

Kwame Anthony Appiah
Seyla Benhabib
Iris Marion Young
Nancy Fraser

**Justice, Governance, Cosmopolitanism,
and the Politics of Difference**

Reconfigurations in a Transnational World

Distinguished W.E.B. Du Bois Lectures
2004/2005

With an introduction by
Günter H. Lenz and Antje Dallmann

Humboldt-Universität zu Berlin
Faculty of Arts II
Department of English and American Studies

Partner of the *Distinguished W.E.B. Du Bois Lectures* are
the Embassy of the United States of America in Berlin,
Harvard University,
the Veranstaltungsforum der Verlagsgruppe
Georg von Holtzbrinck

Die digitalen Ausgaben der Öffentlichen Vorlesungen sind abrufbar über den Dokumenten- und Publikationsserver der Humboldt-Universität unter: <http://edoc.hu-berlin.de/ovl>

Herausgeber:
Der Präsident der Humboldt-Universität zu Berlin

Copyright: Alle Rechte liegen bei den Autoren
Berlin 2007

Redaktion:
Engelbert Habekost
Forschungsabteilung der Humboldt-Universität zu Berlin
Unter den Linden 6
D-10099 Berlin

Herstellung:
Forschungsabteilung der Humboldt-Universität zu Berlin
Unter den Linden 6
D-10099 Berlin

Heft 152

ISSN 1618-4858 (Printausgabe)
ISSN 1618-4866 (Onlineausgabe)
ISBN 978-3-86004-212-0
Gedruckt auf 100 % chlorfrei gebleichtem Papier

Contents

Günter H. Lenz / Antje Dallmann Justice, Governance, Cosmopolitanism, and the Politics of Difference – Reconfigurations in a Transnational World	
Introduction	5
Kwame Anthony Appiah Ethics in a World of Strangers: W.E.B. Du Bois and the Spirit of Cosmopolitanism	15
Seyla Benhabib Crises of the Republic: Transformations of State Sovereignty and the Prospects of Democratic Citizenship	45
Iris Marion Young Structural Injustice and the Politics of Difference	79
Nancy Fraser Abnormal Justice	117
About the Authors	148

Günter H. Lenz / Antje Dallmann

**Justice, Governance, Cosmopolitanism,
and the Politics of Difference.
Reconfigurations in a Transnational World**
Introduction

To the memory of Iris Marion Young

In the 1980s, political theory in the West was characterized by a paradigm change from *redistribution*, a politics of structural difference, to *recognition*, a politics of cultural difference that focused on multiculturalist and feminist claims and notions of cultural group identities. Since the 1990s, political philosophers have more radically confronted the repercussions of a multi-centered, globalizing world increasingly beyond the nation-state system that challenged the parameters of democratic theory. They have criticized reductionist and essentialist notions of culture(s) and identities, analyzed the potential and the limits of “civil society,” acknowledged the radical hybridity, polyvocality, and “transculturality” of all cultures and societies, and pursued new directions in democratic theory, visions of “deliberative” or “communicative” models of democracy. They have explored the transformations of the meanings and roles of “flexible,” “non-territorial,” and “world” *citizenship*, versions of a “rooted,” “partial,” or “federalist” *cosmopolitanism*, the complex and contested new dimensions and practices of *governance* and *sovereignty*, and cogently addressed the crucial question of global *justice*, of structural injustice and the forms of a politics of difference, of the three dimensions of “abnormal justice” in today’s world.

During the last two decades, American political philosophers have powerfully analyzed the contours, the dynamic, and the objectives of these fundamental issues of a new democratic theory. To this exploratory and contentious public debate, Kwame Anthony

Appiah, Seyla Benhabib, Nancy Fraser, and Iris Marion Young have made particularly challenging and suggestive contributions. They have not only engaged in a continuous open dialogue with each other's work, but they have also committed themselves to a *transatlantic* philosophical debate with Critical Theory (esp. Jürgen Habermas, Axel Honneth) and French poststructuralist philosophy (esp. Michel Foucault, Jacques Derrida, Julia Kristeva). All of them have been part of the ongoing project of feminist critique and gender discourse. Their philosophical work confronts, deconstructs, and transfigures fundamental Western philosophical and disciplinary distinctions and oppositions, such as universalist norms and the politics of difference, *negotiating* their *tensions* and *interdependencies* without discarding one side or pressing for a “new” “synthesis.” Their contributions to this volume, revised versions of their Distinguished W.E.B. Du Bois Lectures at Humboldt-Universität, 2004–2005, testify to their ongoing dialogical philosophical commitment to a theory of democracy in a “globalized world of uncertainty, hybridity, fluidity, and contestation” (Seyla Benhabib).

In his essay, “Ethics in a World of Strangers: W.E.B. Du Bois and the Spirit of Cosmopolitanism,” Kwame Anthony Appiah argues in favor of what he calls a “rooted” or “partial cosmopolitanism.” Taking W.E.B. Du Bois as a, or indeed as *the* example in case, Appiah shows that cosmopolitanism cannot only *not* be divorced from a rootedness in a specific, also *national* culture but rather is dependent on concrete cultural affiliations. Appiah shows that in his thinking, Du Bois was deeply influenced by his time as a doctoral student at Friedrich-Wilhelms-Universität, now Humboldt-Universität. At the heart of his writings lies a thorough understanding of German philosophers of *Sturm and Drang*, and particularly of Herder. Taking up Herder's notion of *Volksggeist*, Du Bois advocated a progressive “nationalism” as it developed in the specific philosophical and political climate of 18th and 19th century splintered Germany, a nationalism which can in fact be described as cosmopolitan. Du Bois's cosmopolitanism thus unites two, sometimes considered to be contradictory strands: “one is the general moral idea that we have obligations

to others, obligations that stretch beyond those with whom we are related by the ties of kith and kind, or even the more formal ties of a shared citizenship. The other is that we take seriously not just the value of human life but of particular human lives.” With Appiah, and Appiah’s reading of Du Bois, therefore, a “citizen of the world” should neither “abjure all local allegiances and partialities in the name of a vast abstraction, humanity” nor should s/he take the nationalist position of rejecting all foreigners. In effect, Appiah concludes, “[t]he position worth defending might be called (in both senses) a partial cosmopolitanism.”

It is this revisionary notion of a “*partial* cosmopolitanism – in both senses” or a “*rooted* cosmopolitanism” in a postcolonialist world, of the “ideal of contamination,” hybridity, and intermingling of cultures, of “relations between strangers,” of a contentious, crosscultural “dialogue” and a “negotiation between disparate tasks” of a “cosmopolitan patriotism” of difference within societies and across nations that Appiah explores more systematically in his books *The Ethics of Identity* (2005) and *Cosmopolitanism: Ethics in a World of Strangers* (2006).

In her book, *The Claims of Culture: Equality and Diversity in the Global Era* (2002), Seyla Benhabib analyzes the dimensions and repercussions of a “deliberative model of democracy” and addresses the “demands for the recognition of identities based on gender, race, language, ethnic background, and sexual orientation have posed to the legitimacy of established constitutional democracies,” opting for a “dialogic and narrative model of identity constitution.” Her next book, *The Rights of Others: Aliens, Residents and Citizens* (2004), examines, in a comparative perspective, the boundaries of political communities, the “principles and practices for incorporating aliens and strangers, immigrants and newcomers, refugees and asylum seekers in existing polities” and proposes a vision of global justice that pleads for “moral universalism and a cosmopolitan federalism” and a concept of flexible, cosmopolitan citizenship.

In her lecture, “Crises of the Republic: Transformations of State Sovereignty and the Prospects of Democratic Citizenship,” Seyla Benhabib explores how globalization and its multi-faceted political and social consequences have led not only to the eventual demise of the principle of the Westphalian nation state, but consequently also to a transfiguration of citizenship and sovereignty. It is the aim of Benhabib’s essay to discuss possibilities of a refiguration of democratic institutions and civil participation in a thus changed global space. For the demise of the nation state in the wake of globalization does not, of course, lead automatically to a general implementation of cosmopolitan and humanitarian norms of justice but rather, as a consequence of global capitalism, undermines popular sovereignty as it brings with it the “deterioration of the capacity of states to protect and provide for their citizens.” Benhabib perceives two parallel tendencies as part of a general disaggregation of sovereignty. On the one hand, a “vertical uncoupling,” constituted by world-wide migratory movements on an unprecedented scale, leads to a new uncoupling of territoriality and jurisdiction as present-day migrants are able to and effectively do hold close ties to their country of origin and thereby enforce forms of overlapping jurisdiction. Consequently, an ideal of popular sovereignty which presupposes singular allegiances to just one country and with it democratic rule in general may become problematic as “a state-centered model of sovereignty is itself becoming dysfunctional.” On the other hand, what Benhabib calls the “horizontal uncoupling” as triggered by the transnational movement of capital and commodities reduces the state’s power of legislation while giving rise to legal practices of deep impact which are not, however, legitimized through democratic processes.

In this context of deep-going change, a reconfiguration of sovereignty will not be acted out, as Benhabib argues, neither by an emerging “multitude” (Hardt and Negri) nor simply on a local level (Slaughter). Benhabib rather perceives as necessary an accompanying reconstitution of citizenship “which shows that political agency is possible beyond the member/non-member divide” and through multiple “democratic iterations,” namely “complex

processes of public argument, deliberation, and exchange through which universalist rights claims and principles are contested and contextualized.” Benhabib concludes in pointing out that “popular sovereignty cannot be regained today by returning to the era of the ‘black box’ of state sovereignty: the formal equality of sovereign states must mean the universalization of human rights across state boundaries, respect for the rule of law and democratic forms of government.” A vision of an “emergent global civil society, in which new needs are articulated for a world public, new forms of knowledge are communicated to a world public opinion and new forms of solidarity across borders are crafted,” she elaborates more fully in her Tanner Lectures, *Another Cosmopolitanism: Hospitality, Sovereignty, and Democratic Iteration* (2006).

In her book, *Justice and the Politics of Difference* (1990), Iris Marion Young develops a conception of justice critically indebted to the more recent work of the Frankfurt School and French poststructuralist philosophy, and feminist theory, a reflective discourse about justice historically and socially contextualized and responding to the claims about social domination and oppression that permeated the new left social movements of the 1960s and 1970s. She rejects fundamental presuppositions of contemporary political philosophy and argues for a politics that “recognizes rather than represses differences,” a vision of a “heterogeneous public that acknowledges and affirms group differences,” a vision she finds expressed in the ideal of city life (as against the celebration of a homogeneous “community”) as the “openness to unasimilated otherness.” Her next book, *Inclusion and Democracy* (2000), “explores additional and deeper conditions of political inclusion and exclusion, such as those involving modes of communication, attending to social difference, representation, civic organizing, and the borders of political jurisdiction.” It addresses the “norms and conditions of inclusive democratic communication under circumstances of structural and cultural difference” in “societies with millions of people.” She discusses the dimensions and the limits of civil society and proposes a model of “differentiated solidarity” that she also extends to a global level, the worldwide “interaction and interdependence among people.”

Iris Marion Young describes her philosophical writings as contributions to a “set of overlapping conversations with people of diverse interests and backgrounds whose writing has stimulated me to think or with whom I have spoken over time.” In this dialogic mode, her essay, “Structural Injustice and the Politics of Difference,” elaborates a complex understanding of politics of difference which takes into consideration the highly relevant, albeit often disregarded distinction between positional and cultural difference while arguing for a reconsideration within public and academic discourses of the former. The discussion of positional difference as cause of structural inequality and injustice was central to feminist, anti-racist, and gay liberation activists of the 1980s who argued for equality and inclusion, while a version of a (multiculturalist) politics of difference “gained currency in the 1990s, which focused on differences of nationality, ethnicity and religion,” emphasizing “the cultural distinctness of individuals.” While both the discourses of positional and of cultural difference are legitimate and important, Young points out a number of critical limits to the politics of cultural difference. First, it “obscures racism as a specific form of structural injustice,” second, it lays too much emphasis on the role of the state towards individuals while underestimating “civil society either as enacting injustice or as a source of remedy,” and third, it too easily reinforces positions of (seeming) normalcy which were “exposed and criticized by a politics of positional difference.” Young therefore proposes “to re-focus [academic and popular] attention to group differences generated from structural power, the division of labor, and constructions of the normal and the deviant, as they continue also to reflect on conflicts over national, ethnic, or religious difference.” This vision of a “global democratic discussion and regulation,” Young pursues in her more recent work on “global democracy,” “global governance,” a “global public sphere,” and “global justice” in a critical re-assessment of economic globalization, current national and international conflicts, and transnational social (“grassroots”) movements (see *Global Challenges: War, Self-Determination and Responsibility for Justice* (2006)).

Since her book *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory* (1989), Nancy Fraser has worked on a theory of a communicative democracy with a heterogeneous, dispersed network of many publics and of postnational democratic justice, critically drawing on European and American feminist theory, critical social theory, poststructuralism, and pragmatism. In her book, *Redistribution or Recognition? A Philosophical Exchange* (with Axel Honneth) (2002, 1998), based on her Tanner Lectures of 1996, she offers a dual perspective approach to a theory of justice that addresses the complex and conflictual interrelations of maldistribution and misrecognition, a “bifocal” approach that is particularly energized by her reflective engagement with the conception of gender. Near the end of her Tanner Lecture, “Social Justice in the Age of Identity Politics: Redistribution, Recognition and Participation,” she asks the question if a theory of justice today requires a *third* dimension, in addition to redistribution and recognition, and she suggests “the political,” i.e. political marginalization and exclusion, as the most likely candidate. In her more recent work, Fraser further develops these questions of “participation” and “democratization” in proposing a *politics of representation* in which the framing of questions of justice becomes a matter of *democratic deliberation*. “The theory of social justice must become a theory of *democratic justice*,” which has to be explored in moral philosophy, social theory, political theory, and practical politics in their *different* forms. Fraser does not look for a single, “synthetic” theory, but offers a complex dialogical model that can accommodate “differentiation, divergence, and interaction at every level,” recognizing that “questions of distribution and recognition are today inextricably imbricated with questions of representation.”

In her essay, “Abnormal Justice,” Nancy Fraser discusses the changes necessary within meta-disputes over justice in a globalizing, post-national world. By using the term “abnormal justice,” she denotes the unstable character of central parameters and dimensions of justice-discourses in the present world. Although premises and scopes of justice-discourses in general are often taken for granted, they do not constitute ontological truths but rather refer to

historically evolved presuppositions, are “[c]onstituted through a set of organizing principles, and manifest[...] a discernible grammar.” Presently, the nation-state as norm and context of justice-discourses dissolves, leaving behind a yet unfilled and contested continuum of discourses which Fraser terms “abnormal” on the grounds of their yet unshaped or undetermined character. Fraser thus “suggest[s] a way of approaching questions of (in)justice in abnormal times,” registering three rival claims for justice – socio-economic redistribution, cultural or legal/status recognition, and political representation. She identifies “three nodes of abnormality in contemporary disputes about justice” and formulates “three corresponding conceptual strategies for clarifying these abnormalities.” For justice under conditions of abnormal discourse, “taken-for-granted assumptions about the ‘what,’ the ‘who,’ and the ‘how’ [of justice] no longer go without saying.” Fraser consequently argues that a meta-theory of abnormal justice should respond to and combine both its positive and its negative side and “encompass an account of the ‘what’ of justice [the overarching principle of ‘parity of participation’] that is multidimensional in social ontology and normatively monist.” It should also encompass a view of the “who” of justice [“*who* is entitled to participate on a par *with whom* in *which* social interactions?”], guided by what she calls “the *all-subjected principle*,” that is “simultaneously reflexive and substantive,” and a view of the “how” that “combines dialogical and institutional features,” “submitting meta-claims for the reframing of justice to a process of two-way communication between civil society and new global representative institutions.”

The repercussions of world-wide migrations in a postcolonial, post-fordist world, of cross-cultural tensions and negotiations, of new concepts of citizenship, of diasporic and hybrid multicultural identities and communities, of the new media of communication, or of the transnational quality of cultural production and consumption ask us to reconceive our notions of the public sphere, of governance, of the social and political role of culture(s), of cultural difference in terms of ethnicity, race, gender, and class, and of the dialectics of intercultural relations. The *Distinguished W.E.B. Du*

Bois Lectures address these questions and visions of a new theory of democracy in a *transatlantic perspective*, taking the international debates about the dimensions and objectives of public culture(s) and the translation of culture(s) as guiding reference-points. The Lectures are named to honor William Edward Burghardt Du Bois (1886–1963) as one of the most important and influential intellectuals, scholars, public figures, and writers of the 20th century, whose multi-faceted international public life and work incorporated what the Lectures set out to achieve. He was closely connected to Humboldt-Universität, a Ph.D. student at Friedrich-Wilhelms-Universität from 1892 to 1894 and recipient of an honorary doctoral degree from Humboldt-Universität in 1958.

The *Distinguished W.E.B. Du Bois Lectures* are realized as a joint project of Humboldt-Universität, the Veranstaltungsforum der Verlagsgruppe Georg von Holtzbrinck, the Embassy of the United States, and Harvard University. We express our sincere thanks to Andreas F. Wilkes, Geschäftsführer, Veranstaltungsforum der Verlagsgruppe Georg von Holtzbrinck, to Mr. Richard Aker, former Cultural Attaché, Embassy of the United States, to the current cultural Attaché, Embassy of the United States, Mr Peter R. Claussen, and to Professor Henry Louis Gates, Jr., Director, W.E.B. Du Bois Institute for African and African American Research, Harvard University, for their generous support that made these lectures and their publication possible. The lecture series has been organized by Professor Günter H. Lenz and Dr. des. Antje Dallmann, American Studies, Humboldt-Universität zu Berlin, who are supported by an advisory board.

A part of the lecture by Kwame Anthony Appiah was published in the *Berlin Journal* of the American Academy Berlin, Issue no. 11, Fall 2005, pp. 23–26. The essay by Iris Marion Young is also published in a collection of essays, *Multiculturalism and Political Theory* edited by Anthony Laden and David Owen with Cambridge University Press (2007).

This volume is dedicated to the memory of Iris Marion Young who passed away in August, 2006.

Kwame Anthony Appiah

**Ethics in a World of Strangers: W.E.B. Du Bois
and the Spirit of Cosmopolitanism¹**

W.E.B. Du Bois's international reputation must strike us now, I think, as rather surprising. He starred in no films; though there is powerful newsreel footage of his angry denunciations of American racism and European colonialism. None of his novels was a best-seller; of all his writings, in fact, only *The Souls of Black Folk* was a real publishing success, with its twenty-four editions between 1903 and 1940, and even *The Souls* only sold some fifteen thousand copies in its first three decades on the publisher's list. Du Bois was never elected to public office; and when he did run, once, as the American Labor Party candidate for New York, he was 82 and got just four percent of the vote.

What made Du Bois famous was not the life he lived but the words he wrote; and his fame, outside Afro-America, was a fame among writers. William James – one of Du Bois's favorite undergraduate teachers – sent a copy of *The Souls of Black Folk* to his brother Henry calling it “decidedly moving.” (“Read Chapters VII to XI for local color,” William wrote, hoping, perhaps, to interest Henry in setting a few more episodes of his fictional work in their native country.) Henry James's response to the book William sent him was to call *The Souls of Black Folk* “the only ‘Southern’ book of any distinction published in many a year.” Not the most positive compliment you ever heard; but a compliment nevertheless from a critic with enormously high standards. More, perhaps, than any American, certainly more than any African-American before or since, Du Bois was famous *as* an intellectual and *as* a writer. The constant stream of poetry, drama, biography, fiction (long and short), monographs, letters, autobiographies, symposia, and newspaper and journal articles can seem frankly overwhelming. Herbert Aptheker, Du Bois's literary executor,

published an edition of Du Bois's work and his formidable correspondence that runs to some 50 volumes.

Not only did he write constantly in almost every genre, this remarkable author's credentials as a scholar were among the most distinguished of his generation. He began his undergraduate career at Fisk, because a black college was the right place for an African-American, however smart, especially one of modest means who depended for the cost of his education on the philanthropy of strangers. But his achievements there were impressive enough to allow him to take his Fisk BA to Harvard; and he earned a second bachelor's degree there, two years later in 1890, *cum laude*, and was chosen to give one of the four commencement orations. A year later he had a Harvard MA in history, working under the tutelage of Albert Bushnell Hart, one of the founding fathers of modern historical studies in the United States. James had suggested that philosophy would be a chancier academic career: but his philosophy teacher's pragmatist spirit informed all his later endeavors.

Du Bois went on to study here at the Friedrich Wilhelms University in Berlin, at the apex of a German academic system that had re-created the university by inventing modern graduate education. He worked with Wilhelm Dilthey; he listened to Max Weber and Heinrich von Treitschke; and he deepened his knowledge of the Hegelianism that he had learned from George Santayana at Harvard. When he could not raise the funds to complete the doctoral degree in Germany, he returned back to America and to Cambridge, Massachusetts. His doctoral degree was the first granted to an African-American by Harvard. This was one of Du Bois's many firsts. Two years earlier he had been appointed Professor of Classics at Wilberforce University – a black college in Ohio – at the age of twenty-six. By 1895, nearly three years before his thirtieth birthday, W.E.B. Du Bois had two bachelors' degrees, an MA and a PhD.

Du Bois's first book was his history thesis on the suppression of the African slave trade, which was also, as it happens, an-

other first: the first dissertation to be published in the Harvard Historical Monograph Series by anyone, black, white, yellow or brown. In 1896, the year he published this pioneering historical monograph spanning two centuries of Atlantic history, the author left his job as a classics professor at Wilberforce to begin a sociological study, at the University of Pennsylvania, of the African-American community of downtown Philadelphia. (Du Bois hadn't liked Wilberforce University much, but he had met and married Nina Gomer, a student there; so he could hardly regard those brief years in Ohio as wasted.) Three years later, Du Bois published his second book, *The Philadelphia Negro*, which is, arguably, another of those firsts: the first modern scientific sociological study of an American community. It was the author of the *Philadelphia Negro* that Max Weber was to come to visit.

By the time that *The Philadelphia Negro* appeared, however, Du Bois himself was no longer a Philadelphia Negro; he had become one of those Georgia Negroes, riding Jim Crow in Atlanta. He had taken a job as professor of history and economics at Atlanta University, one of the crop of Southern black colleges that sprang up in the years immediately after the Civil War. Founded in 1865 by the American Missionary Association, and supported by the Freedman's Bureau, by the turn of the century it was educating black teachers to meet the growing needs of the segregated schools of the South. The University of Pennsylvania, Benjamin Franklin's institution, was willing to harbor his research: but in the 1890's it could not offer a black man a job as a professor. Du Bois was to spend more than a decade in Atlanta, editing the Atlanta University Studies in the sociology of Afro-America, organizing conferences, teaching and conducting research; research that shows up in the detailed knowledge of the rural South displayed in *The Souls of Black Folk*. Atlanta University was where Du Bois lived out his professorial vocation.

And all the time he was writing. The preface of *The Souls of Black Folk* (with typical individuality he called it a "Forethought") is signed "Atlanta, GA, Feb 1, 1903," three weeks before this thir-

ty-fifth birthday. One imagines that on February 2nd he began (if he did not finish!) the next work.

When he wasn't writing or teaching or doing research, he was busy helping to found organizations of racial uplift: in 1897 he co-founded the American Negro Academy; in 1900 he attended the first Pan-African Conference in London; in 1905 he helped organize the opening conference of the Niagara movement, whose aim was both to ensure black voting rights and (above all) to oppose Booker T. Washington's accommodations with segregation. But these institutional efforts of Du Bois's were largely fugitive, as I have said. Pan-African Congresses trickled on through the century; the Academy was to last barely three decades; and the Niagara movement had four conferences and disbanded in 1910. That movement *did* pave the way, however, for the creation, in 1909, of the National Negro Committee which was to develop into the National Association for the Advancement of Colored People.

And it was the NAACP that took Du Bois back out of the South in 1910 to edit its official magazine, *The Crisis*, in New York City and to direct the organization's publications and research (though not before he had added a new genre to his vita, by publishing his impassioned biography of John Brown). He was 42, a professor with a curriculum vitae and a list of publications and awards unmatched among African-Americans and equaled by few white academics. Now this scholar in his prime had a national platform on which to speak for the Negro: and he did so there for the next quarter century, until he resigned in one of his famous fits of indignation in 1934, at an age at which most people would have been contemplating a peaceful retirement.

But Du Bois at his resignation had thirty productive years to go. He returned to Georgia to chair the sociology department at Atlanta University. Within the year he established his place as a major American social historian by publishing *Black Reconstruction*, which remains a most important statement on its subject. When he was forced to retire from Atlanta University in his mid-

seventies, he went on working, writing newspaper columns, starting the *Encyclopedia of the Negro*. In the years after the Second World War, like many progressive Americans, he campaigned for nuclear disarmament, chairing the Peace Information Center, and attracting, inevitably, the attention of McCarthyites in Washington. Tried and acquitted in his eighty-third year on charges of being an “unregistered foreign agent,” he was denied a passport by the State Department anyway; and so was unable to accept Kwame Nkrumah’s invitation to attend Ghanaian independence. Only as he entered his tenth decade did the Supreme Court finally rule in *Kent v. Dulles*, that denying American citizens the right to travel because of their political opinions was unconstitutional. Du Bois applied for a passport and promptly began a sort of triumphal world tour.

He went back to the University of Berlin, now re-named, of course, for Alexander and Wilhelm von Humboldt, its founders, and received an honorary degree here in the Senatssaal; he traveled in Europe on both sides of the Iron Curtain; met Khrushchev in Moscow, Mao and Chou En Lai in Peking. By the time he received Nkrumah’s invitation to come to Ghana in 1960, this time to celebrate not independence but the final separation from Britain as Ghana became a Republic, he was able to attend. A year later, in 1961, he moved to Ghana for good. And in 1963, the boy from Great Barrington, Massachusetts, denied a new U.S. passport by the American Embassy in Accra, became a citizen of that African nation. On the eve of the great March on Washington in August 1963, he sent a telegram of support to Martin Luther King Jr. and the marchers. Du Bois died that night, on August 27, 1963, five years short of a century old. The telegram of congratulation and the telegram announcing his death were both read to the vast crowds gathered on the Mall in Washington. Du Bois had always had an amazing flair for the dramatic. His state funeral in Accra was one of the great public events of the modern history of Ghana. No one, of course, came from the United States Embassy to represent the country of his birth.

This was the man who wrote *The Souls of Black Folk*. And what a paradoxical figure he is. He wrote of his first trip to Africa that he saw “less of sexual dalliance” in a place where women were “usually naked to the waist – with bare bosom and limbs” than he saw every day on Fifth Avenue²; but he was so taken with Victorian middle-class formality, that someone once suggested, only partly in jest, that his wife probably called him Dr. Du Bois even in bed. (I once heard a well-known scholar wonder aloud whether the great man slept in that famous three-piece suit.) He was an elitist and a dandy, who developed the notion that the African-American community should be led by what he called a “talented tenth.” But he was also a Socialist in the 1930’s and he became a member of the Communist party in Ghana when he was more than ninety years old... without ever ceasing to be either a dandy or an elitist. He was profoundly committed to literature, poetry, art and music, writing movingly in *Dusk of Dawn* of coming to know Beethoven and Wagner, Titian and Rembrandt when he came to Europe³, and declaring that “art is not simply works of art; it is the spirit that knows Beauty, that has music in its soul and the color of sunsets in its headkerchiefs; that can dance on a flaming world and make the world dance, too.”⁴ But he also announced that “all art is propaganda and ever must be, despite the wailing of purists.”⁵ He wrote that his people were “Americans, not only by birth and by citizenship, but by our political ideals, our language, our religion”; but he claimed membership, too, in a black race that transcended nationalities.⁶ And, in the end, his love of race and disappointment with America led him to renounce his American citizenship and take up with the new nation of Ghana.

In disentangling at least some of these paradoxes, one often finds in Du Bois echoes of his deep immersion in the philosophical traditions that shaped the German world of the late nineteenth century. Ross Posnock has managed to show, at least to my satisfaction, that Du Bois’s many pronouncements on art and propaganda can, in the end, be reconciled once one understands their German roots. When Du Bois claims that art is propaganda, Posnock argues, it is because, like Schiller, his vision of a “free life” entailed

living in an “aesthetic state.”⁷ Schiller’s account of the aesthetic was developed in terms of a philosophically sophisticated notion of what he called “bloßes Spiel,” *mere play*, which it would take too long to explore now. But, this much said, we all know that Schiller took the aesthetic to be central to every life; as when he wrote in the fifteenth of his *Letters On The Aesthetic Education of Man* that:

Man wird niemals irren, wenn man das Schönheitsideal eines Menschen auf dem nämlichen Weg sucht, auf dem er seinen Spieltrieb befriedigt...

Denn, um es endlich auf einmal herauszusagen, der Mensch spielt nur, wo er in voller Bedeutung des Worts Mensch ist, und er ist nur da ganz Mensch, wo er spielt.⁸

Posnock writes: “To this [...] conception of art as the practice that creates ‘Beauty of Truth and Freedom’ Du Bois gives the name ‘propaganda.’” And he quotes Du Bois: “I stand in utter shamelessness and say that whatever art I have for writing has been always for propaganda for gaining the right of black folk to love and enjoy. I do not care for any art that is not used for propaganda.” “This defamiliarized propaganda,” Posnock concludes “is the aesthetic unconfined to artifacts and become the practice of the art of living. Embodied in the ‘higher individualism,’ this practice commences ‘the creation of Beauty’ as an alternative to the philistinism that is coarsening American life.”⁹

To put the matter no doubt too simply: for Du Bois art is so central and necessary to the life well-lived that making it available to people – especially to those who have been deprived both of the experience of art and of the freedom to create it – is always an act of politics. Here, in placing the aesthetic at the heart of life, there could be no clearer expression of the debt that Du Bois – whose favorite poet was Goethe – owed to a German tradition that stretched back to the 1770’s and 80’s and the *Sturm und Drang*.¹⁰

I want to suggest today how a similar exploration of German sources helps illuminate the most-often quoted sentence in *The Souls of Black Folk*, the one that begins the second essay, “Of the Dawn of Freedom”: “The problem of the twentieth century is the problem of the color-line, – the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea.”¹¹ Du Bois first offered this formulation in his speech “To the Nations of the World” at the first Pan-African Conference, organized by the Trinidadian Henry Sylvester Williams in London in 1900. Not one to waste a good line, Du Bois used it in the first paragraph of the “Forethought” of *Souls*, as well; this time, though, without the explanatory gloss. In his first use of this resonant formula at the Pan-African Congress, in the context of a discussion of the exploitation of the non-white world by European empires, Du Bois had said this:

The problem of the twentieth century is the problem of the color-line, the question as to how far differences of race – which show themselves chiefly in the color of the skin and the texture of the hair – will hereafter be made the basis of denying to over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization.

