Abstract

This lecture is structured like a Hegelian triade. The initial thesis states the fundamental equality of all human beings, which is the core of the human rights philosophy. The antithesis acknowledges the fact of the nation-state which is a serious obstacle to the full implementation of human rights because of its intrinsic exclusive nature. The synthesis sketches a reconciliation of the two first thesis by introducing the concept of regional integration, typically the European Union, as a framework of an inchoate cosmopolitan order which would respect both human rights and national sovereignties.

Reference


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Human Rights as a Charter of a Cosmopolitan Political Order

Introduction

Many obstacles to the full implementation of human rights remain in today’s world. Although we cannot deny that very substantial progress have been made, especially in the European area, some heavy obstacles to their realization are still on the road. And one of the most important obstacles I’ll deal with in this paper is the national structure of the political community. This national structure is fundamentally ambiguous: first of all it has been the social space and the institutional device of our modern view of politics, the place where power and wealth have been created and concentrated, where people could integrate in a consistent social entity. In this respect the national structure has been a very attractive and fruitful feature of the polity, and has been world widely adopted. But it has also been the place of exclusion of nearly all those who do not belong to that national space. And this latter feature is highly problematic in our present world where information about every event is so easily available, where people are so mobile, where migrations are so intense and so vital for millions of individuals and their families.

When we speak about the implementation of human rights we are facing two orders of problems: the first one has to do with their implementation inside a nation state. Problems such as freedom of movement, of speech, of belief, of political activities, of choosing one’s own way of life (for instance, the free choice of the spouse or the number of children a couple wants to have), etc, all these basic rights, and many others, have to be conquered by a political struggle...
inside the nation-state, a struggle which is far from easy and far from achieved. But the problem I am addressing to in this paper is not this one: it is actually how to face the other, the person who does not belong to the national space because he lives in another place of the earth (the person Onora O’Neill calls the distant stranger) or because he comes from abroad but dwells at the interface between inside and outside.¹ A refugee, a migrant worker, a person without legal papers – a clandestine – are typical figures of those men and women situated at the interface of inside and outside. As Hannah Arendt has noticed long ago, for them, for these people situated at the interface, human rights are not very helpful because they are deprived of the very basic human right, namely the belonging to a political community. This right to belong to a political community is a sort of meta-right, the right to have rights.² A cosmopolitan order is a legal and political order of societies where nobody could be excluded, where the very notion of “stranger”, “foreigner” or “outsider” would become obsolete.

To analyze this problem with some depth and consistency I’ll use a sort of Hegelian method. First I’ll deal with the abstract and philosophical view of human beings as fundamentally equal, and that will be the basic thesis in an argument which strongly pleads for a cosmopolitan political order. Then I’ll present the antithesis, where the national structure is in a way justified although it is an important cause of exclusion and hence of inequality which contradicts the thesis. Finally I’ll try to operate a reconciliation of the two previous points of view and to offer a synthesis which also should open to practical and operational perspectives.

² Arendt H. (1951), Imperialism, New York, Harcourt, Brace and World, chap. V.
Thesis: the basic equality of all human beings

A cosmopolitan political order is a political order where every person on earth is really the equal of every other person and is the object of equal dignity. As David Held puts it: “...I understand it [the cosmopolitan law] more broadly as the appropriate mode of representing the equal moral standing of all human beings, and their entitlement to equal liberty and to forms of governance founded on deliberation and consent”.

In other words, it is a world political order where human rights and democracy have a full legal and political reality. This view may appear at first sight completely utopian or, to speak in Kantian words (since Kant was very much concerned by what can seem to be a gap between theory and praxis), it may appear as a pure and abstract theory which proves to be unable to be translated into reality and practice.

