Book Discussion

Can Statism Help?

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Can statism help with burning issues of the present time? The authors in the collection mostly answer affirmatively; in their view states can successfully deal with their cosmopolitan responsibilities. In the discussion, we question this optimistic assumption, and suggest the need for a more supra-statist, cosmopolitan arrangement for solving the issues.

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The volume is a challenging endeavour in political philosophy. Talking about it the editors write: "By seeking to bring the state explicitly back into the cosmopolitan discourse, it helps advance enquiry into whether and how the state may be an agent of, rather than an obstacle to, cosmopolitanism" (5). Further, "(…) this book seeks to investigate the possibility that states can become bearers of cosmopolitan responsibilities while also remaining vehicles for popular self-determination within persisting, and at times counteracting, conditions of global pluralism" (5). For historical sources the editors, Garrett Wallace Brown and Samuel Jarvis, appeal to a reading of Kant

> As Kant suggests, a cosmopolitan matrix might develop from 'one powerful and enlightened nation…a republic' and that this could 'provide a focal point for federal association among other states' (Kant 1970: 104). (…) According to Kant, the motivation for joining any alliance is not determined by the 'motivations of morality', but motivated on the empirical and political realities embedded within global relations (Kant 1970: 114). (205)

The volume consists of Part I "The Responsibility to Protect as a Cosmopolitan Doctrine", Part II "Cosmopolitan Responsibility and The Legal Practice of Extraterritorial Jurisdiction", Part III "Global Issues and Responsibility Beyond the State," and the Part IV "Cosmopolitan

Republicanism." Most papers are in line with the mainstream pro-statist intention, with the exception of a few written by well-known cosmopolitans, like Luis Cabrera and David Held with which we mostly agree; we shall here focus on the mainstream papers.

Can the proposed model of independent states with some mutual interaction, but without a strong supra-state apparatus, call it "the intergovernmental model of democratic states", deal with burning crises of contemporary world, in the first line the refugee crises, and distant conflicts that have been provoking it?[1] Can its real-life incarnation protect distant people in need of protection? This is the guiding question of the present book, mostly centred upon the need to protect often distant threatened people; the first part bears the corresponding title „The Responsibility to Protect as a Cosmopolitan Doctrine," various parts and chapters reply to different sub-question. Some of these stem from global problems, like climate change (ch. 9) or health problems (ch. 10), others from specific principles governing the democratic states (the whole Part IV is dedicated to cosmopolitan republicanism). Some papers, in fact majority of them, promote a statist model, and a minority makes steps towards more cosmopolitan alternatives.

In this review, we shall stress the guiding question, and then briefly look at two additional issues, the climate change and the problem of global health. Let us then start with the paper dedicated explicitly to the crisis governing the recent political situation, Michael W. Doyle's "Global Refugee Crisis". Doyle proposes that what is required is "to reform existing global structures in order to create alternative governance pathways" (94). The pathways should reflect first 'culpability' for causing the harm, i.e. chasing away the population; he mentions examples like Daesh and Nusra. Second, it should reckon realistically with 'capability' of the candidate host countries to provide assistance, which should be, as he puts it "at least proportionate to national cost" (94).

Now, Doyle's brief proposal for how to accomplish the first task is really minimalistic. He mentions "referral" and then notes that "the UN Security Council would be justified in seizing the overseas financial assets of the Syrian state and any terrorist group with seizable assets" and using them to pay for the support of refugees on the Syrian border (92). Sounds at least minimally optimistic, but the reader learns immediately the crucial piece of information: all this would be politically very difficult "to apply in many crises" (92). Why this proposal counts as a realistic one is completely unclear to me.

Note that the wider framework of Doyle's reflection is the appeal to the "responsibility to protect" (as formulated throughout the book); the activity in question should address the causes of the refugee influx, and thus prevent future crisis of the same sort. If what Doyle is offering is all that the statist line has to offer, and we have good reasons to

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[1] I am borrowing the term "the intergovernmental model of democratic states" from Michael Zürn (2018: ch. 9, passim).

assume that it is the case, it would be rational to abandon it, I would think!