And he went on to add:

The modern world must remember that in this age, when the ends of the world are being brought so near together, the millions of black men in Africa, America and the Islands of the Sea, not to speak of the brown and yellow myriads elsewhere, are bound to have a great influence upon the world in the future, by reason of sheer numbers and physical contact. If now the world of culture bends itself towards giving Negroes and other dark men the largest and broadest opportunity for education and self-development, then this contact and influence is bound to have a beneficial effect upon the world and hasten progress. But if, by reason of carelessness, prejudice, greed and injustice, the black world

is to be exploited and ravished and degraded, the results must be deplorable, if not fatal – not simply to them, but to the high ideals of justice, freedom and culture which a thousand years of Christian civilization have held before Europe.¹²

This context is hugely important. *The Souls* is about black life in America: but when he prefaces this discussion of Reconstruction in the American South with a remark about the place of black people not in America, but in the world; and when he insists, in the first essay, “Of Our Spiritual Strivings,” that “Negro blood” has a message not just for America but (again) “for the world,”¹³ Du Bois displayed tendencies absolutely fundamental to all his thinking. It is these tendencies, rooted deeply in the intellectual legacy of German culture that I want to explore.

Let us begin with the passage, on the second page of *The Souls*, where he places the Negro in a global context. “After the Egyptian and the Indian,” Du Bois writes, “the Greek and the Roman, the Teuton and the Mongolian, the Negro is a sort of seventh son.” *The Souls* was meant for precisely the wide readership it eventually received. Du Bois knew that he could not take the American general public through an academic discussion of what he meant by “race.” He knew that he lived in a world that largely took it entirely for granted that God or science had determined that human kind was composed of races: that white Americans were of one race, Negroes another, Chinese and Japanese, a third. But if we’re to understand how he himself was thinking about these things, we can turn back to the discussion of these very issues that he had prepared only a few years earlier when he gave a talk on “The Conservation of Races” at the second meeting of the American Negro Academy, which was published as the second of the Academy’s Occasional Papers in 1897. Since this essay was only slightly revised from the version he published in the *Atlantic Monthly* in August of 1897, and “The Conservation of Races” was delivered in March of the same year, they are, as Thomas Holt has pointed out, products of the same period of Du Bois’s thought.¹⁴ Still, they were, as I say, addressed to very dif-

ferent audiences: “The Conservation of Races” was addressed to the leading African-American intellectuals in a private meeting; *The Souls* was addressed very publicly to “knightly America”; it speaks in a black voice to a white audience. Du Bois’s style in *The Conservation of Races* is as florid as usual but he avoids some of the poetry of *The Souls*; and so we can see a little more clearly some of the assumptions at work.

“The question, [...] we must seriously consider,” Du Bois argues, “is this: What is the real meaning of Race.” And he answers, first, that, “[t]he final word of science, so far, is that we have at least two, perhaps three, great families of human beings – the whites and Negroes, possibly the yellow race.”¹⁵ What matters about these races that science has discerned, however, is not the “gross-er physical differences of color, hair and bone” but the “differences – subtle, delicate and elusive, though they may be – which have silently but definitely separated men into groups.”

While these subtle forces have generally followed the natural cleavage of common blood, descent and physical peculiarities, they have at other times swept across and ignored these. At all times, however, they have divided human beings into races, which, while they perhaps transcend scientific definition, nevertheless, are clearly defined to the eye of the historian and sociologist.

If this be true, then the history of the world is the history, not of individuals, but of groups, not of nations, but of races. [...] What then is a race? It is a vast family of human beings, generally of common blood and language, always of common history, traditions and impulses, who are both voluntarily and involuntarily striving together for the accomplishment of certain more or less vividly conceived ideals of life.¹⁶

Du Bois considers that, once we look with the eye of the historian and sociologist, there are not three but eight “distinctly differenti-

ated races, in the sense in which history tells us the word must be used.”

They are, the Slavs of eastern Europe, the Teutons of middle Europe, the English of Great Britain and America, the Romance nations of Southern and Western Europe, the Negroes of Africa and America, the Semitic people of Western Asia and Northern Africa, the Hindoos of Central Asia, and the Mongolians of Eastern Asia.

“There are,” he concedes “other minor race groups, as the American Indians, the Esquimaux and the South Sea Islanders; these larger races, too, are far from homogeneous.”¹⁷ It is a measure of the instability of the term “race” in Du Bois’s language, that this list is different from the list of the six racial brothers of the Negro “seventh son” in *The Souls*. To see why this is, we must read further:

The question now is: What is the real distinction between these nations? Is it physical differences of blood, color and cranial measurements? Certainly we must all acknowledge that physical differences play a great part. [...] But while race differences have followed along mainly physical lines, yet no mere physical distinction would really define or explain the deeper differences – the cohesiveness and continuity of these groups. The deeper differences are spiritual, psychical, differences – undoubtedly based on the physical, but infinitely transcending them.¹⁸

And all these nations are “striving, each in its own way, to develop for civilization its particular message, its particular ideal, which shall help guide the world nearer and nearer that perfection of human life for which we all long”.¹⁹

Notice how easily Du Bois slips back and forth between talk of “race” and talk of “nation” in these passages. From a contemporary point of view Du Bois’s historical “races” are an odd assortment. The three races – black, white, and yellow – are replaced,

once we take this historical view, by eight groups of which only one, the English, is un-controversially a nation (even though Du Bois then, more controversially, takes it to be spread over two continents). Two of the groups, German and Slav, though not nations had Pan-German and Pan-Slavist nationalist movements in place which wanted them to be so;²⁰ two – Romance and Semite – are arguably zones of shared culture; and three – Negro, Hindu and Mongolian – are neither nations nor cultures but vast assemblages of both. Nevertheless, in rejecting a purely scientific or biological picture of races and in thinking of African-Americans as fundamentally like a nation, he is moving against the grain of much turn-of-the century American thought.

What Du Bois is insisting on is, in fact, an account of racial or national membership that is focused on the ideas – or, as you might also say, the *principles* – expressed in the collective life of a people: and in insisting on this he is thinking about national history in the way that it would have been taught at the University of Berlin. It was, after all, the standard understanding of Hegel's philosophy of history that human experience was the working out of an idea – in fact of something called *the Idea* – in history.

In the less metaphysical version of the story that Du Bois borrows not from the philosophers but from the historians, nations are the historical expressions not of one grand universal Idea but of slightly less grand particular ideas. The English nation stands, Du Bois says in a perfectly conventional formulation, for “constitutional liberty and commercial freedom”; the German for “science and philosophy”; the Romance nations for “literature and art.” Du Bois, then, is searching for the Negro Idea.

The full, complete Negro message of the whole Negro race has not as yet been given to the world. [...] The question is, then: how shall this message be delivered; how shall these various ideals be realized? The answer is plain: by the development of these race groups, not as individuals, but as races. [...] For the development of Negro genius, of Negro literature and art, of Negro spirit, only Ne-

groes bound and welded together, Negroes inspired by one vast ideal, can work out in its fullness the great message we have for humanity.²¹

No one who has read Herder's 1781 *Ideas on the Philosophy of the History of Mankind* will fail to recognize in Du Bois all the elements of the literary nationalism of the philosopher of the *Sturm und Drang*. As Charles Taylor has pointed out, Herder "applied his conception of originality at two levels, not only to the individual person among other persons, but also to the culture-bearing people among other peoples. Just like individuals, a Volk should be true to itself, that is, its own culture."²² So there is, in the tradition on which Du Bois, that great believer in personal individuality, is drawing, no difficulty in stressing the importance of the development of individuals and of "race groups" as well. Wilhelm von Humboldt put it this way in the early 1790's in his essay *The Limits of State Action*, "It is through a social union [...] based on the internal wants and capacities of its members, that each is enabled to participate in the rich collective resources of all the others. The experience of all, even the rudest, nations, furnishes us an example of a union formative of individual character, in the union of the sexes. [...] The effectiveness of all such relations as instruments of cultivation, entirely depends on the extent to which the members can succeed in combining their personal independence with the intimacy of the association [...]"²³ To speak in the more flowery language of individuality that we inherit from Romanticism: your being a Negro should shape the authentic self whose expression is the project of your life.

For Herder, every nation has a distinct governing spirit, its *Volksgeist* (a word one might translate as "national soul"), which is expressed in every aspect of its social and cultural life. So the character of each nation can be found not only in the writings of its literary geniuses – in Goethe and Hölderlin – but also in its folklore; the folk songs and the folk tales collected, for example, under Herder's inspiration, by the Grimm brothers. Herder would have understood exactly why Du Bois prefaced each chapter both with a literary epigraph and with a phrase of one of what

he called the sorrow songs. Negro spirituals were the folksong of Afro-America. As Thomas Carlyle, who introduced German philosophy to the English-speaking world, had written in 1831 in a discussion of a history of German poetry:

The history of a nation's poetry is the essence of its history, political, scientific, religious. With all these the complete Historian of Poetry will be familiar: the national physiognomy, in its finest traits, and through its successive stages of growth, will be clear to him; he will discern the grand spiritual tendency of every period [...].²⁴

Du Bois's indication of this intellectual legacy is hard to avoid, once you recall this background: it is there, after all, in the title. He is showing his readers the *Geist* of a Black *Volk*.

For Herder, as clearly for Du Bois, each *Volksgeist* possesses something of distinctive value. And one of Herder's claims about historical method is that we must recognize how different the inner life of different peoples is. Nevertheless, Herder equally fervently insisted that, "*Das Menschengeschlecht ist ein Ganzes.*" Indeed part of the providential point of human history is that each people, each *Volk*, should express its distinct character through its history; because it is only through each nation's following its distinctive path that history as a whole can achieve its meaning. It is one of the barely articulated themes of *The Souls* that the experience of black people in America, with all its horrors, may be part of what has prepared them for their task. One wonders if this isn't what he meant when he wrote in *Dusk of Dawn* many years later:

This race talk is, of course, a joke, and frequently it has driven me insane and probably will permanently in the future; and yet, seriously and soberly, we black folk are the salvation of mankind.²⁵

The placing of the Negro as a Folk among Folks presupposes, then, this implicit reference to a global perspective, the perspec-

tive of humanity. Black Folk must find their place among the nations; that they *have* a place is what we might call the Herderian premise. White America, for Du Bois, is also composed of folks, too, of course (even though he later wrote an essay called “The Souls of White Folk,” which lumps them all together). And because white Americans came, as Du Bois was very clear, from different European nations, they represented different national principles. So Du Bois’s reference is international and comparative in another way: each group in the American congregation of nationalities is a local branch of a people whose character can be detected in its history elsewhere. This idea connects Du Bois to Africans, just as it connects the James’s, William and Henry, to England.

We are inclined, nowadays, to suppose that the mechanism of this attachment must have been a biological theory of race. Why else would Du Bois think he had anything in common with people raised in an entirely different culture and climate on a continent thousands of miles away; a continent on which, in 1903, he had, as yet, not set foot? But we can tell at once from the easy movement back between talk of race and talk of nation that Du Bois’s conception of what accounted for the unity of the Negro people was not what we would call biology. As we saw in the “Conservation of Races,” he believed that the biological – or as he put it “physical” – similarities were not the crucial ones. What mattered, he thought, were “[t]he deeper differences [which] are spiritual, psychical, differences – undoubtedly based on the physical, but infinitely transcending them.”

In the same place, in a passage we have already reviewed, he speaks of the members of the folk striving together voluntarily or involuntarily for certain “ideals of life.” If we abandon the thought of striving involuntarily for an ideal, there is nevertheless something important here in Du Bois’s claim that races matter because a racial identity allows people to work together for an ideal. Throughout his long life Du Bois did believe that the people of a race had much naturally in common, much history they shared; but he always also thought that they had many common

purposes. It is this that makes it quite proper to speak of his attitude to his racial identity as a form of nationalism: he believed about the Negro race everything that an American patriot of his day would have believed about America, except that it needed a single country, a nation-state, to gather its people in. So he believed in a Negro national character and a Negro national destiny; and he thought it was the duty of black people – especially of the most talented black people – to work together in the service of the Negro people. As he had put it in the Academy Creed, with which he ended the “Conservation of Races,”

1. We believe that the Negro people, as a race, have a contribution to make to civilization and humanity, which no other race can make.

2. We believe it the duty of the Americans of Negro descent, as a body, to maintain their race identity until this mission of the Negro people is accomplished, and the ideal of human brotherhood has become a practical possibility.²⁶

The Negro national character gave black folk special gifts – the gifts of the seventh son – but it was their duty to develop these gifts and deliver their contribution to mankind.

There is a word for the character of the nationalism that Du Bois expressed: it is *cosmopolitan*. Even here, in defining a Negro creed, he speaks not just of racial but of human brotherhood.

In a 1788 essay in the *Teutscher Merkur*, Christoph Martin Wieland – once called “the German Voltaire” – wrote, in a characteristic expression of the cosmopolitan ideal: “Cosmopolitans [...] regard all the peoples of the earth as so many branches of a single family, and the universe as a state, of which they, with innumerable other rational beings, are citizens, promoting together under the general laws of nature the perfection of the whole, while each in his own fashion is busy about his own well-being.”²⁷ And Voltaire himself – whom nobody, alas, ever called the French Wieland – spoke eloquently of the obligation to understand those

with whom we share the planet, linking that need explicitly with our global economic interdependence. “Fed by the products of their soil, dressed in their fabrics, amused by games they invented, instructed even by their ancient moral fables, why would we neglect to understand the mind of these nations, among whom our European traders have traveled ever since they could find a way to get to them?”²⁸

But there are two strands that intertwine in the notion of cosmopolitanism. One is the general moral idea that we have obligations to others, obligations that stretch beyond those with whom we are related by the ties of kith and kind, or even the more formal ties of a shared citizenship. The other is that we take seriously not just the value of human life but of particular human lives, which means taking an interest in the practices and beliefs that lend them significance. People are different, the cosmopolitan knows, and there is much to learn from our differences. Because there are so many human possibilities worth exploring, we neither expect nor desire that every person or every society should converge on a single mode of life. Whatever our obligations are to others (or theirs to us) they often have the right to go their own way. There will be times when these two ideals – universal concern and respect for legitimate difference – clash. There’s a sense in which cosmopolitanism is the name not of the solution but of the challenge.

A citizen of the world: how far can we take that idea? Are you really supposed to abjure all local allegiances and partialities in the name of this vast abstraction, humanity? Some of its proponents were pleased to think so; and they often made easy targets of ridicule. “Friend of men, and enemy of almost every man he had to do with,” Thomas Carlyle memorably said of the eighteenth-century physiocrat the Marquis de Mirabeau, who wrote the treatise *L’Ami des hommes* when he wasn’t too busy jailing his own son. “A lover of his kind, but a hater of his kindred,” Edmund Burke said of Jean-Jacques Rousseau, who handed each of the five children he fathered to an orphanage.

Yet the impartialist version of the cosmopolitan creed has continued to hold a steely fascination. Virginia Woolf once exhorted “freedom from unreal loyalties” – to nation, sex, school, neighborhood, and on and on. Tolstoy, in the same spirit, inveighed against the “stupidity” of patriotism. “To destroy war, destroy patriotism,” he wrote in an 1896 essay – a couple of decades before the Tsar was swept away by a revolution in the name of the international working class. Some contemporary philosophers have similarly urged that the boundaries of nations are morally irrelevant – accidents of history with no rightful claim on our conscience.

But if there are friends of cosmopolitanism who make one nervous, we all share a disgust with cosmopolitanism’s noisiest foes. Both Hitler and Stalin – who agreed about little else, save that murder was the first instrument of politics – launched regular invectives against “rootless cosmopolitans”; and while, for both, anti-cosmopolitanism was often just a euphemism for anti-Semitism, they were right to see cosmopolitanism as their enemy. For they both required a kind of loyalty to one portion of humanity – a nation, a class – that ruled out loyalty to all of humanity. And the one thought that cosmopolitans share is that no local loyalty can ever justify forgetting that each human being has responsibilities to every other. Fortunately, we need take sides neither with the nationalist who abandons all foreigners nor with the hardcore cosmopolitan who regards her friends and fellow citizens with icy impartiality. The position worth defending might be called (in both senses) a partial cosmopolitanism.

There’s a striking passage, to this point, in George Eliot’s *Daniel Deronda*, published in 1876; which was, as it happens, the year when England’s first – and, so far, last – Jewish Prime Minister, Benjamin Disraeli, was elevated to the peerage as Earl of Beaconsfield. Disraeli, though baptized and brought up in the Church of England, always had a proud consciousness of his Jewish ancestry (given the family name, which his father spelled D’Israeli, it would have been hard to ignore). But Deronda, who has been raised in England as a Christian gentleman, discovers his Jewish

ancestry only as an adult; and his response is to commit himself to the furtherance of his “hereditary people”:

It was as if he had found an added soul in finding his ancestry – his judgment no longer wandering in the mazes of impartial sympathy, but choosing, with the noble partiality which is man’s best strength, the closer fellowship that makes sympathy practical – exchanging that bird’s-eye reasonableness which soars to avoid preference and loses all sense of quality, for the generous reasonableness of drawing shoulder to shoulder with men of like inheritance.

Notice that in claiming a Jewish loyalty – an “added soul” – Deronda is not rejecting a human one. As he says to his mother: “I think it would have been right that I should have been brought up with the consciousness that I was a Jew, but it must always have been a good to me to have as wide an instruction and sympathy as possible.” This is the same Deronda, after all, who has earlier explained his decision to study abroad in these eminently cosmopolitan terms: “I want to be an Englishman, but I want to understand other points of view. And I want to get rid of a merely English attitude in studies.”²⁹ Loyalties and local allegiances determine more than what we want; they determine who we are. And Eliot’s talk of the “closer fellowship that makes sympathy practical” echoes Cicero’s claim that “society and human fellowship will be best served if we confer the most kindness on those with whom we are most closely associated.”³⁰ A creed that disdains the partialities of kinfolk and community may have a past, but it has no future. The challenge of cosmopolitanism is to combine this recognition of the need for partiality and the value of difference with the recognition of the value of encounter across identities. Du Bois, I believe, almost always got this balance right.

Du Bois’s cosmopolitanism is displayed in his openness to the achievements of other civilizations – his celebration of European culture, high and low, is always evident. In *The Souls of Black Folk* we can see this in “The Coming of John,” when the black John is moved beyond measure by Wagner’s music: “he sat in

dreamland, and started when, after a hush, rose high and clear the music [...]. The infinite beauty of the wail lingered and swept through every muscle of his frame, and put it all a-tune.”³¹ But it is also present in the many ways in which, as Russell Berman has pointed out, the fictional story of the two Johns echoes the themes and tropes of Wagner’s *Lohengrin*, the very opera by which the black John was so transported.

To give but one instance: the Sorrow Song that begins the essay, “I’ll hear the trumpet sound,” contains the lines:

You may bury me in the East,
You may bury me in the West,
But I’ll hear that trumpet sound
In that morning.

Berman points out that these lines echo the lines in which King Heinrich promises equality between Germans in the East and the West of the German Empire:

Ob Ost, ob West? Das gelte Allen gleich!

Du Bois’s cultural cosmopolitanism is equally evident in his citations not just of German high culture but of its folk culture as well: as when he quotes a German folksong in the final pages of *The Souls*: “Jetz Geh i’ an’s brunele, trink aber net.” (*Now I’m goin’ to the well, but I ain’t gonna drink.*)³²

Du Bois’s cosmopolitanism is not just aesthetic: he accepts the fundamental cosmopolitan moral idea that, whatever his duties to the Negro, he has obligations to those outside his racial horizon; and he is a methodological cosmopolitan, finally, also, in his insistence, as I have been pointing out, on adopting a globally comparative perspective even when he is talking about the United States. Du Bois sees the problem of Jim Crow as part of a global tragedy: the color line imposes Jim Crow in Georgia, but it also imposes a destructive colonialism on “Asia and Africa [...] and the islands of the sea.” This tone is consistent. After the First

World War, writing in criticism of American hostility to the Negro, he says:

Conceive this nation, of all human peoples, engaged in a crusade to make the “World Safe for Democracy”! Can you imagine the United States protesting against Turkish atrocities in Armenia, while the Turks are silent about mobs in Chicago and St. Louis; what is Louvain compared with Memphis, Waco, Washington, Dyersburg, and Estill Springs? In short what is the black man but America’s Belgium, and how could America condemn Germany for that which she commits, just as brutally, within her own borders.³³

There can be little doubt, then, that Du Bois deserves to be called a nationalist – I understand this is not news – but also a cosmopolitan. And it is hard, I think, for most people nowadays to think of cosmopolitan nationalism as anything other than an oxymoron. Surely cosmopolitanism – the idea that all human beings are, in some sense, fellow citizens of the world – is the very opposite of nationalism – the conviction that the boundaries of nationality should be the boundaries of citizenship? And yet, as we shall see, elegant as this argument is, it is simply a mistake.

Not a mistake, however, that someone with Du Bois’s intellectual background was likely to make. Friedrich Meinecke – who was only a little older than Du Bois and, like him, had studied with Treitschke – wrote, just five years after *The Souls* was published, “Cosmopolitanism and nationalism stood side by side in a close, living relationship for a long time.”³⁴ Here Meinecke was discussing the philosopher Johann Gottlieb Fichte, one of the key figures in the transition from Kant to Hegel; but the point he is making applies quite widely both to philosophers and to practical patriots, which is why the book in which he makes it is called *Cosmopolitanism and the National State*. Anyone who followed – as Du Bois certainly did – the movements of nationalism in nineteenth century Europe would have recognized the sentiment

of Giuseppe Mazzini, the great Italian patriot, writing in 1844 on *The Duties of Man*:

Your first duties – first as regards importance – are, as I have already told you, towards Humanity. You are *men* before you are either citizens or fathers. If you do not embrace the whole human family in your affection; if you do not bear witness to your belief in the Unity of that family, [...] if, wheresoever a fellow-creature suffers, or the dignity of human nature is violated by falsehood or tyranny – you are not ready, if able, to aid the unhappy, and do not feel called upon to combat, if able, for the redemption of the betrayed and oppressed – you violate your law of life, you comprehend not that Religion which will be the guide and blessing of the future.

But what can each of you, singly, *do* for the moral improvement and progress of Humanity? [...] The individual is too insignificant, and Humanity too vast. The mariner of Brittany prays to God as he puts to sea; “*Help me, my God! my boat is so small and Thy ocean so wide!*” And this prayer is the true expression of the condition of each one of you, until you find the means of infinitely multiplying your forces and powers of action. This means was provided for you by God when He gave you a country [...].³⁵

In 1840, in a famous essay on “Byron and Goethe,” Mazzini had written admiringly of the English poet who had gone to Greece to fight for its independence:

I know no more beautiful symbol of the future destiny and mission of art than the death of Byron in Greece. The holy alliance of poetry with the cause of the peoples; the union – still so rare – of thought and action – which alone completes the human Word, and is destined to emancipate the world; the grand solidarity of all nations in the conquest of the rights ordained by God for all his children, and in the accomplishment of that mission for which alone such

rights exist – all that is now the religion and the hope of the party of progress throughout Europe, is gloriously typified in this image, which we, barbarians that we are, have already forgotten.³⁶

The European nationalism of the nineteenth century, at least in the elevated and philosophical formulations that Du Bois would have studied, as in the form he experienced it more directly in Berlin, recognized that the demand for national rights only made sense as a moral demand if it was claimed equally for all peoples. Du Bois's defense of the Negro and of the legitimacy of Negroes, like himself, having a higher degree of concern for their own kind, was always framed within the recognition both that they had obligations to people of other races and that they would gain greatly from conversation across the races. His nationalism, his partiality for the Negro – like Mazzini's Italian nationalism – never descended into chauvinism. When he is critical of “white people,” it is most often for a general failure to recognize and implement the universality of the very values they claim as their own. As he said in *Dusk of Dawn*:

The democracy which the white world seeks to defend does not exist. It has been splendidly conceived and discussed, but not realized. If it is ever to grow strong enough for self-defense and for embracing the world and developing human culture to its highest, it must include not simply the lower classes among the whites now excluded from voice in the control of industry; but in addition to that it must include the colored peoples of Asia and Africa, now hopelessly imprisoned by poverty and ignorance. Until these latter are included and in as far as they are not, democracy is a mockery and contains within itself the seeds of its own destruction.³⁷

Du Bois always recognized, too, the risk that black folk, facing a world in which so many of the white people they met would refuse contact with them, would be forced into an un-cosmopolitan withdrawal from the contact across nations and peoples, the

contact that the cosmopolitan claims is vivifying and essential. He makes the point in *Dusk of Dawn*, when he talks of the way American racism imprisons black people within the race:

Practically, this group imprisonment within a group has various effects upon the prisoner. He becomes provincial and centered upon the problems of his particular group. He tends to neglect the wider aspects of national life and human existence. On the one hand he is unselfish so far as his inner group is concerned. He thinks of himself not as an individual but as a group man, a “race” man. His loyalty to this group idea tends to be almost unending and balks at almost no sacrifice. On the other hand, his attitude toward the environing race congeals into a matter of unreasoning resentment and even hatred, deep disbelief in them and refusal to conceive honesty and rational thought on their part. This attitude adds to the difficulties of conversation, intercourse, understanding between groups.³⁸

Du Bois was in his seventies when he published the book from which these words come. Notice that everything he says here about black people enclosed within an American context can be applied equally to Americans enclosed in a provincial nationalism within the world. This formulation is surely deliberately abstract: it is a critique of the anti-cosmopolitan tendencies of nationalism that is completely general. And indeed, in “The Souls of White Folk,” which he published in *Darkwater* in 1920, he expressed pity for white Americans “imprisoned and enthralled, hampered and made miserable” by racism in very much the same terms.³⁹ Still, if this careful statement by the aging scholar is more sober and universal, it is also, I think, less moving than the way he expressed it half his life earlier in *The Souls of Black Folk*. There he spoke with a cosmopolitan instinct for conversation across peoples in these justly more famous words:

I sit with Shakespeare and he winces not. Across the color line I move arm in arm with Balzac and Dumas, where smiling men and welcoming women glide in gilded halls. From

out the caves of evening that swing between the strong-limbed earth and the tracery of the stars, I summon Aristotle and Aurelius and what soul I will, and they come all graciously with no scorn nor condescension. So, wed with Truth, I dwell above the Veil.

In 1900 Du Bois said that the color line – the double problem of racism within the West and racial imperialism outside it – would be the problem of the twentieth-century. In the century of Hitler and of Stalin (and, for that matter, of the Khmer Rouge and Hutu Power) we cannot say that his exclusive focus on racism directed against people of color turned out to be justified. Indeed, I don't know if it's worth trying to decide what slogan would properly identify *the* problem of a century with so many problems: but it was undeniably a century in which more of the cosmopolitan spirit – a little more respect, that is, for difference and a little more concern for the moral interests of strangers – would have made a huge difference for the better. The record of such prophecies is not great: but if I were asked for an enemy of human hope for our new century, I would say it was anti-cosmopolitanism; one that has taken new forms in our time but that already underlay the indifference and contempt for others that Du Bois dubbed “the problem of the color line.” The challenge of the twenty-first century is, I believe, the cosmopolitan challenge. And in reading Du Bois today I am struck by how much his spirit engages this new challenge. The world has changed in the century since *The Souls of Black Folk* first appeared; but the spirit that animates it is, I believe, as relevant now as it was then.

Cosmopolitans think they can learn something from those they differ from, even from those they disagree with. We recognize that people have a right to their own lives: it is this connection that ties all cosmopolitanism – like Du Bois's cosmopolitanism – so closely to the idea of freedom. As John Stuart Mill said, in one of my favorite passages from my favorite chapter of *On Liberty*:

If it were only that people have diversities of taste, that is reason enough for not attempting to shape them all after one model. But different persons also require different conditions for their spiritual development; and can no more exist healthily in the same moral, than all the variety of plants can exist in the same physical atmosphere and climate. The same things which are helps to one person towards the cultivation of his higher nature, are hindrances to another [...] unless there is a corresponding diversity in their modes of life, they neither obtain their fair share of happiness, nor grow up to the mental, moral, and aesthetic statures of which their nature is capable.⁴⁰

Du Bois believed that deeply, too. And it is perhaps not so surprising: after all, the philosopher whose influence is most evident in *On Liberty* is the same Wilhelm von Humboldt who created the curriculum Du Bois studied at the Friedrich Wilhelms University in Berlin.

Notes

- 1 This article is based on a Distinguished W.E.B. Du Bois Lecture, held at Humboldt-Universität on June 1st 2005.
- 2 *Dusk of Dawn*, in: *Writings* (New York: Library of America, 1986), 648.
- 3 *Dusk of Dawn*, in: *Writings*, 587.
- 4 *Dusk of Dawn*, in: *Writings*, 661. The passage continues: “Such is the soul of the Negro.”
- 5 “Criteria of Negro Art,” in: *The Crisis*, 1926, in: *Writings*, 1000.
- 6 “The Conservation of Races,” in: *Writings*, 822.
- 7 See Ross Posnock, “The Distinction of Du Bois: Aesthetics, Pragmatism, Politics” *American Literary History* 7:3 “Imagining a National Culture” (Autumn 1995), 519.
- 8 Friedrich Schiller, “Über die ästhetische Erziehung des Menschen, in einer Reihe von Briefen,” 1795, available at: <http://www.kuehnle-online.de/literatur/schiller/prosa/aestherzieh/15.htm>. “One will never err if one seeks a person’s ideal of beauty on the same road on which he satisfies his appetite for play. [...] For, to express the matter finally at last, human beings are only at play, when they are human in the full meaning of the word, and they are only completely human when they are at play.” (Translation mine).
- 9 Posnock, “The Distinction...,” 518–9.
- 10 Russell A. Berman, “Du Bois and Wagner: Race, Nation, and Culture between the United States and Germany” *The German Quarterly* 70:2 (Spring 1997), 123–35.
- 11 *The Souls of Black Folk*, in: *Writings*, 372.
- 12 W.E.B. Du Bois, “To the Nations of the World.” As cited by Herbert Aptheker in: “W.E.B. Du Bois and the Struggle against Racism in the World,” available at: <http://www.anc.org.za/ancdocs/history/solidarity/dubois-0783.html>.
- 13 *The Souls of Black Folk*, in: *Writings*, 365.
- 14 Thomas C. Holt, “The Political Uses of Alienation: W.E.B. Du Bois on Politics, Race, and Culture, 1903–1940” *American Quarterly* 42:2 (June 1990), 301–33.
- 15 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 816.
- 16 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 816–7.
- 17 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 817–8.
- 18 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 818.
- 19 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 819.

