



**NOVAMIGRA**

NORMS AND VALUES IN THE  
EUROPEAN MIGRATION AND REFUGEE CRISIS

September 2019 DELIVERABLE D4.1



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# Approaches to Cosmopolitanism

## Review Essay on Their History, Analysis and Application to the EU

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This project has received funding from the European Union's  
Horizon 2020 research and innovation programme under grant agreement No. 770330.

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## Executive Summary

**Cosmopolitanism rests on the basic idea that humans' moral, political and/or legal standing should not depend on their cultural and national membership, but reflect their moral status as human beings. It is a political idea(l), which has been presented in different versions that differ in the moral and political principles, norms or values they refer to. Several of its versions, especially those presented recently, have considered the EU and European political culture to foreshadow a global cosmopolitan polity or, at least, to offer an exemplary case of cosmopolitanism in the making. This report proposes an analytical framework to approach various normative models of cosmopolitanism and European cosmopolitanism.**

Although the notion of cosmopolitanism, due to its etymology, seems to be a relatively clear and straightforward ideal based on the notion of world citizenship, our report has tried to highlight the complexity and polysemy of the notion. If the term was indeed used by Diogenes the Cynic to convey the idea that he truly belonged to only one community, the human community, Roman Stoic philosophers articulated the idea of membership to a world-wide community with an understanding of the value of membership in local political communities. The complexity of the ideal of cosmopolitanism was further enriched during the modern period when legal scholars and philosophers developed various views on international law and international relations. Kant's concept of a cosmopolitan law still has a great influence on contemporary philosophers discussing immigration ethics from a cosmopolitan perspective but its core ideal of hospitality is given different meanings by different authors who disagree about the demandingness of hospitality and the degree to which citizens and foreigners should enjoy different rights.

To shed light on the contemporary literature on cosmopolitanism, we identified four dimensions of cosmopolitanism: moral, institutional, civic and cultural. Moral cosmopolitanism refers to the claim that every human being is a source of valid moral consideration for all other human beings. Institutional cosmopolitanism refers to the claim that there should be transnational or global political institutions accountable to everyone. Civic cosmopolitanism refers to transnational democratic practices and transnational forms of citizenship. Cultural cosmopolitanism refers to an understanding of cultures and identities as being hybrid and shaped by the contact with many cultures from all over the globe. This, we believe, enables us to better classify different positions associated with cosmopolitanism. Our analysis and survey of the literature shows that cosmopolitanism is not a single position or school of thought. Authors embracing moral cosmopolitanism often hold different views regarding institutional cosmopolitanism (for instance, not all support the idea that there should be more global or transnational institutions). Moreover, moral cosmopolitans often focus on different topics in their analyses of transnational institutions (global distributive justice, global democracy and migration). Few authors embrace the strongest form of cosmopolitanism which requires global egalitarianism, and many promote a weak cosmopolitanism focused on the promotion of basic human rights for all human beings. Several authors highlight the compatibility between local (national) attachments and cosmopolitan goals and stress that nation-states can be important agents in the fulfilment of such goals. Debates about democracy beyond the nation-state tend to reflect deeper cleavages in political theory between theories of democracy centred on formal representative institutions and theories stressing the importance of decentred civic practices in the civil society. Debates about the cultural dimension of cosmopolitanism tend to be critical of the view that collective

political identities must be defined in relation to culturally homogenous nations. Some draw attention to the heterogeneity and diversity already present within national identities or to the fact universal values and norms can be sources of national identification. Others emphasize the notion that political identities can be multilayered and other theories focus on processes of identity formation to explain how contact with cultural diversity and cross-cultural dialogue can shape people's identities in a cosmopolitan direction.

In the final chapter of this report, we highlight that when European cosmopolitanism is discussed in relation to its moral dimension, authors focus on three aspects of European politics: 1) how the EU grants citizenship rights independently of the nationality of its citizens; 2) to which extent the EU's foreign policy is guided by a human rights agenda and 3) to which extent the EU guarantees a generous version of Kantian hospitality when dealing with foreigners on its territory or seeking to enter it. Authors generally celebrate the EU as a cosmopolitan polity in relation to the first aspect (equal rights for EU citizens irrespective of nationality). However, some commentators raise moderate criticisms in relation to the second aspect (the EU's foreign policy and human rights) and, especially since the 2015 migrant and refugee crisis, commentators tend to be very critical in relation to the third aspect, many asserting that the EU's treatment of migrants and asylum seekers falls short of cosmopolitan hospitality. Debates regarding European identity question whether a pan-European postnational identity should be strictly civic and stripped of any thick cultural references or whether the Christian heritage of EU countries should be explicitly acknowledged. Finally, we suggest to classify different positions regarding the degree of federalization suitable for the EU along two dimensions: 1) whether the site of final authority should reside in member states, the EU or should be shared; 2) whether the constituent power should be understood to be the whole body of EU citizens, member states or both.

## Contents

Executive Summary .....	3
Abstract .....	6
Introduction.....	7
Chapter 1: Historical Overview: Cosmopolitanism in Ancient and Modern Philosophy.....	8
1.1 Cosmopolitanism in Ancient Greece: Diogenes the Cynic .....	8
1.2 Cosmopolitanism and the Roman Stoics.....	8
1.3 Cosmopolitanism and Modern Political Thought .....	9
Chapter 2: Analysing the Four Dimensions of Cosmopolitanism .....	12
2.1 Moral Cosmopolitanism.....	12
2.1.1 Strong and weak moral cosmopolitanism .....	13
2.1.2 Extreme and moderate moral cosmopolitanisms .....	14
2.1.3 Rights-based and value-based moral cosmopolitanism.....	14
2.1.4 Moral cosmopolitanism: individual obligations and justice .....	14
2.1.5 General and special obligations.....	15
2.2 Institutional Cosmopolitanism .....	16
2.2.1 Degrees of institutionalization .....	16
2.2.2 Domains of institutionalization .....	17
2.2.2.1 Economic Cosmopolitanism .....	17
2.2.2.2 Political Cosmopolitanism .....	18
2.2.2.3 Borders, Migration and Cosmopolitanism.....	18
2.2.3 Moral and institutional cosmopolitanism .....	20
2.3 Civic cosmopolitanism.....	20
2.4 Cultural Cosmopolitanism.....	22
2.5 Cosmopolitanism and national self-determination: strategies of reconciliation .....	25
Chapter 3: The Three Faces of European Cosmopolitanism .....	26
3.1 European Cosmopolitanism and Moral Cosmopolitanism .....	27
3.1.1 External Cosmopolitanism: Weak cosmopolitanism and foreign policy .....	27
3.1.2 Internal Cosmopolitanism: democratic iterations, moderate and extreme cosmopolitanism .....	28
3.1.3 Migration and Asylum Policy: A cosmopolitanism of hospitality .....	29
3.2 European Identity and Cultural Cosmopolitanism.....	31
3.3 European Cosmopolitanism: Civic and Institutional.....	33
3.3.1 Transnational democracy in the EU and civic cosmopolitanism .....	34
3.3.2 Federalism and transnational democracy in the EU.....	35
Conclusion .....	38
Bibliography/List of References .....	40

Document metadata .....	48
About NOVAMIGRA .....	49

## Abstract

In this report, we propose an analytical framework to make sense of the diverse meanings of cosmopolitanism and we use it to clarify the meaning of European cosmopolitanism. We maintain the view that the core idea of cosmopolitanism is that of a shared belonging to the world community of human beings. However, we claim that this core notion can be interpreted in relation to different dimensions of human life and human societies (moral, institutional, civic and cultural). We also show that within each of those dimensions, cosmopolitanism can be interpreted in a variety of ways. The taxonomy that we propose is thus not so much a list of rival schools of thought, but rather an analytical framework that identifies the main building blocks from which cosmopolitan theories are made of. In Chapter 1, we briefly sketch the history of this notion from the antiquity to the modern era. Among political philosophers and political theorists, the notion of cosmopolitanism has gained much popularity since the 1990s as important normative ideals such as rights, justice and democracy have been disentangled from the nation-state framework which tied them to nationality, territoriality and state sovereignty. In Chapter 2, we focus on those contemporary developments and we propose to survey how the idea of a shared belonging to a world community is declined along four dimensions: moral, institutional, civic and cultural. We also explain how the idea of membership in a worldwide community of fellow human beings is given different meanings within those dimensions of human life and human societies. In Chapter 3, we briefly survey how the idea of European cosmopolitanism (by which one should understand EU cosmopolitanism) is articulated in relation to those four dimensions and in relation to the cleavages internal to each of those dimensions.

## Introduction

The notion of cosmopolitanism has a long and rich history. Because of this, it is difficult to define in a simple and unified way, unless one is ready to disregard many uses given to the term. Cosmopolitanism has been given several meanings since it appeared in ancient Greece in the Antiquity. Since its origins, the term broadly refers to the view that all human beings are, or should be, members of a single worldwide political community. And since its origins, cosmopolitanism has been presented by its detractors as something harmful to the integrity and continuity of local communities. Yet, beyond this core and very abstract idea of common world citizenship, cosmopolitanism seems to have multiple heterogeneous meanings. This notion was associated, at its inception, with a certain way of life and to a doctrine about the path leading to individual happiness. At the dawn of modernity in Europe, it was associated with travellers and people at ease in different geographical areas and cultures as well as with a form of transnational government and with a legal doctrine about the rights of strangers located in one's country. In our current time, the term is still associated with theories of transnational government, but many philosophical works about cosmopolitanism also focus on the unfairness of global socio-economic inequalities and of borders and restrictive migration policies.

In this report, we try to shed light on this complex landscape by proposing an analytical framework to make sense of the diverse meanings of cosmopolitanism. We maintain the view that the core idea of cosmopolitanism is that of a shared belonging to the world community of human beings. However, we claim that this core notion can be interpreted in relation with different dimensions of human life and human societies (moral, institutional, civic and cultural). We also show that within each of those dimensions, cosmopolitanism can be interpreted in a variety of ways. The taxonomy that we propose is thus not so much a list of rival schools of thought, but rather an analytical framework that identifies the main building blocks from which cosmopolitan theories are made of. In Chapter 1, we briefly sketch the history of this notion from Antiquity to the modern era. Among political philosophers and political theorists, the notion of cosmopolitanism has gained much popularity since the 1990s as important normative ideals such as rights, justice and democracy have been disentangled from the nation-state framework which tied them to nationality, territoriality and state sovereignty. In Chapter 2, we focus on those contemporary developments and we propose to survey how the idea of a shared belonging to a world community is declined along four dimensions: moral, institutional, civic and cultural. We also explain how the idea of membership in a worldwide community of fellow human beings is given different meanings within those dimensions of human life and human societies. In Chapter 3, we briefly survey how the idea of European cosmopolitanism (by which one should understand EU cosmopolitanism) is articulated in relation to those four dimensions and in relation to the cleavages internal to each of those dimensions.



## Chapter 1: Historical Overview: Cosmopolitanism in Ancient and Modern Philosophy

The term ‘cosmopolitanism’ originated in Antiquity when Diogenes the Cynic coined it, referring to himself as a citizen of the world. The idea of world citizenship was then discussed by Roman Stoic philosophers who promoted the importance of pursuing one’s city’s common good as well as the common good of humanity. In the Modern period, philosophers and legal scholars theorized the legal and political dimensions of cosmopolitanism at time when the term was also often used to refer to a certain lifestyle based on openness and travel.

### 1.1 Cosmopolitanism in Ancient Greece: Diogenes the Cynic

The term ‘cosmopolitanism’ comes from the ancient Greek. It combines the terms *politès* (the citizen) and *kosmos* (the world or the universe) (Lourme 2009, 7). One may be surprised of this pedigree as ancient Greeks tended to place great value in belonging to the common life of the city. Indeed, classical Greek political thought emulates active participation to the city and sometimes tends to demonize foreigners as inferior barbarians. Yet, the first self-ascribed cosmopolitan is a Greek philosopher who was a contemporary of Plato and Aristotle: Diogenes the Cynic, the founder of the school of thought labeled ‘cynicism’, who was born in Sinope in 412BC and lived in exile in Athens and Corinth before dying in 324BC. Although none of his writing survived, philosophers and historians are nonetheless acquainted to his thought through collections, fragments and anecdotes told by ancient historians such as Diogenes Laertius. The latter reports, in his *Lives of the Eminent Philosophers*, that when asked where he came from, Diogenes the Cynic would answer: “I am a citizen of the world.” (Diogenes Laertius, quoted in Kleingeld and Brown 2014; see also Nussbaum 1997, 5). Diogenes the Cynic founded his philosophy on a distinction between what belongs to nature (and is universally shared by all humans) and what is a matter of convention (and varies from one city to the other). He then claimed that a life worth being lived was a life lived in accordance with nature, not convention. By refusing to affiliate himself with his city (of birth or of residence), Diogenes was expressing a refusal to lead his life according to local conventions and local membership. He was thereby asserting his will to live by a universal ideal grounded in reason (Nussbaum 1997, 5-6).