Consider now the capability considerations, as presented by Doyle. He starts by reminding us of the preamble to the 1951 Refugee Convention suggesting solidarity and international cooperation. Then he reminds the reader that the application of the Convention proposal has ended with a "collapse in the EU"; he concludes that we need more modest proposals. Under the first one, countries of potential resettlement would commit to pledging the share of the identified need they will cover; under the second, "countries could make their family, labour and student visas more readily available to refugees, by giving priority to refugees and forced migrants" (94) or do something of the kind to alleviate their situation. And this very hypothetical proposal is all he offers at the side of political institution. Another way is "mobilizing the private sector" for measures like private sponsorship of refugee resettlement and the like. And this is all! No positive institutional story, and some privately organized *ad hoc* cures for the burning problems!

To conclude, let me quote Doyle's excellent diagnosis of the problem, from the beginning of the chapter.

> The current problems facing the international refugee system are deeply rooted in the dual principles of national sovereignty and universal human rights embedded in the post-Second World War global regime. The 1948 Universal Declaration of Human Rights affirms that everyone has a right to leave a country. Yet the principle of national sovereignty holds that no one has a right to enter another country without its sovereign permission. (88)

I agree about the roots of the problem, and I think it speaks against principles of natural sovereignty in favour of a more cosmopolitan arrangement. Let me stress that Doyle is one of the most competent and intelligent defenders of the *status quo* statist approach. If this is the most that can be said from the statist viewpoint, it tells a lot against the viewpoint!

The discussion of refugee crisis leads naturally to the issue of its distant causes, and prominently of violence and warfare in relatively distant regions that force people to migrate. The issue is discussed in the book relatively independently from the context of crisis; as we said it goes under the name of "The Responsibility to Protect", shortened to "R2P"; the first part of the book is specifically dedicated to it.

The first paper of the first part, by Alex J. Bellamy and Blagovesta Tacheva, entitled "R2P and the Emergence of Responsibilities Across Borders" is only partly in the spirit of the book as the whole. It does suggest, in a modest fashion that "R2P is primarily a responsibility to consider taking action to protect populations from genocide and mass atrocities—a 'responsibility to try'" (35). But when it comes to the signification of this responsibility, it turns to David Held as a guide, and Held is, of course, much less statist and more firmly cosmopolitan. Following him, our authors suggest that "although the recognition of the principle is an important and necessary first step, it should, in further

development "materialize" into a "fully-fledged cosmopolitan responsibility" (35). But for Held, such fully-fledged responsibility leads to a Global Covenant, as the title of his (2004) book suggests; and the Covenant proposes a supra-nationally controlled loose federation, very far from the statist model favored by the mainstream of the book. (We shall skip here Held's contribution to the volume, entitled "Cosmopolitanism in the Face of Gridlock in Global Governance" with which we very much agree, but which lies completely outside the mainstream project of the book).

This brings us to the last two papers of the first part, both strictly in the mainstream line. Let me start with Toni Erskine's "Coalitions of the Willing and the Shared Responsibility to Protect". As the title suggests, she proposes informal 'coalitions of the willing' as a means for discharging the obligation, and characterize them as "*ad hoc* associations". We can agree with her that states have a moral duty to establish such association. However, it is incredible that *ad hoc* voluntary associations could be the main guarantee of protection of human rights of the world population! What if we face, like we do these days, a very wide coalition of the *unwilling*, blocking informal, ad hoc attempts to the contrary? Even if we assume states to be more hospitable than they are these days, in line with authors like Kant and Seyla Benhabib, is there any force in such a system that would force, or almost force them to enter such *ad hoc* coalitions?

Things look similarly with the remaining paper in the first part, Derek Edyvane's and James Souter's "Good International Citizenship and Cosmopolitan Responsibilities to Protect".