Our first task is to specify the meaning of the concept of equality between all human people. As a matter of fact, the sentence ‘all human beings are fundamentally equal’ is by no means true at the empirical level. If we open our eyes, if we take a correct and realistic assessment of the state of the world we live in, this sentence is obviously false and misleading. We see rich and poor people, dominated and dominators, men and women with unequal social status, healthy and ill, etc. Theory seems to be completely at odds with reality. However, it is empirical reality which is wrong in this matter and theory which is correct. This curious situation is quite often the fate of normative propositions. It is true that there are, at the empirical level, rich and poor people. From the financial point of view there is actual inequality. But it is not a fundamental inequality even if it is one of great practical importance in real life. I raise the following question: is it necessary to be rich to be a human being? or is it


4 Kant, I. (1793), On the Common Saying : ‘This May Be True in Theory, But it Does Not Apply in Practice’.
necessary to be poor to be a human being? Is it necessary to be a male to be a
human being? or to be a woman? or to be a catholic or a Muslim or a Jew? To
all these questions, the answer must be a resolute no, it is not necessary. What
constitutes us as human beings is situated beyond what Aristotle named
“accidents”, namely non essential qualities such as wealth, color of the skin,
gender, age, religion and so on; all these attributes are intrinsically contingent
attributes and are therefore qualities which do not belong to our essence, to our
real nature. Theory aims at looking at the essence of things (i.e. what things are
and cannot be else without being something else) and at this level, all human
beings are equal, i.e. are human beings.5 If you do not want that a human being
is your equal, you have to construct a new type of beings. And that what has
been done in recent history. For instance the Nazis had to coin a new concept
(Untermensch- underhuman being) in order to expel Jews from humanity. And
then, when you have decided that Jews do not belong to humanity, that they are
no longer fully human, you can kill them much more easily. In this respect, I
think that the Nietzschean concept of superman (Übermensch) is an extremely
dangerous one, because if you can imagine an ontological type like ‘superman’
(Übermensch), you can also imagine an ontological category as ‘underman’
(Untermensch). At this point, equality between human beings is completely
destroyed. Far more, it is the very root of humanism and civilization which
collapses.
To state that all human beings are basically (i.e. essentially) equal is not only a
belief, religious or metaphysical, it is also, in my view, a rational truth (as
opposed to an empirical one). In one way the sentence ‘all human beings are
equal’ is a tautology as it simply means that all human beings are merely human
beings. If you are equal to me, it means that we share the same basic features,
i.e. the features which make us human beings.

5 The Aristotelian language of essence and accidents may seem old fashioned and obsolete. We could express
the same ideas using Saul Kripke’s language of rigid designators. Cf. Kripke S. (1980), Naming and Necessity,
Cambridge, Mass.: Harvard University Press.
I would like to argue further that the burden of the proof that some human beings are more human (or less human) than others rests on the person who puts into question the basic premise of equality. For instance if somebody tells me ‘black people are not as human as white people’, ‘they are inferior people’, the burden of the proof consists in demonstrating in a convincing way that some people do not share basic (i.e. essential) features with the other human beings. Basically, liberalism and modern political theory consider that all human beings are equal. Modernity is largely based on this assumption. Political institutions (at least in modern democracies Western style) are designed in such a way that people can exercise their basic political rights on an equalitarian basis. The axiomatic of the democratic process rests on the famous maxim, one man, one vote. This maxim is, using a famous wording, blind to differences which means that it does not confer the slightest significance, at a certain level, to be either a man or a woman, to be rich or poor, to be catholic or Jew or else. Citizenship, in a modern (i.e. liberal and democratic) national state does not, or at least should not, take into account these “accidental” qualities and differences.

You probably know and remember this famous words Saint Paul had in his Epistle to Galatians (3,28): “There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for you are all one in Christ Jesus”. If one disregards the religious allusion to Jesus Christ, this sentence is a sort of liberal manifesto. It can ironically be said that Saint Paul was the first liberal who very consciously was blind to differences to the extent he saw the ontological community of all individuals on earth.

This reminder of a leitmotif of religious thinking is, in my opinion, very significant: it means that a religion with universalistic perspectives eventually opened a way to complete equality between human beings, beyond the accidental differences. All Christians (but everyone on earth is called to be a Christian) enjoy basic equality. The same could be said concerning Islam: the dar al Islam (the house, or the home of Islam) is a social space of equalitarian
relationship between people provided they are converted to Muslim religion. These universal religions sketched out initial approximations of a cosmopolitan order.

A beginning of concrete and historical implementation of a cosmopolitan order began to take place with Christianity (the medieval Christendom has perhaps been a sort of foreshadowing of a universalistic political space). Anyway it ultimately failed in both cases of Christianity and Islam. And it failed because of the division of the world between rival religions and because of the rising national fact. Modern nations removed many contingent features of humanity like gender, religion or wealth to the background; but what remains as essential at the political level, is everyone’s belonging to a particular nation-state.