### 1.2 Cosmopolitanism and the Roman Stoics

A few centuries later, at the height of the Roman Empire, Stoic philosophers such as Epictetus, Cicero, Seneca, and Marcus Aurelius followed the footsteps of Diogenes the Cynic (Stanton 1968; Nussbaum 1997; Kleingeld and Brown 2014). They all asserted that human beings were part of two communities: a local community of birth and a universal human community. They all highlighted the utmost importance of belonging to this second community by the sheer virtue of being rational creatures. Because of this universal membership, all humans ought to care for one another, not only for their siblings, their neighbours and those who share the same culture. For the Stoics, this universal expansion of our moral aspirations directly follows from our shared membership in a community of reason. Cicero claims that we all share the same nature as rational creatures and that from this follows that “the chief end of all men [ought to be] to make the interest of each individual and of the whole body politic identical” (Cicero 1913 [44BC], Book III, 26). Marcus Aurelius draws the same conclusion from our shared common humanity: “If our intellectual part is common, the reason also, in respect of



which we are rational beings, is common: if this is so, common also is the reason which commands us what not to do, if this is so, there is a common law also; if this is so, we are fellow-citizens; if this is so, we are all members of some political community; if this is so, the world is in a manner a state.” (Marcus Aurelius 1994 [161-180], Book IV)

It is worth stressing that the Roman Stoics’ cosmopolitanism is more moderate than that of Diogenes the Cynic. The latter asserted a complete refusal to identify himself with local communities. In contrast, Roman stoic philosophers recognized the importance of local affiliation and participation in local political affairs (Nussbaum 1997, 9). Indeed, many of them dedicated most of their lives to Roman public service. Both Cicero and Seneca were prominent public figures in Ancient Rome and Marcus Aurelius was one of the most powerful Roman emperors. Far from rejecting local affiliations, Cicero claimed that we should think of ourselves as beings incorporated in various expanding concentric circles of membership, the first one being drawn just around our individual self, the next ones corresponding to our close family, our extended family, our neighbours, our fellow city dwellers, and so on until we reach the largest circle: the whole of humanity. He claimed that although no one should be asked to treat their children and parents on equal footing with strangers (it is fine to be partial towards our close ones by dedicating more time, resources and energy to further their good than what we dedicate to strangers), yet no one should be left outside the circle of our moral concern. Moreover, if it is permissible for the Stoics to provide special care and to observe stronger obligations towards our close ones (or children for instance), such a partiality should not be justified by our belief in the intrinsically superior worth of those close ones as compared to that of strangers. Rather, we should see our local commitments and special duties towards family members and co-citizens as our own specific contribution to the good of humanity. Local partiality can sometimes be the form of social organization best capable of efficiently promoting the good of humanity. For instance, we should provide special care for our own children not because their life matters more than other children, but because assigning responsibilities to care for children to their biological parents is more likely to benefit children than if all adults are equally responsible to protect and nurture all children (as Plato suggests in the *Republic*). In the same way, if it is permissible to provide special care for our fellow countrymen, this should be because we are in a better situation to help them than distant strangers whose language we cannot understand, not because ‘our people’ deserves more moral concern than others (Kleingeld and Brown 2014; Nussbaum 1997, 9-10).

### 1.3 Cosmopolitanism and Modern Political Thought

For Greek and Roman philosophers, cosmopolitanism was, especially for Diogenes, mostly an individual ethical ideal (of living in accordance with nature and our shared humanity, see Lourme 2012). However, when cosmopolitanism was rediscovered in the modern era by humanist thinkers, its meaning was enriched and pluralized. For many, cosmopolitanism was associated with a certain attitude of openness towards diversity characteristic of those who travel and move a lot around the world. Such travelers labeled ‘cosmopolitans’ were depicted as people who were comfortable anywhere on the globe and friendly to all mankind but also as people who have no stable ties and do not really belong to any country or society. For instance, Diderot, in the *Encyclopedia*, claims that the term ‘cosmopolitan’ “is often used jokingly to refer to a man who has no fixed home or a man who nowhere is a stranger” (Diderot, 1751). Similarly, Rousseau claimed that cosmopolitans are people who “boast that they love everyone, to have the right to love no one” (Rousseau, Geneva Manuscript

version of *The Social Contract*, 158, quoted in Kleingeld and Brown 2014). In a more positive light, cosmopolitanism as an attitude of open-minded mindedness, has been linked to the modern of Enlightenment. According to Held and O'Neill, for instance, Kant linked cosmopolitanism and the idea of *Weltbürger* to the possibility to enter in forms of open-ended and uncoerced communication with people all across the globe and to thereby escape dogmatism and heteronomous authority (Held 2005, 11; O'Neill 1990).<sup>2</sup>

However, the most interesting modern development with regard to cosmopolitanism is that many philosophers turned cosmopolitanism into a fully political and legal doctrine of international relations with implications reaching far beyond personal ethics. For instance, Erasmus of Rotterdam, in *Querela Pacis* (1517), drew from the ancient notion of world citizenship to emphasize that we should focus on our shared humanity rather than on what sets us apart in different groups and cultures. From there, he defended an ideal of world peace based on toleration and respect for diversity grounded in an emphasis on shared humanity rather than on what sets humans apart. Early natural law theorists, such as Hugo Grotius, in *The Law of War and Peace*, and Samuel Pufendorf, in *De Iure Naturae et Gentium Libri Octo*, drew on social contract theory and on certain universally shared human features, such as a will to self-preservation and a natural sociability, to build the foundations of international law and identify norms and standards that should bind all states and nations. Some went even farther. For instance, Anarchasis Cloots, in the aftermath of the French Revolution, published two essays in which he argued for the abolition of all existing states and for the establishment of a world state modeled on the French revolutionary republic (Cloots 1792, 1793).

The most influential and widely discussed account of cosmopolitanism that we inherited from the modern period is without any doubt that of Kant. Although Kant addresses international law and cosmopolitanism in several works, such as *Idea for a Universal History from a Cosmopolitan Point of View* (1784) and *On the common saying: That may be correct in theory, but it is of no use in practice* (1793), his most influential and important discussion of cosmopolitanism is to be found in his famous treaty *Perpetual Peace : A Philosophical Sketch* (1795).<sup>3</sup> For Kant, cosmopolitanism was not only a doctrine of personal ethics. In his view, cosmopolitanism is a legal and political doctrine spelling out the rights of strangers and the obligation of states and citizens toward non-citizens. Indeed, Kant argued that the only way towards peace was the establishment of a universal federation of nations having their own republican constitution respecting cosmopolitan law. He did not conceive of such a federation as a federal state with coercive powers, but rather as a loose confederation of states that retain their sovereignty but accepted to let their conduct towards other states and individual strangers be governed by law.

For Kant, this universal league of nations articulates three spheres of public law: civil law (or domestic law), which concerns the relations between citizens of one country (and between citizens and their state), international law, which concerns the relations between states or nations, and cosmopolitan law, which concerns the relations between states and foreigners located on their territory. This reminds us that cosmopolitanism ought not to be conflated with internationalism. Cosmopolitanism is

<sup>2</sup> Later in this section, we focus on the legal and political dimensions of Kant's cosmopolitanism.

<sup>3</sup> English versions of those texts can be found in Kant 1991.

not so much concerned with relations between states as it is concerned with relations between individuals who are members of different states and between states and individual foreigners. Indeed, for Kant cosmopolitan law goes beyond international relations understood as the law governing horizontal relations among nations since it grants a legal status to all human beings, regardless of where they come from and where they are located. Cosmopolitan law also grants this status to persons *qua* persons, that is to all humans as members of humanity and not simply as members of particular states. Cosmopolitan citizenship is not mediated by nationality.

Nonetheless, for Kant, the requirements of cosmopolitan law were minimalist. Kant's cosmopolitan law is based on two rights. First, Kant maintains that every human being has a right of visit that all states should respect. However, this right is not tantamount to a right to emigrate and to stay in a specific country. The right to visit is a right of entry, by which humans can travel elsewhere to establish commercial relations or to *attempt* to settle permanently. Ultimately, states maintain the prerogative to decide whether foreigners can stay in permanently and they also retain the prerogative to deny entry to a foreigner when "this can be done without causing his destruction" (Kant 1991, 105).<sup>4</sup> Second, Kant maintains that every human has a right to hospitality, that is: "the right of a stranger not to be treated with hostility when he arrives on someone else's territory" (Kant 1991, 105). That being said, hospitality does not entitle foreigners to the full set of citizenship rights; it grants them a much weaker level of protection and social entitlements. Commentators disagree about the extent of the right to hospitality. Some give it a minimalist interpretation. Benhabib, for instance, claims that Kant's account is restricted to the right to seek civil associations with foreigners (2004, 38). By contrast, others give a much broader significance. For instance, Brown claims it includes the rights "to travel freely, to engage in international commerce and work, and to engage in public debates across state borders and to have one's human and political rights respected across borders" (2014, 686).

Nonetheless, even if one adopts a very generous and expansive understanding of Kant's cosmopolitan law, contemporary theories of cosmopolitanism go far beyond Kant's minimalist approach. As we will see, for many contemporary theorists, cosmopolitanism entails the creation of transnational representative democratic institutions or the correction of global socio-economic inequalities or a policy of open borders.

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<sup>4</sup> Chauvier (1996) highlights that we should be careful not to conclude that states' current migration policy (by which states retain the prerogative to decide who can immigrate on their territory) is compatible with Kant's cosmopolitan law. Indeed, Kant's right to visit entails a right of entry for all humans correlated with negative duties on the part of all states to refrain from preventing people to enter their territory. In addition to retaining the prerogative of denying some the right to immigrate, several states currently take several measures to prevent foreigners to enter their territory (to simply visit), for instance by distinguishing regular and irregular immigrants by requiring visas for entry and fining airlines carrying foreigners without proper documents or simply by building walls.

## Chapter 2: Analysing the Four Dimensions of Cosmopolitanism

Generally speaking, cosmopolitanism refers to the view that all human beings are part of the same global political and moral community, that they are all citizens of the world. The term 'cosmopolitanism' is however used in connection to different subjects and those multiple uses create several varieties of cosmopolitanism that take different meanings despite sharing the core idea of the belonging of each human person to a global community. We identify four dimensions of cosmopolitanism:

1. Moral cosmopolitanism refers to the moral claim that every human being is a source of valid moral consideration for all other human beings.
2. Institutional cosmopolitanism refers to the political claim that there should be transnational or global political institutions.
3. Civic cosmopolitanism refers to transnational democratic practices and transnational forms of citizenship.
4. Cultural cosmopolitanism refers to an understanding of cultures and identities as being hybrid and shaped by the contact with many cultures from all over the globe.

Cosmopolitanism can thus mean very different things depending on whether it is used to qualify moral norms and moral ideals; political institutions and political regimes; civic practices and forms of active citizenship; or cultural forms and personal and collective identities. In the following four sections, we provide more detailed definitions of those four basic categories of cosmopolitanism and explain how they are themselves subdivided in sub-categories. In the last section, we draw on this framework to briefly survey strategies elaborated to mitigate the tensions between cosmopolitanism and nationalism.

### 2.1 Moral Cosmopolitanism

Moral cosmopolitanism is a view about what people owe to each other. It concerns what obligations humans have towards one another. It is a doctrine, or rather a family of doctrines, concerning justice and what is the right thing to do. Thus, following an important distinction made in practical philosophy, moral cosmopolitanism is a conception of justice, or of the right, not a conception of the good life spelling out the role of humans in the universe and the meaning of life. As a conception of justice, it limits itself to asserting what limits humans ought to respect when pursuing their own conception of the good. Such a distinction between the right and the good can be traced back to Kant's distinction between the doctrine of the right (concerned with the external character of actions impacting on other persons) and the doctrine of virtue (concerned with duties towards oneself and the intrinsic character of actions) (Kant 1997). For instance, the harm principle, asserting that people are free to do whatever they want as long as they do not harm others or restrict their liberty, belongs to the domain of the right, whereas judgments such as 'piety is central to human flourishing' or 'artistic creation is the most admirable end one can pursue' belong to the domain of the good. Certain variants of ancient cosmopolitanism, such as that of Diogenes the Cynic (one has to live her life according to Nature, not convention), and early modern cosmopolitanism, those linking cosmopolitanism with a world travelling lifestyle, are ideals of the good.

Thus, the subject matter of moral cosmopolitanism is restricted to the right, to what people owe to one another. Among all moral conceptions of the right, what distinguishes moral cosmopolitanism is that it is a form of universal ethical individualism (Beitz 1999; Jones 1999; Tan 2004; Pogge 2008). Ethical individualism claims that persons are the ultimate source of moral consideration. Individuals matters qua individuals, not as members of national, religious, ethnic or racial groups. Universal ethical individualism claims that every human being is a source of moral concern regardless of its ideocratic characteristics (such as gender, race, country of origin, place of residency, etc.) and that every human being is a source of moral consideration for every other human being.