> At its best, the ritual of parliamentary debate may also serve the function of acknowledging, containing, and communicating conflict. (…). The ritual here, of rival perspectives passionately voiced across the aisle (and on either side of it) in lengthy debate leading to a vote is of tremendous symbolic importance. But its significance is not purely symbolic. (…) the adversarial institutional framework serves both as 'an essential obstacle against the happy acceptance of the intolerable', and as the 'correct reaction' to cases of deep, and possibly ineliminable, conflict. (54)

> Specifically, we have suggested that the integrity of the good international citizen, and its commitment to cosmopolitan ideals such as R2P, is preserved by habits of reluctance and caution, its unwavering commitment to adversarial institutional frameworks, as well as by practices of reparation. So doing offers to drive a wedge, albeit a fragile one, between moral conflict and tragedy (57)

Can we really accept as a political norm a system that offers merely a "fragile wedge" between moral conflict and tragedy? In Srebrenica, a fragile wedge between the two was provided by UNPROFOR's 370 Dutchbat soldiers, and the world has learned not to trust such weak wedges. We may conclude that the upshot of the papers meant to defend the ability of a statist system to ensure rights of distant people is quite dissatisfying. However, the last part of the book offers an at-

tempt in the same direction, the difference being that it starts from a "republican" model of states offering the protection of rights and the rest of R2P repertoire.

Some papers discuss the differences between republican perspective and the alternatives (mostly classical liberal ones), stressing non-domination as the main virtue of republicanism, but without saying much about specifically cosmopolitan aspects of it. Thus, we shall skip them, and concentrate upon those that propose clear republican constraints on global actions, in particular the ones geared to responsible protection.

In her contribution entitled "The Cosmopolitan Responsibilities of Republican States" Miriam Ronzoni stresses the republican principle of non-domination, her statement most relevant for the present context, concerns republican constraints on humanitarian intervention. She notes that such interventions are heavily constrained in relation to conditions, justifying reasons and kinds of acts of war permitted. And then she adds, as the republican comment, that that "if any kind of forceful intervention entails some domination, this is always a pro-tanto evil from a republican perspective" and that "if domination can be minimized, it should" (327).

The second claim seems almost trivial: of course, if you can help the victims in a less domineering way, it would be a good thing to do. The weight of the first depends on how we read the "pro-tanto" formulation. The usual reading would take "pro-tanto" to ascribe some badness to the act in question. But take the simple analogy. Suppose John saves Jane from a serious rapist attacker by hitting him hard, and a commentator, call her Miriam, claims that the saving act was bad in a certain aspect, "pro-tanto". Commonsensically viewed, Miriam is just wrong; the act is simply not bad. A philosopher might defend Miriam by saying that "pro-tanto bad" here means just that it would have been better if there had been no need to defend the person in question, and no attack at all. True but trivial; it does not make the act of saving Jane bad in any way. The same holds for Ronzoni's view of the pro-tanto badness of a humanitarian intervention. Suppose, the attacker country A is performing genocide on members of the victim country V; the rescuer country or coalition R intervenes, and by intervening forcefully breaks the will of A leaders, thus dominating it, and saves the people of V. If Ronzoni claims that therefore the rescuer action has been bad "in some respect" she is wrong. The only badness that can be located around consist in the fact that it was bad that help was needed, like in our rapist story. But this is trivial and irrelevant for judging the act of the rescuer. (Another meaning of pro-tanto, namely *prima facie*, or defeasibly, is not relevant here: if the act is merely prima facie bad, but is in fact not bad at all, since the potential badness is defeated in the particular case, there is no disagreement about intervention. Take the example of driving through red light in order to save someone's life, as

Smiljana Gantner reminded me. Here, the possible badness is defeated by circumstances, and there is nothing bad about the action itself. Ronzoni's claim that the issues of this kind are "extremely tricky" (327) cannot hold for the reasons she is offering

An additional worry for Ronzoni comes from the following question: suppose the act that broke the will of the attackers, thus dominating them, is performed by the victims and it was dominating in minimal amount needed to save the victims. Would the act be in any respect bad? I can't see that it would.

