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Anticipating a Cosmopolitan Future: The Case of Humanitarian Military Intervention[1]

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The past decade has witnessed the emergence of numerous 'cosmopolitan' theories of humanitarian military intervention. These theories anticipate a more cosmopolitan future, where interventions will be authorized by new cosmopolitan institutions and carried out by reformed cosmopolitan militaries. The contention of my article is that despite the merits of these approaches, it is often difficult to discern whether and how cosmopolitan theories can inform assessments of interventions that take place in our non-cosmopolitan present. Through taking Jürgen Habermas's judgements of two recent interventions as a 'case study', I reflect on the considerations that might come into play when cosmopolitans attempt to translate their future-orientated theories into practical engagements with the world as it is.
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Introduction

The past decade has witnessed the intersection of two intellectual currents: the development of cosmopolitanism in the social sciences and the search for new ways of understanding humanitarian military intervention. While both cosmopolitanism and intervention are established subjects of research and analysis, it is only recently that explicit links have been drawn between the two. This is reflected in the elaboration of accounts of intervention that describe themselves as 'cosmopolitan' (Archibugi, 2004; Held, 2004; Caney, 2005). It is also reflected in the proliferation of terms like 'cosmopolitan militaries' (Elliott and Cheeseman, 2002), 'cosmopolitan law enforcement' (Kaldor, 2001, 124–126) and 'cosmopolitan regimes' capable of carrying out militarized 'police actions' (Habermas, 2003a, 39).

The contention of this article is that despite the sophistication and originality of cosmopolitan theories of humanitarian military intervention, it is often unclear whether and how these theories can inform judgements about military

interventions that take place in our world. This uncertainty stems from the forward-looking character of these theories; they tend to focus more on the ways in which interventions would take place in a more cosmopolitan future than on the difficult normative questions posed by controversies over interventions in our non-cosmopolitan present. In this article, I aim to cast light on how cosmopolitans can combine their anticipation of a more cosmopolitan future with a practical engagement with the world as it is. To this end I foreground the idea of 'cosmopolitan judgement', understood as the formulation and communication of political judgements that are informed and orientated by cosmopolitan commitments.

In order to substantiate the idea of cosmopolitan judgement, I reflect upon the assessments of two recent military interventions advanced by a prominent cosmopolitan theorist. Jürgen Habermas's reflections on Kosovo and Iraq are taken as a basis for exploring at least some of the considerations that come into play when cosmopolitans position themselves in relation to military interventions in the here and now. Three dimensions of cosmopolitan judgement will be highlighted: the role that cosmopolitan principles play in judgement, the weight accorded to international opinion, and the relevance of speculation about the impact of interventions on the future. The resulting discussion generates a rounded picture of cosmopolitan judgement, as well as a foundation for some tentative observations about what would constitute a *good* cosmopolitan judgement in our non-cosmopolitan world.

Cosmopolitanism in Theory: Humanitarian Military Intervention

In recent times, cosmopolitans have drawn upon their normative commitments to human rights, global governance, and cosmopolitan solidarity to describe a dramatically altered interventionist regime. In this section, I will argue that while their theories of humanitarian military intervention possess much of originality and value, they do not necessarily provide much guidance for cosmopolitan actors seeking to appraise interventions that take place under the current interventionist regime. I proceed by briefly discussing the cosmopolitan paradigm, then describing how cosmopolitan ideas have been applied to the issue of military intervention, and finally discussing the limitations of cosmopolitan theories of intervention.

The Contours of a Cosmopolitan Future

Cosmopolitanism has developed into a wide ranging and not always internally consistent body of thought within social and political theory (Bohman and Lutz-Bachmann, 1997; Vertovec and Cohen, 2002; Brock and Brighouse,

2005). While it would be premature to try and encapsulate the essence of such a rich and diverse paradigm, contemporary cosmopolitans typically share a range of aims and objectives.

Cosmopolitans argue that the fundamental unit of moral concern should be individual human beings, as opposed to communities or states (Tan, 2004; Held, 2005). In line with this individualism, cosmopolitans argue that each and every person, irrespective of race, ethnicity, or nationality, should be guaranteed a range of basic human rights (Pogge, 2002; Buchanan, 2004). While a world of rights-respecting sovereign states would be compatible with this commitment, most cosmopolitans claim that considerations such as the emergence of economic globalization support the creation of supranational institutional mechanisms capable of enforcing human rights (Caney, 2005). Cosmopolitans generally reject the idea of a world state and defend instead a complex and comprehensive web of multi-layered institutions and networks of global governance (Archibugi, 2003a; Held, 2004; Kuper, 2004). This new institutional order must be buttressed by an ethic of cosmopolitan solidarity, which would encourage citizens to recognize and act on their obligations to the rest of humanity (Appiah, 1997; Linklater, 1998; Habermas, 2001).

