

# A DISPUTA ENTRE COSMOPOLITAS E NACIONALISTAS EM TEMPOS DE JUSTIÇA ANORMAL: UMA DEFESA DO COSMOPOLITISMO A PARTIR DE MARTHA NUSSBAUM<sup>1</sup>

## THE DISPUTE BETWEEN COSMOPOLITAN AND NATIONALISTS IN TIMES OF ABNORMAL JUSTICE: A DEFENSE OF COSMOPOLITISM FROM MARTHA NUSSBAUM

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### RESUMO

Em tempos de justiça anormal, a gramática da justiça, capaz de inspirar reivindicações por melhores condições de vida em todo o mundo, apresenta condições igualmente anormais, em que pressuposições até então partilhadas passam a sofrer questionamentos. Neste contexto, o presente artigo parte do diagnóstico apresentado por Nancy Fraser, sobre a anormalidade do contexto atual da justiça, para refletir sobre os desafios representados pela (re)definição dos limites de inclusão/exclusão de seres humanos nesta esfera, ou seja, ao *quem* da justiça, apresentando como resposta teórica normativa o cosmopolitismo, tal como desenvolvido por Martha Nussbaum, no bojo de seu liberalismo igualitário das capacidades. Nesta perspectiva teórica, o cosmopolitismo se constitui como uma postura moral segundo a qual a principal lealdade moral de uma comunidade deve ser para com o ser comum da humanidade. Independente de quaisquer espécies de diferenciações moralmente irrelevantes deve-se respeitar o valor igual de todos os membros da comunidade humana, configurando-se uma proposta ético-moral a ser implementada por meio de um projeto de educação humanista e cosmopolita.

### PALAVRAS-CHAVE

Cosmopolitismo. Fronteiras. Humanidade. Justiça. Patriotismo.

### ABSTRACT

In times of abnormal justice, the grammar of justice, capable of inspiring claims for better living conditions throughout the world, presents equally abnormal conditions in which shared hitherto presuppositions begin to be questioned. In this context, this article starts from the diagnosis presented by Nancy Fraser on the abnormality of the current context of justice, to reflect on the challenges posed

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by the (re)definition of the limits of inclusion/exclusion of human beings in this sphere, the grammar of justice, that is, to the *one* of justice, presenting the cosmopolitanism as a normative theoretical answer, as developed by Martha Nussbaum, within the framework of its egalitarian liberalism of capacities. In this theoretical perspective, cosmopolitanism constitutes a moral posture according to which the main moral loyalty of a community must be towards the common being of humanity. Regardless of any species of morally irrelevant differentiation, the equal value of all members of the human community must be respected, constituting an ethical-moral proposal to be implemented through a humanistic, cosmopolitan education project.

## KEYWORDS

Cosmopolitanism. Borders. Humanity. Justice. Patriotism.

## INTRODUCTION

Current times are abnormal times. At times of deep crisis at the same time social, economic, political and ecological, “a general crisis of the capitalist order, or rather of our present, historically specific form of capitalism: financialized, globalizing, neoliberal” (FRASER, 2015, p. 17). Facing this crisis, the emancipation movements have faced difficulties that are materialized in the imposition of new and strong dilemmas, created by the reconfiguration of the neoliberal and global social order. Before it, the traditional grammar of justice is also questioned, and it needs to be rethought and reformulated to meet the challenges of the present time.

In this context, this article reflects on the abnormalities that challenge the grammar of traditional justice, according to the theoretical propositions of Nancy Fraser, for whom, abnormal times defy traditional theories especially from three nodes: *what*, *who*, and *how*. In spite of the relevance of all these nodules, in this article hetero words will be analyzed especially about *who*, who are configured in disputes between nationalists, patriots, communitarians, regionalists, localists, universalists and cosmopolitans, which has become more accentuated in the current scenario, especially influenced by the migratory process and by the diminution of the borders and distances between human beings with different nationalities, cultures, religiosities, races, sexualities, genres. Because of this scenario, an astonishing question arises: what human beings are we willing to care and include in our claims to justice with? And what are we capable of doing to those who are not included in our moral considerations regarding the one of justice?

The relevance of this analysis refers to the current Brazilian scenario and to the recent nationalist manifestations, filled with apologies to patriotism, Brazilian flags, Brazilian soccer team T-shirts, which, with cries of order and progress, defended a certain political, ideological and moral position of a nationalist basis. These movements, together with other factors, have led to

a progressive wave of conservatism that has been established in Brazil, promoting a serious setback in guaranteeing the human rights of historically discriminated groups, and encouraging a new wave of violence against minorities.

Because of these concerns, this paper presents as a normative theoretical answer to the challenges regarding the definition of the limits of inclusion/exclusion of human beings to the grammar of justice, this means, to *whom*, cosmopolitanism, as developed by Martha Nussbaum of their egalitarian liberalism of capacities. In this theoretical perspective, cosmopolitanism constitutes a moral position according to which the main moral loyalty of a community must be to the common being of humanity. Regardless of any species of morally irrelevant differentiation, the equal value of all members of the human community must be respected, constituting an ethic-moral proposal to be implemented through a humanistic and cosmopolitan education project.

In order to achieve its objectives, the work is divided into two parts. The first one analyzes the current situation of abnormalities, and the consequent destabilization of the consensus on justice, from the diagnosis of abnormal justice presented by Nancy Fraser. Secondly, it reflects on one of the abnormalities or anxieties that stand before the grammars of justice today, according to Fraser: *who*, that is, to whom the contexts of justice are destined, offering cosmopolitanism as a theoretical alternative, such as defended by Martha Nussbaum, to be implemented through a humanist education, without the necessity of the existence of a world state. The methodology used was hermeneutic phenomenology (STEIN, 1979), aiming at the approximation between the subject and the object to be researched, considering that the subjects are directly involved in the object of the research, with which they interact and suffer the consequences of their results. This understanding horizon was what was sufficiently fertile and adequate for the discussion of the thematic object of this investigation.

