2.1 BRIEF INTRODUCTION

While attempting to make sense of cosmopolitanism as an idea, it would be necessary to appreciate at the very outset that there are varied conceptualizations of cosmopolitanism and therefore any study of the ‘concept’ would be incomplete without briefly understanding what each of these varied ‘conceptualizations’ represent. However before such an exercise is undertaken, some form of a definition of the moral or philosophical core of cosmopolitanism must be attempted. To better understand this ‘core’ of cosmopolitanism, it would also be necessary to examine the origins of cosmopolitanism. Enumerating the basic values that drive cosmopolitanism would also help in achieving this goal. Having done so, the various forms of cosmopolitanism can be considered in detail.

The objective of the present chapter is to try and discern the central ‘idea’ of cosmopolitanism so that the concept of minority rights can then be more effectively juxtaposed against the same and compared. To flag off the discussion in the present chapter, one may first attempt to define the idea of cosmopolitanism.
2.2 DEFINING COSMOPOLITANISM

At the cost of repetition, it may be stated that any attempt to define the term ‘cosmopolitanism’ must at the very outset be accompanied with the caveat that there is a wide difference in the different contexts in which the concept is used in modern parlance.

It has been noted that the term ‘cosmopolitanism’ is itself dichotomous. This is so because the origin of the term cosmopolitanism can be traced to the Greek words *cosmos* and *polites*, which when read together mean ‘citizen of the world’. The coming together of these two ideas, it has been said, is inconsistent in as much as these ideas are such which could otherwise never be imagined as being complementary to each other. This is because the reality of human life is that individuals tend to define their sense of identity with reference to local associative markers such as nationality, race, language etc. and therefore the very notion of being a *polite* or citizen seems to suppose a level of particularistic identification; which is quite the opposite of a worldview that aspires for an identification with, and loyalty towards, the world or the *cosmos* as a whole. However, cosmopolitanism embraces this dichotomy in its very constitution in as much as on the one hand, there is the *polis* i.e.

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41 *Id.* at 1.
“the local or particular space, traditionally territorially bounded, where life in the community is lived or takes place.”

and on the other hand there is the *cosmos* i.e.

“the drive towards a common universality, a space in which ideas such as humanity and universal rights could be realized and a space that dispenses with borders.”

The aforesaid tension in between the constituent elements of the word ‘cosmopolitan’, coupled with the inherently broad formulation of the word itself, provides a primer as to the possibility of varying meanings being ascribed to the term and the diverse potential conceptualizations of the same. The relative fluidity or indefiniteness that marks the understanding of cosmopolitanism has led to observations that cosmopolitanism has no true philosophical core or identifiable centre and that it can be more accurately described as an ideal rather than as a concrete and structured dogma. It has been remarked in this regard that cosmopolitanism is possessed of a universal nature, however there are certain obvious difficulties with this exposition of it possessing such a universal face in as much as the various concepts that are bound together under the rubric of cosmopolitanism do not seem to have an actual identifiable core or meeting point. Be that as it may, for the purpose of the present study it is necessary to attempt to discern a rough idea

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42 Id. at 1.
43 Id. at 1.
45 Id. at 14.
of as to what exactly cosmopolitanism, as a contemporary normative ideal, stands for.

To begin with, one may refer to the Stanford Encyclopaedia of Philosophy which surmises the cosmopolitan creed in the following words:

“Every cosmopolitan argues for some community among all human beings, regardless of social and political affiliation. For some, what should be shared is simply moral community, which means only that living a good human life requires serving the universal community by helping human beings as such, perhaps by promoting the realization of justice and the guarantee of human rights. Others conceptualize the universal community in terms of political institutions to be shared by all, in terms of cultural expressions to be appreciated by all, or in terms of economic markets that should be open to all.”

The cosmopolitan focus, at the most fundamental level, is therefore on the larger human community. At its most basic, it can be said that cosmopolitanism is a notion that epitomizes the need to comprehend and accept a political and cultural entity which would involve the whole of humanity without exception and thus go far beyond a person’s own birthplace or his/her local group memberships. The fundamental characteristic of cosmopolitanism can thus be posited as of it being accepting

of difference and diversity, and as being involved in the project of establishing global linkages.  

Though the aforesaid formulation is relatively straightforward and uncontroversial, any attempt at going beyond the aforesaid broad formulation and attempting a more specific definition is fraught with risk. This difficulty is the nearly irresolvable complexity of attempting to arrive at a somewhat concrete definition of cosmopolitanism. Cosmopolitanism has historically been linked with grandiose notions like the establishment of an over-arching world state. However, more contemporary cosmopolitan visions have taken a different tack. These contemporary visions have been more concerned with the creation and development of norms which have a purportedly cosmopolitan content, such as liberalism and human rights, rather than the establishment of political structures. Furthermore, a number of different conceptualizations of the cosmopolitan ideal, which vary significantly at places, have been posited by different schools of thought. Most noteworthy in this regard is a formulation of cosmopolitanism that offers a guide on how the concepts of citizenship, freedom and autonomy are to be understood and mediated in the rapidly evolving modern world.

48 Id. at 19.
49 Brassett, supra note25 at 7.
50 Id. at 6.
51 Id. at 6.
52 Id. at 7.
53 Id. at 6.
James Brasset notes the areas of disagreement on certain critical issues. He gives the example of the recourse to coercive measures and whether this is a plausible option that can be exercised to achieve the ends of cosmopolitanism. The contentious issues include the content and the manner of establishment of legal systems as well. For example, whether democracy can be mandated through the means of a diktat or whether it should be brought about through a more organic, and possibly slower, process of negotiation and debate. Most critically, he notes that there is a raging debate about whether notions of justice, or of what is right and wrong under the law, can be given global application and thereby extended across the world without bothering about the territorial boundaries of sovereign states. He thus surmises that it is hard to define what cosmopolitanism actually is and thus it is advisable to view cosmopolitanism as a general code of thought and action. Rather than pigeon-holing cosmopolitanism within any one stream of thought or any particular ideology, it is perhaps more apt to look at cosmopolitanism as a broad movement which is based on certain common and fundamental principles premised upon universal rights and a commitment to the larger human community. Though these values may see stark divergence in their application at times, however they continue to share the common vision that the achievement of the good of humanity and the concern for its well-being should not be restricted by narrow boundaries.

54 Id. at 7.
55 Id. at 7.
56 Id. at 7.
57 Id. at 7.
58 Id. at 7.
From the aforesaid traversal of certain views on what cosmopolitanism represents, there is already a fair hint about certain points of divergence amongst proponents of cosmopolitanism. Though these divergences are stated to be not militating against or operating against the fundamental values of cosmopolitanism, the moot questions still remain as to how much these divergences stretch the fabric of cosmopolitanism. Most critical is the answer to the question as to what form cosmopolitanism takes when it goes beyond being a mere moral standpoint and enters the domain of law and society. Before entering into an examination of the exact contours of this purported divergence and the varied conceptualizations of cosmopolitanism that are envisaged as a result, it would however be apt to briefly consider the origins of the concept of cosmopolitanism.

2.3 THE ORIGINS OF COSMOPOLITANISM

Moving onto the origins of cosmopolitanism, it is the traditionally held view that that the idea of cosmopolitanism traces its origins to the West. There are however opinions to the contrary which argue that it would be misleading to argue that cosmopolitanism is a western notion. This counter-view is premised on the argument that if one were to examine the basic precepts of cosmopolitanism and as to what it represents, then one would be faced with the realization that several similar ideas exist in other cultures and traditions as well, such as in the works of Rabindranath Tagore, the philosophy of

Confucianism and in the Islamic concept of the ‘*ummah*’. However, not delving further into this aspect, the present chapter focuses on an elucidation of the western notion of cosmopolitanism and its expression over the ages as most of the contemporary literature on the issues that are central to the present study postulates the same as a reference point.