Cosmopolitanism requires radical changes in existing arrangements. Although cosmopolitans do not reject out of hand all aspects of the current institutional order, they are highly critical of its failings. They bemoan endemic global poverty, massive power asymmetries between and within states, weak enforcement mechanisms for international human rights law, the proliferation of ethnic nationalisms, and the all too common manipulation of cosmopolitan rhetoric by politicians and statesmen. They hope that what might be labelled the *partially* cosmopolitan features of existing arrangements — like existing international human rights laws and declarations, the emergence of crimes against humanity as a punishable crime, imperfect but promising experiments in trans-national governance such as the European Union, the steady growth of progressive global social movements and 'global civil society' — can provide the basis for a more fully cosmopolitan future. In the words of Habermas: 'the contemporary world situation can be understood at best as a *transitional stage* between international and cosmopolitan law' (Habermas, 1998, 183).

A Cosmopolitan Framework for Humanitarian Military Intervention

In the past ten years many of the authors associated with the emerging cosmopolitan paradigm have addressed the issue of using military force to advance humanitarian goals. Humanitarian military interventions are typically defined as forceful interventions into a state by external agents, without the permission of the governing agent in that state, in order to prevent ongoing or threatened humanitarian crimes (Holzgrefe, 2003). Notwithstanding

cosmopolitanism's historical association with Kantian-inspired notions of 'perpetual peace', many theorists have defended humanitarian military intervention on cosmopolitan grounds.

According to cosmopolitans, the imperative of protecting human rights sometimes necessitates violating the principle of non-intervention in the affairs of formally sovereign states (Falk, 1998). Military force is justified in the context of the most severe and systematic human rights abuses, such as ethnic cleansing and genocide, when it appears to be a proportionate and effective course of action, and only after 'less awful' measures have been seriously considered (Wheeler, 2000; Archibugi, 2004; Caney, 2005). Cosmopolitans generally argue that military interventions should be carried out as 'police actions' designed to enforce cosmopolitan principles as legal entitlements, calling for the creation of new institutions and procedures capable of authorizing interventions and of channelling international opinion into their decisions (Archibugi, 2004; Habermas, 2004; Held, 2004). Finally, cosmopolitans emphasize the need to develop strategic and military resources to carry out effective humanitarian missions. The idea of 'cosmopolitan minded militaries' has been introduced to describe the tasks that intervening armies must carry out — including peacekeeping, provision of humanitarian assistance and safe havens, protecting humanitarian workers, establishing the conditions for politics to supplant violence — and the changes in military ethos and culture that must take place if armies are to become effective bearers of cosmopolitan values (Kaldor, 2001; Elliott and Cheeseman, 2002).

Cosmopolitan accounts of humanitarian military intervention demand far-reaching reforms of existing practices. While cosmopolitans do not reject out of hand all developments associated with interventionist politics, they argue that 'actually existing' military interventions fall short of those that would take place in the more cosmopolitan world that they wish to promote (Falk, 1998; Kaldor, 2003; Archibugi, 2004). They support the fact that a strict interpretation of the norm of non-intervention appears to be on the wane, welcoming the increasing saliency of humanitarian concerns as a legitimate basis for carrying out interventions. At the same time, they condemn the manifest failings of military interventions based on crude methods such as air strikes, the lack of clear legal guidelines legislating for humanitarian interventions, the unwillingness to intervene in all cases where it would be both possible and effective, and the dependence of interventions on the whims and caprice of powerful states. They unite in campaigning for reforms that will improve humanitarian military interventions in the future. The transformation of an imperfect interventionist regime into a system of 'cosmopolitan law enforcement' becomes another element of the anticipated transition from international law to cosmopolitan law.

Cosmopolitanism in a Non-Cosmopolitan World

Cosmopolitan approaches to military intervention contribute much of interest and originality to ongoing debates about the use of military force. Cosmopolitans propose reforms that might enable humanitarian military interventions to more effectively achieve their aims, while also indicating the kinds of mechanisms that would be available in a more cosmopolitan future to enforce cosmopolitan values. Notwithstanding these strengths, cosmopolitan theories of military intervention are not free from limitations.

