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the deployment of force

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## Abstract



# Cosmopolitan theory, militaries and the deployment of force<sup>1</sup>

LORRAINE ELLIOTT<sup>2</sup> AND GRAEME CHEESEMAN<sup>3</sup>

## INTRODUCTION: THE RESEARCH PUZZLE

In 1859 John Stuart Mill suggested that there ‘assuredly are cases in which it is allowable to go to war, without having been ourselves attacked, or threatened with attack’.<sup>4</sup> It is important, Mill went on to observe, that nations make up their minds about what those cases are. Martin Shaw opens his book on post-military society with the observation that ‘there is greater uncertainty today about the roles of war and military institutions in human society than at any time in the twentieth century’.<sup>5</sup>

In addressing these two issues—the legitimate deployment of force and the role of military institutions—a number of scholars working within a broad cosmopolitan tradition in international relations argue that militaries in a globalising world have a new role in what has been variously described as ‘cosmopolitan law enforcement’<sup>6</sup> or the ‘new military

<sup>1</sup> An earlier version of this paper was prepared as the discussion paper for a workshop on cosmopolitan militaries which we held at Balliol College, Oxford in July 2002. Thanks are due to all workshop participants whose comments and discussion were insightful and helpful: Daniele Archibugi, Chris Brown, Christopher Dandeker, Amanda Dickens, Nigel Dower, Peter Lawler, Thomas Pogge, Gwyn Prins, Adam Roberts and Nicholas Wheeler. We are grateful to the United States Institute of Peace for funding support for this project. Thanks also to Balliol College, which awarded Lorraine Elliott a Visiting Fellowship for Hilary and Trinity Terms 2002.

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<sup>4</sup> Cited in Sean D. Murphy, *Humanitarian intervention: The United Nations in an evolving world order* (Philadelphia: University of Pennsylvania Press, 1996), p. xix.

<sup>5</sup> Martin Shaw, *Post-military society: Militarism, demilitarization, and war at the end of the twentieth century* (Philadelphia: Temple University Press, 1991), p. 1.

<sup>6</sup> See Mary Kaldor, *New and old wars: Organised violence in a global era* (Cambridge: Polity Press, 1999).

humanism'.<sup>7</sup> They point to the fact that military forces are already being employed less and less in the defence of the state and more and more on broader regional and international security and humanitarian tasks. The post Cold War era has witnessed a significant number of UN-sponsored or sanctioned military interventions including the establishment of the 'safe havens' and 'no-fly zones' in northern and southern Iraq, the US and UN operations in Somalia, successive North Atlantic Treaty Organization (NATO) operations in the Balkans, and the use of Australian-led forces in East Timor. These various interventions were triggered by human rights violations and suffering of such magnitude that they were seen by the UN to constitute potential threats to international peace and security and, as such, warranted collective action under Article VII of its charter. Together they may also be seen to represent a new, if qualified, norm in international relations: a right to intervene in the internal affairs of states or, more specifically and with a more direct focus on the human security interests of people, a 'right to secure the delivery of humanitarian assistance by force'.<sup>8</sup> This involves more than new coercive missions or new justifications for intervention. It shows how 'solidarity with strangers ... can be made possible'.<sup>9</sup>

Such claims problematise the moral imperative for the use of force, destabilise assumed truths about the contours of the moral and political community and raise important questions about existing and largely statist military practices and customs. The case for considering such claims is not just a theoretical one. Contemporary accounts suggest that in the twentieth century, four times as many people were killed by their own governments as died in international and civil wars in the same period.<sup>10</sup> It is therefore legitimate to ask not just *how* we should respond to what Axel

<sup>7</sup> Ulrich Beck in Noam Chomsky, *The new military humanism: Lessons from Kosovo* (London: Pluto Press, 1999), p. 4.

<sup>8</sup> Tonny Brems Knudsen, 'Humanitarian intervention revisited: Post-Cold War responses to classical problems', *International Peacekeeping* 3(4) 1996, pp 146–65. See also Nicholas Wheeler, *Saving strangers: Humanitarian intervention in international society* (Oxford: Oxford University Press, 2000).

<sup>9</sup> Ulrich Beck, 'The cosmopolitan perspective: Sociology of the second age of modernity', *British Journal of Sociology* 51(1) 2000, pp. 79–105, at pp. 92–3.

<sup>10</sup> Murphy, *Humanitarian intervention*, p. 291.

Honneth calls ‘morally uncurbed aggression’<sup>11</sup> but also to ask upon what ethical basis we do so as well as how best and in what ways to intervene. This paper examines the theoretical assumptions about cosmopolitan militaries, the contestations that surround their constitution and use, and the operational and other challenges that arise from the use of militaries for broadly cosmopolitan objectives.

The proposition that military force and forces can and should be used for cosmopolitan purposes and to advance the cosmopolitan political project raises two important questions which help to refine our research project as well as guide the discussion in this paper. The first question is a theoretical and normative one. What is the theoretical basis for the use of coercive force in support of cosmopolitan purposes and how robust is cosmopolitan thought in providing such a justification? The normative challenges seem all too clear. First, cosmopolitanism in this form would seem to violate the long-held and apparently settled Westphalian and Charter norms of non-interference, maintenance of sovereignty and the non-use of force except in self-defence.<sup>12</sup> Second, it challenges the principles of international law that the primary *legitimate* subjects and moral agents are states. Third, the means of delivery of cosmopolitan peace and democracy is via force—which whispers of normative inconsistency—and for the most part via structures such as the Security Council or coalitions of national militaries which are, in their present format at least, discursively and materially communitarian.

To have real meaning, the commitment to humanity that informs cosmopolitan ideas also has to be more than a regulative ideal: it also has to generate specific political and institutional actions. The second question for our research, therefore, is what constitutes a cosmopolitan military and

<sup>11</sup> Axel Honneth, ‘Is universalism a moral trap? The presuppositions and limits of human rights’, in James Bohman and Matthias Lutz-Bachmann, eds, *Perpetual peace: Essays on Kant’s cosmopolitanism* (Cambridge, Mass: The MIT Press, 1997), p. 159.

<sup>12</sup> Note that W. Michael Reisman suggests that the ‘right to self-defence’ is, in fact, a new norm articulated as such only in the UN Charter of 1945. W. Michael Reisman, ‘Unilateral action and the transformations of the world constitutive process: The special problem of humanitarian intervention’, *European Journal of International Law* 11(1) 2000, pp. 3–18, at p. 9. See also David Chandler on the principle of non-intervention as a ‘constituting principle of the new post WWII international community of states’. David Chandler, ‘International justice’, *New Left Review* 6(November/December) 2000, pp. 55–66, at p. 59.

how might it function? Moral cosmopolitanism has to be reflected in an institutional or procedural cosmopolitanism and we need to pay attention to the cosmopolitanism of means as well as ends. This is not simply an issue of policy choices about military deployment. It demands answers to whole other sets of questions that have normative as well as operational consequences. To what extent, for example, is it possible or indeed advisable for existing militaries to undertake such cosmopolitan roles and prefigure this cognitive shift when they remain the product of inherited institutional structures related to war-fighting in the interests not of the cosmopolis but the state? Can a traditional military, constituted by the Weberian state as the agent of its legitimate monopoly on violence and Clausewitzian war-making, and imbued with particularist and exclusivist (to say nothing of masculinist) images of the moral and political community be restructured materially and normatively in the goals of non-statist and universal moral values? Whose interests will cosmopolitan militaries promote (or undermine)? Will cosmopolitan law enforcement be used selectively and simply reinforce Western or great power or UN Security Council interests? Should the command and control structures remain tied to the UN Security Council and, therefore, the exercise of the veto? Can militaries serve both cosmopolitan and statist objectives at the same time? Can militaries, traditionally hierarchical, closed and non-democratic, be deployed as agents of what is an essentially and inherently democratic, open and non-hierarchical normative purpose?

#### **An argument for cosmopolitan militaries**

An argument for cosmopolitan force and forces, elaborated in or drawing upon a range of literatures, goes something like this.<sup>13</sup> *First*, humankind is ultimately bound together as a single moral community (a community of fate) with shared and equally-valued rights and obligations which ‘transcend the morally parochial world of the sovereign state’.<sup>14</sup> The consequence of such a morally unified world is (as Immanuel Kant

<sup>13</sup> It is, perhaps, important to note that the issue of force and the use of military capability does not always figure prominently in the writings of cosmopolitan scholars for whom the problematic is often focused on the logic of moral obligation, the nature of political community and, in contemporary terms, the norms of international distributive justice.

<sup>14</sup> Andrew Linklater, ‘Cosmopolitan citizenship’, *Citizenship Studies* 2(1) 1998, pp. 23–41, at p. 26.

avowed) that a right violated anywhere is felt everywhere. We therefore have a moral commitment to those who are not our co-nationals. Richard Falk refers to this as an ‘ethos of responsibility and solidarity’<sup>15</sup> which is fundamental to a contemporary cosmopolitan ethic. *Second*, this compassion to ‘outsiders’ goes beyond Kant’s cosmopolitan right of hospitality to include a powerful normative commitment to the creation of democratic or humane forms of global governance.<sup>16</sup> This cosmopolitan democratic imperative requires new forms of global political community based on the principles of dialogue and consent rather than power and force, and on the construction of universal frameworks of communication.<sup>17</sup> This ensures that those who are most vulnerable, powerless and marginalised are empowered to refuse, renegotiate and contest.<sup>18</sup> This is not simply an intellectual account of the good political community. Rather, as Anthony McGrew points out, it ‘identifies the political possibilities inherent in the present’<sup>19</sup> and, as Graeme Cheeseman observes ‘seeks to put in place the means to translate these into future actualities’.<sup>20</sup>

*Third*, these political arrangements are embedded in a growing body of international law which embodies both democratic and humanitarian principles including those of international humanitarian law, the related

<sup>15</sup> Richard Falk, ‘The complexities of humanitarian intervention: A new world order challenge’, *Michigan Journal of International Law* 17(2) 1996, pp. 491–513, at p. 499.

<sup>16</sup> See Anthony McGrew, ‘Globalisation and territorial democracy: An introduction’, in Anthony McGrew, ed., *The transformation of democracy?* (Milton Keynes: The Open University Press, 1997); and Richard Falk, *On human governance: Towards a new global politics* (Cambridge: Polity Press, 1995).

<sup>17</sup> See Andrew Linklater, *The transformation of political community: Ethical foundations of the post-Westphalian era* (Cambridge: Polity Press, 1998).

<sup>18</sup> Onora O’Neill in Andrew Linklater, ‘Citizenship and sovereignty in the post-Westphalian European state’, in Daniele Archibugi, David Held and Martin Köhler, eds, *Re-imagining political community: Studies in cosmopolitan democracy* (Cambridge: Polity Press, 1998), p. 28.

<sup>19</sup> Anthony McGrew, ‘Democracy beyond borders? Globalisation and the reconstruction of democratic theory and practice’, in Anthony McGrew, ed., *The transformation of democracy?* (Milton Keynes: The Open University Press, 1997), p. 252.

<sup>20</sup> Graeme Cheeseman, ‘Defending the “other”: Military force(s) and the cosmopolitan project’, paper presented to the Chief of Army Land Warfare Conference 2001, Future Armies, Future Challenges: Land Warfare in the Information Age, Australian Defence Force Academy, Canberra, 9–11 October 2001, p. 13.

laws of warfare and international human rights law. Among other things, this cosmopolitan law is argued to permit and facilitate (and perhaps require) intervention ‘in the internal affairs of each state in order to protect certain basic rights’.<sup>21</sup> As we discuss later in this paper, the extent and content of the cosmopolitan right is contentious, at least (but not only) as far as claims for forceful intervention go. Intervention for cosmopolitan purposes is bedeviled especially by disputes over rights and duties to intervene to *protect* individuals against genocide or other extreme abuse of human rights and rights and duties to intervene to *establish* or create the conditions for democratic forms of governance. *Finally*, cosmopolitan scholars argue that cosmopolitan law and the *pax cosmopolitica* (or *cosmopoliticum*?) require the backing of coercive force, provoking a rather awkward re-interpretation of the realist mantra, *si pacem, para bellum* (if you want peace, prepare for war). Cosmopolitan militaries are, however, expected to be operationally and culturally different from state-based militaries. Cosmopolitan militaries—or what Mary Kaldor calls cosmopolitan troops<sup>22</sup>—are now expected to risk their lives not just, or even, for their co-nationals but for humanity as a whole. The deployment of cosmopolitan force is expected to be advanced through the reform of existing transnational military structures,<sup>23</sup> or through the ‘creation of new internationalised and accountable military structures’,<sup>24</sup> or even through the creation of a ‘new’ kind of soldier whose loyalties are to ‘abstract cosmopolitan ideals in place of patriotism’.<sup>25</sup>

### **Cosmopolitan political thought**

The legitimacy of the deployment of military force and forces for cosmopolitan purposes, to protect or defend individuals, rests on the fundamental claim that individuals are bound together in humanity as a

<sup>21</sup> Daniele Archibugi, ‘Immanuel Kant, cosmopolitan law and peace’, *European Journal of International Relations* 1(4) 1995, pp. 429–56, at p. 430.

<sup>22</sup> Kaldor, *New and old wars*, p. 131.

<sup>23</sup> David Held, *Democracy and the global order: From the modern state to cosmopolitan governance* (Stanford: Stanford University Press, 1995).

<sup>24</sup> Anthony McGrew, ‘Democracy beyond borders?’, pp. 251–2.

<sup>25</sup> Mary Kaldor et al., ‘Conclusion by the authors’, in Mary Kaldor, ed., *Global insecurity* (London: Pinter, 2000), p. 185.

single moral community which, in constituting a 'community of fate',<sup>26</sup> provides the basis for relations of obligation among them. Individuals are the cosmopolitan unit of concern. It seems a sensible strategy, in investigating these claims, to begin with these debates about moral community. Three related issues seem immediately relevant. First, what does the trajectory of cosmopolitan thinking say about the moral community? Second, what duties and obligations are argued to inhere in such a moral community? Third, and to get to the heart of the matter for this project, what claims are made about the legitimate use of force in the interests of such a moral community?

At the same time, we need to acknowledge and examine criticisms of the cosmopolitan argument. Here there are three, not entirely unconnected lines of argument, informed by a combination of moral relativism and political realism. The first is a moral philosophy concern that morality is neither innate nor natural. Cosmopolitanism is thus criticised on the grounds of its 'abstract universalism' and its tendency to discount the 'crucial humanizing role played by identity politics'.<sup>27</sup> The second objection is that the cosmopolitan project, in its contemporary version at least, is a universalising and hierarchical project in which claims to moral legitimacy privilege Western values in the interests of what Ulrich Beck describes as 'some version of Western petit-bourgeois morality inflated to megalomania'.<sup>28</sup> The third challenge is that cosmopolitanism rides roughshod over the sovereignty (and sovereign equality) of states and undermines the moral good that sovereignty and non-intervention serve in sustaining an international society of states. It would seem, therefore, to be incumbent on cosmopolitan thinkers to demonstrate three things. First, that there can be universal moral truths, whether or not they derive from objective foundations in natural law. Second, that this does reconfigure the

<sup>26</sup> David Held, 'Democracy and globalisation', in Daniele Archibugi, David Held and Martin Köhler, eds, *Re-imagining political community: Studies in cosmopolitan democracy* (Cambridge: Polity Press, 1998), p. 12.

