in E Zalta (ed), *The Stanford Encyclopedia of Philosophy* (2013), <<http://plato.stanford.edu/archives/fall2013/entries/cosmopolitanism/>> [accessed 31 July 2014].

concept, i.e. (i) normative individualism; (ii) universality; and (iii) generality, or various abstract precepts that cosmopolitanism demands no local allegiance be put ahead of allegiance to a world-wide community of human beings.¹³ Given its propagation in recent years, these reference-points now seem inadequate at best and damaging at worst for the concept of cosmopolitanism in international legal scholarship.

There appear to be two major problems. First the concept has achieved such a broad usage as to render it something of a cliché. It means everything and nothing at all, just as Orwell said of the word 'democracy'.¹⁴ Indeed, Michael Blake recognises the generality in Pogge's three-part definition and suggests that on this basis 'we are all cosmopolitans now'!¹⁵ Blake points out that even those who tend to define themselves as opponents to cosmopolitanism would find it hard to disagree with each of Pogge's propositions.¹⁶ To take a statist position, for example, this school would challenge that the rights of states to territorial integrity and non-intervention are founded on the rights of individuals living in a political community within a state. In particular, individuals within states are engaged in a process of social development and should not be interfered with.¹⁷ Thus the individual plays a central role in statist reasoning. Blake highlights that Michael Walzer, who would identify as a 'non-cosmopolitan' and argues strongly in favour of territorial integrity and political sovereignty, and against external interference, nevertheless admits that the 'ultimate unit of moral account is the individual, and they are treated as morally equal in their equal right to be free to live inside a community, ruled by a state uniquely appropriate for that community and its character'.¹⁸ As is becoming evident, the abovementioned definitions are not fit for purpose: they are simply too broad and abstract as to offer meaningful insight into cosmopolitan claims.

The second major problem is that there now exists a plurality of meanings around the concept of cosmopolitanism. Ileana Porras explains that cosmopolitanism has been '[v]ariouly influenced by the accretion of meanings and asso-

¹³ K A Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (2006) xv; N Feldman, 'Cosmopolitan Law' (2007) 116 *Yale LJ* 1022, 1027; M Nussbaum, 'Patriotism and Cosmopolitanism', in J Cohen (ed), *For Love of Country* (1996) 4; T Pogge, 'Cosmopolitanism and Sovereignty' (1992) 103 *Ethics* 48, 49; Vertovec & Cohen, above n 10, 2.

¹⁴ Orwell, above n 1.

¹⁵ M Blake, 'We are all cosmopolitans now', in G Brock (ed), *Cosmopolitanism versus Non-Cosmopolitanism* (2013) 35.

¹⁶ *Ibid.*, 39.

¹⁷ S A Garrett, *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (1999) 26.

¹⁸ Blake, above n 15, 41.

ciations [...] the term has acquired over the years since its coinage in fourth-century BCE Greece' and there is presently 'no single common understanding of cosmopolitanism, and consequently there is wide disagreement among the new cosmopolitanists as to its specific social, political, and legal implications'.¹⁹ Porras goes on to highlight that the result of this plurality in meaning is that cosmopolitanism has been used to advocate for many different ends:

from a radical form of global redistribution to alleviate poverty in the Third World to military intervention in non-liberal states. It has been used to account for the emergence of the so-called global civil society with its new forms of governance on the one hand, and to describe the unique character of the European Union's legal and institutional structures on the other.²⁰

I submit that this is where the real controversy with cosmopolitanism lies. Without consensus on the end game, a cosmopolitan claim may raise more questions than it seeks to answer among both (moderate) cosmopolitans and non-cosmopolitans alike. As Michael Blake points out:

A particular historical trajectory has led to [cosmopolitanism] being applied in the ways it has; the distinction between cosmopolitanism and its opposite, however, provides us with very little information that is relevant to current philosophical debates, and the use of the term distorts the landscape of our discussions. We would do better to retire it completely.²¹

If it is to be retired, the term cosmopolitanism must be replaced by terminology that is more dynamic, more suited to modern debate in international law. Given that, as Noah Feldman has said, cosmopolitanism is a 'difficult, contested, but nonetheless important concept',²² it would appear that there exists a *prima facie* case for deconstructing the concept of cosmopolitanism to identify its various distinct strands.

In Başak Çalı's analysis, distinguishing among the conceptions of cosmopolitanism has three principal advantages.²³ First, doing so enables us to separate

¹⁹ Porras, above n 11, 118 and 119.

²⁰ Ibid, 119.

²¹ Blake, above n 15, 36.

²² Feldman, above n 13, 1025.

²³ Çalı, above n 5, 1154.

those who support one or other of the strands. For example, we might be better equipped to distinguish between those that support moral claims but not institutional claims and those that support both moral and institutional claims. Moreover, it is important to recognise that a rejection of institutional claims does not necessarily imply a rejection of moral claims as well.²⁴ Indeed, we must be continually alert to Kok-Chor Tan's caveat that 'a defence of cosmopolitanism is not straightaway a defence of world statism'.²⁵ Tan sees critical value in making a distinction between different forms of cosmopolitanism—particularly as a moral idea and as an institutional claim—for the following reason:

cosmopolitanism is commonly associated with a world state and thus often rejected on this basis. But, as a moral idea, cosmopolitanism is not necessarily committed to the notion of a world state and global citizenship; rather it is premised on an account of the equal moral status of individuals, and the kinds of reasons, consequently, that must be given to them for the global arrangement that we can expect them to share.²⁶

Second, it is important to show that those who advocate for an institutional form of cosmopolitanism as well as moral cosmopolitanism, are committed to the propagation of global political institutions. Third, it can also reveal that those who support the proliferation of global political institutional structures are not necessarily advocates for moral cosmopolitanism.²⁷

To these three advantages I would add a further three. First, once legal scholars are all talking the same language, it may be possible to make more progress on the concept of cosmopolitanism in legal discourse. With the distinctions between these understandings of cosmopolitanism exposed, legal scholars may be better equipped to speak more precisely about the form of legal cosmopolitanism they are advocating or rejecting.