Steven Slaughter's "Republican Citizens and Political Responsibility in a Globalizing World" discusses the ways in which political agents could "develop responsive governance beyond the state". He lists several options. "The first and most fundamental way is to pragmatically augment the virtues that inform republican citizenship" (313). His line seems to be individuals' focus. It stresses the need of presenting "cosmopolitanism as a personal virtue that informs the ways that citizens conceive of politics and direct the state" (314) reciprocal concern for all human beings as necessary to realize liberty in a highly interdependent world (see Turner 2002). Also, one should extend the range of reflective deliberation about political discourse and policies so as to encompass radical and dramatic changes like the global ecological ones.

Next, he prompts us to "rethink what contestation means within contestatory democracy to ensure that there are opportunities for deliberation between republican citizens and formal International Governmental Organizations (IGOs) set up by states. Finally, along the same lines, he notes that republican citizens should have critical respect for transnational activism and the resulting deliberations in transnational civil society. All this would help to "extend political responsibility and responsive governance beyond the state without developing a global political community or a cosmopolitan form of democracy" (316). When one looks at his 2015 book (co-authored with Daniel Bray) one wonders at how modest his new republican requirements are.

In short, the republican perspective, for all its other potential merits, seems not to offer any additional arguments for the view that a statist global arrangement can fulfil trans-national moral obligations in a stable and reliable way.

Let us now briefly move to other issues. The two that receive detailed treatment are climate change (in the chapter "Climate Change and Cosmopolitan Responsibilities" written by Helga Haflidadottir and Anthony F. Lang, Jr) and global health (addressed in Garrett Wallace Brown and Samuel Jarvis "Motivating Cosmopolitanism and the Responsibility for the Health of Others").

Haflidadottir and Lang acknowledge that things are not very rosy when it comes to the behavior of great powers in relation to climate change; they remind us that the main international document on the issue, The Paris Accord can be interpreted as a weakening of state re-

sponsibility "because it provides space for states to create their own emissions targets" (185). However, they offer an optimistic perspective on the development, claiming that "progress has happened within international legal and institutional frameworks, and that this progress is led by states" (185) A great deal of progress is due to NGOs, but some is due to activist states, and this last point is the main source of optimism. Small activist states, like Peru and Fiji lead some activism in the direction of a more just distribution of responsibilities. They conclude optimistically: "We look to progress in international law and international organizations, the realm of states, to suggest that states can and do fulfil responsibilities in regards to climate change" (199).

A more pessimistically disposed reader might wonder whether the morals of the factual story are not really opposite to what Haflidadottir and Lang propose. If the most powerful statist actors do not respect the principle of shared responsibility,[2] which is, on the contrary, promoted by non-state agencies, by supra-state organization like EU and respected by some small activist states, doesn't this point in the direction of radical non-sufficiency of the state system, and to the need for supra-statist agencies that could make the principal actors respect the principle?

Consider now the chapter by Garrett Wallace Brown and Samuel Jarvis "Motivating Cosmopolitanism and the Responsibility for the Health of Others". It comprises two parts; the first is completely general, and presents authors' contribution to the general project of the book, and the second is specifically about issues of health. The centrepiece of the first part is the idea of "transitional cosmopolitanism", characterized as a position "which sits somewhere between motivated state communal self-interest and iterative advancement towards a potential cosmopolitan condition." (214). Such cosmopolitanism would unite global cosmopolitan interests and "the self-motivated security interests of states" (214) It would rest on an "iterative foundation"; each stage S_i arrived at in a given time t_i by means M would be re-submitted to M, in order to produce the next stage S_{i+1} at the later time t_{i+1} (the shorthand is mine. Finally, "the motivation for political action promotes, in some form, a wider recognition of a common human condition that requires moral and/or political coordination and mutual responsibilities", condition "from which a form of potential cosmopolitics emerges". (214) In particular cases we need not appeal to interests of "humanity" as a whole; what is important is that the particular iterative process does enter the cosmopolitan transition.