Much like its etymology can be sourced to ancient Greek, the philosophical origins of cosmopolitanism can also similarly be traced back to ancient Greece. It is said that in 412 B.C., Diogenes of Sinope, the radical ancient Greek thinker, was asked as to where he hailed from. His response, that he was a citizen of the world, is widely accepted as the first enunciation of the cosmopolitan ideal of life. The origins of cosmopolitan thought have also been traced back to Socrates. It has been argued that cosmopolitanism is principally a Mediterranean idea because it took root and was born in ancient Greece where the idea of the whole world, and all of its inhabitants, being part of one large but united entity first took shape.

It is further important to note that it was during the rise of the Roman Empire that the notion of cosmopolitanism as a practical principle gained widespread prominence. The Roman Empire, and the Republic which it fostered over

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60 Abdelhalim, supra note 23 at 64.
vast swathes of territory, actively encouraged a cosmopolitan ethic which was premised not upon enforcing a culturally or socially uniform way of life but with more rudimentary administrative details like collecting taxes, maintaining the peace and ensuring the observance of a system of law, by means of which it was hoped that the varied cultures that inhabited the territory of the Republic would come together to build up a great civilization.65 Though mapping every strand of the evolution of cosmopolitan thought over the period of several centuries in Greco-Roman society is beyond the scope of the present study, it would be pertinent to stop and analyse two basic strands of this philosophy. These two strands are two variants or theories of ancient cosmopolitanism which are relevant to the discussion in contemporary times as well.

2.4 STOIC COSMOPOLITANISM

The first of these ancient variants of cosmopolitanism is ‘Stoic cosmopolitanism’. As per this theory, a Stoic is first and foremost a citizen of the world and is expected to identify and contemplate the truth about life within the parameters of this global existence.66 Since global unity and congruence are the fundamental precepts of Stoic thought, it is the duty of every dedicated Stoic to somehow ensure that this unity and congruence is never disrupted.67 Stoic cosmopolitanism can therefore be said to be based

65 WILLIAM H. YOUNG, ORDERING AMERICA 130 (2010).
67 Id. at 73.
on a ‘familial model’ in the sense that an adherent is the member of a global family, and therefore has an inherent interest stake and interest in ensuring the well-being and internal cohesion of this universal family unit.

Stoic cosmopolitanism has been said to have four distinct themes:

First, the idea that every human being is a member of the same species and therefore is part of a wider human community that is bound together by a similar moral and political fate.\textsuperscript{68}

Second, the idea that humanity has a shared capacity for human reason and dialogue.\textsuperscript{69}

Third, the idea that there is a universal law of nature.\textsuperscript{70}

Fourth, the idea that the human species has a shared purpose that brings it together and that this purpose functions as a universal natural law to which all of humanity’s laws should adhere.\textsuperscript{71}

Otto Spijkers characterizes stoic cosmopolitanism as saying that:

“…all people of the world share a common rationality, common values, and a common fate despite their different cultural backgrounds, and this formally binds them, or ought to do so.”\textsuperscript{72}

\textsuperscript{68} GARRETT WALLACE BROWN, GROUNDING COSMOPOLITANISM: FROM KANT TO THE IDEA OF A COSMOPOLITAN CONSTITUTION 5 (2009).

\textsuperscript{69} Id. at 5.

\textsuperscript{70} Id. at 6.

\textsuperscript{71} Id. at 6.

The ideas of Zeno, a pre-Socratic Greek philosopher of southern Italy and the supposed founder of the Stoic sect, have been summarized by Spijkers as under:

“All the inhabitants of this world of ours should not live differentiated by their respective rules of justice into separate cities and communities, but [...] we should consider all men to be of one community and one polity, and [...] we should have a common life and an order common to us all, as a herd that feeds together and shares the pasturage of a common field.”

Spijkers makes an important observation at this stage. He says that that this form of cosmopolitanism sounds very ‘positive’ in as much as it asks all persons whom it is addressing to go out and perform a particular task, which in this case is the creation and perpetuation of a shared way of life. It does not, however, ask for the abandonment of existing particularistic identities when doing so. Stoic cosmopolitanism does not ask of persons to abandon their own local identities and affiliations, probably for the reason, that since one cannot attend to or exhibit concern for all of human beings on an equal level, it therefore becomes a matter of practicality that individuals attach loyalty to local groups comprised of their compatriots.

In a very similar fashion, Alexa Weik also characterizes stoic cosmopolitanism as a positive claim in as much as it emphasizes the notion

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73 Id. at 4.
74 Id. at 4.
75 Id. at 4.
of citizenship with an ethical base and a multiplicity of allegiances.\textsuperscript{76} She observes further that rather than asking for the obliteration of all attachments, Stoic cosmopolitanism does not see a Stoic in a singular light and on the other hand sees him or her as someone whose primary loyalty lies to humanity as a whole while also simultaneously permitting the retention and continued flourishing of local group and community based loyalties and affiliations.\textsuperscript{77} This understanding of stoic cosmopolitanism is very important, in as much as it posits the idea that the existence of local allegiances or loyalties do not represent a betrayal of the cosmopolitan ideal but are rather very much a part of everyday cosmopolitan life.

2.5 THE JUS GENTIUM AND THE JUS CIVILE

Before considering the alternate conceptualization of cosmopolitanism that came about at the contemporaneous time as Stoic thought, it is important to very briefly examine the concepts of the \textit{jus gentium} and the \textit{jus civile}. The term \textit{jus gentium} connoted, in ancient Roman law, the law common to all nations as opposed to the \textit{jus civile} which was the law promulgated for Roman citizens.\textsuperscript{78}

\textsuperscript{76} Alexa Weik, \textit{Beyond the Nation: American Expatriate Writers and the Process of Cosmopolitanism} 19 (2008).
\textsuperscript{77} Id. at 19.
\textsuperscript{78} Gary L. McDowell, \textit{Equity and the Constitution: The Supreme Court, Equitable Relief, and Public Policy} 19 (1982).
The *jus civile* thus represented the local law of the Roman Republic which was meant to resolve disputes that arose between citizens. However, with the expansion of the Roman Empire and with more and more foreign states being assimilated within its borders, there arose the need for a wider body of law to be applied to the vast diversity of persons who now lived within the borders of the Empire. It was primarily to cater to this need that the *jus gentium* was developed which could be applied to the foreigners who had now come to be a part of the Empire, though not at the level of citizens who constituted a distinct class. The interesting aspect of the *jus gentium* was in its differentiated application of legal norms. To elaborate, disputes which arose between individuals who belonged to the same state or territory which had been assimilated into the Empire were resolved through an application of the local law of the said state or territory, and this local law was also administered by the local courts themselves. On the other hand, if disputes arose between Roman citizens and individuals of a state or territory which had been assimilated into the Empire, or if they arose between individuals of two such states, then the applicable law was the *jus gentium* which would be administered by the local Roman Governor’s Court. The source of the *jus gentium* reflected the need for universality. The sources were the mercantile law which was in use amongst traders, the basic features of the *jus civile* and considerations of equity and justice.

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79 PAUL FRÉDÉRIC GIRARD, A SHORT HISTORY OF ROMAN LAW 7 (2000).
80 WILLIAM E. DUNSTAN, ANCIENT ROME 207 (2010).
81 *Id.* at 207.
82 *Id.* at 207.
This examination of the *jus gentium*, which eventually spread throughout the Roman Empire, is important from the point of view of the present study because of the Stoic belief that the basis of law should be found in the *jus gentium* which represented the fundamental values that were common to all ethnic groups.  