<sup>27</sup> Benjamin R. Barber, 'Constitutional faith', in Joshua Cohen, ed., *For love of country: Debating the limits of patriotism* (Boston: Beacon Press, 1996), pp. 30–1.

<sup>28</sup> Ulrich Beck, 'Democracy beyond the state: A cosmopolitical manifesto', *Dissent* Winter 1999, pp. 53–5, at p. 54.

boundaries of the moral and political community. Third, that this universalism does not (as Fiona Robertson-Snape puts it) ‘smother difference’.<sup>29</sup>

In the discussion that follows, then, we consider how it might be possible to construct a reasonable rejoinder to these critiques although the examination is preliminary and somewhat selective in its coverage. We understand cosmopolitanism here as both an ethical and a political project. As an ethical project, it seeks to establish (among other things) the extent of, content of and justification for moral obligation. As a contemporary political project, it is intimately connected with debates about the appropriate form of political community and the practices of democracy and globalisation. The short review of cosmopolitan thought with which we begin cuts somewhat arbitrarily into three (or possibly three-and-a-half) phases of the cosmopolitan historical record. Those phases are the Cynic and Stoic period of approximately 445 BC to 180 AD; the Renaissance and then, more specifically, the Enlightenment period; and finally, contemporary interpretations particularly those of the post Cold War literature. In these phases we see a changing geopolitics, international sociology and metaphysics, but a consistent interest in understanding humanity, the ethical community and the extent and content of moral obligation.<sup>30</sup>

The idea that humans had identity beyond the local characterises very early forms of cosmopolitan thought in which, as Chris Brown observes, ‘human nature [was understood as] part of cosmic nature’.<sup>31</sup> Socrates, the

<sup>29</sup> Fiona Robertson-Snape, ‘Moral complexity and the international society’, *Global Society* 14(4) 2000, pp. 507–24, at p. 512.

<sup>30</sup> This trajectory has given rise to three broad ‘traditions’ within cosmopolitan thinking—a utilitarian tradition, a Kantian tradition and a rights-based approach. For a very brief introduction to the varieties of cosmopolitan thought, see, inter alia, Christien Van den Anker, ‘Introduction: The need for an integrated cosmopolitan agenda’, *Global Society* 14(4) 2000, pp. 479–85; Toni Erskine, ‘Embedded cosmopolitanism and the case of war: Restraint, discrimination and overlapping communities’, *Global Society* 14(4) 2000, pp. 569–90; Charles Jones, *Global justice: Defending cosmopolitanism* (Oxford: Oxford University Press, 1999), especially chapters 2–4; Derek Heater, *World citizenship and government: Cosmopolitan ideas in the history of Western political thought* (London: Macmillan, 1996); and Chris Brown, *International relations theory: New normative approaches* (London: Harvester Wheatsheaf, 1992).

<sup>31</sup> Brown, *International relations theory*, p. 23.

inspiration for Cynic thought, is alleged to have proclaimed himself a 'citizen of the world' although the authenticity of this attribution is uncertain.<sup>32</sup> Diogenes' claims to be a 'citizen of the world' were meant to express the idea of a prior 'moral affiliation with rational humanity'.<sup>33</sup> In general, and despite the politics of the Greek city-state and Roman imperial ambitions, concepts of world citizenship seem to have had few political connotations. This was, as Daniele Archibugi indicates, an 'individual aspiration rather than a mass reality'.<sup>34</sup> Such claims were bound up in the consciousness of belonging to a 'community of the whole of humankind'<sup>35</sup> subject to a code of natural law. Thus the Roman Cicero argued that 'nature ordains that every human being should promote the good of every other human being just *because* he [sic] is human ... we are all subject to a single law of nature'.<sup>36</sup>

These ideas about citizenship and an extended, singular community figured in the works of Renaissance humanist scholars and then as a major theme in the liberal ideas of the Enlightenment.<sup>37</sup> Thus early seventeenth century Parisian scholar, the monk Émeric Crucé who died in 1648, understood 'human society [as] one body of which all the members are in sympathy in such a manner that it is impossible for the sickness of one not to be communicated to the others'.<sup>38</sup> Francis Bacon observed that 'if a man [sic] be generous and courteous to strangers, it shows he is a citizen of the world'.<sup>39</sup> The English-born American republican Thomas Paine

<sup>32</sup> See Heater, *World citizenship and government*, pp. 6–7.

<sup>33</sup> Martha Nussbaum, 'Kant and cosmopolitanism', in James Bohman and Matthias Lutz-Bachmann, eds, *Perpetual peace: Essays on Kant's cosmopolitanism* (Cambridge, Mass: The MIT Press, 1997), p. 29.

<sup>34</sup> Daniele Archibugi, 'Demos and cosmopolis', *New Left Review* 13(January/February) 2002, pp. 24–38, at p. 24.

<sup>35</sup> Heater, *World citizenship and government*, pp. x–xi.

<sup>36</sup> Cited in Nussbaum, 'Kant and cosmopolitanism', p. 3, emphasis added.

<sup>37</sup> Brown suggests there was little doctrinal continuity between Stoic and Enlightenment versions of cosmopolitanism. Brown, *International relations theory*, p. 24. On the other hand, see Nussbaum, 'Kant and cosmopolitanism', and Heater, *World citizenship and government*.

<sup>38</sup> Cited in Heater, *World citizenship and government*, p. 66.

<sup>39</sup> Cited in Heater, *World citizenship and government*, p. 51.

(1737–1809) echoed Stoic thinkers in his claims that ‘my country is the world’.<sup>40</sup>

In the modern natural law tradition of the Enlightenment period, which took autonomy as a key principle, individuals were understood to be members of a single moral community of rational human beings. Rational individuals were the carriers of a universal moral agency<sup>41</sup> and citizenship resided in being ‘free and equal co-legislators of moral law’.<sup>42</sup> Ties among members of this universal community were natural and indestructible, embedded in universal moral laws and natural rights which could not be infringed and which, more to the point, must be protected. Kant, usually accepted as a formative figure in Enlightenment cosmopolitanism, believed that ‘the community of all human beings entails a common participation in law and ... in a virtual polity, a cosmopolis that has an implied structure of claims and obligations’.<sup>43</sup> This was, for him, a ‘universal community’ which had developed ‘to the point where a violation of rights in one part of the world is felt everywhere’.<sup>44</sup> This is perhaps a more secular cosmopolitanism, less tied to a metaphysical or teleological deity as the basis for practical reason although Kant is rather attached to a hidden plan of Nature.<sup>45</sup> The development of a universal community in rationality both revealed and required the progress of humanity from a state of nature not through the Hobbesian social contract (based on the trade-off of ‘freedom’ for security) but through the

<sup>40</sup> Cited in Heater, *World citizenship and government*, p. 71.

<sup>41</sup> See Alejandro Colás, ‘Putting cosmopolitanism into practice: The case of socialist internationalism’, *Millennium* 23(3) 1994, pp. 513–34, at p. 513.

<sup>42</sup> Pauline Kleingeld, ‘Kantian patriotism’, *Philosophy and Public Affairs* 29(4) 2000, pp. 313–41, at p. 314.

<sup>43</sup> Nussbaum, ‘Kant and cosmopolitanism’, p. 37. This is not to suggest that Kant’s ideas were necessarily original—much of his work on ideas of perpetual peace was prefigured in other works. Thomas C. Walker, ‘The forgotten prophet: Tom Paine’s cosmopolitanism and international relations’, *International Studies Quarterly* 44(1) 2000, pp. 51–72, suggests that Thomas Paine should take much of the credit but he too tends to overlook a much longer cosmopolitan genealogy.

<sup>44</sup> Cited in Heater, *World citizenship and government*, p. 84. International relations scholars are also often inclined to acknowledge the influence of Hugo Grotius. See Wheeler who observes that Grotius ‘considered that the rights of the sovereign could be limited by the principle of humanity’. Wheeler, *Saving strangers*, p. 45.

<sup>45</sup> See Brown, *International relations theory*, p. 38.

‘acquisition of honour and esteem’,<sup>46</sup> ideas which had their roots in Cicero.

Kant’s cosmopolitan community was, nevertheless, limited. His cosmopolitan world was based on a federal order of republican *states* in which cosmopolitan right took precedence over sovereign rights. Republican forms of government, based on individual autonomy, rights and consent, were central to a Kantian peaceful order. Such states would, through the creation of a cosmopolitan public sphere and the exercise of public reason, allow people to come to understand themselves as free and equal citizens of the world. States would (slowly and unevenly) forgo war in their external relations with each other—and for Kant war was the greatest threat to freedom—because those who had to fight and fund it would have to be consulted and would therefore come to understand and reject its costs. Certainly he did not expect that his version of cosmopolitan law—by which individuals would be regarded as citizens of a universal state of humankind—would supplant other forms of law. Rather, as Derek Heater points out,<sup>47</sup> he understood it to coexist alongside civil law within states and international law between states. Other scholars prefigured a more ‘globalist’ approach—Jeremy Bentham, for example, anticipated a politically conscious embryonic world citizenry and an international body of delegates<sup>48</sup> although he also felt that international democracy could be achieved as long as nation-states were democratic.<sup>49</sup> This is, in effect, Paine’s ‘cordial unison’ that arises when the rights of man [sic] are respected.<sup>50</sup>

As a contemporary political project, cosmopolitanism draws its inspiration from, but also offers an extended critique of, Kant’s work. Whereas the Kantian problematic was war, the contemporary cosmopolitan

<sup>46</sup> See Anthony Pagden, ‘The genesis of “governance” and enlightenment conceptions of the cosmopolitan world order’, *International Social Science Journal* 50(1) 1998, pp. 7–15, at p. 9.

<sup>47</sup> Heater, *World citizenship and government*, p. 13.

<sup>48</sup> See Heater, *World citizenship and government*, p. 82.

<sup>49</sup> For a brief discussion of the key differences between Bentham’s consequentialist cosmopolitanism and Kant’s deontological cosmopolitanism see Brown, *International relations theory*, pp. 41–4.

<sup>50</sup> See Walker, ‘The forgotten prophet’, p. 56.

problematic draws a more general compass around globalisation and transnational harm. It anticipates an emerging post-Westphalian order in which ‘sovereign statehood and territoriality are loosening their grip on modern political life’.<sup>51</sup> The transition is not from a state of nature to a rational peaceful order as Kant saw it but from modernity to post-modernity or, as Beck, Jürgen Habermas and Anthony Giddens (among others) articulate it, to a state of reflexive or second phase modernity.

The language of individual autonomy within moral community, made meaningful in this case through democratic systems of governance, remains a key theme in contemporary cosmopolitan thinking. Yet the consequences and paradoxes of globalisation, which ‘increase the opportunities for and the incidence of transnational harm’,<sup>52</sup> imbue a different resonance to the concept of ‘interconnectedness’ as a single community. David Held demonstrates that the ‘quality of lives of others is [now] shaped and determined in near or far-off lands without their participation, agreement or consent’.<sup>53</sup> Honneth suggests that the closer relations brought about by globalisation have brought the world together as a moral community.<sup>54</sup> Or, as Beck nicely puts it, risk communities ‘create a moral space of mutual commitments across frontiers’.<sup>55</sup> Individuals become, in effect, citizens in a global community through their admittedly differential exposure to shared or common harms. In turn, global citizenship (about which more later) ‘defends the realm of the cosmopolitan moral duty’.<sup>56</sup>

A cosmopolitan order (and cosmopolitan justice) demands first that individuals can freely determine the conditions of their own lives. Democratic legitimacy based on a politics of consent is therefore crucial as an end in itself and as a means of ensuring a greater peace and justice

<sup>51</sup> McGrew, ‘Globalisation and territorial democracy’, p. 19.

<sup>52</sup> Andrew Linklater, ‘The evolving spheres of international justice’, *International Affairs* 75(3) 1999, pp. 473–82, at p. 474.

<sup>53</sup> David Held, ‘Democracy and global order’, in James Bohman and Matthias Lutz-Bachmann, eds, *Perpetual peace: Essays on Kant’s cosmopolitan ideal* (Cambridge, Mass: The MIT Press, 1997), p. 244.

<sup>54</sup> Honneth, ‘Is universalism a moral trap?’, p. 172.

<sup>55</sup> Beck, ‘The cosmopolitan perspective’, p. 95.

<sup>56</sup> Linklater, ‘Citizenship and sovereignty’, p. 127.

for individuals. But democracy and autonomy are not to be confined within states. Indeed, Archibugi (and others) do not accept the traditional Enlightenment position that ‘the democratisation of world affairs can be achieved solely by proxy’.<sup>57</sup> John Rawls’ cosmopolitanism, on the other hand, is rather more Kantian. For him peoples (in some collective sense) rather than individuals are the relevant moral actors in the international sphere because individuals’ ‘basic claims to justice have already been taken into account’ in just societies.<sup>58</sup>

Democratising relationships between states and at the level of global institutions is a necessary condition of a contemporary cosmopolitan democratic order. This involves the application of democratic principles—‘constitutional charters, transparency of action and independent judicial authority’<sup>59</sup>—to the international sphere. Cosmopolitan law is given form in consent-based international law by which states are to be bound. Paul Taylor understands this as a ‘proactive cosmopolitanism’, a ‘deliberate attempt to create consensus about values and behaviour’ including the ‘reflection and promotion of cosmopolitan values through specific new activities in international organisations such as the United Nations’.<sup>60</sup> Cosmopolitan institutions must also, Andrew Kuper argues, meet three ethical criteria: they must take ‘individual human persons as the ultimate units of concern’; they must attach that status ‘to every human being equally’ and they must regard persons as the ultimate unit of concern for *everybody*.<sup>61</sup> Democracy and the politics of consent are therefore embedded further in the development of transnational civil society which, in its ‘capacity for significant independent action in world politics’<sup>62</sup>

<sup>57</sup> Archibugi, ‘Demos and cosmopolis’, p. 31.

<sup>58</sup> See Andrew Kuper, ‘Rawlsian global justice: Beyond the law of peoples to a cosmopolitan law of persons’, *Political Theory* 28(5) 2000, pp. 640–74, at p. 641.

<sup>59</sup> Daniele Archibugi, ‘Cosmopolitical democracy’, *New Left Review* 4(July/August) 2000, pp. 137–50, at p. 141.

<sup>60</sup> Paul Taylor, ‘The United Nations in the 1990s: Proactive cosmopolitanism and the issue of sovereignty’, *Political Studies* XLVII(3) 1999, pp. 538–65, at p. 540.

<sup>61</sup> Kuper, ‘Rawlsian global justice’, p. 654.

<sup>62</sup> Charles Beitz, ‘Social and cosmopolitan liberalism’, *International Affairs* 75(3) 1999, pp. 515–29, at p. 517.

makes an ethics of dialogue increasingly although by no means perfectly possible.