Second, charting the topography and destination of the major strands may also serve to rebut the counter-narratives of cosmopolitan critics, such as Martti

²⁴ Ibid, citing S Caney, *Justice Beyond Borders: A Global Political Theory* (2005).

²⁵ K-C Tan, *Justice Without Borders* (2004), 10.

²⁶ Ibid.

²⁷ Çalı, above n 5. As to the latter advantage, Çalı explains that 'one may support global political reasons for other moral reasons, such as aggregated self-interest': ibid, 1154.

Koskenniemi, who suggest that cosmopolitanism can be used as a 'façade for particular interests'.²⁸

Third, Ruth Buchanan and Sundya Pahuja recognise a 'frequent slippage between the exaltation of the cultural and aesthetic understandings of cosmopolitanism and understandings of it as a politically emancipatory strategy'²⁹ as well as an uncritical attitude to cosmopolitanism amongst international lawyers, owing to an assumption that they are already cosmopolitans. This article joins Trevor Redmond in his call that international lawyers should embrace cosmopolitanism but in doing so they must also engage more rigorously with theory, adopt a more reflexive attitude and avoid the assumption that 'due to the fact of its international nature, their work is the very embodiment of cosmopolitanism in action'.³⁰

Consequently, as scholars we should now strive to specify what precisely is entailed by the particular cosmopolitan claim we make in our legal writings. The next part of this article begins to show the way.

3 A Cartography of Cosmopolitanism

In this exercise, given the vast array of cosmopolitan meanings, the biggest challenge is perhaps determining the most appropriate groupings. To this end, some guidance is available in other disciplines. For example, Charles Beitz, Thomas Pogge and Simon Caney have all distinguished between cosmopolitanism as an institutional claim and cosmopolitanism as a moral idea.³¹ Going further, Gerald Delanty identifies four strands of cosmopolitanism: legal cosmopolitanism, political cosmopolitanism, cultural cosmopolitanism, and civic cosmopolitanism.³² Drawing upon these categorisations, I submit that the most appropriate manifestations of cosmopolitanism can be grouped into a number of major categories, with several subcategories: (1) institutional cosmopolitanism; (2) moral

²⁸ M Koskenniemi, 'Legal Cosmopolitanism: Tom Franck's Messianic World' (2003) 35 *NYUJILP* 471, 486.

²⁹ R Buchanan & S Pahuja, 'Collaboration, Cosmopolitanism and Complicity' (2002) 71 *Nordic JIL* 297, 306.

³⁰ Redmond, above n 10, 253.

³¹ C Beitz, 'Cosmopolitan Liberalism and the States System', in C Brown (ed), *Political Restructuring in Europe: Ethical Perspectives* (1994) 119, 124–5; C Beitz, 'International Liberalism and Distributive Justice: A Survey of Recent Thought' (1999) 51 *World Politics* 269, 287; T Pogge, 'Cosmopolitanism and Sovereignty', in C Brown (ed), *Political Restructuring in Europe: Ethical Perspectives* (1994) 85, 90; Pogge, above n 13, 49–50; Caney, above n 24, 5.

³² G Delanty, *Citizenship in a Global Age* (2000).

cosmopolitanism; and (3) cosmopolitanism about culture.³³ The reasoning behind this choice is that such groupings, in my view, best distinguish between cosmopolitan claims that speak to the reform of global structures, that prescribe principles for behaviour or that encourage a certain mindset about our identity. These categories do not purport to be exhaustive, but simply aim to make inroads into a more detailed catalogue and to flag some of the practical differences in each conception of cosmopolitanism. Indeed, taking a different approach, other categorisations have been made along the lines of extreme, strong, moderate and weak or thick and thin cosmopolitanism.³⁴ Broadly speaking, these latter characterisations allow for us to view cosmopolitanism on certain spectra.³⁵ This distinction I intend to elaborate upon first since some of the terminology will help with the analysis when we return to the substantive categories in later sections.

3.1 Extreme, Strong, Moderate or Weak?

3.1.1 Strong or Extreme Cosmopolitanism

Strong cosmopolitanism demands that equal consideration is given to the claims of all humanity in the justification of moral principles and would attach no significance to moral relations formed within bounded communities.³⁶ All claims must ultimately be universal in their foundation.³⁷ As Garrett Wallace Brown

³³ For similar categorisations along these lines see: Redmond, above n 10, 171-182; Blake, above n 15, 38. Thomas Pogge also makes distinctions between (i) moral cosmopolitanism (all persons have a certain respect for one another); and (ii) legal cosmopolitanism (there exist universal rights and duties); T Pogge 'Cosmopolitanism', in R Goodin & P Pettit (eds), *A Companion to Contemporary Political Philosophy* (2007) 312. In an effort to identify the various uses of the term, Steven Vertovec and Robin Cohen identify the following six perspectives on cosmopolitanism: (i) a socio-cultural condition; (ii) a philosophy or world-view; (iii) a political project to build transnational institutions; (iv) a political project describing the variegated interests of political actors; (v) an attitude of disposition; (vi) a practice or competence; see Vertovec & Cohen, above n 10, 8-14.