Let’s come back to the abstract level of the thesis and its implications. If it is true that in theory all human beings on earth are equal, it should have far reaching consequences at the moral and political levels. Immanuel Kant, known as a theoretician of a cosmopolitan legal and political order, perfectly saw one of these implications:

“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. The idea of a cosmopolitan right is therefore not fantastic and overstrained; it is necessary complement to the unwritten code of political and international right, transforming it into a universal right of humanity.”

Kant states that people are involved in a process of enlarging their moral consciousness to what happens in the whole world and of suffering from evil committed anywhere on earth. Everybody must be wounded by evil performed in any other place. The world briefly depicted by Kant is an integrally connected world by virtue and by power of the law and moral consciousness. That is why

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Kant was strongly opposed to colonial practices as he states it in the same third definitive article of *Perpetual Peace*.

It is fair to say that beside this insight of an integrated and fully connected world, Kant was rather timid at the institutional level: he was convinced that States should be and remain the basic structure of international society. So one of the main features of the modern organization of world society is the fact that it is a divided international society and this entails that the basic conceptual structure *national / foreigner* is maintained. According to Kant, the foreigner, in these circumstances, has only a right of *resort*, and a right “not to be treated with hostility”.\(^7\)

In this loose version of political and legal cosmopolitanism the basic structure dividing the world into two categories (national / foreigner) is maintained. Present organization of the international community is built on this scheme. As we can easily observe the structure of the United Nations Organization follows these Kantian principles.

The structuring and the splitting of international society into nearly two hundred nation-states (191 States are UNO members) is one of the main remaining obstacles to the full implementation of human rights. Only when a real cosmopolitan legal and political world order will take place, human rights could be really respected and could find their full implementation. The principle of nationality is the ultimate barrier or the ultimate separation fence which makes our present political order very far from fully humane and liberal.

What would be a more consistent cosmopolitan legal and political order look like? If the Kantian scheme can be qualified as loose and timid, what would be a not timid one, a bold one? One possibility is the fancy of a world where strictly everyone has the same rights as every other person in every place. One may, in this logic, imagine a full liberty of movement of everyone, a full freedom of settlement for everybody everywhere with no political community

\(^7\) Ibid.
enjoying any sovereignty. It entails in particular that there would be worldwide free migration movements and a single global world labor market. It would be a world without borders and without control. Such a view of cosmopolitanism would lead us closer to libertarianism, or anarchism, than to an authentic political order. I don’t really think that it is the correct solution to our present problems neither a safe way to cosmopolitanism.

We have to investigate with great accuracy the difficulties involved in a theory stating that everybody has exactly the same rights as everybody else. A first meaning is that everybody has the same duties towards everyone in the world. In the case, for instance, of the suffering of African populations in Darfur, it implies that these sufferings should be as unbearable as if it were our fellow countrymen who suffer; we have a duty to intervene, a duty of intervention. If, as Kant has put it, “a violation of rights in one part of the world is felt everywhere”, then the whole world is the theater of human rights commitment, human rights intervention conceived as an internal police intervention. That is real cosmopolitanism in a very strong sense.

This scenario also implies that a supranational body, or a world government, would actually exist and would have the capacity to enforce political decisions of humanitarian interventions, and would be able to organize the entire world as a unique and unified labor market. The Security Council is a sketch of such a body.

To the extent the nation-states have borders, i.e. a real separation between inside and outside, they exclude all people except their own nationals (and the few foreign people they discretionarily choose) from the benefits of being citizens of their own polities. They exclude them from numerous advantages linked to the status of citizens: for example from the labor market; from the right of residency; they exclude them from the benefit of receiving welfare advantages. Because nations are spaces of solidarity, they are, by the same conceptual move, spaces of exclusion of this solidarity. If I am a Zimbabwe national, I am
excluded from the benefits of Swiss, or Italian, or any other country’s political, economic and social system. It is \textit{per se} not a tragedy if a Zimbabwe national has no benefits of Swiss or Italian citizenship. It is not a tragedy if one condition is respected: that the Zimbabwe State provides the basic benefits of protection, of welfare, of dignity which can be expected from a normal State. The huge problem of our time is the complete failure of many States to meet these basic requirements. And this failure induces the fact that many people native of these crumbling political entities are fleeing far away from them in a desperate search for a place where they can live decently.