This is not a demand for world government or a world state.<sup>63</sup> Cosmopolitan democracy generally defends ‘non-statist frameworks of international reform’.<sup>64</sup> As a political project, contemporary cosmopolitanism is tied to demands for a ‘rights based system of global governance’<sup>65</sup> and the development of alternative and transformative models for the practice of world politics. Exactly what these new arrangements should be and how they might be implemented is the subject of some difference and contention. Archibugi argues, for example, that cosmopolitan democracy should be concerned with utilising the positive features of both the confederal and federal models of states systems while avoiding their pitfalls. In his view the actions of states can be constrained by strengthening existing world judicial powers, including the International Court of Justice and now the International Criminal Court, reforming the United Nations in general and the Security Council in particular, and establishing a UN Peoples’ Assembly representative of the cosmopolitan public sphere.<sup>66</sup> Archibugi goes on to say that such a change:

does not necessarily mean that there must be a substantial transfer of power from the states to the new institutions. Not only would this be

<sup>63</sup> Ideas about the most appropriate form of governance to ensure world peace have, it is certainly true, sometimes been entwined with calls, if not for a world government or state then at least for some form of federal world system. These ideas have sometimes come from quite unlikely quarters. In 1955, Harold Macmillan proclaimed in the House of Commons that if the demands of disarmament meant something like a world government ‘be it so: it is none the worse for that. In the long run, this is the only way out for [hu]mankind’. Cited in Heater, *World citizenship and government*, p. 141.

<sup>64</sup> Antonio Franceschet, ‘Popular sovereignty or cosmopolitan democracy? Liberalism, Kant and international reform’, *European Journal of International Relations* 6(2) 2000, pp. 277–302, at p. 289.

<sup>65</sup> Mary Kaldor, ‘Cosmopolitanism and organised violence’, paper prepared for a conference on Conceiving Cosmopolitanism, University of Warwick, 27–29 April 2000, p. 7.

<sup>66</sup> See, inter alia, Daniele Archibugi, ‘From the United Nations to cosmopolitan democracy’, in Daniele Archibugi and David Held, eds, *Cosmopolitan democracy: An agenda for a new world order* (Cambridge: Polity Press, 1995); Jürgen Habermas, ‘Kant’s idea of perpetual peace with the benefit of two hundred years’ hindsight’, in James Bohman and Matthias Lutz-Bachmann, eds, *Perpetual peace: Essays on Kant’s cosmopolitanism* (Cambridge, Mass: The MIT Press, 1997); and Held, ‘Democracy and globalisation’.

unrealistic to expect this, but it would not be desirable either. The challenge of the cosmopolitan democracy model is not that of substituting one power with another, but in reducing the role of power in the political process while increasing the influence of procedures.<sup>67</sup>

While not ruling out such measures others, like Andrew Linklater, call also for the development of new forms of political community in which 'citizens and aliens come together as co-legislators' within a wider public sphere.<sup>68</sup> Humanity forms a democratic political community in which centres of power are diverse and overlapping and in which structures of governance are (or should be) representative, accountable and equitable. This is a 'dispersal of sovereign powers' rather than an 'aggregation in a single authority'.<sup>69</sup> Kuper calls it a 'system of functionally plural sovereignty'<sup>70</sup> and Thomas Pogge, in setting out a strategy for global institutional reform, describes it as a vertical dispersal of the powers of sovereignty, a process of centralisation and decentralisation by which political authority is dispersed over nested territorial units.<sup>71</sup> Citing the European experience as a possible model, Linklater<sup>72</sup> sees these new structures complementing and extending existing state-based arrangements by providing representation to people with both sub-state and transnational allegiances. Such structures are said to be necessary in part because the vast number of existing international organisations are neither democratic nor publicly accountable and, in part, because without them the considerable achievements of national citizenship will be increasingly at risk.

#### **Particularism or universalism in the moral community?**

Critics of cosmopolitan thought are suspicious of claims to universal moral truths, arguing that moral values and moral obligation are the

<sup>67</sup> Archibugi, 'From the United Nations to cosmopolitan democracy', pp. 157–8.

<sup>68</sup> Linklater, 'Cosmopolitan citizenship', p. 33.

<sup>69</sup> Linklater, 'Citizenship and sovereignty', p. 130.

<sup>70</sup> Kuper, 'Rawlsian global justice', p. 658.

<sup>71</sup> Thomas Pogge, 'Cosmopolitanism and sovereignty', *Ethics* 103(1) 1992, pp. 48–75.

<sup>72</sup> Linklater, 'Cosmopolitan citizenship', pp. 31–3.

product of a bounded social context which relies on shared experience and identity. It is for this reason that Mervyn Frost proposes, for example, that individuals are ‘fully actualised as free moral persons *only* by state membership’.<sup>73</sup> The moral community is thus constructed or imagined as particularist. Shared identity as citizens-within-the-state (a fundamentally Hegelian position) defines the principal boundary of moral commitment. In the absence of universal moral truths, according to this form of pluralist communitarian thought, we can define the just and the good only in the context of the values and norms that are shared by the members of the same political community (in this case, the state). Justice, Michael Walzer argues in pursuing this idea, is the ‘creation of a particular political community at a particular time’.<sup>74</sup> Moral favouritism *defines* what it means to be part of a community. This does not mean that justice can have no meaning internationally or globally. Obligations to one’s own community do not necessarily exhaust other obligations. As Jocelyne Couture observes, a ‘special interest is not *necessarily* an exclusive interest’.<sup>75</sup> Rather it means that justice across borders and obligations to ‘others’ does not and cannot rest on claims about moral equality and an ethos of universal solidarity.

Just as moral obligation, in this view, is defined in the context of the state as a political and moral community, so too is citizenship. Citizenship, David Miller argues ‘is a particular kind of identity ... rooted in the solidarity of a particular political culture’.<sup>76</sup> Thus claims to global citizenship are argued to be meaningless in the absence of institutions, political practice and a codified or socially understood and embedded structure of rights and obligations. A political and moral community, and

<sup>73</sup> See Robertson-Snape, ‘Moral complexity and the international society’, p. 515, emphasis added.

<sup>74</sup> Cited in David Miller, ‘Introduction’, in David Miller and Michael Walzer, eds, *Pluralism, justice and equality* (Oxford: Oxford University Press, 1995), p. 2. Brian Barry criticises Walzer for ‘resolutely refus[ing] to investigate the microprocesses that go into the formation of and sustenance of beliefs’. See Brian Barry, ‘Spherical justice and global injustice’, in David Miller and Michael Walzer, eds, *Pluralism, justice and equality* (Oxford: Oxford University Press, 1995), p. 77.

<sup>75</sup> Jocelyne Couture, ‘Cosmopolitan democracy and liberal nationalism’, *The Monist* 82(3) 1999, pp. 491–515, at p. 495, emphasis added.

<sup>76</sup> See Kimberly Hutchings, ‘Political theory and cosmopolitan citizenship’, in Kimberly Hutchings and Roland Dannreuther, eds, *Cosmopolitan citizenship* (London: Macmillan, 1999), p. 28.

an international order, based on bounded states precludes therefore a universal moral community coterminous with humanity.

Cosmopolitan responses rely on reassessing the ontology of the state in a globalised world which challenges what Beck calls the 'all embracing national project'.<sup>77</sup> This is not about dissolving the state. Rather the state should no longer be assumed to be the only locus of political power or the only legitimate source of public policy and, therefore, can no longer be assumed to be the only agent constitutive of individual identity or moral community. Walzer's claim that 'humanity has no memory, or history, or culture, or customary practices, or festivals, or shared understandings of social goods'<sup>78</sup> is increasingly contestable. The imagined nation-state, constituted by shared beliefs, mutual commitment and extended in history (as Miller defines it) is, Onora O'Neill argues, an idealised and ideologised conception of the state.<sup>79</sup> Globalisation and its disjunctures unsettle understandings of what it means to be a political as well as a moral community and, thus, what it means to be a 'citizen'. The community of fate, which 'rightly governs itself and determines its future'<sup>80</sup> is no longer necessarily a national community. As Held observes, the political authority of the state and its relationship with self-determining collectivities is being fractured.<sup>81</sup> Society as a 'common venture'<sup>82</sup> and the political community of fate 'can no longer meaningfully be located within the boundaries of a single-nation state'.<sup>83</sup> The transnationalising of 'threat'

<sup>77</sup> Beck, 'The cosmopolitan perspective', p. 91.

<sup>78</sup> Michael Walzer, *Thick and thin: Moral argument at home and abroad* (Notre Dame: University of Notre Dame Press, 1994), p. 8.

<sup>79</sup> Onora O'Neill, 'Bounded and cosmopolitan justice', *Review of International Studies* 26(Special Issue) 2000, pp. 45–60, at p. 50.

<sup>80</sup> David Held, 'Cosmopolitan democracy and the global order: Reflections on the 200th anniversary of Kant's "perpetual peace"', *Alternatives* 20(4) 1995, pp. 415–29, at pp. 418–19.

<sup>81</sup> Held, 'Democracy and globalisation'. See also Martin Köhler, 'Towards a cosmopolitan public sphere', *Peace Review* 9(3) 1997, pp. 385–91, who suggests that globalisation has unsettled the fit between the agency of the individual as citizen in the public sphere and 'bourgeois' in the private.

<sup>82</sup> Couture, 'Cosmopolitan democracy and liberal nationalism', p. 511.

<sup>83</sup> David Goldblatt, 'At the limits of political possibility: The cosmopolitan democratic project', *New Left Review* 225(September/October) 1997, pp. 140–50, at p. 146.

through such problems as environmental degradation, pandemics, drug trafficking and small arms trafficking, along with the development of a transnational public sphere of civil society, creates overlapping communities of fate. The displacement of cause and effect, both spatially and temporally, extends the bounds of those to whom we owe obligations or against whom we might claim rights. It is in such a world, Held argues, that ‘citizens must come to enjoy multiple citizenships’.<sup>84</sup>

Global citizenship is presented in cosmopolitan thought as a ‘system of moral duties rather than [necessarily of] legal rights’,<sup>85</sup> a structure of moral claims and obligations which holds true even if there is no ‘political organization in place to promote or vindicate them’.<sup>86</sup> Thus the moral position which is cosmopolitanism does not need ‘to be directly instantiated in a trans-state sovereign power’<sup>87</sup> to have practical import. Individuals as global citizens are ‘co-legislators’ in the moral community, in an ideal relationship of political freedom.<sup>88</sup> Global citizenship implies, Janna Thompson argues, ‘solidarity, a willingness to make sacrifices for other [global] citizens’.<sup>89</sup> For James Bohman also, world citizenship is not necessarily about similar beliefs and goals. Rather it is a ‘matter of achieving the conditions under which a plurality of persons can inhabit a common public space’<sup>90</sup> which he calls a ‘many sided common sense’.<sup>91</sup> For many cosmopolitan thinkers and observers, this is not an entirely unachievable goal. Many look to the European Union as ‘simultaneously

<sup>84</sup> David Held, ‘Globalisation and cosmopolitan democracy’, *Peace Review* 9(3) 1997, pp. 309–14, at p. 310.

<sup>85</sup> Linklater, ‘Cosmopolitan citizenship’, p. 26.

<sup>86</sup> Nussbaum, ‘Kant and cosmopolitanism’, p. 37.

<sup>87</sup> See Hutchings, ‘Political theory and cosmopolitan citizenship’, p. 30.

<sup>88</sup> See, for example, Kleingeld, ‘Kantian patriotism’.

<sup>89</sup> Janna Thompson, ‘Planetary citizenship: The definition and defence of an ideal’, in Brendan Gleeson and Nicholas Low, eds, *Governing for the environment: Global problems, ethics and democracy* (Basingstoke: Palgrave, 2001), p. 139.

<sup>90</sup> James Bohman, ‘The public spheres of the world citizen’, in James Bohman and Matthias Lutz-Bachmann, eds, *Perpetual peace: Essays on Kant’s cosmopolitanism* (Cambridge, Mass: The MIT Press, 1997), p. 185.

<sup>91</sup> Bohman, ‘The public spheres of the world citizen’, p. 186.

raising the prospect of supra-national citizenship as a practical possibility as well as an idealistic hope'.<sup>92</sup>

The cosmopolitan project seeks to be morally inclusive of those 'beyond' or 'outside' the state—that is, those who are 'other' than co-nationals. By its very nature, therefore, it destabilises the definitions of 'beyond' and 'outside' and 'other'. Valuing individuals and individual life equally as a universal moral principle does not, however, *necessarily* implicate other forms of universality or undermine the diversity of lived experiences.<sup>93</sup> The universalism of the contemporary cosmopolitan project is as much a claim about those to whom obligations are owed as it is about the content of those obligations and the moral purpose that informs them. Justice, O'Neill argues, is 'owed to all regardless of location or origin, race or gender, class or citizenship'.<sup>94</sup> Or, as Pogge puts it in a way that provides a more direct connection, perhaps, with arguments about the deployment of force (although he does not specifically address the issue himself) 'persons are the ultimate units of concern for everyone—not only for their compatriots, fellow religionists, or such like'.<sup>95</sup>

Despite this emphasis on universality and generality, cosmopolitan ideas do not assume the replacement of 'local attachments and particular loyalties'.<sup>96</sup> Rather, they allow no *intrinsic* significance to be ascribed to states or to co-nationals. There is, therefore, nothing particularly magical about one particular grouping—the nation-state—that can dissolve all wider moral considerations.<sup>97</sup> As Emmerich de Vattel argued in *The law of*

<sup>92</sup> Shaw, *Post-military society*, p. 164.

<sup>93</sup> Beck likens this to the difference between a 'melting pot' and a 'salad bowl' in which 'cultural identities coexist with and against one another in a colorful ... way'. Beck, 'Democracy beyond the state', p. 55.

<sup>94</sup> O'Neill, 'Bounded and cosmopolitan justice', p. 45.

<sup>95</sup> Pogge, 'Cosmopolitanism and sovereignty', p. 49.

<sup>96</sup> See Nussbaum, 'Kant and cosmopolitanism'. James Bohman and Matthias Lutz-Bachmann suggest that Kant took a 'surprisingly pluralist conception of a global order with many different local identities and political arrangements' in which tolerance and diversity was the consequence of a cosmopolitan peace rather than a natural cause of conflict. See James Bohman and Matthias Lutz-Bachmann, 'Introduction', in James Bohman and Matthias Lutz-Bachmann, eds, *Perpetual peace: Essays on Kant's cosmopolitanism* (Cambridge, Mass: The MIT Press, 1997), p. 6.

<sup>97</sup> Brian Barry in Jones, *Global justice*, p. 115.

*nations* (1758)—notwithstanding that he is most often characterised as a pluralist—even when people are ‘united in civil society and form a separate state or nation ... their duties towards the rest of the human race remain unchanged’.<sup>98</sup> There is, Charles Jones argues, no moral legitimacy in giving priority to one’s co-nationals in circumstances which might involve the denial of claims made by non-compatriots. Both compatriot favouritism and exclusionary patriotism are therefore unacceptable.<sup>99</sup> Pogge suggests that national partiality, at least in the context of justice, is ‘morally acceptable *only* on condition that the fairness of international competition is continually preserved’.<sup>100</sup>

While Derek Heater<sup>101</sup> suggests that cosmopolitan values regarding the one-ness of humankind and the moral equality of all humans flow from natural law, contemporary interpreters of cosmopolitan thinking are somewhat more ambivalent in their approach to the ‘abstract universalism’ of natural law claims. Contemporary cosmopolitan politics expresses a preference for a dialogic or communicative ethics and, as a global politics, for the value of positive law as a codification of inalienable as well as dialogic rights. The cosmopolitan community and what is good and just is created inter-subjectively through dialogue and communication rather than in accordance with objective truths and natural law, thus allowing what Richard Shapcott calls ‘justice to difference’.<sup>102</sup> This process establishes (by unforced force of the better argument as Habermas puts it) those norms and practices which are acceptable and which acquire legitimacy and ‘universal’ status by consent. This form of cosmopolitan universalism, according to Linklater, ‘means greater justice between different cultures’.<sup>103</sup> It allows the ‘voices of individuals to be

<sup>98</sup> In Heater, *World citizenship and government*, p. 75.