As an individualist doctrine, moral cosmopolitanism is the denial of methodological nationalism or state-centrism, which claims that nations or states should be the ultimate units of moral concern for the ethical assessment of international relations. In *The Law of Peoples*, Rawls provides the most influential treatment of such a rejection of moral cosmopolitanism as he claims that the world order should be designed to secure the capacity of peoples (roughly corresponding to nation-states) to exercise self-determination (1999). This individualistic component is often asserted by contemporary authors (Beitz 1999, Tan 2004, Pogge 2008). It was nonetheless already present in Kant's cosmopolitanism. As we have seen, for Kant cosmopolitan law concerns the relation between individuals and foreign states and foreign citizens and it grants a legal standing to individuals wherever they are. By contrast, international law, for Kant, only concerns relations between states.

In addition, as a universalist doctrine, moral cosmopolitanism asserts a form of global impartiality and insists that the interests of foreigners and not only fellow citizens be taken into account when determining what people owe to each other. Thus, moral cosmopolitanism rejects defenses of nationalism and patriotism that claim that the interests of outsiders can be disregarded when assessing the righteousness of people's actions. Moral cosmopolitanism criticizes national partiality and the idea that people sharing the same nationality are not obliged to give equal moral consideration to foreigners.

### **2.1.1 Strong and weak moral cosmopolitanism**

Contemporary philosophers often distinguish between weak and strong forms of moral cosmopolitanism (Tan 2004, Miller 2008). Weak moral cosmopolitanism claims that the view that people should treat all other human beings with equal consideration only means that they should make sure that all humans can live a decent life, the idea being that to be able to live such a decent life, one only needs to reach a certain minimal threshold in terms of resources, opportunities and basic freedoms. By contrast, strong moral cosmopolitanism requires a global equality of treatment. It demands, for instance, that socio-economic opportunities be equalized for all human beings. Strong moral cosmopolitanism is thus based on a notion of comparative equality whereas weak moral cosmopolitanism is based on a notion of an absolute (non-comparative) threshold below which no one should fall and it claims that once all human beings are above that threshold of decency, global comparative inequalities of wealth and opportunity are permissible.

### 2.1.2 Extreme and moderate moral cosmopolitanisms

Another important distinction internal to moral cosmopolitanism concerns the value of local (national or state-wide) attachments. Scheffler thus distinguishes extreme and moderate forms of moral cosmopolitanism (Scheffler 2003, 155-157; Tan 2004). For extreme moral cosmopolitans, local attachments only have instrumental value: they are valuable only insofar as they help strengthening the goals of moral cosmopolitanism, the idea being that a world of sovereign states may nonetheless provide the most effective division of labour for expressing equal concern to all human beings (Goodin 1987; Gutmann 1996; Appiah 2005). By contrast, moderate cosmopolitans admit that local attachments can have value independently of their capacity to promote cosmopolitan goals and that we should balance the heterogeneous goals of sustaining particularistic special relationships based on partiality towards close ones and fellow citizens and of showing equal moral concern for all. As we have seen, stoic ancient cosmopolitan already asserted that special concern for members of our local community can be a way to promote cosmopolitan goals and that humans should give importance both to their membership in a local community and to their membership in the universal community of humanity (Nussbaum 1997).

### 2.1.3 Rights-based and value-based moral cosmopolitanism

Moral cosmopolitanism can be rooted in a value-based approach to ethics.<sup>5</sup> In this view, recognizing that individuals have obligations of justice towards distant strangers living in different countries is the best way to maximize the achievements of certain values such as happiness and the avoidance of suffering. This path is taken by Peter Singer (1971, 2002), who argues that since the happiness of all human beings should be a matter of equal concern for every other human being, inhabitants of rich countries should engage into various practices of resources transfers to benefit the inhabitants of poor countries. In a different way, Martha Nussbaum argues for an international order designed to achieve real human flourishing for all (2006) and, more specifically, that international political and economic actors should pay more attention to gender differences in their approach to development policies (2001).

Moral cosmopolitanism can also be rooted in a rights-based or norms-based approach to ethics. In this view, national belonging is irrelevant to determine which rights people have and whose obligation it is to secure this right. Taking this path, Onora O'Neill (1986) argues that human beings have duties to assist every other human being, even those living in distant countries.

### 2.1.4 Moral cosmopolitanism: individual obligations and justice

When it focuses on the assessment of the actions taken by individuals, moral cosmopolitanism can be labeled 'interactionist' or 'inter-individual cosmopolitanism' (Pogge 1992; Kuper 2005). Peter Singer's works provide the best example of a moral cosmopolitanism based on the obligations that individuals living in rich have towards the distant inhabitants of poor countries of the global South (Singer 1971). However, moral cosmopolitanism can also provide moral norms and principles with the purpose to critically assess the international system regulating the conduct of transnational organizations,

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<sup>5</sup> For more on the distinction between value-based and rights-based approach to morality and ethics, see the NOVAMIGRA conceptual map.



multinational corporations, and individual states in their foreign policies. This perspective on moral cosmopolitanism can be labeled cosmopolitanism about justice (Tan 2004).<sup>6</sup> This approach is usually rooted in the works of John Rawls who claimed that the subject matter of justice is not individual conduct but the basic institutional structure of society, that is, the way in which the market is regulated and resources are redistributed and the rights and duties prescribed in the constitution, and so on (1971; 2002). By contrast to inter-individual ethical cosmopolitanism, cosmopolitanism about justice focuses on the normative assessment of social and political institutions through the lenses of universal ethical individualism and equal concern for all humans. Although Peter Singer's work exhorting wealthy individuals of Western countries to make donations to alleviate famine and extreme poverty has been very influent, most recent works on global poverty and global inequalities focuses on cosmopolitanism about justice (see Kuper 2005 for an influent critique of Singer, and, more generally for cosmopolitan approaches based on justice: Beitz 1979; Moellendorf 2002; Tan 2004; Pogge 2008; Brock 2009; Nine 2012; Valentini 2010; Risse 2015).

### 2.1.5 General and special obligations

Cosmopolitans disagree about the nature and grounding of the obligations that humans owe to each other as well as of the rights that all human beings should be granted. Those disagreements focus on whether those rights and obligations are general or special. General rights are those that all humans possess solely by virtue of their humanity (as rational agents capable of making free and autonomous decisions, or as creatures having certain needs, interests or capabilities), whereas special rights are those that arise out of certain special relationship between humans (those relations can be created by promises, contracts, natural filiation or common membership in a group of some kind) (see Hart 1955). Similarly, general obligations are those we owe each other as humans (or those that correspond to general rights) and special obligations are those that we have by virtue of certain special relationships with others (or those that correspond to special rights) (Scheffler 2003).

Certain cosmopolitans claim that we have special obligations to all other human beings not because we share certain common features with all humans but because we are connected in an especially meaningful way to all other humans. Usually, those authors appeal to the notion of a global basic institutional structure, global economic interdependence or transnational social cooperation to claim that we are connected to all other human beings through the kind of special relationships that give rise to special moral obligations such as an obligation to share resources on a global scale or to redress global socio-economic inequalities (Beitz 1979; Moellendorf 2002; Tan 2004; Sangiovani 2007).

Such accounts of special global cosmopolitan obligations tend to embrace a strong, and at times extreme, form of moral cosmopolitanism. Their critics usually claim that the right kind of relationships to generate those obligations does not hold at the global level by asserting that common subjection to coercive institutions (Heath 2005, Nagel 2005; Blake 2002) or a shared sense of national identity (Miller 1995; 2008) are the grounds for such demanding special obligations. But critics of strong and special cosmopolitan obligations do not usually simply reject that we do have obligations towards all human

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<sup>6</sup> Scheffler also talks about "cosmopolitanism about justice" in this sense, but mostly to oppose it to "cosmopolitanism about culture" (2003, 149). To refer to this second form of moral cosmopolitanism, Beck (2004) proposes the term 'methodological cosmopolitanism', as opposed to methodological nationalism.



beings. They rather embrace a weaker form of cosmopolitanism asserting a minimalist conception of our obligations towards fellow humans located anywhere on the globe. Those less demanding obligations require us to bring about (and refrain from undermining) the conditions in which everyone can live a decent life, where such conditions are met when everyone's human rights are secured (Jones 1999; Nagel 2005; Miller 2008). Moreover, there is a widespread tendency in the literature to view those obligations as general ones, that is, as obligations not derivative of special relationships such as a shared membership in a national group, a shared subjection to an institutional or cooperative scheme. This is because human rights are usually seen as general rights<sup>7</sup>, that is, as rights possessed by all humans by virtue of certain characteristics shared by all humans (Finnis 1980; Nussbaum 1997; Griffin 2008). Yet, some cosmopolitan authors challenge the view that human rights are general (or natural rights) (Beitz 2003; 2009).

## 2.2 Institutional Cosmopolitanism

Institutional cosmopolitanism refers to a substantial political position favoring the creation or the reinforcement of transnational political institutions (Beitz 1999, Dallmayr 2003; Benhabib 2004; Tan 2004; Caney 2010). In this view, moral cosmopolitanism, whether it is rooted in the value-based or rights/norms-based approach, leads to the conclusion that there should be a set of transnational institutions regulating the interactions of individuals and corporations located in different parts of the world as well as the relations between states.

### 2.2.1 Degrees of institutionalization

In its strongest form, political cosmopolitanism calls for the creation of a global government mimicking the structure of the modern nation-state on a global scale. As we have seen, modern philosophers such as Cloots have already promoted the idea of a universal republic. Yet, in contemporary political philosophy, serious discussions on the idea of a world state are rather rare and tend to reject it (Cabrera 2004; Nielson 1988). Some tend to reduce institutional cosmopolitanism to the idea of a world government understood as a global sovereign in order to discredit it and sharply distinguish it and disentangle it from moral cosmopolitanism. They thus highlight the independence of moral cosmopolitanism from the undesirable and unrealistically utopian project of creating a single world state (Tan 2004).

Usually, however, proponents of institutional cosmopolitanism have a much less ambitious agenda. They call for the creation of a new transnational level of governance and new transnational political institutions that do not completely obliterate the sovereignty of existing states (or they defend the existing weak level of global institutionalization). Those moderate proposals for institutional cosmopolitanism envision different degrees of institutionalization at the global level. The strongest moderate varieties of institutional cosmopolitanism advocate the implementation of a multilevel system of government in which global political authoritative institutions are superposed over partly autonomous state institutions. For such institutional cosmopolitans, the ideal world order has a federal structure in which sovereignty is divided among several layers of government (David Held 1995; 2010 provides the classic model of multilevel global democracy, see also Bohman 2007; Craig 2010 and

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<sup>7</sup> One may rather expect the term 'natural rights' than 'general rights', but natural rights are general rights.

Cavallero 2010). In such a model, legislative competences are assigned to different layers of government (world, regional, national, local) on a functionalist or issue basis. For instance, climate change efforts ought to be decided at the global level whereas language policies can be left to national governments. Such a multilayered political structure draws on the normative ideal of federalism understood as a combination between self-rule (for existing states and nations) and shared-rule (for global or regional levels of governance) (on this definition of normative federalism, see Watts 1999; Norman 2007).

A still weaker position focuses instead on the idea of global governance. This tradition challenges the view that effective policy making ultimately rests on the exclusivity of authoritative institutions enjoying final authority and coercive powers with regard to specific domains of policy-making. They assert that institutionalized forms of cooperation can take the form of governance without (sovereign) government. They highlight the already existing practices of governance without government understood as forms of non-coerced practices of cooperation among different transnational actors including transnational organizations, states, sub-state governments, corporations and civil society associations and NGOs (for the idea of global governance as distinct from global government, see Held 2010, Roseneau 1992; Roseneau and Czempiel 1998). Certain authors do not focus so much on the notion of uncoerced global cooperation but on the view that universal or cosmopolitan goals can be agreed to by various sovereign nations or states that are exclusively responsible for law enforcement and for interpreting those universal goals and translating them into their own national binding laws (Taylor 1999; Benhabib 2004).

## 2.2.2 Domains of institutionalization

Contemporary discussions on institutional cosmopolitanism tend to be segregated along domains of policy making. Certain discussions focus primarily on economic matters, others on political matters and decision-making structures, others focus on borders and immigration.

### 2.2.2.1 Economic Cosmopolitanism

Cosmopolitanism is sometimes associated with the view that there should be a single market with no tariff barriers to commerce where goods, capitals and labour can move freely. Such an economic cosmopolitanism, based on the institutionalization of a single global free market, can be labeled economic cosmopolitanism (Kleingeld and Brown 2014; Inglis 2015). Yet, the relation between the core idea of cosmopolitanism (i.e. that all humans are members a worldwide community) and economics can also be associated with the view that transnational economic interactions should be regulated by global institutions. For instance, many cosmopolitans claim global justice requires that resources should be redistributed at the global level so as to mitigate socio-economic inequalities between individuals located in different states (Beitz 1979; Moellendorf 2002; Tan 2004; Caney 2005; Pogge 2008; Brock 2009; Nine 2012; Valentini 2010; Risse 2015).

