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Cover Page Footnote

Laurance S. Rockefeller University Professor Of Philosophy and the University Center for Human Values at Princeton University. These remarks were made on September 30, 2006 at the New Dimensions of Citizenship Symposium held at Fordham University School of Law. This transcript of Professor Appiah's remarks has been lightly edited.

KEYNOTE ADDRESS

GLOBAL CITIZENSHIP

*Kwame Anthony Appiah**

So far as we know, the first person to claim that he was a citizen of the world—*kosmou polites* in Greek, which of course is where our word “cosmopolitan” comes from—was a man called Diogenes.¹ Diogenes was the most colorful of the founders of the philosophical movement called Cynicism, and he was born sometime late in the fifth century B.C.E. in Sinope, on the southern coast of the Black Sea, in what is now Turkey. The Cynics rejected tradition and local loyalty and generally opposed what everybody else thought of as civilized behavior. Diogenes himself lived, tradition reports, in a large clay pot. It is said that he did what my English nanny would have called “his business” in public—and if you do not know what my English nanny would have called “your business,” my nanny would not have wanted me to tell you.

He also did what Hugh Heffner has made his business in public, too. He was, in short, a sort of fourth century B.C.E. performance artist. In fact, Diogenes’ name in some quarters was “Diogenes the dog,” and since *kunos* in Greek means dog, that is where the Cynics got their name. The Cynics are just the doggy philosophers. It is no wonder that they kicked him out of Sinope.

Still, for better or worse, Diogenes is also the first person who is reported to have said that he was a citizen of the world. Now, this is a metaphor, of course, because citizens share a state, and there was no world state, no *kosmopolis* so to speak, for Diogenes to be a citizen of. So, like anyone who adopts a metaphor, he had to decide what to mean by it.

One thing that Diogenes did not mean was that he favored a single world government. He once met someone who did, Alexander of Macedon, who favored government of the world by Alexander of Macedon. The story goes that Alexander came across Diogenes one sunny day, this time, for some reason, without his usual terra cotta pot. He was actually in a hole in the ground at the time. The Macedonian world conqueror, who, as

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1. The main source of information about Diogenes is 2 Diogenes Laertius, *Lives of Eminent Philosophers* 22-85 (R. D. Hicks trans., 1925).

Aristotle's student had been brought up to respect philosophers, asked Diogenes if there was anything he could do for him. "Sure," Diogenes said—it was a sunny day—"you can get out of my light." So Diogenes was clearly not a fan of Alexander's or, we may suppose, of his project of global domination. (This must have upset Alexander, by the way, because one of his famous reported remarks is, "If I had not been Alexander, I should have liked to have been Diogenes.")

Diogenes did not believe in philosopher kings for Athens; why should he want them for the planet? That is the first thing I would like to take from Diogenes in interpreting the metaphor of global citizenship: no world government, not even by a student of Aristotle's. "We can think of ourselves," Diogenes wanted to say, "as fellow citizens, even if we are not and do not want to be members of a single sovereign political community, subject to a single sovereign world government."

A second idea we can take from Diogenes is that we should care about the fate of all our fellow human beings, not just the ones in our own *polis*, our own political community. Just as within your community you should care about every one of your fellow citizens, so in the world as a whole you should care for your fellow world citizens.

And furthermore—this is a third idea from Diogenes—we can borrow good ideas from all over the world, not just from our own society. It is worth listening to others because they may have something to teach us. It is worth their listening to us because they may have something to learn.

We do not have any writings from Diogenes, partly, I suspect, because, like Socrates, he believed that conversation, which goes both ways and in which you can learn as well as teach, was a better mode of communication than writing messages to people who cannot answer back, which is what books are. So that is the final thing I want to borrow from him: the value of dialogue, conversation, as a fundamental mode of human communication, with its double-sidedness.

These three ideas then, I, a twenty-first century American citizen of Anglo-Ghanian ancestry, want to borrow from a citizen of Sinope who dreamed of global citizenship twenty-four centuries ago: (1) We do not need a single world government; but (2) we must care for the fate of all human beings inside and outside our own societies; and (3) we have much to gain from conversation with one another across our differences.

Diogenes' cosmopolitanism entered Western intellectual history through the Stoics. Zeno of Citium (a town in Cyprus), who is conventionally regarded as the first Stoic, seems to have been influenced by the Cynics. Cosmopolitanism, as Diogenes understood it—with its openness to foreigners, without embracing world government—is found in the greatest of the Stoics: Cicero, in the Roman Republic of the first century B.C.E., for example, and Marcus Aurelius, the second century C.E. Roman Emperor. If anyone should have believed in world government, it was these Roman rulers of the world. But Aurelius talks about cosmopolitanism to insist on the spiritual affinity of all human beings, not to argue for a global empire.