<sup>99</sup> Jones, *Global justice*. See Kleingeld, ‘Kantian patriotism’ for a ‘compatibilist’ argument.

<sup>100</sup> Thomas W. Pogge, ‘An egalitarian law of peoples’, *Philosophy and Public Affairs* 23(3) 1994, pp. 195–224, at p. 222, emphasis added.

<sup>101</sup> Derek Heater, ‘Cosmopolis, the way to peace?’, *Peace Review* 9(3) 1997, pp. 315–20.

<sup>102</sup> Richard Shapcott, ‘Cosmopolitan conversations: Justice, dialogue and the cosmopolitan project’, unpublished draft paper, 2001, p. 2.

<sup>103</sup> Linklater, ‘The evolving spheres of international justice’, p. 481.

heard in global affairs, irrespective of their resonance at home'.<sup>104</sup> The universality of cosmopolitanism therefore lies also in a statement about inclusiveness in the dialogic community, the ambit of those who can and must be included in the processes by which consent on norms and moral values is reached and by which such moral and political arrangements gain legitimacy. It is a form of inclusiveness that enables people to 'think from the standpoint of someone else'<sup>105</sup> or what some feminist scholars describe as 'empathetic understanding'.

Norms and values that are inter-subjectively created can nevertheless be universally held. As Nicholas Wheeler observes, just because norms are socially constructed 'does not make them any less real'.<sup>106</sup> This is an important issue for the exercise of cosmopolitan force. If morality and the social practice that flows from it can be based on principles of justice universally arrived at, then it is possible that 'no [other] external justification is required'.<sup>107</sup>

#### **RIGHTS, DUTIES AND (COSMOPOLITAN) FORCE AS A LAWFUL RESPONSE TO TYRANNY**

We need to think further about what structure of claims and obligations is implied in such a universal community of humankind? As Martha Nussbaum notes, 'if we really do believe that all human beings are created equal and endowed with certain inalienable rights, we are morally required to think about what that conception requires us to do with and for the rest of the world'.<sup>108</sup> As a general point of logic, the violation of rights may not *necessarily* require that other agents have a duty to respond or that one has a right to the conditions in which a particular right can be exercised. The distinction usually made in moral philosophy is between perfect (usually negative) and imperfect duties although it is often

<sup>104</sup> Archibugi, 'Cosmopolitical democracy', p. 144.

<sup>105</sup> Nussbaum cited in Bohman and Lutz-Bachmann, 'Introduction', p. 15.

<sup>106</sup> Wheeler, *Saving strangers*, p. 22.

<sup>107</sup> Robertson-Snape, 'Moral complexity and the international society', p. 510.

<sup>108</sup> Martha Nussbaum, 'Patriotism and cosmopolitanism', in Joshua Cohen, ed., *For love of country: Debating the limits of patriotism* (Boston: Beacon Press, 1996), p. 13.

challenging to translate these into *actual* political and ethical practice. Perfect duties are those that must always be observed and which no special obligation can override. They are foundational and absolute. The perfect and ‘primordial universal obligation not to cause others harm’<sup>109</sup> arose because all were subject to a single law of nature. In the Kantian tradition, this duty included a requirement not to lie or deceive and not to kill. Kant’s cosmopolitan *right*, however, was limited to the right to hospitality—that states and their peoples should provide equal hospitality to outsiders (although they were not obligated to do more than this).<sup>110</sup>

If the cosmopolitan duty is an imperfect one which admits exceptions, then it signifies only a ‘general good’ that leaves the choice of specific action to the moral agent. Faced with such an imperfect duty, it is not wrong *not* to discharge that duty on any *particular* occasion, as long as one has adopted, in Kantian terms, the right maxim.<sup>111</sup> There is, nevertheless, a meritorious duty to act when we can. However, if obligations to others in the moral community constitute a perfect duty—something more than an ‘optional act of charity’<sup>112</sup>—moral agents no longer have an option to decide how far to honour their obligations. Perfect duties, as Pogge observes, have been ‘notoriously controversial’.<sup>113</sup> Brown is clear on this matter in its broadest application. Classical cosmopolitanism can *not*, he argues, ‘be shaped in such a way that it involves some kind of universal duty on all human beings to override state autonomy *whenever* the latter presents problems and regardless of costs’.<sup>114</sup>

<sup>109</sup> Linklater, ‘The evolving spheres of international justice’, p. 478.

<sup>110</sup> See Michael W. Doyle, ‘Kant, liberal legacies and foreign affairs’, *Philosophy and Public Affairs* 12(3) 1983, pp. 205–35, at p. 227 for a brief summary.

<sup>111</sup> See Kleingeld, ‘Kantian patriotism’, p. 335.

<sup>112</sup> Onora O’Neill in Jones, *Global justice*, p. 92.

<sup>113</sup> Pogge, ‘Cosmopolitanism and sovereignty’, p. 52. David Beetham offers a brief examination of (national and global) societies in which no positive duties are acknowledged, suggesting that the ‘contented [would be] forced to construct increasingly expensive forms of defence against the impoverished’. David Beetham, ‘Human rights as a model for cosmopolitan democracy’, in Daniele Archibugi, David Held and Martin Köhler, eds, *Re-imagining political community: Studies in cosmopolitan democracy* (Cambridge: Polity Press, 1998), p. 61.

<sup>114</sup> Brown, *International relations theory*, pp. 110–11, emphasis added.

In a globalised world what binds us and imposes upon humanity a structure of rights and obligations is no longer so much the ‘law of nature’ but the exigencies of transnational harm. Held argues, in a version of the duty not to harm others, that as people live (or seek to live) free and autonomous lives they should not negate the freedom of others. Our duties include that we respect the ‘legitimate rights of others to pursue their own projects and life-plans’.<sup>115</sup> These are minimally protective obligations—that is, we have a duty to avoid depriving others in the cosmopolitan community of their rights or the conditions under which they can exercise their rights. Contemporary cosmopolitan theory typically defends a stronger conception of liberal rights and autonomy and expects a more activist or positive set of duties as appropriate to a Habermasian ‘community of shared risks’.<sup>116</sup> Henry Shue argues that we also have a duty *actively* to protect individuals from being deprived of their rights and to aid them when protection has failed.<sup>117</sup>

Cosmopolitan claims also widen the focus to include duties for systemic conditions even in situations where no *proximate* tyranny or extreme deprivation of rights is evident. Charles Beitz argues, for example that the moral purpose of the international community is to ‘establish and maintain the *background* conditions in which just domestic societies can develop and flourish’.<sup>118</sup> Rawls, who is generally more cautious on systemic conditions (and the obligations of ‘reasonable peoples’), nevertheless suggests in *The law of peoples* that there is *some* ‘duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime’.<sup>119</sup> Held is more specific on what those background conditions might be: he argues that there is a duty to ‘work towards the establishment of an international community of democratic states and societies committed to upholding

<sup>115</sup> Held, ‘Cosmopolitan democracy and the global order’, p. 423.

<sup>116</sup> Habermas, ‘Kant’s idea of perpetual peace’, p. 131.

<sup>117</sup> Henry Shue, *Basic rights: Subsistence, affluence and US foreign policy* (Princeton: Princeton University Press, 1980), pp. 51–64.

<sup>118</sup> Beitz, ‘Social and cosmopolitan liberalism’, p. 518, emphasis added.

<sup>119</sup> In Chris Brown, ‘The construction of a “realistic utopia”’: John Rawls and international political theory’, *Review of International Studies* 29(1) 2002, pp. 5–21, at p. 9.

democratic public law both within and across boundaries' as the basis for 'freedom and autonomy for each and all'.<sup>120</sup>

These duties are most often debated in the context of distributive justice. While fully accepting that these are matters of crucial concern, our interest here lies in those tyrannies which have come to be most closely associated with the deployment of force on cosmopolitan grounds: grave abuses of human rights and, more controversially, the denial of democracy.<sup>121</sup> Claims on the first rely primarily on the non-derogable protection of individuals under international law and is, therefore (perhaps) less contentious as a cosmopolitan ethic. The second, however, relies less on positive law and more on the liberal ethics of an international society of states. Both raise questions about the sovereign rights of states and it is to this issue that we turn first.

As we noted in the introduction, the issue of whether there is a right to use force (let alone a duty) is inextricably linked with concerns about sovereign equality and non-intervention as fundamental organising principles of international relations. Critics of the cosmopolitan argument are concerned that the promotion of individuals rather than states as moral subjects and, indeed, as equal moral subjects across the boundaries of the state has consequences for international order. In this view, states rather than persons are the subjects of international law, the constitutive 'individuals' of international society and the bearers of rights and duties. State sovereignty itself is understood as a moral good. It authorises the legitimate space within which people exercise their rights and provides the normative basis for the international political order. Respect for sovereign equality expressed in the principle of non-intervention, therefore, has a 'serious *moral* basis'. Without equal sovereignty, David Chandler suggests, 'there can be no international law ... no system of rights without state-subjects capable of being its bearers'.<sup>122</sup>

<sup>120</sup> Held, 'Democracy and global order', p. 244.

<sup>121</sup> Kuper requires, for example, that 'the use of force must be reserved for cases in which force is the only realistic way to achieve democracy [as well as] to prevent egregious abuses of human rights'. Kuper, 'Rawlsian global justice', p. 666.

<sup>122</sup> Chandler, 'International justice', p. 63.

The norm of non-intervention is taken to provide 'clear lines for limiting the uses of armed force and reducing the risk of war ... [it] acts as a brake on the crusading, territorial and imperial ambitions of states'.<sup>123</sup> Absent a consensus on moral community and, therefore, on the right to intervene (or, in the case here, to deploy cosmopolitan force), such intervention or use of force will be seen to reflect the cultural and particularist values or political interests of the most powerful. This, in turn, will weaken or undermine the principles on which international order is maintained (that is, sovereignty, non-interference and non-use of force) and reinforce the asymmetries of power. W. Michael Reisman puts it another way, drawing attention to the 'fear that any erosion of the principle of sovereignty can only increase the vulnerability of weaker states to more powerful states'.<sup>124</sup>

It is hardly original to observe that intervention has always been part of the practice of international politics, although its rationale has not always been directly or even indirectly related to the good of humanity. The prevailing sentiment following the 1814 Congress of Vienna, for example, was that the great powers could intervene if internal unrest threatened international order, and that order came to be seen as pretty much the same thing as peace.<sup>125</sup> Further, and especially post Cold War, there is a 'greater expression of doubt about the sanctity of the sovereign right of states to govern their internal affairs' as they might see fit.<sup>126</sup> Fernando Tesón argues that states are no longer legally free to violate an international treaty obligation. 'Where a rule of international law regulates an issue', he explains, 'it automatically ceases to be a matter of exclusive

<sup>123</sup> Adam Roberts, *Humanitarian action in war: Aid, protection and impartiality in a policy vacuum*, Adelphi Paper No. 305 (Oxford: Oxford University Press for the International Institute of Strategic Studies, 1996), p. 19.

<sup>124</sup> Reisman, 'Unilateral action and the transformations of the world constitutive process', p. 6.

<sup>125</sup> Michael Howard, *The invention of peace: Reflections on war and international order* (London: Profile Books, 2001), p. 41.

<sup>126</sup> Christopher Dandeker, 'A farewell to arms? The military and the nation-state in a changing world', in James Burk, ed., *The military in new times: Adapting armed forces to a turbulent world* (Boulder: Westview Press, 1994), p. 124.

jurisdiction for the states formally bound by the law'.<sup>127</sup> The notion that the international community has a general obligation in the face of 'wrongful acts' is gaining credibility. The International Law Commission's draft articles on state responsibility, adopted by the General Assembly at its 56th session in December 2001, include in the definition of 'wrongful acts' a breach of an obligation arising under a peremptory norm of general international law. The articles provide that obligations may be owed to the international community as a whole and that responsibility may be invoked by the international community.<sup>128</sup> Sovereignty is therefore increasingly acknowledged as a 'partial ... licence'<sup>129</sup> conditional, as Robertson-Snape indicates, 'upon domestic arrangements which promote *individual well-being*'.<sup>130</sup> In this sense, one might argue that 'sovereignty' is increasingly an un-settled norm (by virtue of Frost's definition that a norm is 'settled' if argument or action denying the norm requires special justification).<sup>131</sup>

### Human rights abuses

Honneth argues that in a globalised world there are 'no longer any legitimate reasons for governments ... not to answer a call for help from a threatened group in any part of the world'.<sup>132</sup> International law is increasingly attendant to *individual* rights and serves to take the treatment of a state's citizens out of the realm of the 'internal affairs' of the state. This focus on individual persons, or persons in communities, has provided the centrepiece for the concept of human security, first articulated clearly in the United Nations Development Programmes' (UNDP) 1994 *Human development report*. The UNDP characterised human security in clear

<sup>127</sup> Fernando R. Tesón, 'Collective humanitarian intervention', *Michigan Journal of International Law* 17(2) 1996, pp. 323–72, at p. 328.

<sup>128</sup> See United Nations General Assembly, *Responsibility of states for internationally wrongful acts*, A/RES/56/83, adopted 12 December 2001, distributed 28 January 2002.

<sup>129</sup> Peter Gowan, 'Neoliberal cosmopolitanism', *New Left Review* 11(September/October) 2001, pp. 79–93, at p. 80.

<sup>130</sup> Robertson-Snape, 'Moral complexity and the international society', p. 518, emphasis added. See also Taylor, 'The United Nations in the 1990s'.

<sup>131</sup> See Brown, *International relations theory*, p. 35.

<sup>132</sup> Honneth, 'Is universalism a moral trap?', p. 172.

cosmopolitan terms (even though it did not use the word) as universal, interdependent and people-centred, a concern with ‘human life and dignity’.<sup>133</sup>

Human rights law has developed as something more than a ‘minimum universal morality’ while possibly still something less than a ‘supra-national regime of implementation involving formal and informal institutions’.<sup>134</sup> The protection of human sanctity or dignity through human rights law and international humanitarian law is increasingly, although by no means uncontroversially, perceived to be a peremptory norm from which no derogation is permitted. The international protection of human rights, Reisman suggests, has been elevated ‘to an imperative level of international law’.<sup>135</sup> At the same time, the concept of ‘crimes against humanity’ has been given more positive import in global legislative schemes, most recently the Rome Statute establishing the International Criminal Court. International humanitarian and human rights law is a process based increasingly although by no means perfectly on dialogue and consent, as international constitutive processes include non-governmental and civil society participation which is crucial to a cosmopolitan legitimacy. International humanitarian and human rights law also creates obligations and claims not just for states but for individuals as both ethical subject and moral agent.<sup>136</sup> Taylor suggests that this notion of the will of the international community represents the ‘modern equivalent of the divine order’ which asserts in similar fashion a ‘general requirement for civilised behaviour’.<sup>137</sup>

Sean Murphy argues that the ‘development of human rights law had a natural effect on the international community’s expectations of what

<sup>133</sup> United Nations Development Programme, *Human development report 1994* (New York: Oxford University Press, 1994), p. 22.