The limitations of cosmopolitan theories of intervention stem from what might in many ways be regarded as an apparent strength: their forward-looking nature. Cosmopolitan theories of humanitarian military intervention are forward-looking in that they demand substantial reforms to make interventions more cosmopolitan in character. Cosmopolitan proposals amount to a defence of how interventions could be carried out in a more cosmopolitan future, where cosmopolitan procedures would be in place to authorize interventions and cosmopolitan militaries would carry out those interventions. While this forward-looking orientation allows cosmopolitans to fix ideas about the destination of political reform, it is not necessarily clear how this approach lends itself to reflecting on the rights and wrongs of interventions that take place — or do not take place — in the here and now. It is a distinguishing feature of our non-cosmopolitan present that we lack the kinds of institutional and military resources envisaged by cosmopolitans. At the same time, the kinds of systematic human rights violations that cosmopolitans identify as a just cause of humanitarian military intervention are a prevalent feature of our non-cosmopolitan world. Given this dispiriting situation it is perhaps unsurprising that cosmopolitans often appear more adept at suggesting reforms that will improve interventions in a better future, than at offering judgements about whether or not particular interventions are justified or unjustified in an imperfect present.

When cosmopolitans do appraise contemporary practices, their forward-looking theories sometimes yield paradoxical conclusions. Some cosmopolitans have gone so far as to suggest that until epochal reforms of the world order are achieved — the creation of new authorizing institutions and procedures and the establishment of cosmopolitan military forces — humanitarian military interventions should not be undertaken (Archibugi, 2003b, 268). The argument is that something akin to a cosmopolitan world order needs to be established before humanitarian military interventions can be carried out. The problem with this view is that it is precisely in a world that lacks these kinds of cosmopolitan resources that one is likely to see the humanitarian crimes that provoke interventionist impulses in the first place.[2] The kinds of

political situations that generate campaigns of genocide and ethnic cleansing are a hallmark of a world that lacks sufficient resources of 'cosmopolitan solidarity' or an entrenched regime of 'cosmopolitan law enforcement'. It seems counterintuitive to effectively postpone the possibility of military responses to these crises until the arrival of a more cosmopolitan world, where there may, for all we know, be less need for military interventions. The challenge for cosmopolitans is how to orientate themselves in a world where serious and substantial humanitarian crimes occur but where few effective means are available to respond to them.

Cosmopolitanism in Practice: Jürgen Habermas on Kosovo and Iraq

In recent years, several writers have highlighted the limitations of theories and philosophies as a resource for thinking about particular interventions. Without claiming that theories or philosophies are wholly redundant, these writers have been keen to stress the role that 'practical judgement' and an 'engagement with complexity' play both in carrying out interventions and appraising them (Brown, 2003; Miller, 2003; Weiss, 2003). The challenge raised at the end of the previous section suggests a similar turn, but one geared specifically to cosmopolitanism. The question is whether and how cosmopolitans can retain their ambitious normative commitments, while formulating judgements about humanitarian military interventions that take place in our world.

One way to approach this question is to reflect upon instances where cosmopolitans have translated their theoretical commitments into political judgements. To this end, I propose to examine the public statements of a prominent cosmopolitan theorist: Jürgen Habermas.[3] In two published articles and in a series of interviews, Habermas appraises NATO's intervention in Kosovo and the more recent US-led invasion of Iraq. In so doing, he engages with the moral, legal, and political complexities surrounding the decisions to intervene in Kosovo and Iraq: trying to ascertain the extent to which they can be reconciled with cosmopolitan attachments. Crucially for our purposes, Habermas offers us an exemplary 'case study' of the formulation and communication of judgements with a cosmopolitan orientation. Judgement is here taken to include the forming of an opinion, the evaluation and assessment of competing positions and considerations, and the moment of commitment when one 'takes a stand' (Ricoeur, 2000, 127–128). Habermas's judgements of Kosovo and Iraq can be described as having a cosmopolitan orientation because they constitute attempts to think about political events in the light of an attachment to cosmopolitan principles. In communicating his judgements through public statements, Habermas enters ongoing conversations about matters of public importance that take place, in principle, between all those

who have an interest or a stake in the matter under discussion (Beiner, 1983, 138–139). In the rest of this section, I shall discuss Habermas's contrasting assessments of Kosovo and Iraq. In the next section, I offer some reflections on what this discussion reveals to us about the dynamics involved in judging military interventions from a cosmopolitan standpoint.

According to Habermas, NATO's intervention in Kosovo can and should be sharply distinguished from the Allied invasion of Iraq. For Habermas, what was at stake in the Kosovo intervention was upholding basic rights against the backdrop of a bloody campaign of ethnic cleansing carried out by the Serbian government (Habermas, 1999, 265). Habermas accepts the official characterization of the intervention as an 'armed peacekeeping mission', which was triggered by well-founded fears of an emerging humanitarian catastrophe, supported by a majority of the world's democratic nations, and resorted to only after the failure of concerted diplomatic efforts. Although the campaign of ethnic cleansing intensified during the bombing, Habermas does not see this as a reason to condemn NATO's actions. According to him, 'even though Milosevic is using the NATO air war to force his policy to a bitter conclusion, depressing scenes from the refugee camp do not reverse the relations of causality' (Habermas, 1999, 264).

