

REALISM AND COSMOPOLITANISM

IN INTERNATIONAL RELATIONS

Giuseppe Tosi¹

The collapse of the Soviet system between 1989 and 1991 was an epochal turning point in human history. With the lowering of the red flag with the sickle and hammer symbols from the Kremlin tower, the "short century" ended, and historical period of difficult interpretation opened, in which we are currently immersed. In this context, we can say that there are two major interpretations of the current situation in international relations: realism and cosmopolitanism.

1. The realistic look

Although political realism can retrospectively be traced back to the speeches of the sophists Thrasymachus and Callicles in the Platonic dialogues *The Republic* and *Gorgias*, it is from Machiavelli onwards that it becomes a method and a way of looking at politics, and takes on some of its main characteristics: a pessimistic anthropology in relation to the goodness of human nature, a critique of utopian theories that claim to present "principalities and republics never seen or known", a relevant and positive (and in any case irrevocable) role that force and conflict assume in relations between individuals and between State, and the centrality of sovereign State as the main if not the only holders of international public law¹.

This model goes back to Hobbes, who describes and prescribes what the constitution of modern State will be: while internally the sovereign imposes the monopoly of legitimate force, destroying, assimilating and homogenizing the old feudal intermediate bodies, and thus creating the conditions for an internal order, the same does not happen in international relations. After the crisis of the medieval *Christian republic* and its two highest authorities, the Pope and the Emperor, modern sovereign State relate to each other like individuals in the Hobbesian State of nature, i.e. in a State of latent or manifest war.

The Peace of Westphalia of 1648 - which put an end to the Thirty Years' War and, more generally, to the era of wars of religion - is a milestone in the creation of modern international law, from which the only subjects of law become the independent and autonomous State in their jurisdiction, which do not recognize any higher authority (*non expectata auctoritate principis superioris*). This is what Carl Schmitt - one of the great realist thinkers of the 20th century - called *jus publicum europaeum* and which finds in the end of the just war doctrine one of its defining milestones².

¹ See: MACHIAVELLI, N., *Il Principe*, ch. XV. See also: HOBBS, T., *Philosophical Elements on the Citizen*, I, 2; SPINOSA, B., *Political Treatise*, I, 4. See: BONANTE, L., *Diritto naturale e relazioni fra gli Stati*, Torino: Loescher, 1978.

¹ Full professor retired of Federal University of Brazilian State of Paraíba (UFPB).

Hegel, too, an idealist in metaphysics, can be placed in the best tradition of political realism. For Hegel, as for Hobbes, the only true subjects of international law are sovereign State (and secondarily world-historical individuals). Hegel divides external public law into: External State Law, where the State acts as a "particular individual in relation to other particular individuals", and World History, where "these particular spirits are only moments in the development of the universal idea of the spirit in its effective reality"³. The State of war is the natural condition, the result of the relations of forces between sovereign State that behave as individuals in reciprocal relations.

The State, as a singular individual, is *exclusive* in relation to *other* similar individuals. In their reciprocal *relationship*, there is arbitrariness and accidentality, because the *universal* of law, by virtue of the autonomous totality of these people, *must* only exist between them, but is not *real*. This independence makes the struggle between them a relationship of force, a *situation of war*, for which the universal order is decided by the particular end of preserving the autonomy of the State in relation to others, by the order of bravery⁴.

But Hegel doesn't simply allow relations between State to subsist in a vacuum of law, he justifies this condition with the concept of World History (*weltgeschichte*), which is the result of the "dialectic of the spirits of particular peoples, that is, *the judgement of the world*"⁵, in which the State that, at that given historical moment, realizes the Spirit of the World prevails: in the face of its absolute right, the rights of the other State simply cease to exist. He concludes the exposition of his conception of Universal History by stating that:

The self-consciousness of a particular people is the support of the degree of development of the universal spirit in its existence and the objective reality in which it places its will. In the face of this absolute will, the will of the other spirits of particular peoples is without right: that people is dominator of the world; but the universal spirit each time goes beyond its property as a particular step and then abandons that people to its chance and judgement⁶.

The dialectic of the spirits of peoples, or to put it another way, war is the necessary condition to allow the "spirit to advance until it reaches itself and realizes its truth, and the work of the itself is the supreme and absolute *right*"⁷.

² SCHMITT, C., *Il nomos della terra nel diritto internazionale dello jus publicum europaeum*, Milano: Adelphi, 1991.

³ HEGEL, G. W. F. *Enciclopédia das Ciências Filosófica em epitome* [1817], Lisbon: Edições 70, 1990, § 536, p. 131.