Through people like Cicero, Epictetus, and Aurelius, Stoicism entered the intellectual life of Christianity, despite the fact that, as everyone who saw the movie *Gladiator* knows, Aurelius spent a great deal of energy executing Christians because they were a threat to the Roman Republic as he conceived it. You can hear these Stoic echoes in the language of the Greek-speaking Saul of Tarsus, another town in Asia Minor in what is now southern Turkey. Saul was a Hellenized Jew and a Roman citizen, known to history of course, as surely nobody in this institution needs reminding, as St. Paul, the first great institutional architect of the Christian church. In his Epistle to the Galatians, he wrote famously, "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus."²

Much of St. Paul's evangelism took place in Asia Minor, where he was born. One of my favorite facts is that Sinope, Diogenes' hometown, was in Galatia. So, when he wrote those very cosmopolitan words St. Paul was writing to Diogenes' people, to the very people who gave us the world's first cosmopolitan, the first known one anyway.

When the idea of cosmopolitanism was taken up again in the European Enlightenment, it had the same core: global concern for humanity without a wish for world government. Modern cosmopolitanism, in fact, grew with modern nationalism—not as an alternative to it, but as a complement to it—and at its heart was not just the idea of universality, concern for all humanity as fellow citizens, but also the value of different human ways of going on. That is *why* it does not go with world government—because different communities are entitled to live according to different standards, because human beings can flourish in many different forms of society, and no single society can explore all the human forms of flourishing.

You find cosmopolitanism in Johann Gottfried von Herder, the great philosopher of German romanticism and German nationalism. Herder believed that the German-speaking peoples were entitled to live together in a single political community, but he also saw that what was good for the Germans was good for everyone else.³ So, unlike many Germans of his day, he believed in the political self-determination of all the peoples of Europe, even the Slavs—indeed, of the world.

You find cosmopolitanism, too, in Immanuel Kant's plan for perpetual peace,⁴ which was the origin, of course, for the idea of a League of Nations, the forerunner of the United Nations.

Cosmopolitanism, then, is universalistic. It believes that every human being matters, and that we have shared obligations to care for one another. But what distinguishes it from other forms of universalist philosophy is that it also accepts a wide range of legitimate human diversity. That respect for

2. *Galatians* 3:28.

3. See Royal J. Schmidt, *Cultural Nationalism in Herder*, 17 *J. Hist. Ideas* 407 (1956).

4. Immanuel Kant, *Perpetual Peace: A Philosophical Sketch*, reprinted in Kant: *Political Writings* 93 (Hans Reiss ed., H. B. Nisbet trans., 2d ed. 1991).

diversity comes from something that also goes back to Diogenes, tolerance for other people's choices of how to live and humility about what we ourselves know. Conversation across identities, religions, races, ethnicities, and nationalities is worthwhile because through conversation you can learn from people with different, even incompatible, ideas from your own; and it is worthwhile too because if you accept that you live in a world with many different kinds of people and you are going to try to live in respectful peace with them, then you need to understand each other, whether or not you agree.

Globalization has made this ancient ideal relevant, which it was not really in Diogenes' or Aurelius's day, because there are two obvious conditions for making citizenship real: knowledge about the lives of other citizens, on the one hand; and the power to affect them, on the other. Diogenes did not know about most people—in China and Japan, in South America, in Equatorial Africa, even in Western or Northern Europe—and nothing he did was likely to have much impact on all those other people, at least so far as he knew, either. So the fact is you cannot give a real meaning to the idea that we are fellow citizens if you cannot affect each other and you do not know about each other. In these respects, we no longer live in Diogenes' world.

In the last few centuries, as every human community has gradually been drawn into a single web of trade and a global network of information, we have come to a point where each of us can realistically imagine contacting any other of our six billion or so fellow humans and sending that person something worth having—a cell phone, an antiretroviral, or a good idea. Unfortunately, we can now also send, through negligence as easily as malice, things that will cause harm—a virus, an airborne pollutant, a bad idea.

The possibilities of good and ill are multiplied beyond all measure when it comes to politics—to policies carried out by governments in our name. Together, we can ruin poor farmers by dumping our subsidized grain into their markets, cripple industries by punitive tariffs, and deliver weapons that will kill thousands upon thousands. Together, though, we can also raise standards of living by adopting new policies on trade and aid, prevent or treat diseases with vaccines and pharmaceuticals, take measures against global climate change, encourage resistance to tyranny, and encourage a concern for the worth of every human life.

And, of course, the worldwide web of information—radio, television, telephones, the Internet, perhaps the U.S. Postal Service—means not only that we can affect lives everywhere, but that we can learn about life everywhere too. Each person you know about and can affect is someone to whom you have responsibilities, even if they are largely negative ones. To say that is to affirm the very idea of morality.

The challenge, then, is to take minds and hearts formed over the long millennia of living in local troops, and equip them with ideas and

institutions that will allow us to live together as the global tribe we have now become.