Nowadays, mass media give us a strong view of an interconnected world. It is no more possible to ignore what is happening in the world. The media images bring with them an extremely powerful emotional energy which enables social and political agents to activate mobilization in favor of victims. When Kant said that if law is despised in a part of the world it is felt everywhere, it is much more accurate, at the beginning of the 21\textsuperscript{st} century than it was the case at the end of the eighteenth century. And this increase in relevance is largely due to media and communication effects. In sum, the dramatic failure of many States to maintain protection and dignity of their citizens and the growing awareness we have of these failures feed the advent of cosmopolitanism and make its realization more urgent and more likely.

\textbf{II. Antithesis : Fact and validity of the national state}

The reality of the national State is a massive historical fact which must not be underestimated. For a certain number of reasons (anthropological, sociological, moral) mankind evolved from small groups, or small territories to bigger ones. The problem of the size of the polity – the size of the political community – has always been an important problem in political philosophy and political science. Let’s remember Aristotle \textit{Politics}: the territory of the \textit{polis}, of the \textit{civitas}, the
city, should be taken entirely at a glance. From the center of the polity, one should be able to see simultaneously all the borders of the territory. And people of the political community should all know each other.\footnote{Aristotle, \textit{Politics}, Book VII, chap. IV.} Montesquieu, in \textit{L’esprit des Lois} said that it is in the nature of a republic to have a small territory.\footnote{Montesquieu, \textit{L’esprit des lois}, Book VIII, chap.XVI.} Rousseau did not say something different: in the \textit{Social Contract} he stated that democracy should have a small size, a territory where the people could easily gather.\footnote{Rousseau, \textit{Le contrat social}, (Book III, chap. IV).} He made a clear allusion to the antique Swiss model of direct democracy. It is with the American Founding Fathers that a complete shift took place. James Madison, in particular, passionately advocated the advantages of huge populations and huge territories.\footnote{James Madison in the \textit{Federalist Papers} no 10 and no 14.}

The origin of social life was tribal and solidarities were organized at a tribal level. Then the boundaries of the polity extended to the city, and then to ever broader territories where political power became more centralized. In modern times the nation-state was born out of the marriage of the centralized State with ethnic features. The nation-state, certainly one of the most powerful tool to organize people at the political level (as the firm is one of the most powerful tool to organize people at the economic level), basically relies on the existence of borders, of frontiers. These borders introduce a strong separation between inside and outside; between who is included and who is excluded. In this way, the nation-state gives a precise definition of who will benefit from the advantages of belonging to the State and of who will be excluded. The national State has therefore the ability, owing to its borders, to control its population through the distribution of resources, burdens and advantages. The modern nation-state has evolved towards a space of strong \textit{organic solidarity} as Durkheim put it.
The potential advantages of the closed nation-state\textsuperscript{12} are various: protection against violence (the State, according to Hobbes, is specifically designed to protect the citizens);\textsuperscript{13} possibility to participate to the political decisions (if the State is a democratic one); possibility to be admitted to the labor market on the territory of the State; capacity to receive the social security benefits of the welfare State, etc.

To be able to allocate these resources and advantages, the State has to be a strong fiscal State. It must have the capacity to extract resources from civil society, to concentrate them in a political center and to redistribute them. This process is an essential feature of the social contract: citizens are ready to sacrifice quite a lot of precious values (such as money for taxes or time for military service) if they are certain that they will gain the above mentioned advantages in exchange. This process has not to be considered with despise as a sordid bargain, which would be merely instrumental. A modern nation-state is one where solidarity is organized in a sustainable way, that is in a lasting way. A good point of comparison is of course the sociological category of the family which is the social space where solidarity, at a very much smaller scale, is organized in a sustainable way.

In a world where there are so many and so deep inequalities in every field, one can imagine how powerfully attractive are the political spaces where good governance exists, i.e. where the above mentioned advantages are fairly provided and distributed. The differential between extremely difficult conditions of living in some countries and better conditions in other countries fuel the incessant South-North migrations. Sicily is precisely situated at the core of one those interfaces between the world of relative wealth and the world of extreme poverty and deprivation.