⁴ IDEM, § 545, p. 145.

⁵ IDEM, § 548, p. 147.

⁶ IDEM, *op. cit.*, § 550, p. 152.

Hegel is therefore rightly part of the realist tradition which, from Machiavelli to Max Weber and Carl Schmitt, via Hobbes and Spinoza, thinks of international politics in terms of the balance of power relations and hegemony between sovereign State⁸, and is one of the biggest critics of philosophical projects, such as Kant's, which imagined a universal republic or a world government governed by a higher law than State law, an "ultra-State" and cosmopolitan type of law.

2. The cosmopolitan look⁹.

Cosmopolitanism is an ancient doctrine that finds its roots in Stoicism, the *jus gentium* of Roman law and the medieval *Christian republic*, taken up again in the Renaissance by Erasmus and the Second Spanish Scholasticism (Francisco de Vitoria and Bartolomé de Las Casas); a tradition that, through the mediation of Christian Wolfe's doctrine of the *civitas maxima* and the Enlightenment's pacifism and universalism, reaches as far as Immanuel Kant¹⁰, the author we will be dealing with.

For Kantian transcendental idealism, politics belongs to the realm of "ideas" or "ideals" of reason and deals with the conditions of possibility of human coexistence to realize the "hidden end of nature", which is the moral and legal progress of humanity. Politics, therefore, cannot be limited to the consideration of what exists, but must indicate a duty to be, a *telos* which, for Kant, is, in the internal sphere, the creation of the republican civil State and, in the international sphere, the realization of cosmopolitan law as a guarantee of perpetual peace between nations¹¹.

Kant's thinking lies between realism and utopianism. Kant's anthropology, like that of the realists, is moderately pessimistic: Kant never tires of affirming the evil of human nature¹² and his anthropological pessimism is accentuated towards the end of his life with the "discovery" of radical evil¹³. Kant also affirms the "unsociability" of men¹⁴, the positive role of conflict and competition as a springboard for progress, and even gives an important role to war itself which, becoming ever more intolerable due to its growing destructive power, would progressively convince people of the need to eliminate it.

⁷ For the application of this concept to the conquest of America see: Dussel Enrique, 1492: *o encobrimento do outro. Origem do mito da modernidade*. Petrópolis, Vozes, 1993.

⁸ For a general introduction to political realism, see: PORTINARO, P.P. *Il realismo político*. Rome-Bari: Laterza, 1999.

⁹ BECK, Ulrich. *Lo sguardo cosmopolita*, Urbino: Arti Grafiche Editoriali, 2005.

¹⁰ For a history of cosmopolitanism see: SCUCCIMARRA, L., *I confini del mondo. Una storia del cosmopolitismo dall'Antichità al Settecento*, Bologna: Il Mulino, 2006.

¹¹ KANT, I., *Idéia de uma história universal do ponto de vista cosmopolita* (1784), Ricardo Ribeiro Terra, (org.), São Paulo: Brasiliense, 1986.

¹² KANT, I., *A Paz Perpétua*, In: *A Paz Perpétua e outros opúsculos*, (1796), Lisbon: Edições 70, p. 133.

¹³ KANT, I., *A religião nos limites da simples razão*, Lisboa: Edições 70, 1990.

¹⁴ KANT, I., *Idea di una história universal...*, op. cit.

At the same time, Kant, as the greatest thinker of the Enlightenment, maintained his confidence in the possibility of moral and legal progress for humanity and proposed a "philosophical or prophetic history of humanity" that would identify an event in the empirical history of mankind that could serve as a sign of this progress: as we know, for the Königsberg philosopher this event was the French Revolution¹⁵.

Kant detected a legal vacuum in relations between nations, which behaved towards each other as if they were in a permanent state of war, interrupted only by periods of truce, but not true peace. This void must be filled with a new type of law, *jus cosmopolitanum*, a supranational law in which not only State but also individuals would be subjects of law¹⁶. The philosophical project of *To Perpetual Peace* proposes the "regulatory ideal" of a World Federation of freely constituted national States that would promote common institutions to regulate their relations.

At first (1793)¹⁷, Kant believed that the "only remedy" for the state of war between nations would be the creation of a Universal State of Peoples; later (1795/96)¹⁸, he began to advocate not a Universal State of Peoples, but a Universal Federation of Free States:

This federation does not aim to obtain the power of the State, but simply to maintain and guarantee the peace of a State for itself and, at the same time, that of the other federated States, without them having to submit to public law and its coercion (like men in the state of nature). It is possible to represent the feasibility (objective reality) of the *federation*, which should gradually extend to all the states and thus lead to perpetual peace. For if fortune has it that a strong and enlightened people can form a republic (which, according to its nature, should tend towards perpetual peace), it can be the center of the federative association so that all the other States can gather around it and thus ensure the State of freedom in accordance with the idea of the law of nations, and extending ever further through other unions¹⁹.