2.6 CYNIC COSMOPOLITANISM

Having examined the stoic cosmopolitan thought, attention may now be turned to the other stream of cosmopolitan thought. The other variant of ancient cosmopolitanism is what can be called ‘Cynic cosmopolitanism’. This variant is underwritten by a more 'negative' sentiment as compared to Stoic cosmopolitanism in that it totally rejects any prospect of being a part of any local (i.e. non-global) community. This form of cosmopolitanism focuses more on the dimension of abandonment of local identities i.e. a cosmopolitan is someone who has no national attachments or loyalties. According to this version of cosmopolitanism, being a true citizen of the world means being ‘free’ i.e. unrestricted by local ties and completely unbound. This cosmopolitanism is quite clearly not a ‘positive’ statement as is Stoic cosmopolitanism which, as has already been discussed hereinabove, actuates a vision which is premised on the notion of universal

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85 Spijkers, *supra* note 72 at 5.
fraternity without abandoning the more intimate bonds of local group membership.\textsuperscript{86} Cynic cosmopolitanism can therefore be best understood in a negative sense, which Tizio Dorandi ununciates as under:

“… the complete up-rootedness of man and denies associative links with any historically constituted community and therefore by extension, also the negation of the very concept of a nation as it is traditionally understood.”\textsuperscript{87}

As is evident, the main difference between Cynic and Stoic cosmopolitanism relates to the respective mandates that the two specify for their adherents. While the Stoics focus on the positive part of being cosmopolitan i.e. they focus on the duty to care for all other human beings, and strive to inculcate a desire for the establishment of a sense of global responsibility, the Cynics on the other hand focus on the negative part i.e. the abandonment of national attachments or loyalties that supposedly ensures that the cosmopolitan remains free and unhindered as is desirable.

There are of course those who have opined that instead of a dialectic of difference, there is more of an evolutionary relationship between Stoic and Cynic variants of cosmopolitanism. This view is based on the premise that the Cynic form of cosmopolitanism already contained all the essential positive qualities that the stoics gifted with a fuller and more nuanced

\textsuperscript{86} LOUISA SHEA, THE CYNIC ENLIGHTENMENT: DIogenes IN THE SALON 76 (2010).
\textsuperscript{87} Id. at 76.
elucidation.\textsuperscript{88} Be that as it may, the difference in outlook between the Stocis and the Cynics as regards the non-global group identities is evident.

\section*{2.7 HISTORICAL EVENTS THAT SHAPED COSMOPOLITANISM}

Having examined the basic-undercurrents of ancient cosmopolitan thought, attention may now be turned to certain relevant historical events leading up to the modern era.

Three historical incidents have been posited by Julten Abdelhalim as the ones that most reflect this development of cosmopolitanism.\textsuperscript{89} The first event was the unprecedented military campaign of Alexander the Great that led to consolidation of vast swathes of territory under a single ruler and thereby resulted in the establishment of an entity that came closest, at that time, to a ‘world empire’.\textsuperscript{90} He says that this enlargement of the idea of an Empire as encompassing diverse and far flung territories resulted in the development of Stoic philosophy.\textsuperscript{91}

The second event came about with the religious wars in Europe that were brought to a close with the 1648 Peace of Westphalia. The war weary climate that existed in European society at that point of time caused a rethink

\textsuperscript{89} Abdelhalim, \textit{supra} note 23 at 65.
\textsuperscript{90} \textit{Id.} at 65.
\textsuperscript{91} \textit{Id.} at 65.
regarding the utility of war and hence led to an environment that helped bring about a society that actively wanted to rise above and escape the debilitating consequences of war.\textsuperscript{92} Along with this abhorrence of war, the post-1648 peace also resulted in a celebration of pan-European pride, divorced from previous secretarian considerations, consequently resulting in a level of universalization.\textsuperscript{93} Along with this growing universal identification, came the parallel realization that individual conduct and institutional ordering need not be based on religious texts but on certain principles of the law of nature. Since the law of nature was derived from the functioning of the universe, its adoption also tied in perfectly with the project of universalization in as much as society would now be bound by a law that was otherwise universal in scope.\textsuperscript{94} This reduced emphasis on religious ideals led to the natural whittling away of the power of the institutions that had front-lined them in the past, i.e. the Pope, and the Catholic Church by extension, and the Emperor.\textsuperscript{95} Therefore the State emerged as a replacement for the Church. This institutional shift was engineered by the growing influence of secularism which directly negatively affected the power of the Church in the public sphere, as also the growing consciousness of sovereignty which propped up the idea of the State.\textsuperscript{96} This process was further accelerated with the coming of eighteenth century Enlightenment which brought about a form of

\textsuperscript{92} Id. at 65.
\textsuperscript{93} Id. at 65.
\textsuperscript{94} Id. at 65.
\textsuperscript{95} Id. at 65.
\textsuperscript{96} Id. at 65.
cosmopolitanism based on citizenship and the rights that would flow therefrom.\textsuperscript{97}

The third point in this regard was the Holocaust. The horrors of the Holocaust prompted an outcry against sectarianism and feelings of superiority based upon group identity and membership.\textsuperscript{98} This resulted in the increasing linkage of anti-cosmopolitanism as a form of anti-Semitism.\textsuperscript{99} There was further the aspect of moral duties and responsibilities being increasingly based on call to humanity and the greater good of the human community as a way to avoid a repeat of the horrors of the Holocaust.\textsuperscript{100}

The aforesaid events can be said to have resulted in the creation of a conducive environment within which the cosmopolitan ideal gradually evolved and grew stronger with time.

2.8 KANT: THE FATHER OF MODERN COSMOPOLITANISM

Historical factors aside, the philosophical impetus for cosmopolitan thought and action in the Western world in the modern era is widely accepted to have come from the writings of the German philosopher, Immanuel Kant.\textsuperscript{101}

\textsuperscript{97} Id. at 65.
\textsuperscript{98} Id. at 65.
\textsuperscript{99} Id. at 65.
\textsuperscript{100} Id. at 65.
\textsuperscript{101} MIRIAM SOBRE-DENTON & NILANJANA BARDHAN, CULTIVATING COSMOPOLITANISM FOR INTERCULTURAL COMMUNICATION: COMMUNICATING AS A GLOBAL CITIZEN 17 (2013).
In the year 1795, Kant set forth the first enunciation of the basic features of contemporary cosmopolitan thought in an essay titled, ‘Perpetual Peace’.\textsuperscript{102} In this provocative and influential work, he put forth the view that it was possible to bring about a lasting peace if there were to be a general agreement at a global level to a set of common values and rules, with an association of nation states being mandated to act as the over-seer of these universally accepted values and rules.\textsuperscript{103} These rules required nations to eliminate their armies, desist from implementing economic sanctions and avoid to avoid overly acrimonious methods in the conduct of war, aside from establishing republican constitutions.\textsuperscript{104} Kant further supported the idea of a rationalistic international and cosmopolitan law.\textsuperscript{105} It may be noted however that Kant’s cosmopolitanism was posited in the background of his troubling belief in the idea that the non-white races were inferior to their white counterparts.\textsuperscript{106}

However, despite the aforesaid troubling context, the core aspects of Kant’s views are said to have significant resonance with the political philosophy of the Stoics and the Cynics.\textsuperscript{107} Sean Hutchman notes that the fundamental belief of the Stoics was that by being members of the human community, each individual person was vested with an inviolable personal dignity and worth which guaranteed equal status.\textsuperscript{108} They ultimately came to the

\begin{flushright}
\textsuperscript{103}Id.
\textsuperscript{104}Id.
\textsuperscript{105}SOBRÉ-DENTON AND BARDHAN, supra note101 at 17.
\textsuperscript{106}Id. at 17.
\textsuperscript{107}Hutchman, supra note22 at 50.
\textsuperscript{108}Id. at 50.
\end{flushright}
conceptualization of cosmopolitanism as requiring a world citizen, represented by the individual being part of and owing allegiance to both a local as well as a universal community. He says that for the Stoics, even though it was the allegiance to a universal community that was the chief source and reference point for moral and social obligations, there was however no talk of an annihilation of the ‘local’.\textsuperscript{109}