In the 1990s, global justice became a central topic in political philosophy. Drawing on a moral cosmopolitanism of justice, proponents of global justice often based their argument on the view that globalization has produced a world of economic interdependence and interconnection that calls for global mechanisms of redistribution. Since everyone's fate and economic opportunities are affected

by global economic dynamics, the scope of global justice ought to be global. If the subject matter of distributive justice is the way benefits and burdens of social cooperation are distributed among people, then the fact that social cooperation is global entails that distributive justice should be global (the main proponents of this view are Beitz 1979, Moellendorf 2002; Tan 2004 and Pogge 2008). Others claim that place of birth is a morally arbitrary factor that should not affect people's wealth and opportunities. Just as no one should be disadvantaged because of their skin color or social class, no one should be disadvantaged because of their place of birth (Caney 2005).

Proponents of global justice envision different redistributive mechanisms. Some claim that these should be a global tax on the use of natural resources (Beitz 1979; Pogge 2008) or that there should be a global tax on capital (Piketty 2015). Yet, others also highlight the importance of reforming global institutions such as the WTO to make them more representative of the interests of countries of the global South (Pogge 2008) or to better pharmaceutical research that really benefits members of poorer countries (Pogge 182-209).

### 2.2.2.2 Political Cosmopolitanism

In the 1990s, discussions on globalization in political philosophy and political theory also address the issue of global or transnational democracy. Authors such as David Held, Daniele Archibugi and Jürgen Habermas argued that since many sites of economic, military, social and political power are not contained within the boundaries of nation-states, democratic decision-making institutions also ought to transcend the boundaries of nation-states (Held 1995; Archibugi and Held 1995, Archibugi 2008; Habermas 1998a). As explained before, they propose to add regional and global levels of democratic decision-making on top of the national one just as the federal level is juxtaposed over provincial or state level in existing federations.

### 2.2.2.3 Borders, Migration and Cosmopolitanism

Starting from the view that humans owe each other equal consideration, several moral cosmopolitans questioned the institution of borders and the limits they place on migration. In a very influent article titled 'Aliens and Citizens', Joseph Carens (1987) claimed that citizenship (in a rich developed country) was the equivalent of a feudal privilege. People lucky enough to be born in a rich country enjoy tremendous advantage in terms of wealth and opportunities compared to those born on the wrong side of state boundaries. Yet, they do not enjoy those advantages because of their work and wise decisions, just as those who are less lucky in the geographical birth lottery do not deserve their lot based on their laziness or poor decisions. All this is simply a matter of luck. Moral cosmopolitans who believe that everyone is owed equal concern should therefore adopt an open-borders policy so as to correct the injustices created by the birth lottery (Carens 1987; other proponents of open borders include Kukathas 2005; Cole 2011; cf. Carens 2013).

As explained in Chapter 1, the topic of borders and migration was already present in Kant's cosmopolitanism. Kant's cosmopolitan law requires all states to treat foreigners on their soil with hospitality. This does not entail a policy of open borders as Kant does not assert that migrants or travelers have the right to establish themselves wherever they want although states should not deny entry and sojourn to those whose life would be threatened by such a denial. One could then say that

Kant embraced the view that states have the obligation to welcome refugees (those whose life would be threatened if expelled or denied entry) although they have the prerogative to decide arbitrarily who can become a permanent resident. Kant's cosmopolitan law therefore seems to embrace what some have called the contemporary 'conventional view on immigration' (Carens 2013: 10): states have binding obligations to welcome and protect refugees but they enjoy a large discretion in deciding who can immigrate and become a full member.

Yet, some contemporary cosmopolitans reject both open borders for all and Kant's early version of the conventional view on immigration. Seyla Benhabib (2004), for instance, does not embrace the utopian notion of fully open borders, yet she is quite critical of Kant for placing too many restrictions on the rights of migrants. She claims that equal moral concern entails that entry cannot be denied for any reason (she excludes refusing migrants on the basis of race and religion, for instance). She also claims that equal moral concern for all humans entails that once they are admitted on a state's territory, migrants should not remain permanently excluded from having the same political and social rights than full citizens (2004; Cf. Carens 2013). In her words, (moral) cosmopolitanism requires the (institutional) 'disaggregation of citizenship': cultural membership (in the ethno-cultural majority) should be decoupled from the possession of political and social rights. Such rights should be granted on the basis of residence, not cultural integration and membership. Benhabib's cosmopolitan law prescribes a low level of global institutionalization; she does not recommend the creation of international coercive institutions, only that all states implement the same universal principles. Yet, her cosmopolitan law is much more demanding than Kant's notion of hospitality as it places limitations on the reasons that can justify denying entry to someone and as it requires migrants who reside in a state to be granted the same rights as those who are born in that state.

Kant's notion of hospitality and cosmopolitan theories of immigration highlight that cosmopolitanism is not merely a matter of transnational politics and foreign policy. States can be cosmopolitan 'from the inside' by treating non-citizens on their soil with equal moral concern. Yet, whether 'equal moral concern' for migrants requires granting exactly the same rights as citizens remains a subject of controversy for political philosophers. Migration policies focused on temporary labour programs (enabling economic migrants to come to work in one's states without allowing them to stay permanently and become citizens) have sometimes been presented as forms of weak cosmopolitanism furthering global justice without making migrants fully equal to citizens (Bell 2005; Miller 2016). Indeed, such programmes enable economic migrants to earn more than they would in their home country, thus favoring redistribution across the national boundaries, yet they do not erase all distinctions between nationals and foreigners. Miller, for instance, claims that although guestworkers must at least be paid the minimum wage set in a given society, justice does not require providing them with equal working conditions than those granted to citizens (2016, 99). This resonates with the core idea of weak moral cosmopolitanism: setting a minimal threshold for all human beings while authorizing some humans (foreigners) to be given less protection and benefits than what is granted to others (citizens). Many have however claimed that even if such programmes respect a minimal threshold for everyone, they nonetheless maintain guestworkers in a situation of vulnerability or of exploitation or fails to express equal respect to them because of the unequal treatment they involve and of the refusal to offer opportunities to become a permanent resident or citizens (Mayar 2005; Lenard and Straehle 2010, Straehle 2012, Carens 2013; Owen 2017, Bertram 2019). Some who argue

that even if economic migrants need not to be granted the full protection of citizens rights, their specific situation creates specific vulnerabilities that should be remedied by granting them special rights (they both need more and less protection than citizens, see for instance Otonelli and Torressi 2019). Yet, starting from similar views regarding the specific vulnerability of labour migrants, some argue that even if such migrants are granted paths to acquire full citizenship rights, migrants still remain vulnerable to various forms of exclusion and social requiring specific forms of protection to be remedied (Straehle 2019).

### 2.2.3 Moral and institutional cosmopolitanism

It is important to keep moral and institutional cosmopolitanism separated. Institutional cosmopolitanism is often justified by moral cosmopolitanism. This is observed in the works of philosophers claiming that maximizing human flourishing requires the creation of stronger international institutions or that morally arbitrary inequalities traceable to one's place of birth should be compensated for. Yet, the relation between moral and institutional cosmopolitanism is more complex. Indeed, on the one hand, moral cosmopolitanism can generate conclusions that do not support institutional cosmopolitanism. As said, some authors do indeed discuss the view that partiality towards co-nationals or co-citizens is the most efficient way to promote the universalist moral aims of cosmopolitanism. On the other hand, one may start with a premise grounded in methodological nationalism or state-centrism and reach the conclusion that there should be a stronger form of global government, since this is in the best interest of existing states or nations. For instance, Beitz makes the argument that since natural resources are spread unevenly and arbitrarily on the globe, fairness between states (not individuals) requires the creation of an international redistributive mechanism to compensate states that are poorly endowed with natural resources (Beitz 1979).<sup>8</sup> Therefore, institutional cosmopolitanism is not a mere extension of moral cosmopolitanism. It includes nationalist and state-centrist justifications supporting the creation of international political institutions (some institutional cosmopolitans are not moral cosmopolitans) and it does not include forms of moral cosmopolitanism that do not recommend the creation of such institutions (some moral cosmopolitans are not institutional cosmopolitans).

### 2.3 Civic cosmopolitanism

Civic cosmopolitanism refers to transnational democratic practices and transnational forms of citizenship. More precisely, it refers to the normative position that calls for the emergence and dissemination of transnational forms of active citizenship and of transnational representative institutions. The term is less used than the much more widespread distinction between moral and institutional cosmopolitanism found in the literature on global justice. Yet, many proponents of global or transnational democracy view themselves as cosmopolitans (Held 1995; Held and Archibugi 1995; Habermas 1998a; Hutchings and Danreuther 1999; Kuper 2004 Archibugi 2008).

Civic cosmopolitanism partly overlaps with political institutional cosmopolitanism. Indeed, several proponents of civic cosmopolitanism argue for the creation of democratic transnational institutions

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<sup>8</sup> Nonetheless, Beitz's main argument supporting global redistribution and institutional cosmopolitanism is rooted in a form of ethical individualism. He simply believes that the nationalist or statist and individualist perspectives converge.

reproducing existing (national) forms of democratic representation at a larger scale (Held 1995, Archibugi and Held 1995; Habermas 1998a; Archibugi 2008; Ferry 2012). Such representative institutions are juxtaposed on top of national ones, they do not obliterate existing nation-states but have jurisdiction over international matters and individuals are directly represented among them so that membership in transnational parliaments is not mediated through membership in an existing nation-state. As Held and Archibugi claim, cosmopolitan democracy refers to “a model of political organization in which citizens, wherever they are located in the world, have a voice, input and political representation in international affairs, in parallel and independently of their own government” (Archibugi and Held 1995, 13). For instance, they argue for the creation of regional and global parliaments with legislative authority over certain areas of policy making. They root their argument in the ‘all-affected principle’, which claims that everyone affected by a decision should have a say in it, or, at least, have its interests taken into account in the process leading to such decision. Thus, when a decision impacts people located in different states, it is undemocratic to only have the citizens of one country voting on the issue.

Yet, civic cosmopolitanism is not merely a subset of normative institutional cosmopolitanism. Indeed, some of its proponents make a distinction between formal representative institutions and informal practices of democratic citizenship based on processes of formation of public opinion in the larger public sphere and public deliberation and contestation (Habermas 1998b; Tully 2009). Tully thus maintains that the path to global democracy lies not so much in the creation of (restrictive) formal global parliamentary institutions as in the nurturing of informal practices of contestation and civic engagement by transnational social movements (2009). Thus, some civic cosmopolitans do not think that creating transnational multilayered representative institutions is enough to promote global democracy. They highlight the role of transnational civil society and transnational forms of political mobilization and activism. Tully contrasts his approach with ‘restricted democracy’ (2009, 225), which presents official formal representative institutions as the only democratic forum, imposes a fixed procedure on negotiation and deliberation, a form of accepted discourse and aims at achieving a fixed agreement. He favors ‘open-ended’ democratic practices in which deliberative fora extend outside formal institutions, democratic procedures themselves are subjected to deliberation and negotiation, the general form of discourse is not given beforehand and in which dialogues are on-going and never reach a final point.

Much in line with the works of James Tully (1995) on plurinational federalism and drawing on Native American (Iroquois) democratic practices, Iris Marion Young neatly sums up the core elements of this democratic conception of cosmopolitanism by calling it a form of ‘decentered, diverse and democratic federalism’ (2007, 32; Cf. Tully 2009; Bohman 2007). It is federal since it shares the institutionalist idea of a set of multilayered formal representative institutions. But it is also decentered in that multiple groups of the transnational civil society take part in deliberation and make their voices heard (those groups are not necessarily defined geographically or by their scale – local, national, regional and global), diverse in that those groups can assert their own identity without being imposed a rigid identity by formal representative institutions and it is democratic in that the constitutional rules that bind the diverse partners of such a federation together are open-ended and always open to contestation, negotiation and amendments.



John Dryzek and John Bohman are also important figures in this democratic tradition and emphasize the role of discursive practices outside formal transnational representative forums (Dryzek 2000; 2012) and the idea that transnational democracy entails decision-making not merely among the members of a single *demos* (or people) but also deliberation and negotiation among multiple *demoi*, understood as a multiplicity of publics constituted by various identity or interest groups (Bohman 2007). For Bohman, authors such as Held, Archibugi and Habermas, who all focus on the creation of new representative institutions at the regional and transnational levels,<sup>9</sup> are ‘gradualists’: they want to gradually expand and replicate the form of the nation-state at a larger scale. He conceives of himself, and of authors like Young and Tully as ‘transformationalists’, that is, as authors going beyond the replication of existing representative institutions at a larger scale and proposing new forms and fora of democracy not centered on traditional representation within parliaments.