In a passage from the same work, Kant justifies this change of approach by saying that the idea of a world State would be the best in theory, but it might seem unrealistic and it is therefore preferable to adopt the idea of a federation as a substitute:

¹⁵ See: BOBBIO, N. Kant e a Revolução Francesa, In: *A Era dos Direitos*, Rio de Janeiro: Campus, 1992, pp. 131-142.

¹⁶ KANT, I., *Metaphysics of Custom. Doctrine of Right*, São Paulo: Ícone, 1993. See also: TERRA, R. R., *Política tensa, Idéia e realidade na filosofia da história de Kant*, São Paulo: Iluminuras, 1995. ROHDEN, V. (org.) *Kant and the institution of peace. Porto Alegre*: Ed. UFRGS, Goethe-Institut/ICBA, 1997.

¹⁷ See: KANT, I., On the common expression: this may be correct in theory, but it is worthless in practice, (1793), In: *A Paz Perpétua e outros opúsculos*, Lisbon: Edições 70, 1990, pp. 58-102 ("On the relationship of theory to practice in the law of nations, considered from a universal, i.e. cosmopolitan, philanthropic point of view").

¹⁸ KANT, *À Paz Perpétua*. In: *À Paz Perpétua e outros opusculos*, op. cit. "Now, for such a situation, no other remedy is possible than (by analogy with the civil or political law of individual men) the law of the people, founded on public laws supported by power, to which each State should submit, because a lasting universal peace thanks to the so-called *balance of powers in Europe* is a pure chimera".

¹⁹ IDEM, p. 135.

State with reciprocal relations with each other have no other remedy, according to reason, to get out of the lawless situation, which simply entails war, than to consent to coercive public laws, in the same way that individual men surrender their wild freedom (without laws), and to form a State of peoples (*civitas gentium*) which (it is always clear in augmentation) would ultimately encompass all the peoples of the earth. But if, according to their idea of the law of nations, they don't want this, and therefore reject *in hypothesi* what is correct *in thesi*, then the *torrent of the propensity for injustice and enmity* can only be stopped, not by the positive idea of a *world republic* (if all is not to be lost), but by the *negative* substitute of a *federation* antagonistic to war, permanent and continually expanding, albeit with the constant danger of its irruption²⁰.

3. Cosmopolitanism today

In the 20th century, Kantian theories found a large following, especially after the terrible experience of the two world wars and the totalitarianisms of left and right. In political philosophy and law, what Danilo Zolo calls "legal globalism"²¹ is today a largely hegemonic current in the theory of law and institutional politics, and numerous political philosophers, jurists, moralists and theologians, especially Western ones, adhere to a cosmopolitan vision of international relations: think of the greatest legal philosopher of the 20th century, Hans Kelsen²², Norberto Bobbio²³, Eric Weil²⁴, Jürgen Habermas²⁵, John Rawls²⁶, Hans Küng²⁷, among others²⁸.

We will choose Habermas' thinking because the German philosopher sets out to take stock of the Kantian proposal after 200 years²⁹. The central point of the discussion is the following: should there or should there not be a higher power of coercion that forces State to respect order and rights, just as the State does domestically? In this essay, Habermas answers in the affirmative. He takes the so-called *domestic analogy* to its conclusion: just as the nation State was able to guarantee order and minimum fundamental rights at the same time, today the great challenge is to create a world rule of law (especially in its "social" version) to overcome the state of nature that exists between sovereign States, which is the main cause of war.

²⁰ IDEM, p. 136.

²¹ ZOLO, D. Per una filosofia moderna e realistica del diritto internazionale, In IDEM, *I signori della pace. Una critica al globalismo giuridico*. Roma: Carocci 1998, pp. 133-148.

²² KELSEN, H., *La pace attraverso il diritto*, Torino: Giappichelli, 1990.

²³ BOBBIO, N. *Il futuro della democrazia*, Torino: Einaudi 1995.

²⁴ WEIL, E. *Filosofia Política*, São Paulo: Loyola, 1990 (in particular chapter IV).

²⁵ HABERMAS, J. *A inclusão do outro*. São Paulo: Loyola 2002.

²⁶ RAWLS, J., *O direito dos povos*, São Paulo: Martins Fontes, 2002. IDEM, *Liberalismo Político*, São Paulo: Martins Fontes, 2003.