Habermas does not offer uncritical support for the intervention. He acknowledges reasonable concerns about the conduct of negotiations prior to the intervention, the insufficiently humanitarian conduct of a military campaign based exclusively on air power, the de-stabilizing effects of the campaign on the surrounding regions and, perhaps most seriously for Habermas, the risks attendant in an intervention that lacked the authorization of the UN Security Council and hence the full force and backing of international law. What leads Habermas to cautiously endorse the intervention, despite these profound misgivings, is his belief that it constitutes a reasonable attempt to pursue what he calls 'the politics of human rights' in the context of a drastically imperfect global order. In line with other theorists, Habermas suggests that in a more cosmopolitan world, human rights would be firmly embedded within an institutional-legal framework. In this world, violations of human rights would not be 'evaluated and fought off in an unmediated way according to philosophical moral standards', but would instead be 'prosecuted as criminal acts within a state-ordained legal order'. This vision requires sweeping reforms of existing arrangements, including 'a functioning Security Council, the binding jurisprudence of an international criminal court, and a 'second level' of representation for global citizens as a supplement to the General Assembly of world representatives' (Habermas, 1999, 268).

The absence of these institutional arrangements places the politics of human rights in the invidious position of being a mere 'anticipation' of a world to

come. As Habermas puts it: 'in light of the low level of institutionalisation of cosmopolitan law [the politics of human rights] is frequently forced to be a mere anticipation of the same prospective legal order that it simultaneously tries to promote' (Habermas, 1999, 269). In the case of Kosovo, although NATO could not receive authorization from the UN Security Council, it could appeal to underlying normative principles of international law — in this case peacekeeping and human rights — and to the inefficiency of existing mechanisms of enforcing these principles. In other words, NATO becomes entitled to step in as an agent capable of protecting human rights in the absence of more established legal mechanisms for doing so, provided it sees itself as a temporary placeholder for a more satisfactory institutional arrangement. Habermas even suggests that the Continental European countries involved in the mission 'understood this intervention as an anticipation of an effective law of world citizenship — as a step along the path from classical international law to what Kant envisioned as the 'status of world citizen' which would afford legal protection to citizens against their own criminal regimes' (Habermas, 2004, 103).

When it comes to the Allied intervention in Iraq, however, things prove to be quite different. Habermas cites three considerations that, for him, differentiate Iraq from Kosovo. Firstly, unlike NATO's intervention, the Allies were not intervening in response to an ongoing or threatened humanitarian catastrophe, such as ethnic cleansing or genocide. In this sense, Habermas sides with other commentators in denying that the Iraq invasion could qualify as a truly *humanitarian* intervention (Roth, 2004). Secondly, although both the Kosovo intervention and the Iraq invasion were not authorized by the UN Security Council, Habermas suggests that the former might be justified as 'fulfilling the provision of international law for emergency aid', a factor absent from the latter. Thirdly, Habermas claims that the legitimacy of the Kosovo intervention could be shored up by referring to what he calls the 'undisputed democratic and rule-of-law-character of all the members of the acting military coalition'. The Iraq intervention, by contrast, was carried out by a 'coalition of the willing' which has 'split the West' and contained states 'in contempt of human rights, such as Uzbekistan and Taylor's Liberia' (Habermas, 2004, 102). These considerations lead Habermas to condemn the Iraq intervention as an unjustified violation of international law.

Even allowing for these factors, however, Habermas considers the argument that the Iraq intervention can be justified because of one of its significant outcomes — the toppling of Saddam Hussein. After all, the combination of the removal of a brutal regime which had committed severe humanitarian crimes in the past, coupled with the promise of a newly installed democratic regime, might be characterized as a positive development for cosmopolitans. It is on

these grounds that Habermas rhetorically asks: 'can't good consequences generate their own justifying force after the fact?' (Habermas, 2003b, 364).