The existence of global media means we can know about one another, and global interconnections—economic, political, military, and ecological—mean that we can—indeed, we inevitably will—affect one another. So now we really need a cosmopolitan spirit. That spirit thinks of us all as bound together across the species, but also accepts that we will make different choices within and across nations about how to make our lives.

Notice that the cosmopolitan values diversity of this sort because of what it makes possible for people. At the heart of cosmopolitanism is respect for diversity of culture, not because cultures matter in themselves, but because people matter and culture matters to people. Where culture is bad for people, for individual men, women, and children, the cosmopolitan is not going to be tolerant of it. We do not need to treat genocide or human rights abuse as just another part of the quaint diversity of the species, a local taste that some totalitarians just happen to have.

Cosmopolitanism as I have been developing it is a double-stranded tradition. Its slogan might as well be universality plus difference. I have already hinted here at why cosmopolitans accept—indeed, celebrate—the wide range of human diversity, but I want to be more explicit about some of the reasons. Why, after all, should we not do, in the name of our universal concern, what missionaries of many faiths have always done? Why should we not go out into the world, guided by the truth, and help others to live by it too?

A first reason is that cosmopolitans inherit from our Greek forbears a recognition of the shortcomings of our human capacity to grasp the truth. Cosmopolitanism begins with the philosophical doctrine of fallibilism, the recognition that we may be mistaken even when we have looked carefully at the evidence and applied our highest mental capacities. A fallibilist knows that he or she is likely to make mistakes. We have views, we take our own views seriously, but we are always open to the possibility that it may turn out that we are wrong. If I am wrong about something, maybe I can learn from others, even though they are, no doubt, wrong about something else.

But there is an important second reason why we think people should be allowed, where feasible, to go their own ways, a reason whose roots are in more modern ideas—in particular, the idea that each human individual is charged with ultimate responsibility for his or her own life.

Our pursuit of the good life is constrained by morality, but also by historical circumstances and physical and mental endowments. I was born in the wrong place to be an American President—I am inclined to say, “Thank God”—and with the wrong body for motherhood; I lack the patience to do good laboratory science. But each of us has a great variety of decisions to make in shaping our lives. Everybody has, or everybody should have, a great variety of decisions to make in shaping their own lives.

A philosophical liberal such as myself believes these choices belong in the end to the person whose life it is.

This means at least two things. First, the standard that determines whether I am doing well, whether I am flourishing, is, in part, set by aims that I define for myself. Second, provided I give others their moral due, the job of managing my life is mine. Thoughtful friends, benevolent sages, and anxious relatives rightly offer advice as to how to proceed, but it is advice, not coercion, that they justly offer. And just as private coercion is wrong, it is also wrong when taken up by governments interested in the perfection of their citizens. So far as government intervention goes, if I have done my duty, the shaping of my life is up to me.

John Stuart Mill taught us to see this creation of our own lives as the search for individuality. But it does not take place in a social vacuum. Our lives are shaped both by existing identities and the new ones created in the daily dialectic of self and others. Each self is exquisitely sculpted by the joys and sorrows; the thoughts, true and false; the concepts, adequate or inadequate, that are the psychological harvest of our perpetual dialogue with one another. Our selves and our lives reflect our sociability, our need for company, our mutual dependence, and the fact that so much that we care about is collectively created. It is a communitarian canard that Mill's vision of individuality denies our need for other people. Respect for individuality is not an endorsement of individualism.

Chapter three of *On Liberty*, which is called "Of Individuality, as One of the Elements of Well-Being," is the classic English-language formulation of this notion of individuality. But as Mill freely acknowledged there, his own thinking about these matters had been profoundly shaped by an essay of Wilhelm von Humboldt written in the 1790s and known to us now as "The Limits of State Action."⁵ I think it is a good thing that it is known to us this way now, because the German title was actually *Ideen zu einem Versuch, die Grenzen der Wirksamkeit des Staates zu bestimmen*, which would be a lot harder to say.

In chapter two of that work, "Of the Individual Man, and the Highest Ends of His Existence," Humboldt wrote that it is "through a social union, therefore, based on the internal wants and capacities of its members, that each is enabled to participate in the rich collective resources of all the others."⁶

In short, the dignity of each human being resides, in part, in his or her capacity for and right to self-management, which includes the right to figure out how to meet the legitimate moral demands of other people and to work in company with others to pursue our projects private and common.

5. 18 John Stuart Mill, *On Liberty*, in *Collected Works of John Stuart Mill: Essays on Politics and Society* 212, 261 (J. M. Robson ed., Univ. of Toronto Press 1977) (1859).

6. Wilhelm von Humboldt, *The Limits of State Action* 16-17 (J. W. Burrow ed., Cambridge Univ. Press 1969) (1852). Wilhelm von Humboldt's essay, though written in 1791-92, was not first published in a fairly complete form until 1852. *See id.* at vii.

Because of this, it is important that human beings live by standards they themselves believe in. As Mill put it in *On Liberty*, some one and a half centuries ago, "If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode."⁷ It is best, that is, when people live by ideals they themselves believe in.