Civic cosmopolitanism can thus offer a program that goes beyond the creation of new transnational institutions and include new forms of global civic practices. In short, civic cosmopolitanism contains two different but not necessarily exclusive components: formal democratic representation and decision-making and informal democratic engagement and deliberation. The former component overlaps with political (institutional) cosmopolitanism but not the latter.

Certain civic cosmopolitans conceive of global democratic participation in different ways. Some believe that civic engagement at the global level is issue-based: citizens of the world are included in global politics by supporting one specific cause (the environment, global poverty, women’s rights, etc.) (Held 1995). Others envision the inclusion into transnational political communities on a territorial basis: as a citizen of Europe or of the world, one must provide a democratic input in relation to all the issues on the agenda of Europe or world politics.

## 2.4 Cultural Cosmopolitanism

Cultural cosmopolitanism challenges the view that the world is or should be divided into bounded national communities. Sometimes cultural cosmopolitanism presents itself as a descriptive or sociological claim denying that national identities play a central and unique role in people’s lives. It then claims that there are no such things as separated and fixed national cultures understood as monolithic blocs with incommensurable values and worldviews. Sometimes cultural cosmopolitanism is a normative claim that expresses suspicions regarding the value and desirability of national identities or that asserts the desirability of cosmopolitan feelings of attachment and identification with the whole of humanity.

In addition to this duality of perspectives on cultural cosmopolitanism (normative and descriptive), one can distinguish three forms of cultural cosmopolitanism each focusing on a different aspect of cultural identities: the constituents of personal identity; the articulation between national and transnational identities; and the development of a critical and reflexive attitude towards local identity through intercultural contact and dialogue. Authors focusing on either of those aspects often moves between the descriptive and normative perspective: they highlight emerging forms of cosmopolitan

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<sup>9</sup> Nonetheless, Habermas has always stressed the importance of informal processes of opinion formation and the role of the public sphere (for instance 1998b).



identities to challenge normative claims about the value of promoting national identities or to establish the feasibility of political reforms requiring individuals to comply with cosmopolitan moral obligations (the idea being that cultural identities motivate people to act in certain ways).

First, cultural cosmopolitans reject the view that co-nationals share a single homogeneous national culture. They claim that the identity of individuals is shaped by many cultural traditions from around the world: one American person may be influenced by Buddhist religious views, Ethiopian cuisine and salsa music whereas another American may have its personal identity shaped by stoic philosophy, a protestant work ethic and Japanese Zen cuisine. Individuals do not draw from one single culture but pick and choose from various traditions (Waldron 1995, 2000; Beck 2004; Appiah 2005). National cultures are not homogeneous blocs and one person may feel more similarities with a foreigner than with a co-national. In this first sense, cultural cosmopolitanism emphasizes cultural hybridity to challenge the relevance of national cultures and the arbitrariness of distinctions between us (co-nationals) and them (foreigners). Let's call this 'post-nationalist cultural cosmopolitanism'.

Second, cultural cosmopolitanism may embrace nationalism and the relevance of national identities. In this second sense, cultural cosmopolitanism can refer to the fact that the content of national identity is a source of motivation to promote the ideals of moral cosmopolitanism. Expressions of nationalism are cosmopolitan when they are driven by a commitment to furthering the protection of human rights abroad, to engage in efforts of poverty alleviation, humanitarian intervention and the inclusion of migrants. Just as one may be proud to be a member of the Kennedy family because of the contribution of the family to American public life, one may be a proud member of a specific country because of the good records of this country in the promotion of human rights abroad. If this is the case, national identity can be the source of cosmopolitan commitments. Some have called this form of cultural cosmopolitanism 'rooted cosmopolitanism' (Walker and Kymlicka, 2012; Appiah 2006) or 'cosmopolitan nationalism' (Seymour 2005, 2010). Another form of rooted cosmopolitanism views universal values or ethical principles as being already present in certain local, regional or civilizational traditions. For instance, many view existing world religions as containing the sources of cosmopolitan commitments (see for instance Rovisco and Kim 2014).

Third, cultural cosmopolitanism may also refer to processes of identity formation at the global or transnational level. Various paths for such developments are envisioned in the literature. One may view the development of new transnational poles of identification as new layers of collective identity that cumulates on top of existing national commitments without suppressing them. A cosmopolitan identity is here akin to the dual or nested identities of citizens of plurinational federations or quasi-federations (one may identify both as a Catalan and as a Spaniard, or as Flemish and Belgian, for instance) (Miller 1995; DeSchutter 2011). One may understand the emergence of a shared cosmopolitan identity through the lens of an overlapping consensus (Rawls 1993) : a transnational identity is built from norms and values that are independent from all national cultures but that can be reached and embrace from the multiple points of view of different nations (Taylor 1999; Nussbaum 2006). One may also place the emphasis on processes of cross-cultural or intercultural dialogue and adopt an optimistic view about the capacity of such dialogues to produce greater understanding, consensus and identification between all human beings (Appiah 1993; 2005; Taylor 1999). This later approach to cultural cosmopolitanism views cosmopolitanism as a particular disposition or attitude

consisting of being inclined to engage with strangers and different cultures so as to develop a critical understanding of one's position and cultural commitments (Delanty 2006, 2009; Turner 2002, Vertovec and Cohen 2002).

Cultural identities are often associated with the notion of shared values. In this view, a common cultural (e.g. national) identity means that members of a same cultural group share common values, which can be either thick and rooted in a common way of life (common language, religion and mores can thus be common values) or rather thin and rooted in merely political values (such as democracy, human rights and solidarity). This connection between values and cultural identity is relevant to both the value-based and the rights/norms-based approach to cosmopolitanism.

From the perspective of the value-based approach, political institutions should be grounded in (justified or legitimized by) the values espoused by peoples who are subjected to those authoritative political institutions. One may be pessimistic about the possibility of grounding cosmopolitan institutions in cultural values as different national cultures do not embrace the same values. Yet, the three conceptions of cultural cosmopolitanism mentioned above help restoring a more optimistic value-based approach to cosmopolitanism. First, if individuals' identities are already hybrid and composed of aggregations of various national traditions, then one can envision that there is already an existing cosmopolitan culture spread across the globe, especially in densely populated and heterogeneous cities. Second, if national cultures and world religions already contain commitment to cosmopolitan values, as suggested by the notion of rooted cosmopolitanism, it is possible to find support for a cosmopolitan order through an overlapping consensus on cosmopolitan values. Third, if engagement with other cultures and cross-cultural dialogue has the virtue of producing more understanding across cultures and more critical distance towards one's local cultural commitments, then the consensus on a value basis required to justify a cosmopolitan political order is not an impossible goal to achieve.

From the point of view of the rights/norms-based approach to cosmopolitanism, values do not provide the ethical foundation enabling us to justify the existence or creation of transnational political institutions. One may therefore think that the potential heterogeneity of national cultures (and values) is of no concern for right/norms-based approaches. Yet, this is not the case as value attachments provide powerful motivational resources inciting individuals to view political institutions as legitimate and to comply with the demands placed by those institutions. But again, the survey of the idea of cultural cosmopolitanism reveals that the view according to which all nations are divided by their commitments to incommensurable values is too simplistic. In the first understanding of cultural cosmopolitanism, individuals already have complex identities and value commitments influenced by different cultures originating from various parts of the world, which should help them recognizing the legitimacy of transnational political institutions. In the second view, focused on the notion of rooted cosmopolitanism, individuals can find the motivational resources to comply with cosmopolitan commitments in their local national cultures and worldviews because those local attachments already contain cosmopolitan values. Finally, in the cross-cultural dialogue understanding of cultural cosmopolitanism, shared cosmopolitan values can emerge from individuals' engagement with strangers and different worldviews.

Whether values provide an ethical foundation or are mere props helping individuals to comply with the demands placed by rights and norms, various notions of cultural cosmopolitanism provide ways to mitigate the tensions between universal cosmopolitan commitments and local cultural or national attachments.

## 2.5 Cosmopolitanism and national self-determination: strategies of reconciliation

The main criticism leveled against cosmopolitanism is that it negates the value of local attachments, especially national ones. Many are afraid that embracing the cosmopolitan notion that all human beings are part of the same community would simply obliterate national cultural differences and undermine the exercise of national self-determination. This seems particularly worrisome given that nations have, since modernity, been the most important sites of democratization, social justice and collective identity (Tamir 1993; Miller 1995; Kymlicka 2001). Moreover, as collective identities are often thought to motivate people to act in certain ways that are particularly demanding of individuals (such as accepting democratic decisions when one finds itself on the minority side of a vote or making the sacrifices demanded by redistribution), nationalist scholars often claim that cosmopolitan ideals are unrealistic and utopian (for a survey of those criticisms, see Lu 2000). Faced with those important objections, many contemporary theoreticians of cosmopolitanism have tried to explain how cosmopolitanism can be reconciled with nationalism. Below, we briefly highlight some of the main strategies of reconciliation found in the literature.

- Weak Moral Cosmopolitanism and Moral Minimalism

Several authors admit that the tension between strong cosmopolitanism (or global egalitarianism) and national differences and national self-determination is genuine. If everyone must give equal weight to the claims of foreigners and to those of citizens, nations have no room left to express their social preferences, preserve their cultures and maintain a distinct sense of identity. However, they claim that cosmopolitan moral ideals only require people to make sure that all humans live in decent conditions and have their human rights respected. Once this goal is achieved, there is no need for co-nationals to keep worrying about the fate of foreigners and they can keep their remaining resources and energy to promote their own common good (Jones 1999, Nagel 2005; Miller 2008).

- Moral and Institutional Cosmopolitanism

Fears related to cosmopolitan imperialism and the denial of national self-determination are mostly relevant in the face of institutional cosmopolitanism. Such fear mostly make sense when cosmopolitanism is tied to the view that there should be global institutions capable of coercing nation-states. Some philosophers distinguish moral and institutional cosmopolitanism precisely to explain that certain forms of cosmopolitanism do not entail the creation of global coercive institutions. For instance, Kok-Chor Tan asserts that cosmopolitanism about justice provides a set of principles for the assessment of international relations and global politics that does not necessarily require the creation of a world government (2004) and is compatible with various international institutional arrangements.

- Instrumentalism and Democratic Iterations

Many authors embracing the distinction between moral and institutional cosmopolitanism believe that existing nation-states should be the main agents of (moral) cosmopolitanism. They assert that from the point of view of moral cosmopolitanism, the nation-state can be instrumentally valuable if it adopts policies that further cosmopolitan ideals. If all states promote human rights and treat everyone on their soil equally, then the whole world can be a cosmopolitan utopia. Much in line with this perspective, Benhabib's concept of "democratic reiteration" invites us to imagine a cosmopolitan federation in which all states follow the same universal principles in the absence of a global sovereign (2004). In this view, nation-states are left with a room for maneuver and can interpret those universal principles in their own light through internal and external democratic deliberation. As she explains: "democratic iterations are moral and political dialogues in which global principles and norms are reappropriated and reiterated by constituencies of all sizes, in a series of interlocking conversations and interactions" (2004, 113).

- Functional Necessity

Some commentators highlight that institutional cosmopolitanism is the solution to the problem of imperialism and transnational domination. In their views, there already are global and transnational sites of economic, political, military and cultural power. To tame the imperialistic forces of globalization, we need to create democratic institutions beyond the nation-state (Held 1995; Habermas 1998a). In other words, inaction is the true danger to national self-determination which is threatened by forces with a scope of operation transcending the boundaries of national territories. Political institutions must catch up with economic globalization if the ideal of democratic self-determination is to be preserved.

### Chapter 3: The Three Faces of European Cosmopolitanism

The idea that the EU is a cosmopolitan polity, or at least that it is a cosmopolitan order in the making, has gained in popularity in the late 1990s and 2000s. Contrasting the EU with the US, the essayist Jeremy Rifkin claimed, at the beginning of the new millennium, that while the American Dream emphasized patriotism, the European Dream embodied ideals of cosmopolitanism more suited to the promotion of human rights in a globalized world. He claimed that "while the American spirit is tiring and languishing in the past, a new European Dream is being born. It is a dream far better suited to the next stage in the human journey, one that promises to bring humanity to a global consciousness befitting an increasingly interconnected and globalizing society" (Rifkin 2004, 3). Such praise of the cosmopolitan character of the EU was common a little more than a decade ago. Political philosophers favorable to the creation of transnational democratic institutions then hoped that European integration was the first step in the institutionalization of democracy beyond the nation state (Habermas 1998a, Benhabib 2004, Bohman 2007). They saw the EU as an experimentation or as a model clearing the path for further international integration. Although recent treatments of the notion of 'European cosmopolitanism' tend to be more critical and pessimistic, there is still a growing field of literature dedicated to the study of European cosmopolitanism (Eriksen 2005; Beck and Grande 2007;

Ferry 2010; Krossa and Robertson 2012; Bhambra and Naraya 2016; Edmunds 2017; Delanty 2018; Roche 2018).<sup>10</sup>

In this chapter, we turn to the works of philosophers and political theorists who developed normative models for a cosmopolitan EU. We analyse their proposals through the lenses of the four dimensions of cosmopolitanism presented in the previous chapter. We start by discussing European cosmopolitanism and moral cosmopolitanism in section 3.1. We discuss European cosmopolitanism in its institutional (economic, political and legal) and civic (formal and informal) dimensions in section 3.3 after having discussed European cosmopolitanism and cultural cosmopolitanism in section 3.2.