## 1 THE GRAMMAR OF JUSTICE IN ABNORMAL TIMES

In times of multiple crisis, what Fraser (2013) conceptualizes as an abnormal justice context in which contemporary debates about justice do not seem to present the structured form of normal discourse is evident. There is often a lack of common vision among the debaters of the requirements for the status of complainant, agreements on the forum to appeal, certainty as to the public circle of interlocutors, agreement on who

has the right to a fair trial, and agreements of capable inequalities that are able to create injustice. It results in rather random debates about justice that, without the ordering power of shared presuppositions, “lack the *structure* and *form* of normal discourse” (FRASER, 2013, p. 741).

In times of normal justice, Fraser (2013) argues that questions assume a common guise: despite disagreement over what is characterized as fair, there is a sharing of assumptions about what would be a claim for intelligible justice; as to the types of actors who can make claims (individuals) and bodies from which reparations (territorial states) must be demanded; on the scope or length of justice, which set the circle of interlocutors to whom the claims should be addressed and delimit the universe of those whose interests merit consideration (in both cases, the set of citizens of a limited political community); about the space in which claims can be raised (usually the economic space of distribution); and social cleavages that can harbor injustices (class and ethnicity).

The result of such concordances is that the debates take on a relatively regular form, and conflicts are constituted by organizing principles and their particular grammar. As such grammar and its basic premises are put into contention, deviations represent less the exception than the rule, and the scenario is flooded with “meta disputes in relation to the constituent assumptions of who counts and what is at stake” (FRASER, 2013, pp. 742), questioning not only substantive questions, but the very grammar of justice itself. Obviously this abnormality is not unprecedented<sup>2</sup>, “[...] nevertheless, the current abnormalities are historically specific, reflecting the dismantling of the Cold War order, the challenge of American hegemony, the emergence of neoliberalism, and the new relevance of globalization” (page 742). In these circumstances, traditional paradigms and claims for justice tend to destabilize,

so, following the transnationalization of production, globalized finance in the market, and neoliberal investment regimes, claims for *redistribution* often invade boundaries of state-centered grammars and deliberative forums. In the same way, given the transnational migrations and the global flow of the media, the claims for *recognition* of people once distant, assume a new proximity, destabilizing horizons of previously despised cultural values. Finally, in an era of contesting the hegemony of the superpowers, global governance, and transnational policies, clamor for *representation* increasingly puts the previous picture of the modern territorial state to the test. (FRASER, 2013, p. 742, emphasis in original).

<sup>2</sup> See, for example, the period before the Treaty of Westphalia and the period after the First War, where abnormal justice became the rule, and normal justice, the exception (FRASER, 2013).

Whether as demands for redistribution, recognition, or representation<sup>3</sup>, current disputes point to the *hetero glossy* of the discourse of justice, stripped of *normality*, to which the usual theories have few alternatives to offer: formulated for *normal* justice contexts, focus on first order issues (What constitutes a fair distribution of wealth and resources? What counts as reciprocal recognition or equal respect? What characterizes fair political representation and an equal voice?). Starting from a shared grammar, these theories fail to point the way when confronted with conflicts of a moral nature, of social differences, and of the forum of claim. Thus, they fail to offer the conceptual resources to deal with *abnormal* justice problems, so characteristic of today (FRASER, 2013).

To formulate a theory capable of embracing the peculiarities of the times we go through, Fraser (2015, 2013) identifies three abnormality nodules that correspond to the absence of a shared view of “*what*”, “*who*” and “*how*” of justice. The hegemony of the distributive “*what*” was challenged, both by practitioners of recognition politics, from multiculturalists to nationalists, and by militants of representation politics, from feminist campaigns for gender quotas to national minorities demanding arrangements with a division of power; the supremacy of the state national-territorial “*who*” has been challenged, both by localists and communitarians, who subscribe to subnational structures, and by regionalists and transnationalists who advocate a broader circle, such as the European, and by globalists and cosmopolitans, advocates of equal consideration for all human beings; and finally the “*how*” has been challenged by the rise of democratic expectations of mobilized movements that check the prerogative of states and elites to determine the grammar of justice.

In order to cross the shifting ground mapped above, strategies are needed to theorize justice in abnormal times, capable of valorizing its expanded contestation capacity and strengthening its diminished adjudication and reparation capacities (FRASER, 2015). What kind of theory of justice would serve in this situation?

## 2 THE “WHO” OF JUSTICE: COSMOPOLITISM

The theoretical clipping of this article, while recognizing the relevance of a theoretical analysis of each of the abnormalities pointed out by Fraser, and for the correct reflection on justice, the article stops in the

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<sup>3</sup> Redistribution, recognition and representation are three components of Nancy Fraser’s theoretical proposal for three-dimensional justice. According to the author (2015, 2010, 2007), the fragmentation of struggles and internal disputes in the struggle for justice, especially those between adherents of the redistribution grammar and adherents of recognition has weakened progressive movements.

second nucleus, called by the author of *who* of justice. At this core, the preponderant doubts refer to which subjects should be considered within the scope of a theory of justice. “Unless we have a proper way of understanding the ‘*who*’ of justice, the analysis of *what* and *how* will not be useful” (FRASER, 2013, p. 753).