- 20 The Alldeutscher Verbund had been founded in 1893; František Palacký (whose theory of central European history was that it was a struggle between Slavs and Germans) had presided over a Pan-Slav Congress in Prague in 1848. Both movements were strongly philosophically indebted to Herder.
- 21 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 820.
- 22 Charles Taylor, *Multiculturalism and the Politics of Recognition* (Princeton: Princeton U P, 1992), 31.
- 23 “Durch Verbindungen also, die aus dem Innren der Wesen entspringen, muß einer den Reichtum des andren sich eigen machen. Eine solche charakterbildende Verbindung ist, nach der Erfahrung aller, auch sogar der rohesten Nationen, z.B. die Verbindung der beiden Geschlechter. [...] Der bildende Nutzen solcher Verbindungen beruht immer auf dem Grade, in welchem sich die Selbständigkeit der Verbundenen zugleich mit der Innigkeit der Verbindung erhält.” Wilhelm von Humboldt, *The Limits of State Action*, ed. J.W. Burrow (Cambridge: Cambridge U P, 1969), 9. Humboldt’s essay, though written in 1791–2, was not first published in a fairly complete form until 1852. See the editor’s introduction, vii.
- 24 *The Edinburgh Review*, 1831.
- 25 W.E.B. Du Bois, *Dusk of Dawn*, in: *Writings*, 657.
- 26 W.E.B. Du Bois, “The Conservation of Races,” in: *Writings*, 825. As Robert Bernasconi, the philosopher who, in our day, has pursued the historical development of ideas about race most deeply, has argued, the talk here of maintaining race identity reflects a preoccupation that came from late nineteenth-century biological speculations about race. In the middle of the century, Southern slavery apologists like Josiah Nott had argued that census data from the 1840 census showed that African-Americans with European ancestry – Nott, like Du Bois, would have called them mulattos – had higher mortality rates and lower fertility rates than either pure white or pure black people. Nott was rewriting Buffon’s idea that species were defined by the absence of fertile offspring, in the face of the evident fact that blacks and whites were, by this criterion, not separate species. Perhaps, Nott thought, if the offspring were *less* fertile, that would do. He used this to argue that there really was a biological reason to avoid race-mixture – miscegenation – and a biological reality to races. So the possible disappearance of the Negro was a possibility Du Bois had to argue against. I learned all this from a talk given by Professor Bernasconi at a conference at SUNY Buffalo on “Black Ethnicity, Latino Race?” on April 2, 2005.
- 27 Christoph Martin Wieland, “Das Geheimniß des Kosmopolitenordens” *Der Teutsche Merkur* (August 1788), 107.

- 28 *Essai sur les mœurs et l'esprit des nations*, in: *Oeuvres Complètes de Voltaire*, vol. 16 (Paris: De l'Imprimerie de la Société Littéraire-Typographique, 1784), 241. Voltaire is speaking specifically here of "the Orient," and especially of China and India, but he would surely not have denied its more general application.
- 29 George Eliot, *Daniel Deronda* (London: Penguin, 1995), 745, 661–2, 183.
- 30 Cicero, *De Officiis*, 1.50.
- 31 W.E.B. Du Bois, *The Souls of Black Folk*, in: *Writings*, 526–7.
- 32 W.E.B. Du Bois, *The Souls of Black Folk*, in: *Writings*, 543.
- 33 W.E.B. Du Bois, "The Souls of White Folk," in: *Writings*, 926. The American cities are the sites of lynchings; Louvain was the Belgian city where German troops ran riot in August 1914, murdering civilians and destroying many of the buildings.
- 34 Friedrich Meinecke, *Cosmopolitanism and the National State*, trans. Robert B. Kimber (Princeton: Princeton U P, 1970), 94. Originally published in 1908 as *Weltbürgertum und Nationalstaat: Studien zur Genesis des deutschen Nationalstaats*. Meinecke is discussing Fichte at this point; but he has expressed the same claim in various ways by this point in discussions of Humboldt, Novalis, and Schlegel.
- 35 Mazzini continues: "as when, even as a wise overseer of labour distributes the various branches of employment according to the different capacities of the workmen, he divided Humanity into distinct groups or nuclei upon the face of the earth, thus creating the germ of nationalities." *An Essay On the Duties of Man Addressed to Workingmen* (New York: Funk & Wagnalls, 1898), 57–8.
- 36 Giuseppe Mazzini, "Byron and Goethe," in: *The Harvard Classics: Literary and Philosophical Essays*, ed. Charles W. Eliot (New York: Collier & Son, 1909–1917), vol. 32.
- 37 W.E.B. Du Bois, *Dusk of Dawn*, in: *Writings*, 679.
- 38 W.E.B. Du Bois, *Dusk of Dawn*, in: *Writings*, 651.
- 39 W.E.B. Du Bois, "The Souls of White Folk," in: *Writings*, 926.
- 40 John Stuart Mill, *On Liberty*, vol. 18, in: *The Collected Works of John Stuart Mill*, vols. 1–33, ed. John M. Robson (Toronto: U of Toronto P, 1963–1991), 270.

Seyla Benhabib

**Crises of the Republic:
Transformations of State Sovereignty and the
Prospects of Democratic Citizenship¹**

The title of this essay, “Crises of the Republic,” refers to a collection of Hannah Arendt’s essays composed during the late 1960s and early 70s in the USA, which saw the shootings of John F. Kennedy, Robert Kennedy, and Martin Luther King; the escalation of the Vietnam War, the publication of the Pentagon papers, the Watergate break-in, increasing violent confrontations in inner city neighborhoods, the infiltration of the Black Panther Movement by the CIA, and clashes among various wings of the Black Liberation Movement. It seemed as if there were invisible forces pulling the social fabric of American society apart.² Lying in politics became the norm and political rivalry descended to the level of criminality. It was this anguish which led Hannah Arendt to speak of “the crises of the republic” and to ask whether democratic citizenship was still possible.

W.E.B. Du Bois (1868–1963) was responding to a related set of conflicts which were tearing American society apart when he asked: “Can I be both [an American and a Negro]? [...] Or is it my duty to cease to be a Negro as soon as possible and to become an American?”³ Finding no way to reconcile this contradiction within the context of the institutions of his time, Du Bois became a Pan-Africanist and chose to leave the USA for Ghana, never to return. Both he and Arendt were profoundly cognizant of the condition of the “self-conscious pariah,” of the outsider, who chose to remain an outsider, instead of becoming a parvenu and accepting social conformism.

Whereas the social and political thought of mid-twentieth century was preoccupied with the capacity of society to accommodate

equality for all while recognizing racial difference, understood prominently in terms of the “Black-White” divide, today we face another set of crises, no less challenging than days past but more global in character. If I may phrase this somewhat pointedly, I would say that whereas formerly it was *society* that was torn apart – and not only in the USA – through class conflict, war, race riots, ethnic tensions and gender struggles, today’s crises are generated by the diminishing capacity of *nation-states* to navigate an increasingly complex, fluid, and obscure security as well as economic environment. Since the end of the Cold War it is the world state-system and the Westphalian model of sovereignty that are in crises. Today the global poor and the global rich face off in an environment where the state, which was once viewed as an instrument of oppression of the poor and racial minorities, is disappearing, leaving in its wake (as after Hurricane Katrina) collapsing public institutions and frayed solidarity. The poor, the colored, the ex-, post- and neo-colonials are the victims of the receding power of the state.

We are in the midst of a *transfiguration* of citizenship and sovereignty: whether these forces add up to a *refiguration* of these institutions or to their demise beyond recognition, at which point the project of democracy itself becomes meaningless, is hard to tell.

It is appropriate to begin my considerations on transfigurations of citizenship and sovereignty, with some reflections on the most significant political event of this brief twenty-first century. The events of September 11, 2001, in retrospect, reveal themselves as one of those marking moments when we become aware of the sway of *Kairos* (fate, destiny) over our lives. This is painfully true for those individuals who were caught that day in the mayhem of fire, steel, synthetic material, cement and debris, some of whom sought to escape this techno-industrial inferno by jumping to their death. For days afterward, downtown Manhattan emitted a putric smell of organic and inorganic material, which

conveyed, even to those of us who had been far away from the site, a sense of the frightening powers of a material civilization whose instruments of civil aviation could be turned into weapons of destruction.

September 11, 2001 in New York has been followed by the Madrid bombings in March 2004, and by the London subway bombings in July 2005. These events and the wars upon Afghanistan and Iraq have rattled the world society of states to its core: contradictions, fissures and crises in what is commonly referred to as the “Westphalian” model of state sovereignty have erupted unto world stage. What is novel about our political situation?

First, *non-state agents* who are capable of inflicting large scale violence on states with ever new means of mass destruction have emerged unto the world stage. The use of civilian airplanes as weapons or suicide bombings in crowded trains and subways inflict shock upon the population, but they pale in comparison with the potential deployment of biological, chemical and nuclear agents by similar groups.

Second, the new means of electronic communication, the ease of global air travel, the emergence of transnational networks of finance and weapons procurement, along with the unprotected borders of weak states, are producing *transnational modalities of violence*. Potentially the whole globe has become the site of the new conflict between Islamic jihadist groups and their enemies. There is a globalization of the sites of confrontation which carries little connection to the logic of interstate political conflict.

Third, compared to terrorist movements of the late 1960s and 70s the global jihadist groups are short in words and ideology and quick to act; there is frequently only a slim connection between the acts which they undertake and self-interested political results they may wish to produce. More often than not, they aim to remind the world of their continuing presence. They perpetrate a *symbolic politics of fear in the enemy and martyrdom for the fighters themselves*.

Fourth, the presence of this diffuse global enemy, whose networks range from “sleeper” cells in Hamburg to Lakawhana, NY, from Islamabad to Madrid and to Bali, erases the lines between the enemy within and without, the foreigner at home and the alien other. *Police action, security operations, and military planning flow into each other.* The creation of Homeland Security Administration in the USA, which has now absorbed the Immigration and Naturalization Service, is one of the clearest signals of the criminalization of immigration; the foreigner, in virtue of being the outsider, is potentially viewed as an enemy alien. This assumption not only contradicts the principles of an open society based on immigration, it also gives those within the borders a false sense of security by pretending that there can be no political enemies at home who side with the goals of extremist Islamist movements.

These four features of the post-9/11 world – the emergence of non-state actors as agents of mass violence; the deterritorialization of violence; the symbolic politics of fear and martyrdom, and the vanishing lines between military, police and security functions – are among the political and security challenges which increasing numbers of states will face in the new century.

While few would deny the novelty of these challenges, there is justifiable skepticism that US foreign policy since September 11, 2001 was undertaken solely as a response to those events. The United Nations is under siege, and there is a departure from the principle of the formal equality of sovereign states toward a remoralization of international relations through demands that formal recognition be made dependent upon substantive regime characteristics and not only upon state behavior in compliance with international law. We are in an extremely multivalent as well as slippery moment in world-politics when the changing security situation after September 11, together with growing trends toward the disaggregation of sovereignty in the international realm, come together to *destabilize* the principle of the formal equality of states on which the United Nations rests. On the one hand, the shield of state sovereignty has been pierced by the development

of an international regime of human rights; on the other hand, while formal state sovereignty is everywhere challenged and even threatened by the use of categories such as “rogue state” and “terrorist harboring regime,” it is being aggressively asserted by the world’s sole super-power as its prerogative. The reassertion of sovereignty through the Bush Administration is not an honest effort to reinstate this as a general norm; rather, it is an insistence upon American exceptionalism in the face of international law to determine and interpret unilaterally the nature of international obligations. It is this post-Westphalian juncture that we must seek to understand.

There is general and contentious disagreement among contemporary theorists as to how to assess this new constellation of events and forces. While some write of global civil war and the generalization of the state of exception (Giorgio Agamben), others depict the emergence of transnational norms (Anne-Marie Slaughter), or of global law without the state (Guenter Teubner), or of cosmopolitan governance (David Held). Implicit in all these diagnoses is a view of the limits and weaknesses of the current state-system and of the nation-state itself. As Jean L. Cohen rightly observes: “The general claim is that the world is witnessing a move to cosmopolitan law. [...] But [...] if one shifts the political perspective, the sovereignty-based model of international law appears to be ceding not to cosmopolitan justice but to a different bid to restructure the world order: the project of empire.”⁴

Cosmopolitan norms or empire? Are they the only alternatives? It is crucial to unravel this ambivalent potential between the alternatives of the emergence of cosmopolitan norms intended to protect the individual in a world society on the one hand and the dangers as well as benefits of the transfiguration of state sovereignty on the other. The fact that the internationalization of human rights norms and the weakening of state sovereignty are developing in tandem with each other does not mean that the one can be reduced to the other; nor should objections to the weakening of state sovereignty lead one to reject the spread of human rights norms

for fear that they can be used to justify humanitarian interventions.

In the following, I distinguish the vertical disaggregation of sovereignty from its horizontal disaggregation and both from de-territorialization of law and show how the cosmopolitan project is interwoven with some of these trends. Since these transformations are altering norms of state sovereignty as well as impacting the actual capacity of states to exercise sovereignty, I focus on the interrelationship between state sovereignty and popular sovereignty. The concept of “sovereignty” ambiguously refers to two moments in the foundation of the modern state, and the history of modern political thought in the West since Thomas Hobbes can plausibly be told as a negotiation of these poles: first, sovereignty means the capacity of a public body, in this case the modern nation-state, to act as the *final* and *indivisible* seat of authority with the jurisdiction to wield not only “monopoly over the means of violence,” to recall Max Weber’s famous phrase, but also to distribute justice and manage the economy. In the course of the last three centuries the sovereign *Rechtsstaat* has become the *Sozialstaat*.

Sovereignty also means, particularly since the French Revolution, *popular sovereignty*, that is, the idea of the people as subjects and objects of the law, or as makers as well as obeyers of the law. Popular sovereignty involves representative institutions, the separation of powers, and the guarantee not only of liberty and equality, but of the “equal value of the liberty of each.” Etienne Balibar has expressed the interdependence between state sovereignty and popular sovereignty thus: “state sovereignty has simultaneously ‘protected’ itself from and ‘founded’ itself upon popular sovereignty to the extent that the political state has been transformed into a ‘social-state’ [...] passing through the progressive institution of a ‘representation of social forces’ by the mechanism of universal suffrage and the institutions of social citizenship [...]”²⁵

The question is: how does the new configuration of state sovereignty influence popular sovereignty? Which political options

are becoming possible? Which are blocked? I want to say right at the outset, again with Balibar, that “today’s crises affect both states that have never been able to constitute themselves as nation-states in the strong sense, others that cannot remain nation-states by themselves, and finally others still who think they may have found a way of overturning, to their advantage, the old *nomos* of the earth.”⁶ Cosmopolitan norms enhance the project of popular sovereignty while prying open the black box of state sovereignty. What is undermining state sovereignty is not the abuse of cosmopolitan and humanitarian norms of justice, though they certainly have served as ideological shields to justify interventions in Iraq and Afghanistan; rather, it is first and foremost the demands of global capitalism that have led to transformations in state sovereignty and to the deterioration of the capacity of states to protect and provide for their citizens.

Disaggregating Sovereignty: Vertical Uncoupling

The modern state formation in the West begins with the “territorialization” of space. The enclosure of a particular portion of the earth and its demarcation from others through the creation of protected boundaries, and the presumption that all that lies within these boundaries, whether animate or inanimate, belongs under the dominion of the sovereign is central to the territorially-bounded system of states in western modernity. The territorial state guards its borders against intruders abroad and toward subversives at home through the maintaining of an army and police force; taxes are levied and fees collected to sustain the state and its coercive apparatus; the modern state also creates citizens through disciplining the population via education, military service, administration, and economic productivity.

Above all, the new territorial state must consolidate its authority against competing feudal, local, tribal and religious forms of law and jurisdiction. Territorial integrity and a unified jurisdictional authority are two sides of the same coin; the proof of the capacity

to protect territorial integrity is the obverse side of the power of the state to assert its jurisdictional authority (*dominium*).

The modern absolutist states of western Europe, governed, in Carl Schmitt's terms, by the "jus publicum Europaeum" as their international law, are the paradigm cases to which the term "Westphalian sovereignty" applies. I will define Westphalian sovereignty as the view that the sovereign has absolute authority over all animate and inanimate objects within the territorially recognized and circumscribed boundaries. However, this model was unstable from its inception or in Stephen Krasner's famous phrase "sovereignty is hypocrisy."⁷ Already the discovery of the Americas, the imperialist ventures into India and China, the struggle for domination over the Indian Ocean and the 19th century colonization of Africa destroyed this form of state sovereignty and international law by chipping at the peripheries.⁸ Not only the West's confrontation with other continents, but already the question as to whether the non-Christian Ottoman Empire belonged to the "jus publicum Europaeum" showed the limitations of this order. Though Schmitt himself is not far from idealizing this historical moment between the 16th and 19th centuries in the evolution of "the law of the earth," his own account documents its inherent limits and eventual dissolution.⁹ The "deterritorialization" of the modern state goes hand in hand with its transformation from early bourgeois republics into European empires, whether they be those of England, France, Spain, Portugal, Belgium, the Netherlands or Italy.

This transformation of bourgeois republics into empires destroys the overlap of territorial control with jurisdictional authority, which governs, at least in principle, the motherland. Europe's colonies become the sites of usurpation and conquest in which *extra-juridical spaces*, removed from the purview of liberal principles, are created. As Edmund Burke was to express it pithily with respect to "administrative massacres" in India, and the impeachment of Warren Hastings who was responsible for them by the British House, this needed to be done so that "breakers of

the law in India might [not] become ‘the makers of law for England.’”¹⁰

The rise of bourgeois and democratic republics from within the boundaries of the early absolutist states transforms the “subject” of the state into a “citizen.” As the Westphalian paradigm of sovereignty meets its limits outside Europe, it is also constitutionalized at home, by social struggles for increased accountability, universal suffrage, expanded representation, democratic freedoms and social rights. These struggles are the sites of popular sovereignty, of demands to make the state apparatus responsive to and transparent to its citizens. Struggles for citizenship and popular sovereignty at home, and imperialist ventures abroad go hand in hand.¹¹ Who was/is the citizen of this new territorially bound state?¹² How was s/he demarcated from the colonial subject?

The challenges we face today arise through yet another uncoupling between territoriality, sovereignty and citizenship, this time through the intensification of world-wide migrations in the era of globalization. Whereas in the 19th and 20th centuries, European imperialism heralded the uncoupling of jurisdiction from territorial control under popular sovereignty, in that in the colonies the principle of consent was undermined, contemporary migratory movements give rise to overlapping jurisdictions.

While in 1910 roughly 33 million migrants lived in countries other than their own, by the year 2000 their number had reached 175 million.¹³ During this same period (1910–2000), the population of the world grew from 1.6 to 5.3 billion, roughly threefold. Migrations, by contrast, increased almost sixfold over the course of the same ninety years. Strikingly, more than half of this occurred in the last three decades of the 20th century, between 1965 and 2000. In this period 75 million people undertook cross-border movements to settle in countries other than those of their origin.¹⁴

Transformations in patterns of migration are leading more and more individuals to retain continuing ties with their home countries and not to become fully integrated in their countries of im-

migration. The ease provided by globalized networks of transportation, communication, electronic media, banking and financial services is producing guest workers, seasonal workers, dual nationals, and diasporic commuters. Migrations no longer bring with them total immersion and socialization in the culture of the host country – a process poignantly symbolized by the assignment to new immigrants to the USA of new family names in Ellis Island for example. Increasingly, migrations are a resource that states are jealously competing with one another to manipulate. These efforts are yielding the increasing uncoupling of territoriality and jurisdiction, hence contributing to the disaggregation of sovereignty.

Nation-states are encouraging diasporic politics among their migrants and ex-citizens, seeing in the diaspora not only a source of political support for projects at home, but also a resource of networks, skills and competencies that can be used to enhance a state's own standing in an increasingly global world. Nationals outside one's boundaries become politico-economic and cultural emissaries of the sender country, frequently exercising pressure on behalf of their countries of origin to affect policies in host countries, not to mention serving as a considerable source of revenue and foreign reserves. Notable examples of such diasporas are the large Indian, Chinese and Jewish communities across the globe. Their continuing allegiance to the so-called "home country" is carefully cultivated.¹⁵

Migrations thus lead to a pluralization of allegiances and commitments and to the growing complexity of nationals who, more often than not, in today's world, are also ex-, post- and neo-colonials. We are witnessing the increasing migration from periphery to center, encouraged by wide differentials in standards of living between regions of the world, and facilitated by the large presence of family and kin already at the center of what was once the Empire. Indians, Pakistanis, Kashmiris and Sri Lankans in the UK; Algerians and Moroccans in France; Surinamese and Moluccans in The Netherlands; Latin Americans in Spain; Libyans in Italy are all populations groups whose history is deeply bound up

with European Empires. Migrations reveal the “permeability” of the state’s borders: the Westphalian state which extended towards the rest of the world now finds that its borders are porous in both directions and that it is not only the center which flows to the periphery but the periphery which flows towards the center.

This condition demystifies sovereignty to be an absolute instance. Sovereignty always signified a systemic relation among sovereigns, considered formally free and equal. State sovereignty, which is imminently bound up with the ability to protect borders, depends upon skillful negotiations, transactions, agreements and flows with other states. Of course, states differ in their ability to assert their sovereignty and to throw their weight around. The poorer economies of Central America, South Asia and Africa are more dependent upon the remittances and continuing allegiance of their diasporic populations than are the resource-rich economies of North America and Europe. At the eye of the storm, one’s vision is calm and distorted. But the storm raging around the eye can eventually disturb the calm at the center as well.

Migrations are the site of intense conflicts over resources as well as identities. In the contemporary world, strong states militarize and increasingly criminalize migratory movements. The poor migrant becomes the symbol of the continuing assertion of sovereignty. Migrants’ bodies, both dead and alive, strew the path of states’ power.

Militarization and criminalization are defensive responses to the inevitable disaggregation of sovereignty through migrations. This process, which I name “vertical disaggregation” of sovereignty, suggests another model for thinking about sovereignty besides the autochthonous impermeability of states still praised by Carl Schmitt. Can we still maintain the ideal of popular sovereignty and democratic rule if the state-centered model of sovereignty is itself becoming dysfunctional?

Disaggregating Sovereignty: Horizontal Uncoupling

Transnational migrations reveal the interdependence of states upon the world-wide movement of peoples as well as each other's policies. Since every inch of the face of the world, with the exception of North and South Poles, are now etatized, and governed by a state which has territorial jurisdiction, cross-border movements initiated by migrants as well as refuge and asylum seekers bring to light the fragility as well as the frequent irrationality of the state-system. *Vis-à-vis* people's cross-border movements, the state remains sovereign, albeit in much reduced fashion. *Vis-à-vis* the movement of capital and commodities, information and technology across borders, the state today is more hostage than sovereign.¹⁶

A great deal has been written in recent years about globalization as a world-wide phenomenon and the subsequently diminished capacity of states. I am persuaded by the argument that to understand this phenomenon it is analytically more useful to use the term "stateness," that is the dynamic capacity of states to react to and control their environments in multiple ways.¹⁷ There is tremendous variation across the globe in the capacity of "stateness." The affluent democracies of North America, Europe, Australia, and New Zealand can manipulate, tame and channel the forces of global capitalism to a certain degree, as well as attempting to influence the world-wide flow of information, communication and transportation technologies. This is obviously much less true for many states in North Africa, the Middle East, Latin America, and Asia. The rise to global prominence of China, India and Brazil, as well as the Asian "tiger" economies, is in large measure a consequence of the capacity of these states to channel economic globalization to their own advantage.

In her analysis of these processes with respect to Southeast Asian economies, Aihwa Ong gives a compelling example, namely the creation of "multinational zones of sovereignty" in the form growth triangles (GTs). These "straddle borders between neighboring states such as to maximize the locational advantage and

attract global capital.”¹⁸ The three GT’s formed by linking neighboring countries are Indonesia-Malaysia-Singapore (Sijori), Indonesia–Malaysia–Thailand, and Brunei–Indonesia–Malaysia–Philippines. Transnational corporations such as Nike, Reebok, and the Gap now employ millions of women who work twelve hours a day and make less than \$2.00 a day. Ong observes that these “growth triangles are zones of special sovereignty that are arranged through a multinational network of smart partnerships and that exploit the cheap labor that exists within the orbit of a global hub such as Singapore. It appears that GT workers are less subject to the rules of their home country and more to the rules of companies and to the competitive conditions set by other growth triangles in the region.”¹⁹

A parallel account is provided by Carolin Emcke of the workings of the *maquilladoras* in Central America. These are established by foreign capital in El Salvador, Guatemala, and Costa Rica under the protection of respective governments often as tax-free zones to attract foreign investment. They protect the zones they occupy through the use of private security guards and forces, crush any attempt to organize the labor force, and fiercely defend themselves against international and even national control and supervision. They resemble the castles of medieval warlords who have taken the native populations hostage.²⁰

Whether it is the Growth Triangles of Southeast Asia or the *maquilladoras* of Central America, this form of economic globalization results in the disaggregation of states’ sovereignty with their own complicity. There is an uncoupling once more of *jurisdiction and territory* in that the state transfers its own powers of jurisdiction, whether in full knowledge or by unintended consequence, to non-statal private and corporate bodies. The losers in this process are the citizens from whom state protection is withdrawn, or more likely, who never had strong state protection in the first place, and who become dependent upon the power and mercy of transnational corporations and other forms of venture capitalists.

Despite the great variation across countries with respect to the interactions of the global economy and states, one generalization can be safely made: economic globalization is leading to a fundamental transformation of legal institutions and of the paradigm of the rule of law. Increasingly globalization is engendering a body of law which is self-generating and self-regulating and which does not originate through the legislative or deliberative activity of national legislators.

In his influential article, “‘Global Bukowina’: Legal Pluralism in the World Society,” Gunther Teubner makes this case: “Today’s globalization is not a gradual emergence of a world society under the leadership of interstate politics, but is a highly contradictory and highly fragmented process in which politics has lost its leading role.”²¹ As examples of global law without a state Teubner cites “*Lex mercatoria*,” the transnational law of economic transactions; labor law, where enterprises and labor unions, acting as private actors become law-makers; the technical standardization and professional self-regulation engaged worldwide by the relevant parties without the intervention of official politics. Teubner adds human rights, ecology, and sports as other domains in which law and law-like norms emerge without the direct regulatory intervention of states.

This emergent body of law is “a legal order,” even if it has no specific point of origination in the form of a law-producing institution and even less a single and visible law-enforcing agency. The boundaries of global law are not set by national borders; once more territorial boundaries and jurisdictional powers are uncoupled. Global law is transterritorial law, whose limits are set by “‘invisible colleges,’ ‘invisible markets and branches,’ ‘invisible professional communities,’ ‘invisible social networks’ [...]”²²

Global law is celebrated by Teubner as initiating a new form of legal pluralism and may be even a new form of politics which is to be distinguished from empire, or from the *Pax Americana*. But as Teubner acknowledges this form of law has serious democratic deficits. “It is a law that grows and changes according to the exi-

gencies of global economic transactions and organizations. This makes its extremely vulnerable to interest and power pressures from economic processes.”²³ It is indeterminate and can change in its application from case to case.²⁴ While this makes it flexible and adaptable, it also makes it subject to outside influences. Soft law is law without the characteristics traditionally associated with the rule of law: transparency, predictability, uniformity of application as well as accountability to a demos. These features of the rule of law are not mere procedural characteristics, since they act as guarantees of the equality of citizens before the law. Global law which lacks these characteristics, therefore, is not equality-guaranteeing and equality-protecting for citizens, rather it is law which enables global corporations and other bodies to carry out their transactions in an increasingly complex environment by generating self-binding and self-regulating norms.

That economic globalization threatens core features of the rule of law and thereby challenges the prospects for liberal democracy as well is emphatically argued by William E. Scheuerman in *Liberal Democracy and the Social Acceleration of Time*:

Contemporary capitalism is different in many ways from its historical predecessors: economies driven by huge transnational corporations that make effective use of high-speed communication, information, and transportation technologies represent a relatively novel development. The relationship of capitalism to the rule of law is thereby transformed as well... As high-speed social action “compresses” distance, the separation between domestic and foreign affairs erodes, and the traditional vision of the executive as best suited to the dictates of rapid-fire foreign policy making undermines basic standards of legality in the domestic sphere as well.²⁵

The transformation of the rule of law gives rise to “fast-track legislation,” pushed by national legislators without adequate debate and deliberation; the power of deliberative bodies is eclipsed and that of the executive increases. “The main problem posed by globalization is less that transnational business can only preserve its

autonomy by limiting state power by means of the rule of law than that the democratic nation-state can only hope to maintain its independence in relation to global business by counteracting the virtually universal competitive rush to provide transnational firms with special rights and privileges.”²⁶ States have to avoid the “race to the bottom,” that is to embrace neo-liberal reforms, cutting back on the welfare-state and relaxing labor and environmental legislations.

Law without a State? Or race to the bottom? I had previously asked: the spread of cosmopolitan norms or imperialism? Again we seem confronted by unpalatable alternatives and disjunctions. Surely, these are not the only options which globalization processes confront us with, but in either case, the model of liberal sovereignty, based upon the unity of jurisdiction administered over a defined territory and assuring citizens’ equality through the administration of the rule of law, more and more appears as if it were the memory of a quaint past. It is important to emphasize though that sovereign states are players with considerable power in this process: they themselves often nurture and guide the very transformations which appear to curtail or limit their own powers.

Whether it be through the changing patterns of transnational migrations, through the emergence of Growth Triangles and new global forms of law without a state in the accelerated and fluid global market place, or through the pressure to adapt state bureaucracies to the new capitalism, an epochal change is under way in which aspects of state sovereignty are being dismantled chip by chip. As new agents of jurisdiction in the form of multinational corporations emerge, state jurisdiction and territoriality are uncoupled. Frequently, the state disburses its own jurisdiction to private agencies in order to escape the territorial control of popular legislators. The social contract is increasingly frayed.

If the analysis presented above is partially accurate, does the “twilight of state sovereignty” mean the end of democratic politics, the displacement of the political or maybe even its eventual

disappearance in the evolution of world societies? What are the normative consequences of these transformations? What light does this social-theoretic analysis shed on the political philosophies of the present period?

Twilight of Sovereignty and Democratic Reiterations

Further differentiations are needed to round off this broad picture. Just as the capacity of nation-states to exercise their stateness varies considerably, so do their reactions to the shrinking sphere of state autonomy and activity. *Vis-à-vis* the economic, ecological, legal challenges and the growing fluidity of world wide migrations, the states of Europe have chosen *the cooperative restructuring of sovereignty*; the European Union, despite all its problems at the present, is one of the most impressive attempts to deal with the current crisis by reconfiguring sovereignty and by disaggregating it, that is by distributing the marks of sovereignty among various instances – sometimes referred to as First, Second and Third Pillar of EU law. The skeptics ask whether this cooperative restructuring of sovereignty has not lost sight of popular sovereignty. The vast literature on the presence or absence of a European demos reflects this anxiety.

To be juxtaposed to this cooperative restructuring of sovereignty is the *unilateral reassertion of sovereignty*. At the present time not only the United States, but China, Iran and India as well have chosen this route – not to mention Russia, North Korea and Israel. The strategy here is to strengthen the state via attempts to gather all the markers of sovereignty in the body of one public authority, with the consequence of increased militarization, disregard for international law and human rights, regressive and hostile relations with neighbors, criminalization of migration and cross-border movements. Particularly since these unilateral actions of the state are still incapable of influencing the global economic context, in such instances strengthening the state comes at the cost of popular sovereignty, by restricting liberties at home and leading toward the ill-treatment of nationals abroad. Global neo-

liberalism and the unleashing of market forces seem to go hand in hand with the authoritarian reassertions of sovereignty.

