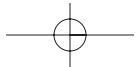# 8

PATHWAYS TO FREEDOM: RIGHTS, RECIPROCITY, AND THE COSMOPOLITAN SENSIBILITY

HUMAN RIGHTS IS THE GLOBAL EXPRESSION OF A DEMAND FOR civil liberty. Its origins derive from natural law and the European Enlightenment. Opposition to "rights" from the ancien régime was fierce, however, and it took a few hundred ideas for the idea to permeate the mainstream discourse. Human rights only gained currency after Auschwitz and Hiroshima and, in fact, it became popular in the United States only g the presidency of Jimmy Carter in the aftermath of the Vietnam War. Once again, using the famous phrase of Hegel, the Owl of Minerva spread its wings only at dusk: the Universal Declaration of Human Rights of 1948 came too late to help the victims of classical totalitarianism. Old habits die hard. Especially nonwestern supporters of human rights are still opposed by religious institutions and atavistic movements with provincial attitudes rooted in the vision of an organic community. The struggle over "rights" indeed remains a political struggle between two very different outlooks grounded in the assumptions of the Enlightenment and the Counter-Enlightenment.

Human rights no less than liberal values are still, admittedly, usually spoken about more than they are practiced. But they continue to inspire resistance because they challenge what—politically, economically, and socially—constrains the ability to learn, the autonomy of the individual, and the accountability of institutions. It doesn't matter whether the cultural context of the society is Christian, Islamic, Hindu, or Jewish; these profoundly secular ideals have taken on an increasingly universal character. More than that:

> Human rights has gone global not because it serves the interests of the powerful but primarily because it has advanced the interests of the powerless. Human rights has gone global by going local, embedding itself in the soil of cultures and worldviews independent of the West, in order to

sustain ordinary people's struggles against unjust states and oppressive social practices.[1]

There is nothing new in the claim that human rights generates demands for entitlement independent of the particular state in which an individual happens to live: natural law was, from its beginnings, identified with universality and unbounded geographically by time or space. It was only during the "age of democratic revolution" and the emergence of Enlightenment political theory, however, that this idea of "right" first received formal embodiment and an institutional referent in the liberal state. To be sure, the bourgeois notion of rights was limited by property, race, and gender. But the critical element within the rights discourse calls such limitations into question. It militates against attempts to ground the idea of "right" in western notions of positive or utility. This becomes apparent when considering the protests against "widow burning" (sati) in India and in Tianammen Square as well as the civil rights movement in the American South or in the Revolutions of 1989. It is therefore both "an intellectual mistake and an affront to those outside the western tradition to look back at any one of these [western] thinkers as the historical point of authority for how we should think about human rights. We should, rather, look at them as illustrating how human rights can be seen from a variety of angles and the problems that arise when we approach the subject from each of these angles."[2]

Having said that, however, it remains the case that rights can take different forms: some are atavistic like the right to bear firearms and others ultimately exploitative like the right to property. Judgment is required of any "right" regarding "the extent to which it embodies concrete liberty and human dignity, upon its ability to provide for the fullest development of human potentialities."[3] Every institution and tradition should become open to critique. But this does not mean that the terms of criticism should be the same in every instance. The democratic must be judged differently than the authoritarian state because the liberal rule of law, in principle if not always in fact, suspends those empirical qualities of individuals—race, gender, reli-

1. Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 7
2. A. Beldon Fields, *Rethinking Human Rights for the New Millennium* (New York: Palgrave, 2003), 21.
3. Franz Neumann, "Types of Natural Law," in *The Democratic and the Authoritarian State: Essays in Political and Legal Theory*, ed. Herbert Marcuse (New York: Free Press, 1957),72.

gion, background, property—that might prove prejudicial in addressing grievances or the reciprocity of rights and obligations accorded citizens. But there is a catch. This suspension of empirical qualities will undermine the idea of a homogeneous community. It introduces distinctions between public and private, political and personal, universal and particular, which express the "alienation" of modernity. Counter-Enlightenment thinkers were therefore correct in maintaining that alienation is embedded within the liberal political theory of the Enlightenment, and their utopian image of a "golden age" located in a heavenly paradise or a mythologized past fueled the assault upon it.

Global capitalism is now affecting the most remote regions of the planet. This does not mean that all nations and regions have been modernized or that they have been modernized to the same degree. But it does mean that the type of insularity from the outside world, which helped define religious institutions or the organic community, is being ineluctably eroded. Modernity threatens to render anachronistic the established customs and religious beliefs of any community and privilege the notion of an individual intent upon knowing more, learning more, earning more, consuming more, and living life as he or she chooses. The foundation has been laid for extending human rights as never before. Yet the ideal loses its radical quality when reference is not made to a cosmopolitan sensibility and a commitment to social justice and international political institutions.