Although the answer seems initially simple, this abnormality reflects the absence of a common vision about who counts as subject of justice in a certain question; what interests and needs consideration; who belongs to the circle of those deserving of equal consideration. Usually, in times of normal justice, the answer would frame disputes as issues only internal to territorial states, and the “*who*” of justice would be the citizens of a delimited political community. In times of abnormal justice, in contrast, the “*who*” is not defined, evidencing disputes: “While one party defines the issue in terms of a domestic and territorial ‘*who*’, others propose a regional, transnational or global ‘*who*’” (FRASER, 2013, p. 745).

This debate is particularly linked to the third dimension of Fraserian justice, to political injustices about *representation*, to the constitution of state jurisdiction, and to the rules of decision by which the challenge is structured. In this sense, the politician provides the scenario in which struggles for redistribution or recognition unfold, and in establishing the criteria of social belonging, determining *who* counts as a member, the policy specifies the scope of the other dimensions. Regarding the “establishment of frontiers”, representation is a matter of social belonging, and the possibility of establishing such structure is among the most relevant decisions that, in a single blow, constitute members and non-members, removing the latter from the universe so injustice can emerge precisely when “the boundaries of the community are drawn in such a way as to erroneously exclude some people from the chance of participating in *any way* in their legitimized debates about justice” (FRASER, 2009, p. 19).

This problem of bad framing has become visible from globalization on. Previously, with the established state framework, the main concern in terms of justice was initially the distribution, and then the recognition. However, for those who are denied the chance to formulate transnational claims of the first order, such struggles cannot happen if they are not linked to struggles against bad framing, “making the political dimension implicit in any grammar of the concept of justice” (FRASER, 2009, p. 25).

The bad framing results in a serious injustice: the exclusion of individuals, who are denied the chance to make claims of justice in a given political community. Even more

serious is the case of the individual excluded from belonging to any political community, similar to the loss of what Hannah Arendt called the right to have rights, whose kind of bad framing represents political death (ARENDRT, 2006). Those who suffer can receive charity or benevolence, but cannot claim for justice, resulting in the configuration of Fraser's goal of overcoming such injustices by changing not only the boundaries of the "who" of justice, but also the way which they are constituted.

Much of the abnormality of the present concerns to *who*, because of the advance of globalization, this is a process that undoubtedly "is changing the way in which we discuss justice" (FRASER, 2009, p. 12). Not long ago, at the height of social democracy, disputes took place within States, among citizens who were submitted to the debate in these publics. Assuming the modern state as the appropriate unit and citizens as the subjects concerned, "such arguments were directed at *what* precisely these citizens owed each other. Involved in the dispute over 'what' was justice, they felt no need to discuss 'who', which corresponded to national citizens" (2009, p. 12). Although Hannah Arendt (2006), because of the reality of increasing numbers of stateless persons and minorities, had already pointed out the great paradox of contemporary politics perpetrated by those who insisted on "inalienable" rights enjoyed by citizens, at the same time that the contingent of human beings without right no longer had to be protected by their community of belonging, that is, by the borders of a State grew considerably.

Nowadays, this traditional framework, which Fraser (2009a) calls the Keynesian-Westphalian, has been losing its self-evidence, since the social processes of the routine life of people have transhipped national boundaries. Today, decisions taken in one State impact lives of those outside it, permeated by actions of supranational organizations, governmental or non-governmental, transnational corporations, international financial speculators and large investors, as well as transnational public opinion, which develops without frontiers, through the global mass media and cybertechnology. In this world, relationships occur in the most diverse combinations between agents, generating a deep interdependence among economic, political and cultural dimensions in terms of shared threats and risks. All this builds permanent exchanges of influence and relations of power that affect inescapably all. Therefore,

Any theory of justice that aims to provide a basis for decent living opportunities and opportunities for all human beings must take cognizance of both

the internal inequalities for each nation and the inequalities between nations and must be prepared to face the complex intersections of these inequalities in a larger world and increase global interconnection. (NUSSBAUM, 2013a, p. 225).

This situation is materialized in all kinds of claims for justice. For example, according to Fraser (2009), under the focus of women's rights as human rights, feminists are, around the world, linking struggles against local patriarchal practices to campaigns to reform international law. At the same time, religious and ethnic minorities, who suffer discrimination within territorial states, are rebuilding and building transnational audiences from which they mobilize international opinion. And in this wake, human rights activists seek to build new cosmopolitan institutions, such as the International Court of Justice, the Inter-American Court of Human Rights, UN bodies capable of punishing violations of states to human dignity.

Thus, the grammar of the argument has changed, and disputes, once focused exclusively on *what* was due to community members, quickly turn into disputes about *who* should count as a member and *which* community is relevant, and the effect of this is the destabilization of the previous structure of formulation of political demands – and therefore the change in the way in which we discuss social justice. In this sense, Fraser argues (2013, p. 746), the hegemony of the Westphalian “*who*” is contested by at least three sides: by localists and communitarians, who locate the scope of the question in subnational units; by regionalists and transnationalists, who identify the “*who*” in larger, but not universal, units such as Europe or Islam; and by cosmopolitans, who give equal consideration to all human beings. As a result, at least four different views of the “*who*” of justice are identified: Westphalian, communitarian, transnational-regional, and global-cosmopolitan, each one presenting a normative principle determined for the evaluation of cadres, without which it would be possible to clarify disputes and comparisons (FRASER, 2013).

According to the author (2013), the first one to be highlighted is the **Principle of Nationalism**, whose proponents suggest resolving disputes based on criteria of political affiliation, which makes a group of individuals a group of equals, subject to same laws and shared citizenship, or shared nationality<sup>4</sup>. Because this method establishes cadres based on political affiliation, it has the advantage of being founded on an existing institutional reality of broad collective identification. However, its strength is also its weakness. In practice, the principle of membership properly serves to ratify exclusivist nationalism for the rich and

<sup>4</sup> In this case, we can highlight Rawls (2001), and Kymlicka (2006).



powerful, protecting such a framework from critical analysis (FRASER, 2013).