If I force a man to do what I take to be right when he does not think it is right, or stop a woman from doing what I take to be wrong when she does not agree that it is wrong, I am not really making their lives better, even if what I take to be right or wrong really is right or wrong. Of course, if the wrong someone is doing harms others, I may have to stop her anyway, because the universal concern that underlies cosmopolitanism means that it matters to me that every human life should go well. But if she is of sound mind and the wrong she is planning to do affects only her own fate, then the right way to express my concern for her is not to force her to do the right thing but to try to persuade her that she is mistaken. Still, because cosmopolitanism is fallibilist, cosmopolitan conversation across cultural, political, social, economic, and religious boundaries is not about conversion. It is about learning as much as teaching. It is about listening as well as talking. Even when I am trying to persuade someone that what they see as right is wrong, I am hearing arguments that what I think is wrong is right.

Now, global conversation, like global citizenship, is a metaphor. It needs construal, just as the metaphor of global citizenship does. Obviously, you and I cannot literally converse with the other six billion strangers who inhabit the planet, and they certainly cannot also all talk with each other. The mathematics of that are imponderable. But a global community of cosmopolitans will want to learn about other ways of life through anthropology, history, novels, music, and news stories in newspapers, on the radio, and through television.

Indeed, let me make my only entirely practical proposal, practical for anyone with a Netflix account. Do what people all around the world are already doing with American movies: See at least one movie with subtitles a month.

* * *

This Symposium is a gathering of legal academics, so you may wonder what cosmopolitanism means for law. Indeed, you are familiar, I am sure, with forms of cosmopolitanism that seek the globalization of legal standards. So you may wonder at my assumption that the cosmopolitanism I have been developing rejects the ideal of world government. It may be utopian to dream of it, but cosmopolitanism sounds pretty utopian already.

7. 18 Mill, *supra* note 5, at 270.

Why strain at the gnat of world government when you have already swallowed the camel of universal benevolence?⁸ Why not accept that, though we may have to wait for it, in the long run what we need is a global sovereign, a *leviathan du monde*?

To think sensibly about this question, we must first remind ourselves how profoundly our ideas of sovereignty are shaped by the invention in the last few centuries of the nation-state.

The Peace of Westphalia of 1648 essentially turned the Holy Roman Empire into a collection of often-German-speaking states, each with its own sovereignty. In doing so, it set in motion a significant shift in the heart of Europe. These newly independent states inherited the principles of religious freedom established in the Reformation by the Augsburg Confession, which granted each ruler the right to determine his own sovereign religious affiliation—actually, his and hers, since large parts of the Treaties of Westphalia are about noblewomen, from queens of here to *margravines* of somewhere else. So the principle of *cuius regio, eius religio* was applied. We speak, therefore, of a Westphalian model where each nation has its own sovereign, subject to no higher secular authority, independent both of the empire and of Rome.

But to the east was still the Ottoman Empire, whose units were not nations but a variety of peoples, speaking many languages, living often in polyglot cities, where each religious or ethnic group governed itself largely by its own rules. Further east yet, Shah Jahan was ruling a Mogul empire that was also composed of many religions and peoples.

In China in 1648, the Manchu rulers of the Qing Dynasty had ended Ming rule only four years earlier, in 1644, taking over a vast territory that, like the Ottoman and Mogul empires, was remarkably internally diverse in language, religion, cuisine, and the practices of everyday life. In Africa, the Ottomans ruled much of the northern coastline and its hinterland also. In the south and east the Emperor Fasilidas had recently expelled the Jesuits from Ethiopia, consolidating his hold on an empire that had persisted in various forms since the first century of the Common Era. In the west, the empire of Songhai lay in ruins, destroyed by revolts, first by the Hausas to their south, then by the Saadian sultan Ahmad al-Mansur from Morocco. But large numbers of people lived all over the continent of Africa, as elsewhere all around the world, outside even the nominal control of any state—farming, hunting, gathering plant products and honey, and regulating their lives through highly local forms of politics.

The Westphalian Settlement did not by itself produce the modern nation-state. For that, some new and crucial developments had to occur. The Peace of Westphalia was about princes and bishops and the burghers of the free states, the free cities. But modern nationality requires the idea of a national culture, an identity, to take hold in the minds of the folk.

8. "Ye blind guides, which strain at a gnat, and swallow a camel." *Matthew* 23:24.

Behind the nation-state, as Arjun Appadurai has recently put it, is the idea of a national ethnos. "No modern nation," he continues, "however benign its political system and however eloquent its public voices may be about the virtues of tolerance, multiculturalism, and inclusion, is free of the idea that its national sovereignty is built on some sort of ethnic genius."⁹ This was Herder's great idea, that the nation was a cultural unity held together by a *Volkgeist* expressed in its language, legible both in the high canon of the poets and the popular law of the folk.¹⁰

But in Herder it was just an idea, and it is an idealistic hyperbole to suggest that the nation-state is fundamentally an idea, something made up by we scribes. The material preconditions of the development of the idea of the national ethos and its uptake by ordinary people were complex. But one crucial development, which Benedict Anderson first identified clearly, following Walter Benjamin, was the rise of print capitalism and the vast expansion of publication in the vernacular languages of Europe. As texts like the Luther Bible, the King James Bible, or the Bible de Port-Royal became more widely available, ordinary people could begin to conceive of themselves as a community of readers connected by their reading together.