<sup>134</sup> See Beetham, ‘Human rights as a model for cosmopolitan democracy’, p. 64.

<sup>135</sup> Reisman, ‘Unilateral action and the transformations of the world constitutive process’, p. 15.

<sup>136</sup> See Pogge’s discussion on how institutional and interactional cosmopolitanism might result in different accounts of human rights and human rights violations, a distinction that (as we read it) depends in part on the existence of a global scheme of social institutions. Pogge, ‘Cosmopolitanism and sovereignty’.

<sup>137</sup> Taylor, ‘The United Nations in the 1990s’, p. 539.

constitutes a threat to the peace<sup>138</sup> and therefore what actions can legitimately be taken against such threats.<sup>139</sup> This has been the most obvious rationale in Security Council resolutions.<sup>140</sup> The ‘international effects’ test, however, would seem to be normatively protective not of individuals as ethical subjects in the first instance but of the society of states. Action can be therefore be taken *against* states because they—or political regimes—default on legitimate statehood by virtue of their anti-democratic or non-liberal behaviour and therefore undermine the ethic of co-existence that sustains the society of *states*. This is akin to the Grotian tradition in international relations which, as Linklater defines it, requires states to avoid doing harm to one another.<sup>141</sup> A more cosmopolitan interpretation, however, lends itself to a solidarist tradition that requires states to assume the ‘guardianship of human rights everywhere’.<sup>142</sup> Shapcott suggests that such a solidarist move involves a consensus interpretation of international law, whereby international society can act to protect where there is a convergence of international opinion to do so, rather than a consent based international practice, in which action relies on the consent of parties (that is states) which are affected by such action.<sup>143</sup>

A solidarist tradition informs the notion that states have a ‘responsibility to protect’.<sup>144</sup> States thus become other-regarding rather than self-regarding, subject to demands that they act, in Hedley Bull’s phrase, as the ‘local agent of a world common good’.<sup>145</sup> It is not clear, however, whether this would inspire in states as cosmopolitan agents a *perfect* duty for forceful intervention. Contemporary political thought would seem to be much more explicit on enforcement of individual rights, requiring that the

<sup>138</sup> Murphy, *Humanitarian intervention*, p. 284.

<sup>139</sup> See also Reisman, ‘Unilateral action and the transformations of the world constitutive process’.

<sup>140</sup> See Wheeler, *Saving strangers*.

<sup>141</sup> Linklater, ‘The evolving spheres of international justice’, p. 478.

<sup>142</sup> Hedley Bull in Wheeler, *Saving strangers*, p. 12.

<sup>143</sup> Richard Shapcott, ‘Solidarism and after: Global governance, international society and the normative “turn” in international relations’, *Pacific Review* 12(2) 2000, pp. 147–65, at p. 157.

<sup>144</sup> International Commission on Intervention and State Sovereignty, *The responsibility to protect* (Ottawa: International Development Research Centre, 2001).

<sup>145</sup> In Linklater, ‘The evolving spheres of international justice’, p. 479.

rights of the world citizen be institutionalised in such a way that gives them legal status to which governments can be held accountable and for which they, and individuals, can be prosecuted. Habermas argues that, if human rights are juridical rather than simply moral, then they ‘*require* an order of positive and coercive law in which claims to individual rights are enforceable’.<sup>146</sup> Beck suggests that Habermas’ demand for world citizenship rights is precisely so that ‘intervention on behalf of persecuted individuals and nations does not remain a matter of morality alone’.<sup>147</sup>

### **Denial of democracy**

Tesón argues that ‘international law must recognize an individual and collective right to democratic rule’.<sup>148</sup> The debates about intervention in the face of extreme denial of democratic rights have similarly muddled the commitment to individuals with the demands of a society of states. In the cosmopolitan project, democracy in the cosmopolitan sphere is important because it ‘provides the conditions for non-discriminatory discourse within and among societies’,<sup>149</sup> because it provides the conditions in which individuals can pursue free and autonomous lives, and because democratic or republican states are respectful of their own citizens and tolerant of ‘outsiders’. Democratisation is thus understood as a necessary (albeit insufficient) condition for a peaceful world. It is difficult, Archibugi argues, to deal democratically with undemocratic states.<sup>150</sup> Former US Secretary of State Madeleine Albright put it this way: ‘the promotion of human rights is not just a kind of international social work. It is indispensable for our safety and well being because governments which don’t respect the rights of their own citizens will in all likelihood not respect the rights of others either’.<sup>151</sup> The spread of democracy, in this view, will ensure that war is resolved as a means of conflict resolution because self-governing communities of free and autonomous peoples are

<sup>146</sup> Habermas, ‘Kant’s idea of perpetual peace’, p. 140, emphasis added.

<sup>147</sup> Beck, ‘The cosmopolitan perspective’, p. 84.

<sup>148</sup> Tesón, ‘Collective humanitarian intervention’, p. 333.

<sup>149</sup> Köhler, ‘Towards a cosmopolitan public sphere’, p. 390.

<sup>150</sup> Archibugi, ‘Cosmopolitical democracy’, p. 141.

<sup>151</sup> In Beck, ‘The cosmopolitan perspective’, p. 82.

respectful of human rights and because, in the Kantian tradition, democracies are less likely to go to war with each other.<sup>152</sup>

In the context of these debates about human rights and democratisation, we need to consider whether force is permissible as a means of meeting either perfect or imperfect cosmopolitan duty. In other words is there, first, a *right* to use force for cosmopolitan purposes (and, an issue to which we return later, who has that right)? A more contentious moral concern with very real practical consequences is whether the use of force is *obligatory* in the face of certain tyrannies. Is there, in effect, a *duty* of forcible intervention or protection, a ‘devoir d’ingérence’.<sup>153</sup> Which forms of tyranny might invoke either a right or duty of protection and assistance and, in extreme cases, the use of force? If this is (cosmopolitan) law enforcement, which cosmopolitan laws can legitimately be enforced? Cosmopolitan thinking is generally ambiguous on the use of force for cosmopolitan purposes, to the extent that scholars address the issue at all in such specific terms. In *De justitia et jure*, Luis de Molina (1535–1600) forbade pre-emptive strikes and wars for glory but argued that ‘warfare against barbarians’ was permitted if its purpose was to protect innocent victims of barbarian aggression.<sup>154</sup> The purpose of such warfare, he makes clear, is the liberation of the victims *not* occupation of their lands! Crucé argued that his federation of states would have the *right* to enforce peace if arbitration between states failed. Thomas Paine became, Thomas Walker suggests, a ‘zealous supporter of interventions to bring about democratic revolution’.<sup>155</sup> Bentham, on the other hand, anticipated that his international tribunal would not have coercive powers<sup>156</sup> or at least that ‘the ultimate sanction of force might not always be needed’.<sup>157</sup> Kant

<sup>152</sup> See Franceschet, ‘Popular sovereignty or cosmopolitan democracy?’, for an analysis of the democratic peace and cosmopolitan democracy projects as two, distinct interpretations of a Kantian liberalism.

<sup>153</sup> Bettati and Kouchner cited in Chandler, ‘International justice’, p. 61.

<sup>154</sup> In Richard Tuck, *The rights of war and peace: Political thought and the international order from Grotius to Kant* (Oxford: Oxford University Press, 1999), p. 52.

<sup>155</sup> Walker, ‘The forgotten prophet’, p. 66.

<sup>156</sup> See Brown, *International relations theory*, p. 43.

<sup>157</sup> Heater, *World citizenship and government*, p. 82.

anticipated *some* form of ‘public coercive law’ to which states would accommodate themselves<sup>158</sup> but he did not favour intervention. Indeed, non-intervention (and therefore the non-use of force) was one of his conditions for a peaceful order of republican states. Kant took the view that, if states ‘did not voluntarily recognize the principle of international and cosmopolitan right, there was nothing which other states could do to compel them’.<sup>159</sup> He favoured influence and rational debate rather than force. For him, ‘coercion’ came through exposing violations of rights to the verdict of world public opinion.<sup>160</sup>

We have noted above concerns about non-intervention as a normative and international regulative principle. Yet there has come to be an increasingly widely-held view that force *is* legitimate in the face of extreme violation of human rights (often not defined but usually understood to mean genocide or other extensive and deliberate killing). Rawls suggests that intervention with force can be used ‘sparingly to end grave violations of rights in other societies’.<sup>161</sup> On this issue, Falk suggests that there is a general and serious expectation that ‘severe abuses of human rights ... are matters of international concern that justify interventionary action’.<sup>162</sup> Tesón suggests that ‘international law today recognizes, as a matter of practice, the legitimacy of collective forcible intervention—of military measures authorised by the Security Council for the purpose of remedying serious human rights violations’.<sup>163</sup> In fact, the use of force in the face of ‘grave violations’ is widely accepted by non-cosmopolitans as well. Walzer argues, for example, that ‘people who initiate massacres lose their right to self-determination. Their military defeat is *morally* necessary’.<sup>164</sup> We find this emphatic approach to moral obligation also in

<sup>158</sup> See Honneth, ‘Is universalism a moral trap?’, pp. 155–6.

<sup>159</sup> Tuck, *The rights of war and peace*, p. 221.

<sup>160</sup> See Bohman and Lutz-Bachmann, ‘Introduction’, p. 12.

<sup>161</sup> In O’Neill, ‘Bounded and cosmopolitan justice’, p. 50.

<sup>162</sup> Falk, ‘The complexities of humanitarian intervention’, p. 500.

<sup>163</sup> Tesón, ‘Collective humanitarian intervention’, p. 324.

<sup>164</sup> Cited in Robert L. Phillips and Duane L. Cady, *Humanitarian intervention: Just war vs pacifism* (Lanham, MD: Rowman & Littlefield Publishers, 1996), p. 15, emphasis added.

Wheeler who argues that ‘humanitarian intervention is a *moral* duty in cases [of] supreme humanitarian emergencies’.<sup>165</sup> It has also come to figure in the realm of politics and policy. As just one example, the UN’s 1999 report on Srebrenica required that ‘a deliberate and systematic attempt to terrorise, expel or murder an entire people *must* be met decisively with all means’.<sup>166</sup>

Intervention and the use of force to protect de Molina’s ‘innocent victims of barbarian aggression’ might certainly seem more reasonable than to fulfill Held’s duty to ‘work towards the establishment of an international community of democratic states and societies’. As Held himself observes, it would be a contradiction if a ‘cosmopolitan order were created ... coercively’.<sup>167</sup> However the prospect of intervention to overthrow non-democratic regimes—the modern-day equivalent of the duty of Christian princes to ‘correct injustices in the realm of delinquent rulers’<sup>168</sup>—is not without its advocates although it muddies the cosmopolitan waters considerably.

The cosmopolitan praxis appears most vulnerable to charges that intervention to democratise in the interests of humanity is the modern-day equivalent of the ‘mission civilatrice’ which many liberal thinkers of the Enlightenment period understood as a moral duty. Robert Cooper’s call for a ‘new kind of imperialism’ albeit one ‘acceptable to a world of human rights and cosmopolitan values’ has only added to the confusion.<sup>169</sup> The assumption is that it will be democratic states and civil societies that will promulgate and defend cosmopolitan democratic law and take a lead in demanding and deploying cosmopolitan force. Wheeler and Justin Morris note that the idea of humanitarian intervention (or cosmopolitan force in

<sup>165</sup> Wheeler, *Saving strangers*, p. 13, emphasis added.

<sup>166</sup> Cited in Tim Dunne, Cameron Hill and Marianne Hanson, ‘The new humanitarian intervention’, in Marianne Hanson and William T. Tow, eds, *International relations in the new century: An Australian perspective* (Melbourne: Oxford University Press, 2001), p. 103, emphasis added.

<sup>167</sup> Held, ‘Cosmopolitan democracy and the global order’, p. 424.

<sup>168</sup> Phillips and Cady, *Humanitarian intervention*, p. 16.

<sup>169</sup> Robert Cooper, ‘The post-modern state’, in Mark Leonard, ed., *Re-ordering the world: The long term implications of September 11th* (London: Foreign Policy Centre, 2002) at <http://fpc.org.uk>, accessed 17 April 2002.

our case) may not be as attractive to non-Western governments such as China and Indonesia or to non-governmental organisations (NGOs) and the publics in these countries.<sup>170</sup> While the architects of the contemporary cosmopolitan project acknowledge and require that democracy cannot be spread by force, there are very real dangers in the proposition that intervention can be legitimate if its purpose is to uphold liberal norms.<sup>171</sup> Intervention presented as an ‘inspiring step forward towards the realization of a world ruled by liberal principles’ can often mask little more than a ‘model of power-projection’.<sup>172</sup> Brown refers to the ‘crusading “democracy promotion” that has all too often recently served as a cover for the promotion of Western power in the world’.<sup>173</sup> It also runs the very counter-cosmopolitan risk that people in non-liberal regimes are used as a means rather than an end.

There is a litany of historical examples, of cosmopolitan claims being tied to *imperium* and monarchical ambition and of interventions disguised as police or protective actions and justified on cosmopolitan grounds to lend them moral legitimacy. Milton’s explanation in 1655 for England’s declaration of war against Spain in 1655 resonates with cosmopolitan images. ‘All great and extraordinary wrongs done to particular persons’, he argued, ‘ought to be considered in a manner done to all the rest of the human race’.<sup>174</sup> In this case, it was Spain’s treatment of ‘New World’ Indians that invoked Milton’s concern (or at least provided him with a rhetoric of cosmopolitan claims).<sup>175</sup> Michael Howard reminds us that contemporary arguments about intervention bear a striking resemblance to

<sup>170</sup> Nicholas J. Wheeler and Justin Morris, ‘Humanitarian intervention and state practice at the end of the Cold War’, in Rick Fawn and Jeremy Larkins, eds, *International society after the Cold War: Anarchy and order reconsidered* (Houndsmills: Macmillan, 1996), p. 160.

<sup>171</sup> Compare with John Stuart Mill’s position that ‘in practice it is not possible for one people to give freedom to another’. Brown, *International relations theory*, p. 111.

<sup>172</sup> Gowan, ‘Neoliberal cosmopolitanism’, p. 91.

<sup>173</sup> Brown, ‘The construction of a “realistic utopia”’, p. 17.

<sup>174</sup> Cited in Christopher Coker, *Humane warfare* (London: Routledge, 2001), p. 142.