\textsuperscript{12} I use the concept of ‘closed’ in a sense borrowed from Niklas Luhmann’s theory of systems, where the closure allows a system having an identity and is the necessary condition of exchanges with the environment. Cf. Luhmann N. (1995), \textit{Social Systems}, Stanford Cal., Stanford University Press.

\textsuperscript{13} Hobbes T., \textit{Leviathan}, § 21.
The various modern States (Western style) have developed most of the features mentioned above which describe a sustainable organization of solidarity, and they did it rather successfully. They perfectly knew that they should not too much extend their population if they wanted to secure, or to optimize, the nation security, wealth and welfare. For instance, when France colonized Algeria, or when England colonized India, these countries carefully excluded Algerian people or Indian people from the benefits of the full belonging to the ‘metropole’ (the home country), from the granting of French or British citizenship.

A nation-state which becomes an efficient fiscal and welfare State reaches a sort of *optimum point* and that’s why it has been, if well managed, so successful as a political formula all over the world. The optimum consists in an equilibrium between the size of the population, the size of the territory, the wealth which is produced and distributed, the capacity of self-government. This *optimum point* is a frail and temporary equilibrium, often put into question, often threatened, sometimes shaken and destroyed, sometimes shaken and restored at a better level. Let’s give some examples. In some countries, people feel they would be better off by splitting the country into smaller parts: the Flemish are tempted to split off Belgium; Bangladesh separated from Pakistan; Slovenia and Croatia from other parts of Yugoslavia. Some countries try to extend their territories but not to integrate the population coming from these territories: it has been the case with good old colonialism; it is the case of Israel with the occupied territories. Some countries try to increase their population but not their territories: Canada, Australia for example.

Colonialism has been a powerful tool, since 18th century, to manipulate a certain number of important parameters relevant to this optimum point. Secession is another tool. Pure war of conquest accompanied with annexations is still another one. But all these means are by now rather difficult to manage. My argument is that in the contemporary world the best suited mean to ameliorate the parameters
of the nation-state optimization point is regional integration such as the building of European Union.
I have been fascinated, a few years ago and ever since, by the example of Germany to reach a new optimum point. As soon as the Berlin wall has fallen and the reunification process began, billions of DM spread from the Federal Republic to East Germany (the ex DDR). A new equilibrium was beginning to be put in place. The process now appears to be clearly much more difficult than expected and the equalization between the two parts of Germany is by far not yet attained. Nevertheless the process goes on.
This example tells that, provided certain conditions are met, a country, a nation-state is able to make tremendous efforts – at the financial and fiscal level – towards a new equilibrium. One of the circumstances which enabled this transfer of huge financial resources was the cultural homogeneity and the very ancient history which linked East and West Germany, the deeply anchored feeling that German people of both parts belonged to the same nation or the same family. German from the East and German from the West felt they were not foreigners or strangers to each other. It is very dubious whether West Germany would have made the same efforts towards for instance Hungary or Poland. There are no special ties between Germany and Hungary or Poland and people could consider each other as foreigners. The German reunification reminds us that a nation-state largely builds its fate on an historical and cultural basis. It has been a very special case and a unique opportunity to put again together the two parts of a country artificially divided by the defeat in 1945. But there is strictly no incentive for German people to make the same efforts with ‘strangers’.
The world we live in is a world of nations-states. The relationship between one of the nation-states and all the others is generally characterized, at a subjective level, by the feeling of distance, the feeling to be stranger. This psychological observation may receive a philosophical translation. There is an ethos as well as an ethics of the nation-state built on the conviction that people have special ties
and special duties towards individuals who are in our spatial proximity and in political vicinity or who have special specified links (for instance they share the same religion or the same language).  

To have a better understanding of the problem, I suggest to rely on an important concept that the Cambridge philosopher Onora O’Neill has developed following the Kantian tradition, the concept of duty, or moral obligation. O’Neill’s typology of the different kind of duties may shed an interesting light on what is at stake:

- **Universal and perfect duties**: it means that everybody has a duty towards everybody else in the world (that’s why it is universal); and this duty has a counterpart in the form of universal rights (that is why it is perfect). Basic human rights such as those listed in the universal declaration of the human rights belong to this category. The duty is respecting the rights of everybody. At the practical level, the duty consists in non intervention into the free exercise of basic rights by individuals. There is a symmetry between rights and obligations.