The third alternative is the weakening of the already fragile institutions of state sovereignty, as we see in vast regions of Africa, Central and Latin America, and South Asia. In these cases global market forces further destabilize fragile economies: they break up the bond between local elites and the vast army of the poor and the downtrodden and leave them to the mercy of *maquilladoras*, paramilitaries, drug lords, and criminal gangs. The state withdraws into a shell, as has happened in the Ivory Coast, the Congo, the Sudan, El Salvador, some parts of Brazil, and Burma etc. Under such conditions popular sovereignty takes the form, at best, of guerilla warfare and at worst, of equally criminal groups fighting to gain a piece of the pie. Neither the contraction of state-ness nor its militarized reassertion are compatible with popular sovereignty.

This sociologically differentiated picture needs to be juxtaposed to the currently very popular language of “empire” and “the multitude.” Empire, according to Michael Hardt and Antonio Negri, is the ever-expanding power of global capital to bring farther and farther reaches of the world into its grip.²⁷ Unlike the extractive and exploitative empires of the past however, the new empire encourages the spread of human rights norms; it pushes the new technologies of networking thus destroying the walls of separation and generating a new global connectivity consonant with this new age. Critics who see this as part of a global civil war perpetrated against the poor of the earth are fixated on old paradigms which have an exploitative hegemon at their center. Even the USA cannot be this new hegemon: its military power is supreme but its political power is circumscribed by international institutions.²⁸

Since the webs of empire are so ubiquitous, sites of resistance to it are diffuse, decentered and multiple. The “multitude” resists the total penetration of life structures by the empire by organizing demonstrations against the G-7, the World Bank, the Gulf War,

the Iraq War and the violation of international law. The multitude goes out into the streets and connects with resisters all over the globe. In fact, local activism and global activism merge with one another since many local groups also participate in these worldwide demonstrations from Seattle to Genoa. The multitude focuses on power as a global phenomenon and attempts to generate a counter-force to empire.²⁹ Their actions exemplify a form of agency beyond the binarism of member/non-member. Not only migrants but also refugees who have been admitted into a country either legally or illegally, undocumented migrants – *les sans papiers* – are agents of this new activism.

The metaphors of networking, entanglement, binding, the spread of communicative forms etc. which underlie this social-theoretical analysis are lopsided precisely because they present a world without institutional actors and without structured centers of resistance. Just as in Michel Foucault's theory of power, the subjects of power are interpellated by it, i.e. constituted in part through the network of power rather than preceding it, in Hardt and Negri's analysis as well, states and other world institutions disappear as agents and sites of resistance that have prior constitution. But one can stipulate the existence of very distinct and structured institutions and patterns of resistance to power without presupposing a metaphysical primordality of either the state or of the subject. The reach of empire is neither as ubiquitous nor as omniscient as Hardt and Negri would like us to think. That is why, as was argued at the beginning, September 11 constituted such a shock to the body politic of the USA and revealed the vulnerability of empire's population.

Relatedly, the multitude, Hardt's and Negri's revolutionary subject, is not the citizen. The multitude is not even the carrier of popular sovereignty since it lacks the drive toward the constitutionalization of power, which has been the desiderata of all popular movements since the American and French revolutions. The multitude gives expression to the rage of those who have lost their republics: the multitude smashes institutions and resists power. It does not engage in what Hannah Arendt has called the

“constitutio libertatis.”³⁰ By contrast, popular sovereignty aims at widening the circle of representation among all members of the demos in an enduring form; popular sovereignty aims at the control of state power via the separation of powers between the judiciary, the legislative and the executive; popular sovereignty means creating structures of accountability and transparency in the public exercise of power. This is a far cry from the politics of the multitude.

This aspect of the legitimate exercise of power is well noted in contemporary debates by theorists of transnational governance such as Anne-Marie Slaughter and David Held. At the roots of empire’s extension, argue advocates of transnational democracy, lies a problem of legitimation. We are in the grips of forces and processes which resemble the galloping horseman without a head. Decisions are made in exclusive board meetings of the IMF, WTO and the World Bank affecting the lives of millions, while nation-states refuse to sign multilateral treaties such as the Kyoto Convention or the Rome Treaty leading to the establishment of the International Criminal Court. Progress on treaties for the reduction of weapons of mass destruction – including biological, chemical, and radiological agents are bogged down in self-interested myopia; when genocide occurs the UN hides behind linguistic niceties in order not to have to commit troops. It is foolish to believe that focusing on the local will help solve any of these problems; the local is not beyond the global but constituted and permeated by it through and through. Theorists of the multitude seem to confuse politics with carnival. What matters is not the numbers that gather in Seattle or Genoa, but whether they can build lasting institutions to resist the extension of empire through countervailing structures of governance. Only transnational institutions can do so at all levels of security, disarmament, economics and law. We need transparent and accountable structures of world governance and coordination. Some of these structures are already in sight through the networking of economic, judicial, military, immigration, health and communication experts. They form horizontally networked sites of information, coordination, and regulation. The future of global citizenship lies in becoming

actively involved in such transnational organizations and working towards global governance. Whether this implies world government or not is at this stage beside the point: what matters is to increase structures of global accountability and governance.³¹

In the version of the global governance thesis advocated by Anne-Marie Slaughter, who focuses less on the normative possibilities for democratic governance beyond borders but more on the horizontal networks linking government officials in judicial, regulatory and administrative organizations across state boundaries, a realm of law “beyond the state” has already been created and the reach of global law is extended without the agency of the state and its institutions.

Whereas followers of the late Niklas Luhmann, such as Gunther Teubner, see structures of global governance resulting *per impossibile* through the self-regulating interlocking of anonymous systems of norm-generation which act as each other’s environment, Anne-Marie Slaughter places her faith in the networking of actual elites in the judiciaries across the world, administrative bureaucracies etc. The hope is that new norms and standards for public behavior will result through such interlockings.

Defenders of transnational governance have a point: the current state of global interdependence requires new modalities of cooperation and regulation. Certain markers of sovereignty in the domain of arms control, ecology, combating disease and epidemics, and fighting the spread of poverty must be global joint ventures which will require the work of all people of good will and good faith in all nations of the world. As David Held in particular has argued powerfully, the goal is not just to form institutions of transnational governance but to render existing ones such as the WTO, IMF and AID more transparent, accountable and responsive to their constituencies needs. This in turn can only happen if popular movements within donor and member countries force the elites who govern these institutions toward democratic accountability. It is naïve to assume, as Teubner and Anne-Marie Slaughter seem to, that the good faith of elites or the miracu-

lous sociological signals of anonymous systems alone will move such structures towards democratization and accountability. They won't. Transnational structures need to be propelled toward a dynamic where they can be controlled by public law.

Here, however, we reach a dilemma: precisely because state-centered politics has become so reduced in effectiveness today, new theoretizations of the political have emerged. Yet my critique of the models of empire and transnational governance seems to presuppose a form of popular sovereignty, a *global demos*, which is nowhere in existence. Where is the popular sovereign who can counter empire or who can be the bearer of new institutions of transnational governance?

Today we are caught not only in the reconfiguration of sovereignty but also in the reconstitutions of citizenship. We are moving away from citizenship as national membership increasingly towards a *citizenship of residency* which strengthens the multiple ties to locality, to the region, and to transnational institutions. In this respect defenders of post-national citizenship are correct. The universalistic extension of civil and social rights, and in some cases, of political participation rights as well, to immigrants and denizens within the context of the European Union in particular, is heralding a new institution of citizenship. This new modality decouples citizenship from national belonging and being rooted in a particular cultural community alone. Not only in Europe, but all around the globe in metropolises such as London, Paris, Berlin, Frankfurt, New York, Mexico City, Madrid, etc. we see the rise of political activism on the part of non-nationals, post-nationals, and ex-colonials. They live in multicultural neighborhoods, they come together around women's rights, secondary language education for their children, environmental concerns, jobs for migrants, representation in school boards and city councils. This new urban activism, which includes citizens as well as non-citizens, shows that political agency is possible beyond the member/non-member divide. The paradoxes of the "right to have rights" (Hannah Arendt) is ameliorated by those who exercise their democratic-republican participation rights with or without

the correct papers. The institutions of the nation-state are not the privileged site of the political.³²

The local alone is not the site of post-national citizenship. New modalities of citizenship and a nascent public sphere are also emerging through the meetings of the World Social Forum in which activists from all nations, representing women's, ecology, ethnic rights, cultural self-determination, economic democracy groups, NGO's and INGO's gather together, plan strategy and policy. They are, in many cases, the ones who articulate and bring to global awareness problems to which transnational structures of governance have to respond. These citizens' groups and social activists are the transmitters of local and global knowledge and know-how; they are generators of new needs and demands that democracies have to respond to. They are members of the new global civil society. This new global civil society is not only inhabited by multinational and transnationals, whether public and private, but also by citizens, movement activists and constituents of various kinds. This emergent global civil society is quite complementary to republican federalism, which in my opinion constitutes the only viable response to the contemporary disaggregation of sovereignty.

Republican Federalism and Democratic Sovereignty

I will define "republican federalism" as the constitutionally structured reaggregation of the markers of sovereignty, in a set of interlocking institutions each responsible and accountable to the other. There is, as there must be in any structuring of sovereignty, a moment of finality, in the sense of decisional closure, but not a moment of ultimacy, in the sense of being beyond questioning, challenge and accountability. As the legal scholar Judith Resnik notes, the development of international law and of cosmopolitan human rights' treaties are creating new modalities for the exercise of federalism. "[F]ederalism is also a path for the movement of international rights across borders, as it can be seen from the adoption by mayors, local city councils, state legislatures, and state

judges of transnational rights including the United Nations Charter and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and the Kyoto Protocol on global warming. Such actions are often trans-local – with municipalities and states joining together to shape rules that cross borders.”³³

I call such processes of “law’s migration” (Resnik) across state boundaries and institutional jurisdictions, whether institutionalized or popular, “democratic iterations.” By “democratic iterations” I mean complex processes of public argument, deliberation, and exchange through which universalist rights claims and principles are contested and contextualized, invoked and revoked, posited and positioned throughout legal and political institutions, as well as in the associations of civil society. Democratic iterations can take place in the “strong” public bodies of legislatures, the judiciary and the executive, as well as in the informal and “weak” publics of civil society associations and the media.

In the process of repeating a term or a concept, we never simply produce a replica of the first original usage and its intended meaning: rather every repetition is a form of variation. Every iteration transforms meaning, adds to it, enriches it in ever so subtle ways. In fact, there really is no “ordinary” source of meaning, or an “original” to which all subsequent forms must conform. It is obvious in the case of language that an act of original meaning giving makes no sense, since, as Wittgenstein famously reminded us, to recognize an act of meaning-giving as such an act, we would already need to possess language itself. A patently circular notion!

Nevertheless, even if the concept of “original meaning” makes no sense when applied to language as such, it may not be so ill-placed in conjunction with documents such as the law and institutional norms. Thus, every act of iteration might refer to an antecedent which is taken to be authoritative. The iteration and interpretation of norms, and of every aspect of the universe of value, however, is never merely an act of repetition. Every act of iteration involves making sense of an authoritative original in

a new and different context. The antecedent thereby is repositioned and resignified via subsequent usages and references. Meaning is enhanced and transformed; conversely, when the creative appropriation of that authoritative original ceases or stops making sense, then the original loses its authority upon us as well. Iteration is the reappropriation of the “origin,” it is at the same time its dissolution as the original and its preservation through its continuous deployment.

“Democratic iterations” are processes of linguistic, legal, cultural, and political repetitions-in-transformation, invocations which are also revocations. Through such iterative acts a democratic people who considers itself bound by certain guiding norms and principles, reappropriates and reinterprets these, thus showing itself to be not only the *subject* but also the *author of the laws*. Whereas natural right doctrines assume that the principles which underline democratic politics are impervious to transformative acts of will, and whereas legal positivism identifies democratic legitimacy with the correctly posited norms of a sovereign legislature, jurisgenerative politics signals a space of interpretation and intervention between transcendent norms and the will of democratic majorities. The rights claims which frame democratic politics, on the one hand, must be viewed as transcending the specific enactments of democratic majorities under specific circumstances; on the other hand, such democratic majorities *re-iterate* these principles and incorporate them into the democratic will-formation process of the people through argument, contestation, revision and rejection. Popular sovereignty no longer refers to the physical presence of a people gathered in a delimited territory, but rather to the interlocking in a global public sphere of the many processes of democratic iteration in which peoples learn from one another.

There will be an inevitable tension between the border- and boundary-transcending discourses of democratic iteration and state sovereignty. In fact, democracy is the process through which the popular sovereign tries to tame state sovereignty by making it responsive, transparent, and accountable to the people. The

spread of cosmopolitan norms which aim to protect the human being as such, regardless of national membership, but rather as a citizen of a global civil society, and popular sovereignty mutually reinforce one another. The lines between the inside and the outside are blurred. Whereas in the case of the decline of state sovereignty it is the receding of the public exercise of state power which is at stake, in the case of the augmentation of popular sovereignty, international and cosmopolitan norms subject agencies of the public exercise of power and in the first place, the state itself, to heightened public and juridical scrutiny, thus aiding the assertion of popular sovereignty.

Cosmopolitan norms lead to border-crossing interlockings and coordinations of democratic iterations among those who are organized in human rights, women's rights, ecology and indigenous rights movements. The "lex mercatoria" and other forms of law without the state generated by global capitalism, by contrast, strengthen private corporations vis-à-vis public bodies. Thus, in the case of North American Free Trade Agreement firms are granted rights hitherto generally limited to nation-states. Chapter II (B) of the Treaty allows private businesses to submit complaints against member-states to a three-member tribunal. One of the members is chosen by the affected state, another by the firm, and the third jointly by the parties. As Scheuerman observes, "NAFTA thereby effectively grants states and corporations equal authority in some crucial decision-making matters." And he adds, "In a revealing contrast the procedures making up NAFTA's labor 'side agreement' deny similar rights to organized labor."³⁴

There is an interesting parallel here to the growing power of individuals to bring charges for human rights violations against states that are signatories to the European Convention for the Protection of Human Rights and Fundamental Freedoms in front of the European Court of Human Rights. In this case as well, states are defendants and no longer immune from legal prosecution. In both cases, the "black box" of state sovereignty has been pried open but with very different normative consequences: in the case of NAFTA and other forms of *lex mercatoria* states becomes liable

to prosecution by corporate bodies which do not represent *generalizable interests* but only their particular interests and those of their constituents. Interestingly, at the same time they disempower organized labor and environmental groups from enjoying similar jurisdictional privileges in bringing charges against the state.

In the case of charges brought against states for human rights violations, there is a *generalizable interest* shared by all citizens and residents of a state alike, such as to prevent the use of torture for example and other forms of the widespread violation of human rights. Human rights trials against sovereign states even go beyond the generalizable interest of the citizens involved, to establish universalizable norms of human rights which would protect individuals everywhere and in any part of the world. There is a context-transcending power to these human rights iterations which feed into the normative power of cosmopolitan norms.

One cannot dogmatically preclude that private corporate litigations may involve cases with generalizable potential for worldwide human rights standards. Corporations can behave as ethical persons: a well-known example is the behavior of American corporations, largely under the influence of their share-holders, in South Africa to defy the apartheid regime and to employ South African Blacks. In this instance, corporate behavior which defied the local state set a powerful moral example. But this is an unusual and infrequent example. By and large multinational corporations, as evidenced by the greediness of pharmaceuticals in denying access to cheap AIDS drugs to devastated African nations or by the rapaciousness of drug companies in applying for exclusive patents to the medicinal use of plants and flora in the Amazonas, act to protect the bottom line of their own profits. To the extent to which they become litigants against the state, however, they themselves become legal players against which democratic peoples and human rights groups can bring charges as well. If state sovereignty has been pried open, why not pry open corporate sovereignty as well? Why not extend the power of democratic iterations to multinational and transnational corporations and not only to states?

The boundaries of the political have today gone beyond the republic housed in the nation-state. The deterritorialization of law brings in its wake a displacement of the political. It is clear that only multiple strategies and multiple forms of struggle can reassert the ruptured link between consent and the public exercise of power which is the essence of democratic sovereignty. Transnational structures of governance are fundamental today in order to tame the forces of global capitalism; but the accountability of transnational elites can only be demanded by their own constituencies who mobilize for post- and trans-national citizenship projects. The interlocking networks of local and global activists in turn form an emergent global civil society, in which new needs are articulated for a world public, new forms of knowledge are communicated to a world-public opinion and new forms of solidarity across borders are crafted.

The fact that an aggressive imperialism of our times also avails itself of the language of human rights and cosmopolitan norms to castigate “rogue states” and “terrorist harboring regimes” does not invalidate these norms: quite to the contrary: the population of these countries, who are the victims of their own abusive regimes, of Jihadist movements, as well as of imperialist powers who intervene supposedly to rectify these abuses, deserve our solidarity in acts of cascading democratic iterations. Popular sovereignty cannot be regained today by returning to the era of the “black box” of state sovereignty: the formal equality of sovereign states must mean the universalization of human rights across state boundaries; respect for the rule of law and democratic forms of government. It is my faith, one shared by W.E.B. Du Bois and Hannah Arendt as well, that we can work toward reconfigurations of citizenship and solidarity among peoples by redesigning state institutions.

Notes

- 1 This essay was first delivered as W.E.B. Du Bois Lecture at the Humboldt University in Berlin, on May 23 2005. Many thanks to Professor Guenter Lenz and to Dr. des. Antje Dallmann of Humboldt University for their hospitality in Berlin.
- 2 Hannah Arendt, *Crises of the Republic* (New York: Harcourt, Brace and Jovanovich, 1972).
- 3 As cited in: Jim Sleeper, *Liberal Racism: How Fixating on Race Subverts the American Dream* (New York: Penguin Books, 1998), 97.
- 4 Jean L. Cohen, "Whose Sovereignty? Empire versus International Law" *Ethics and International Affairs*, 18:3 (2004), 2.
- 5 Etienne Balibar, "Prolegomena to Sovereignty," in: *We, The People of Europe? Reflections on Transnational Citizenship* (Princeton, NJ: Princeton U P, 2004), 152.
- 6 *Ibid*, 153.
- 7 Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, NJ: Princeton U P, 1999).
- 8 For a masterful account, which is also a sustained critique of Schmitt, see Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*, 98–179. Cf. the statement of the Belgian legal historian Ernest Nys: "A state uses the territories that constitute its private domain as it wishes; it sells them, it rents them out, it attaches such conditions to the concessions it grants as it sees warranted [...] in none of this does it owe an explanation to other States." From: "L'Etat Independent du Congo et les dispositions de l'acte generale," quoted in : Koskenniemi, *ibid.*, 161.
- 9 Schmitt's eulogy to the "jus publicum Europaeum" (the public law of Europe) emphasizes that this system "neutralizes" war by moving away from the medieval notion of "just war." In this transformation the enemy is no longer viewed as "inimicus" but a "justi hostes" (categories which also return in Schmitt's concept of the "political.") This "neutralized" concept of war is also called "the non-discriminatory concept of war" (*der nicht-diskriminierende Kriegsbegriff*). "All inter-state wars upon European soil, which are carried out through the militarily organized armies of states recognized by European law of nations (*Voelkerrecht*), are just in the sense of the European law of nations of this inter-stat-al period." Carl Schmitt, *Der Nomos der Erde im Völkerrecht der Jus Publicum Europaeum* (Cologne: Greven, 1950), 115 (emphasis in the text). Schmitt here conflates "justice" and "legality," not out of some

logical error, but because he rejects all normative standards in judging wars, whether they are derived from the Christian doctrine of just war or liberal concepts of human rights. In his view, such norms would be brought to judge wars “from the outside” as it were. The book’s overall argument is that the resurgence of moralistic liberalism in the international domain, which started with the League of Nations and which was carried to an extreme by President Wilson (although already the Monroe doctrine is a mixture of liberalism and hypocrisy for Schmitt), just like the just war theory of the Christian era, “remoralizes” war and destroys the “non-discriminatory concept of war.” In other words, legal wars can now be considered also unjust wars. This is a viewpoint which disturbs Schmitt: a view undertaken in defense of the interests of the state cannot be an unjust war. His is a totally state-centric account of war as well as of justice, which aims at keeping democratic forces of popular sovereignty at bay, by delegitimizing them and preventing them from questioning the justice of state-based decisions. While Schmitt gives a breath-taking account of the inherent instability of this “*jus publicum Europaeum*,” he is unable to uncover the dynamic causes of western imperialist ventures in twofold fashion. First, Schmitt reduces inter-European wars to “duels” (ibid, 113), thus minimizing the inducements to power-seeking and power-grabbing produced by the *very* balance of power doctrines which sustains the Westphalian system; second, Schmitt also distinguishes all too-neatly between medieval just war theory, natural rights liberalism, and *raison d’état* (reason of state). Yet Richard Tuck shows that both medieval and humanistic jurisprudential sources played a crucial role in the formulation of natural right theories such as those of Hugo Grotius’s. Grotius’s work served *raison d’état* and justified the colonization of the rest of the world via European powers. Hugo Grotius’s cousins were among the directors of the United East India Company, while his father was responsible for nominating one of the seats on the company’s board. John Locke was in the service of the Earl of Shaftesbury, Governor of the Carolinas, and Locke himself was most likely one of the drafters of the Constitution of the Carolinas. In other words, the Westphalian state is much more closely linked to expansionist and universalizing doctrines of natural right liberalism and imperialism than Schmitt admits. Liberalism in international affairs does not make itself manifest only with the expansion of the colonies but is intrinsic to the very foundations of this state-formation. See Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford and New York: Oxford U P, 1999).

- 10 Burke, cited in Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace, 1951), 183. See also Hannah Arendt's powerful treatment, "The only grandeur of imperialism lies in the nation's losing battle against it," *ibid.*, 132.
- 11 See Janine Brodie, "Introduction: Globalization and Citizenship Beyond the National State," and Satoshi Ikeda, "Imperial Subjects, National Citizenship, and Corporate Subjects: Cycles of Political Participation/Exclusion in the Modern World System," both in: *Citizenship Studies* 8:4 (December 2004), 323–33 and 333–49 respectively.
- 12 Citizenship in modernity has meant membership in a bounded political community which was either a nation-state, a multinational-state or a commonwealth structure. The political regime of territorially bounded sovereignty, exercised through formal-rational administrative procedures and dependent upon the democratic will formation of a more or less culturally homogeneous group of people, could only function by defining, circumscribing and controlling citizenship. The citizen is the individual who has membership rights to reside within a territory, who is subject to the state's administrative jurisdiction, and who is also, ideally, a member of the democratic sovereign in the name of whom laws are issued and administration is exercised. Following Max Weber, we may say that this *unity of residency, administrative subjection, democratic participation, and cultural membership* constitutes the "ideal typical" model of citizenship in the modern nation-state of the West. The influence of this model, whether or not it adequately corresponds to local conditions, extends far beyond the West: modernizing nations in Africa, the Middle East, and Asia, which entered the process of state-formation at later points than their West European counterparts, copied this model wherever they came into existence as well.
- 13 Hania Zlotnik, "Past Trends in International Migration and Their Implications for Future Prospects," in: *International Migration into the Twenty-First Century: Essays in Honor of Reginald Appleyard*, ed. M.A.B. Siddique, (Boston, MA: Edward Elgar, 2001), 227.
- 14 United Nations, Department of Economic and Social Affairs, *International Migration Report ST/ESA/SER.A/220*, 2002.
- 15 Aihwa Ong notes: "Given the history of diasporan trading groups such as the Chinese, who play a major role in many of the so-called Asian tiger economies, the Asia Pacific region is ideal for investigating these new modalities of translocal governmentality and the cultural logics of subject making. [...] Global capitalism in Asia is linked to new cultural representations of 'Chineseness' (rather than 'Japaneseness') in relation to transnational Asian capitalism. As overseas Chinese and mainland

- Chinese become linked in circuits of production, trade, and finance, narratives produce concepts such as ‘fraternal network capitalism,’ and ‘Greater China’ [...]. This triumphant Chinese capitalism has induced long-assimilated Thai and Indonesia subjects to reclaim their ‘ethnic-Chinese’ status as they participate in regional business networks.” *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham and London: Duke U P, 1999), 6–7.
- 16 As Turkuler Isiksel, who has assisted me in preparing this paper for final publication has observed, it is almost as if states are reasserting control over the flow of peoples through their territory *in order to* compensate for a manifest loss of competence over other important policy matters: for instance, through the EU, states have relinquished their power of regulating internal markets, determining key aspects of their macroeconomic and monetary policy, etc., *but* the EU’s Council of Ministers is also the venue where the most draconian border-control and anti-immigration measures are taken. Perhaps this is a way of reassuring anxious constituencies that the EU is helping shore up the Leviathan rather than dismantling it.
 - 17 Peter Evans, “The Eclipse of the State? Reflections on Stateness in an Era of Globalization,” *World Politics* 50:1 (1997), 62–87. The original term is from J.P. Nettl, “The State as a Conceptual Variable,” *World Politics* (July 1968), 559.
 - 18 Ong, *Flexible Citizenship*, 221.
 - 19 *Ibid*, 222.
 - 20 Carolin Emcke, *Von den Kriegen. Briefe an Freunde* (Frankfurt: Fischer Verlag, 2004).
 - 21 In: *Global Law Without a State: Studies in Modern Law and Policy*, ed. Gunther Teubner (Aldershot and Brookfield, VT: Dartmouth Publishing Company, 1997), 5.
 - 22 Teubner, *ibid*, 8.
 - 23 *Ibid*, 19.
 - 24 *Ibid*, 21.
 - 25 William E. Scheuerman, *Liberal Democracy and the Social Acceleration of Time* (Baltimore and London: Johns Hopkins U P, 2004), 145.
 - 26 Scheuerman, *ibid*, 169.
 - 27 Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard U P, 2001).
 - 28 See Hardt and Negri’s complex analysis of the US and the new bio-political order of empire. “There are many reasons for the United States’ privileged position in the new global constitution of imperial authority. [...] The US Constitution, as Jefferson said, is the one best calibrated

for extensive Empire. We should emphasize once again that this Constitution is *imperial and not imperialist*. [...] The contemporary idea of Empire is born through the global expansion of the internal U.S. constitutional project. [...] The networks of agreements and associations, the channels of mediation and conflict resolution, and the coordination of the various dynamics of states are all institutionalized within Empire. We are experiencing a first phase of the transformation of the global frontier into an open space of imperial sovereignty.” Hardt and Negri, *Empire*, 182. This work was written between the Persian Gulf War of 1991 and the outbreak of Civil War in the former Yugoslavia in 1994. Despite their occasional lapses into activist gauchisme, the book is an important document for radical thought in the twenty-first century, and in my opinion, much more prescient than the subsequent, Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin P, 2004).

- 29 The last chapter of the *Multitude* is called “May the Force be With You.” The force is the ubiquitous power for the good which the hero of Star Wars searches for! It is at least refreshing for the Left to exercise some humor about its own prospects. See 341–348; on carnival, cf. “The various forms of carnival and mimicry that are so common today at globalization protests might be considered another form of weaponry. Simply having millions of people in the streets for a demonstration is a kind of weapon, as is also, in a rather different way, the pressure of illegal migrations. [...] A one-week global biopolitical strike would block any war.” Hardt and Negri, *ibid.*, 347.
- 30 Hannah Arendt, *On Revolution*, intro. Jonathan Schell (New York et al.: Penguin, 2006).
- 31 The most powerful case in recent years for cosmopolitan governance has been made by David Held. See most recently, David Held, *Global Covenant: The Social Democratic Alternative to the Washington Consensus* (London: Polity P, 2004) and Andrew Kuper, *Democracy Beyond Borders: Justice and Representation in Global Institutions* (Oxford: Oxford U P, 2004). See Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton U P, 2004); emergent norms of international law, particularly that of civilian inviolability, are said to create “an international constitutional moment.” See Anne-Marie Slaughter and William Burke-White, “An International Constitutional Moment,” *Harvard International Law Journal* 43:1 (2002). There is something all too cheery and optimistic in these proposals which downplay the danger of dissociating constitutionalism from democracy and from citizens’ will and reason, by transferring it to an expertocracy,

even if as good willing an expertocracy as the judges and practitioners of international law.

- 32 See Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (New York and London: Cambridge U P, 2004) for a further exploration of these themes.
- 33 Judith Resnik, “Law’s Migration: American Exceptionalism, Silent Dialogues, and Federalism’s Multiple Ports of Entry,” *Yale Law Journal* (forthcoming).
- 34 Scheuerman, *Liberal Democracy and the Social Acceleration of Time*, 268–69, fn 52.

Iris Marion Young

Structural Injustice and the Politics of Difference¹

It has become a truism that a politics of difference is equivalent to “identity politics,” which is about claims of justice concerning cultural difference. In this essay I take issue with this set of equivalences. There are at least two versions of a politics of difference, which I call a politics of positional difference and a politics of cultural difference. They share a critical attitude toward a difference-blind approach to politics and policy. They differ, however, in how they understand the constitution of social groups, and in the issues of justice that they emphasize. While both versions of a politics of difference appear in contemporary political debates, I perceive that over the last two decades both the attention of public discourse and that of political theorists has shifted from the politics of positional difference to a politics of cultural difference. I argue that this shift is unfortunate because it tends to obscure important issues of justice and because it tends to limit the framing of difference politics to a liberal paradigm. We should affirm both approaches, I argue, but also be clear on the conceptual and practical differences between them.

As a social movement tendency in the 1980’s, the politics of difference involved the claims of feminist, anti-racist, and gay liberation activists that the structural inequalities of gender, race, and sexuality did not fit well with the dominant paradigm of equality and inclusion. In this dominant paradigm, the promotion of justice and equality requires non-discrimination: the application of the same principles of evaluation and distribution to all persons regardless of their particular social positions or backgrounds. In this ideal, which many understood as the liberal paradigm, social justice means ignoring gender, racial or sexual differences among people. Social movements asserting a politics of difference, and

the theorists following them argued that this difference-blind ideal was part of the problem. Identifying equality with equal treatment ignores deep material differences in social position, division of labor, socialized capacities, normalized standards and ways of living that continue to disadvantage members of historically excluded groups. Commitment to substantial equality thus requires attending to rather than ignoring such differences.

In the context of ethnic politics and resurgent nationalism, a second version of a politics of difference gained currency in the 1990's, which focused on differences of nationality, ethnicity and religion. It emphasizes the value of cultural distinctness to individuals, as against a liberal individualism for which culture is accidental to the self or something adopted voluntarily. Most modern societies contain multiple cultural groups some of which unjustly dominate the state or other important social institutions, thus inhibiting the ability of minority cultures to live fully meaningful lives in their own terms. Contrary to arguments for cultural neutrality which until recently have been the orthodox liberal stance, the politics of cultural difference argues that public accommodation to and support of cultural difference is compatible with and even required by just institutions.