³⁴ See, for example, S Scheffler, *Boundaries and Allegiances* (2001) 115-19; D Miller, 'The Limits of Cosmopolitan Justice', in D Mapel & T Nardin (eds), *International Society: Diverse Ethical Perspectives* (1998) 164, 166; D Miller, *Citizenship and National Identity* (2000) 174; K-C Tan, in G Brock & H Brighouse (eds), *The Political Philosophy of Cosmopolitanism* (2005) 164-79; Tan, above n 25, 11; D Held, 'Principles of Cosmopolitan Order', in G Brock & H Brighouse (eds), *The Political Philosophy of Cosmopolitanism* (2005) 16; G Brock, *Global Justice: A Cosmopolitan Account* (2009) 12-13.

³⁵ Redmond, above n 10, 178; G W Brown, *Grounding Cosmopolitanism: From Kant to the Idea of a Cosmopolitan Constitution* (2009), 12.

³⁶ Redmond, above n 10, 178.

³⁷ Miller, above n 34, 166.

observes, there are few theorists who would associate themselves at the poles of either strong or weak cosmopolitanism but he points out that Charles T Taylor, 'who advocates a single world state with a strong overarching unifying liberal morality', represents an example of a strong form of cosmopolitanism.³⁸ Similarly, Trevor Redmond gives Martin Wight's concept of the 'brotherhood of mankind in which international politics will be assimilated to the condition of domestic politics'³⁹ as an example of thick cosmopolitanism. In more concrete terms, Kok-Chor Tan has submitted that strong cosmopolitanism results in a commitment to global distributive equality.⁴⁰

It is also important to distinguish strong cosmopolitanism from extreme cosmopolitanism. The latter is concerned with relations between cosmopolitan and non-cosmopolitan principles, whereas strong cosmopolitanism refers to the strength of the cosmopolitan principle itself.⁴¹ Extreme cosmopolitanism would hold 'cosmopolitan morality to be the sole and unifying source of value in the sense that all other moral commitments must be justified by reference to cosmopolitan principles or goals'.⁴²

3.1.2 Weak or Moderate Cosmopolitanism

Weak cosmopolitanism captures those moral conceptions that are somehow limited in their cosmopolitan potency.⁴³ As such, within a weak conception of cosmopolitanism, there may exist 'moral principles that have less than a universal scope'⁴⁴ or a view that human beings can live according to a certain minimal standard before the principles of universality and generality must be strictly applied.⁴⁵ An example of weak cosmopolitanism is provided by the work of Chandran Kukathas, who advocates for a very minimal universalism among different groups.⁴⁶

Similarly to the nuance between strong and extreme cosmopolitanism, we should make a distinction between weak cosmopolitanism and moderate cos-

³⁸ See Brown, above n 35, 26, citing C T Taylor, *Toward World Sovereignty* (2002).

³⁹ Redmond, above n 10, 177, citing M Wight, *International Theory* (1991) 45.

⁴⁰ Tan, above n 25.

⁴¹ Ibid, 12.

⁴² Ibid, 11.

⁴³ Miller, above n 34, 166.

⁴⁴ Redmond, above n 10, 178.

⁴⁵ Tan, above n 25.

⁴⁶ See Brown, above n 35, 26, citing C Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (2003).

mopolitanism. As previously alluded to, the former—weak cosmopolitanism—indicates the potency of the cosmopolitan principle whereas the latter—moderate cosmopolitanism—describes the relationship with non-cosmopolitan principles.⁴⁷ Tan explains that moderate cosmopolitanism ‘acknowledges the normative independence of certain special obligations, and does not insist that cosmopolitan values are the only fundamental values by reference to which all other values must be justified’.⁴⁸ Trevor Redmond provides David Held and Sharon Anderson-Gold as examples of theorists that adopt a moderate form of cosmopolitanism since their theory is concerned with political communities and states, but not solely concerned with them.⁴⁹

Redmond makes an interesting observation about the distinctions between strong/weak and ambitious (extreme)/moderate cosmopolitanism drawn by Kok-Chor Tan:⁵⁰ whereas ‘the former focuses upon justice concerns (or normative requirements’ of cosmopolitanism), the latter is more concerned with moral and cultural claims (or the relationship between cosmopolitan requirements and other non-cosmopolitan commitments’.⁵¹

With these initial distinctions as to degree and relativity drawn, the article turns to further dissect the concept of cosmopolitanism according to the three categories outlined earlier, namely (1) institutional cosmopolitanism; (2) moral cosmopolitanism; and (3) cosmopolitanism about culture.

3.2 Institutional Cosmopolitanism

Institutional cosmopolitanism is a broad term for a variety of approaches to cosmopolitanism that have in common an institutional claim in their call for reform of the global order. Charles Beitz perceives institutional cosmopolitanism as advocating that ‘the world’s political structure should be reshaped so that states and other political units are brought under the authority of supranational agencies’.⁵² Michael Blake explains that this vision of cosmopolitanism ‘includes those who argue that the cosmopolitan vision of world-citizenship demands the creation of global political institutions, which mirror to some degree the

⁴⁷ Tan, above n 25, 12.

⁴⁸ Ibid, 11–12.

⁴⁹ Redmond, above n 10, citing Held, above n 34; S Anderson-Gold, *Cosmopolitanism and Human Rights* (2001).

⁵⁰ Tan, above n 25, 12.

⁵¹ Redmond, above n 10, 178.

⁵² C Beitz, ‘Cosmopolitan Liberalism and the State System’, in C Brown (ed), *Political Restructuring in Europe: Ethical Perspectives* (1994) 119, 124.

political institutions of a domestic state'.⁵³ Alyssa Bernstein has observed that theorists who sketch conceptions of institutional cosmopolitanism often hold it in contradistinction to 'moral cosmopolitanism'.⁵⁴ Notwithstanding, while institutional cosmopolitan approaches call for a proliferation of superstate structures, they do not necessarily imply that an all-encompassing universal state is required.⁵⁵

To elaborate upon the various types of institutional claims, I submit that it is necessary to further specify them in the following way.