²⁷ KÜNG, H., *Projeto de uma ética mundial. Uma moralidade ecumênica para a sobrevivência humana*. São Paulo, Paulinas 1992.

²⁸ For a critique of Kantian cosmopolitanism and its contemporary followers see: ZOLO, D., La tradizione del pacifismo cosmopolitico a partir da Kant. Una critica realista, In: *Kant e l'idea di Europa. Atti del Convegno Internazionale di Studi*, Genova 6-8 maggio 2004, Genova: Il Melangolo, 2005.

²⁹ HABERMAS, J. A ideia kantiana de Paz Perpétua a distância histórica de 200 anos, In: *A inclusão do outro*, São Paulo: Loyola 2002, pp. 185-228.

Habermas takes up and radicalizes the Kantian project, claiming that Kant was not entirely consistent with his cosmopolitan presuppositions when he abandoned the idea of a World State in favour of a Free Federation of sovereign States:

As has already been shown, the Kantian concept of an alliance of peoples formed in a lasting way and capable of respecting the sovereignty of State is not consistent. Cosmopolitan law must be institutionalized in such a way that it binds governments. The community of peoples must at least be able to guarantee legally appropriate behaviour on the part of its members, on pain of sanctions. Only in this way can the system of sovereign State in a constant attitude of self-assertion, unstable and based on mutual threats, be transformed into a federation with common institutions that assume State functions, i.e. that regulate the relationship of its members with each other and monitor compliance with these rules³⁰.

He adds: "The weak point in the global defense of human rights is the lack of an executive power that can ensure that the Universal Declaration of Human Rights is effectively observed, including by intervening in the sovereign power of national State if necessary."³¹ Habermas therefore proposes a reform of international institutions, particularly the United Nations:

The reformulation of the Kantian idea of a cosmopolitan pacification of the natural condition between States that is appropriate to today's times inspires, on the one hand, energetic efforts in favour of reforming the United Nations and, in general, expanding the forces capable of acting at a supranational level in different regions of the planet. [...] Suggestions for reforming the United Nations focus on three points: the establishment of a world parliament, the expansion of the world legal structure and the reorganization of the Security Council³².

We could define this project as "perfect cosmopolitanism" because, in perfect analogy with the internal situation of State, it proposes the creation of a universal executive, legislative and judicial power that would hold the legitimate monopoly of force, severely restricting the sovereignty of national State, at least in situations of serious human rights violations³³.

The cosmopolitan proposal presupposes the thesis that, with the intensification of the globalization process, the indispensable conditions for the realization of the project are being created, conditions that were not fully realized at the time of Kant. In this sense, for Habermas, we are living in a historical moment of transition from the international law of State to cosmopolitan law.

³⁰ IDEM, p. 201.

³¹ IDEM, p. 205.

³² IDEM, p. 210

³³ For a realistic critique of Habermasian cosmopolitanism see: ZOLO, D. Dal diritto internazionale al diritto cosmopolitico. A discussion with Jürgen Habermas, in IDEM, *I signori della pace*. op. cit.

Among the new conditions that would make the cosmopolitan project viable, we can point to the following. The first condition is the ever-deeper ties that bind the world together: economic networks, communications, commercial and financial flows, migrations of peoples, the spread of information and Western models of behaviour throughout the world. This process began in the 15th and 16th centuries with the great geographical discoveries that provided the conditions for the creation of a world history and accelerated in the 20th century. With the two world wars, the history of Europe effectively became the history of the world and, in the second half of the last century, especially after the end of communism and the acceleration of global integration processes, we have an ever more interrelated world economy³⁴.

Another aspect to consider is that the acceleration of the globalization process has led to an increase in risk situations worldwide. We live, as Ulrich Beck says, in a risk society (*Risikogesellschaft*)³⁵: there is the risk of an ecological catastrophe that could subvert the natural balances of the planet; the risk of atomic destruction of civilization remains ever-present; the instability of the financial markets could cause a generalized economic collapse with domino effects on the world economy; there is the risk of terrorism, a generic and ambiguous name to indicate a complex system of forms of political violence at a global level (among which we should include terrorism promoted by State). And we could list a whole series of risks, all linked to global phenomena, such as "international mafias" and various forms of organized crime on a planetary scale; problems that even a superpower like the United State cannot solve alone.

This makes it obvious that nation State are unable to find solutions to problems that run "above" and "beside" their borders. The modern State finds its *raison d'être* in the clear delimitation of a territory over which it can establish its dominion with precise borders that it can control and administer. With the crisis and, in some cases, the abolition of borders, the nation State, which until recently was all-powerful, is also in decline.