The great Enlightenment thinkers of international law like Hugo Grotius, Kant, and Samuel Pufendorf articulated an early conception of human rights. But the implications of the idea also became concrete in the activities of Beccaria, Lessing, Montesquieu, and Voltaire, who waged practical struggles against torture, slavery, and religious intolerance. They were opposed from the start by the Counter-Enlightenment. If the philosophes invented the language of human rights, however, they also inadvertently taught it to capitalists and imperialists, communists and nonwestern authoritarians, who would betray its content. Both the modern language of resistance and power were born in the cradle of the European Enlightenment.[4] The progressive political elements of human rights and the inhuman consequences of "modernization" are contradictory elements of globalization.[5] Only in terms of the

4. Micheline Ishay, "Introduction" to *The History of Human Rights* (Berkeley: University of California Press, 2003).

5. Manfred B. Steger, *Globalism: The New Market Ideology* (Lanham, MD: Rowman & Littlefield, 2002), 6ff.

former, however, is it possible to contest the latter in a meaningful fashion. Realizing human rights should be seen as the fundamental element of the modernizing process: it is the precondition for the exercise of autonomy.

Autonomy originally implied the right for each to have his or her faith. Such a position, however, necessarily makes it impossible to privilege any particular faith. The quest for some absolute to underpin the polity is therefore undermined. Enlightenment thinking, from the beginning, concerned itself less with the interpretation of particular religious dogmas, or their truth, than with the political implications of embracing an unyielding religious certainty: it ceased dealing with what is believed and concentrated itself on the practical implications of belief.[6] The liberal polity sought to circumscribe the secular ambitions of all religions. Both in the Occident and the Orient, whatever the differences of social context, the battle will therefore still be over whether what is usually a single religion should dominate public life or, instead, whether every religion should be seen as just another private interest with particular political aspirations. Rejecting this latter view is not simply a matter of the Church, the Synagogue, and the Mosque acting in accordance with divine law against the incursions of the profane, although it can be turned into that, but of institutional self-preservation. Indeed, for the faithful, the more dramatic the demand for reciprocity the more fundamental will be the response.

No more than the Counter-Enlightenment is religious fundamentalism a "dialectical" product of the Enlightenment. It is reactionary in the literal meaning of the word. Religious fundamentalists look backward for their inspiration as surely as integral nationalists and supporters of the organic community. All of them privilege authority over liberty, unquestioning faith over critical reflection, the revelatory over the demonstrable, and the community over the individual. Each rejects the separation of church from state and the critique of patriarchal hierarchies. Each insists upon the legitimacy of traditions simply because they exist. Intolerance and dogmatism are built into this mode of thinking if only because discussion is limited by the holy words of an inerrant Bible, an infallible Pope, the Islamic Shari'a, or the Jewish halacha.

Critique is thereby inhibited from the beginning: religious fundamentalism ultimately rests on rigid distinctions between the saved and the damned, friend and foe, insider and outsider, the religious ideal and the

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6. Ernst Cassirer, *The Philosophy of the Enlightenment*, trans. Fritz C. A. Koelln and James P. Pettegrove (Boston: beacon Press, 1951), 136.

profane reality. These distinctions are insurmountable from within the fundamentalist worldview and thus alienation, which it claims to have overcome, continues to exist at its very core. It doesn't matter that just before a plane lands in a theocratic nation like Iran, women will quickly put on scarves and on leaving, as soon as the plane is in the air, take them off. Privileging revelation over common sense makes this easy to ignore. With its suspicions concerning the subversive character of autonomy and reciprocity, inevitably, any meaningful understanding of human rights loses its appeal for fundamentalism.

Religious fundamentalists call for an uncompromising opposition to modernity. But the rigor of this position is impossible to maintain. The "disenchantment of the world"—again using the famous formulation of Max Weber—not only increases the power of scientific rationality and secular institutions but also transforms the sphere of the sacred. Magic as a technique of salvation comes under steady assault and, as a consequence, the realm of the invisible becomes ever more impoverished.[7] The traditional impact of hegemonic religious institutions upon secular politics and social life is turned on its head. The demands of a secular political reality and economic life now impinge upon faith and religion: the new religions now advertise, build malls, sponsor television shows. Revelations and miracles are greeted with cynicism, and when they approach such issues as abortion, the sexual misconduct of priests, assisted suicide, or public prayer, they must now deal with the pressure of external political forces and social pressures.