Print led, too, to the development of standardized versions of languages that had hitherto been collections of often mutually unintelligible dialects. That made possible the rise of modern mass media, in which speakers of a printed language could read of the doings of their nation, in which Britain or Germany or France or Spain could become protagonists in a narrative, a world historical story.

Print capitalism, exploding literacy, and the vernacular gave new subjective meaning to the ordinary person's relationship to the state. It also connected the new state bureaucracies—the eighteenth century is the century in which the word *Statistik* was invented—and modern forms of governmentality, making it possible, in particular, for state rulers, elites, to address vast national publics almost directly, or at any rate more directly than ever before; and, at the same time, to peer ever more nosily through the statistical census into the lives of ordinary people.

The idea of the cultural nation, a group defined by a shared ethos, initiated the close interdependence—sometimes hostile, sometimes amicable—between a political and a literary and cultural or intellectual leadership, an intelligentsia, that is one of the hallmarks of the modern state. This interdependence is inevitable if the nation's identity lies in its national spirit, its *Geist*, for the intelligentsia are the high priests of that spirit, of the *Geist*. Historians, novelists, poets, philosophers, composers, and teachers—I might as well add legal academics—all create or transmit the culture that is the nation's essence, its core, and its real meaning.

9. Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger* 3 (2006).

10. Johann Gottfried Herder, *On Recent German Literature: First Collection of Fragments*, reprinted in *Selected Early Works 1764-1767*, 101 (Ernest A. Menze & Karl Menges eds., Ernest A. Menze & Michael Palma trans., 1992).

Later, with the development of the non-print-based mass media—records, movies, television, the Internet—the intelligentsia were joined by the creators of mass culture and its heroes and heroines, the stars of song and sport and screen, and a struggle for the nation's soul, which we can see now takes place between the old intelligentsia and the new protagonists of the mass media.

All along, though, the poems, songs, novels, movies, and sports are nationally imagined—British rock, German classical music, French novels, Indian movies, Ghanian soccer, American studies. This picture of the world rejects world government, rejects *kosmopolis*, because it sees the culture-bound nation as the natural unit of government—inside law and mutual respect, outside the war of all against all.

But the cosmopolitan cannot have *this* reason for rejecting *kosmopolis*, because she rejects this picture of cultural life. Literature and music and mass-mediated culture and sport are all, in fact, quite transnational in their influences and effects. The field of comparative literature began, in part, because you could not make sense of whole swathes of literature in, say, German, without understanding its relationship with writings in English, French, Latin, and Greek.

Westphalia and the reorganization of Europe in the centuries that followed produced a world in which hardly any nation-states fit the Herderian picture of the homogeneous, monocultural nation living under a single government. These few states that do fit this picture, or something like it, have usually been forced into it over a couple of centuries of violent civil strife. The homogeneous nation is the result, not the precondition, of modern statehood.

Eugen Weber taught a generation of French historians that, as late as 1893, roughly a quarter of the then thirty million citizens of metropolitan France did not have mastery of the French language.¹¹ So much for the *Sprachgeist*.

As my colleague Linda Colley argued somewhat later in her marvelous book, *Britons: Forging the Nation*—and she means it in both senses—“The sense of a common identity here did not come into being, then, because of an integration and homogenization of disparate cultures. Instead, Britishness was superimposed over an array of internal differences in response to contact with the Other.”¹² (This is Britain, so the “Other” here is France.) So much for the *Volksgeist*.

What makes France French or Britain British? It does not matter what you say—language, state institutions, cuisine, the *laïcité* of the republic, the empire, Protestantism—none of them was ever a very good response. The very question presupposes what you might call an organicist Herderian answer. And things have gotten even worse for the prospects of that

11. See Eugen Weber, “Who Sang the Marseillaise?,” in *My France: Politics, Culture, Myth* 92, 92-102 (1991).

12. Linda Colley, *Britons: Forging the Nation, 1707-1837*, at 6 (1992).

organicist story since the end of the British and French empires. Large numbers of people have entered both countries whose language, cuisine, religion, and relation to empire are hardly those of the old imperial center.