I understand my own writing on the politics of difference as emphasizing the politics of positional difference in structural position. Both *Justice and the Politics of Difference* and *Inclusion and Democracy* critically assess the tendency of both public and private institutions in contemporary liberal democratic societies to reproduce sexual, racial, and class inequality by applying standards and rules in the same way to all who plausibly come under their purview. They consider how broad structures of the division of labor, hierarchical decision making power, and processes of normalization inhibit the ability of some people to develop and exercise their capacities while offering wide opportunity to others. Each book, however, also contains elements that relate more to the politics of cultural difference. *Justice and the Politics of Difference* refers to cultural claims of indigenous people and speaks approvingly of movements of structurally oppressed

groups to resist stigma by constructing positive group affinities, which I understand more as a means to the achievement of structural equality, rather than an end in itself.²

Justice and the Politics of Difference was published earlier than most of the work in recent political theory which focuses on a politics of cultural difference. That body of work might be said to begin with Charles Taylor's essay, "Multiculturalism and the Politics of Recognition," and to receive its first book length treatment in Will Kymlicka's *Multicultural Citizenship*.³ Published after I began to see that different theoretical approaches to a politics of difference were solidifying, *Inclusion and Democracy* tries more explicitly to distinguish focus on structural inequality from focus on injustice through cultural difference and conflict. While most of that book theorizes within the politics of positional difference, one chapter of *Inclusion and Democracy* articulates a relational concept of self-determination, to contrast with more rigid notions of sovereignty. I intend that chapter to contribute to discussions in the politics of cultural difference.⁴ One motivation for the present essay is to sort out this distinction between two approaches to a politics of difference more thoroughly.⁵

In the two sections that follow, I first lay out and distinguish these two versions of a politics of difference. Both the politics of positional difference and the politics of cultural difference challenge commitments to political equality that tend to identify equality with sameness and which believe that the best way to pursue social and political equality is to ignore group differences in public policy and in how individuals are treated. They both argue that where group difference is socially significant for issues of conflict, domination, or advantage, equal respect may not imply treating everyone in the same way. Public and civic institutions may be either morally required or permitted to notice social group difference, and to treat members of different groups differently for the sake of promoting equality or freedom.

Despite these similarities, it is important to be clear on the differences between a politics of positional difference and a politics

of cultural difference, for several reasons. In recent discussions of a politics of difference, I think that analysts sometimes either merge the two models or attribute to one features specific to the other. Such confusions can have the consequence that readers fail to notice important differences. For example, some critics aim objections at the wrong target.

In his recent book, *Culture and Equality*, for example, Brian Barry fails to distinguish any strands in the thick ball of theoretical writing that he winds together.⁶ As a result, he levels criticisms at some writers that may be more apt for others, and he sometimes merges positions in a way that confuses the debate more than clarifies it. A second motive for this paper, then, is to try to sort out some of this confusion that I find beset some recent discussions of politics and difference.

A more important reason to elaborate the distinction between the two versions of a politics of difference, from my point of view, is to recover some issues of justice and ways of thinking about justice and difference that first motivated this line of thinking a quarter century ago. As I will discuss below, a politics of positional difference concerns primarily issues of justice concerning structural inequality. Persons suffer injustice by virtue of structural inequality when their group social positioning means that the operation of diverse institutions and practices conspire to limit their opportunities to achieve well being. Persons suffer specifically culture-based injustice when they are not free to express themselves as they wish, associate with others with whom they share forms of expression and practices, or to socialize their children in the cultural ways they value, or when their group situation is such that they bear significant economic or political cost in trying to pursue a distinctive way of life. As I will discuss later, structural inequalities sometime build on perceived cultural differences. To the extent that political thinking takes a politics of cultural difference as paradigmatic, however, thinking about justice and group difference tends to focus on issues of liberty and tends to obscure issues of inequality in opportunities structured by the division of

labor, hierarchies of decision making, and the norms and standards that institutions apply to reward achievement.

Thus the third section of this essay discusses how the tendency which I detect in much recent political theory to narrow consideration of a politics of difference to a liberal paradigm has at least three unfortunate consequences. First, where structural injustices do build on perceived cultural differences, a politics of cultural differences and its emphasis on liberty does not make visible enough issues of structural inequalities. Second, because the politics and political theory of cultural differences tends to focus on what state policy properly should allow, forbid or remain silent about, it tends to ignore civil society as a crucial site for working on injustice. Recent discussions of the politics of cultural difference, finally, especially regarding the status of women within cultural minorities, too often themselves tend to elevate particular group based standards as normative for a whole polity without specifically noticing this normalizing move.

I. Politics of Positional Difference

This approach defines social groups as constituted through structural social processes which differently position people along social axes that generate status, power, and opportunity for the development of capacities or the acquisition of goods. Important axes of structural social privilege and disadvantage concern the social division of labor, hierarchies of decision making power, practices of sexuality and body aesthetic, and the arrangement of persons in physical and social space.

Persons in less advantaged position suffer injustice in the form of structural inequality, or what Charles Tilly calls “durable inequality.”⁷ Some institutional rules and practices, the operation of hegemonic norms, the shape of economic or political incentives, the physical effects of past actions and policies, and people acting on stereotypical assumptions, all conspire to produce systematic and reinforcing inequalities between groups. People differently

positioned in structural processes often have unequal opportunities for self-development, access to resources, to make decisions both about the conditions of their own action and that of others, or to be treated with respect or deference.

These structural inequalities do not determine that every member of a less privileged group suffers deprivation or domination. They do make most members of structurally disadvantaged groups more vulnerable to and harmed than others. They also put great obstacles to and constraints on the ability of group members to achieve well-being. It is these vulnerabilities and limitations that define structural injustice more than the amount of goods or power individuals may have at a particular time.⁸

The politics of positional difference argues that public and private institutional policies and practices that interpret equality as requiring being blind to group differences are not likely to undermine persistent structural group differences and often reinforce them. Even in the absence of explicitly discriminatory laws and rules, adherence to body aesthetic, struggle over power, and other dynamics of differentiation, will tend to reproduce given categorical inequalities unless institutions take explicit action to counteract such tendencies. Thus to remove unjust inequality it is necessary explicitly to recognize group difference and either compensate for disadvantage, revalue some attributes, positions or actions, or take special steps to meet needs and empower members of disadvantaged groups.

Socio-economic class is a paradigm of such structural grouping, where class does not refer simply to income level, but also to position in the social division of labor, decision making structures, and group segmented practices of fashion and taste. Here I will elaborate three additional forms of group difference which have motivated claims of a politics of difference: groups defined by disability, gender, and institutional racism.

A. *Disability as Structural Inequality*

Most theoretical writings on social justice either do not notice disability at all or bring it up in order to assert that disability is an outlier category, which theories of justice may deal with after addressing disadvantages which supposedly raise issues of justice in a more obvious way. John Rawls, for example, famously “puts aside” those disabilities “so severe as to prevent people from being cooperating members of society in the usual sense”⁹ until the theory deals with the easier and more generally shared issues of justice. It is better to begin theorizing justice, he says, by assuming that “everyone has physical needs and psychological capacities within the normal range.”¹⁰

Some philosophers recently have questioned this set of assumptions, and have begun to develop alternative analyses both of disability and justice.¹¹ Considering the large number of people who have impaired physical and mental capacities at some point in their lives, it is simply factually wrong to think of disability as a relatively uncommon condition not affecting how we should think about justice. I suggest that we can learn much about social justice generally as concerning issues of structural inequality, normalization, and stigmatization, if we decide to make disability *paradigmatic* of structural injustice, instead of considering it exceptional.

In his recent book attacking all versions of a politics of difference, Brian Barry devotes considerable space to defending a standard principle of merit in the allocation of positions. Merit involves equal opportunity in the following sense: it rejects a system that awards positions explicitly according to class, race, gender, family background, and so on. Under a merit principle, all who wish should have the opportunity to compete for positions of advantage, and those most qualified should win the competition. Positions of authority or expertise should be occupied by those persons who demonstrate excellence in particular skills and who best exhibit the demeanor expected of people in those positions.

Everyone else is a loser in respect to those positions, and they suffer no injustice on that account.¹²

In this merit system, according to Barry, it is natural that people with disabilities will usually turn out to be losers.

Surely it is to be expected in the nature of the case that, across the group (disabled) as a whole, its members will be less qualified than average, even if the amount of money spent on their education is the average, or more than the average.¹³

Barry's is a common opinion. In our scheme of social cooperation, certain skills and abilities can and should be expected of average workers, and it is "in the nature of the case" that most people with disabilities do not meet these expectations. Thus they do not merit the jobs in which we expect these skills, and do not merit the income, autonomy, status, and other forms of privilege that come with those jobs. These people's deficiencies are not their fault, of course. So a decent society will support their needs and ensure them a dignified life, in spite of their inability to contribute significantly to social production.

One of the objectives of the disability rights movements has been to challenge this bit of liberal common sense. Most people who have not thought about the issues very much tend to regard being "disabled" as an attribute of persons: some people simply lack the functionings that enable normal people to live independently, compete in job markets, have a satisfying social life, and so on. Many in the disability rights movements, however, conceptualize the problem that people with disabilities face rather differently. The problem is not with the attributes that individual persons have or do not have. The problem, rather, is the *lack of fit* between the attributes of certain persons and structures, practices, norms, and aesthetic standards dominant in the society. The built environment is biased to support the capacities of people who can walk, climb, see, hear, within what are thought of as the "normal range" of functionings, and presents significant obstacles for

people whose capacities are judged outside this range. Both interactive and technical ways of assessing the intelligence, skill and adaptability of people in schools and workplaces assume ways of evaluating aptitude and achievement that unfairly exclude or disadvantage many people with disabilities from developing or exercising skills. The physical layout and equipment in workplaces and the organization of work process too often make it impossible for a person with an impaired functioning to use the skills they have.¹⁴ Hegemonic standards of charm, beauty, grace, wit, or attentiveness position some people with disabilities as monstrous or abject.

These and other aspects of the division of labor, hegemonic norms, and physical structures constitute structural injustice for people with disabilities. Many people with disabilities unfairly suffer limitation to their opportunities for developing capacities, earning a living through satisfying work, having a rewarding social life, and living as autonomous adults. A difference blind liberalism can offer only very limited remedy for this injustice. It is no response to the person who moves in a wheel chair or who tries to enter a courtroom accessible only by stairs that the state treats all citizens in the same way. The blind engineer derives little solace from an employer who assures him that they make the same computer equipment available to all employees. The opportunities of people with disabilities can be made equal only if others specifically notice their differences, cease regarding them as unwanted deviance from accepted norms and unacceptable costs to efficient operations, and take affirmative measures to accommodate the specific capacities of individuals so that they can function, as all of us should be able to, at their best and with dignity.

The Americans with Disabilities Act recognizes this in principle, inasmuch as it requires that employers, landlords, and public services make “reasonable accommodation” to the specific needs of people with disabilities. It codifies a politics of positional difference. The law has generated significant controversy, of course, concerning who counts as having a disability and about what kinds of accommodation are reasonable. As a group, people with

disabilities continue to be unfairly excluded from or disadvantaged in education and occupational opportunities, and continue to have unfair difficulties in access to transportation, or in having simple pleasures like a restaurant meal or an evening at the theater. Only continued organized pressure on many institutions to conform with principles of fair accommodation will improve this structural situation.

I have begun with the example of injustice towards people with disabilities because, as I said earlier, I wish to suggest that it is paradigmatic of the general approach I am calling a politics of positional difference. It represents a clear case where difference-blind treatment or policy is more likely to perpetuate than correct injustice. The systematic disadvantage at which facially neutral standards puts many people in this case, however, just as clearly does not derive from internal cultural attributes that constitute a group, “people with disabilities.” It may be plausible to speak of a Deaf culture, to the extent that many Deaf people use a unique language and sometimes live together in Deaf communities. In a wider sense, however, there is no community or culture of people with disabilities. Instead, this category designates a structural group constituted from the outside by the deviation of its purported members from normalized institutional assumptions about the exhibition of skill, definition of tasks in a division of labor, ideals of beauty, built environment standards, compartments of sociability, and so on. The remedy for injustice to people with disabilities consists in challenging the norms and rules of the institutions that most condition the life options and the attainment of well-being of these persons structurally positioned as deviant.

Issues of justice raised by many group-based conflicts and social differences, I suggest, follow this paradigm. They concern the way structural social processes position individuals with similar physical attributes, socialized capacities, body habits and life style, sexual orientations, family and neighborhood resources, and so on, are positioned in the social division of labor, relations of decision making power, or hegemonic norms of achievement, beauty, respectability, and the like. The politics of positional dif-

ference focuses on these issues of inclusion and exclusion, and how they make available or limit the substantive opportunities for persons to develop capacities and achieve well-being. I will now all too briefly discuss racism and gender inequality as further examples of such structural inequality.

B. Racial Inequality

Clearly this essay's purpose is not to give an account of the structural inequalities of institutional racism. In this context, I want to make only a few points about racial inequality and the politics of difference. Although I will focus on racialized processes of structural inequality in the United States, I think that racial inequality structures many societies in the world. As I understand it, racism consists in structural processes that normalize body aesthetic, determine that physical, dirty or servile work is most appropriate for members of certain groups, produces and reproduces segregation of members of these racialized groups, and renders deviant the comportments and habits of these segregated persons in relation to dominant norms of respectability.

What distinguishes "race" from ethnicity or nation, conceptually? The former naturalizes or "epidermalizes" the attributes of difference.¹⁵ Racism attaches significance to bodily characteristics – skin color, hair type, facial features, and constructs hierarchies of standard or ideal body types against which others appear inferior, stigmatized, deviant, or abject. In Western structures of anti-Black racism this hierarchy appears both as dichotomous and scalar. That is, racial categorization is organized around a Black/White dichotomy, and this dichotomy organizes a grading of types according to how "close" they are to Black (most inferior) or White (the superior).¹⁶

Processes of racialization stigmatize or devalue bodies, body types, or items closely attached to bodies, such as clothing; this stigmatization and stereotyping appear in public images and in the way some people react to some others. Racialization also

involves understandings of the proper work of some and its hierarchical status in relation to others. The stigma of blackness in America, for example, has its origins in the division of labor, namely slavery.¹⁷ The slave does hard labor under domination, from which owners accumulate profits; or the slave does servile labor to attend the needs and elevate the status of the ruling group. While chattel slavery was abolished a century and a half ago, racialized positions in the social division of labor remain. The least desirable work, the work with the lowest pay, least autonomy, and lowest status, is the hard physical work, the dirty work, and the servant work. In the United States these are racialized forms of work, that is, work thought to belong to black and brown people primarily, and these increasingly are also foreigners. A similar process of racialization has occurred in Europe, which position persons of Turkish, North African, South Asian, sub-Saharan African, and Middle Eastern origin as Other, and tends to restrict them to lower status positions in the social division of labor.

Segregation is a third common structure of racial inequality. It is not uncommon for migrants to choose to live near one another in neighborhood enclaves. I refer to this process as “clustering,” and the urban residential patterning it produces might be considered a manifestation of cultural differentiation. While residential segregation often overlaps with or builds on such clustering processes, segregation is a different and more malignant process. Even when not enforced by law, segregation is a process of exclusion from residential neighborhood opportunity that leaves the relatively worse residential options for members of denigrated groups. The actions of local and national government, private developers and landlords, housing consumers, and others conspire – not necessarily by intention – to concentrate members of these denigrated groups. Dominant groups thereby derive privileges such as larger and more pleasant space, greater amenities, stable and often increasing property values, and so on.¹⁸

With segregation, the stigma of racialized bodies and denigrated labor marks space itself and the people who grow up and live in neighborhoods. People who live together in segregated neigh-

borhood tend to develop group specific idioms, styles of comportment, interests, and artistic forms. These also are liable to be devalued and stigmatized by dominant norms. People who wish to appear respectable and professional, for example, had better shed the habits of walking, laughing, and talking in slang they have learned on the home block. If these are properly considered “cultural,” they are better considered consequences of segregation and limitation of opportunity, rather than their causes. These structural relations of bodily affect, meanings and interests in the social division of labor, segregation, and normalization of dominant habitus operate to limit the opportunities of many to learn and use satisfying skills in socially recognized settings, to accumulate income or wealth, or to attain positions of power and prestige.

The main purpose of this brief account of racism here is to exhibit it as a set of structural relations in which processes of normalization have a large role. Being white is to occupy a social position, or set of social positions, that privileges some people according to at least the parameters I have outlined, and sets standards of respectability or achievement for the entire society. Being Black, or “of color,” means being perceived as not fitting the standards, being suited for particular kinds of work, or that one does not belong in certain places. An anti-racist politics of difference argues that such liabilities to disadvantage cannot be overcome by race-blind principles of formal equality in employment, political party competition, and so on. Where racialized structural inequality influences so many institutions and potentially stigmatizes and impoverishes so many people, a society that aims to redress such injustice must *notice* the processes of racial differentiation before it can correct them.

Even when overt discriminatory practices are illegal and widely condemned, racialized structures are produced and reproduced in many everyday interactions in civil society and workplaces. It is important that persons positioned similarly by racial structures be able to organize politically together to bring attention to these relations of privilege of disadvantage. While such organizing

properly has some elements of the celebration of positive shared experience, or “identity politics,” the primary purpose of such group based organizing is, or ought to be, to confront and undermine the structural processes that perpetuate the limitation of opportunities.¹⁹ Anti-racist movements are and ought to be directed at government policy to intervene in the structures. Government is not the only agent for institutional change, however, and I will return to this point.

C. *Gender Inequality*

In the literature of political theory, the politics of positional difference and the politics of cultural difference conceive women’s issues differently. As I will discuss below, some proponents of a politics of cultural difference implicitly invoke gender justice under norms of equal treatment. As discussed by much of the literature, the political struggle consists in getting women recognized as the *same* as men in respect to having rights to autonomy. In the politics of positional difference, by contrast, feminist politics are a species of the politics of difference; that is, on this approach, in order to promote gender equality it is necessary to notice existing structural processes that differently position men and women. On this account, gender injustice also involves processes of structuring the social division of labor and the fit or lack of fit of bodies and modes of life with hegemonic norms.

In the last quarter century there have been many changes in gendered norms of behavior and comportment expected of men and women, with a great deal more freedom of choice in taste and self-presentation available to members of both sexes than in the past. Basic structures of gender comportment, assumptions that the normal body is implicitly male, the structures of heterosexual expectations, and the sexual division of labor nevertheless continue structurally to afford men more privilege and opportunity for access to resources, positions of power and authority, or the ability to pursue their own life plans.

People too often react to public evidence of female specific conditions with aversion, ridicule, or denial. Public institutions which claim to include women equally too often fail to accommodate to the needs of menstruating, pregnant, and breast feeding women, for example. This sometimes discourages them from participation in these institutions. Sometimes the costs to women of being positioned as deviant in relation to normal bodies are small inconveniences, like remembering to carry tampons in anticipation that the women's room at work will not supply them. Sometimes, however, women suffer serious discomfort, threats to their health, harassment, job loss, or forego benefits by withdrawing in order to avoid these consequences. Including women as equals in schools, workplaces, and other institutions entails accommodating to our bodily specificity to the extent that we can both be women and excel in or enjoy the activities of those institutions.

Aside from these stark examples of women's differences rendering us deviant in some settings, much contemporary feminist theory argues more broadly that the social imagination of this society projects onto women all the sense of vulnerability and chaotic desire attendant on being embodied and sexual beings. The norms of many public professional institutions, however, exclude or repress acknowledgement of bodily need and sexuality. The presence of women or womanliness in them, then, remains upsetting unless the women can present themselves like men.

The social differences produced by a gender division of labor constitute another access of gender difference that render women vulnerable to domination or exploitation or exclusion. Although large changes in attitudes have occurred about the capacities of men and women, and most formal barriers to women's pursuit of occupations and activities have been removed, in at least one respect change has been slow and minor. A structured social division of labor remains in which women do most of the unpaid care work in the family, and most people of both sexes assume that women will have primary responsibility for care of children, and other family members, and for housecleaning.

As Susan Okin theorized it more than fifteen years ago, this gender division of labor accounts in large measure for injustice to women, whether or not they themselves are wives or mothers. The socialization of girls continues to be oriented toward caring and helping. Occupational sex segregation continues to crowd women in a relatively few job categories, keeping women's wages low. Heterosexual couples sometimes find it rational to depend on a man's paycheck for their primary income, if it is large enough. Thus women and their children are vulnerable to poverty if the husband/father ceases to support them.²⁰

The structural positioning of women in the division of labor offers another instance of gender normalization. Most employers institutionalize an assumption that occupants of a good job – one that earns enough to support a family at a decent level of well-being and with a decent pension, vacation time, and job security – can devote himself or herself primarily to that job. Workers whose family responsibilities impinge on or conflict with employer expectations are deviants, and they find it difficult to combine real work and family responsibility.

Feminism construed as a politics of difference thus argues that real equality and freedom for women entail attending to both embodied, socialized, and institutional sex and gender differences in order to ensure that women – as well as men who find themselves positioned like many women in the division of labor in comportment or taste – do not bear unfair costs of institutional assumptions about what women and men are or ought to be doing, who they feel comfortable working with or voting for, and so on. For women to have equal opportunities with men to attain to positions of high status, power, or income, it is not enough that they prove their strength, leadership capacities or intelligence are as good as men's. This is relatively easy. It is more difficult to overcome the costs and disadvantages deriving from application of supposedly difference-blind norms of productivity, respectability, or personal authority, that in fact carry structural biases against many women.

The project of this section has been to explain what I call the politics of positional difference. The problems of injustice to which it responds arise from structural processes of the division of labor, social segregation and lack of fit between hegemonic norms and interpreted bodies. I have dwelt on injustice to people with disabilities, racial injustice and gender injustice in order to bring out social group difference not reducible to cultural difference, and in order to illustrate some diverse forms that these structural inequalities take. Each form of structural inequality concerns relations of privilege and disadvantage where some people's opportunities for the development and exercise of their capacities are limited and they are vulnerable to having the conditions of their lives and action determined by others without reciprocation. A politics of positional difference holds that equalizing these opportunities cannot rely on supposedly group-blind policies, because so many rules, norms and practices of many institutions have group differentiating implications. Promoting justice requires some efforts that attend to such structural differences and attempt to change them, not only within law and public policy, but also in many other social and economic institutions and practices.

II. The Politics of Cultural Difference

A politics of positional difference continues to have proponents among political theorists and those engaged in public discussion about the implications of group difference for values of freedom, equality, and justice. Indeed, I count myself as among them. What I am calling a politics of cultural difference has in recent years received more attention, both from political theorists, and in wider political debates.

I consider Will Kymlicka's book, *Multicultural Citizenship*, one of the earliest clear and thorough theoretical statements of this distinctive approach to a politics of difference. In that book Kymlicka explicitly distinguishes his approach to issues of group difference from one concerned with the situation of socially disadvantaged groups. "The marginalization of women, gays and les-

bians, and the disabled,” he says, “cuts across ethnic and national lines – it is found in majority cultures and homogeneous nation-states as well as national minorities and ethnic groups – and it must be fought in all these places.”²¹ Kymlicka does not elaborate this distinction between his approach to multiculturalism and that concerned with marginalized groups. It seems clear, however, that one basis of the distinction is that he thinks that groups defined by what he calls “societal culture” are different kinds of groups from the sort of group whose members face threats of marginalization or social disadvantage like that faced by women, sexual minorities, or people with disabilities. According to the terms I am using in this paper the latter are *structural* social groups; what makes these group groups is that their members are similarly positioned on axes of privileged and disadvantaged through structural social processes such as the organization of the division of labor or normalization.

The groups with which Kymlicka is concerned face distinctive issues, according to him, just because what defines them as groups is “societal culture.” In his theory this term refers only to differences of nation and ethnicity. A “societal culture” is

synonymous with ‘a nation’ or ‘a people’ – that is, an inter-generational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history. A state is multicultural if its members either belong to different nations (a multi-nation state), or have migrated from different nations (a polyethnic state), and if this fact is an important aspect of personal identity and political life.²²

The societal culture to which a person relates is an important aspect of his or her personal identity; his or her personal autonomy depends in part on being able to engage in specific cultural practices with others who identify with one another as in the same cultural group; one being able to speak the language one finds most comfortable in the conduct of everyday affairs; on having the space and time to celebrate group specific holidays and to dis-

play symbols important to the group. When the societal culture takes the form of nationality, this personal autonomy is tied to self-government autonomy for the group itself.

Kymlicka, along with most who theorize the politics of cultural difference, thinks that most political societies today consist of at least two cultural groups, and often more than two. The question the politics of cultural difference poses is this: Given that a political society consists of two or more societal cultures, what does justice require in the way of their mutual accommodation to one another's practices and forms of cultural expression, and to what extent can and should a liberal society give public recognition to these cultural diversities?

The politics of cultural difference assumes a situation of inequality common in contemporary polities in which members of multiple cultures dwell. It assumes that the state or polity is dominated by one of these cultural groups, which usually, but not always, constitutes a majority of the polity's members. The situation of political conflict, according to the politics of cultural difference, is one in which this dominant group can limit the ability of one or more of the cultural minorities to live out their forms of expression; or more benignly, the sheer ubiquity of the dominant culture threatens to swamp the minority culture to the extent that its survival as a culture may be endangered, even though the lives of the individual members of the group may be relatively comfortable in other ways. Under these circumstances of inequality of unfreedom, members of embattled cultural groups frequently demand special rights and protections to enable their culture to flourish, and/or claim rights to a political society of their own either within a federated relationship that of the dominant culture(s).

The politics of cultural difference explicitly rejects political principles and practices which assume that a single polity must coincide with a single common culture. This implies rejecting as well the assumption held by many liberals that for the state and law to treat all citizens with equal respect entails that all be treated in the same way. Kymlicka distinguishes two kinds of cultural groups

existing within today's multicultural politics, ethnic groups and national groups. Much of the response to his theory has focused on whether this distinction is viable, whether Kymlicka has made it correctly, and whether he has correctly identified the requirements of justice appropriate for each. Neither this distinction nor the debates it generates concern the major argument of this essay.

Kymlicka's theory has received wide attention because within it he has identified and clarified many of the major issues of conflict and potential accommodation that arise in the contemporary politics of cultural difference. Most subsequent theories take up these issues and add to them. What does freedom of cultural expression require? Does it entail forms of public recognition of and accommodation to practices, symbols, and ways of doing things, and not just allowing group members private freedom to engage in minority practices and forms of expression? Where the rules of public regulation, employers, or others come into conflict with what members of cultural minorities consider cultural obligatory or necessary for the survival of their culture, does justice require exemption from those sorts of rules? Can cultural groups make a legitimate claim on the wider polity for resources necessary to memorialize their cultural past and the means to preserve its main elements for future generations? Do some cultural groups have legitimate claims to national autonomy, and if so, what does this imply for forms of self-government and relations with other groups? Does justice require that state and society take special measures to try to prevent members of cultural minorities from suffering a loss of opportunity or other disadvantage because they are committed to maintaining their cultural identity? Since cultural minorities often suffer political disadvantage in getting members elected to office and in voicing their interests and perspectives in representative bodies, does justice call for installing forms of group representation? Kymlicka considers the question of whether liberal polities ought to go so far as to tolerate practices that members of a culture regard as important but which a wider societal judgment finds violate standards of liberal ac-

commodation and individual human rights. He argues that such practices should not be tolerated.

I have dwelt on Kymlicka's text because he more explicitly than others distinguishes the politics of cultural difference from what I call a politics of positional difference. With one important exception, moreover, the issues and arguments he advances in *Multicultural Citizenship* have set an agenda of theorizing that subsequent texts have debated and debated. To the issues Kymlicka treats, theorists of a politics of cultural difference have added another: the extent to which religious difference should be accommodated and affirmed in a multicultural liberal polity.²³ No doubt partly because issues of religious difference and perceived freedom of religious practice have become more prominent in political debates within European and North American societies, as well as many other places, some theorists of politics and group difference have put religion alongside ethnicity and nationality as paramount forms of deep diversity.²⁴ The logic of religious difference and its implications for politics importantly diverges from ethnicity and nationality, at least because religious adherents often take doctrine and ceremony not simply helping to define their identities, but also as obligatory for them. This raises the stakes in potential conflicts between majority commitments and the commitments of religious minorities.

Much recent theorizing about the politics of cultural difference takes issue with what writers charge is Kymlicka's overly homogeneous and overly bounded concept of societal culture. Joseph Carens, for example, argues that Kymlicka's concept of societal culture implicitly follows the logic of the concept of nation-state, even as the theory aims to challenge the singularity of one state for each nation.²⁵ Ethnic and national groups, on his model, are each bounded by a singular understanding of themselves, in which place, language, history, and practice line up, and are differentiated from other groups. The motive for Kymlicka's theory is precisely to challenge the singularity of the self-conception of the nation-state; but his logic of group difference may follow a similar logic. Many others theorizing a politics of cultural difference

raise problems with what they fear is an “essentialism” of cultural difference, where either participants or observers take a culture to be a coherent whole, relatively unchanging, and fully separate from other cultures. Against this, theorists such as Bhikhu Parekh and Seyla Benhabib offer a politics of cultural difference which puts dialogue among cultures at the center.²⁶ On the dialogic view, members of different cultural groups within a society often influence one another and engage in productive cultural exchange, and this interaction ought to be mobilized to resolve intercultural conflict.

Since both the theoretical approaches I have reviewed in this essay are versions of a politics of difference, it should not be surprising that they share some features. I find two major similarities in the analyses and arguments of the politics of positional difference and the politics of cultural difference. Both worry about the domination some groups are able to exercise over public meaning in ways that limit the freedom or curtail opportunity. Second, both challenge difference-blind public principle. They question the position that equal citizenship in a common polity entails a commitment to a common public interest, a single national culture, a single set of rules that applies to everyone in the same way. They both argue that commitment to justice sometimes requires noticing social or cultural differences and sometimes treating individuals and groups differently.

While they are logically distinct, each approach is important. The politics of cultural difference is important because it offers vision and principle to respond to dominative nationalist or other forms of absolutist impulses. We can live together in common political institutions and still maintain institutions by which we distinguish ourselves as peoples of cultures with distinct practices and traditions. Acting on such a vision can and should reduce ethnic, nationalist, and religious violence. The politics of positional difference is important because it highlights the depth and systematic basis of inequality, and shows that inequality before the law is not sufficient to remedy this inequality. It calls attention to

relations and processes of exploitation, marginalization, normalization that keep many people in subordinate positions.

I am not here arguing that political actors and theorists ought to accept one of these approaches and reject the other. Instead, my claim is that it is important to notice the difference between them, a difference sometimes missed in recent literatures. At the same time, I find that the two forms of argument are compatible in practice. Indeed, for some kinds of issues of group based politics and conflict, both forms of analysis are necessary. As I have indicated above, and will discuss again in the next section, for example, the oppression of minority cultures often merges into structural inequalities of racism insofar as it entails the limitation of opportunities for developing and exercising capacities.