Religion has always been political: Machiavelli knew that. But the machinations of the various churches and their leaders were traditionally cloaked in secrecy and that, too, has changed through the rise of mass media and the political insistence from below for a public dialogue with those of different religions and different views. Not merely the technological or the historical but the existential possibility that things can be different creates both anxiety and a sense of disorientation. The word of God gains new significations, and so the "authenticity" of revelation takes a back seat to the need for guidance or the confirmation of what has already been established. Religion turns into a set of stratagems by which meaning and re-enchantment can be infused into a meaningless and disenchanted world.[8]

7. Marcel Gauchat, *The Disenchantment of the World: A Political History of Religion*, trans. Oscar Burge Princeton: Princeton University Press, 1997), pg. 3.
8. Theodor W. Adorno, "Reason and Revelation," in *Critical Models: Interventions and Catchwords*, trans. Henry W. Pickford (New York: Columbia University Press, 1998), 137.

Complex issues are explained by making reference to the "experience" encoded in anachronistic and stereotyped images. Fundamentalists of all sorts can thus make reference to Satan, while the Rev. Jerry Falwell explains the terrible events of "9/11" in terms of religious retribution. Others castigate the savagery of the "Arab" or the global conspiracy of the "Jews." Imperialism becomes justified by what the Old Testament promised Moses while the geographic site of a Hindu Temple, or the 2002 production of a "Miss World" pageant in the Muslim city of Kaduna in Nigeria, turn into issues worth dying for. The workings of modern life become ever more impenetrable, invisible, as religious dogma determines how believers should deal with reality. Only the certainty provided by absolute faith, which in its intolerance is actually quite fragile, seems capable of contesting the growing alienation of modern life. Fundamentalism rejects the possibility for engaging "the other" raised by theologians like Schleiermacher and Kierkegaard and Buber: there is only an ongoing parochial preoccupation with the self. In this sense—whether Christians, Jews, or Muslims—all fundamentalists are bigots.

They are also hypocrites. Not in the manner of Elmer Gantry, novelist Sinclair Lewis's great fictional portrayal of a religious preacher, but in a different way. For, no matter how deeply the resentment against modernity runs, its scientific and technological advances are being integrated into the lives even of those who most oppose its imperializing ambitions. Priests employ cell-phones, rabbis use the Internet, and fundamentalists of all stripes work the mass media. The Jewish state, the Islamic Republic, and the Vatican use the same accounting techniques; all are preoccupied with their secular position in the world; all hire scientific experts; all think about the dollar. What V. S. Naipal identifies with Islam, in this respect, is actually true of religious fundamentalism in all its varieties. Its supporters engage in an emotional rejection of modernity even as they embrace its

> . . . machines, goods, medicines, warplanes, the remittances from the emigrants, the hospitals that might have a cure for calcium deficiency. . . . Rejection, therefore is not absolute rejection. It is also, for the community as a whole, a way of ceasing to strive intellectually, It is to be parasitic: parasitism is one of the unacknowledged fruits of fundamentalism.[9]

9. V. S. Naipal, *Among the Believers: An Islamic Journey* (New York: Vintage, 1982), 168.

Cultural traditionalists and religious fundamentalists resist the intrusion of modern life and liberal society into their lives. But their resistance already presupposes an encounter with the "other": through television, film, the computer, the newspaper, and just plain gossip the awareness arises, no matter how vague, that things can be different. Witness the orthodox Jewish woman insisting upon a divorce from an abusive husband, the stretch limousine enjoyed by an Arab businessman dressed in traditional garb, the attempts to combine the shopping mall with the church in many parts of the United States. Religion has become a smorgasbord: it is no longer all or nothing. Questions concerning sex, diet, dress, and personal life have become matters of individual choice and—in principle—citizens living in liberal democracies will have their choices protected by law. The traditionalist now functions in an anti-traditionalist context, in short, and the fundamentalist reaction against modernity has been transformed into a function of modernity itself.[10]

Religious reaction against the liberal society is growing. But it remains a mistake to consider liberal universalism and cultural particularism simply as opposing "discourses": modernity has put the latter on the defensive. Liberal society can be combated either by speaking of rights in purely relative terms or by embracing a religious absolute that need not justify its privileges to its critics. These two seemingly contradictory perspectives are, in fact, symbiotically linked: Hegel would probably have noted how each is defined by what it opposes. Neither, in any event, offers a progressive alternative to the discourse of rights. Each considers the universal the enemy of the particular even as each ignores how only liberal institutions have guaranteed reciprocity or the practical exercise of religious freedom for the self and the other. Thus, the discourse of "rights" throws down a simple challenge to fundamentalism: it asks whether the fundamentalist of one faith will allow fundamentalists of other faiths to practice theirs.