Despite acknowledging the force of this question, Habermas answers it with a resounding negative. He suggests that putting a positive gloss on the Iraq invasion depreciates the philosophy of international politics that is informing US policy. According to Habermas, the Iraq intervention followed directly from the neo-conservative doctrine of 'hegemonic unilateralism', which states that the US is entitled to disregard both international law and the opinions of the international community in the pursuit of its strategic interests and in the promotion of liberal-democratic values. The moral component of this doctrine ascribes to the US a positive and unique world historical role in the successful promotion of cosmopolitan values, while a politically compromised and inefficient United Nations is presented as unwilling to defend those values. For Habermas, the dangers of this vision are not only that a self-appointed global hegemon might abuse its power, but also that any such hegemon overestimates its capacity to import liberal democratic values into resistant local cultures and underestimates the necessity of multilateral will formation in international relations. As he puts it: 'from its self-chosen isolation, even the good hegemon, having appointed itself the trustee of general interests, cannot *know* whether what it maintains is in the interests of others to do is, in fact, *equally* good for all'. Against this vision of hegemonic unilateralism, Habermas re-states what he sees as the cosmopolitan position: 'there is no sensible alternative to the ongoing development of international law into a cosmopolitan order that offers an equal and reciprocal hearing for the voices of all those affected.' (Habermas, 2003b, 370).

In summary, we can see that Habermas reaches contrasting conclusions about the two military interventions. Although he was not in any sense a whole-hearted supporter of the Kosovo intervention, Habermas clearly sees significant differences between Kosovo and Iraq. While Kosovo can be criticized from a cosmopolitan perspective, it can also be cautiously justified as an attempt to anticipate a cosmopolitan legal order where individual human rights would be upheld. In Iraq, by contrast, the actions of the Allies departed to an unacceptable degree from fundamental cosmopolitan commitments, notwithstanding the claim that the intervention was promoting the rights and freedoms of 'ordinary Iraqis'. What do Habermas's interventions tell us about the challenges of thinking and judging as a cosmopolitan citizen in a non-cosmopolitan world?

Reflections on Cosmopolitan Judgement

Habermas's assessments of Kosovo and Iraq are serious and sustained attempts to formulate cosmopolitan opinions about complex, controversial,

and decidedly imperfect military interventions. In this section, Habermas's assessments will be used as a basis for building up a picture of the dynamics involved in formulating cosmopolitan judgements about military interventions. Three themes in particular will be discussed: the role that cosmopolitan principles play in judging context-laden interventions, the weight accorded to the nature and scope of support for military interventions, and the relevance of speculation about the impact that interventions may have on the transition to a cosmopolitan future. In a more critical manner, I will also reflect on the strengths and weaknesses of Habermas's attempts at cosmopolitan judgement. It should then be possible to develop some understanding of what would constitute a good cosmopolitan judgement of a military intervention, a discussion reserved for the concluding section.

Judgement, Principles and Circumstance

A recurring concern in discussions of military intervention is the extent to which a decision to intervene or a decision to support an intervention is taken on the basis of applying *principles*. The idea is that principles can capture general features that should ideally be common to all acceptable interventions, such as 'proportionality' and 'legitimate authority'. As we saw earlier, cosmopolitan theories of military intervention often proceed by elaborating these and other principles. Recently, there has been some disaffection with the idea that interventions should be carried out or appraised on the basis of applying principles. Chris Brown writes that 'there is no substitute for a form of moral reasoning that involves a judgement that takes into account the totality of circumstances, rather than seeks for a rule to apply' (Brown, 2003, 43). From a different perspective, Jacques Derrida declares that 'the responsibility of what remains to be decided or done (in actuality) cannot consist in following, applying, or realizing a norm or rule' (Derrida, 2003, 134). As a cosmopolitan with a strong commitment to deriving principles to regulate the use of force, Habermas's judgements offer valuable insights into the place that principles can play in appraising context-laden interventions.

Principles certainly play a prominent role in Habermas's judgements. The principle that interventions should only be carried out in the event of a serious and substantial humanitarian crime such as ethnic cleansing is clearly being applied in the contrast he draws between Kosovo and Iraq. At the same time, cosmopolitan principles are clearly not being applied in a way that amounts to 'following a rule' or in way that occludes an appraisal of the 'totality of circumstances'. This is reflected in the amount of interpretation and deliberation necessary to ascertain what constitutes a

sufficiently serious humanitarian crime. It is also reflected in the fact that Habermas suspends the application of at least some principles that he is committed to in his judgements. For instance, the principle that interventions should only be carried out through established legal mechanisms, a position that Habermas clearly has much sympathy for, does not translate into a condemnation of NATO's unauthorized intervention in Kosovo. The reason is that Habermas allows the context of the intervention to inform his decision about whether the principle of legality should be applied. The relevant circumstances that Habermas cites include the overwhelming likelihood of an escalating campaign of ethnic cleansing in Kosovo, the previous failure of the international community to prevent ethnic cleansing in that region, and the fact that any proposal to authorize an intervention through the UN security council would be frustrated by a politically motivated veto by at least one of its permanent members. It is through a careful assessment of these circumstances, which establish the parameters within which action must be taken and judgement made, that Habermas presents his decision not to oppose the Kosovo intervention, despite the violence it entailed and its illegality under international law.