Kant’s conceptualization of a republican government was as one which established favourable conditions for the spread of cosmopolitanism.\textsuperscript{110} Kant visualized such a government as representing its citizens, and being liberal in outlook in the sense that it would facilitate and not hinder free trade between nations.\textsuperscript{111} Such a government was essential for the realization of world peace, in as much as such a government could be expected to follow a judicious and practical policy on account of the realization of the economic benefits of trade and this would ensure the propagation of peace amongst nations.\textsuperscript{112} Kant visualized such nations, with their republican form of government, as forming a ‘federation of peoples’.\textsuperscript{113} He also transposed the basic ideal of the social contract, as assuring individuals of the safety and security of their person while leaving the state of nature, onto inter-state relationships in his proposed federation in as much as individual member

\textsuperscript{109} Id. at 50.  
\textsuperscript{110} Id. at 51.  
\textsuperscript{111} Id. at 51.  
\textsuperscript{112} Id. at 51.  
\textsuperscript{113} Id. at 51.
states would adhere to a promise of mutual non-aggression and also accept the laws of the federation for their own self-interest.\textsuperscript{114}

The most fundamental cosmopolitan value espoused by Kant is that of ‘universal hospitality’ and the origin of this ideal can be traced all the way back to the Stoics.\textsuperscript{115} The crux of Kantian cosmopolitanism can be said to be its vehement promotion of the ideal that people across the world have an unalienable right to inhabit its and to share in its resources.\textsuperscript{116} As Hutchman observes, Kant clearly mirrors the Stoic thought process when he says:

"The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in one part of the world is felt everywhere."\textsuperscript{117}

It can thus be seen that Kant defended the moral cosmopolitan theory of the early Stoics and expanded on the same. However it has been remarked that his true achievement lay in taking cosmopolitanism into hitherto uncharted terrain.\textsuperscript{118} Kant’s seminal contribution in this regard can perhaps be best encapsulated in the following words:

“\textit{In addition to the moral aspect of cosmopolitanism as an attitude in acting, he also develops the political, economic and cultural dimensions of world citizenship and elaborates...}”

\textsuperscript{114} Id. at 51.
\textsuperscript{115} Id. at 51.
\textsuperscript{116} Id. at 51.
\textsuperscript{117} Id. at 51.
\textsuperscript{118} PAULINE KLEINGELD, \textit{KANT AND COSMOPOLITANISM: THE PHILOSOPHICAL IDEAL OF WORLD CITIZENSHIP} 3 (2011).
the necessary global institutional arrangements for realizing a genuine cosmopolitan condition.”

Although Kant’s hypothesis was never really directly adopted into domestic or international political and legal structures, his views had a tremendous influence on the subsequent creation of the League of Nations and later the United Nations. The modern idea of a world federation of states, as represented in the United Nations, and by extension that of a globalized citizenry therefore owes a lot to Kant’s reimagining of the ideals of ancient cosmopolitanism. His work, more than those of any other, forms the link by which cosmopolitanism emerges from its ancient roots and enters into the modern world.

### 2.9 THE BASIC VALUES THAT DRIVE COSMOPOLITANISM

Having very briefly examined a generalized definition of cosmopolitanism and its historical evolution in the western context, it would now be necessary to attempt to discern certain fundamental values that drive cosmopolitan thought and action. An examination of these values is very important, not just for a wider understating of the issue but also from the point of view being able to identify the core normative ideals of cosmopolitanism so that the same may be juxtaposed with seemingly similar or contrasting concepts. This is particularly relevant in undertaking the exercise of the comparison of

119 Id. at 4.
120 IMMANUEL KANT: TOWARD PERPETUAL PEACE AND OTHER WRITINGS ON POLITICS, PEACE, AND HISTORY, xv (Pauline Kleingeld ed., 2006).
cosmopolitanism with minority rights, which is at the heart of the present study.

In this regard, one may turn to the work of David Held on this subject. Held has identified a set of principles by which, it is claimed, cosmopolitan values can be expressed formally.\textsuperscript{121} Held says the following about these principles:

“These are principles which can be universally shared, and can form the basis for the protection and nurturing of each person’s equal significance in the moral realm of all humanity.”\textsuperscript{122}

Eight principles are identified as being paramount by Held. These are:

“…the principles of: (1) equal worth and dignity; (2) active agency; (3) personal responsibility and accountability; (4) consent; (5) collective decision-making about public matters through voting procedures; (6) inclusiveness and subsidiarity; (7) avoidance of serious harm; and (8) sustainability.”\textsuperscript{123}

He says further that these eight principles are interrelated and when seen together define what the cosmopolitan outlook is all about. Held’s exercise of inter-relating these principles is interesting and may be considered in some detail.

\textsuperscript{121} Held, supra note 24 at 230.
\textsuperscript{122} Id. at 230.
\textsuperscript{123} Id. at 230.
The first principle is that each individual has inherent equal worth and that the value of a person cannot come to be determined, or the person be subjected to some form of discrimination, by the narrow and parochial lens of his/her association with, or membership in, a certain group or community.\textsuperscript{124} However such a viewpoint does not require a rejection of difference and diversity. In this regard, the principle seems to be reaffirming what has been described as a basic tenet of civilized society i.e. that all individuals have inherent moral value and worth and they deserve to be honoured with basic respect and goodwill in light of their status as fellow human beings.\textsuperscript{125}

The second principle may now be considered. It postulates the idea of ‘active agency’ which means the ability to reason, meditate on and ultimately make one’s life choices.\textsuperscript{126} Active agency is two-way street in as much it provides opportunities to act, as also puts in place duties to others in the sense that any individual act should not lead to the curtailment of the active agency of others.\textsuperscript{127} It has been said that the equivalent usage of active agency in Indian philosophy is the term ‘\textit{kartrtva’}.\textsuperscript{128}

The third principle is concerned with the inevitability of diversity that the availability of choice brings about. This principle postulates that it is

\textsuperscript{124} \textit{Id.} at 231.

\textsuperscript{125} \textsc{Jason D. Hill. Beyond Blood Identities: Posthumanity in the Twenty-First Century} 27 (2009).

\textsuperscript{126} Held, \textit{supra} note24 at 231.

\textsuperscript{127} \textit{Id.} at 231.

\textsuperscript{128} \textsc{The Systems of Indian Philosophy}, 635 (Subodh Kapoor ed., 2004).
inevitable that people will choose different cultural, social, and economic ventures and that such differences in choice need to be accepted and not brushed under the carpet. 129 Such differences are natural, and when arising from a conscious and voluntary choice should be well received and acknowledged. 130 A distinction should however be drawn between these acceptable differences and another class of differences which are unacceptable. The unacceptable kind are those which result in a denial of the pursuit of the most basic needs by persons. 131

The fourth principle focusses on the importance of consent. Only if there is free and equal consent can the earlier principles be achieved, as also only then can individuals participate in social and public life in a holistic and satisfactory manner. 132 It may be noted that this principle of consent has also been characterized as the democratic principle of legitimacy i.e. a law or obligation is not legitimate nor is there an obligation to obey or fulfil it unless the law has been previously consented to either personally or through one’s representatives. 133

However this requirement of consent is circumscribed to a certain degree in the fifth principle. This principle acknowledges that while a legitimate public decision must necessarily result from consent, this requirement cannot be

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129 Held, supra note24 at 231.
130 Id. at 231.
131 Id. at 231.
132 Id. at 231.
133 PIERRÉ MANENT, MODERN LIBERTY AND ITS DISCONTENTS 185 (2000).
read in isolation and is required to be linked with, and juxtaposed against, the processes and apparatuses of majority rule.\textsuperscript{134} Therefore decisions which are based on the support of the majority should not be summarily invalidated, as long as the processes that result in the ultimate decision are inclusive.\textsuperscript{135}

The sixth principle again seems to stress on the accountability that democratic processes need to imbibe in relation to the citizens that they serve. This principle stipulates that people should have a say in decisions that most significantly affect their lives and therefore the proximity with the effect of the decision should have a strong bearing on the level of participation required.\textsuperscript{136} It may be noted that this seems to be in tune with the foremost argument for decentralization that lays emphasis on the need to reflect local priorities and values.\textsuperscript{137} However, this principle also recognizes that if the decisions have a much wider influence beyond the immediately affected population then political associations would also need to reflect this expanded area of influence.\textsuperscript{138}