At stake then is not really the right to practice religion, but the right of others to practice it differently or not at all. In this vein, it is opportunistic and politically misguided to stress the "legitimacy" of a peaceful state that "only" discriminates against one group of citizens. It also dulls the blade of critical democratic thinking to substitute the idea of a "decent people," which liberals will find worthy of respect for the insistence of liberalism that

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10. Ulrich Beck, *Die Erfindung des Politischen* (Frankfurt am Main: Suhrkamp, 1993), pgs. 17–18.

all individuals in a state must be free and equal under the law. [11] The United
States prior to 1964 for the most part "only" discriminated against people of
color and, surely except for them, citizens of other white nations viewed it as
a "decent people." Usually where repression of one group is taking place, how-
ever, repression of others—including dissidents—exists as well. Just this
"thin" view of rights—always in the name of being "reasonable"—undercuts
its critical impact. Enlightenment political theory should not have its relevance
circumscribed to those nations where the liberal state exists, but instead have
its relevance made plain for those living in "illiberal" societies. The salience of
rights, in this same vein, should not exist only for those who already enjoy its
benefits but for those who do not. This need not involve a commitment to
military "intervention": that is always a tactical question and, in general, even
democracy cannot simply be imposed ex nihilo. From the standpoint of theo-
ry, however, support for progressive values requires conviction where the bat-
tle for them is being fought. The present intellectual vogue of seeking to pro-
vide a philosophical justification for placating the concerns of non-liberals on
"pragmatic" grounds or indulging in a form of "strategic essentialism," which
withdraws genuine regard for liberal assumptions, is simply appalling.

Liberty is never a problem for the individual or group that possesses it;
the problem arises only when freedom is demanded by the disenfranchised,
the exploited, the excluded, the other. Enlightenment political theory thus
highlights the need for reciprocity in the allocation of rights and duties to
the state. This creates a strange state of affairs: Orthodox Christian, Jewish,
or Islamic intellectuals can criticize liberalism but, according to their funda-
mentalist beliefs, liberal intellectuals dare not criticize them. With respect to
reciprocity, moreover, it is the height of arrogance that members of the
ultra-orthodox communities in Israel should be in the forefront of those
championing an imperialist policy while simultaneously insisting upon their
exemption from military duty—obviously in order better to pray for victory.
All of this is predicated on the refusal of fundamentalists to compromise the
absolute character of their belief and accept that they should be treated like
everyone else. David Hume put the matter well when he wrote in "An En-
quiry Concerning the Principles of Morals":

> Fanatics may suppose that dominion is founded on grace and that saints
> alone inherit the earth; but the civil magistrate very justly puts these sub-

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11. Cf. John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), 75–78,
    and *passim*.

lime theorists on the same footing with common robbers, and teaches them by the severest discipline, that a rule, which, in speculation, may seem the most advantageous to society, may yet be found in practice, totally pernicious and destructive.[12]

Enlightenment notions of tolerance are predicated on an indifference to existential or religious experience: fundamentalists will therefore see them as denigrating the true faith. But the issue is really not whether one religion or one interpretation of any sacred text is correct against another. Each can find in any holy work what he or she seeks to justify his or her interest. The question is whether an institutional arrangement should exist in which each can pursue a particular belief and interpret any given holy scripture in peace. Thus, it is useful to consider the famous remark by Voltaire from his Letters from England in which he notes that a state with one religion tends toward despotism, a state with two religions tends toward civil war, while a democratic state with thirty—like England—enables its citizens to pray after their fashion and sleep soundly at night.