3.2.1 Political Cosmopolitanism

Political cosmopolitanism involves an advocating for centralised global governance. As Garrett Wallace Brown describes: 'The political approach is generally concerned with the creation of supranational political organizations that can generate large-scale international consensus and democratic accountability'.⁵⁶ In fact, Simon Caney suggests that political cosmopolitanism demands political and legal institutions in the form of a world state or other framework that shares power and authority with local, state-level, international or global institutions.⁵⁷ Political cosmopolitanism can involve a legal aspect as well as an adherence to moral cosmopolitan principles, but its emphasis is very much on establishing stronger global governance and/or reforming global political institutions.⁵⁸

As part of his global reform project, Jürgen Habermas advocates strongly for the cultivation of international institutions that propagate cosmopolitan rights and democracy.⁵⁹ Habermas agrees that human rights must exist—given their semantic substance—in an international legal cosmopolitan society. But:

[f]or actionable rights to issue from the United Nations Declaration of Human Rights, it is not enough simply to have international courts; such [courts] will first be able to function adequately only

⁵³ Blake, above n 15, 38

⁵⁴ See A R Bernstein, 'Moral Cosmopolitanism', in D Chatterjee et al (eds), *Encyclopaedia of Global Justice*, vol 2 (2012) 711, 712.

⁵⁵ See P Capps, *Human Dignity and the Foundations of International Law* (2009) 274.

⁵⁶ Brown, above n 35, 12–13.

⁵⁷ Caney, above n 24.

⁵⁸ Brown, above n 35, 13.

⁵⁹ S Benhabib, 'Cosmopolitanism and Democracy: From Kant to Habermas' (*Fikrun wa Fann*, June 2012), <<http://www.goethe.de/ges/phi/prj/ffs/the/a97/en9507770.htm>> [accessed 28 November 2013].

when the age of individual sovereign states has come to an end through a United Nations that *can not only pass, but also act upon and enforce its resolutions*.⁶⁰

Despite the fact that Habermas' work is an example of strong institutional cosmopolitanism, Kwame Anthony Appiah points out that those who advocate for world government are few and far between.⁶¹ It is perhaps one of the most controversial—if not *the* most controversial—proposals of the cosmopolitan movement. Appiah underlines a number of problems with the potential existence of a global state. First is the danger of its holding too much power, which is not checked or balanced. Second is the risk that such a structure would not be sensitive to local needs. Finally is the scarcity of institutional structures, from which we can all mutually learn, that would result.⁶² Notwithstanding, Kwame Anthony Appiah does argue for a conception along the lines of political cosmopolitanism, although he inserts a crucial difference in that it 'prizes a variety of political arrangements, provided, of course, each state grants every individual what he or she deserves'. Consequently, Appiah is comfortable with retaining the state system on the proviso that we continue to discharge a special responsibility towards the life and justice of our compatriots but, importantly, we also make sure that other states are respecting the rights and needs of their own citizens.⁶³

3.2.2 Economic Cosmopolitanism

Economic cosmopolitanism calls for the creation of a single global economic market and free trade.⁶⁴ According to David Held, economic cosmopolitanism is concerned with ensuring fair economic conditions in respect of competition and cooperation between nations.⁶⁵ This strand of cosmopolitanism is more often defended among economists, such as Hayek and Friedman for example, than it is by philosophers, and the latter often blame international economic inequality on policies inspired by economic cosmopolitanism. Similarly, Gillian Brock has identified a powerful scepticism towards cosmopolitanism amongst

⁶⁰ J Habermas, 'Postscript to Between Facts and Norms', in M Deflem (ed), *Habermas, Modernity and Law* (1996) 135, 143 (emphasis added).

⁶¹ See Appiah, above n 13, 163.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Kleingeld & Brown, above n 12.

⁶⁵ See Held, above n 34.

anti-globalisation advocates, who believe it may simply lead to the propagation of capitalism.⁶⁶

Arguing for reform of the present economic system, Thomas Pogge perceives that:

[t]here is a shared institutional order that is shaped by the better-off and imposed on the worst-off. This institutional order is implicated in the reproduction of radical inequality in that there is a feasible institutional alternative under which so severe and extensive poverty would not persist.⁶⁷

Pogge goes on to suggest that the better-off are causing harm to the worst-off in that they are supporting institutional structures that are distributively unjust, propagate inequality and can be changed. In addition to the existing global institutional order, Pogge is quick to point out that the internal policies and social institutions in poor countries are also to blame for world poverty. Nevertheless, Pogge argues that severe poverty can, to a large extent, be alleviated by global institutional reforms. One practical reform that can be said to be inspired by economic cosmopolitan thinking, which has been put forward by Pogge, is termed a 'global resources dividend'. Similar to the logic of John Locke's inalienable right to a share of global resources, the 'global resources dividend' would involve taking a small share of the value of any natural resources and using it for the benefit of those who would not otherwise benefit from them. Pogge explains that a global resources dividend of one percent of the global product could annually raise around USD320 billion, which is fifty-six times more than the amount all wealthy states combined are presently spending on basic social services in developing countries.⁶⁸

3.2.3 Cosmopolitanism About Justice

Cosmopolitanism about justice is concerned with ensuring universal distributive justice across borders. It is opposed to communitarian and nationalist claims that principles of distributive justice can only be effectively implemented in cohesive social groups. Cosmopolitanism about justice demands that no social boundaries,

⁶⁶ Bernstein, above n 54, 713.