- **Special perfect duties**: there is a duty linking only some specified people with other specified people; the former have a duty only towards some other specified people. And these latter people, who are the beneficiaries, enjoy rights to be claimed only towards those who hold the duty. The classical example is the duty of the parents towards their children. The parents have duties (to feed their children, to educate them, to protect them) and their children have a robust right claimable to their parents to be fed, to be educated and to be protected. The relationship between States and their citizens belong typically to this category.

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- **Universal imperfect duties**: these duties are held by everybody but they are not due to any specified people. This category is very important in O’Neill’s perspective. The following example\(^{16}\) can be given. You are walking along the streets of a town (it happened to me when I was in San Francisco) and you meet many beggars (about one each 100 meter). You have a moral duty to give something (at least I felt I had a moral duty) to one or two of these beggars, but to no more. And you have no special duty towards any particular one. No particular beggar could claim : “you have a moral and compelling obligation to give me some money”. According to O’Neill, we have a moral duty which derives from virtue, not from law and which is linked to our essentially limited capacity to care about all other people. There is nobody who has any right in counterpart of this duty. The duties we have towards the distant strangers, people suffering from hunger and poverty in the underdeveloped world, belong to this category. We, the rich people and the rich nations, have a compelling moral duty towards these suffering people, but they have no right of whatsoever which could be directed towards specified bearers of the obligation. The person who walks along the San Francisco streets can freely choose to whom and how much she wants to give money, in what extent she agrees to share her resources. The beneficiaries of the duty, as well as the amount of help they receive, belong to the discretionary sphere of the holder of the duty who has to evaluate the situation according to her own needs, to her own financial capacities. The classical *phronesis* (or practical wisdom) is a necessary virtue to perform this type of moral obligation.

- **Special imperfect duties**: they are duties held by some definite bearers of moral obligations but there is no counterpart in terms of rights. Non governmental organizations (NGO) as *Amnesty International* are

\(^{16}\) This example is mine, not O’Neill’s.
committed to help political prisoners, and have a moral duty to do it. But they are free to defend who they choose to defend and when, and the extent of their action.

At the light of these fundamental concepts of moral and political philosophy, we can say that the German Federal Republic considered having a special perfect duty towards East Germany after the fall of the Berlin wall. This special duty took its origin from the traditional, historical and cultural ties between the two parts. It is quite clear that other countries like Italy or Switzerland considered they had no special duty at all towards any of the former communist States of Eastern Europe.

Generally speaking, the ethos of the nation-state is linked to the moral category of *special perfect duty*. This category best captures the ethos of national states: being special it stresses that the state obligations are strictly related to the members of the state and to nobody else, exactly as the duties of the parents are strictly related to and delimited by their own children and are claimable by nobody else. Being *perfect* (i.e. organizing a symmetry between holders of obligation and holders of counterpart rights) it stresses that there is something like a *social contract* between the State and its citizens. To underline the relevance of the hint to parents-children relationship, let’s remind that at the root of the political semantics there is a link and a consistency between the vocabulary of the nation-state politics and the vocabulary of the family. When we speak of the homeland, we can also say the *fatherland*; in French we say the ‘patrie’ which has the root of parenthood (*pater*) but we also say ‘la mère-patrie’ which similarly refers to parenthood; in Arabic, it is the same word to say ‘community’ and ‘mother’ (*oumma*). Thus the ethos of the nation-state is akin to family ethos and the nature of the duty (or political obligation) is identical in the family field and in the political one.

There is an *identity nexus* which links strong sentiments of belonging to a territory, sentiments of solidarity to fellow-countrymen, sentiments of proximity
with people who are more or less the same as I am (i.e. white, Christian, French speaking, etc), sentiments of attachment to a culture. All this feeds requirements and feelings of loyalty to national authorities, capacity and pride of self-government (as opposed to government by strangers). All these ingredients have been powerful tools to help building nations, national power and national wealth. Special duties have the capacity of fixing with full clarity the moral responsibilities of people. In a world where the temptation of behaving in a free-rider way is so great, special duties link, inside national space, social agents in a lasting and sustainable way.