Custodians of the established order have always claimed that the liberal indifference to religion, its belief in toleration, is merely a veiled form of intolerance. Most postmodernists would probably agree. But this is simply playing with language: it is the same as suggesting that the attack on imperialist ambitions is merely a different form of imperialism. It is possible, of course, to assume that democratic values and institutions are irrelevant since an ontological basis for belief exists—a foundational assumption of grace or transcendence or what Karl Jaspers termed the "encompassing"—that underpins all possible beliefs and that is shared by people of the most diverse religious and even secular faiths. There is a sense in which the religious do form a community and the best among them have often been courageous in opposing intolerance, exploitation, and war. It is also possible for academics to envision a liberating "post-secular" or new "mystical society" though, of course, not the sort advocated by Islamic and Christian fundamentalists who actually have a mass base and a political agenda.[13] A

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12. David Hume, *Political Writings*, ed. Stuart D. Warner and Donald W. Livingston (Indianapolis: Hackett, 1994), 88.
13. Cf. Bill Martin, "Redemption in the Impasse: An Other Communism," in *New Critical Theory: Essays on Liberation*, eds. William S. Wilkerson and Jeffrey paris (Lanham, MD: Rowman & Litlefield, 2001), 37ff; Philip Wexler, *Mystical Society: An Emerging Social Vision* (Boulder, CO: Westview, 2000).

new world in the making can be seen as having been generated by a soulless technocratic system and brought into existence by some kind of ethically motivated revolution. As usual, however, such thinking winds up in the metaphysical mist: it deals with neither constraints nor agents nor the institutions capable of sustaining the new order.

No responsible political person can afford to assume that the shared experience of religiosity by individuals will overcome the competing ambitions of diverse religions or that everyone will be tolerant and open-minded simply because they say so. There is also as little historical reason for the outsider to trust the insider, or the dissident the establishmentarian, as for the Jew to trust the Christian, or the Black the White. Different communities have different customs and beliefs. But that does not invalidate the importance of making judgments between and also within these diverse communities. While Enlightenment thinking did not reject tradition as such, but it did insist that the individual be able to exercise his or her judgment regarding which traditions should be kept and which discarded. This privileging of critical judgment is crucial: it undermines the "organic" understanding of society embraced by conservatives like Edmund Burke, which maintains that traditions are organically linked, and attests to the way in which tradition itself has been redefined by modernity. Because tolerance is predicated on the ability to exercise critical judgment, moreover, it cannot simply be tolerant of intolerance: that is the case both politically and ethically. Only from such a perspective is it possible to identify those who resist "authority" in a constructive fashion.

Enlightenment political theory legitimized civil liberties and their exercise against not merely authoritarian regimes but also democratic regimes that act in an authoritarian manner. With respect to nonwestern cultures, therefore, the issue should not be construed as a "clash of civilizations," but as a clash over what is politically acceptable in the pursuit of interests—whether spiritually or materially defined—and what is not. Democrats and socialists embraced the liberal rule of law precisely because, by definition, they stand apart from private interests even as they ensure the possibility of pursuing them. The "common good" was not ignored, but rather conceptualized critically, or negatively, which was why Enlightenment political theory rested less on the commitment to any particular institutional form than on an ethical imperative capable of constraining the exercise of arbitrary power. Thus, in The Spirit of the Laws (Book XI: IV), Montesquieu could write:

> Democratic and aristocratic states are not in their own nature free. Political liberty is to be found only in moderate governments; and even in these

it is not always found. It is there only when there is no abuse of power. But constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits? To prevent this abuse it is necessary from the very nature of things that power should be a check to power. A government may be so constituted as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits.

But this public realm standing beyond any private interest is not only important for democracy in a heterogeneous community with many religions but for the homogeneous community with a single religion. After all, it cannot be known in advance what issues and which claims citizens will raise. Just as it is impossible to privilege any particular religion while attempting to be impartial with respect to all, so is it impossible to privilege any particular interpretation of a religion while equally respecting the interpretations of others. That is the case both because belief inspires practice and because, for the guardians of orthodoxy, it is not a matter simply of being "right" against others but of being "absolutely" right. The discourse can, under such circumstances, only prove illiberal. Even the most cursory glance at the historical record will produce a loathing for those believers from all faiths who, always in the name of God, again and again plunged their communities into chaos and war not only in order to extirpate other religions but seemingly blasphemous interpretations of the one "true" faith. It was with these fanatics in mind that two thinkers as different as Thomas Hobbes and Voltaire sought to identify religion as a private interest.

Both of them knew that the religious history of Europe should serve less as an example for other civilizations than as a cautionary warning. The idea of civil liberty was the response to an age of civil war inspired by competing religious ideologies. Human rights was, in much the same way, a response to Auschwitz. Both "liberty" and "right" inherently resist the arbitrary exercise of power. They justify expanding the possible experiences and knowledge of the individual. They must therefore both be understood as dynamic concepts: the initial establishment of some rights has consistently bred a concern with securing other liberties. The liberal discourse indeed provides a striking illustration of the quip by Max Weber that ideology is not like a taxicab that one can stop when one wishes. The logic behind the "rights of man" was, for example, immediately employed to justify the rights of women and the abolition of slavery. But the logic did not stop there. The formal rights

of individuals to due process and equality under the law, "bourgeois rights," would ultimately generate a concern with substantive rights like the "right to work," the rights of the physically disabled, and even animal rights.