Germany struggles with the distinct political legacies of two halves separated less than a century after Germany first became a nation-state as the Deutsches Kaiserreich at the end of the Franco-Prussian War. Italy was united under the Savoyard monarchs in the mid-nineteenth century, but, like Weber's France, contained a great variety of mutually unintelligible dialects.¹³ Even now, Italy recognizes twenty regional dialects,¹³ acknowledges the presence of small minorities speaking Albanian, Ladin, Friulian, Greek, Occitan, and Sud Tyrolean, as well once more of speakers of Somalian, Ethiopian, and other legacies of empire. It is conventional to describe the version of the language taught in schools and printed in most newspapers as "*lingua toscana in bocca romana*," the language of Tuscany in a Roman mouth, Roman accent.

If the states of Western Europe where the Herderian ideology was developed do not fit the mold of the mono-ethnic nation-state, it is, of course, hard to find it anywhere else. India, China, Nigeria—each has scores, sometimes hundreds, of languages and ethnic groups. The United States, where most people speak some sort of English, is not a place that could plausibly be described—*pace* Sam Huntington—as having a single national culture. Everything that is normally said to be American, from McDonald's to Hollywood to consumer capitalism, is found elsewhere as well, and is in any case not much appreciated by large numbers of Americans.

There are, no doubt, candidates for Herderian states. I will give you Japan, where ninety-nine percent of the population does identify as Japanese. There are more than one million people of Japanese descent in the Brazilian city of Sao Paolo, but they almost outnumber the non-Japanese legal residents who live among the 123 million Japanese living in Japan. I cannot forbear adding, however, that the script of Japan is Chinese, their largest religion is of Indian origin, and at Ethnologue.com there are fifteen Japanese languages, including Japanese sign language.¹⁴

By and large, people do not live in monocultural, mono-religious, monolingual nation-states and, by and large, they never have.

* * *

That national histories require a certain amount of blindness to reality is not, of course, news. The great French patriot and historian, Ernest Renan,

13. Arcaini.com, Map of the Modern Italian Dialects, <http://www.arcaini.com/ITALY/ItalianLanguage/MapModernDialects1.htm> (last visited Mar. 20, 2007).

14. Ethnologue.com, Languages of Japan, http://www.ethnologue.com/show_country.asp?name=JP (last visited Mar. 7, 2007).

wrote famously much more than a century ago in his great essay, *Qu'est ce que Nation?*: "Forgetting, I would even say historical error, is an essential element in the creation of a nation."¹⁵ We were talking about this earlier, the imagination of the past. "This is why the advance of historical studies is often a threat to the principle of nationality." Indeed, he went on, not entirely seriously, no doubt, to say that "the essence of a nation is that all the individuals have many things in common, but also that they have all forgotten a lot of things."¹⁶

What is fascinating, then, is that, despite this recognition, Renan's definition of the nation resonates eventually with Herder's picture:

A nation is a soul, a spiritual principle. Two things, to tell the truth, but really only one, make up this soul, this spiritual principle. One is in the past, the other is in the present. One is the common possession of a rich heritage of memories. The other is a present agreement, a desire to live together, the willingness to continue to value the heritage that one has received undivided. Gentlemen, man does not improvise. The nation, like the individual, is the culmination of a long past of efforts, sacrifices, and acts of devotion. The cult of ancestors is the most legitimate of all. The ancestors made us what we are. An heroic past, great men, glory—I mean real glory—that is the social capital on which the national idea is based.¹⁷

And yes, he really did say *le capital social*.

But national memory here, I have to insist again, is a metaphor. Nations do not remember; people do. The metaphor of a national memory has to be cashed out in terms of the stories that citizens tell one another about the nation, the tales they tell their children. These are produced from oral and literary traditions whose shape is the product of choices and decisions of exercises of power and acts of judgment and resistance—in short, of politics.

In giving this account of the nation, Renan refers back to the acts of the ancestors, their heroism, their sacrifice, and their glory, as well as forward

15. "L'oubli, et je dirai même l'erreur historique, sont un facteur essentiel de la création d'une nation, et c'est ainsi que le progrès des études historiques est souvent pour la nationalité un danger." Ernest Renan, *Qu'est-ce Qu'une Une Nation?*, Lecture at Sorbonne (Mar. 11, 1882), in *Qu'est-ce Qu'une Une Nation?* 18 (1996) (translations provided by the author).

16. "[L]'essence d'une nation est que tous les individus aient beaucoup de choses en commun, et aussi que tous aient oublié bien des choses." *Id.* at 20.

17. The original French reads,

Une nation est une âme, un principe spirituel. Deux choses qui, à vrai dire, n'en font qu'une, constituent cette âme, ce principe spirituel. L'une est dans le passé, l'autre dans le présent. L'une est la possession en commun d'un riche legs de souvenirs; l'autre est le consentement actuel, le désir de vivre ensemble, la volonté de continuer à faire valoir l'héritage qu'on a reçu indivis. L'homme, Messieurs, ne s'improvise pas. La nation, comme l'individu, est l'aboutissant d'un long passé d'efforts, de sacrifices et de dévouements. Le culte des ancêtres est de tous le plus légitime; les ancêtres nous ont faits ce que nous sommes. Un passé héroïque, des grands hommes, de la gloire (j'entends de la véritable), voilà le capital social sur lequel on assied une idée nationale.