A second option, called the **Principle of Humanism, or cosmopolitanism**, from a more inclusive standard, proposes criteria of person, so that what makes a group of individuals equal in justice is sharing of humanity qualities<sup>5</sup>. Fraser (2013) refutes this theoretical stance that, while establishing frameworks based on the person, this provides an important resource to control nationalism, would be abstract, unrelated to historical and social relations, advocating the indiscriminate acceptance of all in relation to everything. “The adoption of a framework that accepts everyone in terms of global humanity, eliminates the recognition that differentiated issues may require different frameworks in the application of justice” (2013, p. 757).

There is also a third principle that rejects both exclusive nationalist affiliation and abstract globalism, the so-called **Principle of All Affected**, which suggests that disputes over “*who*” are resolved by turning to social interdependence relations, and what characterizes a group of people as equals before justice would be their objective intertwining in a network of relationships<sup>6</sup>. This was the principle initially adopted by Fraser (2013), however, a series of problems with its application made her abandon it<sup>7</sup>.

This method has the merit of offering a critical device for avoiding notions of personal membership, while also taking cognizance of social relations. However, in conceiving relationships objectively in terms of chance, choice of “*who*” is left without effect, relegated to the study of the main social sciences (FRASER, 2013, p. 775, emphasis in original).

In its delimitation of her proposal, Fraser (2009, 65) rejects the three previous criteria, inserting an innovation in suggesting the **Principle of all-subject**, according to which “all those who are subject to a given structure of governance moral position as subjects of justice in relation to it.” In this view, what transforms a collective of people into subjects of justice of the same category is not the geographical proximity, but its codependency in a common structural or institutional framework, that establishes the founding rules that govern its social interaction, their respective possibilities of life according to standards of advantage and disadvantage. “For whatever the governance structure is, the principle of *affect to all* levels the scope of moral concern of this subordination” (FRASER, 2013, p. 775, emphasis in original),

<sup>5</sup> Nussbaum, as we shall see, defends this theoretical stance.

<sup>6</sup> Advocates of this approach include Peter Singer (2004).

<sup>7</sup> “Until recently, I myself considered the all-affected principle the most promising candidate as an option for a new successor framework of the” post-Westphalian principle “[...]. Now, however, I believe that these difficulties are so serious that the wisest course is to abandon the all-affected principle in favor of the alternative presented here” (FRASER, 2013, p. 775).

this term being understood as encompassing relations between powers of various kinds, not restricted to States or formal citizenship, and may include the condition of being subject to the coercive power of non-state and trans-state forms of government.

In this light, the principle of the *affect of all* offers a critical standard for the evaluation of justice frameworks. An issue is framed fairly if, and only if, all subordinate to one or more regulatory governance structure (s) of one or more relevant social interaction segment (s) receive the same consideration. It should be noted that, to merit this consideration, it is no longer necessary to be affiliated with the structure in question; it is only necessary to be subject to it. (FRASER, 2013, p. 775, emphasis in original).

In Fraser's view (2013, p. 758), this principle would remedy the defects of the previous ones, going beyond the "armor of corporatist interests of exclusivist nationalism to contemplate injustices of mal-framing", surpassing the "abstract and welcoming globalism of all to recognize social relationships" (p. 758), and avoiding "the generality of the butterfly effect by identifying relevant forms of social interaction, i.e. joint subordination to governance structures" (p. 758).

In spite of Fraser's theoretical choice, according to this work, the theoretical answer to the questions of framing concerning who will be established by cosmopolitanism, as defended by Martha Nussbaum (2013a). This choice consists of considering that equality, be it economic redistribution, cultural recognition or political representation, should be guaranteed to all people, regardless of the state in which they live, their culture, religion, gender, sexuality, ethnicity, social class, or any other kind of morally irrelevant differentiation that may exist.

## 2.1 THE COSMOPOLITISM

Cosmopolitanism, as advocated by Nussbaum (2013b), constitutes a moral stance according to which our main moral loyalty must be to the common being of humanity, and the first principles of our practical thinking must respect the equal value of all members on this community. According to Nussbaum (2013b), her defense essentially embodies an imaginative dimension and an institutional legal dimension: we should build societies in which as many people as possible adopt this norm in their minds and hearts and foster it through legal and institutional provisions. Whatever the ties and aspirations, conscience, regardless of the personal or social cost involved, should prevail that every

human being is human and that one's moral value is equal to that of any other. To put it in Rawls's words (2008, p. 3), "every person has an inviolability based on justice."

To regard people as morally equal implies treating nationality, ethnicity, class, race and even gender as "morally irrelevant" with regard to equality. From such point of view, "incidents", such as being born in Sri Lanka, or Jew, or woman, or Black, or Indian, or poor, would be nothing more than this, something accidental with what we encounter at birth, and cannot be considered as a determining factor of moral value. Moral value, according to Nussbaum (2013b), would be recognized by the possession of practical reason and other basic moral capacities, which would confer equality, and whose presence would represent a powerful limitation on what we can choose and on the form in which each seeks to behave as a citizen. In the political aspect, this equal value would imply a regulatory limitation of the actions and aspirations of the collective life.

Obviously, "cosmopolitanism is a controversial stance, a tendency of moral thinking opposed to those who resist its ideal of world citizenship in the name of sensitivities and attachments rooted in group affiliation or national tradition" (FRASER 2013, p. 9). Such criticisms, in particular, place patriotism and cosmopolitanism in opposite camps, considering that, according to Kwame Appiah (2013, p. 43), "nationalism, cosmopolitanism and patriotism are, rather than ideologies, feelings. This allows different political ideologies to live with both."