Political rights or civil liberties should not be treated simply as middle-class concerns while economic and social rights are viewed as concerns of the proletariat and the poor. The "right to work" is meaningless, for example, without the right of workers to organize, and speak their minds about the content and character of their labor. Even when they embraced orthodox Marxism, which was critical of a discourse predicated on "rights," the major thinkers of the European labor movement thus always defended civil liberties. But the refusal of social democrats to recognize an unqualified "right" to property made them seem like authoritarians in the eyes of their capitalist enemies. In this vein, especially today, it is necessary to recognize that "rights" can conflict: this is as true in the case of the liberal "right" to property and the socialist "right" to decent working conditions as in the contemporary debate that pits a women's "right" to have an abortion against what some consider the "right" of the fetus.

"Rights can, of course, be used to disguise the social power of a particular class or group. Rousseau already recognized this problem in The Social Contract: he made clear that a distinction exists between public and reserved rights. But this only begs the question: who will decide whether any given right is public or reserved. His answer would probably have been: the people or, better, the democratically accountable sovereign. It follows, in any event, that the conflict between rights can only be decided politically within a democratic institutional arrangement. It is therefore simply metaphysical indulgence to worry over whether the logic of rights will undermine the proper "ordering" of our lives, whether the subject should occupy the center of the moral universe, or whether the continuing emphasis on rights will exhaust the democratic polity. Such views always avoid articulating how this proper "ordering" should otherwise be determined;[14] that expanding the possibilities of experience is meaningful only for a subject; and that, if the dynamic of rights renders the idea of right meaningless, then calling for greater freedom must, logically, render freedom meaningless.

Taking rights and political freedoms for granted is a big mistake. There is a practical foundation for believing in liberal democracy. Naïve faith in the superior qualities of this ideology or that organization is insufficient. This

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14. Cf. Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: Free Press, 1991).

was something Lenin never realized. The supposed master of political realism never thought about institutions to sustain "democratic centralism" within his vanguard party and the results speak for themselves. It was the same with Trotsky and Bukharin. While in power, they were more than willing to suspend the rights of other parties and movements and they condemned any preoccupation with civil liberties and "rights" as bourgeois. When Stalin repressed them, however, these bourgeois democratic values suddenly assumed revolutionary importance. Even at the end, ironically, they never recognized that the source of their oppression was an unaccountable party-state buttressed by an authoritarian faith in its ultimately incorruptible character.

Madison, Montesquieu, and Hegel had a far better grasp of the problem. They knew that freedom remains an abstraction without reference to the institutional forms in which it is made manifest. The issue then is not whether the "whole is false" but rather, within given historical and cultural circumstances, what political institutions and programs are most appropriate to constricting the arbitrary exercise of power. Illegitimate authority has traditionally relied on a closed and unaccountable decision-making group that tends to posit a rigorous distinction between "friend" and "enemy" and an ongoing state of crisis, heightened and justified through propaganda that allows its supporters to believe that anything goes: the aim of politics is thus to find windows of opportunity for the pursuit of organizational interests without reference to the costs born by individuals. Enlightenment political theory contested precisely this kind of authority and, in the same vein, human rights insist upon the "transparency" of institutions and the dignity of the individual. It is indeed becoming increasingly evident that any genuine commitment to human rights requires the prior commitment to liberal norms and a liberal state.

Human rights is useful only from the standpoint of critique and resistance. It projects a form of solidarity that is more than legal and extends beyond the limits of class, race, and nation. It implicitly calls for considering together and in common the plight of Israeli soldiers resisting the policies of their country, the person fighting for an independent trade union in China, and the young girl resisting a clitorectomy by a tradition-bound society in Africa. Human rights is a meaningful concept only insofar as similarities are recognized between such different individuals united by nothing more than the willingness to challenge the constraints of tradition and the dictates of arbitrary power.. Human rights is predicated on an existential willingness to feel empathy and compassion for the victim, the oppressed,

and the disenfranchised. This existential choice, indeed, helps inform what I have elsewhere termed the "cosmopolitan sensibility."[15]