Id. at 46.

to the projects that the current citizens have committed themselves to pursuing. The forward thrust is a crucial addition, grounded as it is, in his view, in a current empirical reality, the common consent of contemporary citizens.

But the backward-looking part of the story, the talk of memory and forgetting, risks suggesting that if we only remember to write and forgot nothing at all, all would be clear. National history is a question of what we choose to remember, not just in the sense of which facts we use for our public political purposes, but equally in the sense that we choose which facts actually count as ours.

In short, while nationality, for better or worse, has become an increasingly central feature of the identities of modern men and women, the content of nationality—its meaning for each citizen—is the result of cultural work, not a natural and preexisting commonality. The cosmopolitan finds in this story two reasons for skepticism about the project of global sovereignty, the dream of *kosmopolis*.

There are, first of all, historical anxieties. It took centuries of bloodshed to create the modern nation-state. The principle of *un roi, une foi, une loi* (one king, one faith, one law) underlay the French wars of religion which bloodied the four decades before the Edict of Nantes in 1598, in which Henri IV finally granted to the Protestants in his realm the right to practice their faith. The Enlightenment focused on *une foi* as the source of the problem, but it was also a question of the bringing of people under *une loi* that was causing the difficulty.

In the religious warfare in the British Isles, from the Bishops War of 1639 to the end of the English civil wars in 1651, perhaps as many as ten percent of the inhabitants of England, Scotland, Wales, and Ireland died in warfare or the disease and starvation that came in its aftermath. Here, too, we are too inclined to think of religion as the problem.

Nor did, of course, the bloodletting end with the Westphalian Settlement. From the massacres in the Vendée of 1794, which certainly murdered tens and may have killed hundreds of thousands of men, women, and children; to the American Civil War, with more than half a million military casualties alone; from the Armenian massacres to the Rwandan genocide—millions have died in attempts to homogenize nations and establish unitary sovereignties.

The standard response to these historical anxieties, of course, is to offer a new paradigm—the steady, peaceful evolution of the European Union. But the European Union is not evolving towards a nation-state with a single central sovereign. It is seeing, instead, the creation of a great network of diverse centers of law and authority—some super-national, many infra-national. It was European unity that made possible the creation of the Welsh and Scottish Parliaments and Catalan autonomy.

What the European Union shows is that the very idea of the unitary sovereign, one center with ultimate authority over every form of social

regulation, the idea whose diffusion was one of the products of the Westphalian Settlement, is an inessential feature of the rule of law.

Decomposing sovereignty, allowing ultimate authority to lie in many places, has been one of the great discoveries of modern times. Europe has borrowed the principle of subsidiarity, that authority should lie at the lowest competent level of the hierarchy of authorities, from Catholics.

I cannot forbear to add, since we are at Fordham, that in 1891, in the Encyclical *Rerum Novarum*, which many people say is the foundation of modern Catholic social teaching, Pope Leo XIII expressed the idea of the separate authority of different spheres in many ways, but here is one of them:

A family, no less than a State, is, as We have said, a true society, governed by an authority peculiar to itself, that is to say, by the authority of the father. Provided, therefore, the limits which are prescribed by the very purposes for which it exists be not transgressed, the family has at least equal rights with the State in the choice and pursuit of the things needful to its preservation and its just liberty.¹⁸

But the adoption of this idea within the European Union owes at least as much to the development of the idea of sphere sovereignty by the late-nineteenth-century Dutch prime minister and Calvinist theologian Abraham Kuyper, who resurrected the ideas of the seventeenth-century Calvinist Johannes Althusius, in whose *Politica* of 1614, as Daniel Elazar has written, he offered, as Elazar says,

the first book to present a comprehensive theory of federal republicanism rooted in a covenantal view of human society derived from, but not dependent on, a theological system. It presented a theory of polity-building based on the polity as a compound political association established by its citizens through their primary associations on the basis of consent rather than a reified state imposed by a ruler or an elite.¹⁹

Kuyper gave the Stone Lectures at Princeton in 1898, in which he argued, like Althusius, that

the family, the business, science, art and so forth are all social spheres, which do not owe their existence to the state. and which do not derive the law of their life from the superiority of the state, but obey a high authority within their own bosom; an authority which rules, by the grace of God, just as the sovereignty of the state does.²⁰

The twentieth-century practice of sphere sovereignty in Holland, which is an idea one of whose applications is American federalism, recommends

18. Pope Leo XIII, *Rerum Novarum* ¶ 13 (1891), available at http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html (last visited Feb. 28, 2007).