Habermas provides an exemplary example of combining commitment to principles with sensitivity to circumstance, a capacity often identified as a crucial element of political judgement (Beiner, 1983, 148–150). His cosmopolitan principles are a resource for orientating judgement, which means that they inform and steer his assessments without conditioning or determining them (Ferrara, 1999, 193). Insofar as critics like Brown are correctly interpreted as refusing to privilege principles over circumstance without necessarily rejecting principles *per se*, Habermas's attitude to judgement appears surprisingly resonant with their concerns.[4] Such critics may, however, fear that Habermas's emphasis on promoting a cosmopolitan legal order betrays a longing to reduce the scope or the need for judgement in the future. The concern would be that greater legalization of humanitarian military intervention might reduce the scope for the kind of flexibility conducive to context-sensitive judgement and action (Brown, 2003, 45).[5] This issue is far too substantive to be satisfactorily resolved here,[6] but in defence of Habermas and other legally minded cosmopolitans it should be stressed that greater legal codification would not necessarily prohibit context-sensitive judgements. These judgements would take place within judicial institutions, against the backdrop of ongoing deliberation in a range of non-judicial spheres (e.g. states, international organizations, global civil society). In any case, the importance of context-sensitive judgement in the present historical juncture, with all its complexities and vicissitudes, remains indisputable.

Judgement and Agreement among Democrats

Another recurring concern in discussions of military intervention is the weight that should be accorded to the nature and scope of international opinion.[7] Cosmopolitans invoke the desirability of achieving broad international agreement about the appropriateness of using force. The hope is that broad support for an intervention might be regarded as evidence of the strength of the case for intervening. The idea also coheres with democratic intuitions about the desirability of taking into account the opinions and concerns of all those affected by decisions and policies.

Habermas's judgements of Kosovo and Iraq place a different gloss on this idea through his emphasis on the significance of opinion among the world's *liberal-democratic* regimes. This is another reason behind the contrast he draws between the two interventions. Habermas suggests that the justification of the Kosovo intervention can be buttressed by the broad support it enjoyed throughout what he refers to as the 'West', a concept inclusive of the world's existing liberal-democratic regimes. In relation to Iraq, however, Habermas argues that this consensus was shattered by the aggressive unilateralism of the US and its allies; indeed, he specifically reproaches the US for both 'dividing the West' and for incorporating non-democratic, rights-violating regimes within its 'coalition'. He speaks about how the US has become insensitive to 'the objections of its own allies', who are said to 'remain unconvinced on good normative grounds of its paternalistic claim to unilateral leadership' (Habermas, 2003b, 369). The idea of the 'West' as a symbolic community united by attachment to liberal-democratic values has enjoyed a strong hold over the imagination of many European and American authors (Ash, 2004, 3–13). Notwithstanding the political and historical context of Habermas's apparent attachment to the 'West', the idea that the attitude of democratic states to military interventions is to be accorded special weight in judgement raises interesting questions. Why, after all, should the opinions of 'Western' powers carry any more weight than those of non-Western powers?

There is a strong case for suspecting the motives of non-democratic or rights-violating states who oppose interventions and for seeking to minimize the role they might play in frustrating an otherwise justifiable intervention (Buchanan, 2004, 318–319). There are, though, risks in taking this disposition against non-Western regimes too far. First, it may give succour to those who view humanitarian military intervention — and cosmopolitanism in general — as essentially 'Western' or 'Eurocentric' ideas (Vaughan-Williams, 2005). Second, it risks giving too much sway to the most powerful voices in international politics at the expense of the least powerful.[8] Third, it risks overstating the democratic and rights-respecting nature of 'actually-existing' democratic regimes and investing their opinions with greater moral significance than they

in fact deserve. In particular, one might view Habermas's characterization of the Continental European powers as being motivated by the aim to promote a 'cosmopolitan legal order' as a somewhat one-sided and idealistic description of these regimes, at least as they currently operate (Derrida, 2003, 118–119). None of this is to say that the opinions of democratic regimes and their populations should have *no* weight in judgements of humanitarian military interventions. It is simply to caution that the way in which one incorporates democratic opinion into one's judgement must at least be sensitive to 'non-Western' opinion and to the vagaries of 'Western' opinion. In keeping his gaze incessantly fixed on America and 'cosmopolitan' Europe, Habermas perhaps fails to do this in his judgements of Kosovo and Iraq.[9]

Judgement, Military Intervention and a Cosmopolitan Future

In his judgements of Kosovo and Iraq, Habermas assesses the extent to which each intervention is likely to accelerate or stall the transition from classical international law to a cosmopolitan legal order. To put the matter bluntly: Habermas believes that Kosovo can be seen as promoting the transition to a cosmopolitan legal order, while Iraq cannot be placed on that progressive historical trajectory.