Before turning to my worries that both theory and political discussion pay too much attention to a politics of cultural difference at the expense of a politics of positional difference, let me conclude this section by addressing a question some readers may have. To what extent is this distinction in theoretical approaches the same as or similar to the distinction that Nancy Fraser has drawn between a politics of redistribution and politics of recognition? They are not in fact the same distinctions at all. As I understand Fraser's categorization, both forms of a politics of difference I have articulated here fall under her category of a politics of recognition. Indeed, in her most recent statement of her theory, Fraser distinguishes what she calls a participatory parity approach – which roughly corresponds to what I call the politics of positional difference – and an identity politics approach – which roughly corresponds to what I am calling the politics of cultural difference.²⁷ Insofar as there can be any comparison, that is, I think Fraser would categorize both approaches to the politics of difference I have described different forms of a politics of recognition. Except for Charles Taylor, Fraser gives little attention to theorists I associate with the politics of cultural difference, and she favors the approach she calls participatory parity as a response to structural inequalities of gender, race, and sexuality.

I find this distinction between different forms of recognition politics useful. I continue to think, however, that it is too polarizing to construct economic relations, or redistribution, and culture, or recognition, as mutually exclusive categories.²⁸ As I have tried to do in the first section of these essay, it seems more useful to me to break out different aspects of the production of structural inequality such as normalization and the division of labor, each of which has both material effects on access to resources as well as the social meanings underlying status hierarchy.

III. Critical Limits to the Politics of Cultural Difference

The politics of cultural difference exhibits a different logic from the politics of positional difference. I have argued that each highlights important issues of justice relevant to contemporary politics and the two approaches are often compatible in a particular political context. To the extent that recent political theory and public discourse focus on the politics of cultural difference, however, they inappropriately narrow debates about justice and difference. Some issues of justice retreat from view, and the discussion brings those that remain squarely under a liberal paradigm, which sometimes distorts their significance.

In this final section I will discuss three such worries with the ascendancy of issues of ethnic, national, and religious difference in debates about justice and social group difference. The paradigm of the politics of cultural difference tends to underplay important issues of group difference such as those I have discussed in giving an account of the politics of positional difference. Here I will take one example: the paradigm of cultural difference obscures racism as a specific form of structural injustice. Second, I will discuss how the liberal framework under which the politics of cultural differences brings its issues focuses too much on the state in relation to individuals and groups, and does not see relations in civil society either as enacting injustice or as a source of remedy. Because many theorists of the politics of cultural difference define their issues in terms of toleration, finally, I will argue that

the politics of cultural difference easily slips into expressing and reinforcing a normalization exposed and criticized by a politics of positional difference.

A. Tendency to Obscure Some Issues of Justice

As I discussed earlier, the politics of positional difference conceptualizes group difference primarily in structural terms. Social relations and processes put people in differing categorical social positions in relation to one another in ways that privilege those in one category in relation to another or others, both in the range of opportunities for self-development available to them, the resources they have or can access, the power they have over others or over the conditions of the lives of others, and the degree of status they have as indexed by others' willingness to treat them with deference or special respect. Class and gender are important structural axes in most societies. I have argued that physical and mental ability are functionally similar in our society that normalizes certain capacities. Race also names an important structural axis in most societies today.

The politics of cultural difference does not have a conceptual place for racial difference. To be sure, racialized social processes usually build on perceived differences in culture – language, religion, a sense of common lineage, specific cosmological beliefs, differing social practices, and so on. As I have discussed above, however, racialization and racism consist in a great deal more than that groups perceive themselves as distinct in relation to one another and refuse to recognize the equal legitimacy of the culture of others. It even consists in more than that groups that perceive themselves as ethnically or culturally different have conflicts or are hostile to one another. Such ethnic or cultural difference becomes racial hierarchy when the groups interact in a social system where one group is able to extract benefits by its hierarchical relation to the other. In the process of racialization, norms construct members of a subordinate group as stereotyped and despised bodies, assign them to menial, dirty or servile work,

exclude them from high status positions, and tend to segregate the subordinate group from the dominant group.

The politics of cultural difference obscures this process. Many political claims and conflicts in contemporary multicultural societies involve both issues of cultural freedom *and* issues of structural inequality such as racism. Where there are problems of a lack of recognition of or accommodation to national, cultural, religious or linguistic groups in liberal democratic societies today (as well as others), these are often played out through dominant discourses that stereotype members of minority groups, find them technically inept or morally inferior, spatially segregate them and limit their opportunities to develop skills and compete for high status positions.²⁹

Issues of justice for Latinos in the United States, for example, concern not only cultural accommodation and acceptance, but also exposure and criticism of institutional racism. Many believe that the two are deeply intertwined. Demands for and implementation of policies that mandate English only in public institutions such as courts and schools both limit the freedom of some Latinos to express themselves freely, stigmatize them, and often limit their ability to develop marketable skills. The position of many Latinos is racialized, moreover, in that their brown skin and facial features place them together as a group in the eyes of many Anglos, in spite of the fact that they or their parents hail from different parts of Latin American and experience differences of language and tradition among themselves. Within the dominant structures, “Hispanics” occupy particular positions in the social division of labor, and the benefits employers derive from this positioning are significant enough to limit the opportunities of members of this racialized group to move into other occupational positions.³⁰

Everywhere that indigenous people make claims to freedom of cultural expression and political self-determination, to take another example, they do so in the context of racialized structural inequality. Indians in North America, Aborigines in Australia, indigenous people in Latin America, are all victims of historical-

ly racist policies of murder, removal, spatial concentration, theft of their land and resources, and limitation of their opportunities to make a living. Structures of racialized inequality runs deep in these societies, and discrimination and stereotyping persist.

Many conflicts over cultural toleration or accommodation in contemporary liberal democracies, in my observation, occur within a context of structural inequality between the dominant groups and cultural minorities. What is at stake in many of these conflicts is not simply freedom of expression and association, but substantively equal opportunity for individuals from marginalized groups to develop and exercise their capacities, and to have meaningful voice in the governance of the institutions whose roles and policies condition their lives. When the politics of cultural difference dominates political discourse on group difference, however, these positional issues are harder to raise and discuss. The weight of felt grievance about structural injustice then may load onto these cultural conflicts.

The example of political conflict between Latinos and Anglos in the United States that may focus on cultural difference, but still have roots in structural inequality is not unique. It seems to me that some group political conflicts in multicultural European societies focus on cultural difference in a context where structural inequality is a primary but understated issue. Many Muslim people dwelling in major European cities, for example, are victims of racial injustice. They are excluded from many opportunities for achieving status and income, they suffer stereotyping and objectification of their embodied presence, they lack recognized political voice, and they often live in segregated less desirable neighborhoods. The claims of such Muslims that they should have the freedom to wear headscarves or make their prayer calls in the public squares in the European cities where they live should not be divorced from this context of broad and entrenched structural privilege of majorities and social and economic disadvantage of minorities. Public debates seem to displace the structural problems onto issues of culture; the debates tend to ignore issues of poverty, unemployment, poor education and segregation among

Muslims, at the same time that they magnify issues related to religion and culture.

B. State and Civil Society

The paradigm situation assumed by the politics of cultural difference is that of a society in which there is a plurality of ethnic, national, and/or religious groups, but in the current moment one or some of them tends to wield dominant power through the state. These dominant groups tend to bias state action and policy in ways that favor members of their groups – for example, by declaring their language the official political language, or making only those religious holidays celebrated by members of their group holidays recognized by the state. Cultural minorities resist this dominative power, and make claims on the state and the other members of their society to recognize their right to freedom of expression and practice, to exempt them from certain regulations on religious or cultural grounds, to recognize their language as one among several constituting the political community, to allow and support their children being educated in their language, to take special measures to assure representation of minority groups in political decision making, and many other claims for cultural recognition and freedom. Some minority groups claim to be distinct nations toward whom a right of self-determination should be recognized. An array of proposals and debates has arisen concerning what it can mean to accommodate such a right, not all of which involve creating a distinct sovereign state for the oppressed nationality, but most of which involve constitutional issues.

I cannot here catalogue all the claims made under a politics of cultural difference nor review the diverse positions people take in response to these claims. I have detailed this much in order to notice one thing: Most of the issues that arise both in theoretical writing and public discussion about the politics of cultural difference concern state policy, regulation, or the organization of state institutions.

In this respect the politics of cultural difference usually comes within a liberal framework. One of the features of a liberal framework, as distinct from other possible frameworks in political theory, such as critical theory, republicanism or communitarianism, is that it often presumes that political struggle is primarily about state policy. This liberal framework assumes a simple model of society as consisting of the public – which coincides with what is under the administrative regulation of the state – and the private, which is everything else. Under this liberal model, the main question is, what shall the state permit, support, or require, and what shall it discourage or forbid. Framing questions of the politics of difference largely in terms of what the state should or should not do in relation to individuals and groups, however, ignores civil society as an arena both of institutional decision making and political struggle, on the one hand, and processes of structural differentiation, on the other. It tends to ignore ways that non-governmental institutions often exercise exploitation, domination and exclusion, as well as ways that private organizations and institutions can design remedies for these wrongs. The relations in which individuals and groups stand to one another within civil society, even apart from their relations to state policy, are very important both as causes of injustice and resources for remedying this injustice.³¹

The assumption that politics concerns primarily what the state allows, requires or forbids, moreover, can generate serious misunderstanding about positions taken by proponents of a politics of difference, particularly with the politics of positional difference. Brian Barry is a case in point. He quotes disapprovingly my claim in *Justice and the Politics of Difference* that “no social practices or activities should be excluded as improper subjects for public discussion, expression and collective choice,” and then cites Robert Fullinwider’s interpretation of this statement to the effect that I advocate political intervention and modification into “private choices.”

The specter haunting Barry and Fullinwider is the limitation of individual liberty backed by state sanction. Apparently they envi-

sion no object of public discussion and collective choice other than state policies and laws. Certainly these are important objects of public discussion and choice in a democracy. A political theory concerned with the production and reproduction of structural inequalities even when laws guarantee formally equal rights, however, must shine its light on other corners we well. Movements of African Americans, people with disabilities, feminists, gay men and lesbians, indigenous people, as well as many ethnic movements, realize that societal discrimination, processes of segregation and marginalization enacted through social networks and private institutions must be confronted in their non-state institutional sites. While law can provide a framework for equality, and some remedy for egregious violations of rights and respect, the state and law cannot and should not reach into every capillary of every day life. A politics of positional difference thus recommends that churches, universities, production and marketing enterprises, clubs and associations all examine their policies, practices, and priorities to discover ways they contribute to unjust structures and recommends changing them when they do. Such a position is not tantamount to calling the culture Gestapo to police every joke or bathroom design. Numerous social changes brought about by these movements in the last thirty years have involved actions by many people that were voluntary, in the sense that the state neither required them nor sanctioned agents who did not perform them. Indeed, state policy as often follows behind action within civil society directed at undermining structural injustice as leads it.³²

Seyla Benhabib distinguishes such a “dual track” approach to politics, which she associates with critical theory, and argues that liberal political theory typically ignores non-state dimensions of politics.

In deliberative democracy, as distinguished from political liberalism, the official public sphere of representative institutions, which includes the legislature, executive and public bureaucracies, the judiciary and political parties, is not the only site of political contestation and or opinion and

will formation. Deliberative democracy focuses on social movements, and on the civil, cultural, religious, artistic, and political associations of the unofficial public sphere, as well.³³

Barry and others who consider issues of difference under a liberal paradigm, ignores this non-official public sphere of contestation and action, and thus “attempts to solve multicultural conflicts through a juridical calculus of liberal rights.”³⁴ A conception of justice able to criticize relations of domination and limitation of opportunity suffered by gender, racialized, ethnic or religious groups must consider relations within private activities and civil society and their interaction with state institutions.³⁵

C. Normalizing Culture

I said that the logic of most theorizing in the politics of cultural difference, as well as the logic of many political debates about multiculturalism, assumes the point of view of a power or authority which deliberates about what practices, forms of expression, forms of civic and political association, and so on, should be allowed, encouraged, or required, and which discouraged or forbidden. Both theoretical and political debates in the politics of cultural difference, that is, often take the traditionally liberal form of debates about what should and what should not be tolerated.

Framing issues of difference in terms of toleration, however, often introduces a normalizing logic in debates about multiculturalism. The political questions debated often have this form: shall we tolerate this expression or practice that we find of questionable value or morality, for the sake of mutual accommodation and civic peace? Should we allow methods of processing animals for food which require that the animals be awake at the time of slaughter? I do not introduce this example to debate it, but rather as an example that this form is typical in multicultural debates. I think this form assumes the following: The primary participants in the debate are members of the “we,” who argue among them-

selves for and against toleration. This “we” is the point of view of the dominant culture, which also assumes itself to have the power to influence the authorities who allow or forbid. While those holding the point of view debate among themselves whether toleration is the appropriate stance in this case, they all presume themselves to occupy a position as normal, which means not only in the statistical majority, but also holding values that lie within the range of acceptable and even good. Those whose practices the normalized “we” debates have little or no voice in the debates. They are the object of the debates, but in it, if at all, only weakly as political subjects. The debate positions them as deviant in relation to the norm; as with all questions of toleration, the question is only, are these practices so deviant as to be beyond a line of permissibility? Those who find themselves positioned in this normalizing discourse often believe that the terms of the debate themselves are disrespectful, even before a resolution has been achieved. They also often believe that their being positioned as deviant makes them liable to other forms of denigration, exclusion, or disadvantage.

A funny inversion often happens to gender issues in this politics of cultural difference utilizing the normalizing logic implicit in many debates about toleration. I argued above that the politics of cultural difference obscures many issues concerning gender and justice that are matters of structural inequality. The politics of positional difference theorizes gender as a set of structural social positions. These structures operate in complex ways to render many women vulnerable to gender based domination and deprivation in most societies of the world, including Western liberal democracies.

You might never know it, however, to listen to gendered debates among contemporary theorists of the politics of cultural difference. Many of the political debates currently taking place about multiculturalism focus on beliefs and practices of cultural minorities, especially Muslims, about women. These debates are especially salient in Europe, though George W. Bush used these issues to great rhetorical effect to legitimate the U.S. led invasion

of Afghanistan in 2001.³⁶ A great deal of the recent political theoretical literature taking the approach of a politics of cultural difference devotes considerable attention to the treatment of women by cultural minorities.

In many theoretical writings on multiculturalism, gender issues serve as the test to the limits of toleration. Can we tolerate rules of a national minority that refuse to recognize the women who marry outside as group members? Can we allow Muslim women to accede to the pressure or expectation that they wear the hijab? Surely we cannot permit arranged marriages of teenage girls or female genital cutting under any circumstances.

My purpose in calling attention to the ubiquity of gender issues in contemporary political and theoretical debates on cultural difference is not to examine the arguments on various sides and take a position. I bring them up as instances of the normalizing discourse of toleration typical of the logic of the politics of cultural difference. The “we” in these questions occupies the position of the majority Western liberals. “We” can raise these questions about the extent to which the gender practices of the minority culture can be tolerated because among “us,” women have the same freedom and autonomy as men. Our gender individualism is the norm against which the practices of many cultures come up deviant. Debates about gender in the politics of cultural difference thus serve the double function of positioning some cultural groups beyond the pale and encouraging a self-congratulatory arrogance on the part of the “we” who debate these issues. Gender has moved from being a difference to occupying the universal. In the process, the real issues of gendered structural inequality may be ignored.

IV. Conclusion

The purpose of this essay has been to clarify differences in approaches to political and theoretical debates about justice: whether and to what extent justice calls for attending to rather than

ignoring social group differences. The fact that the politics of cultural difference has more occupied political theorists in recent years than a politics of positional difference is lamentable, I have suggested, for several reasons. It tends to narrow the groups of concern to ethnic, national, and religious groups, and to limit the issues of justice at stake to those concerned with freedom and autonomy more than equal opportunity of people to develop capacities and live a life of well-being. Its reliance on a liberal paradigm, moreover, tends to limit politics to shaping state policy and to reintroduce normalizing discourses into what began as denormalizing movements. My objective in making these distinctions and arguments has not been to reject the politics of cultural difference, but to encourage political theorists to re-focus their attention to group differences generated from structural power, the division of labor, and constructions of the normal and the deviant, as they continue also to reflect on conflicts over national, ethnic, or religious difference.

Notes

- 1 This essay was first delivered as W.E.B. Du Bois Lecture at the Humboldt University in Berlin, on June 24 2004. It is forthcoming in: Anthony Laden and David Owen, eds., *Debates on Multiculturalism* (Cambridge: Cambridge U P, 2006).
- 2 Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton U P, 1990).
- 3 Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford U P, 1995); some of the ideas appeared in less developed form in Kymlicka's *Liberalism, Community, and Culture* (Oxford: Oxford U P, 1989).
- 4 Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford U P, 2000).
- 5 Versions of this paper have been presented at the International Association of Feminist Philosophers, Gothenberg, Sweden, June 2004; a meeting of the Chicago area Conference for the Study of Political Thought at the University of Illinois at Chicago, November 2004; lecture at Duquesne University November 2005; Mellon Seminar at Columbia University, November 2005. I have profited from discussions on those occasions. I am grateful to the following individuals for comments on earlier drafts: David Alexander, Joseph Carens, Jon Elster, Fred Evans, David Ingram, Anthony Laden, Patchen Markell, John McCormick, David Owen, and Jeremy Waldron.
- 6 Brian Barry, *Culture and Equality* (Cambridge, MA: Harvard U P, 2001).
- 7 Charles Tilly, *Durable Inequality* (Berkeley: U of California P, 1998).
- 8 I have elaborated a notion of structural group difference and structural inequality in several previous writings. See *Inclusion and Democracy* (Oxford: Oxford U P, 2000), 92–102; “Equality of Whom? Social Groups and Judgments of Injustice,” *Journal of Political Philosophy* 9:1 (March 2001), 1–18; “Taking the Basic Structure Seriously,” *Perspectives on Politics* 4:1 (March 2006), 91–7.
- 9 John Rawls, *Political Liberalism* (New York: Columbia U P, 1993), 20.
- 10 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard U P, 1971), 83.
- 11 Eva Feder Kittay, *Love's Labor: Essays on Women, Equality, and Dependency* (New York: Routledge, 1999); Anita Silvers, “Formal Justice,” in: *Disability, Difference, Discrimination*, ed. Anita Silvers, David Wasserman, and Many Mahowald (Lanham, MD: Rowman and Littlefield, 1998), 13–146; Martha Nussbaum, *Boundaries of Justice* (Harvard:

- Harvard U P, 2006), chapters 2 and 3.
- 12 I have argued that so-called merit standards often normalize attributes, compartments, or attainments associated with particular social groups, and thus often do not serve the impartial purpose they claim. *Justice and the Politics of Difference* (Princeton: Princeton U P, 1990), chapter 7. Brian Barry aims to refute this critique in: *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity P, 2001), 90–102. For a good reply to Barry on these points, from the point of view of a politics of positional difference, see Paul Kelly, “Defending some Dodos: Equality and/or Liberty?” in: *Multiculturalism Reconsidered*, ed. Paul Kelly (Cambridge: Polity P, 2002), 62–80. See also Clare Chambers, “All Must Have Prizes: The Liberal Case for Interference in Cultural Practices,” in the same volume, 151–73.
 - 13 Barry, 95.
 - 14 I have discussed this issue in another essays, “Disability and the Definition of Work,” in: *Americans with Disabilities: Exploring Implications of the Law for Individuals and Institutions*, ed. Leslie Pickering Francis and Anita Silvers (New York: Routledge, 2000), 169–73.
 - 15 I take the term “epidermalize” from Frantz Fanon, *Black Skins, White Masks* (New York: Grove P, 1967), 110–2; see also Thomas F. Slaughter, Jr., “Epidermalizing the World: A Basic Mode of Being Black,” in: *Philosophy Born of Struggle*, ed. Leonard Harris (Dubuque, IA: Hunt Publishers, 1983), 283–8.
 - 16 Lewis Gordon analyzes the logic of the dichotomy of anti-Black racism according to an existentialist logic of absolute subject and the Other; see *Bad Faith and Anti-Black Racism* (Atlantic Highlands, NJ: Humanities P, 1995). I have brought a Foucaultian framework to articulate how racial dichotomy sets up norms that then organize bodies on a scale of better and worse; see *Justice and the Politics of Difference*, chapter 5, “The Scaling of Bodies and the Politics of Identity,” (Princeton: Princeton U P, 1990).
 - 17 See Glen Loury, *Anatomy of Racial Inequality* (Cambridge: Harvard U P, 2002), chapter 3.
 - 18 For a more thorough account of the distinction between segregation and clustering, and an account of the structural consequences of segregation, see Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford U P, 2000), chapter 6.
 - 19 I have made a longer argument to this effect in chapter 3 of *Inclusion and Democracy*. See also Amy Gutmann, *Identity in Democracy* (Princeton: Princeton U P, 2003). Gutmann’s analysis would be even stronger if she theorized the social group as a product of structural processes of

- privilege rather than as a prejudicial ascription of denigrated status onto some people. Gutmann well articulates a distinction between an “identity politics” which might take pride in ascriptive identity as such, on the one hand, and a group based politics in which “the appropriate object of pride is not the ascriptive identity in itself but rather the identity’s manifestation of dignified, self-respecting personhood, the personhood of someone who has overcome social obstacles because of an ascriptive identity,” on the other; 136.
- 20 Susan Moller Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989).
 - 21 Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford U P, 1995), 19.
 - 22 Kymlicka, 18.
 - 23 Jeff Spinner-Halev, *Surviving Diversity: Religion and Democratic Citizenship* (Baltimore, MD: Johns Hopkins U P, 2000).
 - 24 Texts that add a focus on religious difference, and separate it from but compare it to issues of national and ethnic difference include Gutmann, cited above; Bhikhu Parekh, *Rethinking Multiculturalism* (London: MacMillan, 2000); Ayalet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women’s Rights* (Cambridge: Cambridge U P, 2001); Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton: Princeton U P, 2002).
 - 25 Joseph Carens, “Liberalism and Culture,” in: *Culture, Citizenship and Community: A Contextual Explication of Justice as Evenhandedness*, ed. Joseph Carens (Oxford: Oxford U P, 2000), 52–87.
 - 26 Bhikhu Parekh, *Rethinking Multiculturalism*; Seyla Benhabib, *The Claims of Culture*.
 - 27 Nancy Fraser and Axel Honneth, *Redistribution or Recognition: A Political-Philosophical Exchange* (London: Verso P, 2003).
 - 28 See Iris Marion Young, “Unruly Categories: A Critique of Fraser’s Dual Systems Theory,” *New Left Review* 222 (March/April 1997), 147–60.
 - 29 See *Inclusion and Democracy*, 102–107.
 - 30 See Iris Marion Young, “Structure, Difference, and Hispanic/Latino Claims of Justice,” in: *Hispanics/Latinos in the United States: Ethnicity, Race and Rights*, ed. Jorge J.E. Gracia and Pablo de Greiff (New York: Routledge, 2000), 147–66.
 - 31 In chapter 5 of *Inclusion and Democracy* I further discuss the virtues and limits of action in civil society for remedying injustice.
 - 32 Brian Barry also blanches at the assertion I make in *Justice and the Politics of Difference* that remedy for normalizing social processes is “cultural revolution.” In this phrase, which I borrowed from Julia Kristeva,

“culture” refers to modes of comportment, gestures, speech styles and other modes of communication and how people understand these in the everyday lifeworld. See Julia Kristeva, “Le Sujet en Proces,” in: *Polylogue* (Paris: Editions Seuil, 1977). “Revolution” may be a dramatic term. Eliminating ways that women, people with disabilities or poor people are sometimes denigrated, however, among other things requires changing some symbolic meanings and interactive habits of some people. In her reaction to the phrase, “cultural revolution,” Amy Gutmann also manifests an assumption that state and law are the primary motors of social change to undermine injustice. Processes that now I would call “denormalization,” must involve change of interactive habits as well as institutional rule reform.

33 Benhabib, 21.

34 *Ibid.*

35 See also Benhabib, 118–21.

36 See Iris Marion Young, “The Logic of Masculinist Protection: Reflections on the Current Security State,” *Signs: A Journal of Women in Culture and Society* 29:1 (Fall 2003).

Nancy Fraser

Abnormal Justice

*For Richard Rorty,
an inspiration in more ways than one*

In some contexts, public debates about justice assume the guise of normal discourse. However fiercely they disagree about what exactly justice requires in a given case, the contestants share some underlying presuppositions about what an intelligible justice claim looks like. They share ontological assumptions about the kind(s) of actors who are entitled to make such claims (usually, individuals) and about the kind of agency from which they should seek redress (typically, a territorial state). In addition, the disputants share assumptions about scope, which fix the circle of interlocutors to whom claims for justice should be addressed (usually, the citizenry of a bounded political community) and which delimit the universe of those whose interests and concerns deserve consideration (ditto). Finally, the contestants share social-theoretical assumptions about the space in which questions of justice can intelligibly arise (often, the economic space of distribution) and about the social cleavages that can harbor injustices (typically, class and ethnicity). In such contexts, where those who argue about justice share a set of underlying assumptions, their contests assume a relatively regular, recognizable shape. Constituted through a set of organizing principles, and manifesting a discernible grammar, such conflicts take the form of “normal justice.”¹

Of course, it is doubtful that justice discourse is ever fully normal in the sense just described. There may well be no real-world context in which public debates about justice remain wholly within the bounds set by a given set of constitutive assumptions. And we may never encounter a case in which every participant shares every assumption. Whenever a situation approaching normality *does* appear, moreover, one may well suspect that it rests on the

suppression or marginalization of those who dissent from the reigning consensus.

Nevertheless, and notwithstanding these caveats, we may still speak of “normal justice” in a meaningful sense. By analogy with Thomas Kuhn’s understanding of normal science, justice discourse is normal just so long as public dissent from, and disobedience to, its constitutive assumptions remains contained.² So long as deviations remain private or appear as anomalies, so long as they do not cumulate and destructure the discourse, then the field of public-sphere conflicts over justice retains a recognizable, hence a “normal,” shape.

By this standard, the present context is one of “abnormal justice.”³ Even as public debates about justice proliferate, they increasingly lack the structured character of normal discourse. Today’s disputants often lack any shared understanding of what the authors of justice claims should look like, as some countenance states and communities, while others admit only individuals. In the same way, those who argue about justice today often share no view of the agency of redress, as some envision new transnational or cosmopolitan institutions, while others restrict their appeals to territorial states. Often, too, the disputants hold divergent views of the proper circle of interlocutors, as some address their claims to international public opinion, while others would confine discussion within bounded polities. Likewise, present-day contestants often disagree about who is entitled to consideration in matters of justice, as some accord standing to all human beings, while others restrict concern to their fellow citizens. In addition, those who argue about justice today often disagree about the conceptual space within which claims for justice can arise, as some admit only (economic) claims for redistribution, while others would also admit (cultural) claims for recognition and (political) claims for representation. Finally, today’s disputants often disagree as to which social cleavages can harbor injustices, as some admit only nationality and class, while others also accept gender and sexuality.

The result is that current debates about justice have a freewheeling character. Absent the ordering force of shared presuppositions, they lack the structured shape of normal discourse. This is patently true for informal contests over justice in civil society, where it has always been possible in principle to problematize *doxa* – witness the affair of the Danish cartoons, which is better grasped as a species of abnormal discourse about justice than as a clash of civilizations, on the one hand, or as an exemplar of liberal public reason, on the other. But abnormality also swirls around institutionalized arenas of argument, such as courts and arbitration bodies, whose principal *raison d'être* is to normalize justice—witness the dispute among the Justices of the US Supreme Court in a recent death penalty case over whether it is proper to cite opinions of foreign courts. In these cases of raucous clashes over basic premises deviation is less the exception than the rule. Far from appearing in the guise of anomalies within a relatively stable field of argument, abnormality invades the central precincts of justice discourse. No sooner do first-order disputes arise than they become overlaid with meta-disputes over constitutive assumptions, concerning who counts and what is at stake. Not only substantive questions, but also the grammar of justice itself, are up for grabs.

This situation is by no means unprecedented. Even the most cursory reflection suggests some historical parallels. One prior era of abnormal justice in Europe is the period leading up to the Treaty of Westphalia, when the feudal political imaginary was unraveling, but the system of territorial states had not yet been consolidated.⁴ Another is the period following World War I, when nascent internationalisms collided with resurgent nationalisms amidst the ruins of three major empires.⁵ In those cases, absent a secure and settled hegemony, competing paradigms clashed, and efforts to normalize justice did not succeed. Such cases are scarcely exceptional. It is likely, in fact, that normal justice is historically abnormal, while abnormal justice represents the historical norm.

Nevertheless, today's abnormalities are historically specific, reflective of recent developments, including the break-up of the Cold War order, contested US hegemony, the rise of neoliberalism, and the new salience of globalization. Under these conditions, established paradigms tend to unsettle, and claims for justice easily become unmoored from pre-existing islands of normalcy. This is the case for each of three major families of justice claims: claims for socio-economic redistribution, claims for legal or cultural recognition, and claims for political representation. Thus, in the wake of transnationalized production, globalized finance, and neoliberal trade and investment regimes, redistribution claims increasingly trespass the bounds of state-centered grammars and arenas of argument. Likewise, given transnational migration and global media flows, the claims for recognition of once distant "others" acquire a new proximity, destabilizing taken-for-granted horizons of cultural value. Finally, in an era of contested superpower hegemony, global governance, and transnational politics, claims for representation increasingly break the previous frame of the modern territorial state. In this situation of de-normalization, justice claims immediately run up against counterclaims, whose underlying assumptions they do not share. Whether the issue is redistribution, recognition, or representation, current disputes evince a heteroglossia of justice discourse, which lacks any semblance of normality.

In this situation, our familiar theories of justice offer little guidance. Formulated for contexts of normal justice, they focus largely on first-order questions. What constitutes a just distribution of wealth and resources? What counts as reciprocal recognition or equal respect? What constitutes fair terms of political representation and equal voice? Premised upon a shared grammar, these theories do not tell us how to proceed when we encounter conflicting assumptions concerning moral standing, social cleavage, and agency of redress. Thus, they fail to provide the conceptual resources for dealing with problems of abnormal justice, so characteristic of the present era.

What sort of theory of justice could provide guidance in this situation? What type of theorizing can handle cases in which first-order disputes about justice are overlaid with meta-disputes about what counts as an intelligible first-order claim? In this essay, I shall suggest a way of approaching questions of (in)justice in abnormal times. What I have to say divides into two parts. First, I shall identify three nodes of abnormality in contemporary disputes about justice. Then, I shall formulate three corresponding conceptual strategies for clarifying these abnormalities.

1. Nodes of Abnormality in a Globalizing World

I begin by sketching a recent dispute over social justice:

Claiming to promote justice for workers at home and abroad, labor unions in developed countries seek to block imports whose production conditions do not meet domestic environmental, health, and safety standards. Organizations representing workers in the developing world object that, in imposing standards they cannot possibly meet at the present time, this seemingly progressive approach is actually a species of unjust protectionism. Debated in both domestic and transnational public spheres, the first position finds support among those who advocate the pursuit of justice through democratic politics at the level of the territorial state, while the second is championed both by proponents of global justice and by free-marketeters. Meanwhile, corporations and states dispute related issues in international legal arenas. For example, a NAFTA arbitration panel hears arguments from a US-based multinational, which contends that Canada's relatively stringent environmental and labor laws constitute an illegal restraint on trade. The US representative on the three-judge panel finds for the corporation, on free-trade grounds. The Canadian representative finds against, invoking the self-government rights of the Canadian citizenry. The Mexican representative casts the deciding vote; finding for the corporation, and thus siding with the United States, he invokes poor nations' right to development. At the same time, however, the legitimacy of these proceedings

is disputed. In transnational civil society, demonstrators protest against NAFTA, the WTO, and other governance structures of the global economy. Pronouncing these structures unjust and undemocratic, activists meeting at the World Social Forum debate the contours of an alternative “globalization from below.”