19. Daniel J. Elazar, *Forward* to Johannes Althusius, *Politica*, at xxxv (Frederick S. Carney ed. & trans., 1995).

20. Abraham Kuyper, *Calvinism and Politics*, in *Lectures on Calvinism*, The Stone Lectures of 1898, at 48, 55 (1931).

against the unitary sovereignties, the centralized states with authority over every sphere of life that inhabit a Westphalian imagination. The Peace of Westphalia granted religious freedom to princes and cities, not to individuals in general, which leads us on to the second reason for cosmopolitan skepticism about the unitary global sovereignty.

Earlier, I identified the respect for individuality at the heart of liberal cosmopolitanism. Subsidiarity and the recognition of the sovereignty of many separate spheres flow, not from the idea that sovereignty supercedes that of princes, but from a much simpler thought: If people are to manage their own lives, as the ideal of individuality says they should, they need the powers to do so; and the closer those powers are to people and to small communities of people, the greater control they have over the shaping of their lives.

Now, our own historical experience with subsidiarity, our constitutional federalism, should make us profoundly aware of the dangers here, of course. You can say, as the Tenth Amendment does, that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”²¹ But if you interpret that as giving to the states the very unitary sovereignty that you have denied the union, you will have missed the point. When, in the name of the rights of the states, one state or another seeks to deny the rights of its citizens or the equality of its citizenship, subsidiarity can be another name for despotism, as many of you will have thought when I quoted the Pope’s definition of subsidiarity, which addressed it only as a question about the authority of fathers.

So it is only a subsidiarity balanced by recognition of a plurality of spheres, a subsidiarity which unbundles sovereignty at all levels, that can be consistent with the respect for the dignity of persons that is the cosmopolitan’s alpha and omega.

The argument, I suppose, is a kind of global Madisonianism. James Madison, you will remember, claimed in *The Federalist* 47 that “[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”²² Though he defended a stronger central government than some of his opponents, he also knew that it was essential to distribute and to oppose centers of power.

The tripartite division of the functions of government, the separation of the three powers once united under the Crown, creates, as it were, three artificial factions to add to the many factions in society whose constant struggle against one another, through the divergence of interests and aims, would preserve all of us from the dangers of the accumulation of all powers in any place or position.

21. U.S. Const. amend. X.

22. *The Federalist* No. 47, at 313 (James Madison) (Edward Mead Earle ed., 1937).

I believe that the imperial presidency that has been crafted before our eyes—and is not, alas, only the project of the party currently in power—threatens to create exactly the kind of monopoly of powers that Madison in the Constitutional Convention, and later in office, wisely sought to avoid. If that concentration of power threatens human freedom in a nation with liberal democratic traditions, it would surely do so, a fortiori, if its imperium were not just one-twentieth of humanity on one-tenth of the habitable earth but the whole of the planet.

Social life is hard, for reasons Thomas Hobbes knew. We compete for resources, only some of which, like health and economic wealth, can be increased by working together. Status, which Hobbes called the desire for “glory,”²³ is intrinsically a constant-sum game and trust is hard to build. So there are always reasons for us to get in each other’s way.

And as Hobbes also argued, our rough equality of individual powers gives us a powerful incentive to work together. But Hobbes had the wrong solution. Handing all the power to the leviathan risks the subordination of almost everyone. Our world is, in fact, in form if not in substance, not Hobbes’s world, but the world Althusius hoped for, a world of complex, overlapping sovereignties.

The shared authority of parents within the family, the powers of the Inter-American Court of Human Rights, the regulations of the International Accounting Standards Board enforced by the administrative law of many nations, the rulings of the International Lawn Tennis Association, the papal Magisterium within the Catholic community—each of these is rightly respectful of the domains of the others.

When a national or an international authority invades those domains, it needs a powerful reason. There is no need for the laws of tennis to be appealable to the United States Supreme Court, or for that matter to The Hague. Nor is there a need to have some ultimate authority above all the other authorities. In general, the world works just fine without one.

The idea that every dispute between authorities must have some procedure that settles it, the notion that we need a global rule of recognition that gives force to and ranks every valid norm, is one you can hold on to only by staying out of law school.

A politics that respects individuality, tries to give people as much control over their own lives as is consistent with ensuring that they do not derail the lives of others—cosmopolitanism, as I conceive it, pays individuality that respect.

The citizen of the world wants, as we all do, to make her own life. She wants to do it, as many do not, enriched by the experiences of peoples who are not at all like herself. But she also wants others to be free to make their own lives by their own lights, because their lights may be brighter, or at any rate brighter for them; but also, just because a good life is, among other

23. Thomas Hobbes, *Leviathan* 185 (C. B. Macpherson ed., Penguin Books 1981) (1651).

things no doubt, one lived by your own lights. She wants, too, to contribute to making sure, not just that everyone has the negative liberties that this entails, but also a fair share of the world's resources. Difference, then, but also universality—everybody matters.

Having lived myself since 1989 in an increasingly unipolar world with the force fields of power radiating out from 1600 Pennsylvania Avenue, my conviction that Diogenes was right, that we can be cosmopolitans but oppose *kosmopolis*, is confirmed every day.

Notes & Observations