Especially the Nussbaum cosmopolitan project, considered by Richard Falk (2013, p. 75), as

well argued, artistically constructed and approached at a historically relevant moment, challenges the political imagination to transcend the narrow realism of modern patriotic conceptions of loyal citizenship to sovereign States that associate political knowledge and identity with territorial borders.

In the construction of her project, patriotic and nationalist critiques are refuted by Nussbaum for whom "the emphasis on patriotic pride is morally dangerous" (2013b, 22), since, "deep down, nationalism and ethnocentric particularism are not different one from another" (2014a, p. 10), so that "supporting nationalist sentiments leads to the subversion of values that can give cohesion to national unity by substituting values such as justice and righteousness by a colorful idol" (2014a, p. 10). This idol, confused with the flags of a nation-state in the case of patriotism, "is not only morally dangerous, but ultimately subverts some of the meritorious goals that patriotism itself deems worthy of being served, such as the ideal of national unity and the loyalty to moral ideals of justice and equality" (NUSSBAUM, 2014a, p. 10).

Adapting the example brought by Nussbaum (2014a, p. 10) to the Brazilian case, this process would lead to excluding reasoning: one day someone said: “In the first place I am a Brazilian. Only after that, a citizen of the world”; on that day, the deduction was made from a moral self-definition based on an irrelevant and questionable feature, which may actually lead someone to say, *First of all, I am a Christian and only then a Brazilian, First of all I am a rural proprietor and, after that, a Brazilian Christian; or, First of all I am a man, heterosexual, Christian and then Brazilian*. The current Brazilian scenario is replete with such examples, from which moral self-definitions based on irrelevant and questionable characteristics begin to establish caesuras and divisions, and above all, hierarchies in access to the public sphere and rights of redistribution, recognition and representation.

All these caesuras lead to a moral perspective that the “we”, whether patriotic, cultural, religious, or of any kind, is the only relevant posture that easily leads to the demonization of an imaginary “they”, a group of intruders considered enemies of the invulnerability and pride of the all-important “we”. This type of thinking typical of localisms, nationalisms and culturalisms, which establishes a “we versus them” “becomes a general call for local supremacy and the humiliation of the other” (NUSSBAUM, 2013b, p. 12). According to the author, only the cosmopolitan position holds within itself the possibility of transcending such divisions, “for it alone tells us that we must establish our principal commitment to what is morally good – and that, being good, can be recommended as such for all human beings” (p. 12).

In support of her cosmopolitanism, Nussbaum (2014a, 2013b) seeks inspiration in Greek philosophy, retaking the Greek cynical philosopher Diogenes, who proclaimed himself “a citizen of the world.” The Stoics, who followed him as a leader, argued that, in effect, each of us resides in two communities - the local community by birth, and the community of reason and human ambition, which “is truly great and truly common, and in which we look neither to this corner nor to that one, but where we measure the borders of our nation by the sun” (Séneca apud Nussbaum, 2014a, p. 12), which would be, in essence, the origin of our moral obligations.

Neither Diogenes nor Nussbaum ignore the difficulty immersed in this intellectual endeavor: by inviting people to think of themselves as citizens of the world, they are in a sense invited to abandon the easy and comforting feelings of patriotism and to change their way of thinking about life from the point of view of justice. The fact of being born in a certain place is no more than a mere chance; any person could have been born in any nation, and as this

evidence is recognized, it can be maintained, as did the Stoics, that differences of nationality, class, race, or gender represent barriers between beings humans. As Nussbaum (2014a, p. 12) puts it, “we should cultivate our capacity to recognize humanity wherever it may be found, and to respect, in a loyal and authentic way, what is best in it, reason and ethics.”

Naturally this does not imply an apology for the abolition of local or national political forms of organization, or the defense of the constitution of a world state. In first place, we should allude to the community constituted by humanity, by all human beings, just as a citizen of the world, which is at the origin of Kant’s idea of the “kingdom of ends”, for which this supreme value would function as a regulator of moral and political behavior. Our behavior should always aim to treat with equal respect both the dignity of reason and the moral choices of every human being (Nussbaum, 2014a, p. 13). Thus, in order for us to be citizens of the world, it is not necessary to give up local identifications insofar as they are sources of great wealth, but to imagine it as surrounded by a series of concentric circles:

[...] the first around the self, the second surrounding the nearest family, the third the extended family and then, in a successive order, that of the neighbors or local group, that of the residents in the same citizen, the same medium rural – and without any difficulty, we will be able to add to the list groups that are based on ethnic, linguistic, historical, professional or gender identities. Outside of all these circles lies the greatest of them all, that of humanity itself when viewed as a whole. Our task as citizens of this world would be “to a certain extent to draw these circles into the center” (Stoic philosopher Hierocles, 1<sup>st</sup>, 2<sup>nd</sup> century), so that all human beings would become more and more like ours neighbors. (Nussbaum, 2014a, p. 14).

This would not be an easy task, since, although educated in the belief that all human beings have the same value, advocated by both the great world religions and most secular philosophies, our emotions are educated in the opposite way. We grieve for the people we know and not for those we do not know. This statement, in fact, is not a bad thing, as Aristotle had already determined by stating that the citizens of Plato’s ideal city, who were asked to care for all citizens equally, could not really care about any, because to be occupied would be something learned in small groups whose attachments are more intense. If we wanted our lives with others to contemplate emotions, such as fighting for justice or helping out in a world in which needy people live, we would do well to start with the emotions toward the family and those around us.