This is an example of “abnormal justice.” Traversing multiple discursive arenas, some formal, some informal, some mainstream, some subaltern, the locus of argument shifts with dizzying speed. And far from going without saying, the topography of debate is itself an object of dispute. Offshore contestants strive to pierce the bounds of domestic debates, even as nationalists and country-level democrats seek to territorialize them. Meanwhile, states and corporations work to contain disputes within regional juridical institutions, even as transnational social movements strain to widen them. Thus, the very shape of controversy, uncontested in normal discourse, is here a focus of explicit struggle. Even as they dispute substantive issues, then, the contestants also rehearse deep disagreements about who is entitled to address claims to whom concerning what; about where and how such claims should be vetted; and about who is obliged to redress them, if and when they are vindicated.

The abnormalities are not wholly random, however, as they constellate around three principal nodes. The first node reflects the absence of a shared view of the “what” of justice. At issue here is the matter of justice, the substance with which it is concerned. Given that justice is a comparative relation, what is it that justice compares? What social-ontological presuppositions distinguish well-formed from ill-formed claims? Such matters go without saying in normal justice—as, for example, when all parties conceive justice in distributive terms, as concerned with the allocation of divisible goods, which are typically economic in nature. In abnormal contexts, by contrast, the “what” of justice is in dispute. Here we encounter claims that do not share a common ontology. Where one party perceives distributive injustice, another sees status hierarchy, and still another political domination.⁶ Thus, even

those who agree that the status quo is unjust disagree as to how to describe it.

Divergent assumptions concerning the “what” suffuse the example just sketched. There, offshore workers’ economic claims, aimed at dismantling protectionist barriers, which maintain distributive injustice, collide with a territorial citizenry’s political claims, aimed at repulsing neoliberal encroachments, which imperil the democratic sovereignty of a bounded polity. The effect is a bewildering lack of consensus, even among professed democrats and egalitarians, as to how to understand the injustice, let alone how to redress it. The very “what” of justice is up for grabs.

A second node of abnormality reflects the lack of a shared understanding of the “who” of justice. At issue here is the scope of justice, the frame within which it applies: who counts as a subject of justice in a given matter? Whose interests and needs deserve consideration? Who belongs to the circle of those entitled to equal concern? Such matters go without saying in normal justice—as, for example, when all parties frame their disputes as matters internal to territorial states, thereby equating the “who” of justice with the citizenry of a bounded polity. In abnormal justice, by contrast, the “who” is up for grabs. Here we encounter conflicting framings of justice disputes. Where one party frames the question in terms of a domestic, territorial “who,” others posit “who’s” that are regional, transnational or global.⁷

Divergent assumptions about these matters, too, pervade the example just sketched, which encompasses conflicting frames. There, some of the disputants evaluate Canadian labor regulations in terms of their domestic effects, while others consider the effects on the larger North American region, and still others look further afield, to the interests of workers in the developing world or of global humanity. The result is a lack of consensus as to “who” counts. Not just the “what” of justice but also the “who” is in dispute.

The third node of abnormality reflects the lack of a shared understanding of the “how” of justice. Here the issue is in essence procedural: how, in a given case, should one determine the pertinent grammar for reflecting on justice? By which criteria or decision procedure should one resolve disputes about the “what” and the “who”? In normal justice, such questions do not arise by definition, as the “what” and the “who” are not in dispute. In abnormal contexts, by contrast, with both those parameters up for grabs, disagreements about the “how” are bound to erupt. Here we encounter conflicting scenarios for resolving disputes. Where one party invokes the authority of an interstate treaty, others appeal to the United Nations, the balance of power, and the institutionalized procedures of a cosmopolitan democracy that remains to be invented.⁸

Uncertainty about the “how” suffuses the argument sketched here. In that case, states and corporations look to NAFTA for resolution, while anti-neoliberalism activists look instead to transnational popular struggle aimed at influencing global public opinion. Whereas the first appeal to a treaty-based regional arena of dispute resolution, the second appeal to a “World Social Forum” that lacks institutionalized authority to make and enforce binding decisions. Here, then, there is no agreement as to how disputes about the grammar of justice should be resolved. Not just the “what” and the “who,” but also the “how” of justice is up for grabs.

Together, these three nodes of abnormality reflect the destabilization of the previous hegemonic grammar. Today’s uncertainty about the “what” reflects the decentering of that grammar’s substantive understanding of the matter of justice. What has been problematized here is the view that identifies justice exclusively with fair economic distribution. That understanding organized the lion’s share of argument in the decades following World War Two. Subtending the otherwise disparate political cultures of First World social democracy, Second World communism, and Third World “developmentalism,” the distributive interpretation of the “what” tended to marginalize non-economic wrongs. Cast-

ing maldistribution as the quintessential injustice, it obscured injustices of misrecognition, rooted in hierarchies of status, as well as injustices of misrepresentation, rooted in the political constitution of society.⁹

Analogously, today's uncertainty about the "who" reflects the destabilization of the previous grammar's frame. In this case, what has been problematized is the Westphalian view that the modern territorial state is the sole unit within which justice applies. That view framed most justice discourse in the post-war era. In conjunction with the distributive conception, it organized otherwise disparate political cultures throughout the world, notwithstanding lip service to human rights, proletarian internationalism, and Third-World solidarity. Effectively territorializing justice, the Westphalian frame equated the scope of concern with the citizenry of a bounded political community. The effect was to drastically limit, if not wholly to exclude, binding obligations of justice that cut across borders. Constructing a set of territorially bounded domestic "who's," discrete and arrayed side-by-side, this frame obscured transborder injustices.¹⁰

Finally, today's uncertainty concerning the "how" reflects the new salience of a previously unspoken feature of the postwar grammar. What has become visible, and therefore contestable, is a hidden hegemonic assumption. So long as the lion's share of justice discourse was governed by Westphalian-distributivist assumptions, there was little overtly perceived need for institutions and procedures for resolving disputes about the "what" and the "who." On those occasions when such a need was perceived, it was assumed that powerful states and private elites would resolve those disputes, in intergovernmental organizations or smoke-filled back rooms. The effect was to discourage open democratic contestation of the "what" and the "who."

Today, however, none of these three normalizing assumptions goes without saying. The hegemony of the distributive "what" has been challenged from at least two sides: first, by diverse practitioners of the politics of recognition, ranging from multicultural-

lists who seek to accommodate differences to ethno-nationalists who seek to eliminate them; and second, by diverse practitioners of the politics of representation, ranging from feminists campaigning for gender quotas on electoral lists to national minorities demanding power-sharing arrangements. As a result, there are now in play at least three rival conceptions of the “what” of justice: redistribution, recognition, and representation.

Meanwhile, the hegemony of the Westphalian “who” has been challenged from at least three directions: first, by localists and communalists, who seek to locate the scope of concern in sub-national units; second, by regionalists and transnationalists, who propose to identify the “who” of justice with larger, though not fully universal, units, such as “Europe” or “Islam”; and third, by globalists and cosmopolitans, who propose to accord equal consideration to all human beings. Consequently, there are now in play at least four rival views of the “who” of justice: Westphalian, local-communalist, transnational-regional, and global-cosmopolitan.

Finally, the silent sway of the hegemonic “how” has been challenged by a general rise in democratic expectations, as mobilized movements of all these kinds demand a say about the “what” and the “who.” Contesting hegemonic institutions and frames, such movements have effectively challenged the prerogative of states and elites to determine the grammar of justice. Inciting broad debates about the “what” and the “who,” they have put in play, alongside the hegemonic presumption, populist and democratic views of the “how” of justice.

The appearance of rival views of the “what,” the “who,” and the “how” poses a major problem for anyone who cares about injustice today. Somehow, we must work through these meta-disputes without losing sight of pressing problems of first-order justice. But with all three parameters in play simultaneously, we have no firm ground on which to stand. Abnormality confronts us at every turn.

2. Strategies for Theorizing Justice in Abnormal Times

What sort of theory of justice could provide guidance in this situation? To find a convincing answer, one must start with a balanced view of the matter at hand. The key, I think, is to appreciate both the positive and negative sides of abnormal justice. The positive side is an expansion of the field of contestation, hence the chance to challenge injustices that the previous grammar elided. For example, the decentering of the distributive “what” renders visible, and criticizable, non-economic harms of misrecognition and misrepresentation. Likewise, the de-normalization of the Westphalian “who” makes conceivable a hitherto obscure type of meta-injustice, which I shall call “misframing,” in which first-order questions of justice are unjustly framed— as when the national framing of distributive issues forecloses the claims of the global poor.¹¹ If we assume, as I think we should, that misrecognition, misrepresentation, and misframing belong in principle in the catalogue of genuine injustices, then the destabilization of a grammar that obscured them must rank as a positive development. Here, then, is the good side of abnormal justice: expanded possibilities for contesting injustice.

But abnormal justice also has a negative side. The problem is that expanded contestation cannot by itself overcome injustice. Overcoming injustice requires at least two additional conditions: first, a relatively stable framework in which claims can be equitably vetted; and second, institutionalized agencies and means of redress. Both these conditions are absent in abnormal justice. How can demands be fairly evaluated and injustices be legitimately rectified in contexts in which the “what,” the “who,” and the “how” are intensely disputed? Here then is the negative side of abnormal justice: amidst expanded contestation, reduced means for corroborating and redressing injustice.

Those who would theorize justice in abnormal times must keep both sides of this equation in view. What sort of theorizing could simultaneously valorize expanded contestation and strengthen diminished capacities of adjudication and redress? Without pre-

tending to present a full answer, I propose to hunt for clues by re-examining the three nodes of abnormality just described. Considered in turn, each can tell us something important about how to think about justice in abnormal times.

A. *The “What” of Justice:
Participatory Parity in Three Dimensions*

Consider, first, the problem of the “what.” Here, the question is: what sort of approach can validate contestation of reductive distributivism while also clarifying prospects for resolving disputes that encompass rival understandings of the matter of justice? The short answer is: an approach that combines a multidimensional social ontology with normative monism. Let me explain.

In order to validate expanded contestation, a theory of justice must hold out the prospect of a fair hearing for disputants’ claims. If it is to avoid foreclosing demands in advance, the theory must be able to entertain claims that presuppose nonstandard views of the “what” of justice. Erring on the side of inclusiveness, then, it should begin by assuming that injustice comes in more than one form and that no single view of the “what” can capture them all. Rejecting social-ontological monism, it should conceive justice as encompassing multiple dimensions, each of which is associated with an analytically distinct genre of injustice and revealed through a conceptually distinct type of social struggle.

Consider three possibilities I have already alluded to. As seen, first, from the standpoint of labor struggles, justice comprises an economic dimension, rooted in political economy, whose associated injustice is *maldistribution* or class inequality. As seen, second, in contrast, from the perspective of struggles over multiculturalism, justice encompasses a cultural dimension, rooted in the status order, whose corresponding injustice is *misrecognition* or status hierarchy. As seen, finally, through the lens of democratization struggles, justice includes a political dimension, rooted in

the political constitution of society, whose associated injustice is *misrepresentation* or political voicelessness.

Here, then, are three different views of the “what” of justice. Insofar as each of them corresponds to a bonafide form of injustice that cannot be reduced to the others, none can be legitimately excluded from contemporary theorizing. Thus, ontological monism with respect to injustice is deeply misguided.¹² Contra those who insist on a single monistic account of the “what,” justice is better viewed as a multidimensional concept that encompasses the three dimensions of *redistribution*, *recognition* and *representation*.¹³ Such a conception is especially useful in abnormal times. Only by assuming at the outset that claims in all three dimensions are in principle intelligible can one provide a fair hearing to all claimants in disputes that harbor multiple views of the “what.”

But why only three? The examples just given suggest that, rather than being given all at once, the dimensions of justice are disclosed historically, through the medium of social struggle. On this view, social movements disclose new dimensions of justice when they succeed in establishing as plausible claims that transgress the established grammar of normal justice, which will appear retrospectively to have obscured the disadvantage their members suffer. But in the moment before a novel understanding of the “what” becomes broadly intelligible, the irruption of transgressive claims sparks abnormal discourse.¹⁴ At such times, it remains unclear whether a new dimension of justice is being disclosed. It follows that any attempt to theorize justice in these conditions must allow for that possibility. Whoever dogmatically forecloses the prospect declares his or her thinking inadequate to the times.

What follows for a theory of justice for abnormal times? At the outset, one should practice hermeneutical charity with respect to claimants’ nonstandard views of the “what,” according them the presumption of intelligibility and potential validity. At the same time, the theory should test such views by considering whether they do in fact render visible genuine forms of injustice that the previous grammar foreclosed: and if so, whether these newly

disclosed forms are rooted in hitherto overlooked dimensions of social ordering. In today's context, this means accepting as well-formed and intelligible in principle at least three distinct views of the "what" of justice: namely, redistribution, recognition and representation.¹⁵ Provisionally embracing a three-dimensional view of justice, centered on economy, culture, politics, the theory should nevertheless remain open to the disclosure of further dimensions through social struggle.

By itself, however, a multidimensional social ontology is not a solution. As soon we admit multiple genres of injustice, we need a way to bring them under a common measure. Thus, we need a normative principle that overarches them all. Absent such a commensurating principle, we have no way to evaluate claims across different dimensions, hence no way to process disputes that encompass multiple views of the "what."

What might such a principle look like? My proposal is to submit claims in all three dimensions to the overarching normative principle of *parity of participation*. According to this principle, justice requires social arrangements that permit all to participate as peers in social life.¹⁶ On the view of justice as participatory parity, overcoming injustice means dismantling institutionalized obstacles that prevent some people from participating on a par with others, as full partners in social interaction. As the foregoing discussion suggests, such obstacles can be of at least three types. First, people can be impeded from full participation by economic structures that deny them the resources they need in order to interact with others as peers; in that case they suffer from distributive injustice or maldistribution. Second, people can be prevented from interacting on terms of parity by institutionalized hierarchies of cultural value that deny them the requisite standing; in that case they suffer from status inequality or misrecognition.¹⁷ Third, people can be impeded from full participation by decision rules that deny them equal voice in public deliberations and democratic decision-making; in that case they suffer from political injustice or misrepresentation.¹⁸

Here, then, is an account in which three different types of injustice lead to a common result: in each case, some social actors are prevented from participating on a par with others in social interaction. Thus, all three injustices violate a single principle, the principle of participatory parity. That principle overarches the three dimensions and serves to make them commensurable.¹⁹

The exact details of this account are less important than its overall conceptual structure. What is paramount here is that this view of the “what” of justice combines a multidimensional social ontology with normative monism. As a result, it accommodates both the positive and negative sides of abnormal justice. Thanks to its ontological multidimensionality, it validates contestation of normalizing distributivism. Stipulating that misrecognition and misrepresentation are genuine injustices in principle, it provides a fair hearing for claims that transgress the previous grammar. At the same time, thanks to its normative monism, this approach brings the three genres of injustice under a common measure. Submitting claims for redistribution, recognition, and representation to the overarching principle of participatory parity, it creates a single discursive space that can accommodate them all. Thus, this approach offers the prospect of evaluating claims under conditions of abnormal discourse, where multiple views of the “what” of justice are in play.

And yet: a major question remains. Parity of participation *among whom*? *Who* exactly is entitled to participate on a par *with whom* in *which* social interactions? Unless we can find a suitable way of addressing the “who” of justice, this approach to the “what” will not be of any use.

B. *The “Who” of Justice:
Misframing and Political Subjection*

I turn, accordingly, to the second node of abnormal justice, concerning the “who.” For this issue, too, the pressing need is to accommodate both the positive and negative sides of abnormal

justice. What sort of theorizing can valorize contestation of the Westphalian frame, while also clarifying disputes that encompass conflicting views about who counts? The short answer is: theorizing that is simultaneously reflexive and substantive. Let me explain.

In order to valorize expanded contestation, reflection on abnormal justice must be open to claims that first-order questions of justice have been wrongly framed. To ensure that such claims receive a fair hearing, one should assume at the outset that injustices of misframing could exist in principle. Thus, abnormal justice theorizing must be reflexive. In order to apply the principle of participatory parity to first-order questions of distribution, recognition, and representation, one must be able to jump to the next level, where the frame itself is in dispute. Only by becoming reflexive can one grasp the question of the “who” *as* a question of justice.

How can one generate the reflexivity needed in abnormal justice? The strategy I propose draws on a distinctive conception of the political dimension. So far, I have considered this dimension in the usual way, as concerned exclusively with injustices of “ordinary-political misrepresentation.” These are political injustices that arise within a political community whose boundaries and membership are widely assumed to be settled. Thus, ordinary-political misrepresentation occurs when a polity’s decision rules deny some who are counted in principle as members the chance to participate fully, as peers. Recently, such injustices have given rise to demands for changes in the mode of ordinary-political representation – ranging from demands for gender quotas on electoral lists, multicultural rights, indigenous self-government, and provincial autonomy, on the one hand, to demands for campaign finance reform, redistricting, proportional representation, and cumulative voting, on the other.²⁰

Important as such matters are, they represent only half the story. In addition to ordinary-political injustice, which arises *within* the frame of a bounded polity, we can also conceptualize a second le-

vel, of “meta-political injustice,” which arises as a result of the division of political space *into* bounded polities. This second level of “meta-political misrepresentation” comprehends injustices of misframing. Such injustices occur when a polity’s boundaries are drawn in such a way as to wrongly deny some people the chance to participate *at all* in its authorized contests over justice. In such cases, those who are constituted as nonmembers are wrongly excluded from the universe of those entitled to consideration within the polity in matters of distribution, recognition, and ordinary-political representation. The injustice remains, moreover, even when those excluded from one polity are included as subjects of justice in another – as long as the effect of the political division is to put some relevant aspects of justice beyond their reach. An example is the way in which the international system of supposedly equal sovereign states gerrymanders political space at the expense of the global poor.

Although they do not use the term, the notion of misframing is implicit in the claims of some participants in the World Social Forum. In their eyes, the Westphalian frame is unjust, as it partitions political space in ways that block many who are poor and despised from challenging the forces that oppress them. Channeling their claims into the domestic political spaces of relatively powerless, if not wholly failed, states, this frame insulates offshore powers from critique and control.²¹ Among those shielded from the reach of justice are more powerful predator states and transnational private powers, including foreign investors and creditors, international currency speculators, and transnational corporations.²² Also protected are the governance structures of the global economy, which set exploitative terms of interaction and then exempt them from democratic control.²³ Finally, the Westphalian frame is self-insulating, as the architecture of the interstate system excludes transnational democratic decision-making on issues of justice.²⁴

Such, at any rate, are the claims of some participants in the World Social Forum. Their concerns pertain to our second level of justice, the meta-political level, which encompasses wrongs of mis-

framing. Oriented to the possibility that first-order framings of justice may themselves be unjust, this level grasps the question of the frame *as* a question of justice. As a result, it provides the reflexivity needed to parse disputes about the “who” in abnormal justice.

By itself, however, reflexivity is not a solution. As soon as we accept that injustices of misframing can exist in principle, we require some means of deciding when and where they exist in reality. Thus, a theory of justice for abnormal times requires a substantive normative principle for evaluating frames. Absent such a substantive principle, we have no way to assess the alternatives, hence no way to clarify disputes that encompass conflicting understandings of the “who.”

What might a substantive principle for evaluating frames look like? Currently, there are three major candidates on offer. Proponents of the *membership principle* propose to resolve disputes concerning the “who” by appealing to criteria of political belonging. For them, accordingly, what turns a collection of individuals into fellow subjects of justice is shared citizenship or shared nationality.²⁵ Because this approach delimits frames on the basis of political membership, it has the advantage of being grounded in existing institutional reality and/or in widely held collective identifications. Yet that strength is also its weakness. In practice, the membership principle serves all too easily to ratify the exclusionary nationalisms of the privileged and powerful – hence, to shield established frames from critical scrutiny.

No wonder, then, that some philosophers and activists look instead to the *principle of humanism*. Seeking a more inclusive standard, they propose to resolve disputes concerning the “who” by appealing to criteria of personhood. For them, accordingly, what turns a collection of individuals into fellow subjects of justice is common possession of distinguishing features of humanity, such as autonomy, rationality, language, or capacity for suffering.²⁶ Because this approach delimits frames on the basis of personhood, it provides a critical check on exclusionary nationalism. Yet its lofty

abstraction is also its weakness. Cavalierly oblivious to actual or historical social relations, it accords standing indiscriminately to everyone in respect to everything. Adopting the one-size-fits-all frame of global humanity, it forecloses the possibility that different issues require different frames or scales of justice.

Understandably, then, yet another group of philosophers and activists rejects both the exclusionary nationalism of membership and the abstract globalism of humanism. Aiming to conceptualize *transnational* justice, proponents of the *all-affected principle* propose to resolve disputes about the “who” by appealing to social relations of interdependence. For them, accordingly, what makes a group of people fellow subjects of justice is their objective co-imbrication in a web of causal relationships.²⁷ This approach has the merit of providing a critical check on self-serving notions of membership, while also taking cognizance of social relations. Yet by conceiving relations objectivistically, in terms of causality, it effectively relegates the choice of the “who” to normal social science. In addition, the all-affected principle falls prey to the *reductio ad absurdum* of the butterfly effect, which holds that everyone is affected by everything. Unable to identify *morally relevant* social relations, it has trouble resisting the one-size-fits-all globalism it sought to avoid. Thus, it too fails to supply a defensible standard for determining the “who.”

Given the respective deficiencies of membership, humanism, and affectedness, what sort of substantive principle can help us evaluate rival frames in abnormal justice? I propose to submit allegations of misframing to what I shall call the *all-subjected principle*. According to this principle, all those who are subject to a given governance structure have moral standing as subjects of justice in relation to it. On this view, what turns a collection of people into fellow subjects of justice is neither shared citizenship or nationality, nor common possession of abstract personhood, nor the sheer fact of causal interdependence, but rather their joint subjection to a structure of governance, which sets the ground rules that govern their interaction.²⁸ For any such governance

structure, the all-subjected principle matches the scope of moral concern to that of subjection.²⁹

Of course, everything depends on how we interpret the phrase “subjection to structure of governance.” I understand this expression broadly, as encompassing relations to powers of various types. Not restricted to states, governance structures also comprise non-state agencies that generate enforceable rules that structure important swaths of social interaction. The most obvious examples are the agencies that set the ground rules of the global economy, such as the World Trade Organization and the International Monetary Fund. But many other examples could also be cited, including transnational structures governing environmental regulation (the Kyoto protocols), atomic and nuclear power (the International Atomic Energy Agency), policing (Interpol), health (the World Health Organization), and the administration of civil and criminal law (the World Intellectual Property Organization, the International Criminal Court, and Interpol). Insofar as such agencies regulate the interaction of large transnational populations, they can be said to subject the latter, even though the rule-makers are not accountable to those whom they govern. Given this broad understanding of governance structures, the term “subjection” should be understood broadly as well. Not restricted to formal citizenship, or even to the broader condition of falling within the jurisdiction of such a state, this notion also encompasses the further condition of being subject to the coercive power of non-state forms of governmentality.

Understood in this way, the all-subjected principle affords a critical standard for assessing the justice of frames. An issue is justly framed if and only if everyone subjected to the governance structure(s) that regulate the relevant swath(s) of social interaction is accorded equal consideration. To deserve such consideration, moreover, one need not already be an accredited member of the structure in question; one need only be subjected to it. Thus, sub-Saharan Africans who have been involuntarily disconnected from the global economy as a result of the rules imposed by its

governance structures count as subjects of justice in relation to it, even if they are not counted officially as participating in it.³⁰

The all-subjected principle remedies the major defects of the previous principles. Unlike membership, it pierces the self-serving shield of exclusionary nationalism to contemplate injustices of misframing. Unlike humanism, it overcomes abstract, all-embracing globalism by taking notice of social relationships. Unlike affectedness, it avoids the indiscriminateness of the butterfly effect by identifying the morally relevant type of social relation, namely, subjection to a governance structure. Far from substituting a single global “who” for the Westphalian “who,” the all-subjected principle militates against any one-size-fits-all framing of justice. In today’s world, all of us are subject to a plurality of different governance structures, some local, some national, some regional, and some global. The need, accordingly, is to delimit a variety of different frames for different issues. Able to mark out a plurality of “who’s” for different purposes, the all-subjected principle tells us when and where to apply which frame – and thus, who is entitled to parity of participation with whom in a given case.

In this case of this proposal, too, the details are less important than the overall conceptual structure. What is crucial here is that this approach combines the reflexive questioning of justice frames with a substantive evaluative principle. In this way, it accommodates both the positive and negative sides of abnormal justice. Thanks to its reflexivity, the concept of misframing validates contestation of the Westphalian frame. Because it is pitched to the meta-level, this concept permits us to entertain the possibility that first-order questions of justice have been unjustly framed. At the same time, thanks to its substantive character, this approach offers a way of assessing the justice of various “who’s.” By submitting proposed frames to the all-subjected principle, it enables us to weigh their relative merits. Thus, this approach holds considerable promise for clarifying disputes about the “who” in abnormal times.

And yet: another major question remains. *How* exactly ought we to implement the all-subjected principle? By way of what procedures and processes can that principle be applied to resolve disputes about who counts in abnormal times? Unless we can find a suitable way of addressing the “how” of justice, this approach to the “who” will not be of any use.

C. The “How” of Justice: Institutionalizing Meta-Democracy

This brings me, finally, to the problem of the “how.” For this issue, too, the trick is to accommodate both the positive and negative sides of abnormal justice. What sort of justice theorizing can valorize expanded contestation, while also clarifying disputes in which there is no shared understanding of the “how” of justice? The short answer is: theorizing that is at once dialogical and institutional. Let me explain.

In order to valorize expanded contestation, a theory of justice for abnormal times must abjure two approaches that have already surfaced in the previous considerations. First, it must suspend the hegemonic presumption that powerful states and private elites should determine the grammar of justice. As we saw, this view went without saying in normal justice, when disputes about the “who” were sufficiently rare and restricted to be settled in smoke-filled back rooms. Today, however, as social movements contest the Westphalian frame, they are challenging such prerogatives—by the mere fact of treating the question of the frame as a proper subject of public debate. Asserting their right to a say in determining the “who,” they are simultaneously problematizing the hegemonic “how.” Above and beyond their other demands, then, these movements are effectively demanding something more: the creation of new, non-hegemonic procedures for handling disputes about the framing of justice in abnormal times. This demand, too, deserves a fair hearing. In order to avoid foreclosing it in advance, a theory of justice for times such as these must entertain non-standard views of the “how.”

Second, a theory of justice for abnormal times must reject what I shall call “the scientific presumption.” Supposed by some proponents of the all-affected principle, this understanding of the “how” of justice holds that decisions about the frame should be determined by normal social science, which is presumed to possess uncontroversial facts concerning who is affected by what, and thus who deserves consideration in respect of which issues. In abnormal justice, however, disputes about the frame are not reducible to simple questions of empirical fact, as the historical interpretations, social theories, and normative assumptions that necessarily underlie factual claims are themselves in dispute.³¹ Under conditions of *injustice*, moreover, what passes for social “science” in the mainstream may well reflect the perspectives, and entrench the blindspots, of the privileged. In these conditions, to adopt the scientific presumption is to risk foreclosing the claims of the disadvantaged. Thus, a theory committed to expanded contestation must reject this presumption. Without denying the relevance of social knowledge, it must refuse any suggestion that disputes about the “who” be settled by “justice technocrats.”³²

What other possibilities remain? Despite the differences between them, the hegemonic presumption and the scientific presumption share a common premise. Both propose to settle framing disputes monologically, by appeal to an authority (in one case power, in the other case science) that is not accountable to the discursive give-and-take of political debate. A theory of justice for abnormal times must reject this monological premise. To validate contestation, it must treat framing disputes *dialogically*, as political conflicts whose legitimate resolution requires unconstrained, inclusive public discussion. Rejecting appeals to authority, abnormal justice theorizing must envision a dialogical process for applying the all-subjected principle to disputes about the “who.”

Thus, a theory of justice for abnormal times must be dialogical. By itself, however, dialogue is not a solution. As soon as we accept that conflicts concerning the frame must be handled discursively, we need to envision a way in which public discourse concerning the “who” could eventuate in public resolutions. Absent

an account of the relation between contestation and legitimate decision-making, we have no way to implement the all-subjected principle, hence no way to process disputes in abnormal justice.

How should one conceive this relation? One approach, call it “populism,” would situate the nexus of contest and decision in civil society. Thus, this approach would assign the task of applying the all-subjected principle to social movements or discursive arenas like the World Social Forum.³³ Although it appears to fulfill the dialogism requirement, populism is nevertheless unsatisfactory for at least two reasons. First, even the best civil society formations are neither sufficiently representative nor sufficiently democratic to legitimate their proposals to reframe justice. Second, these formations lack the capacity to convert their proposals into binding political decisions. Put differently, although they can introduce novel claims into public debate, by themselves civil society actors can neither *warrant claims* nor *make binding decisions*.

These limitations suggest the need for a second track of the dialogical process, a formal institutional track. This second track should stand in a dynamic interactive relation to the first track. Conceived as one pole of a two-way communicative process, the formal institutional track must be responsive to the civil-society track.³⁴ But it should differ from the latter in two respects. First, the institutional track requires fair procedures and a representative structure to ensure the democratic legitimacy of its deliberations. Second, the representatives, while accountable via publicity and elections, must have the capacity to take binding decisions about the “who” that reflect their communicatively generated judgment as to who is in fact subjected to a given structure of governance.

The upshot is that abnormal justice requires the invention of new global democratic institutions where disputes about the frame can be aired and resolved. Assuming that such disputes will not go away anytime soon, and may not be susceptible of any definitive, final resolution, the approach I propose views them as an enduring feature of political life in a globalizing world. Thus, it advocates new institutions for staging and provisionally resol-

ving such disputes democratically, in permanent dialogue with transnational civil society.

Certainly, much more needs to be said about the design and workings of such arrangements. But in this case, too, the details are less important than the overall conceptual structure of the proposal. What is paramount here is that this view of the “how” of justice combines dialogical and institutional features. As a result, it accommodates both the positive and negative sides of abnormal justice. Thanks to its dialogism, it validates contestation of previously taken-for-granted parameters of justice. Rejecting monologism, it seeks a fair hearing for claims that hegemonism and scientism foreclose. At the same time, thanks to its two-track character, it overcomes the legitimacy and decisional deficits of populism. Submitting meta-claims for the reframing of justice to a process of two-way communication between civil society and new global representative institutions, it envisions procedures for implementing the all-subjected principle in contexts of disagreement about the “who.” Thus, this approach holds out the prospect of provisionally resolving conflicts over the frame in abnormal justice.