The criterion to which Habermas seems to be appealing here is: to what extent does the action which I am observing, the commission of which I can support or campaign against, advance my goal of a more cosmopolitan world?[10] This criterion is particularly significant given our earlier observation that cosmopolitans struggle to translate their forward-looking theories into practical engagements with contemporary events. Habermas aims to combine his hopes for a more cosmopolitan future with an engaged and worldly attitude to events that transpire in our more or less non-cosmopolitan present. He does this through trying to ascertain whether and how the interventions he assesses will impact on the transformation in human affairs anticipated by cosmopolitans. The criterion opens up a range of considerations when judging interventions from a cosmopolitan perspective. Some relate to the expected short-term outcomes of an intervention, specifically whether it will be likely to minimize human rights violations. Others relate to longer term developments, specifically changes to institutional mechanisms or international legal and political practices. Habermas appears to have these kinds of long-term reforms in mind when he identifies the 'promotion' of a 'fully institutionalised global civil society' as one of the intentions behind NATO's intervention in Kosovo (Habermas, 1999, 270–271).

This assessment of the extent to which interventions advance the creation of a more cosmopolitan world is a valuable element of Habermas's judgements, which merits closer examination than is possible here. The criterion suggested

above certainly gives rise to several challenges. First, one would need to reflect on the weight that should be accorded to this criterion in our judgements, particularly in relation to other principles and considerations operative in assessments of interventions. Habermas appears to strike the right balance in appraising long-term effects without neglecting other considerations, such as authorization, conduct, and context. Second, one would need to specify how this criterion should be interpreted by giving a fuller account of the kinds of cosmopolitan improvements or reforms it incorporates. Habermas is perhaps culpable here for sometimes allowing rather general invocations of a 'global civil society' or 'cosmopolitan legal order' to stand in place of a more detailed account of the kinds of cosmopolitan reforms that might be expected to flow from or be frustrated by each intervention.[11] Finally, applying the criterion would require a convincing account of how and why interventions would promote or frustrate cosmopolitan reforms. It is perhaps here that Habermas's own judgements can be found most wanting, particularly in relation to Kosovo. In order to convincingly demonstrate that NATO, or at least its Continental European members, wanted to promote a more cosmopolitan world through its action, it would surely be necessary to discuss in greater detail the statements of its political representatives, and perhaps subject them to critical scrutiny. At the very least, one would have to paint a picture of how the Kosovo intervention might directly or indirectly impact on public debates over the nature and direction of institutional reforms. This kind of analysis is lacking in Habermas's assessment, with the consequence that this element of his cosmopolitan justification for Kosovo is vulnerable and insufficiently substantiated. Despite the fact that the forward-looking criterion operative in Habermas's judgements offers a valuable insight into one aspect of cosmopolitan judgement, his interpretation and application of that criterion is perhaps not always as sound as it might have been.

Conclusion: Reflections on Good Cosmopolitan Judgement

This article has suggested that despite the many virtues of cosmopolitan approaches to humanitarian military intervention, it is often difficult to discern how cosmopolitan theories can inform debates about the rights and wrongs of interventions that take place in the here and now. Through analysing Habermas's assessments of Kosovo and Iraq, we have gained some insight into the ways in which cosmopolitans might go about judging military interventions that take place in our non-cosmopolitan present. The themes that have been highlighted — the interaction between principle and context, the weight accorded to international opinion, and the relevance of long-term speculation — can be seen as considerations that will typically come into play

when cosmopolitans appraise military interventions in our world. For the most part, our discussion has been content to describe these features of cosmopolitan judgement and discuss how they manifest themselves in Habermas's assessments. A natural culmination of this discussion would be to ask whether we can go further and ascertain what would constitute a good cosmopolitan judgement. With this standard in mind we could then return to Habermas and, as it were, pass judgement on his judgements.

Our discussion does allow us to offer some tentative reflections on what would constitute a good cosmopolitan judgement of a military intervention. Such a judgement will identify cosmopolitan principles that are relevant to the situation at hand, and apply them through a combination of moral reasoning and sensitivity to context. It will demonstrate knowledge of the circumstances on the ground, and the capacity to imagine the many consequences militarized violence will have. It will indicate some awareness of the interests and capabilities of intervening parties and an understanding of the political and legal context within which they act. It will pay heed to international political opinion, keeping an open mind to insights and arguments on offer from all aspects of international society while retaining a critical attitude to them. Finally, it will, if possible, soundly ascertain the extent to which interventions impede or facilitate reforms or developments that are conducive to promoting cosmopolitan aspirations. This thumbnail sketch may be of limited value in actually helping us to reach good cosmopolitan judgements, but it at least tells us something about what we should be aspiring to in our judgements.