⁶⁷ T Pogge, 'A Cosmopolitan Perspective on the Global Economic Order', in G Brock & H Brighouse (eds), *The Political Philosophy of Cosmopolitanism* (2005) 92.

⁶⁸ Ibid, 105

such as nationality, restrict the scope of justice.⁶⁹ By virtue of belonging to humanity, all human beings owe obligations of justice to one another. It speaks to the global economic and political structures that allow for inequality and objects to impediments that restrict sufficient conceptions of justice. As Trevor Redmond points out, cosmopolitans about justice evaluate the justness of global basic structures.⁷⁰

Going further than a concern for the structure of global institutions, Simon Caney observes that global principles of justice (civil, political or economic) apply to everyone in the world, ascribing entitlements to them all, but also responsibilities.⁷¹ Consequently (and as will become more evident in later sections of this article), depending on the nature of the claim to cosmopolitanism about justice, this category could also fit within moral cosmopolitanism.

Interestingly, John Rawls' thesis that the principles of justice should be applied in bounded societies appears, at first sight, anathema to the concept of cosmopolitanism about justice since the principles of justice do not apply to the global population as a whole.⁷² However, as Samuel Scheffler explains, 'Rawls's principles of distributive justice are universal in the sense that they apply to the basic structure of each society taken one at a time, but not in the sense that they apply to the global distribution of income and wealth as a whole'.⁷³ Indeed, Kok-Chor Tan perceives that the cosmopolitan idea of justice 'takes individuals to be entitled to equal moral consideration regardless of contingencies like their nationality or citizenship' and he argues that Rawlsian conceptions of justice—in particular the principle of difference—should be applied universally to achieve a just global distributive scheme. Extrapolating Rawls' theory to the universal, Tan advocates that 'the difference principle will not simply say that we maximise the situation of the worst off individuals within the context of our current system [...] It will ask if we can envision an alternative global scheme that would maximise the well-being of the worst-off individual'.⁷⁴ In so doing, we might say that Tan has moved the conception of cosmopolitanism in Rawls' theory from a weak form to a stronger form.

⁶⁹ See Tan, above n 25; Scheffler, above n 34.

⁷⁰ Redmond, above n 10.

⁷¹ Caney, above n 24.

⁷² Scheffler, above n 7, 68.

⁷³ Ibid, 69.

⁷⁴ Tan, above n 25, 60.

3.2.4 (International) Legal Cosmopolitanism

Legal cosmopolitanism is a similar institutional call, and is committed to a concrete cosmopolitan institutional order based on law. Under this thinking, states are bound by international and cosmopolitan law, and in particular cosmopolitan legal obligations supersede state sovereignty. Legal cosmopolitans call for stronger international legal obligations under which states must follow clear rules of conduct and justify their sovereignty.⁷⁵

Thomas Pogge argues that legal cosmopolitanism is concerned with conceptions and institutions of justice operating in an inclusive way, promoting human equality and taking into equal consideration the interests of all mankind.⁷⁶ In this way, there are overlaps with the concepts of political cosmopolitanism, cosmopolitanism about justice and moral cosmopolitanism. Indeed, Alyssa Bernstein observes that what Caney terms 'political cosmopolitanism' is, she says, termed 'institutional' cosmopolitanism by Beitz and 'legal cosmopolitanism' by Pogge.⁷⁷ This once again highlights the need to clarify the terminology used in this area, as well as to ensure that newly introduced terminology is used consistently.

For Başak Çalı, international legal cosmopolitanism (distinct from legal cosmopolitanism) is committed to the idea that a unified law is an indispensable constituent of a single community, which Çalı explains:

is primarily a legal community, which is based on united, impartial, and independent law. Cosmopolitan international law takes the principles of impartiality and universality embedded in moral cosmopolitanism—incidentally also embedded in the ideal of law—as necessitating the creation of impartial and universal forms of law.⁷⁸

Since international law lacks impartiality and universality, this strand of cosmopolitanism calls for a cosmopolitan constitutional structure and cosmopolitan constitutional principles form the cornerstone of the ideology, which all law must be subject to. As such, '[t]he principle of impartial treatment brings together a fur-

⁷⁵ Brown, above n 35, 12.

⁷⁶ Pogge, above n 33.

⁷⁷ Bernstein, above n 54, 716.

⁷⁸ Çalı, above n 5, 1156.

ther structural principle to create impartial and independent law and institutions with final coercive authority that can act on behalf of humanity'.⁷⁹

In respect of international legal cosmopolitanism, Trevor Redmond perceives that its purpose is to shift the normative focus of international law on to individual welfare and the cultivation of international community pursuing united aims. Redmond's insight is that, '[i]n this way, international legal cosmopolitanism can be seen as what Linklater would term a praxeological method of reform aimed at realigning our systems of inclusion and exclusion towards a more cosmopolitan end'.⁸⁰

Notwithstanding these elements and variegated foci of a legal or international cosmopolitan approach, this strand or these strands are not normally concerned with the creation of a world state, but rather advocate for a Kantian model of world order under which weakly sovereign states are regulated by cosmopolitan law that has as its centre of moral concern human welfare.⁸¹ This is a point that has been misinterpreted by legal scholars.⁸² Robert Howse and Ruti Teitel clarify that 'Kant explicitly distinguishes the notion of *Voelkerstaat* distinguishing it clearly from his own proposal for a federation of republican states (*Voelkerbund*)' and go on to observe that in his Second Definitive Article of *Perpetual Peace*, Kant wrote: '*Dies waere ein Voelkerbund, der aber gleichwohl kein Voelkerstaat sein muesste*', suggesting a good translation as: 'This would be a federation of peoples but this does not have to entail a world state'.⁸³

In an effort to clarify the Kantian cosmopolitan project further, it is important to point out that Kant argued that states were obliged to express their political principles in three spheres: national (*ius civile*); international (*ius gentium*) and cosmopolitan (*ius cosmopoliticum*). For Kant, the *ius gentium* was a mechanism for ordering the relations between States to create the conditions necessary for peace, in particular by respecting each other's equality, liberty and sovereignty. This would also require solidarity among individuals in those States and among the States themselves, achieved by virtue of a separate cosmopolitan law.⁸⁴ Kant asserted that cosmopolitan law would be necessary to ensure perpetual peace in

⁷⁹ Ibid.