A problem that arises at this juncture derives from the fact that the authors tell the reader nothing about the "potential cosmopolitan condition" to which the proposed stages form the transition. If the reader

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[2] The authors refer to "The principle of Common but Differentiated Responsibilities and Respective Capabilities" as the valid principle that should govern the behavior of states.

consults writings by Brown (2005) and (2009) she will find out that he proposes a relatively firm kind of Kantian "world federation", a system of states with a strong cosmopolitan control: "states would have to bind themselves to additional procedures of global interdependence and to the final outcomes of a mutually agreed governance process" (2005: 518).

The second part, on global health, offers an interpretation of global health-related international documents from the perspective of transitional cosmopolitanism. Brown and Jarvis finely document the importance of the ideal of universal health coverage (UHC) contained within the Sustainable Development Goals (SDG), and adopted by World Bank in 2016. And they point out the connection to cosmopolitanism: "At least in spirit, the language of SDG 3.8 clearly captures movement towards the cosmopolitan ideals of universal care and equitable burden sharing in the distribution of health services" (218). The measures proposed, they claim, thus "meet the conditions of transitional cosmopolitanism" (218).

Let me finally mention several papers which argue that countries should use extraterritorial laws to control *the behavior of their own citizens* when abroad. For instance, Melissa Curley in her "Exporting Harmful People" notes:

> This chapter argues that Australia's use of extraterritorial law in relation to child sex tourism (CST) illustrates and supports Linklater's thesis that, for some states, globalization has concurrently led to an expanded sense of responsibility for transborder harms (Linklater 2011). The chapter demonstrates that states can incorporate cosmopolitan harm conventions into domestic legislation that serves to punish and restrict the travel of 'harmful people'—that is, those that have been convicted of sexual offences against children and are deemed likely to reoffend. (120)

I find the cosmopolitan consequences of this reasonable proposal truly minimalistic. Other papers along the same line encompass the ones by Richard Shapcott ("Cosmopolitan Extraterritoriality"), Danielle Ireland-Piper, and Andrew Linklater. We shall skip them here, with apologies.

Finally, let me say a few words about a paper that is beyond the mainstream, David Held's "Cosmopolitanism in the Face of Gridlock in Global Governance". It offers a diagnosis of the present-day problems, and a proposal of a possible pathway out of it. He starts by asserting that "global political theory (…) has reached a cosmopolitan plateau (244); cosmopolitanism is one of the main topics and standpoints in it. But we are "at a crossroads." One road leads to the rise of nationalism and authoritarianism, while another leads to a more cosmopolitan future (he compares the present situation with the one in 1930s). In his opinion, there are four reasons for this "gridlock" as he calls it: rising multipolarity, institutional inertia, harder problems, and institutional fragmentation. Each pathway can be thought of as a growing trend that embodies a specific mix of causal mechanisms. The core multilat-

eral institutions created seventy years ago, for example, the UN Security Council, have proven difficult to change (institutional inertia.) The problems on a global scale "have grown more complex, penetrating deep into domestic policies and are often extremely difficult to resolve" (250). Finally, "in many areas international institutions have proliferated with overlapping and contradictory mandates, creating a confusing fragmentation of authority" (250). I find his diagnosis very persuasive.

He proposes five possible pathways to change. First, civil society coalitions with reformist governments, second international organizations "more autonomous and adaptive", third "plurality and diversity of actors and agencies around common goals and norms" (254), fourth, possible positive consequences of "threats to major powers' core interests", and fifth, "innovative leadership as a reaction to gridlock".

To return to the mainstream papers in the book and conclude on a positive side, let me note that the papers stem from well-known authors, who really did their best to promote an up-to-date statist approach, with global ambitions. They throw interesting light on crucial problems of contemporary world, from the protection of fundamental human rights to the issues of climate change and health; it is a pity that they do not address the issues of poverty and unjust distribution in general. They suggest how far the statist international system could go in promoting cosmopolitan goals, and present an interesting challenge to the defenders of non-statist cosmopolitan alternatives geared to the realization of the same or similar goals.

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