But that is not all. By providing a means to sort out meta-problems, this proposal clears a path to the pressing first-order problems with which we began. Coming to terms with injustices of misframing, it simultaneously opens the way to tackling injustices of maldistribution, misrecognition, and misrepresentation. Thus, this approach enables us to envision scenarios for overcoming or reducing injustice.

3. Conclusion: Who’s Afraid of Abnormal Justice?

Let me conclude by summarizing my overall argument. I have argued that a theory of justice suited to conditions of abnormal discourse should combine three features. First, such a theory should encompass an account of the “what” of justice that is multidimensional in social ontology and normatively monist—for

example, an account that submits claims for redistribution, recognition, and ordinary-political representation to the principle of participatory parity. Second, such a theory should encompass a view of the “who” that is simultaneously reflexive and substantive – for example, a view that submits claims against injustices of misframing to the all-subjected principle. Finally, a theory of justice for abnormal times should encompass a view of the “how” that is simultaneously dialogical and institutional– for example, a view that envisions new global representative institutions where meta-political claims can be submitted to deliberative-democratic decision-procedures.

More important than these specifics, however, is the general problem I have outlined here. Under conditions of abnormal justice, previously taken-for-granted assumptions about the “what,” the “who,” and the “how” no longer go without saying. Thus, these assumptions must themselves be subject to critical discussion and re-evaluation. In such discussions, the trick is to avoid two things. On the one hand, one must resist the reactionary and ultimately futile temptation to cling to assumptions that are no longer appropriate to our globalizing world, such as reductive distributivism and passé Westphalianism. On the other hand, one should avoid celebrating abnormality for its own sake, as if contestation were itself liberation. In this essay, I have tried to model an alternative stance, which acknowledges abnormal justice as the horizon within which all struggles against injustice must currently proceed. Only by appreciating both the perils and prospects of this condition can we hope to reduce the vast injustices that now pervade our world.

Notes

- 1 This essay was begun during my fellowship year at the Wissenschaftskolleg zu Berlin, whose support I gratefully acknowledge. Discussions there and at other venues where I presented this work greatly helped me refine the argument. For especially useful responses, I am indebted to Horst Bredekamp, Rainer Forst, Robert Goodin, Kimberly Hutchings, Erlend Krogstad, Maria Pia Lara, Jane Mansbridge, Faviola Rivera, Gabriel Rockhill, Nancy Rosenblum, Philippe van Parijs, and Eli Zaretsky.
- 2 Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed. (Chicago: U of Chicago P, 1996).
- 3 If one were to be strictly faithful to Kuhn, one would speak here of “revolutionary justice.” But given that expression’s associations, I prefer to take my cue from Richard Rorty and speak instead of “abnormal justice.” Rorty distinguishes “normal” from “abnormal discourse” in *Philosophy and the Mirror of Nature* (Princeton, NJ: Princeton U P, 1981) and in *Contingency, Irony, and Solidarity* (Cambridge: Cambridge U P, 1989).
- 4 John G. Ruggie, “Territoriality and Beyond: Problematizing Modernity in International Relations,” *International Organization* 47 (1993), 139–74.
- 5 Hannah Arendt, *The Origins of Totalitarianism*, new ed. (New York: Harcourt Brace & Company, 1973).
- 6 Often, moreover, disagreements about social ontology translate into disagreement about the social cleavages that harbor injustice. Thus, where one side sees class injustice, another sees gender injustice, while still another sees injustice that tracks ethnic or religious fault-lines.
- 7 Often, moreover, disagreement about the scope of concern translates into disagreement about the scope of address, that is, about the public in and before which a claim for justice is rightfully debated. Thus, it is typical of abnormal contexts that one party addresses its claims to a territorially bounded public, while others address publics that are regional, transnational or global.
- 8 Often, moreover, procedural disagreement translates into further questions of voice or representation. Where one party would restrict representation in dispute resolution bodies to states, others countenance representation for NGOs, and still others envision cosmopolitan-democratic schemes that directly represent individuals qua “world-citizens.”
- 9 This frame also tended to marginalize claims pertaining to social fault

- lines other than class, including claims concerning gender, sexuality, religion, and race or ethnicity.
- 10 The Westphalian frame also partitioned public debates about justice along state lines. Channeling justice claims into the domestic public spheres of territorial states, it discouraged transnational public debate on matters of justice.
 - 11 For a fuller account of *misframing*, see Nancy Fraser, “Reframing Justice in a Globalizing World,” *New Left Review* 36 (November–December 2005), 69–88.
 - 12 An example is Axel Honneth, who maintains that all injustices can be reduced to misrecognition. For Honneth’s view, see his “Redistribution as Recognition: A Response to Nancy Fraser,” in: Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*, trans. Joel Golb, James Ingram, and Christiane Wilke (London: Verso, 2003). For a critique of Honneth, see Nancy Fraser, “Distorted Beyond All Recognition: A Rejoinder to Axel Honneth,” in: *ibid.*
 - 13 For a fuller elaboration and defense of this view, see Nancy Fraser, “Social Justice in the Age of Identity Politics,” in Fraser and Honneth, *Redistribution or Recognition? op. cit.*
 - 14 For an account of second-wave feminism along these lines, see Richard Rorty, “Feminism and Pragmatism,” *Michigan Quarterly Review*, 30:2 (Spring 1991), 231–58.
 - 15 Implicit in this discussion is another, social-theoretical rationale for a three-dimensional view of the “what.” Modern societies encompass three distinct dimensions of social ordering: economic structure, status order, and political constitution. None of these can be reduced to the others, and each can give rise to injustice. For a fuller discussion, see Nancy Fraser, “Social Justice in the Age of Identity Politics,” *op. cit.*
 - 16 I have elaborated and defended this principle in Nancy Fraser, “Social Justice in the Age of Identity Politics,” *op. cit.*
 - 17 This “status model” of recognition represents an alternative to the standard “identity model.” For a critique of the latter and a defense of the former, see Nancy Fraser, “Rethinking Recognition: Overcoming Displacement and Reification in Cultural Politics,” *New Left Review* 3 (May/June 2000), 107–120.
 - 18 In the first case, the problem arises from the economic structure of society, which corresponds to the economic dimension of justice. In the second case, the problem is the status order, which corresponds to the cultural dimension. In the third case, the problem is the constitution of the political system, which corresponds to the political dimension of justice.

- 19 As a commensurating principle, parity of participation serves as a standard for evaluating justice claims in all three dimensions. For each dimension, only those claims that promote parity of participation are morally justified. Whether the issue concerns distribution, recognition or representation, those who claim to suffer injustice should show first, that current arrangements prevent them from participating as peers in social life; and second, that the remedies they propose would diminish disparities. Moreover, the parity standard applies transcategorially, across the different dimensions of justice: one can use it, for example, to assess the impact of proposed economic reforms on social status, or vice-versa. Likewise, the parity standard applies recursively, across different axes of subordination: one can use it, for example, to assess the effects on gender relations of proposed forms of ethno-cultural recognition, or vice-versa. For a fuller account of such complexities, see Nancy Fraser, "Social Justice in the Age of Identity Politics," *op. cit.*
- 20 For discussions of such issues, see Robert Ritchie and Steven Hill, "The Case for Proportional Rrepresentation," in: *Whose Vote Counts?*, ed. Robert Ritchie and Steven Hill (Boston: Beacon P, 2001), 1–33; Lani Guinier, *The Tyranny of the Majority* (New York: Free P, 1994); Shirin M. Rai, "Political Representation, Democratic Institutions and Women's Empowerment: The Quota Debate in India," in: *Rethinking Empowerment: Gender and Development in a Global/Local World*, ed. Jane L. Parpart, Shirin M. Rai, and Kathleen Staudt (New York: Routledge, 2002), 133–45; Mala Htun, "Is Gender Like Ethnicity? The Political Representation of Identity Groups," *Perspectives on Politics* 2:3 (2004), 439–58; Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (London: Oxford U P, 1995); Melissa Williams, *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation* (Princeton, NJ: Princeton U P, 1998).
- 21 Thomas W. Pogge, "The Influence of the Global Order on the Prospects for Genuine Democracy in the Developing Countries," *Ratio Juris* 14:3 (2001), 326–43; and "Economic Justice and National Borders," *Revision* 22:2 (1999), 27–34; Rainer Forst, "Towards a Critical Theory of Transnational Justice," in: *Global Justice*, ed. Thomas W. Pogge (Oxford: Blackwell Publishers, 2001), 169–87; and "Justice, Morality and Power in the Global Context," in: *Real World Justice*, ed. Andreas Follesdal and Thomas W. Pogge (Dordrecht: Springer, 2005), 27–36.
- 22 Richard L. Harris and Melinda J. Seid, *Critical Perspectives on Globalization and Neoliberalism in the Developing Countries* (Boston: Leiden, 2000); Ankie M.M. Hoogvelt, *Globalization and the Post Colonial World: The Political Economy of Development* (Baltimore: John

- Hopkins U P, 2001).
- 23 Robert W. Cox, "A Perspective on Globalization," in: *Globalization: Critical Reflections*, ed. James H. Mittelman (Boulder, CO: Lynne Rienner, 1996), 21–30; and "Democracy in Hard Times: Economic Globalization and the Limits to Liberal Democracy," in: *The Transformation of Democracy?* ed. Anthony McGrew (Cambridge: Polity P, 1997), 49–72; Stephen Gill, "New Constitutionalism, Democratisation and Global Political Economy," *Pacifica Review* 10:1 (February 1998), 23–38; Eric Helleiner, "From Bretton Woods to Global Finance: A World Turned Upside Down," in: *Political Economy and the Changing Global Order*, ed. Richard Stubbs and Geoffrey R. D. Underhill (New York: St. Martin's P, 1994), 163–75; David Schneiderman, "Investment Rules and the Rule of Law," *Constellations* 8:4 (2001), 521–37; Alfred C. Aman, Jr., "Globalization, Democracy and the Need for a New Administrative Law," *Indiana Journal of Global Legal Studies* 10:1 (2003), 125–55; Servaes Storm and J. Mohan Rao, "Market-Led Globalization and World Democracy: Can the Twain Ever Meet?" *Development and Change* 35:5 (2004), 567–81; James K. Boyce, "Democratizing Global Economic Governance," *Development and Change* 35:3 (2004), 593–99.
- 24 John Dryzek, "Transnational Democracy," *Journal of Political Philosophy* 7:1 (1999), 30–51; James Bohman, "International Regimes and Democratic Governance," *International Affairs* 75:3 (1999), 499–513; David Held, "Regulating Globalization?" *International Journal of Sociology* 15:2 (2000), 394–408; *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Cambridge: Polity P, 1995), 99–140; "The Transformation of Political Community: Rethinking Democracy in the Context of Globalization," in: *Democracy's Edges*, ed. Ian Shapiro and Cassiano Hacker-Cordón (Cambridge: Cambridge U P, 1999), 84–111; "Cosmopolitanism: Globalization Tamed?" *Review of International Studies* 29:4 (2003), 465–80; and "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective," *Government and Opposition* 39:2 (2004), 364–91.
- 25 For the citizenship variant of the membership principle, see John Rawls, *The Law of Peoples*, new ed. (Cambridge, MA: Harvard U P, 2001); Will Kymlicka, "Territorial Boundaries. A Liberal-Egalitarian Perspective," in: *Boundaries and Justice: Diverse Ethical Perspectives*, ed. David Miller and Sohail H. Hashmi (Princeton, NJ: Princeton U P, 2001), 249–75; Thomas Nagel, "The Problem of Global Justice," *Philosophy & Public Affairs* 33 (2005), 113–47; and Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge U P, 2004). For the nationality variant, see David Miller, *On Nationality*

- (Oxford: Oxford U P, 1995), especially chapter 3.
- 26 Proponents of this approach include Peter Singer, *One World: The Ethics of Globalization*, 2nd ed. (New Haven: Yale U P, 2004); and Martha Nussbaum, "Patriotism and Cosmopolitanism," in: Martha C. Nussbaum with Respondents, *For Love of Country: Debating the Limits of Patriotism*, ed. Joshua Cohen (Boston, MA: Beacon P, 1996).
 - 27 Proponents of this approach include Thomas W. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity P, 2002), and Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," *Philosophy and Social Policy* (forthcoming). Until recently, I myself considered the all-affected principle the most promising candidate on offer for a "post-westphalian principle" of frame-setting, even though I criticized its standard scientific interpretation and its "butterfly-effect" indeterminacy, as explained below. Now, however, I believe that these difficulties are so serious that the better course of wisdom is to abandon the all-affected principle in favor of the alternative presented here. For my earlier views, see Nancy Fraser, "Democratic Justice in a Globalizing Age: Thematising the Problem of the Frame," in *Varieties of World-Making: Beyond Globalization*, ed. Nathalie Karagiannis and Peter Wagner (Liverpool: Liverpool U P, 2006), 193–215; and "Reframing Justice in a Globalizing World," *op. cit.*
 - 28 The expression "all-subjected principle" is my own, but the idea can be found in Joshua Cohen and Charles Sabel, "Extra Republicam Nulla Justitia?" *Philosophy & Public Affairs* 34 (2006), 147–175; and in Rainer Forst, "Justice, Morality and Power in the Global Context," *op. cit.*
 - 29 For a fuller elaboration, see Nancy Fraser, "Reframing Justice," *op. cit.*
 - 30 James Ferguson, "Global Disconnect: Abjection and the Aftermath of Modernism," in: *Expectations of Modernity: Myths and Meanings of Urban Life on the Zambian Copperbelt* (Berkeley: U of California P, 1999), 234–54.
 - 31 Nancy Fraser, "Democratic Justice in a Globalizing Age: Thematising the Problem of the Frame," *op. cit.*
 - 32 A similar argument is found in Amartya Sen, *Development as Freedom* (New York: Anchor Books, 1999).
 - 33 For an example of this sort of populism, see Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard U P, 2000).
 - 34 For a communications-theoretic account of the two-track model, see Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT P, 1996).

Kwame Anthony Appiah

is the Laurance S. Rockefeller University Professor of Philosophy and the University Center for Human Values at Princeton University. He has made widely-acclaimed contributions to the fields of contemporary political philosophy and African and African-American literary and cultural studies. Professor Appiah is the author of *Color Conscious: The Political Morality of Race* with Amy Gutmann (1996). In 1997, he co-edited with Henry Louis Gates, Jr. the *Dictionary of Global Culture*. Along with Professor Gates he has also edited the Encarta Africana CD-ROM encyclopedia, published by Microsoft. In January 2005, he published *The Ethics of Identity* and in February 2006 *Cosmopolitanism: Ethics in a World of Strangers*. In 2007, *Experiments in Ethics* is due to appear with Harvard University Press. Professor Appiah is also the author of three novels.

Seyla Benhabib

is the Eugene Meyer Professor of Political Science and Philosophy at Yale University and Director of its Program in Ethics, Politics and Economics. Professor Benhabib is the President of the Eastern Division of the American Philosophical Association in 2006-2007. She is one of the major voices in current political and social philosophy and critical theory. Benhabib is the author of *Critique, Norm and Utopia: A Study of the Normative Foundations of Critical Theory* (1986); *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (1992); *Feminist Contentions: A Philosophical Exchange*, with Seyla Benhabib, Judith Butler and Drucilla Cornell (1994); *The Reluctant Modernism of Hannah Arendt* (1996; reissued in 2002); *The Claims of Culture: Equality and Diversity in the Global Era* (2002); *The Rights of Others. Aliens, Citizens and Residents*

(2004); and *Another Cosmopolitanism: Hospitality, Sovereignty and Democratic Iterations* (2006).

Nancy Fraser

is the Henry A. and Louise Loeb Professor of Political and Social Science at New School University, New York. She is one of the most influential social philosophers of our time and one of the leading theoreticians of American feminism. Among her publications are *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory* (1989); *Feminist Contentions: A Philosophical Exchange*, with Seyla Benhabib, Judith Butler and Drucilla Cornell (1994); *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition* (1997); and *Redistribution or Recognition? A Political-Philosophical Exchange*, with Axel Honneth (1998). Nancy Fraser is co-editor of *Constellations*.

Iris Marion Young

one of the leading contemporary political philosophers, was Professor in Political Science at the University of Chicago. She was known for her work on theories of justice, democratic theory, and feminist theory. Professor Young's books include *Justice and the Politics of Difference* (1990); *Intersecting Voices: Dilemmas of Gender, Political Philosophy and Policy* (1997); *Inclusion and Democracy* (2000); *On Female Body Experience* (2004), and *Global Challenges: War, Self-Determination and Responsibility for Justice* (2006). Before coming to the University of Chicago she taught political theory in the Graduate School of Public and International Affairs at the University of Pittsburgh. She also taught philosophy at a number of institutions. Iris Marion Young died in 2006.

Öffentliche Vorlesungen – Auswahl:

Das Gesamtprogramm finden Sie unter:

<http://edoc.hu-berlin.de/ovl>

- 51 *Michael C. Burda*
Ist das Maß halb leer, halb voll oder einfach voll?
Die volkswirtschaftlichen Perspektiven der neuen Bundesländer
- 52 *Volker Neumann*
Menschenwürde und Existenzminimum
- 53 *Wolfgang Iser*
Das Großbritannien-Zentrum in kulturwissenschaftlicher Sicht
Vortrag anlässlich der Eröffnung des Großbritannien-Zentrums an der Humboldt-Universität zu Berlin
- 54 *Ulrich Battis*
Demokratie als Bauherrin
- 55 *Johannes Hager*
Grundrechte im Privatrecht
- 56 *Johannes Christes*
Cicero und der römische Humanismus
- 57 *Wolfgang Hardtwig*
Vom Elitewußtsein zur Massenbewegung – Frühformen des Nationalismus in Deutschland 1500–1840
- 58 *Elard Klewitz*
Sachunterricht zwischen Wissenschaftsorientierung und Kindbezug
- 59 *Renate Valtin*
Die Welt mit den Augen der Kinder betrachten
Der Beitrag der Entwicklungstheorie Piagets zur Grundschulpädagogik
- 60 *Gerhard Werle*
Ohne Wahrheit keine Versöhnung!
Der südafrikanische Rechtsstaat und die Apartheid-Vergangenheit
- 61 *Bernhard Schlink*
Rechtsstaat und revolutionäre Gerechtigkeit. Vergangenheit als Zumutung?
(Zwei Vorlesungen)
- 62 *Wiltrud Gieseke*
Erfahrungen als behindernde und fördernde Momente im Lernprozeß Erwachsener
- 63 *Alexander Demandt*
Ranke unter den Weltweisen
Wolfgang Hardtwig
Die Geschichtserfahrung der Moderne und die Ästhetisierung der Geschichtsschreibung: Leopold von Ranke
(Zwei Vorträge anlässlich der 200. Wiederkehr des Geburtstages Leopold von Rankes)
- 64 *Axel Flessner*
Deutsche Juristenausbildung
Die kleine Reform und die europäische Perspektive
- 65 *Peter Brockmeier*
Seul dans mon lit glacé – Samuel Becketts Erzählungen vom Unbehagen in der Kultur
- 66 *Hartmut Böhme*
Das Licht als Medium der Kunst
Über Erfahrungsarmut und ästhetisches Gegenlicht in der technischen Zivilisation
- 67 *Sieglinde Ellger-Rüttgardt*
Berliner Rehabilitationspädagogik: Eine pädagogische Disziplin auf der Suche nach neuer Identität
- 68 *Christoph G. Paulus*
Rechtsgeschichtliche und rechtsvergleichende Betrachtungen im Zusammenhang mit der Beweisvereitelung
- 69 *Eberhard Schwark*
Wirtschaftsordnung und Sozialstaatsprinzip
- 70 *Rosemarie Will*
Eigentumstransformation unter dem Grundgesetz
- 71 *Achim Leschinsky*
Freie Schulwahl und staatliche Steuerung
Neue Regelungen des Übergangs an weiterführende Schulen
- 72 *Harry Dettenborn*
Hang und Zwang zur sozialkognitiven Komplexitätsreduzierung: Ein Aspekt moralischer Urteilsprozesse bei Kindern und Jugendlichen
- 73 *Inge Frohburg*
Blickrichtung Psychotherapie: Potenzen – Realitäten – Folgerungen
- 74 *Johann Adrian*
Patentrecht im Spannungsfeld von Innovationschutz und Allgemeininteresse
- 75 *Monika Doherty*
Verständigung trotz allem. Probleme aus und mit der Wissenschaft vom Übersetzen
- 76 *Jürgen van Buer*
Pädagogische Freiheit, pädagogische Freiräume und berufliche Situation von Lehrern an Wirtschaftsschulen in den neuen Bundesländern
- 77 *Flora Veit-Wild*
Karneval und Kakerlaken
Postkolonialismus in der afrikanischen Literatur
- 78 *Jürgen Diederich*
Was lernt man, wenn man nicht lernt? Etwas Didaktik „jenseits von Gut und Böse“ (Nietzsche)
- 79 *Wolf Krötko*
Was ist „wirklich“?
Der notwendige Beitrag der Theologie zum Wirklichkeitsverständnis unserer Zeit
- 80 *Matthias Jerusalem*
Die Entwicklung von Selbstkonzepten und ihre Bedeutung für Motivationsprozesse im Lern- und Leistungsbereich
- 81 *Dieter Klein*
Globalisierung und Fragen an die Sozialwissenschaften: Richtungsbestimmter Handlungsdruck oder Anstoß zu einschneidendem Wandel?
- 82 *Barbara Kunzmann-Müller*
Typologisch relevante Variation in der Slavia
- 83 *Michael Parmentier*
Sehen Sehen
Ein bildungstheoretischer Versuch über Chardins ‚L‘enfant au totou‘

- 84 *Engelbert Plassmann*
Bibliotheksgeschichte und Verfassungsgeschichte
- 85 *Ruth Tesmar*
Das dritte Auge
Imagination und Einsicht
- 86 *Ortfried Schöffter*
Perspektiven erwachsenepädagogischer Organisationsforschung
- 87 *Kurt-Victor Selge, Reimer Hansen, Christof Gestrich*
Philipp Melanchthon 1497–1997
- 88 *Karla Horstmann-Hegel*
Integrativer Sachunterricht – Möglichkeiten und Grenzen
- 89 *Karin Hirdina*
Belichten. Beleuchten. Erhellen
Licht in den zwanziger Jahren
- 90 *Marion Bergk*
Schreibinteraktionen: Verändertes Sprachlernen in der Grundschule
- 91 *Christina von Braun*
Architektur der Denkräume
James E. Young
Daniel Libeskind's Jewish Museum in Berlin: The Uncanny Art of Memorial Architecture
Daniel Libeskind
Beyond the Wall
Vorträge anlässlich der Verleihung der Ehrendoktorwürde an Daniel Libeskind
- 92 *Christina von Braun*
Warum Gender-Studies?
- 93 *Ernst Vogt, Axel Horstmann*
August Boeckh (1785–1867). Leben und Werk
Zwei Vorträge
- 94 *Engelbert Plassmann*
Eine „Reichsbibliothek“?
- 95 *Renate Reschke*
Die Asymmetrie des Ästhetischen
Asymmetrie als Denkfigur historisch-ästhetischer Dimension
- 96 *Günter de Bruyn*
Altersbetrachtungen über den alten Fontane
Festvortrag anlässlich der Verleihung der Ehrendoktorwürde
- 97 *Detlef Krauß*
Gift im Strafrecht
- 98 *Wolfgang Thierse, Renate Reschke, Achim Trebeß, Claudia Salchow*
Das Wolfgang-Heise-Archiv. Plädoyers für seine Zukunft
Vorträge
- 99 *Elke Lehnert, Annette Vogt, Ulla Ruschhaupt, Marianne Kriszto*
Frauen an der Humboldt-Universität 1908–1998
Vier Vorträge
- 100 *Bernhard Schlink*
Evaluierte Freiheit?
Zu den Bemühungen um eine Verbesserung der wissenschaftlichen Lehre
- 101 *Heinz Ohme*
Das Kosovo und die Serbische Orthodoxe Kirche
- 102 *Gerhard A. Ritter*
Der Berliner Reichstag in der politischen Kultur der Kaiserzeit
Festvortrag anlässlich der Verleihung der Ehrendoktorwürde mit einer Laudatio von Wolfgang Hardtwig
- 103 *Cornelius Frömmel*
Das Flair der unendlichen Vielfalt
- 104 *Verena Olejniczak Lobsien*
„Is this the promised end?“ Die Apokalypse des King Lear, oder: Fängt Literatur mit dem Ende an?
- 105 *Ingolf Pernice*
Kompetenzabgrenzung im Europäischen Verfassungsverbund
- 106 *Gerd Irrlitz*
Das Bild des Weges in der Philosophie
- 107 *Helmut Schmidt*
Die Selbstbehauptung Europas im neuen Jahrhundert. Mit einer Replik von Horst Teltchik
- 108 *Peter Diepold*
Internet und Pädagogik
Rückblick und Ausblick
- 109 *Artur-Axel Wandtke*
Copyright und virtueller Markt oder Das Verschwinden des Urhebers im Nebel der Postmoderne?
- 110 *Jürgen Mittelstraß*
Konstruktion und Deutung
Über Wissenschaft in einer Leonardo- und Leibniz-Welt
- 111 *Göran Persson*
European Challenges. A Swedish Perspective. Mit einer Replik von Janusz Reiter
- 112 *Hasso Hofmann*
Vom Wesen der Verfassung
- 113 *Stefanie von Schnurbein*
Kampf um Subjektivität
Nation, Religion und Geschlecht in zwei dänischen Romanen um 1850
- 114 *Ferenc Mádl*
Europäischer Integrationsprozess. Ungarische Erwartungen. Mit einer Replik von Dietrich von Kyaw
- 115 *Ernst Maug*
Konzerne im Kontext der Kapitalmärkte
- 116 *Herbert Schnädelbach*
Das Gespräch der Philosophie
- 117 *Axel Flessner*
Juristische Methode und europäisches Privatrecht
- 118 *Sigrid Jacobeit*
KZ-Gedenkstätten als nationale Erinnerungsorte
Zwischen Ritualisierung und Musealisierung
- 119 *Vincent J.H. Houben*
Südostasien. Eine andere Geschichte
- 120 *Étienne Balibar, Friedrich A. Kittler, Martin van Creveld*
Vom Krieg zum Terrorismus?
Mosse-Lectures 2002/2003
- 121 *Hans Meyer*
Versuch über die Demokratie in Deutschland
- 122 *Joachim Kallinich*
Keine Atempause – Geschichte wird gemacht
Museen in der Erlebnis- und Mediengesellschaft
- 123 *Anusch Taraz*
Zufällige Beweise
- 124 *Carlo Azeglio Ciampi*
L'amicizia italo-tedesca al servizio dell'integrazione europea. Die italienisch-deutsche Freundschaft im Dienste der europäischen Integration
Johannes Rau
Deutschland, Italien und die europäische Integration

- 125 *Theodor Schilling*
Der Schutz der Menschenrechte gegen den Sicherheitsrat und seine Mitglieder
Möglichkeiten und Grenzen
- 126 *Wolfgang Ernst*
Medienwissenschaft) zeitkritisch
Ein Programm aus der Sophienstraße
- 127 *Hilmar Schröder*
Klimaerwärmung und Naturkatastrophen im Hochgebirge
Desaster oder Stabilität im 21. Jahrhundert?
- 128 *Kiran Klaus Patel*
Nach der Nationalifizierung
Perspektiven einer transnationalen Geschichte
- 129 *Susanne Frank*
Stadtplanung im Geschlechterkampf
Ebenezer Howard und Le Corbusier
- 130 *Matthias Langensiepen*
Modellierung pflanzlicher Systeme
Perspektiven eines neuen Forschungs- und Lehrgebietes
- 131 *Michael Borgolte*
Königsberg – Deutschland – Europa
Heinrich August Winkler und die Einheit der Geschichte. Festvortrag anlässlich des 65. Geburtstages
- 132 *Guy Verhofstadt*
The new European Constitution – from Laeken to Rome
- 133 *Elke Hartmann*
Zur Geschichte der Patriarchatsidee
- 134 *Felix Naumann*
Informationsintegration
- 135 *Gerhard Dannemann*
Rechtsvergleichung im Exil
Martin Wolff und das englische Recht
- 136 *Jörg Baberowski*
Zivilisation der Gewalt
Die kulturellen Ursprünge des Stalinismus
- 137 *Friedhelm Neidhardt*
Logik – Soziologie
Kolloquium anlässlich der Verleihung der Ehrendoktorwürde
- 138 *Bernd-Holger Schlingloff*
Formale Methoden in der Praxis
Softwaredesign für Luft- und Raumfahrt
- 139 *Sigrid Blömeke*
Lehrerausbildung – Lehrerhandeln – Schülerleistungen
Perspektiven nationaler und internationaler empirischer Bildungsforschung
- 140 *Katharina Bracht*
Securitas libertatis
Augustins Entdeckung der radikalen Entscheidungsfreiheit als Ursprung des Bösen
- 141 *Friedrich Dieckmann*
Berlin als Werkraum
Stadthuldigung mit Seitenblicken
Festvortrag anlässlich der Verleihung der Ehrendoktorwürde
- 142 *Daniel R. Coats, Richard Sennett, Hayden White, Mark Poster*
On Public Culture in a Transatlantic Perspective
Distinguished W.E.B. Du Bois Lectures 2002/2003
- 143 *Léon Wurmser*
Verstehen statt Verurteilen
Gedanken zur Behandlung schwerer psychischer Störungen. Festvorträge anlässlich der Verleihung der Ehrendoktorwürde
- 144 *Ulf Matthiesen*
Kulinarik und Regionale Entwicklung
Unter besonderer Berücksichtigung von „Mark und Metropole“. Strukturskizzen zu einem Forschungsfeld
- 145 *Claudia Kemfert*
Fünfzig Jahre nach morgen – wo werden wir sein?
Die ökonomischen Kosten des Klimawandels
- 146 *Bernhard Töpfer*
Die Wertung der weltlich-staatlichen Ordnung durch die Reformatoren des späten Mittelalters und der frühen Neuzeit
- 147 *Susanne Gehrman*
Vom Entwerfen des Ich im Erinnern des Wir?
Überlegungen zur Autobiographie in Afrika
- 148 *Ulrich Schmitzer*
Friede auf Erden?
Latinistische Erwägungen zur *pax Augusta* in interdisziplinärer Perspektive
- 149 *Astrid Lorenz*
Föderalismus & Co. – Warum ändert sich das Grundgesetz?
- 150 **August-Boeckh-Antikezentrum / „Transformationen der Antike“ – Sonderforschungsbereich 644**
Feierliche Eröffnung
- 151 *Christoph Marksches*
Berliner Universitätsreformer aus zweihundert Jahren
Rede zur Inauguration als Präsident der Humboldt-Universität zu Berlin
- 152 *Kwame Anthony Appiah, Seyla Benhabib, Iris Marion Young, Nancy Fraser*
Justice, Governance, Cosmopolitanism, and the Politics of Difference – Reconfigurations in a Transnational World
Distinguished W.E.B. Du Bois Lectures 2004/2005