⁸⁰ Redmond, above n 10, 251.

⁸¹ Ibid. See also A Buchanan, *Justice, Legitimacy and Self-Determination: Moral Foundations for International Law* (2004) 6; F Tesón, *A Philosophy of International Law* (1998) 1, 57.

⁸² See Robert Howse and Ruti Teitel's critique of Martti Koskeniemi: Howse & Teitel, above n 4.

⁸³ Ibid, 6.

⁸⁴ Domingo, above n 11, 28.

the world, which would transcend international law but would not supplant it.⁸⁵ This cosmopolitan law is linked to Kant's principle of hospitality and relies on all people having the right to travel and trade.⁸⁶ Finally, the promulgation of cosmopolitan law acts as an antidote to the state of nature that exists among the confederation of republican states proposed by Kant.

Utilising the conceptual tools developed in this article, we might be able to better understand the cosmopolitanism proffered by Kant. While much of Kant's work, such as the categorical imperative, concern behaviour (ethics) and therefore would most accurately be characterised as moral cosmopolitanism,⁸⁷ Kant's definitive articles are institutional in nature given that they advocate for systemic or structural reforms at the domestic and international levels. In particular, the Third Definitive Article argues that cosmopolitan law exists at the top of the hierarchy of legal systems and that the principle of hospitality be its fundamental constitutional principle. Indeed, Garrett Wallace Brown has noted that 'since Kant argued for a fairly formalised constitutional structure of cosmopolitan law, any form of Kantian cosmopolitanism certainly has an institutional component' and that the institutional and legal components demand that 'minimal moral standards be recognised through the codification of cosmopolitan law, which in return demands universal application and obligation'.⁸⁸ Moreover, under Brown's analysis, Kant's conception of cosmopolitanism is in certain respects

⁸⁵ Brown, above n 35, 7.

⁸⁶ Kant's Third Definitive Article of *Perpetual Peace* is constituted by the right of a stranger not to be treated with hostility when he arrives in a foreign land. It constitutes the precept of universal hospitality thus:

All men are entitled to present themselves in the society of others by virtue of their right to communal possession of the earth's surface [...] continents distant from each other can enter into peaceful mutual relations which may eventually be regulated by public laws, thus bringing the human race nearer and nearer to a cosmopolitan condition.

Kant justifies the precept on the following grounds:

Peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*.

See I Kant, 'Perpetual Peace: A Philosophical Sketch', in H Reiss (ed), *Kant's Political Writings* (1991) 93, 107–8.

⁸⁷ Garrett Wallace Brown points out that 'the moral cosmopolitan component argues for a minimal and weak form of universal morality that respects the worth of human beings regardless of geographical location': Brown, above n 35, 14.

⁸⁸ *Ibid.*

weak in nature given that it is only committed to a minimal universal moral law and permits some locally derived moral principles.

Jürgen Habermas has perceived that the evolution of international law over the second half of the 20th century was tantamount to that which Kant predicted would occur as regards the evolution towards cosmopolitan law. As such, the present global order can be described as in a 'transitional stage between international and cosmopolitan law'.⁸⁹ Habermas in many respects seeks to strengthen the conception of cosmopolitanism proposed by Kant, in particular by suggesting that cosmopolitan law should not simply complement international or domestic law. Rather, he advocates that international law must be transformed into a global or cosmopolitan law of individuals. Arguing along the lines of Hobbes' *Leviathan*, Habermas supports a juridification of the state of nature among states, which he says can be achieved only through democratic global institutions. In Habermas' view, this will provide the catalyst for the democratic transformation of morality into a positive system of law with legal procedures of application and implementation.⁹⁰ As a result, and in contrast to Immanuel Kant, Habermas is in favour of a world government as the extension of democracy at the domestic level with human rights as its foundation.⁹¹ Nevertheless, Habermas argues that 'any conceptualisation of a legal regulation of world politics must use individuals and states as the two categories of founding subjects of a world constitution as its starting point'.⁹²

In sum, (international) legal cosmopolitanism refers to the principles that guide legal practice and the values inherent in the law.⁹³ Başak Çalı points out that the basis of this strand of cosmopolitanism is evident in the work of Kelsen, Lauterpacht and Allott.⁹⁴ Despite that it can be concerned with values and principles, it may be distinguished from moral cosmopolitanism.

⁸⁹ Redmond, above n 10.

⁹⁰ R Fine & W Smith, 'Jürgen Habermas's Theory of Cosmopolitanism' (2003) 10 *Constellations* 469, 480ff.

⁹¹ J Bohman & W Rehg, 'Jürgen Habermas', in E N Zalta (ed), *The Stanford Encyclopaedia of Philosophy* (2011), <<http://plato.stanford.edu/archives/win2011/entries/habermas/>> [accessed 31 July 2014].

⁹² J Habermas, 'The Constitutionalization of International Law and the Legitimacy Problems of a Constitution for a World Society' (2008) 15 *Constellations* 444, 449.

⁹³ See Çalı, above n 5.

⁹⁴ Ibid, citing H Kelsen (R W Tucker, ed), *Principles of International Law* (2nd edn, 1966); H Lauterpacht, *The Function of Law in the International Community* (1933); P Allott, *Eunomia: A New Order for A New World* (1990).