We must nonetheless remind that a nation is also built on the capacity to exclude and not solely to integrate, since all foreigners and distant strangers are excluded from the scope of the State special duties. When politicians form Northern Italy are demanding that Italy be split into two States or two sub-States (a rich one in the North and a less rich one in the South), they try, by a process of exclusion of the poorest, to build a new nation. These politicians energetically express the need to exclude in order to find a new population/wealth optimum point. This example demonstrates how much the lines between who is in and who is out may be sometimes artificial, arbitrary and apt to manipulation.

According to O’Neill, as long as the structure of international society consists in the division in many closed States, we are facing imperfect duties towards people who are strangers and towards nations which are not ours. These duties are real duties of virtue but cannot give rise to any counterpart rights from the part of the strangers towards any definite State except theirs. They are moral obligations which cannot be legally enforced. My argument is that this structure of the moral obligation is not a satisfactory one because in real world many individuals and States can too easily escape the fulfillment of their moral obligations. To achieve human rights in a fully connected world such as the world anticipated by Kant and which is slowly taking place, we have to look after stronger moral resources then mere imperfect duties.
III. Synthesis: step by step towards a cosmopolitan order

It would be an error to underestimate the significance of nation-states. As I said before it has been an extremely powerful tool for building political spaces and to organize social solidarity. There would be no point in denying that and to dream of a world without the fact of the nation-state.

On the other side, we also stressed the main vice of nation-states which consists in their very capacity of excluding. And this capacity is really problematic from the moral point of view.

We are thus facing a sort of dilemma. On one hand we have an ideal which tells us that real human dignity lies in a cosmopolitan view, directly stemming out of the human rights philosophy according to which everybody on earth should enjoy the same rights and the same dignity. In this perspective nations are the ultimate obstacle inasmuch they erect borders which divide people and distribute unevenly symbolic resources (such as citizenship) and social and economic resources (such as access to labor market or welfare benefits).

On the other hand, the modern State (in some cases the nation-state in some cases the federal State) has appeared to be the most appropriate tool to reach the optimization point of a relationship between population, territory, wealth and capacity of self-government. The modern State is the way human history chose to build viable entities which include as conditions of their viability: self-government, control over the population (and particularly control over who belongs and who does not belong to the national community), control over the distribution of wealth and the refusal of excessive diffusion of wealth.

Why, in these conditions, would it be so important or so advantageous to adopt a cosmopolitan theory? The answer here too is in line with the course of history: we have to be cosmopolitan because we are deeply questioned by how goes our world. In Sicily, in Spain (particularly at Canaries Islands), at the US-Mexican
border, thousands of people, in deep poverty, are fleeing their homeland with the hope to improve their lives. Because of the dramatic failure of the governments of their own nation-states, because of the flaws of the so-called international economic order, these people write a narrative of putting the nation-states into question. The deep causes of the partial disruption of the ancient national political order are various: extreme poverty, extreme wealth differences and inequalities, bad governance, contempt of human rights are the main and well-known causes of the social disaster we are witnessing at the interface of the rich and the poor worlds. The world wide diffusion, through the mass media and through internet, of the culture of the wealthy, i.e. the hedonistic culture of the Western world, has also played an important role. But it is not the core problem. The core problem is that the rich countries are nowadays in a constant and structural position of conflicting interface with these populations. As Kant said, when the law is violated in any place of the world we suffer ourselves; and this awareness of what happens in the world is not only largely due to the power of the media. It is now a reality physically reaching our very countries. This is a quite positive evolution which makes the interconnection of all parts of the world a human and political reality.

The nation-state phase has been, and still is, too important an historical phase to be neglected and bypassed. The building of a cosmopolitan political order has to be realized using the nations-states, not against them. Kant himself, as I said before, did not speak in favor of the suppression of nation-states. He was in favor of a federation of free states and was nevertheless a convinced cosmopolitan. I share with him a view I could name gradualist, or a step by step unfolding of a new order out of the ancient one. It is an incremental view of historical progress towards a cosmopolitan political order.