### 3.1 European Cosmopolitanism and Moral Cosmopolitanism

In a strict sense it could appear that the notion of ‘European cosmopolitanism’ is an obvious oxymoron. The EU is not a global community in which all humans are members. The EU is without any doubt a transnational community. Nonetheless, being a European citizen does not directly make one a citizen of the world. Many commentators stress that there are indeed many ways in which the EU falls short of the cosmopolitan ideal of non-partiality and equal concern for all human beings. Highlighting the transnational character of the EU and the fact that the EU is partial towards its own citizens and seems to give more weight to their interests than to those of outsiders, talk about European cosmopolitanism is sometimes denounced as a form of “enlarged particularism” (Kaminga 2017). Championing this critique, Kaminga argues that the EU does not do much to follow the injunctions of theoreticians of global justice to share wealth and reform global economic institutions so as to reduce and eventually eliminate global socio-economic inequalities (Kaminga 2017; see also Etzioni 2014).<sup>11</sup>

However, this rejection of the notion that the EU embodies the aspiration of moral cosmopolitanism rests on the most demanding understanding of moral cosmopolitanism (what we labeled ‘strong moral cosmopolitanism’ in the previous chapter). This perspective omits to consider three ways in which the EU can further weak moral cosmopolitanism: by promoting human rights in its foreign policy, by promoting human rights domestically and by following an ethics of cosmopolitan hospitality in its dealing with migrants and asylum seekers.

#### 3.1.1 External Cosmopolitanism: Weak cosmopolitanism and foreign policy

As we have seen, strong moral cosmopolitanism completely rejects the notion of partiality. It relies on a form of global egalitarianism which is incompatible with any form of prioritization of co-nationals based on shared nationality. It is hard to see how any set of institutions not global in scope can live by such a maximally demanding standard. By contrast, weak moral cosmopolitanism allows states and individuals to be partial towards co-citizens, for instance by limiting schemes of redistribution to the national scale. Yet, moral cosmopolitanism still places restrictions on what states and people can do in

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<sup>10</sup> One may claim that EU cosmopolitanism and European cosmopolitanism are different things since the polity called the EU is narrower than the geographical and cultural entity called Europe, authors discussing European cosmopolitanism are mainly concerned by the questions “in which sense and to which extent is the EU cosmopolitan?” because the EU is where they can observe cosmopolitanization in the making.

<sup>11</sup> Criticizing this argument, Van Parijs (2019) claims that even if redistribution occurring within the EU does not address, or even worsens, inequalities between the global North and the global South, it may nonetheless further a strong cosmopolitan understanding of global equality by paving the way to truly global institution building.

their relations with strangers as it requires them to ensure that no human being falls below a certain moral threshold corresponding to a situation in which one's human rights are respected.

Thus, in order to know to which extent the EU embodies ideals of moral cosmopolitanism, instead of asking whether the EU operates no distinction between its citizens and outsiders, one can ask whether and to which extent the EU promotes human rights in its foreign policy (Eriksen 2005; 2006). The EU's member states decided to coordinate their foreign policy and to have a channel to speak with a single voice since the establishment of the Common Foreign and Security Policy with the 1993 Treaty of Maastricht. Since 2009, the EU's foreign policy falls under Title V of the Treaty of Lisbon which clearly seems to be committed to moral cosmopolitanism as it indicates that on the international scene, the role of the EU "shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity." Some commentators highlight the exemplary role of the EU in defending human rights abroad and participating in international organizations to assert its cosmopolitan character (see for instance Eriksen 2005, 2006). Yet, others challenge this view, arguing that at times economic interests seem to trump the EU's commitment to defend human rights abroad, as evidenced by trade relations with regimes that display a high degree of contempt for the human rights of their own citizens (King 1999; Hyde-Price 2006; Velluti 2016).

### 3.1.2 Internal Cosmopolitanism: democratic iterations, moderate and extreme cosmopolitanism

As we have seen, many cosmopolitans do not think that humans should deny their allegiance to local or national political communities. Even those embracing the view that local attachments have no intrinsic value (those we labeled extreme cosmopolitans) can admit that such local attachment can nevertheless be instrumentally valuable from a cosmopolitan point of view if working locally to the promotion of equality or human rights constitutes a more efficient division of labour than the creation of a world government. Much in line with this view, Benhabib develops the notion of democratic iteration. In this view, cosmopolitan goals are better served when each state is internally democratic and respects human rights.

Starting from there, one may argue that the EU's contribution to the promotion of cosmopolitanism is not so much global in scope but mainly local (more precisely, regional or continental). The EU can thus be said to be cosmopolitan in the sense that its foundation rests on the universal values, expressed in the Charter of Fundamental Rights of the European Union, such as dignity, freedom, equality, solidarity, citizens' rights and justice. As claimed in the NOVAMIGRA report on the *Charter*, the latter "seems to assume the idea of *basic or fundamental equality*, understood as a normative principle that prescribes to consider all persons as (morally and) legally equal, independently from their being "the same", as a matter of fact, in any respect" (Parolari, Facchi and Riva 2019, 10). One can therefore envision the EU as a cosmopolitan polity because it is committed to defending the equality of its own citizens regardless of their race, religion, gender or place of birth. In other words, the EU can be seen as an instance of liberal democracy in a larger process of democratic reiterations.



However, the EU is not a polity in the usual modern sense of the word, it is not a nation-state enjoying final authority over its territory but an association of nation-states that still remain, to a large extent, sovereign in the sense that they retain the monopoly over legitimate means of coercion and organized violence. The EU is neither a nation-state nor a sovereign state. Thus, democratic reiterations, to be effective, must be located at the level of member states and the EU's role is one of mediation between universal values and principles and member states policies. It does for instance impose stringent human rights respecting membership and entry conditions and places itself under the authority of various transnational courts of justice responsible for adjudicating human rights law, such as the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). Thus, much in line with the concept of democratic reiteration, Weiler maintains that European law is based on a principle of "constitutional tolerance" that enables member states to interpret universal human rights and other foundational principles underpinning the EU in their own light (Weiler 2000; 2007a).

Some commentators nonetheless highlight the limits of this mediation process. For instance, some claim that the margin of appreciation that the ECtHR grants to member states leaves too much wiggle room for the latter to draw on their national interests and values in order to limit important human rights (see for instance Follesdal 2017 for a survey of those criticisms). Aware of the limitations of the democratic iteration process of interpreting and translating universal norms of human rights into national legislation, Benhabib illustrate those limitations by citing various European examples where courts and national legislatures gave themselves too much leeway in interpreting universal human rights norms and justified restricting the rights of migrants and ethnic minorities by appealing to their own national cultural specificity. Nonetheless, consistent with her commitment to a robust form of deliberative democracy, she insists that democratic iterations must also enable civil society actors and minority groups to make their voice heard and to provide their own interpretations of universal principles (Benhabib 2004). Another more optimistic reading of the process of reinterpretation of universal norms in the EU claims that even when important human rights restrictions are tolerated by European courts, those restrictions are themselves limited by a core dignity component that underpins all Charter rights and remains protected by the courts (Parolari, Facchi and Riva 2019).

### 3.1.3 Migration and Asylum Policy: A cosmopolitanism of hospitality

As a regional polity, the EU can be cosmopolitan in its relations with outsiders through its foreign policy and in its relations with its own citizens, but it can also be cosmopolitan in its relations with strangers located on its territory, or seeking to enter it (Brown 2014). In this third meaning, European cosmopolitanism promotes a EU that embraces Kant's cosmopolitan law and the principle of hospitality. As we have seen, Kant's cosmopolitan law has two components: the right to visit and the right to hospitality. Accordingly, the EU can be seen as a cosmopolitan polity depending on its migration policy and on its treatment of migrants once they are on its territory.

Kant's cosmopolitan law is firstly based on a minimally liberal border policy: each state cannot completely close its borders and must allow foreigners to seek to establish an association with its citizens. Moreover, each state must welcome those whose life would be threatened by denying them entry on its territory. Kant's cosmopolitan law is also based on the idea that once they enter a state's territory, foreigners must not be treated as enemies and are entitled to be protected by the law. Contemporary authors disagree about the strength of cosmopolitan obligations towards foreigners



with respect to these two components. As highlighted previously, many seem to view Kantian hospitality as too minimalistic. No one questions the obligation not to deny entry to those who seek refuge would face life-threatening conditions if they were denied entry. However, some contend that a mere right to visit is too weak and that foreigners must not only be permitted to sojourn in order to seek association with citizens but must also be able to become permanent residents and citizens (Benhabib 2004; Brown 2014). In addition, others contend that hospitality requires more than the mere absence of hostility. They claim that hospitality entails the granting of certain social and economic rights without granting migrants the same rights as those granted to citizens (Jordan and Duvell 2003; Brown 2014) while others claim that it requires granting foreigners the same social and political rights to migrants and citizens (Benhabib 2004).

As we have already highlighted in the section on borders and migration in the previous chapter, whether or not cosmopolitanism requires that migrants should be granted the same rights as citizens is still heavily debated in contemporary political philosophy. It is fair to say that the EU embodied a strong form of cosmopolitanism with regard to the treatment of members of EU country living and working in another member states. In recent years, many commentators discussing the plausibility of European cosmopolitanism in relation to hospitality and migration policy have drawn on an expanded and enriched notion of Kantian cosmopolitan law and hospitality to challenge the view that the EU is already a cosmopolitan polity. Brown claims that although the EU has been admirable in its efforts to implement cosmopolitan law internally, by making sure that citizens from EU member states are granted cosmopolitan rights and freedoms anywhere in the EU, “the EU has not consistently applied these basic cosmopolitan requirements to those beyond their borders and to all those who enter the territory of the EU (...) the EU remains inconsistent in its treatment and protection of people who are not EU citizens or who are not considered as being ‘Europeans’ by various member states” (Brown 2014, 686). Following this line of criticisms, some commentators highlight that migrants are not granted the full protection that the EU Charter grants to EU citizens (Parolari, Facchi and Riva 2019) and more generally that migrants are not granted legal protection equal to that granted to citizens (Benhabib 2004; Abdila 2016; Bhambra 2016; Edmunds 2017). Commentators also highlight that asylum seekers entering the EU since the last two decades have come to be seen and treated as criminals or as persons suspected of being criminals, as evidence by poor detention conditions in detention centers, which have been criticized for seemingly pursuing goals that are more punitive than administrative

(Edmunds 2017). Finally, focusing on a critique of the notion of ‘Fortress Europe’, some highlight that even if we embrace the minimalist version of Kantian hospitality, the EU falls short of respecting the very basic right of visit, as the EU has not always refrained from denying entry to people whose life was threatened by such a refusal (Bhambra 2017; Edmunds 2017). Many have highlighted that a better mechanism for the sharing of burdens and responsibilities to protect refugees (through the sharing of resources, expertise and the resettlement of refugees) is much needed to protect the human rights of asylum seeker attempting to find refuge in the EU and to express solidarity between the EU member-states (Holtung 2016; Karageorgiou 2016; Bauböck 2018, Betts, Costello and Zaun 2017). Others have suggested to directly grant refugees EU citizenship before they acquire citizenship in a member-state (Owen 2019).

### 3.2 European Identity and Cultural Cosmopolitanism

As we have seen, authors discussing cultural cosmopolitanism and the identity basis of world citizenship tend to focus on three areas: the content of cosmopolitan identity, its articulation with national identities and processes of formation of cosmopolitan identity. Discussions of European postnational identity also involve those three areas. Three distinct approaches to European identity can be extracted from those discussions. The first two have to do with the content of such identity and its articulation with European national identities and the third one focuses on processes of identity formation.

Perhaps the most widely discussed conception of European identity is that of Habermas. Habermas claims that for European supranational institutions to work properly and to be legitimate, there must be a pan-European postnational identity. Such an identity cannot be based on thick ethnic or cultural markers such as language, religion or a shared way of life. For Habermas, thick identities based on such markers are the business of 'ethical' integration and must be left to culturally or subculturally homogeneous groups. Although a more or less inclusive ethical integration, based on language for instance, can be pursued by certain states or sub-state governments, a complex and culturally plural polity such as the EU must rely on a thinner basis of collective identification. Therefore, Habermas suggests that purely civic and political identity markers must figure in the content of Europe's postnational identity (1998a). Habermas associates this political integration with the notion of 'constitutional patriotism', which he finds in a 1979 article from Dolf Sternberger in the *Frankfurter Allgemeine Zeitung*. Constitutional patriotism refers to a shared identification with a constitutional order. In this type of patriotism, collective identification is based on a common political culture embedded by the continuous interpretations of the Constitution and other legal documents and declarations. As such, constitutional patriotism is not a completely abstract and universal identity. It is rooted in the particular way in which a society or community has interpreted universal political values such as democracy and human rights and in the particular historical struggles of that community for establishing and preserving constitutions embodying universal liberal and democratic values. Thus, in our times, a European postnational identity could be rooted in the political values (human dignity, freedom, equality and solidarity) and principles (democracy and the rule of law) expressed in the EU Charter.