However, if the moral and emotional natures must coexist in harmony,

mechanisms must be found capable of extending the reach of such feelings and the capacity to imagine the situation of the others, to encompass human life as a whole. In other words, one should not ignore the most important identity affections or values, be they of an ethnic, religious, or gender order, or even consider them superficial, since identities are in part formed by them. However, an effort must be made to include all human beings in a community of dialogue and interests, basing political decisions on this principle of inclusion, respecting and paying particular attention to the circle that defines humanity.

## 2.2 COSMOPOLITISM AS AN EDUCATIONAL PROJECT

The implementation of a cosmopolitan project, capable of cultivating the capacity to recognize humanity wherever it may be, and to respect, in a loyal and authentic way, what best is in it, reason and ethics presupposes, according to Martha Nussbaum (2014a), an equally cosmopolitan education project. After all, while the students are growing, will it suffice for us to teach them that, although they are citizens of a State, they must respect the human rights of all the citizens of the world, or should they special attention to the history and situation of their nation, to know much more than they normally know about the rest of the world and the way they live?

Would it be enough to have an education that teaches that the citizens of India have the same fundamental rights as ours, or should we also be educated in the study of the problems that are the result of pollution, hunger and chauvinism in India, as well as their implications for the problems of global ecology and hunger and gender inequality? More importantly, should they learn that they are, above all, citizens of a State, or that they are instead citizens of a world of human beings and that, to that extent, despite being in their respective nations, they must share this world with the citizens of other countries?

In response to these and still other questions, the strategy advocated here advocates a cosmopolitan education, capable of: enabling the recognition of humanity wherever it may be found, even in those cases where the outlines that define it seem strange; provide sufficient learning about difference in order to recognize common goals, ideals, and values; and provide sufficient insight into these goals to be able to understand to what extent they are varied in their different cultures and histories. This cosmopolitan and humanistic education, according to Nussbaum (2013b, 2014a) would present four fundamental nuclei:

1. *It would allow for greater self-knowledge.* An education that holds that national boundaries are morally relevant would give a false moralistic content of importance to a historical incident. Otherwise, as we look through the gaze of another, we can gradually become aware of what in our habits is local and unnecessary and what can be more widely and deeply shared. A good example would be what we consider about family. If we were educated to look at the rest of the world, looking at the numerous family configurations that exist in it, we could better understand our history and our options, realizing that the traditional nuclear family consisting of father and mother – in which the mother is the main caretaker and the father the main sustenance – it is not the only nor the dominant style of care institutional design of the contemporary world. Nussbaum herself explains very well that in many parts of the world, the wider family, as well as groups, villages, or women’s associations, among others, are considered to be fundamental in sharing responsibility for the care and education of their children. By becoming aware of these realities, we can start asking questions and comparisons. However, if we refuse to consider alternative family projects, we run the risk of thinking that our life choices are the only ones that exist and of judging them as the “normal” and “natural” options, of the human species. In the same way, much could be learned about ideas about gender and sexuality, about work and its divisions, among other elements essential to our constitution.

2. *It would allow joint progress from constructing a response to issues involving international cooperation;* after all, national boundaries are not capable of “imprisoning oxygen”, which in itself would demonstrate that, whether we like it or not, we live in a world in which the destinies of nations are intertwined in the face of essential questions, especially concerning to survival, our fourth essential dimension of justice. Any intelligent decision in the field of ecology, or food supply, or the demographic question requires planning and global knowledge from the recognition that the future is common. For this kind of global dialogue to be put into practice it would be necessary to have an education that would allow a deep knowledge of the peoples with whom we will have to dialogue, and a profound capacity to respect their traditions and their commitments (NUSBAUM, 2014a).

3. *It would make it possible to recognize that the rest of the world has concrete moral obligations,* and obviously, if it were not so, no one would be able to recognize them. This point reflects on issues such as the finitude of the developed countries’ life model, which developing countries aim for. A serious acceptance of Kantian morality would have to help people to worry about such situation; otherwise, they would be morally hypocritical nations, which employ the

language of universality, but whose autonomic universe has a small reach. Thus, to believe that all human beings are equal and have rights morally worthy of respect requires reflecting on concrete actions towards the rest of the world. Such consideration does not imply disregarding the closest area of influence, since political action would be impoverished if everyone felt responsible for everyone and failed to pay particular attention to the immediate environment. However, this attention must be justifiable in universal terms, which would make it unfeasible to believe that our children are of more moral importance than the children of other peoples, although almost all parents would be willing to devote much more attention to their own children than to those. Such a situation is a positive one, provided that thought is not confined to the sphere of the individual, and decisions taken in the political-economic field consider that, like us, other peoples have the right to life and freedom and aspire to happiness (2014b).

4. *It would be based on differences that, in fact, we would be able to defend.* In this case, one must question mainly patriotic and nationalistic feelings that proclaim the union to some, and the separation to others. Why should we consider values that teach us to hold hands with each other regardless of the separations imposed by race, social class, or gender, but which cease to be important when they cross the borders of the nation, or vice versa? Whenever, to justify decisions, a decisive importance attaches to a border that is morally arbitrary, we prevent people from exercising equal moral consideration. After all, why should we consider citizens of China as our compatriots when they reside in Brazil, and fail to do so if they reside in China itself? What kind of magic can national boundaries have for irrelevant people to become relevant and worthy of mutual respect? In short, the limitation of thought to the borders of the nation, or any other frontier, and refusal to a wider and global perspective, would undermine the very concept of multicultural respect, since the very call for shared national values requires the call to certain essential features of the human personality that actually transcend national boundaries. Therefore, we must be able to educate the imagination and the thought to surpass such borders, overcoming old practices of enunciating respect for humanity as a value, while concrete moral valorization is restricted to “ours” (NUSBABAUM, 2014a, 21).