The seventh principle provides for catering to the most vital cases of need in preference to other less urgent public priorities until such a time that a state exists where the first six principles are in existence in society. In as much as a hierarchy is sought to be put in place by means of this principle, the

\textsuperscript{134} Held, \textit{supra} note24 at 231.
\textsuperscript{135} \textit{Id.} at 232.
\textsuperscript{136} \textit{Id.} at 232.
\textsuperscript{137} HARRY ANTHONY PATRINOS & TAZEEN FASIII, DECENTRALIZED DECISION-MAKING IN SCHOOLS: THE THEORY AND EVIDENCE ON SCHOOL-BASED MANAGEMENT 2 (2009).
\textsuperscript{138} Held, \textit{supra} note24 at 232.
principle seems to have been influenced by Abraham Maslow’s theory of the ‘hierarchy of needs’ in which Maslow argued that human needs are arranged in a hierarchy ranging from the most pressing to the least pressing. Maslow divided human needs into a hierarchy of five kinds with physical needs constituting the lower order needs and socio-psychological needs constituting the higher order needs. Maslow also held the view, seemingly in consonance with Held, that the higher order needs can be activated only once the lower order needs are satisfied.

The eighth is primarily a conservationist principle. This principle frowns upon social and economic change which results in severe injury to the environment and therefore unnecessarily damages and short-changes the range of choices of future generations. It is mindful of the fact that many of the world’s resources are non-renewable and therefore asks for caution while using them so that the equally valid claims that future generations have on them are not subverted or set at naught. This is similar to the argument that environmental ethicists have made about the duty owed to future generations.

139 JEFFREY NEVID, PSYCHOLOGY: CONCEPTS AND APPLICATIONS 295 (2012).
141 Id. at 4.
142 Held, supra note24 at 232.
143 Id. at 232.
144 Id. at 232.
Having expounded these eight principles, Held sets down to drawing the contours of a broad based theory around them. He arranges the eight principles into three distinct categories.\textsuperscript{146} The first category, comprising of principles one to three, emphasises the core normative value system of cosmopolitanism i.e. equal moral concern being owed to all individuals, combined with permitting them to act autonomously and seeking their views when actions are proposed to be taken that would affect the concerned individuals.\textsuperscript{147} The second category, comprising of principles four to six, postulates how private activities or desires are to be transformed into collectively agreed or collectively sanctioned activities. The exercise of public power can be considered as valid if these three principles are upheld in the process.\textsuperscript{148} The third category, comprising of principles seven and eight, establishes a doctrine that favours and prioritizes urgent need and mandates prudent use of resources and their conservation.\textsuperscript{149}

Held’s conceptualization of the tenets of cosmopolitanism is quite open ended and at its most basic it lays great emphasis on the immutable value of human life and the core standards that must be maintained while executing the grand project of living together, all the while eschewing perceived differences. Such an understanding of cosmopolitanism is quite open-ended.

\textsuperscript{146} Held, supra note 24 at 233.
\textsuperscript{147} Id. at 233.
\textsuperscript{148} Id. at 233.
\textsuperscript{149} Id. at 233.
It may have a more romanticized expression, such as the one reproduced hereunder:

“Acceptance of the new, different, unusual or curious and an appreciation of sights, sounds, aromas, tastes and customs which are not present in one’s accustomed daily life, are the basic fundamentals of a cosmopolitan mindset. To not prejudice others by one’s own values.”

Whatever be the mode or manner of expression, it can be said with some measure of certainty that the cosmopolitan vision is fundamentally premised upon a commitment to the ideals of universalism and individualism. This ideological similarity has also led to some comparisons with Marxism and Socialism.

It is for this reason that cosmopolitanism is frequently linked with humanitarianism. This view is premised on the argument that humanitarianism is the primary value that drives the cosmopolitan vision in as much as cosmopolitanism is based on the fundamental premise that there is a common humanity and that on the basis of membership in this common humanity, all individuals are possessed of an identity that is eligible to receive acknowledgement as such and to be taken into account towards the ultimate aim of the meeting of their needs. It is therefore been said that humanitarianism seems to represents the core cosmopolitan value because:

150 DEREK HAINES, AN UNEDUCATED VIEW OF SEX, FOOD AND POLITICS 143 (2009).
152 Id. at 75.
“...it puts individuals of humanity at the core of moral concern and it seems to be guided by the basic cosmopolitan principles of impartiality, individualism, universality, neutrality and consent.”\textsuperscript{154}

Taking off from this humanitarian outlook, with a focus on the need for interaction and communication with fellow human beings, the basic tenets of cosmopolitanism can all be said to be imbibed with the feeling of openness and of looking beyond oneself towards a greater humanity

Richard Delanty in this regard has enumerated these diverse, yet similar, characteristics as under:

“...centrality of openness and overcoming of divisions; the interaction; the logic of exchange; the encounter and dialogue; deliberative communication; self and societal transformation (transformational); and critical evaluation.”\textsuperscript{155}

Therefore the emphasis on the human element as a unifying force for good can be said to be at the core of cosmopolitanism. However, what is important to understand is as to how varied conceptions of cosmopolitanism, which emerging from this moral core, branch out in vastly different directions. It has been remarked that the study of cosmopolitanism is continually

\textsuperscript{154} \textit{Id. at} 124.
unearthing its various and diverse inspirations and manifestations. This process has also resulted in the increasing realization that different manifestations or conceptualizations of cosmopolitanism were operationalized in significantly diverse ways by different groups of people throughout history and this continues in the contemporary day and age. Since there seems to be no indication of this reality being any different in today’s world, it would therefore be necessary to examine the various forms or kinds of cosmopolitanism and what they each stand for.

2.10 KINDS OF COSMOPOLITANISM

In line with its varied interpretations, cosmopolitanism takes many forms. These various forms can be broadly classified into five distinct types. These are the varied manifestations in the form of moral cosmopolitanism, political cosmopolitanism, legal cosmopolitanism, cultural cosmopolitanism and economic cosmopolitanism. There are of course certain scholars who also propound the existence of certain other forms of cosmopolitanism as well, for example anthropological cosmopolitanism. However, these outlying forms of cosmopolitanism are are being omitted from examination hereunder. The five main forms or manifestations of cosmopolitanism as mentioned above may now be examined in seriatim hereunder.

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157 Id. at 97.
(i) Moral Cosmopolitanism

Moral cosmopolitanism, as the name itself suggests, is at its most basic, the theory that all human beings deserve equal moral consideration.\(^{159}\) Moral cosmopolitanism strives, as per the views of its foremost advocates, to be a moral and philosophical attitude rather than positing some form of a political agenda or ideology.\(^ {160}\) This moral idea, as has already been discussed above, is that every human being has obligations to his or her fellow human beings and these obligations are not dependent upon membership in groups based on culture, nationality, ethnicity etc., but are owed on account of membership in the larger human community.\(^{161}\)

Alyssa R. Bernstein, in her study of moral cosmopolitanism\(^ {162}\) notes that it emphasises our duties to other human beings and to a common shared humanity irrespective of the particularistic affiliations and attachments that may otherwise be present. She quotes Thomas Pogge to the effect that the central tenant of moral cosmopolitanism is that it treats all human beings as equals.\(^ {163}\) She notes that a call or a recourse to moral cosmopolitanism is the common underlying thread in almost all scholarly writings in the past few decades that have sought to critique unjust social,

\(^{159}\) Adam Etinson, *Cosmopolitanism: Cultural, Moral and Political*, in SOVEREIGN JUSTICE: GLOBAL JUSTICE IN A WORLD OF NATIONS, 25 (Diogo Pires Aurélio, Gabriele De Angelis, & Regina Queiroz eds., 2011).

\(^{160}\) KLEINGELD, supra note118 at 38.