Few approaches focusing on the content of European identity seriously suggest grounding it in something more substantial and culturally thicker than civic values. For instance, Bouchard asserts that the EU has unfortunately omitted to positively recognize the thick cultural identities of member states and suggests that a renewed approach should promote a thicker symbolic foundation for its identity. Yet, the kind of European identity that he favours still rests on a common public culture and shared myths that are still quite civic and inclusive in character (Bouchard 2017). Van Middelaar has called this the 'German strategy'; the idea is to appeal to shared European symbols (the flag, a pantheon of founding fathers, money, etc.), compatible with thicker national cultural diversity. He claims that the appeal to 'empty symbolism' (symbols in themselves mean nothing, they stand for something else) has been more much more effective than the quest to find the essence of European culture (2013, 226-251; see also Habermas 2009, 81).

Weiler worries that the civic approach favored by Habermas is not as inclusive as it claims to be. Although constitutional patriotism seeks to be inclusive by subtraction, that is, by removing all elements of ethical integration and particularistic commitments to a specific way of life, religion, language or shared ethnicity, the kind of constitutional patriotism embodied in the European project still excludes the identity and self-understanding of several member states. According to him, an eventual EU constitution (or the Charter) should explicitly recognize the Christian character of Europe, or at least of many European states. Weiler, who is Jewish, does not make this point out of sheer chauvinism. His point is that the identity markers of postnational European civic patriotism are strikingly secular as they never mention the Christian heritage of Europe. Yet, he highlights that most European citizens live in countries that do explicitly recognize their Christian heritage in their Constitution, when they do not simply have established (Christian) religions (2007b). Hence, according to him, to be properly inclusive, the EU must explicitly recognize both its Christian and secular heritages in its foundational legal documents.<sup>12</sup> The idea behind Weiler's argument is that an identity that evenly recognizes different cultural understandings is more inclusive than one that tries to be void of ties with any particularistic cultural tradition. Yet, it is hard to follow this path if one wants to have a cosmopolitan EU. Weiler's solution may well make Christians feel more at home than they would be in a EU with a more secularized constitutional symbolic recognition. Yet, this would make it difficult for such a EU to be inclusive of countries with large non-Christian populations or to be enlarged so as to include countries with a Muslim majority such as Bosnia, Albania and Turkey.

Several sociologists discussing European identity have rejected all previous proposals. They maintain that although a thick culture, a shared way of life, cannot form the basis of a European cultural identity, symbols, just like purely civic values, are by themselves too abstract. To have a meaningful impact in people's lives, they must be accompanied by socio-cognitive structures, "for people must be able cognitively to imagine a social world for it to exist in a meaningful way" (Delanty 2005, 409). Rather than appealing to thick cultural forms, Delanty thus suggests that if one understands culture as a "dynamic and creative process of imaginary signification", one can better appreciate the social reality of European culture as a set of discursive practices about Europe itself, including discourses contesting the nature of European memory, of distinct spaces of European mobility and of multilayered identities articulating the subjective identification with Europe with identification with the nation (2005). For this sociological approach to European culture, European identity is not based on the creation of a supranational level of identity or public culture which abstracts away from local identities, but rather on a greater horizontal interconnectivity across nations. This interconnectivity produces networks and discursive activities leading people to embrace (through processes of "cross-fertilization") a reflexive and critical attitude towards national identification, which survives but is transformed by this reflexivity (Beck and Grande 2007; Delanty and Rumford 2004; Delanty 2005, 2009, 2018, see also Habermas and Derrida 2003).

In this view, European cosmopolitan culture is not so much a matter of civic or constitutional values, but rather a specific form of subjectivity or a certain mode of rationality (an individual attitude) that is decentered, self-reflexive and shaped by the recognition of the "Other". This is both critical of

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<sup>12</sup> For a critical discussion of both the view that European identity should be seen as Christian and of the view that the EU should be secular in the sense that it should avoid publicly recognizing religions, see Roy 2019.

Habermas's republican view of European identity, for being too abstract and disconnected from reality (which is marked by horizontal interconnectivity across nations, not by direct vertical identification with European constitutionalism) and of Weiler's call for a recognition of the Christian heritage of Europe (see below), for being at odds with cosmopolitanism. This view is, to a certain extent, reminiscent of Kant's modern view of the cosmopolitan self understood as the autonomous individual that embodies the high-minded aspirations of the Enlightenment: rationality, independence of thought and the rejection of dogmatic traditions, authority and local particularities. Delanty does indeed associate cosmopolitanism with the capacity of self-problematization and emphasizes critical and reflexive self-awareness resulting from contact with heterogeneity and diversity as components of the distinctive European trajectory of modernity (2005, 2006, 2009). Many commentators have objected to this view by drawing on postcolonial approaches and claiming that it reveals a certain form of eurocentrism incompatible with a recognition of the historical role of Europe in the production of colonial violence and injustices (a reality which is as far away from 'reflective modernity' as one can get) and with an acknowledgment that Europe never had the monopoly over reflexivity and that there are multiple roads to modernity, many of which are not tied to the historical and geographical reality of Europe (Chakrabarty 2000; Bhabra 2007; Pasture 2015).

Several theoreticians of transnational democracy tend to approach European postnational identity not so much by thinking about the content of such identity and its relation to national identities. Many rather insist that it is pointless to try to define a political identity beforehand by doing armchair speculation. For them, political identities are not necessary conditions for the creation of new democratic spaces, rather they are the outcome of democratic deliberation (Benhabib 2004; Tully 2009; van Middelaar 2013, 273-309). In their view, rich practices of civic engagement beyond the nation-state will likely generate new forms of solidarity and common understandings. For instance, by negotiating the interpretation of universal norms, values and principles through democratic engagement and contestation, European postnational publics will appropriate those abstract political values and give them new meanings created out of the confrontation between multiple initially heterogeneous perspectives.

### 3.3 European Cosmopolitanism: Civic and Institutional

The connection between the EU and cosmopolitanism is perhaps the strongest in relation to the civic and institutional dimensions of cosmopolitanism. Since the 1990s, many political theorists have been enthusiastic observers of European integration, which they saw as an experiment in transnational democracy that paves the way for a world-wide form of cosmopolitan democracy (Habermas 1998; 2009; 2012; 2018; Ericksen 2006; Bohman 2007; Tully 2009; Ferry 2006; 2010). Although not global in scope, many of those authors view the EU as a cosmopolitan polity in the sense that it is a political order that does not tie citizenship to membership in a cultural (or national) group (Ferry 2010). Two sets of debates shape the positions of commentators of European transnational democracy. One focuses on civic practices of democracy beyond the nation-state and has to do with the kind of democracy that should be embodied in European transnational democracy. The other has to do with the institutional form that European transnational democracy should take.

### 3.3.1 Transnational democracy in the EU and civic cosmopolitanism

Several commentators assert that some degree of European integration is both necessary and desirable given the transnational scope of several economic and social (and ecological) processes affecting the lives of people living in European countries. Given the limited territorial scope of their legitimate authority, modern nation-states are not well equipped to influence and regulate those transnational processes. As Habermas claims, if we want political institutions to regulate and control such transnational forces and processes, political institutions “have to follow the lead of the markets by constructing supranational political agencies. The Europe in transition towards the European Union provides a suitable example” (1998, 243). In other words, political institutions need to catch up with globalization in order to tame it.

Thus, European integration can be seen as a way to solve a political deficit affecting the modern nation-state in a globalized world. However, many commentators worry that transnational political organizations such as the EU are affected by a democratic deficit (Habermas 1998; Held 1995). To solve this second deficit (the democratic one), early democratic theorists of the EU, such as Habermas, have favored the creation of the EU parliament, which goes beyond a form of executive federalism characterized by horizontal intergovernmentalism and negotiation between the executive governments of member states, to implement a supra national layer of representative democracy in which individual citizens are directly represented, as European citizens, in a legislative body. Those authors do not merely defend the status quo but often favor a reinforcement of the EU Parliament, for instance by expanding its competences and granting it legislative initiative (Habermas 2014, 2018).

Nonetheless, several theorists of transnational democracy assert that this model, based on the creation of formal transnational representative institutions, is not democratic enough and suffers from a third deficit, a deliberative deficit. For them, the most important forms of democratic deliberation and contestation happen outside of such formal fora. European democracy, in their view, is better embodied in the civic practices of deliberation and contestations of multiple social movements and civil society organizations. For them, the focus on formal representative institutions is too rigid and undermines democratic cosmopolitanism. For instance, Bohman claims that Habermas’s view (and Held’s view) on transnational democratic self-determination focuses exclusively on the creation of a single European demos whereas genuine democracy requires a form of *demoicracy* based on a rich network of decentered publics (2007). For Tully, an exclusive focus on formal institutions as the sole site of transnational democracy risks collapsing into a homogenizing form of imperialism which undermines cultural diversity (2009). Balibar claims that the working of EU institutions is too bureaucratic and neoliberal. To counter this tendency, he primarily counts on the multiplication of sites of democratic deliberation and on their renationalization, considering that the bottom-up building of collective capacities is the most promising way to regain control over bureaucratic and neoliberal institutions (2010). Accordingly, he welcomes the mobilizations among refugees and migrants as processes that strengthen democracy within Europe and that should be much more valued and supported.

### 3.3.2 Federalism and transnational democracy in the EU

Political philosophers who view the EU as an instance of cosmopolitan democracy usually relate their views about the institutional structure of the EU to the idea of federalism. They thereby follow the footsteps of Kant who rejected the idea that world peace required the creation of a world government and instead favored a federation of free states with a republican constitution. This is a way to signal that although some degree of European integration and supra-nationalism is needed, we should refrain from simply creating a pan-Europe state encompassing a single European demos under a fully sovereign and unitary European government. Indeed, federations are complex political organizations distinct from the unitary state in that they instantiate the twin principles of self-rule and shared-rule (Elazar 1987; Watts 1999). As such, federations are decentered political orders in which federated territorial subunits enjoy some degree of legislative autonomy in a certain number of areas of policy making (self-rule) whereas members of different subunits govern themselves together through self-legislation at the central or federal level (shared-rule). Of course, federations can be more or less centralized. For instance, since its independence, the US has seen the role of the federal government expanding steadily over the years. By contrast, since the middle of the 20th century, Canadian provinces have built their state institutions considerably so that they now enjoy significant fiscal and spending autonomy when compared with the subregional government of other OECD countries.<sup>13</sup> Federated subunits can be designed to empower and accommodate cultural diversity (as in the case of Switzerland or Belgium) or simply to provide checks against the concentration of political power in a central government or to reflect local preferences and permit some degree of policy innovation and experimentation (as in the cases of the US and Germany). In the former case, we have plurinational federations, in the latter, we have merely territorial federations (Elazar 1987; Kymlicka 2001).

Discussions about federalism in the EU are however not easily captured by simple analogies with more and less centralized federations and between territorial and plurinational federations. To make sense of the disagreements about the institutional structure of European transnational democracy, we rather suggest locating various positions on a Cartesian plane constituted by two axes: constituent power and final authority. The first refers to the conception of the demos, the people, in whose name decisions are taken and the latter refers to the capacity to enforce legislation through organized coercion and violence (the two dimensions are most clearly distinguished in Weiler 2003 and Ericksen 2014). Along those two axes, final authority and constituent power can either be 1) decentralized and vested in federated subunits (member states), 2) centralized and held by the EU level or 3) shared by member states and the whole body of individual European citizens at the EU level. The constituent power is decentralized when decision at the EU level are taken in the name of European nations or member states (as in the idea of a Europe of treaties) and it is centralized when they are taken in the name of all European citizens who are represented as a single demos and not as members of different nations. Constituent power is shared when decisions are taken both in the name of European citizens and European nation or member states. Final authority or constitutional discipline is centralized when

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<sup>13</sup> Canadian provinces are for instance responsible of roughly 80% of public spending and they are able to raise through their own provincial taxes around 55% of their revenue (OECD 2016), provinces can opt-out of federal programs and be compensated for it (Quebec opted out of the Pension plan) and can set up their own rival social programs or create new social programs unoffered in other provinces (Quebec's publicly subsidized childcare) and many important social programs initially originated from provincial government (universal healthcare was first introduced by Saskatchewan).



the central government retains the capacity to coerce lower orders of government in order to enforce legislation and constitutional law, as in the case of classical federations such as the US or Germany. It is shared when no order of government has a monopoly over the means of coercion and decentralized when federated subunits have a monopoly over the means of law enforcement. Commentators usually agree in saying that the EU is not and should not be thought as a typical or classical federation since member states retain final authority and the means of legitimate coercion (Weiler 2003; Ferry 2011; Ericksen 2014; Habermas 2014). There is thus a widespread agreement regarding the view that it would be mistaken to view the EU as a polity in which final authority is centralized. Beside this, commentators disagree about how to understand final authority and constituent power in the EU. Starting with this framework, we can identify four important positions structuring debates about the institutional shape of European democracy.