Such arguments are quite convincing, and could outweigh the various devices capable of rejecting the call to humanity. Rousseau (1980) already alluded to the tendency of the imagination to engage empathically with others, whose possibilities are similar to ours, just as kings did not pity their subjects because they did not believe they were subjects. Rousseau (1980) also tells us how easy it is to suppose that in reality people



who do not look like us do not suffer as much as we do because we do not really feel their pain. Such sentiments were manipulated by Nazism, whose mental barriers distanced Jews from other citizens, urged to imagine them as insects that did not suffer the suffering of human beings. However, Nussbaum (2013b, 168) reminds us that this is an easy and false strategy that leads to error: “we are all born naked and poor”, subject to illness and suffering, and finally condemned to die.

### 2.3 COSMOPOLITISM AND THE STATE

The direction to the cosmopolitan perspective defended here does not presuppose the existence of a World State as a legal, political and institutional form of attainment. According to Nussbaum (2013b), a vast philosophical tradition, from Cicero, Grotius, Kant and Adam Smith, to modern international law, used Stoic values to justify actions in national and international politics<sup>8</sup>. For this tradition, to affirm that “one cannot act as a citizen of the world, because there is no world state” (2013b, p. 170) would be a cowardly way of avoiding the price to pay to help other people, so that can find ways to help if we think of them as members of this Kantian community of the “kingdom of ends”.

Having reestablished the global social contract from these terms, we would realize that our own world presents opportunities to practice world citizenship that neither the Stoics nor Kant possessed. Organizations of various kinds mobilized to influence actions in matters ranging from economics to domestic violence, and anyone can support or join them, as the information revolution multiplies the possibilities of action of the citizens of the world. News such as the death of millions of orphans, most girls due to malnutrition in China, intensify possibilities for action such as aid or participation in debates on the welfare of children and women, none of them needing a world state to materialize it.

The fact that the State is still the fundamental political unit does not prevent us from questioning the extent to which the fortunes of being born in a given country influence life chances, which can range from 78.3 years in Iceland and Sweden to 44 years in Sierra Lioness. The fact that there is no world state that can prevent cosmopolitan behavior for those who commit it, and one of the greatest possibilities can be considered the one offered by the continuous growth

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<sup>8</sup> For example, renouncing wars of aggression, limitations on lying in times of war, the absolute prohibition of wars of extermination, and humane treatment of prisoners and losers. Even in times of peace, Cicero and Kant, for example, emphasize the duty of hospitality to foreigners, and Kant especially insists on the strict denunciation of all colonial conquest projects.

of annual international migrations – from the estimated 70 million people a year ago four decades now to more than 200 million currently registered and coming from the South for the most part, which “increases the need for rules that protect migrants’ rights and provide internationally agreed standards for the flow of migrants between countries of origin” (UNDP, 2013, p. 112).

Given these concrete situations, Nussbaum’s (2014a) cosmopolitan stance seeks to reject two of the main criticisms of cosmopolitanism, including by Nancy Fraser herself, and specifically by Richard Walzer (2014): the failure to establish distinct scopes or frameworks of justice for to address different demands, and, as a consequence of this unique and general sphere, its abstraction. Regarding the former, Nussbaum does not reject the national sphere, and his proposal recognizes the state as competent for the establishment of just social arrangements through constitutional principles that recognize a minimum of basic capabilities for each person<sup>9</sup>. The issue would be to widen the scope of justice to encompass traditionally insoluble problems, such as the issue of global inequality between nations.

In this sense, Nussbaum (2013a) elaborates, in *Frontiers of Justice*, a proposal to extend the scope of a theory of justice that is capable of embracing the problem unresolved by classical contractualism justice among nations. According to the author, theories of social contract shape principles of justice for national States, and do not address the criteria to be adopted in agreements between States. In this case, it can be said that the rules of justice that apply to the citizens of a particular nation do not apply to justice between nations. On the contrary, what would be worth would be the state of war, or the law of the strongest. Kant and Rawls (2001) sought to tackle this problem, but both placed the contract between nations as a stage after internal social contractualism. At the second level of the contract, States assume the role of the parties and are also considered “free, equal and independent”.

Several problems arise from this two-level approach, and it is hardly possible to speak of independent States in a globalized economy; not all national States have equal force, many of whose would be left out of the contract process. For Nussbaum, the inequalities between nations are accentuated by the control of the global economy in the hands of few nations. Even if one seeks to establish a global justice that repairs the damage caused

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<sup>9</sup> The theory of capabilities is formulated by Nussbaum (2002, 2013a), providing as an informational basis of his egalitarian liberal justice theory basic capabilities. The author offers a list of 10 basic capacities to be normatively implemented in all the countries of the world, as a parameter of their justice. The capacities of a person are the set of possibilities of functions accessible to him, which reveal the real freedom he has to carry forward the life he has reason to value.

by colonialism, it is necessary to compromise the rich nations with the rights of the individuals of the poor and developing nations. Like all human beings, the socially disadvantaged individuals of these nations have the right to a decent life, in which they can make use of their capabilities in a minimally appropriate way.

Nussbaum's (2014a) proposal for this framework points to the revision of the two-tier contract proposed by Rawls (2001) and the establishment of a global contract that considers that the world would not be fair if it did not ensure a list of ten basic capabilities<sup>10</sup> for all people.

This contract would establish a global structure based on ten principles: 1) Overdetermination of responsibility: the domestic sphere never escapes and is not exempt from the satisfaction of capabilities; 2) National sovereignty must be respected, within the limits of the promotion of human capacities; 3) Prosperous nations have a responsibility to provide a substantial share of their GDP to the poorer nations; 4) Multinational enterprises have a responsibility to promote human capacities in the regions in which they operate; (5) The main structures of the global economic order should be designed in such a way as to be fair to poor and developing countries; 6) We should cultivate a tenuous, decentralized but still blunt global public sphere; 7) All institutions and (most) individuals should pay attention to the problems of the disadvantaged in each nation and region; 8) Assistance to the sick, the elderly, children and the disabled should be an important focus of attention for the world community; 9) The family should be treated as a precious sphere, but not "private"; 10) All institutions and individuals have a responsibility to support education as a key to the autonomy of currently disadvantaged people (NUSSBAUM, 2013b, 2014a).