\(^{163}\) Id. at 713.
political and economic frameworks and systems.\textsuperscript{164} She observes that all conceptions of moral cosmopolitanism stress on the immutable equal worth and importance of all human beings, and this worth is not open to being denied outright nor can it be said that a human being is possessed of more, or less, value as compared to others simply by reason of his/her local affiliations or group memberships like nationality, race, religion etc.\textsuperscript{165}

The idea of moral cosmopolitanism may thus be said to be comprised of three main dimensions.

\textit{First,} it argues for the supremacy of moral individualism meaning thereby that human individual human beings are the focal point of moral concern.

\textit{Second,} it advocates egalitarianism wherein every individual is accorded equal worth under a moral framework.

\textit{Third,} it adheres to the universality of moral concern which means that everyone, regardless of race, culture, belief, nationality and affiliations is part of the moral framework and that there is a universal value of the human individual. It regards all humans as being worthy of equal moral concern and advocate impartiality and tolerance.

Moral cosmopolitanism can perhaps be best summed up in the following words:

\begin{quote}
\“Moral cosmopolitanism describes an orientation toward others that is informed by a sense of moral responsibility and
\end{quote}

\textsuperscript{164} \textit{Id.} at 713.
\textsuperscript{165} \textit{Id.} at 713.
an aspiration to move beyond what is required, whose scope in principle is universal, to act for the good of others. In this sense, cosmopolitanism entails moral responsibilities to others as ends-in-themselves irrespective of our feelings, pre-existing relationships, or shared political space.”

Moral cosmopolitanism can thus be seen as the rank opposite of the idea of moral particularism or moral parochialism which states that the obligations that are owed to persons who are more intimately situated or connected to an individual such as family, friends and fellow citizens would have primacy over obligations that are owed by the said individual to more distant persons. Moral cosmopolitanism repudiates such a view by asserting that universal obligations are owed to all human beings irrespective of the nature of their relationship to us. It may also be said that moral cosmopolitanism is of the belief that the boundaries that divide the larger human community into separate groups, be it political, ethnic, religious or racial, do not possess any moral or intrinsic significance or worth. Though this does not mean that these boundaries do not matter at all or that they must be necessarily obliterated, moral cosmopolitanism only requires that whatever importance that is attributed to these boundaries must be justified by means of

168 Id. at 71.
juxtaposing the human values that they help achieve or spread to the human values that they repudiate or impede.\textsuperscript{170}

Moral cosmopolitanism is clearly the guiding light of the cosmopolitan movement as a whole with its emphasis on openness and fellow feeling. This basic principle is undoubtedly not very controversial in as much as it has been said that the supposition of the equal worth that is inherent in all persons is a common underlying feature of all the mainstream moral theories.\textsuperscript{171} However, the controversial or contested element emerges when there has to be a more precise enumeration of what exactly moral cosmopolitanism asks for in terms of structuring basic political institutions and individual moral practice.\textsuperscript{172}

Therefore it would be necessary to examine variants of cosmopolitanism which branch off into starkly differing forms from this otherwise common starting block of moral cosmopolitanism. These variants may be tagged under the rubric of what Thomas Pogge calls ‘institutional cosmopolitanism’ i.e. they veer towards the establishment of institutional schemes and frameworks that would govern human life and its various facets.\textsuperscript{173} The second variant of cosmopolitanism, after moral cosmopolitanism, that may

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{170} Id. at 121.
\item \textsuperscript{171} ROSS POOLE, NATION AND IDENTITY 155 (2012).
\item \textsuperscript{172} Id. at 155.
\item \textsuperscript{173} EDVARD JORDAAN, RESPONSIBILITY, INDIFFERENCE AND GLOBAL POVERTY: A LEVINASIAN PERSPECTIVE 24 (2006).
\end{itemize}
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be examined under the general head of institutional cosmopolitanism can be
the particular form called political cosmopolitanism.

(ii) Political Cosmopolitanism

Political cosmopolitanism maintains an emphasis on establishing concrete
structures that bring about the conditions necessary for a state of global
governance or by incorporating cosmopolitan ideals into the working and
norms of contemporary international political institutions.\(^{174}\) What is
envisaged is the creation of over-arching institutions that are possessed of a
jurisdiction that pervades national boundaries, generate consensus on a
global scale and follow and enforce principles of democratic
accountability.\(^{175}\) There is no doubt that principles of moral cosmopolitanism
significantly influence and guide political cosmopolitanism.\(^{176}\) Keeping in
mind its global ambitions, it has been remarked that political
cosmopolitanism has an anxious or apprehensive outlook in as much as it is
attempting to take on and tackle very complex issues.\(^{177}\)

This global ambition of political cosmopolitanism, underlined by moral
cosmopolitanism, has been recognized by most scholars. Kimberly
Hutchings, for example, defines political cosmopolitanism as under:

“Political cosmopolitanism refers in general to any
position which prescribes types of political practice and

\(^{174}\) BROWN, supra note68 at 12.
\(^{175}\) Id. at 12.
\(^{176}\) Id. at 13.
institutions that operate over, above or across the boundaries of the nation-state and which are at least potentially global in their reach.”

Hutchings is however quick to clarify that this should not be interpreted as a call for a form of unitary world government and that this concern is shared by most present-day proponents of political cosmopolitanism who are suspicious towards any claims for the establishment of a unitary world government based on contemporary notions of sovereignty. Political cosmopolitanism, it is said, instead wants to reform existing structures of decision making and the norms and institutions surrounding them in order to make the system as a whole more democratic and participative.

Though certain scholars have attempted to emphatically distance political cosmopolitanism from the ideal of world government, it does seem that the emphasis that political cosmopolitanism places on the ‘global’ appears to presuppose a singular ‘correct’ system or arrangement that can be applied on a global level. To further understand this institutional yearning towards such a universal system, it would be necessary to make a quick reference to David Held’s demarcation of the three institutional features involved with political cosmopolitanism, which are as under:

179 Id. at 154.
180 Id. at 154.
First, political cosmopolitanism is required to evolve and formulate such structures and norms which can embrace pluralism and diversity, yet at the same time it must also ensure that these diverse views can co-exist peacefully.\textsuperscript{181}

Second, political cosmopolitanism requires the existence of a global cosmopolitan law based on wide over-arching principles.\textsuperscript{182}

Third, political cosmopolitanism would also require the establishment of a kind of cosmopolitan democracy with the concurrent setting up of innovative political institutions leading to inclusive and democratic participation and decision making at the universal level.\textsuperscript{183}

It can be said that the aforesaid enunciation of political cosmopolitanism is quite straightforward about the fact that the commitment to the principles of cosmopolitan political order will also require a thoroughgoing commitment to some form of cosmopolitan law and that there is a reinforcing relationship between requirement of political cosmopolitanism and the commands of legal cosmopolitanism. Though legal cosmopolitanism shall be explored in greater detail in the following part of the present chapter, it may be noted at this stage that there is an inbuilt element of ‘universal standardization’ and ‘institutionalization’ that political cosmopolitanism seems to provide for both in terms of global political institutions as well as in the over-arching

\textsuperscript{181} Cosmopolitan Politics: Introduction, in THE COSMOPOLITANISM READER, 214 (Garrett W. Brown & David Held eds., 2010).
\textsuperscript{182} Id. at 214. The reference to the principles herein is to the eight principles propounded by Held which have been discussed in the earlier part of the present chapter. .
\textsuperscript{183} Id. at 214.
legal principles that are required to drive these institutions and bring them together.