<sup>175</sup> One is mindful, of course, of the fact that the Spanish imperial invasion of South America was justified in part as an intervention to protect innocents against the barbaric practices of human sacrifice.

the justification given for nineteenth century European powers to intervene in the affairs of the Ottoman Empire—to subdue ‘barbaric regions’.<sup>176</sup> The French Revolution, fought initially to conquer the *ancien regime* and to spread the Enlightenment values of individualism, equality and freedom for all humanity, descended into violence. Contemporary examples also suggest that political leaders have felt compelled to deploy cosmopolitan values to explain or legitimate the use of force, suggesting that other justifications based on national self-interest have diminished legitimacy. In a speech in the UK in 1982, for example, US President Ronald Reagan proclaimed a ‘global campaign for democratic development ... a crusade for freedom’.<sup>177</sup> British Prime Minister Tony Blair argued more recently, with respect to NATO’s air strikes on Serbia that ‘it is right for the international community to use military force to prevent genocide and protect human rights even if it entails a violation of national sovereignty’.<sup>178</sup>

However the humanitarian or cosmopolitan interventions that have become more familiar to international politics in the 1990s have, at times, been compromised both by geopolitical interests (Michael Ignatieff’s ‘imperial arrogance’) and by the unwillingness of governments to sacrifice soldiers lives to save strangers. The first point suggests that the deployment of cosmopolitan force (and forces) must be detached as much as is possible from statist and great power purposes and that it must be conducted under the authority of broadly-based international institutions such as the United Nations. The second point reinforces this. It suggests that military forces that are used in support of cosmopolitan force must be qualitatively as well as materially different from traditional militaries in their identity and value structures. Given the emphasis in cosmopolitan thought on an equitable and general commitment to humanity, a democratic (and dialogic) politics of consent and civil society scrutiny, we turn now to consider what such cosmopolitan militaries might look like and how they might function.

<sup>176</sup> Howard, *The invention of peace*, p. 97.

<sup>177</sup> In Doyle, ‘Kant, liberal legacies and foreign affairs’, p. 205.

<sup>178</sup> Cited in Archibugi, ‘Cosmopolitical democracy’, p. 147.

### COSMOPOLITAN (OR COSMOPOLITAN-MINDED?) FORCES

The first question to be considered is whether existing military forces are the most suitable and appropriate for achieving cosmopolitan goals or whether completely different types of forces are required. The military forces we know today are inextricably linked with the states and societies they serve. Military forces are often the agent of the state's birth. They provide the means of defending national sovereignty, of projecting the interests of the state (or state elites) beyond national borders, and of underpinning, and sometimes enforcing, governmental authority within the state. Military experiences and traditions play a central role in the construction of national identity.<sup>179</sup> Military service, and particularly service in combat in the defence of the state or its interests, is often posited as the most important and noble responsibility of the state's (until recently male) citizens.<sup>180</sup> The wartime experiences of the state's armed forces and its citizen-soldiers are used by politicians and historians to define what it means (and does not mean) to be a member of the state. During peacetime and especially in the face of adversity or change, national military forces and their associated cultures are also often seen as an appropriate model for the state's *Gemeinschaft* function, its continuing internal cohesion and legitimacy.<sup>181</sup> Indeed, in a globalising world, state-based militaries are often one of the last repositories of national independence, pride and assertiveness.

The deployment of cosmopolitan force goes to the heart of the military mission and the rules of engagement. While existing military forces are fundamentally statist in both makeup and outlook, they have always performed tasks other than war-fighting or preparation for such. Their activities have always been constrained, in theory at least, by the

<sup>179</sup> Michael C. Desch, 'War and strong states, peace and weak states?', *International Organization* 50(2) 1996, pp. 237–68; and David Campbell, *Writing security: United States foreign policy and the politics of identity* (Manchester: Manchester University Press, 1992).

<sup>180</sup> For an excellent discussion of the gendered nature of national military and social identities, see Cynthia Enloe, *Does khaki become you? The militarization of women's lives* (London: Pluto Press, 1983).

<sup>181</sup> See Philip G. Cerny, 'What next for the state?', in Eleonore Kofman and Gillian Youngs, eds, *Globalization: Theory and practice* (London: Pinter, 1996), p. 132.

normative laws of war and, since the middle of the twentieth century, by the injunctions of the Geneva Conventions. Militaries in Western liberal democracies seem also, in the wake of the end of the Cold War, to be recasting their roles and purposes in ways that resonate, although rarely in explicit terms, with cosmopolitan values. This includes deployment under UN auspices on international peace and security missions and the often contentious issues of restructuring and training part of all of their forces for peacekeeping and operations other than war (OOTW). These changes are part of a broader shift in the nature of military organisations generally: the transition to a post-modern military, from a 'force in being' to a professionalised 'cadre-reserve' system, a more 'civilianised military' (in a number of senses) which is being made more accountable to publics and which no longer, in liberal democracies at least, has a monopoly over its 'product'.<sup>182</sup> According to Charles Moskos and his colleagues, modern and postmodern militaries differ in quite significant ways.<sup>183</sup> The modern military organisation is a product of the Westphalian and Weberian eras. It consists of volunteer and conscripted lower ranks operating under the command of an increasingly professionalised officer corps. It is 'war-oriented in mission, masculine in makeup and ethos, and sharply differentiated in structure and culture from civilian society'. The postmodern military, by contrast, is 'more multipurpose in mission, increasingly androgynous in makeup and ethos, and [has] greater permeability with civilian society'.<sup>184</sup> The emergence of postmodern militaries, they continue, is marked by five major organisational changes:

One is the increasing interpenetrability of civilian and military spheres, both structurally and culturally. The second is the diminution of differences within the armed services based on branch of service, rank, and combat versus support roles. The third is the change in the military

<sup>182</sup> For a summary see Dandeker, 'A farewell to arms?'; and Charles C. Moskos and James Burk, 'The post-modern military', in James Burk, ed., *The military in new times: Adapting armed forces to a turbulent world* (Boulder: Westview Press, 1994).

<sup>183</sup> Charles C. Moskos, John Allen Williams and David R. Segal, 'Armed forces after the Cold War', in Charles C. Moskos, John Allen Williams and David R. Segal, eds, *The postmodern military: Armed forces after the Cold War* (Oxford: Oxford University Press, 1999); and Moskos and Burk, 'The post-modern military'.

<sup>184</sup> Moskos, Williams and Segal, 'Armed forces after the Cold War', pp. 1–2.

purpose from fighting wars to missions that would not be considered military in the traditional sense. The fourth change is that the military forces are used more in international missions authorised (or at least legitimated) by entities beyond the nation state. A final change is the internationalisation of military forces themselves.<sup>185</sup>

Statist militaries therefore, or at least those belonging to democratic or ‘good’ states, are already successfully engaged in supporting Pogge’s second order cosmopolitan rules, those that help to facilitate elements of a cosmopolitan world order even if they are not specifically informed by them—and adjusting their organisational and value structures accordingly.<sup>186</sup> While such ‘cosmopolitan-minded’ forces can and do play a useful role in pursuing cosmopolitan objectives—indeed, at present, they represent the only feasible option for doing so—they also present proponents of cosmopolitanism with certain concerns and problems that stem from differences in the nature of the missions for which each type of force is designed.

### **The cosmopolitan mission and rules of engagement**

The traditional organising principle of military force is war-fighting—the ‘systematic and extensive use of violence as a means of policy’.<sup>187</sup> Problems ‘internal’ to other states have generally been considered a diversion<sup>188</sup> and the protection or defence of non-nationals relevant only if broader political interests are at stake. Cosmopolitan force and forces, on the other hand, are *part* of the process of defending the ‘other’ rather than defending *against* the ‘other’. The purpose of a cosmopolitan mission is to defend and save lives rather than to vanquish the enemy or destroy infrastructure. Those who see cosmopolitanism as a political as well as a

<sup>185</sup> Moskos, Williams and Segal, ‘Armed forces after the Cold War’, pp. 1–2.

<sup>186</sup> Thomas Pogge elaborated this idea of ‘first’ and ‘second’ order cosmopolitanism at our workshop on cosmopolitan militaries at Balliol College, Oxford, in July 2002. His ‘first order’ cosmopolitanism is that which demands institutions which are self-consciously cosmopolitan in their structure and practice—a cosmopolitanism of means as well as ends.

<sup>187</sup> Shaw, *Post-military society*, p. 10.

<sup>188</sup> David R. Segal and Robert J. Waldman, ‘Multinational peacekeeping operations: Background and effectiveness’, in James Burk, ed., *The military in new times: Adapting armed forces to a turbulent world* (Boulder: Westview Press, 1994), p. 163.

normative project,<sup>189</sup> also see the role of militaries extending beyond protecting individuals against gross violations of their human rights to helping to facilitate the transition to a humane system of global governance and its subsequent protection, a kind of *jus post bellum*. They must, therefore, not simply act in accordance with ethical principles but must contribute to and defend the promotion of a universal ethic. Just as, within a realist world, military force is used to advance the political interests of the state, so in this case they would be used to advance and defend key cosmopolitan values and objectives.

Therefore cosmopolitan militaries might be expected, first, to help defend and, where necessary *restore* civil society especially in areas where it is under threat from criminal activities or various destructive forms of particularist politics. Rather than just ‘ending’ conflict (or other forms of violence), intervention and the exercise of cosmopolitan force must also engage in rebuilding local legitimacy and pluralist democratic practices.<sup>190</sup> This is certainly the view of Kaldor. In her analysis of the ‘new’ or ‘uncivil’ wars that have become a feature of the post Cold War political landscape, she argues that the international community and their militaries should be less concerned with the negotiation and oversight of agreements with the warring parties than with enforcing cosmopolitan norms largely through the ‘provision of secure areas in which alternative forms of inclusive politics can emerge’. The cosmopolitan mission therefore has to include a ‘political strategy of building up support and popular consensus for such an approach, creating alliances with those institutions and groups at local level’ which represent the principles of cosmopolitan right.<sup>191</sup> The reason for this, Kaldor suggests, is that the new wars are fundamentally political rather than military challenges and that they represent changes in the patterns of organised violence. They are

<sup>189</sup> The importance of conceiving such concepts as global citizenship or cosmopolitan democracy in political as well as idealistic or aspirational terms is underscored by Richard Falk, ‘The making of global citizenship’, in Bart van Steenberg, ed., *The condition of citizenship* (London: Sage, 1994).

<sup>190</sup> See Martin Shaw, ‘The contemporary mode of warfare?’, *Review of International Political Economy* 7(1) 2000, pp. 171–80.

<sup>191</sup> Mary Kaldor, ‘Reconceptualising organised violence’, in Daniele Archibugi, David Held and Martin Köhler, eds, *Re-imagining political community: Studies in cosmopolitan democracy* (Cambridge: Polity Press, 1998), p. 106.

‘protection failures’ associated with the declining authority and legitimacy of the state and the ‘uncivilising process’.<sup>192</sup>

In Kaldor’s view:

some of the tasks that international troops may be asked to perform fall within traditional ambits, for example separating belligerents and maintaining ceasefires, controlling airspace. Others are essentially new tasks, e.g. the protection of safety zones or relief corridors. And yet others are close to traditional policing tasks—ensuring freedom of movement, guaranteeing the safety of individuals, especially returned refugees or displaced persons, and the capture of war criminals.<sup>193</sup>

The complexity of cosmopolitan operations suggests that a mix of military and non-military forces and capabilities are likely to be needed. The initial intervention and stabilisation phases of such protection operations could be carried out by existing state-based but cosmopolitan-minded militaries that may be sub-contracted by the UN or another recognised international authority. Later phases of cosmopolitan missions could also be conducted by states’ forces but these would need to be qualitatively different. They would have to be organised, equipped and trained for broader civil reconstruction and other cosmopolitan roles and would include extensive civilian (‘white helmet’) personnel and assets.<sup>194</sup>

Cosmopolitan and cosmopolitan-minded militaries would also differ in important ways from traditional peacekeeping forces which specifies neutrality and the non-use of force. It is for these reasons that peacekeepers were traditionally not armed or were lightly armed only for the purposes of self-defence. Cosmopolitan law enforcement, on the other hand, requires impartiality but not necessarily neutrality<sup>195</sup> and may well involve cosmopolitan forces as an actual party to the conflict. Many of

<sup>192</sup> Kaldor, ‘Cosmopolitanism and organised violence’.

<sup>193</sup> Kaldor, *New and old wars*, p. 125.

<sup>194</sup> As well as a range of roles in pursuit of protection and social reconstruction, the missions of cosmopolitan militaries may well include those related more to ‘environmental’ security including the physical clearance of landmines and other ‘leftovers from war’ and the decontamination and clean-up of land and other toxic sites used for military purposes.

<sup>195</sup> See Kaldor, *New and old wars*, p. 128.

these views are now being supported, to varying degrees, by the United Nations. The Brahimi *Report of the panel on United Nations peace operations*, for example, argued that peacekeeping and peacekeepers were ‘inseparable partners in [post Cold War] complex operations’<sup>196</sup> and recommended, in the light of the UN’s experience in Rwanda, that troops who witness violence against innocent civilians ‘should be presumed to stop it, within their means, in support of basic UN [humanitarian] principles’.<sup>197</sup>

The operational challenges of the deployment of force for cosmopolitan purposes are bound up in what Robertson-Snape calls the unresolved difficulty of the ‘practical application of ideal standards in a flawed world’.<sup>198</sup> In practice, legitimacy and demands for action are predicated as much on the ‘concrete other’ of moral choice as on the ‘generalised other’ of moral philosophy. Deployment must be cosmopolitan in its *means* as well as its ends. Cosmopolitan-minded militaries would be seen to be acting in the interests of the victims of the conflict—usually the local population—rather than its interested parties (externally as well as internally located). They would be guided by the precepts of cosmopolitan rather than international law which they would seek to carry out both impartially—no distinction made on the basis of nationality, race, religious beliefs, class or political opinions—and effectively (ordinary people would be persuaded of the advantages of abiding by the rules whereas those who seek to break them are both isolated and marginalised). The rules of engagement of any cosmopolitan military must conform to the laws of warfare and the customary norms of international humanitarian law as they apply to *any* party to armed conflict. As Sidney Axinn argues, a ‘moral military’ has to be loyal to moral principles if it is to succeed.<sup>199</sup> This operates at two levels: the conduct of individual cosmopolitan

<sup>196</sup> United Nations General Assembly, *Report of the panel on United Nations peace operations*, A/55/305, S/2000/809 (New York: United Nations, August 2000), p. 5.

<sup>197</sup> United Nations General Assembly, *Report of the panel*, p. 11.

<sup>198</sup> Robertson-Snape, ‘Moral complexity and the international society’, p. 507.

<sup>199</sup> Sidney Axinn, *A moral military* (Philadelphia: Temple University Press, 1989), p. xiii. It is possible that there is or should be a higher duty of care, in that concepts such as legitimate military targets need to be reassessed if the consequences of their destruction are harm to people in local communities.

soldiers and the doctrine that informs both operational procedures and the rules of engagement.