3.3 Moral Cosmopolitanism

In contrast to institutional cosmopolitanism, the focus of moral cosmopolitanism is not a call for the proliferation of institutional structures but rather it speaks to the moral basis of world organisation.⁹⁵ This approach identifies cosmopolitanism as a set of moral commitments that influence and justify the policies and institutions we may place on individuals.⁹⁶ As a result, for example, ‘the moral theorist does not necessarily feel constrained by a commitment to constitutional structure, as the view about right actions are held regardless of the structure itself’ and ‘[s]ome forms of moral cosmopolitanism, therefore, can be compatible with a range of institutional arrangements, such as the state system, multilevel forms of governance, and the world-state’.⁹⁷ Indeed, it is important to recognise that a commitment to moral cosmopolitanism does not necessarily entail a denial of support for the state system.

Moral cosmopolitans will focus on what the outcome of a given institutional structure might be. However, while it does not make a direct institutional claim, moral cosmopolitanism can lead to political or institutional cosmopolitanism. Nevertheless, Alyssa Bernstein points out that it is usually distinguished from ‘cosmopolitanism about institutions’, ‘political’, ‘cultural’, and ‘economic’ cosmopolitanism, as well as ‘legal’ and ‘social justice’ cosmopolitanism.⁹⁸

This category of cosmopolitan philosophy can also be concerned with a moral commitment to help others who are in need⁹⁹ and it is an agent-centred theory aimed at guiding personal ethics.¹⁰⁰ As such, in order to behave in a morally cosmopolitan way, one must ask ‘what should one do to act justly?’¹⁰¹ Charles Beitz and Kwame Anthony Appiah both suggest that the application of moral cosmopolitanism means that in making choices about policies or institutions,

⁹⁵ C Beitz, ‘International Liberalism and Distributive Justice’ (1999) 51 *World Politics* 269; T Pogge, ‘Cosmopolitanism and Sovereignty’ (1992) 103 *Ethics* 49.

⁹⁶ Tan, above n 25, 10.

⁹⁷ Çali, above n 5, 1154.

⁹⁸ Bernstein, above n 54, 711. See also C Beitz, *Political Theory and International Relations* (revised edn, 1999); Kleingeld & Brown, above n 12; Pogge, above n 33.

⁹⁹ Kleingeld & Brown, above n 12, explain that ‘moral philosophers and moralists in the wake of eighteenth-century cosmopolitanisms have insisted that we human beings have a duty to aid fellow humans in need, regardless of their citizenship status’ and that for some contemporary theorists, ‘a genuinely cosmopolitan theory should address the needs and interests of human individuals directly—as world citizens—instead of indirectly, as state citizens, that is via their membership in particular states’.

¹⁰⁰ Redmond, above n 10.

¹⁰¹ Çali, above n 5, 1155.

cognisance should be had for the interests of all those who might be affected.¹⁰²

As alluded to in the previous section, John Rawls has often been associated with some legal aspects of cosmopolitanism. The *Law of Peoples* attempts to set out a liberal conception of justice and fairness that is applicable to international norms, law and practice. This theory at least partly reflects a moral cosmopolitan framework applied to the international legal order given that it professes a duty incumbent upon peoples to assist other peoples living under unfavourable conditions which prevent their having a just or decent political and social regime. Notwithstanding, '[i]n cosmopolitan literature, Rawls figures both as hero and as villain'.¹⁰³ It is important to recognise that Rawls also envisages a central role for sovereignty and his eight principles even encompass a duty of non-intervention. This has led some cosmopolitans to argue that Rawls' theory limits the ethical obligations of peoples to state boundaries. Noting the limitation, Iris Marion Young pointed out: 'John Rawls assumes that the scope of those who have obligations of justice to one another in a single relatively closed society governed by a single constitution'.¹⁰⁴

The principles developed by Rawls are certainly cosmopolitan in character but with our renewed tools for conceptualising cosmopolitanism, it is now possible to take the analysis of the type and degree of cosmopolitanism advanced by Rawls somewhat deeper. Indeed, we might term Rawls' ideas described above as resonating with a weak form of moral cosmopolitanism to the extent that they place duties on individuals to behave in a cosmopolitan way and are not committed to institutional reform. In addition, we might also say that Rawls' theory conforms to a moderate form of cosmopolitanism in that it maintains existing state-structures while obligations between individuals apply within closed communities.

To summarise its central elements, therefore, moral cosmopolitanism is concerned with how political units (e.g. individuals, states or institutions) act in a morally just manner,¹⁰⁵ and it is not necessarily incompatible with the state-system or committed to a world-state and global political institutions.¹⁰⁶

¹⁰²Bernstein, above n 54, 712; Beitz, above n 95, 287; Appiah, above n 13, 155ff.

¹⁰³S Scheffler, *Equality and Tradition: Questions of Value in Moral and Political Theory* (2010) 161.

¹⁰⁴I M Young, *Responsibility for Justice* (2011) 135.

¹⁰⁵Çali, above n 5, 1155.

¹⁰⁶Caney, above n 24, 5.