As has already been discussed, advocates of political cosmopolitanism strenuously deny any ambitions of a unitary world government. However, as has been noted in this regard, the ultimate cosmopolitan political order seems to share many institutional features with modern states i.e. the presence of an executive unit of the government, the maintenance of an army, a legal system with an independent judiciary, institutions regulating monetary and economic activities etc.\textsuperscript{184}

Ultimately, this debate regarding the ultimate aim of political cosmopolitanism may be viewed within the praxis of ‘hard’ and ‘soft’ conceptualizations of political cosmopolitanism. As Gerald Delanty notes, the contemporary era has witnessed the rise of a particular conceptualization of cosmopolitanism which is premised upon an overly political understanding of cosmopolitanism and there exist both strong and weak versions of this conceptualization.\textsuperscript{185} He notes that these strong versions of cosmopolitanism are inspired by the march of globalization and posit the norms and structures of political cosmopolitanism as representing a form of democracy that overcomes and extends over and beyond the boundaries of

\textsuperscript{184} J\textsc{ohan} K\textsc{arlsson} S\textsc{chaffer}, \textsc{The Stability of a Cosmopolitan Political Order: Between Federalism and Functionalism} 4 (2012).

\textsuperscript{185} G\textsc{erard} D\textsc{elanty}, \textsc{The Cosmopolitan Imagination: The Renewal of Critical Social Theory} 56 (2009).
nation-states. These approaches do not visualize globalization as a mere economic ideology founded on free trade but see it as having brought about a fundamental redefinition of the notion of state sovereignty and the boundaries built upon the same. These conceptualizations also imbibe a strong commitment to an over-arching universalism. Delanty also analyses the weaker conceptualizations of political cosmopolitanism. He is of the view that the estimation that is made about the purportedly universal nature of cosmopolitan democracy is more toned down here. As examples of the weaker conceptions of political cosmopolitanism, he cites cultural rights which look upon minority groups as the vessels of rights as opposed to individuals, and consumer rights, amongst other newly emerging rights.

Having examined the basic contours of political cosmopolitanism, it would be apt to turn to the form that it is has been frequently linked with i.e. legal cosmopolitanism.

(iii) Legal Cosmopolitanism

Legal cosmopolitanism, as the name suggests, posits a legal system that has global application irrespective of national boundaries. It can be slotted within the umbrella of institutional cosmopolitanism and it seeks to provide a mechanism for the enforcement of certain specific rights on a global scale thereby ensuring that legal entitlement also becomes global and is not

\[186\] Id. at 56.
\[187\] Id. at 56.
\[188\] Id. at 57.
\[189\] Id. at 57.
restricted to a few individuals alone on the basis of their citizenship in particular nation states. Legal cosmopolitanism’s intimate relationship with political cosmopolitanism is evident in the definition of legal cosmopolitanism as espousing a strong political ideal under which legal uniformity is a given i.e. equal rights and duties for all on a global level.

A view has been taken that in the most general sense, legal cosmopolitanism mirrors the principles expounded by Immanuel Kant in as much as he was of the opinion that international law should be premised on the fundamental features of the equal value of all human life, the concomitant need to respect all human beings, and a call to global justice. Two approaches have been identified in this regard.

The first approach is focussed on reform or consolidation as it seeks to view contemporary international law from the prism of morality and to suggest the necessary modifications or changes so as to ensure that the institutions of international law and the norms that they propagate are endowed with cosmopolitan principles.

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190 Richard Beardsworth, Cosmopolitanism and International Relations Theory 36 (2013).
191 Thomas W. Pogge, World Poverty and Human Rights 175 (2008).
193 Id. at 110.
The second approach postulates that instead of gridlocking the fundamental legal rights enjoyed by all human beings to outdated notions of national boundaries and sovereign states, a cosmopolitan framework that can guarantee them on a global level must be established. What is being attempted here is not just the reform of the existing law and of the institutions built up around it, but the de-novo establishment of new institutions that would be able to enforce a semblance of legal obligation from nation states on a global scale.

The fact remains that legal cosmopolitanism calls for a concrete application of normative moral cosmopolitan principles. This direct approach is represented in the claim that institutions should be calibrated in such a manner that all persons are guaranteed equal value within them. Implicit in this demand is the claim, which is in turn the major identifier of legal cosmopolitanism, that the world as a whole, on some level, constitutes a singular unified political entity in which all human beings are constituents, and that this political entity requires a unified legal system or framework to govern it.

There are, of course, other understandings of cosmopolitan law as well. For instance, it has been used in certain contexts as denoting the common

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194 Id. at 110.
195 Id. at 110.
196 Thomas Pogge, Cosmopolitanism, in A COMPANION TO CONTEMPORARY POLITICAL PHILOSOPHY, 313 (Robert Goodin, Thomas Pogge, & Philip Pettit eds., 2012).
197 Id. at 313.
component shared between domestic law and international law. From a common law backdrop, this argument has been fleshed out on the basis of the following two claims.

Firstly, though there is strong merit in any claim that posits some form of cosmopolitan law which has a separate existence from existing systems of domestic and international law, there is however the equally strong counter-argument that accepting such a claim would also mean admitting to the fact that there are some areas or entitlements that are therefore unaddressed by the existing systems of domestic and international law, and that certain groups or individuals might be inhabiting such unaddressed areas.\(^{198}\)

Secondly, there is the long standing tradition within common law of acknowledging a juridical concept i.e. \textit{ius gentium}, or certain common standards or principles of conduct shared by all human beings, which seems to be somewhat similar to the normative basis of legal cosmopolitanism.\(^{199}\)

Cosmopolitan law has also been propounded in certain contexts as a counter-weight to the dominant ideologies and interests that drive economic globalization, which can perhaps be best represented through the dialogue on trade liberalization. Such a legal cosmopolitanism is normatively anchored on the moral belief that all persons, irrespective of them being fellow


\(^{199}\) \textit{Id.} at 450.
members of some collectively or on the other hand, even rank strangers, should be assured of their basic needs and their right to live with dignity, and an obligation is owed in this regard on a global level.\textsuperscript{200}

However, despite these varied expressions, legal cosmopolitanism is largely considered as one of the essential cogs in the institutional cosmopolitan wheel and the two terms are frequently used interchangeably.\textsuperscript{201}

Though legal cosmopolitanism is supposed to be the fuel that powers the project of political or institutional cosmopolitanism, the exact content of its norms is difficult to gauge. This is for the reason that matters do not become complex as long as legal cosmopolitanism is understood merely as contending that there must be the recognition of equal legal rights and duties of all individuals on a global scale, and that institutional mechanisms and systems should be put in place to achieve this goal.\textsuperscript{202} This aspect is unproblematic in as much as the central aim is of safeguarding and defending the human rights of all individuals.\textsuperscript{203}

However, things are not even remotely as simple when one has to proceed to determine the exact norms and values that inform these ‘equal legal rights’

\textsuperscript{200} MARGOT E. SALOMON, LEGAL COSMOPOLITANISM AND THE NORMATIVE CONTRIBUTION OF THE RIGHT TO DEVELOPMENT 9 (2008).
\textsuperscript{201} Gillian Brock, \textit{Theories of Global Justice}, \textit{in} RESEARCH HANDBOOK ON GLOBAL JUSTICE AND INTERNATIONAL ECONOMIC LAW , 6 (J. Linarelli ed., 2013).
\textsuperscript{203} \textit{Id.} at 43.
owed to all citizens and the content of these rights. On undertaking such an exercise, one would be faced with the sobering reality that this content is far from uniform or universally agreed upon, leaving aside a few basic ideals. For instance, it has been noted that there is an inevitable clash between the Western liberal notion of legal cosmopolitanism which postulates its utmost concerns as global citizenship and world governance, and another notion of cosmopolitanism that is more ‘subaltern’ i.e. it is more concerned with improving the lives of poverty stricken people and those who have always been discriminated against, like persons belonging to indigenous groups and poor people afflicted with life-threatening diseases and who need expensive medicines.204

Therefore, though there is no doubt about the fact that there may be a wider agreement on certain values that cosmopolitan law must enshrine, presuming unanimity and global consent when the specifics of such values are sought to be enumerated would be taking too optimistic a view. This examination of legal cosmopolitanism may now be concluded at this stage, and reference may be made to yet another variant of cosmopolitanism, albeit not so much a form of institutional cosmopolitanism, which is cultural cosmopolitanism.