Cosmopolitan force must be a last resort, although in the face of gross abuse of human rights including murder and genocide difficult questions arise as to what other actions could or should be taken and for how long. Nevertheless, it is crucial that the use of coercive power must be embedded in a suite of policy responses which focus on conflict prevention as well as conflict resolution. It must be deployed 'only on the basis of a recognized international legality'<sup>200</sup> in situations in which it is likely to be 'publicly and vociferously appraised' by a range of actors including NGOs and individuals.<sup>201</sup> As the International Commission on Intervention and State Sovereignty argued,<sup>202</sup> the responsibility to react to gross abuses must be understood in the context of both a responsibility to prevent and a responsibility to rebuild. Cosmopolitan interventions must meet the test of proportionality. As Kuper observes, 'if force will do more harm than good it is not to be adopted'.<sup>203</sup> While cosmopolitan troops must be prepared to use force against those who threaten the local population or seek to undermine the operation's mandate, the use of such force must be demonstrably reasonable, proportionate and appropriate. As Richard Glick points out, 'wholly unrestricted UN action [or any other such action for that matter] ... cannot be justified as effectively maximising human rights if [it is] inconsistent with the principles of humanity'.<sup>204</sup> Thus 'unlike warfighting, in which the aim is to maximize casualties on the other side and to minimize casualties on your own side, and peacekeeping, which does not use force, cosmopolitan law-

<sup>200</sup> Daniele Archibugi, 'The politics of cosmopolitical democracy', in Brendan Gleeson and Nicholas Low, eds, *Governing for the environment: Global problems, ethics and democracy* (Basingstoke: Palgrave, 2001), p. 208.

<sup>201</sup> Murphy, *Humanitarian intervention*, p. 23.

<sup>202</sup> International Commission on Intervention and State Sovereignty, *The responsibility to protect*.

<sup>203</sup> Kuper, 'Rawlsian global justice', p. 666.

<sup>204</sup> Richard D. Glick, 'Lip service to the laws of war: Humanitarian law and United Nations armed forces', *Michigan Journal of International Law* 17(1) 1995, pp. 53–107, at p. 62. Glick's particular concern is that the UN itself has sought to minimise the applicability of International Humanitarian Law to troops under Security Council auspices.

enforcement has to minimize casualties on all sides'.<sup>205</sup> There must also be a 'rigorous separation ... between the responsibility of the rulers and those who are ruled'<sup>206</sup> in target societies. Finally, there must be a high probability of a cosmopolitan outcome. The use of force for cosmopolitan purposes must, as Falk advises, 'benefit the peoples of the target society'.<sup>207</sup> The outcomes themselves must enhance, or at least not undermine, cosmopolitan values of shared humanity.

This is global policing rather than war-fighting. Its ultimate goal is to support 'viable international relations',<sup>208</sup> to promote peace and to facilitate the current transition from an era of confrontation to one of cooperation<sup>209</sup> so that people can live their lives without fear and insecurity. Mission success is measured in lives saved and individuals protected rather than enemies killed or 'force protection', the minimisation of casualties among one's own troops. In his 1995 essay on *The guardian soldier* Gustav Däniker, a former Major General in the Swiss Army, suggests that military forces are 'no longer solely an instrument of countering enemy power, but increasingly an instrument for building and cementing a new era of inter-state relations'.<sup>210</sup> This is said to require a 'paradigmatic shift' in strategic and defence thinking involving, first, the view that military victory will become a tactical goal, sublimated to the broader strategic purpose of creating 'favourable conditions for new, more comprehensible and durable peace settlements' between the combatants.<sup>211</sup> As such, the ultimate goal of military doctrine is reconciliation, and combat plans must endeavour to minimise not only friendly force casualties but those of the adversary as well. This view is supported by, among others,

<sup>205</sup> Kaldor, *New and old wars*, p. 130.

<sup>206</sup> Archibugi, 'Cosmopolitical democracy', p. 149.

<sup>207</sup> Falk, 'The complexities of humanitarian intervention', p. 492.

<sup>208</sup> Morris Janowitz cited in Segal and Waldman, 'Multinational peacekeeping operations', p. 164.

<sup>209</sup> Gustav Däniker, *The guardian soldier: On the nature and the use of armed forces*, Research Paper No. 36 (New York and Geneva: UN Institute for Disarmament Research, 1995), p. 75.

<sup>210</sup> Däniker, *The guardian soldier*, p. 93.

<sup>211</sup> Däniker, *The guardian soldier*, p. 95. 'In the long run', Däniker argues, 'today's enemies will be linked by common interests tomorrow. It is perhaps the most noble task of modern military leaders not to obstruct or delay this process while they are still engaged in an ongoing open conflict' (p. 95).

John Mackinlay and Randolph Kent who suggest that rather than stabilising the military situation and then withdrawing, military forces will need to become the 'security guarantors' for the whole process of civil reconciliation and reconstruction in the affected areas, helping provide the time and space for a return to normalcy and 'encouraging and maintaining an environment in which each phase of post-conflict restoration can continue'.<sup>212</sup> This requires, in turn, a more holistic and longer-term planning perspective than is presently allowed by political and military leaders alike, one which recognises that military action is part of a much broader process, and accepts that other non-state actors and agencies have equally important roles to play in the management of complex emergencies and their aftermath.

The likelihood that cosmopolitan or cosmopolitan-minded militaries will have long term and potentially open mandates, and the idea that members of such forces may have to risk their lives to protect non-nationals or strangers, conflicts with statist-military traditions and customs. While informed by cultures of sacrifice, such customs are directed towards the defence of the state rather than ideas, and the protection of military comrades rather than strangers. This potential conflict has been compounded in recent years by increasing sensitivity among Western leaders in particular to military casualties and the unnecessary expenditure of resources.

#### **Constituting cosmopolitan militaries: Organisational structures**

The literature provides some guidance on how cosmopolitan militaries might be constituted and what we might expect them to look like as operational units. They will be continuously prepared, rapidly-deployable and professional. Carl Builder of the RAND Corporation suggests that the size of active forces required for war-fighting roles will almost certainly decrease, whereas cosmopolitan missions and associated forces 'involving the rapid projection of infrastructure (transport, communications, surveillance, rescue, medical, humanitarian assistance, civil emergency, and

<sup>212</sup> John Mackinlay and Randolph Kent, 'A new approach to complex emergencies', *International Peacekeeping* 4(4) 1997, pp. 31–49, at p. 46.

security) are likely to increase disproportionately'.<sup>213</sup> They should be trained for contact as well as combat roles.<sup>214</sup> In the most notable difference from state-based militaries, their command and control structures are to be democratic, transnational and accountable. Such changes in functions, capabilities and skills require that existing military roles and structures must also be expanded and provide for much greater flexibility and multifunctionality than previously. This cannot, in Däniker's opinion, be improvised but must be included in the military's force structure calculations and its training and equipment schedules.

The deployment of military forces on cosmopolitan peace operations and other non-traditional security tasks requires them to expand their existing repertoire of functions, capabilities and skills. Post Cold War peace operations, for example, have required the intervening forces to, among other things, provide humanitarian assistance of various kinds, manage the movement of refugees and displaced persons, help conduct elections, provide safe havens and protection for humanitarian workers, establish cantonment areas or demilitarised zones between warring parties, disarm military or paramilitary forces, clear mines and other leftovers from war, negotiate local ceasefires or the safe passage of aid, provide civil administration, help restore civil society, and contribute to the reconstruction and development of local economies.<sup>215</sup>

The question is how might this be achieved? Wheeler observes that 'at present it is only states that have the capabilities to fly thousands of troops halfway around the world to prevent or stop genocide or mass murder', asking 'where else can we turn?'.<sup>216</sup> Yet the traditional structures of state-based militaries will need to work within and adjust to increasingly

<sup>213</sup> Carl H. Builder, *The Icarus syndrome: The role of air power theory in the evolution and fate of the US Air Force* (New Brunswick and London: Transaction Publishers, 1994), p. 255.

<sup>214</sup> See Daniel Druckman, James A. Wall and Paul F. Diehl, 'Conflict resolution roles in international peacekeeping missions', in Ho-won Jeong, ed., *The new agenda for peace research* (Aldershot: Ashgate, 1999).

<sup>215</sup> See Trevor Findlay, 'The new peacekeepers and the new peacekeeping', in Trevor Findlay, ed., *Challenges for the new peacekeepers*, SIPRI Research Report No. 12 (Oxford: Oxford University Press/SIPRI, 1996).

<sup>216</sup> Wheeler, *Saving strangers*, p. 310.

multilateral, transnational and non-statist contexts. Multilateral or transnational military capability can help to defend against concerns that existing means of enforcing international or cosmopolitan law depend too much on powerful states, such as the United States, which are likely to operate on the basis of their own interests rather than those of the community as a whole. Cosmopolitan militaries will also not work alone in their tasks. They will have (as peacekeepers increasingly do now) relationships with an 'array of transnational civil initiatives that seek to mitigate the suffering of people living in the target societies and participating in any warfare that results'.<sup>217</sup> The transnationalisation and even the possible privatisation of military capacity are proposed also as a means of overcoming state nervousness about any 'deep or enduring military involvement'.<sup>218</sup>

In his 1995 book, *Democracy and the global order*, Held thought it reasonable that 'a proportion of a nation-state's military (perhaps a growing proportion over time) ... be "seconded" to the new international authorities and, once moulded into coherent units, placed at their disposal on a routine basis'. Or, preferably, these authorities could 'increase enforcement capabilities by creating a permanent independent force, recruited directly from among individuals who volunteer from all countries'.<sup>219</sup> Held prefers, however, that the global authorities 'increase enforcement capabilities by creating a permanent independent force, recruited directly from among individuals who volunteer from all countries'.<sup>220</sup> A true system of cosmopolitan democracy, Held argues, requires:

<sup>217</sup> Falk, 'The complexities of humanitarian intervention', p. 493.

<sup>218</sup> Roberts, *Humanitarian action in war*, p. 8. See also Alistair J.H. Murray, *Reconstructing realism: Between power politics and cosmopolitan ethics* (Edinburgh: Keele University Press, 1997), p. 151. The British Foreign and Commonwealth Office, in a recent green paper, also examines the possibility of 'privatised' forces being deployed in UN peace operations, especially in 'an ancillary role for logistics and security'. Foreign and Commonwealth Office, *Private military companies: Options for regulation* (London: The Stationery Office, 2002), p. 19.

<sup>219</sup> Held, *Democracy and the global order*, p. 276.

<sup>220</sup> Held, *Democracy and the global order*, p. 276.

new enforcement mechanisms that are genuinely transnational, and thus transcend the boundaries of nation-states and existing geo-political interests. International law enforcement should not depend on particular nation-states lending part of their military apparatus to regional or global democratic institutions. To the contrary, a global military force should be internationally recruited, based on individuals not countries.<sup>221</sup>

Habermas argues that it is crucial that the UN has a 'military force under its own command' and is able to 'exercise its own policing functions'.<sup>222</sup> Mel Gurtov similarly argues that a key agent in a 'truly new world order' in which the world community does not 'walk away from mass violence on the basis of narrow calculations of national interest', may be a permanent international peace force (IPF) that acts under UN command and is deployed in the 'event that non-violent measures fail to produce compliance with UN resolutions'.<sup>223</sup> This force, which would comprise national military contingents that are brought together for training in advance of actual need, would:

act on behalf of the international community, not an individual government or regional organization. Its primary purpose would be rapid deployment to prevent or minimize large-scale threats to human life, such as by creating safe havens for civilians. A specific threshold of violence would automatically trigger the deployment. Secondly, and not automatically, the IPF might be used in select instances of 'peace enforcement', meaning the use of deadly force to assert the world community's will.<sup>224</sup>

The United Nations has become the focus for much of the debate about a post Cold War transnationalisation of military capacity although it is not the only possible institutional framework within which cosmopolitan militaries might be constructed as debates on a European Union reaction force or NATO demonstrate. The UN Charter requires the Security

<sup>221</sup> Held, 'Globalisation and cosmopolitan democracy', p. 314.

<sup>222</sup> Habermas, 'Kant's idea of perpetual peace', p. 135.

<sup>223</sup> Mel Gurtov, *Global politics in the human interest*, 4th edition (Boulder: Lynne Rienner, 1999), pp. 268–9. Michael Hirsch develops an argument for what he calls 'regio-cops'—regionally-based forces 'trained and pressured to act in accordance with UN norms [under] the auspices of Security Council resolutions'. Michael Hirsch, 'Calling all regio-cops', *Foreign Affairs* 79(6) 2000, pp. 2–8, at p. 3.

<sup>224</sup> Gurtov, *Global politics in the human interest*, pp. 268–9.

Council not only to make the decision to act but to 'define military objectives and decide when to terminate hostilities'.<sup>225</sup> As it stands, the UN has no military capability of its own. Intervention and peacekeeping forces have rarely been under direct UN command and those that are have been constrained by various 'national command' arrangements affecting their component forces. The Military Staff Committee (MSC) exists in not much more than name, is confined to the five permanent members of the Security Council and has no real opportunity for contingency planning. The MSC was anticipated as a kind of 'general staff' for UN military forces and as an advisory group for the Security Council on operations. Article 43 of the UN Charter sets out general procedures by which military capacity could be 'internationalised' under the UN. It provides for bilateral agreements between individual member states and the UN by which member states would agree to provide military capacity and material upon which the UN could call. No such agreements have ever been negotiated and the UN Standby Arrangements System (UNSAS) introduced in the mid-1990s is not an adequate substitute.<sup>226</sup>

Suggestions that the opportunity for such agreements should now be explored has resurfaced in policy and academic circles since the end of the Cold War in, for example, the Secretary General's Agenda for Peace in 1992 and, most recently, the Brahimi Report.<sup>227</sup> The Brahimi Report recommended that the Secretariat would require one or a combination of 'standing reserves of military, civilian police and civilian expertise, materiel and financing' extremely reliable 'standby capacities ... or a sufficient leadtime' to strengthen the UN's capacity to deploy peace-keeping and peacemaking field operations 'rapidly and effectively'.<sup>228</sup>

<sup>225</sup> John Quigley, 'The "privatisation" of Security Council enforcement action: A threat to multilateral action', *Michigan Journal of International Law* 17(2) 1996, pp. 249–83, at p. 264.

<sup>226</sup> See United Nations General Assembly, *Report of the panel*, pp. 17–20.

<sup>227</sup> See Andrew S. Miller, 'Universal soldiers: UN standing armies and the legal alternatives', *The Georgetown Law Journal* 81 1993, pp. 773–828; and Charlotte Ku and Harold K. Jacobson, 'Using military force under international auspices and democratic accountability', *International Relations of the Asia Pacific* 1(1) 2001, pp. 21–50, for a summary of earlier proposals.

<sup>228</sup> United Nations General Assembly, *Report of the panel*, p. 15.

The Report's recommendations were given rhetorical support at the Millennium Assembly in 2000 but little else.

Should and how will the organisational structures of cosmopolitan militaries, whether under Article 43 auspices or some other institutional framework, differ from those of existing state-based forces? Kaldor believes that her cosmopolitan law enforcement role, described above, will 'require considerable rethinking about [existing military] tactics, equipment and, above all, command and training':

The kind of equipment required is generally cheaper than that which national armed forces order for imagined Clausewitzian wars in the future. Transportation, especially air and sealfit, is very important, as are efficient communications. Much of this equipment can be bought or rented from civilian sources although military equipment tends to be more easily available and flexible ... While tactical air support and, indeed, air superiority may prove to be the decisive advantage of multinational peacekeeping forces in controlling violence, the utility of large-scale, sophisticated air strikes is limited in relation to its disadvantages—collateral civilian damage, difficulty of hitting hidden targets, lack of control on the ground.<sup>229</sup>

Operational concerns tend to focus on the challenges and consequences of managing what Michael Hirsch refers to as 'polyglot troops who often ... follow different military customs and work at cross purposes'.<sup>230</sup> Issues to be addressed include those of command and control; interoperability; provision and nature of weaponry; whether Article 43 troops can be deployed for dual use functions (that is, for both national governments and the UN); authority over withdrawal of troops; who is required to meet the costs of maintaining such a transnational force or contingents on alert; whether such troops would be separately based—and if so, where; the nature of training regimes for such troops; and whether they should include conscripts or only volunteers.