Weiler favors a strongly decentralized understanding of the EU. He claims that the best way to understand the EU is to view it as a union of peoples. He worries about emerging centralizing tendencies by which constitutional discipline tend to be enforced in a top-down manner. For him, the Charter of rights represents such an ill-advised centralizing force. Weiler favors a notion of constitutional tolerance in which member states are given the freedom to express their own values through their own constitutions and legal institutions and he claims that the constitutionalization of European law can only suppress national cultures and identities. In Weiler's view, member states enjoy a large degree of freedom in interpreting common values and principles. Moreover, Weiler denies that there is such a thing as a pan-European demos or people (2003; 2007b). He thus favors a decentralized form of confederalism and horizontal intergovernmentalism in which both constituent power and authority are decentralized. Ferry's view on the idea of a democratic cosmopolitan EU is close to that of Weiler as he expresses sympathies for his view on constitutional tolerance and rejects Habermas's notion of a pan-European demos unified by a single civic identity (2010). Ferry's notion of 'co-sovereignty' locates final authority in each member-states who nonetheless have to negotiate, cooperate and coordinate with one another without being subjected to a larger (or higher) sovereign capable of enforcing European law and legislation. Weiler's approach is also closer to that of civic cosmopolitans such as Tully or Young who favor bottom-up and open-ended horizontal deliberation and negotiation between various groups in multiple democratic fora and view top-down transnational constitutionalism as a form of homogenizing cultural imperialism.

Weiler openly rejects Habermas's understanding of transnational democracy and federalism in the EU. For Weiler, Habermas's supranationalism is mistaken as it asserts the existence (or the need to create) a single European demos. Before the 1990s, Habermas was strongly skeptical towards European integration, which he saw as driven by the forces of a deregulated transnational economy and an empowered undemocratic technocratic bureaucracy (Heins 2016, 5). Yet, in the 1990s and 2000s, in his early work on Europe and cosmopolitanism, Habermas does indeed insist on the importance of supporting the creation of European transnational institutions with a postnational European identity based on a form of constitutional patriotism (1998a). His critics have interpreted this proposal as an appeal to view European integration as a process leading to the creation of a single constituent power at the European level (Weiler 2003, Bohman 2007). In this view, the EU is not merely an association of nations, it is a single postnational people. Habermas, in his early writings on the topic, at least, can be read as a centralist with regard to the European constituent power. Moreover, his instance that

postnational European institutions must be able to efficiently tame and regulate transnational economic forces seems to indicate a rather centralized understanding of the site of final authority in the European union. He indeed supports the idea that the EU must have its own army, a capacity to raise its own tax revenues and the means to harmonize social policy, develop a common foreign policy and elect a president (2009). Thus, Habermas's early writings on cosmopolitan Europe can be interpreted as promoting something akin to classical territorial federalism at the level of the EU (see Heins 2016, commenting on this point). He indeed refers to his ideal version of the EU as the "a European federal state" (2005, 88) or as a "Federal Republic of European states" (1998b, 500). In this view, there is a single sovereign people and the federal (EU) government enjoys final authority within (at least) a large number of areas of competence.

In his more recent writings on the topic, Habermas has however defended a more decentralized version of European federalism without going as far as Weiler. Indeed, Habermas now clearly asserts that the constituent power in the EU is shared between two sovereigns: the community of member states and the community of European citizens (2012a; 2012b; 2018). The voices of both sovereigns should find expression in different institutional European fora (the Council for the first and the Parliament for the second). In these late writings, Habermas also clarifies his view regarding the site of final authority, which should be mostly decentralized and, vertically dispersed and shared between member-states and the EU, thus making it a supranational federation that "does not acquire a state-like character" (2012b, 29, see also 92). For Habermas, it is now clear that the EU falls short of classical territorial federalism and should follow a model of transnational federalism in which national courts have a strong 'margin of appreciation', member states are able to translate European directives in light of their own traditions and values and have the right to secede (2018, 41). In this view, constituent power is perfectly shared among European citizens and member states and final authority and constitutional discipline are strongly decentralized, although perhaps not as much as in Weiler's view. Indeed, despite its move towards a more decentralized model, Habermas remains skeptical with regard to executive federalism and horizontal intergovernmental negotiation, which he views as less democratic than deliberation among citizens (see for instance 2014, 345-348). In this sense, the late Habermas wishes the EU to be a federalized but supra-state Union which deviates from the model of the classical federal state (Heins 2016).

Eriksen rejects the latest Habermasian model for being too decentralized. For Eriksen it is a mistake to believe that we can fragment the constituent power (2014). There is no such thing as a shared or multilayered sovereign. Yet, for him it is also a mistake to locate the constituent power of the EU in the member states. Sovereignty is indivisible and must be vested in the community of European citizens as states could be tempted to infringe the rights and dignity of individual citizens. As he claims: "the individual citizen must be seen as the sole source of legitimation of modern constitutional orders" (2014, 4-5). Eriksen argues that we should understand the EU as a democratic polity giving voice to a single demos: the political community of all European citizens. Nonetheless, Eriksen does not argue for unitary European state. He rather believes that legal authority and the capacity to enforce the law should be shared between EU institutions and member states, both levels having important responsibility in protecting the human rights of their citizens and residents. He argues that this sharing of legal authority is required by the EU's commitment to dignity and human rights. Member states cannot be left alone as the sole defenders of human rights and human dignity because "it must be

possible for citizens to appeal to bodies above the nation state when their rights are threatened” (Eriksen 2014, 5.) In his view, therefore, although the constituent power should be centralized, final authority should be shared. It is in this sense that Eriksen proposes to view the EU “not as a federation of nation states, but as a quasi-federation of states and citizens united under a common legal framework with a universalistic underpinning” (2014, 8).

Between the two extreme positions embraced by Weiler and Eriksen lies a profound cleavage structuring the history of political thought. Weiler’s view rests on a sympathy for what is often called ancient constitutionalism (Levy 2014 Tully 1998), a pluralist tradition suspicious of centralized power and favoring customary law and cultural diversity. By contrast, Eriksen explicitly embraces a form of modern constitutionalism (Levy 2015), a rationalist tradition suspicious of the social power exercised by cultural communities and favoring the protection of individual autonomy from the yoke of illiberal traditions and local rules through the intervention of a strong centralized state. Between those two extremes, Habermas has tried to find a middle ground and has come closer to the pluralist view in recent years, albeit mostly for pragmatic reasons, that is, by fear that the creation of supranational institutions with the coercive power to constrain the sovereignty that nation-states enjoyed so far would fuel anti-EU sentiments (2018, 38).

## Conclusion

Although the notion of cosmopolitanism, due to its etymology, seems to be a relatively clear and straightforward ideal based on the notion of world citizenship, our report has tried to highlight the complexity and polysemy of the notion. If the term was indeed used by Diogenes the Cynic to convey the idea that he truly belonged to only one community, the human community, Roman Stoic philosophers articulated the idea of membership in a worldwide community with an understanding of the value of membership in local political communities. The complexity of the ideal of cosmopolitanism was further enriched during the modern period when legal scholars and philosophers developed various views on international law and international relations. Kant’s concept of a cosmopolitan law still has a great influence on contemporary philosophers discussing immigration ethics from a cosmopolitan perspective but its core ideal of hospitality is given different meanings by different authors who disagree about the demandingness of hospitality and the degree to which citizens and foreigners should enjoy different rights.

To shed light on the contemporary literature on cosmopolitanism, we identified four dimensions of cosmopolitanism: moral, institutional, civic and cultural. Moral cosmopolitanism refers to the moral claim that every human being is a source of valid moral consideration for all other human beings. Institutional cosmopolitanism refers to the political claim that there should be transnational or global political institutions. Civic cosmopolitanism refers to transnational democratic practices and transnational forms of citizenship. Cultural cosmopolitanism refers to an understanding of cultures and identities as being hybrid and shaped by the contact with many cultures from all over the globe. This, we believe, enables us to better classify different positions associated with cosmopolitanism relative to various topics. Our analysis and survey of the literature shows that cosmopolitanism is not a single position or school of thought. Authors embracing moral cosmopolitanism often hold different views regarding institutional cosmopolitanism (for instance, not all support the idea that there should

be more global or transnational institutions). Moreover, moral cosmopolitans often focus on different topics in their analyses of transnational institutions (global distributive justice, global democracy and migration). Few authors embrace the strongest form of cosmopolitanism which requires global egalitarianism, and many promote a weak cosmopolitanism focused on the promotion of basic human rights for all human beings. Several authors highlight the compatibility between local (national) attachments and cosmopolitan goals and stress that nation-states can be important agents in the fulfillment of such goals. Debates about democracy beyond the nation-state tend to reflect deeper cleavages in political theory between theories of democracy centered on formal representative institutions and theories stressing the importance of decentred civic practices in the civil society. Debates about the cultural dimension of cosmopolitanism tend to be critical of the view that collective political identities must be defined in relation to culturally homogenous nations. Some draw attention to the heterogeneity and diversity already present within national identities or to the fact universal values and norms can be sources of national identification. Others emphasize the notion that political identities can be multilayered and other theories focus on processes of identity formation to explain how contact with cultural diversity and cross-cultural dialogue can shape people's identities in a cosmopolitan direction.

In the final chapter of this report, we highlighted that when European cosmopolitanism is discussed in relation to its moral dimension, authors focus on three aspects of European politics: 1) how the EU grants citizenship rights independently of the nationality of its citizens; 2) to which extent the EU's foreign policy is guided by a human rights agenda and 3) to which extent the EU guarantees a generous version of Kantian hospitality when dealing with foreigners on its territory or seeking to enter it. Authors generally celebrate the EU as a cosmopolitan polity in relation to the first aspect (equal rights for EU citizens irrespective of nationality). However, some commentators raise moderate criticisms in relation to the second aspect (the EU's foreign policy and human rights) and, especially since the 2015 migrants and refugee crisis, commentators tend to be very critical in relation to the third aspect, many asserting that the EU's treatment of migrants and asylum seekers falls short of cosmopolitan hospitality. Debates regarding European identity question whether a pan-European postnational identity should be strictly civic and stripped of any thick cultural references or whether the Christian heritage of EU countries should be explicitly acknowledged. Finally, we suggested to classify different positions regarding the degree of federalization suitable for the EU along two dimensions: 1) whether the site of final authority should reside in member states, the EU or should be shared; 2) whether the constituent power should be understood to be the whole body of EU citizens, member states or both.

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## Document metadata

<b>Title of Deliverable</b>	<b>Review Essay of Approaches to Cosmopolitan Democracy</b>	
<b>Deliverable No.</b>	<b>D4.1</b>	
<b>Work Package</b>	<b>WP4</b>	
<b>Dissemination level</b>	<b>Public</b>	
<b>Nature</b>	<b>Report</b>	
<b>Target Group</b>	<b>European Commission / General public</b>	
<b>Contractual Delivery Date</b>	<b>30.09.2019</b>	
<b>Actual Delivery Date</b>	<b>30.09.2019</b>	
<b>Version</b>	<b>1.0</b>	
<b>Responsible authors</b>	F. Boucher, (UP1), I. Aubert, (UP1), S. Guérard de Latour, (UP1)	
<b>Contributor</b>	not applicable	
<b>Internal Reviewer</b>	Volker Heins (UDE/KWI)	15.09.2019
<b>Approved by</b>	WP leader	27.09.2019
	Coordinator	30.09.2019

## Version history

Version	Date	Description
0.1	08.09.2019	First Outline by UP1
0.2	15.09.2019	Internal review by UDE/KWI
0.3	27.09.2019	Updated version, approved by WP leader and formal review by PMO
1.0	30.09.2019	Final version approved by coordinator and submitted to EC

## About NOVAMIGRA

Several, partly interconnected crises have profoundly challenged the European project in recent years. In particular, reactions to the arrival of 1.25 million refugees in 2015 called into question the idea(l) of a unified Europe. What is the impact of the so-called migration and refugee crisis on the normative foundations and values of the European Union? And what will the EU stand for in the future?

NOVAMIGRA studies these questions with a unique combination of social scientific analysis, legal and philosophical normative reconstruction and theory.

This project:

- Develops a precise descriptive and normative understanding of the current “value crisis”;
- Assesses possible evolutions of European values; and
- Considers Europe’s future in light of rights, norms and values that could contribute to overcoming the crises.

The project is funded with around 2.5 million Euros under the European Union’s Horizon 2020 research and innovation programme for a period of three years.

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