With this sketch in mind, I would suggest that Habermas does, in fact, exhibit many of the features of good cosmopolitan judgement. The fallibility of some his arguments — particularly his tendency to overstate the sense in which Continental European powers and the Kosovo intervention promoted the ideal of a cosmopolitan legal order — should not detract from the sensitivity and overall strength of his assessments. Their strengths become particularly apparent in view of the immense difficulties of judging military interventions from a cosmopolitan perspective. To do so involves combining commitment to cosmopolitan principles and values with a fine-grained, worldly, and balanced appraisal of deeply ambiguous and uncertain social realities. It is to Habermas's credit that he has the courage to tell us where he stands. While his judgements cannot and should not constitute definitive cosmopolitan positions on these issues, his willingness to advance judgements does exemplify a vital element of cosmopolitan thinking. It is in and through the judgements of politically engaged sympathizers like Habermas that cosmopolitanism appears not just as a distant and somewhat abstract political ideal, but as an embedded way of thinking about the world and in the world. If cosmopolitan theories and philosophies have the task of describing the future towards which

cosmopolitans wish to travel, the capacity to make good cosmopolitan judgements enables us to promote and advance that vision in the here and now.

Notes

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2 Those who deny that humanitarian military interventions can be acceptable in our non-cosmopolitan present are quick to point out that this does not justify inaction in the face of genocide and other such crimes (Archibugi, 2003b, 268). Instead, they recommend pursuing non-military responses. Though this is a reasonable position, it is not always clear what these non-military responses could consist in, whether they could be effective, and whether they would in fact always bring about less harm than military responses (Kaldor, 2003, 134; Caney, 2005, 249).

3 Habermas is a particularly suitable subject of this investigation because of: (i) his prominent status as a publicly engaged intellectual, (ii) his belief in the give and take of reasons in public deliberation, and (iii) his commitment to the cosmopolitan positions elaborated in the first section of this paper. There are, of course, serious difficulties in taking one theorist's judgements as the basis for reflecting on the practical application of an entire body of thought. It must be stressed at the outset, therefore, that this exercise is merely meant to be illustrative of certain ways in which cosmopolitan ideas can and have figured in judgements of Kosovo and Iraq, not to elaborate definitive cosmopolitan positions on these controversies.

4 Derrida's attitude to principles is, as one would expect, somewhat complex. According to one interpretation, Derrida argues that because judgements will inevitably take leave of our principles, the principles lose their justificatory force. This would differentiate Derrida from Habermas, who would still seek to justify his judgements through appeal to principles despite the extensive interaction between principles and circumstance involved in their formulation. Thanks to Maja Zehfuss for pressing this possible contrast between the two authors.

5 Thanks to Dan Bulley for pointing out this concern with cosmopolitan theorizing about military intervention.

6 A satisfactory discussion would have to carefully delineate proposals for greater legalization of military intervention and provide a more general discussion on the nature and limitations of judicial reasoning. For an interesting and original set of reflections on how law can act as both a vehicle for and check on cosmopolitan aspirations, see Hannah Arendt's discussion of the Eichmann trials (Arendt, 1994).

7 'International opinion' can be expressed by political representatives in national and international bodies, associations in domestic, transnational and global civil society, and concerned individuals in public political debates.

8 For an account of the attitude of African states, including their often reasonable concerns about the practice of humanitarian intervention, see Byers and Chesterman (2003, 190–192)

9 It is, of course, possible and perhaps even likely that Habermas's judgements would have been the same even if he did not have this fixation on the West. However, it may have altered the perception of and response to his judgements. For instance, consider this criticism of Habermas's

assessment of Kosovo: 'Habermas's theoretical perspective…leads him to identify Western public opinion as the 'international community' and keeps him from perceiving, beyond the horizon of his noble Kantian utopia, the diversity, estrangement and increasing hostility of other cultures, civilizations and governments' (Zolo, 2002, 80–81). Although this particular criticism is underpinned by an unattractive and ultimately implausible anti-cosmopolitanism, some acknowledgment of non-Western opinion on Habermas's part may have better insulated him against this kind of critique.

10 The formulation of this criterion is heavily indebted to discussions with Robert Spencer.

11 Allen Buchanan provides a more nuanced and detailed discussion of the ways in which an intervention like Kosovo might have been a pacemaker for desirable international reform, as well as a persuasive critique of the failure of the intervening powers to exploit this potential (Buchanan, 2003).

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