Cosmopolitanism was never reducible to a set of philosophical claims or imperatives: it is also different from internationalism, the support for global institutions, or even a narrowly political form of solidarity with the "other." Kant provided an insight into the character of cosmopolitanism when he identified it with the ability to feel at home everywhere. It, indeed, enters into the style cultivated in very different ways by figures like Benjamin Franklin, Goethe, Hume, and Voltaire. They exhibited a sensibility predicated on a willingness to step outside oneself in order to engage the other in a substantive and meaningful way. This existential element of cosmopolitanism, its sensibility, has generally been neglected, perhaps because it involves something more elusive than the institutional and legal formalism surrounding human rights.[16]

Many thinkers from different parts of the political spectrum have criticized "human rights" for its legalism, its emphasis upon procedure, its abstract individualism, and its refusal to privilege any particular social good. Raising the existential issue concerning cosmopolitanism—understanding it as a sensibility—provides a response to these criticisms. It also points to one of the most pressing problems for contemporary international or transnational organizations. For, where in the past, international peace or working class organizations were short on institutional power and long on a type of "consciousness," today the situation is reversed: new "bourgeois" international and transnational organizations are generating a huge bureaucracy and ever new powers for enforcing programs and laws without, simultaneously, gaining the loyalty of subjects and citizens. That such institutions are the only available options for mitigating planetary problems of immigration, pollution, regional illness like AIDS, and global poverty makes the lack of loyalty they exact from ordinary citizens all the more distressing.

Introducing the cosmopolitan sensibility gives a pedagogic purpose to the internationalist enterprise and an emotional substance to liberal notions of human rights. Books like Emile by Rousseau and Sentimental Education by Flaubert anticipated what has become a grounding assumption of progres-

15. Stephen Eric Bronner, *Ideas in Action: Political Tradition in the Twentieth Century* (Lanham, MD: Rowman & Littlefield, 1999), pgs. 329ff.
16. Note the otherwise excellent philosophical treatment, which blends cosmopolitanism with human rights and universalism, by Charles Jones, *Global Justice: Defending Cosmopolitanism* (Oxford: Oxford University Press, 1999).

sive pedagogy: namely, that education is not merely confined to the class-room and that it does not only apply to the intellect, but to the emotions or, better, the sensibility of the individual. It is unnecessary to embrace new age mysticism in order to recognize that there is such a thing as emotional intelligence[17] that can be understood dynamically as an increasing sensitivity to the plight of others and a growing moral consciousness.

Objective conditions for a new cosmopolitan pedagogy are already in place: economic development, managerial authority, and class formation are already occurring on a transnational plane; culture industries are evidencing a global reach; expanded possibilities for contact exist between peoples of different nations; a form of international civil society, if not quite a new "republic of letters," is taking shape. National sovereignty is no longer sacrosanct and traditions are eroding. The progressive political response to this situation should not ignore the existential moment while grasping the interdependent character of a new global society. Engaging the universal is possible only from the standpoint of the particular: of political actors with roots in the most divergent cultures. The particular is an ineradicable element of the universal just as the ethnic is of the national and the national is of the international. Nevertheless, the question involves the terms in which the particular should be employed.

An example that I have often used in the past might prove useful: perhaps a Jew born in Prague, with an abusive father, who spent his time in an insurance office, and passed his evenings in bohemian haunts, would have a better intuitive understanding of Kafka than someone from a very different background. In terms of the cosmopolitan sensibility, however, it is just this person from a different background who becomes important. Transcending context and recognizing the ways in which a work offers multiple significations of meaning—for the stranger rather than for those like oneself—should serve as the aim for a new cosmopolitan pedagogy and, in this instance, a new cosmopolitan interpretation of Kafka. That such approaches are not simply embraced, that national and ethnic loyalties still supersede more universal beliefs, says nothing more than that cosmopolitanism is on the defensive, that there is no guarantee that it will flourish, and that fostering it is a matter of ideological struggle.

Cosmopolitanism is more than the sum of national cultures. Making sense of it requires a leap in perspective: Voltaire and his friends already

17. Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2003).

looked to the East and interested themselves in the cultures of pre-modern societies while Goethe translated from more than two dozen languages, suggested that he who knows no other language knows not his own, and actually invented the idea of "world literature" (Weltliteratur). But there are others to whom one can look in a tradition that extends to Paul Robe-son, W.E.B. DuBois, and James Baldwin: the latter indeed gave a profound insight into the existential moment of cosmopolitanism when he noted that the reason white people should learn something about African-Americans is that this will help them learn about themselves. Cosmopoli-tanism requires engagement and conviction. "Detachment" or "estrange-ment" actually strips away the radical and critical character of the idea.[18] It also misses the point to talk in postmodern fashion about "cosmopoli-tanisms," especially when the inability to specify any genuine traditions or emphasize anything more than the indeterminacy of the phenomenon is the cause of robust self-congratulation.[19] That cosmopolitanism is "root-ed" in particular experiences is a truism. Views of this sort compromise what is radical before the idea is even articulated. They undermine the need for the global sense of responsibility and ideological commitment to new transnational movements and institutions that cosmopolitanism should promote.