3.4 Cosmopolitanism About Culture

Cosmopolitanism about culture is a claim that no individual should depend on their membership of a particular cultural group defined by boundaries to secure their well-being, identity or freedom.¹⁰⁷ Kok-Chor Tan explains that cultural cosmopolitanism ‘is a thesis about the irrelevance of membership in particular cultures for personal identity formation and individual autonomy’.¹⁰⁸ Some suggest that, by virtue of its evidence in the philosophy of Diogenes, cultural cosmopolitanism is one of the most ancient forms of cosmopolitan thought.¹⁰⁹ Indeed the logic of cultural cosmopolitanism resonates closely with the Stoic idea that it was possible to belong to more than one culture at the same time: ‘[t]he Stoics developed this thought by emphasising that we inhabit two worlds—one which is local and assigned to us by birth and another which is “truly great and truly common”’.¹¹⁰ In contemporary thinking around cultural cosmopolitanism this emphasis remains in that the concept seeks to underline the interconnectivity of individuals as well as the transient nature of culture, which both imply that it is possible to identify with several cultures at the same time.¹¹¹ Michael Blake helpfully summarises this view as focusing ‘on the idea of the widening of horizons from the local to the global [...] [W]e are, for the cultural cosmopolitan, free to develop our own unique ways of life, and we are free to adopt and alter materials from any particular culture in the task of doing so’.¹¹²

Taking a slightly different approach, Samuel Scheffler has drawn a link between cosmopolitanism about culture and cosmopolitanism about justice, arguing that, by the fact of our belonging to humankind, we can build cultural and justice relationships, irrespective of nationality.¹¹³ Similarly, Trevor Redmond points out that our capacity to place ourselves in a broader community, which is inherent to the ideas of cosmopolitanism about culture, is also a feature of cosmopolitanism about justice.¹¹⁴

Importantly, cosmopolitanism about culture is not about homogenising our cultural difference; on the contrary it claims we should celebrate and learn from

¹⁰⁷ Scheffler, above n 103, 112.

¹⁰⁸ Tan, above n 25, 11.

¹⁰⁹ Brown, above n 35, 13.

¹¹⁰ Held, above n 34, 10.

¹¹¹ Brown, above n 35, 13.

¹¹² Blake, above n 15, 38.

¹¹³ Scheffler, above n 34, 114; Redmond, above n 10, 171.

¹¹⁴ Redmond, above n 10, 173.

our different cultural traditions.¹¹⁵ We should not, however, see cultural differences as barriers to cultural exchange. For David Held, 'cultural cosmopolitanism means recognizing our increasing interconnectedness, developing mutual cultural understanding, and at the same time celebrating cultural differences',¹¹⁶ and Trevor Redmond explains that 'those who advocate a cosmopolitan attitude towards culture and identity place their faith in the possibility of overcoming apparent divides and in augmenting their cultural lives through new and diverse experiences'.¹¹⁷

The engagement with, and celebration of, cultural difference is a key feature of Kwame Anthony Appiah's work *Cosmopolitanism: Ethics in a World of Strangers*. Making a strong argument against cultural patrimony, Appiah encourages us to think about cultures as relevant to all of humanity. For example, historical artefacts discovered in any given country should not *per se* be thought of as belonging outright to that country, but rather states should hold those artefacts in trust for the whole of humanity.¹¹⁸ Indeed, this way of thinking is evident in the preamble of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, which states:

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world [...]¹¹⁹

Such logic appears to accurately capture the nature of cultures, in particular that they are always in flux and that, from different cultures, people possess an ability to create new identities.

Finally, it is important to highlight that some authors have applied the term 'cosmopolitanism about culture' to peoples' well-being, identity or capacity for effective agency.¹²⁰ Rather than adopting the term 'cosmopolitanism about

¹¹⁵ Hall, 'Political Belonging in a World of Multiple Identities', in S Vertovec & R Cohen (eds), *Conceiving Cosmopolitanism: Theory, Context, and Practice* (2002) 25, 26. J Waldron, 'Minority Cultures and the Cosmopolitan Alternative' (1992) 25 *U Mich J L Reform* 751.

¹¹⁶ S Dreef, 'Review: Cosmopolitanism: Ideals and Realities' (2011) 3 *Amsterdam L Forum* 105, 107, <<http://amsterdamlawforum.org/article/viewFile/242/429>> [accessed 31 July 2014].

¹¹⁷ Redmond, above n 10, 171.

¹¹⁸ Appiah, above n 13, 120.

¹¹⁹ Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954, 249 UNTS 240.

¹²⁰ Bernstein, above n 54, 713; Scheffler, above n 34.

culture', Caney has opted for 'cosmopolitanism about the good life' to embrace such broader considerations. He argues that 'cosmopolitanism about the good life' implies people must embrace the cultures of others, including their ideas, practices and values, and suggests that 'cosmopolitanism about culture' is a nebulous concept that confuses cosmopolitanism about values and ideals with cosmopolitanism about principles of justice and institutions.¹²¹

4 Conclusion

The starting point of this article was the observation that when legal scholars talk about cosmopolitanism, they tend to over-generalise. This is both unhelpful, as it has meant that we can no longer be sure what is meant by a given cosmopolitan claim, and results in (unnecessary) controversy about the concept, as misinterpretations with respect to the end-game of a cosmopolitan claim can occur. In response to this inadequate conceptualisation of cosmopolitanism in international legal scholarship, I make a call for clarity. Drawing together different conceptions from a variety of authors, and in particular reaching out to other disciplines for guidance, an effort towards refining the discussion on cosmopolitanism by sketching a typology of cosmopolitan categories has been made. Admittedly, these categories are interrelated, fluid and overlapping, but they nevertheless highlight the complexity of cosmopolitan thought. Most importantly, bringing into sharper focus the various distinctions between conceptions of cosmopolitanism will illustrate material differences in given cosmopolitan claims. It is hoped that this cartography can be elaborated upon in later work, but for the time being it may serve as a guide for those legal scholars attempting to navigate existing cosmopolitan territory as well as those charting new ground.

¹²¹ Bernstein, above n 54, 713; S Caney, 'Cosmopolitanism', in D Bell (ed), *Ethics and World Politics* (2010) 146.