Like many others who have proposed or examined the establishment of some kind of permanent UN-based force, Gurtov acknowledges the

<sup>229</sup> Kaldor, *New and old wars*, p. 130.

<sup>230</sup> Hirsch, 'Calling all regio-cops', p. 6.

concept of an international peace force is a contentious and problematic one that 'must [also] answer to a large number of political and ethical questions'.<sup>231</sup> As noted earlier, cosmopolitan scholars make it clear that force should be an extreme measure and deployed only then on the basis of 'recognised international legitimization by application of procedures under Chapter VII of the UN Charter, despite their imperfections'.<sup>232</sup> Even if a permanent force, or transnational contingents on alert drawn from Article 43 troops could be established, the domination of the major powers, as Murphy observes, 'raises serious questions about the legitimacy of the process by which the Security Council authorises humanitarian intervention'<sup>233</sup> or, for our purposes, cosmopolitan force.

The Security Council is not, in its present formulation, a democratic body. It remains 'largely off limits for public influence'<sup>234</sup> yet it is anticipated as a key agent in the democratic deployment of cosmopolitan force. Democratic authorisation is crucial to cosmopolitan legitimacy, in part because it helps to gather 'domestic support for the deployment of military forces'<sup>235</sup> and to avoid the dangers that a self-regarding rather than other-regarding ethic will continue to dominate. Yet can states within the UN system or the Security Council whose own domestic structures do not guarantee or protect the fundamental freedoms of their own citizens act as agents of the wider moral good? At a minimum, if cosmopolitan force is to be legitimate or acquire greater legitimacy, then it is closely bound up with the practical debates about UN reform in general and Security Council reform in particular. While Danilo Zolo characterises reform to reinforce the 'United Nation's authority and power to coerce' along with the establishment of a permanent military force as 'autocratic

<sup>231</sup> Gurtov, *Global politics in the human interest*, p. 269. See also, for example, Karl Kaysen and George W. Rathjens, 'Send in the troops: A UN foreign legion', *Washington Quarterly* 20(1) 1997, pp. 207–28; and Murphy, *Humanitarian intervention*.

<sup>232</sup> Archibugi, 'Cosmopolitical democracy', pp. 148–9.

<sup>233</sup> Murphy, *Humanitarian intervention*, p. 3.

<sup>234</sup> Köhler, 'Towards a cosmopolitan public sphere', p. 389.

<sup>235</sup> Ku and Jacobson, 'Using military force under international auspices', p. 38.

cosmopolitanism',<sup>236</sup> cosmopolitan scholars have tended to be somewhat Churchillian in their approach to the institution. Archibugi argues for example that despite the flaws of the UN 'it is unrealistic to look for a more finely tuned vehicle to achieve a democratic world order and that we must mobilise forces to reform the [United Nations] democratically'.<sup>237</sup> In a similar vein, Held suggests that 'we must consider how the UN can be effectively transformed to better reflect the challenges of the new millennium'.<sup>238</sup> Those processes of reform to meet cosmopolitan requirements must be dialogic and consent-based.

Despite these very real operational and normative challenges, it seems intuitively possible to argue that we have begun to see the emergence of cosmopolitan-minded militaries, at least in some thin operational or material sense. Military forces everywhere are performing a range of non-traditional security tasks and their activities are being constrained, in peacetime certainly, by the expectations of global social movements and the growing body of global norms and conventions. The UK Ministry of Defence and the Australian Defence Force each now styles themselves as a 'force for good'. The New Zealand Army proudly presents itself as 'kiwis armed to make a difference'.<sup>239</sup> In the debates about whether the UN standing army should now be commissioned, or in the debates about establishing a European reaction force, or in the role of NATO troops in Kosovo, we seem to be witnessing a gradual albeit piecemeal and ad hoc move towards the transnationalisation of military capacity in support of cosmopolitan goals.

#### **Cognitively cosmopolitan: Ideational changes**

While there is some evidence that military forces are re-inventing or re-imagining themselves in a cosmopolitan fashion—which itself gives

<sup>236</sup> Danilo Zolo, *Cosmopolis: Prospects for world government*, trans. David McKie (Cambridge: Polity Press, 1997), p. 40.

<sup>237</sup> Daniele Archibugi, 'Principles of cosmopolitan democracy', in Daniele Archibugi, David Held and Martin Köhler, eds, *Re-imagining political community: Studies in cosmopolitan democracy* (Cambridge: Polity Press, 1998), p. 221.

<sup>238</sup> Held, 'Globalisation and cosmopolitan democracy', p. 311.

<sup>239</sup> This 'image' has been developed as part of a recruitment and 'marketing' drive for the New Zealand Army.

further legitimacy to the cosmopolitan project—there is no doubt that we do not yet have a military of the kind anticipated by the cosmopolitan intellectuals whose work has been explored here. The *ideational* structures of military forces remain profoundly statist and the experience of the NATO forces in Kosovo demonstrates that neither militaries nor governments are prepared to sacrifice their soldiers lives to protect strangers. The recent interventions in Afghanistan do little to dispel this image, despite public rhetoric to the contrary. There remains strong resistance within military establishments in Western liberal democracies to any suggestion that their ‘*core business*’ (as opposed, perhaps, to their ‘adjunct business’) should be redirected away from war-fighting and defence of the state towards cosmopolitan law enforcement or peacemaking purposes. The conduct of war is also seen to be increasingly risk averse at a time when cosmopolitan deployment requires a more activist commitment and when, as Howard observes, death for one’s country (let alone anything or anyone else) is ‘no longer seen as being part of the social contract’<sup>240</sup> Christopher Coker notes, for example, that in 1998 more NGO civilians in peacekeeping environments died than did peacekeepers.<sup>241</sup> Riskless warfare cannot support a cosmopolitan ethic suggesting, as it does, that ‘our’ lives are to be valued more than those of others. The morality of ends might still be cosmopolitan but the morality of means is not.

While acknowledging that their military forces will be involved more and more in so-called ‘operations other than war’, defence planners in most countries remain reluctant to (re)structure their military forces for such operations. As Ian Malcolm described in the case of Canada, they tend to see peacekeeping as an ‘accepted activity rather than a core concern’,<sup>242</sup> and argue that national forces should continue to be structured and prepared primarily for defending the state against armed attack or threat of attack by another state. They further argue that forces

<sup>240</sup> Howard, *The invention of peace*, p. 100. We note that there is some dispute about the extent of ‘risk aversion’ in the conduct of contemporary military missions and concerns, among serving personnel, that risk aversion at the political level can undermine successful military operations.

<sup>241</sup> Coker, *Humane warfare*, p. 108.

<sup>242</sup> Ian Malcolm, *Does the blue helmet fit? The Canadian forces and peacekeeping*, Occasional Paper No. 3 (Ottawa: The Norman Paterson School of International Affairs, Carleton University, 1993).

structured for the defence of the state are sufficient for carrying out likely non-traditional security roles although some changes at the margins may need to be included.<sup>243</sup>

At the same time militaries and their traditions are being called on by new right governments to assert particular brands of nationalism, to protect the inroads of globalisation into their internal societies and, even, to advance their own domestic political interests. These trends are being variously reinforced by the lure of technology and the revolution in military affairs (RMA), the search for stability in a time of change and uncertainty, a degree of ‘peacekeeping fatigue’ among governments, and ‘compassion fatigue’ on the part of their populations. Again these forces appear to be gaining the ascendancy.

This suggests that something more than redeployment, restructuring and retraining of conventional forces may be required for cosmopolitan objectives and for the legitimate exercise of cosmopolitan force (in other words, that both means and ends are cosmopolitan). Kaldor (and her colleagues) argue, for example, that cosmopolitan militaries also require a ‘profound cognitive shift concerning what it means to be a soldier’.<sup>244</sup> The principle of sacrifice should extend beyond the national frontier.<sup>245</sup> Members of a cosmopolitan military force will become what Charles Moskos and James Burk call the ‘soldier scholar’ and the ‘soldier

<sup>243</sup> In the Canadian context, these kinds of view were maintained in spite of the recommendations contained in post-mission reports submitted by UN contingent commanders and those of two internal inquiries into peacekeeping—MR 1/90 and the so-called ‘Douglas review’—for the Canadian Forces to adjust its command and control, training, logistics support and operational deployment procedures and structures to facilitate Canada’s evolving peacekeeping activities. Discussions of the Australian and US experiences are contained respectively in Graeme Cheeseman, ‘Structuring the ADF for UN operations: Change and resistance’, in Tom Woodhouse, Robert Bruce and Malcolm Dando, eds, *Peacekeeping and peacemaking: Towards effective intervention in post-Cold War conflicts* (London: Macmillan, 1998); and Jennifer Morrison Taw, ‘Planning for military operations other than war: The lessons from US army efforts’, in Desmond Ball, ed., *Maintaining the strategic edge: The defence of Australia in 2015* (Canberra: Strategic and Defence Studies Centre, Australian National University, 1999).

<sup>244</sup> Kaldor et al., ‘Conclusion by the authors’, p. 185.

<sup>245</sup> E.H. Carr in Andrew Linklater, ‘The transformation of political community: E.H. Carr, critical theory and international relations’, *Review of International Studies* 23(3) 1997, pp. 321–38, at p. 333.

diplomat',<sup>246</sup> a 'new kind of soldier-cum-policeman', a professional who understands and can apply the laws of war but who is motivated by cosmopolitan rather than traditional, national ideals.<sup>247</sup> 'Above all', Kaldor argues, 'the *motivations* of these new forces have to be incorporated into a wider concept of cosmopolitan right. Whereas the soldier, as the legitimate bearer of arms, had to be prepared to die for his country, the international soldier/policemen risks his or her life for humanity'.<sup>248</sup>

Däniker likewise sees that the soldier's mission in the twenty-first century will be increasingly oriented towards the task of securing a life worth living not just for his or her own country but for all nations. In Däniker's schema, 'protection' continues to include the 'classic defense mission against the attempt of an aggressor to seize a country and its population, [and] the establishment of a war-preventing effect like deterrence ... or "dissuasion"'. But it 'also encompasses all the law enforcement functions against the use of force of strategic scope below the threshold of war, such as large-scale terrorism or gang warfare with which the police is unable to cope ... [and] the battle against organised crime'.<sup>249</sup> Thus 'the new peacekeepers [are expected to] represent, in person, the new citizens of the emerging global community' rather than the particularistic interests of the nation-state or their co-nationals.<sup>250</sup> These are the 'humanitarian warriors'<sup>251</sup> or the 'cosmopolitan patriots'<sup>252</sup>

<sup>246</sup> Moskos and Burk, 'The post-modern military', p. 154.

<sup>247</sup> Kaldor, *New and old wars*, p. 131.

<sup>248</sup> Kaldor, *New and old wars*, p. 131, emphasis added.

<sup>249</sup> Däniker, *The guardian soldier*, p. 104.

<sup>250</sup> Kaldor et al., 'Conclusion by the authors', p. 185.

<sup>251</sup> Wheeler, *Saving strangers*, p. 37.

<sup>252</sup> Kwame Anthony Appiah, 'Cosmopolitan patriots', in Joshua Cohen, ed., *For love of country: Debating the limits of patriotism* (Boston: Beacon Press, 1996). Appiah is not actually talking about military activities when he uses the term, but we find it a useful phrase in this discussion.

or the ‘guardian warriors’<sup>253</sup> or (in Ronald Glossop’s rather unbecoming phrase) the ‘humatriot’.<sup>254</sup>

The ‘cosmopolitanisation’ of military force and forces has other likely consequences for the cosmopolitan project. It undermines the state’s legitimate monopoly of organised violence and brings into question the relationship between militaries, national identity and citizenship we described earlier. With the transnationalisation of cosmopolitan force in the context of horizontal international state structures, Kaldor suggests that national militaries will ‘remain more or less as cultural relics’.<sup>255</sup> Indeed, one notes that the gradual abolition of standing armies was one of Kant’s six preliminary articles of a perpetual peace between states.<sup>256</sup> Held sees this as part of a longer-term shift to, first, the transfer of coercive capability away from nation-states to regional and global institutions and then ‘demilitarisation and the transcendence of the war system’.<sup>257</sup>

The processes of globalisation, as we discussed early in this paper, are unsettling the ‘national project’ and the identity politics associated with it. Military organisations are not immune from these processes. In what Shaw terms an increasingly ‘post-military society’, citizenship comes to be defined in part ‘in terms of the individual’s relationship to transnational institutions as well as to the nation’<sup>258</sup>—the relationship between military duty and citizen’s rights is fractured. Like others in society, those in the military are having to decide whether they are first and foremost a member of their national armed forces or a member of a broader community of interests, a national or a global citizen. As James Rosenau describes it, today’s service men and women are just as likely to identify

<sup>253</sup> Däniker, *The guardian soldier*.

<sup>254</sup> In Heater, *World citizenship and government*, p. 167.

<sup>255</sup> Mary Kaldor, ‘European institutions, nation-states and nationalism’, in Daniele Archibugi and David Held, eds, *Cosmopolitan democracy: An agenda for a new world order* (Cambridge: Polity Press, 1995), p. 88.

<sup>256</sup> Brown, *International relations theory*, p. 34.

<sup>257</sup> David Held, ‘Democracy and the new international order’, in Daniele Archibugi and David Held, eds, *Cosmopolitan democracy: An agenda for a new world order* (Cambridge: Polity Press, 1995), p. 111.

<sup>258</sup> Shaw, *Post-military society*, p. 179.

themselves not only with a particular service or country but with specific religious, ethnic or secular groupings that exist within the state—and which also often have global connections—as well as broader social movements concerned with such global issues as gender, human rights and environmentalism. This ‘disaggregation of interests’ within the military itself is likely to have important operational and other policy consequences ranging from the need to adhere to a range of global norms and expectations through balancing the interests of the state with those of self or family, to dealing with soldiers who refuse to fire on fellow or like-minded citizens.<sup>259</sup>

As evidenced by the increasing numbers of personnel leaving the military to work as civilian mine clearers or with international organisations or NGOs, for example, many are choosing the latter identity. We might expect this refocusing of loyalties within the military to increase as we move from a Clausewitzian to a post-Clausewitzian world as existing militaries are employed more and more on broader cosmopolitan security tasks and as younger officers (both male and female) with peacekeeping experience move up through the ranks and gradually replace the present generation of leaders. This raises the interesting possibility that military forces may move, over time, to be at the forefront of the movement concerned with seeing in a more just, equitable and humane world, to become a kind of global social movement for peace and security, or a true ‘force for good’.

<sup>259</sup> James Rosenau, ‘Armed force and armed forces in a turbulent world’, in James Burk, ed., *The military in new times: Adapting armed forces to a turbulent world* (Boulder: Westview Press, 1994); and James N. Rosenau, *Along the domestic-foreign frontier: Exploring governance in a turbulent world* (Cambridge: Cambridge University Press, 1997).

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