When O’Neill thinks that the type of obligation we have towards the distant strangers is the imperfect obligation, her solution fits a world which is structurally divided into many sovereign states. In this case indeed solidarity
with the distant strangers rests solely upon virtue. It is largely the case nowadays, since a great part of the care we owe to people from abroad comes out of generous and virtuous people. Let us think to such agents of world-wide solidarity as Amnesty International, Human Rights Watch, Bill and Melinda Gates Foundation, and thousands of others less well known. They do an excellent work which relies however on a purely moral and voluntary commitment (that is on virtue).

This state of affairs is necessary but it is largely insufficient and inadequate to meet the needs of our world because of the discretionary character of the virtuous agency and because of the lack of institutionalized capacity of enforcement. What is now needed is the taking into account at a political level of the equality and dignity of everybody on earth. To achieve this objective there is, in my opinion, one device which has proven its efficiency in the case of the national State: the transformation of the nature of obligation. We have to depart from the imperfect obligation. We have to substitute to it a special perfect obligation. Taking my former example, I would say that we have to go beyond the type of solidarity exemplified by the narrative of the man and the beggars in San Francisco. And contrary to the German reunification case, solidarity must now extend between partners who are not members of the same cultural family in a narrow sense (like having the same language or the same religion). We have to develop a sense of solidarity with the migrants fleeing their dreadful conditions of living, in Africa, in Latin America, in Asia and with the populations they leave behind them. But how to achieve that, how to construct these new type of solidarity in international relations?

Europe, in this context, gives an impressive lesson of how to manage the transition from the narrow and closed national space to an enlarged political space. First of all, European Union has not suppressed nation-states: Italy, France, Germany, United Kingdom, Greece, and all other countries belonging to the EU go on their political existence as sovereign States. The national political
structure is retained, it still exists, probably due to its enduring ability of representing an optimum point. On the other hand, all the members of the European Union are linked together by political bonds and mechanisms which strengthen solidarity between them. By ways which have a striking resemblance with those of the fiscal national state, the Union takes money in the richest countries and transfer it to the poorest (through the structural and regional policies of the European Union). In this way, fantastic amounts of financial resources have been transferred during the past decades to States like Portugal, Greece, Ireland. And now again huge flows of money are injected in regional economies of the countries newly entered in the Union like Estonia, Lithuania, Poland, Hungary and now Bulgaria and Romania. These countries, which most benefited from these transfers, had to adapt their internal law to European standards and demands in matter, among others, of human rights, but also of trade, of economy and plenty of other sectors. Out of that process of deep transformation a new Europe has emerged respecting national entities, having as a basic principle the subsidiarity principle, but organizing solidarity at a higher level. And in this political space any individual coming from a member state enjoys the same rights as every other individual, has a full access to the labor market and enjoys a right to residency everywhere in the Union.

Regional integration, the most achieved example being European Union, has succeeded in discovering a new model of relationship between members, between public authorities and individuals. Although the various States retain their national sovereignty, individual citizens now enjoy a regime of special duties in every of the 27 States members of the Union; they cannot be excluded neither from the labor market nor from the welfare benefits, nor from their right of residency everywhere in the Union. Between members of the Union, the old model of imperfect duties is overcome and replaced by a more suitable one, a more adapted to contemporary times.
However, it is obvious that European Union, having organized special ties between its members, has built a political space which, at its turn, has established borders and frontiers against which people coming from outside (Africa, South America) crash painfully.

It means that the process of building a cosmopolitan political order is far from achieved. Gradually mankind builds larger spaces of solidarity like European Union, but others have to come into existence in Africa and elsewhere. New spaces have to be built on other continents upon the same principles of respect of the national sovereignty but also on the principle of good governance: only members whose internal legislation respects basic human equality, rights and dignity should be members and benefit of the advantages of organized solidarity.

That is part, for instance, of the present debate between EU and Turkey. By this move, a much more decent life could be provided to people who would have largely less reasons to emigrate far away and to flee misery.

A cosmopolitan order is not a libertarian one or an anarchic one where everybody can freely go everywhere. States and groups of states such as EU have a right (and even a duty) to regulate immigration. But they must also give other people and other nations an assistance to establish a good and rigorous governance since, if we want to respect national autonomy and dignity, progress has to be accomplished first of all at the internal level. When the whole world will be constituted of a few great political spaces on the model of the EU – African Union, Latin America Union - a next phase in the gradual process will have to be dealt with: the relations between those great entities. That will be the job of the youngest generation.