(iv) Cultural Cosmopolitanism

Aside from the fact that it does not seem to fall within the rubric of institutional cosmopolitanism, cultural cosmopolitanism is even otherwise more closely connected to moral cosmopolitanism and is defined in very similar terms. However, a distinction should be made at this stage between the general world-view of cosmopolitanism and the more specific way in which it is channelled in the conceptualization of cultural cosmopolitanism. The general world-view, which can be labelled as the ‘culture of cosmopolitanism’ can be defined as an attitude or outlook that is open to foreign elements i.e. foreign individuals, places in distant lands, foreign cultural experiences etc.²⁰⁵ This outlook does not seek to obliterate contrasts and differences in the search for uniformity nor does it attempt to label any particular element as superior, but on the other hand appreciates and values these differences.²⁰⁶ Thus the culture of cosmopolitanism conception is near identical to moral cosmopolitanism.

What about cultural cosmopolitanism however? Cultural cosmopolitanism posits a view that is driven by the notion of hybridity i.e. culture and identity are not monolithic nor can they be understood by reference to a singular immutable reference point, and there is an inherent fluidity in their makeup.²⁰⁷ Cultural cosmopolitanism, it is said, does not seek to question the

²⁰⁶ Id. at 468.
value and significance of, nor seek to obliterate, national identities and neither does it seek to reject the notion of cultural difference. Cultural cosmopolitanism should be therefore be seen as a mediator between diverse and contrasting cultures and ways of life.

David Held has postulated certain core requirements of cultural cosmopolitanism, which are:

Firstly, that there is a growing interconnectedness of otherwise varied and distinct political communities in several domains including, but not limited to the social, economic and environmental areas of life;

Secondly, that this interconnectedness leads to the development of common interests on a global level, the protection of which requires the formulation of a process of consensus generation that can lead to collective solutions at all levels; and

Thirdly, that the diversity and hybridity that is inherent in the global community should be valued and celebrated, while at the same time contrasting view-points should be empathized and engaged with.

The above formulation of cultural cosmopolitanism is relatively unproblematic and inoffensive. It remains closest to the wide-spread


\[209\] *Id.* at 45.

\[210\] *Id.* at 46.

\[211\] *Id.* at 46.

\[212\] *Id.* at 46.
understanding of cosmopolitanism in the contemporary day and age.\textsuperscript{213} Cultural cosmopolitanism, in this widely understood form, posits the hybrid and culturally mixed-up i.e., cosmopolitan lifestyle as a viable way of living in the modern world.\textsuperscript{214} When cultural cosmopolitanism validates such a disparate identity, which is created from the confluence of starkly different cultural traits and influences, it throws a challenge to those strands of liberal thought that seem to suggest that membership or rootedness in one particular culture or way of life is very important for individuals to be able to lead a fulfilling life.\textsuperscript{215}

Cultural cosmopolitanism, seen in this light, seems to make the point that cultures are products of human societies and not \textit{vice-versa} i.e. human beings are not irrevocably tied into the culture or way of life which they may have inherited or have been born into but are free to make their own choices as to how to mould their identities in diverse ways including by either moving away from their original cultures or by hybridizing their existence by admitting the influences of other cultures.\textsuperscript{216} This is in line with the increasing acknowledgement of the fact that in the modern world it is no longer possible for one single culture to control and influence human beings for the duration of their lives in as much as other cultural influences are

\textsuperscript{213} Etinson, \textit{supra} note159 at 27.
\textsuperscript{214} \textit{Id.} at 27.
\textsuperscript{215} \textit{Id.} at 27.
\textsuperscript{216} \textit{Id.} at 27.
bound to seep in through various means in diverse arenas, ranging from education to food habits.217

Aside from the aforesaid understanding of Cultural cosmopolitanism as representing a viable life-choice, there is also a more controversial and forceful conceptualization of cultural cosmopolitanism. However, the same is studied in detail in the following chapter of the present study and hence is not being dealt with at the moment. Having noted the fundamental basis of cultural cosmopolitanism, attention may now be turned to the next variant of cosmopolitanism i.e. economic cosmopolitanism.

(v) Economic Cosmopolitanism

Economic Cosmopolitanism postulates the application of cosmopolitan principles to trade and labour relations on a global level.218 This economic cosmopolitanism can take two forms. There is one form of economic cosmopolitanism that promotes free trade.219 The other form of economic cosmopolitanism however is influenced by communist and socialist thinking and encourages the working class of the world to come together on the basis of their common interests and strive for the creation of global economic order that is more concerned with the interest of the working class rather than with

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218 BERDÚN, supra note59 at 164.
profit maximization.\footnote{Id. at 182.} However, what is common in both these forms of economic cosmopolitanism is that the chosen economic model has global application and rises above the boundaries of a nation-state.\footnote{Id. at 182.}

Though it has been seen that there can be two kinds of economic models that economic cosmopolitanism can possibly seek to implant on a global scale, in contemporary times it is the model of free trade that is thought of as contemporaneous to, and closely identified with, economic cosmopolitanism. It has been said that cosmopolitanism shares significant similarities with theories of globalization in as much as the political and social values that it seeks to inculcate are consistent with those that are seen as being required in a globalized world.\footnote{SUMAN GUPTA, GLOBALIZATION AND LITERATURE 48 (2009).} However, it may be noted that globalization itself, as an idea, has been conceptualized in myriad forms and therefore it can be very difficult to discern the exact concrete form that globalization embodies.\footnote{Marcello de Cecco, \textit{Financial Globalization: Specificity and Historical Differences}, in \textit{GLOBALIZATION, INSTITUTIONS AND SOCIAL COHESION}, 86 (Felice R. Pizzuti & Maurizio Franzini eds., 2001).} However, understood at its most general, globalization can be defined as the rapid shrinking of distances and boundaries or in other words, the growing interconnectedness and interrelatedness of society.\footnote{ANDREW JONES, \textit{DICTIONARY OF GLOBALIZATION} 2 (2006).}
2.11 CONCLUDING REMARKS

It is quite evident that cosmopolitanism is an eminently amorphous concept, which escapes easy definition. The relative fluidity of cosmopolitanism is reflected not only in its various manifestations in the contemporary day and age, but the same can also be traced all the way back to its origins more than two millennia in the past when the Stoics and the Cynics enunciated different visions of what true cosmopolitanism meant. However, irrespective of a concept being highly amorphous and despite it being capable of being stretched out in different directions, it is still possible to be able to discern the primary values that power all of the different conceptualizations or formulations of the concept. What then, is the nerve centre or the beating heart of cosmopolitanism?

It can be said that the spirit of cosmopolitanism is a yearning for communion with other human beings and a sense of attachment to humanity as a whole. It aims to transcend barriers, in whatsoever form they may be manifested, and in the process inculcate a sentiment of obligation and respect towards others irrespective of the group memberships that they may be privy to.

Keeping the aforesaid fundamental principle in mind, cosmopolitan ideas and institutions can be construed as requiring an undercurrent of moral cosmopolitanism i.e. mandating that all human beings require equal moral consideration. However, when these institutions and ideas veer towards more institutional manifestations of cosmopolitanism, such as physical, legal,
economic and cultural cosmopolitanism, then there is an increasing addition of the controversial component of ‘uniformity’ to this otherwise decidedly non-controversial tenet of equal moral concern.

This uniformity, it may be noted, is not a cause for concern per-se in as much as it may very well represent a push for inter-connectedness and hybridity and aim for a balancing of otherwise skewed power equations between different societies and cultures.

However, there is definitely a potential for abuse in as much as the uniformity has the possibly of being ‘dictated’ i.e. not evolving out of a process of amicable consensus generation amongst groups and societies but coming about as a result of a unilateral top-down imposition by a dominant group or section.

Having arrived at an understanding of the core of cosmopolitanism as being represented by a sense of loyalty and obligation to the human community, and having struck a note of caution as regards the yearning for uniformity, attention may now be turned to the manifestations, or the lack thereof, of cosmopolitanism in the 21st century and the structures and norms that they have birthed.