Such notions of cosmopolitanism wind up, at best, with little more than what the liberalism of Locke and Mendelssohn already provided: a belief in tolerance. More is ultimately required, however, than a lukewarm respect for all cultures or a vision in which the world is turned into a set of compet-ing cultural ghettos. History itself requires reinterpretation. Bossuet already indicated as much when he noted:

> This kind of universal history is to the history of every country and of every people what a world map is to particular maps. In a particular map you see all the details of a kingdom or a province as such. But a general map teaches you to place these parts of the world in their context; you see

18. Cf. Amanda Anderson, *The Powers of Distance: Cosmopolitanism and the Cultivation of Detachment* (Princeton: Princeton University Press, 2001), 5ff.
19. "Cosmopolitanism may instead be a project whose conceptual content and pragmatic character are not only as yet unspecified but also must always escape positive and defi-nite specification, precisely because specifying cosmopolitanism positively and definite-ly is an uncosmopolitan thing to do." Sheldon Pollock et al. "Cosmopolitanisms," in *Public Culture* 12, no. 3 (Fall, 2000), 577.

> what Paris or the Ile-de-France is in the kingdom, what the kingdom is in Europe, and what Europe is in the world.[20]

Universal history need not suppress the histories of individual nations, but it must reinterpret them in terms of their contributions to a more general history. Such an approach relegates national or ethnic histories to the sphere of purely provincial or academic interest. Universal history changes the status and meaning of local history as surely as cinema changes the status and meaning of photography or painting. Cosmopolitanism privileges the encounter with different cultures, the integration of their insights, and—above all—the willingness to construct something new. Those interested in the idea have much to learn not merely from the great figures of the Enlightenment, but also from the great artists of modernism—Gauguin, Gide, Hesse, Klee, Malraux, Picasso, Van Gogh, and the rest —who sought inspiration for their new European art in Africa and the Orient and, in the process, produced works that fused the techniques and values of many cultures into something new.

The contempt for cultural provincialism also has pre-modern roots: it existed in Greece and Rome, and in the thinking of those monarchs who employed master craftsman from all over the known world to build their cathedrals, and in the great works of poets like Hafez who was accorded such respect by Goethe. But modernism played the crucial role in forging the cosmopolitan sensibility for our epoch—though this contribution was never really acknowledged by the stalwarts of late critical theory. For them only metaphysics, the experience of non-identity, could contest a world still dominated by nationalism, religious prejudice, and the narrow preoccupation with identity. These critics of the Enlightenment—always from the standpoint of Enlightenment itself—had nothing that might give purpose to what Kant termed the "unwritten code" of constitutional liberalism or provide a substantive underpinning for human rights.

Exploited and disadvantaged nations, understandably, judge the western powers more by their policies than by their values. Just as human rights can be used to justify the interventionist and imperialist interests of powerful nations,[21] perhaps even more easily, cosmopolitanism can become just another form of fodder for the global culture industries. The cosmopolitan

20. Cited in Robert Nisbet, *History of the Idea of Progress* (New York: Basic Books, 1979), 142.
21. Biku Parekh, "Non-Ethno-Centric Universalism," in *Human Rights in Global Politics* eds. Tim Dunn and Nicholas Wheeler (Cambridge: Cambridge University Press, 1999), 128–59.

sensibility, if it is to gain any credence, must be interlaced with a commit-ment to liberal institutions and economic justice. But it is not, again, a sim-ple set of policy proscriptions or the articulation of fixed interpretive rules. The cosmopolitan sensibility must respond to the existential problems of an increasingly planetary age in which the particular, the culturally "au-thentic," the local, and the ethnic have shown their limits. This is possible only by projecting a new form of cultural radicalism and appropriating the past in ways that speak to the creation of a genuinely global future. Thus, the cosmopolitan sensibility expresses the unrealized legacy of the Enlight-enment: its promise gives new meaning to the phrase—first employed by Gramsci—that the old is dying and the new is not yet born.