From these assumptions one can approach the critique of abstraction. According to Nussbaum (2014a), contrary to what may seem, approaching cosmopolitanism presupposes, above all, valuing human diversity, since the cosmopolitan ideal includes a positive approach to the diversity of human cultures, languages and ways of life. This pluralism is what makes cosmopolitans establish the priority of fair over good, granting to the first priority structures of equal freedom, which will protect the individual's ability to choose a way of life according to one's own criteria, whether cultural, religious or personal. Thus the very principles of world citizenship value diversity so much that they make freedom of choice the basic premise of the entire constitutional order and refuse to compromise this principle in favor of any given tradition. According to the philosopher, "[...] in my opinion, valuing diversity implies

<sup>10</sup> On the list of capabilities, see Nussbaum (2002 and 2013).

giving great support to a shared public culture that puts the right before the good” (NUSSBAUM, 2013b, 173).

For cosmopolitanism, the fundamental question is to foster diversity without hierarchizing, since commitment to freedom presupposes equality, which limits the forms of diversity that can reasonably be promoted. The aim of world citizenship is, therefore, to move towards a state of affairs in which all differences are understood in a non-hierarchical, non-discriminatory and non-oppressive way, not valuing diversity in terms of which it is defined as domination and submission. (NUSSBAUM, 2013b).

Of course, this presupposition demands that deep human questions are manifested in distinct ways, and that, in spite of all this diversity and divisions, we can recognize each other. We never know a mere abstract human being, but we know the common in what is concrete, as well as the concrete in what is common. This issue becomes more understandable if we analyze it from the whole of Nussbaum’s theory (2002, 2013a), and her approach to capabilities. Human heterogeneity and diversity are recognized under the frame of capacities, constituting an approach that, understanding that different people, cultures and societies may have different values and aspirations, it establishes an equal moral treatment for all.

In this way, the cosmopolitan theoretical proposal developed here requires the maintenance of the fundamental axioms of egalitarian liberalism: the presuppositions of human moral equality and ethical individualism. According to Kantian-inspired ethical individualism, the ultimate value and unity of moral concern are individuals, so that all people are ends in themselves, and cannot be exploited in the name of other ends or of any kind of collectivity, which requires as a starting point the fundamental moral equality which states that all human beings have equal right and freedom to choose which conception of good life to follow.

### **3 FINAL CONSIDERATIONS**

In times of abnormal justice, the grammar of justice, capable of inspiring claims for better living conditions throughout the world presents abnormal conditions, in which presuppositions hitherto shared, begin to be questioned. The traditional shared assumption that the subjects of justice would be the citizens of a particular nation-state are questioned from the

advance of globalization, whether by universalists, localists, regionalists, patriots or communitarians.

In this uncertainty before the one *who* of justice, especially the dispute between patriots and cosmopolitan has been accentuated every day. Feeling threatened by the progress of the migration process, by the advancement of the recognition and grammar of human rights on a world scale, by the debates about foreign intervention and help, and by the growth of living among people of different religions, easy feelings of attachment to borders as moral and ethical standards grow stronger included to the valorization and classification of human beings, as to access to the public sphere and rights.

Patriotism and cosmopolitanism, more than mere ideas, stresses Robert Pinski (2013), can be considered forms of love, with all the terror that this word may imply. They are opposing forms of love that indicate a primordial conflict over humanity. From this conflict, different answers to the question arise: what are, in fact, the human beings for whom we are willing to care? Who are the subjects we include in our claims to justice?

According to the proposal put forward here, an adequate answer to this question, as defended by Martha Nussbaum, would be cosmopolitanism, a moral stance according to which all people of the world must be valued regardless of morally irrelevant differences that can be established, and that, in fact, they would only serve to establish differentiations regarding access to rights. Such posture is the only one capable of non-excluding relation with present-day phenomena, which approach human beings in spite of distances, at the same time as distancing them from the highlighting of their differences.

Towards cosmopolitanism, our present situation urgently requires a critical self-examination that will impel us to discover the roots of the unpleasant fears and caesuras that disfigure the faces of human beings and make them, in many cases, less human. For this, an approach inspired by ethical philosophy is necessary, combining three ingredients:

- Political principles that express equal respect for all citizens, and an interpretation of what these principles may represent according to the current advance of nationalism and patriotism;
- Critical thinking that detects and criticizes inconsistencies, especially those that induce us to compromise our own actions, and to see the speck in the eye of the other, before the beam before ours;

- A systematic cultivation of an imaginative capacity that makes it possible for us to see what the world looks like from the point of view of any person, be it from a nation, religion, sexuality, gender or race other than our own.

Such ethical virtues are always important in a complex world, especially in today's Brazilian and world scene, and must be cultivated through a cosmopolitan education that emphasizes the cultivation of humanity. Although we consider how hard the journey towards this world, capable of respecting equally all human beings, is, being aware that we live in a complex and interconnected world, and to be aware of our own ignorance with regard to this world can be the beginning of the change process.

In a time of crisis like that faced in Brazil, we can renew our commitment to the equal value of humanity, demand media and schools that nurture and expand our imaginations by presenting us diverse and plural lives as something profound, rich and emotionally worthy. Thus, from our own ignorance may, or at least, should our fragile humanity be born.

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