Another indispensable condition for the realization of the cosmopolitan project is the formation of a global civil society and a global public opinion³⁶, made up of a network organized vertically (but not hierarchically) from the neighborhood to the United Nations and horizontally in a capillary territorial presence within and between nations, in a process that is both local and global, from the perspective of the "alternative globalization" of rights. The concept indicates the other side of globalization, i.e. the formation of a network of non-governmental (and partly governmental, such as universities) entities that denounce the evils of globalization and seek theoretical and practical alternatives³⁷.

³⁴ The bibliography on globalization is immense, See: ZOLO, D. *Globalizzazione. Una mappa dei problemi*. Roma-Bari, Laterza, 2004. BAUMAN, Z., *Globalization: The Human Consequences*, Columbia University Press, New York 1998. HELD, D.-MCGREW, A., *Globalism and anti-globalism*. Bologna: Il Mulino, 2002. HIRST, P.-THOMPSON, G., *Globalization in Question*, Vozes, Petrópolis 1998.

³⁵ BECK, Ulrich. *La società globale di rischio*. Roma: Carocci, 2001.

³⁶ HABERMAS, J., *The Kantian Idea of Perpetual Peace*, op. cit.

The formation of this global civil society is not enough if the political institutions of globalization cannot be created and strengthened. The problems raised by globalization require a global response that cannot be found within the narrow confines of national State, but which require global institutions that can address the shortcomings of State. If this does not signal the end of national State, it does indicate the need for international politics to prevail over domestic politics, inspired at least by the principle of subsidiarity³⁸.

In fact, the vast majority of international organizations, both governmental, such as the IMF and the World Bank, and non-governmental, for-profit organizations, such as multinational companies, do not operate according to a "cosmopolitan" logic, but according to a market and profit logic that only accentuates the economic and social inequalities caused by globalization. According to the globalists, what is needed is a reorientation of the current organizations and the creation of new international bodies capable of achieving the Stated objectives and thus guaranteeing a world *governance* that reduces the enormous social inequalities and creates an economically and socially fairer world.

Finally, say the globalists, the constant process of planetary integration can only succeed if a dialogue is established between civilizations and not a "clash of civilisations"³⁹. To this end, it is necessary, while respecting the traditions and identities of each culture and people, to find a minimum *consensus* (an *overlapping consensus*, Rawls would say) as a premise for peaceful global coexistence. In this sense, human rights can be a point of intersection and consensus between different philosophical doctrines, religious beliefs and cultural customs, and can be the discussion ground for the constitution of an intercultural dialogue.

³⁷ CAFFARENA, A. *Organizzazioni Internazionali*. Bologna: Il Mulino 2001. The 1998 "Yearbook of International Organizations" estimated the existence of around 5,580 International Non-Governmental Organizations (INGOs), using restrictive criteria, and more than 15,000 using broader criteria, present mainly, but not exclusively, in the West. See also: *Global Civil Society Yearbooks*. Oxford: Oxford University Press: 2001, 2002, 2003, 2004, organized by the *Centre for the Study of Global Governance* at the London School of Economics, directed by Mary Kaldor. Website: www.lse.ac.uk/Depts/global.

³⁸ FERRARESE, M.R., *Le istituzioni della globalizzazione*, Bologna, il Mulino, 2000. The 1998 "Yearbook of International Organizations" estimated the existence of around 258 International Governmental Organizations (IGOs), using restrictive criteria, and more than 1,800 using broader criteria, present on all continents.

³⁹ HUNTINGTON, S. P., *O Choque de Civilizações e a recomposição da ordem mundial*. Rio de Janeiro: Ed. Objetiva, 1997.

In this respect, Habermas' proposal differs from other proposals, such as those by Hans Küng⁴⁰ and Antonio Cassese⁴¹, for example, who define human rights as a new "decatalogue", a new "secular religion" or a new world *ethos*. Habermas warns of the importance of keeping the right distinct from morality in Kantian terms: human rights may have ethical, political, ideological or religious motivations, but they are still rights. Habermas states that:

Fundamental rights are invested with such a desire for universal validity because they can *only* be justified from a moral point of view. [...] However, an *immediate* moralization of law and politics would really break down the defense zones that, for good reasons including moral ones, we want to see guaranteed for people's rights⁴².

Habermas defines the identification between law and morality or the moralization of law as a "fundamentalism of human rights"⁴³. As Luca Baccelli states in his essay in this book:

Habermas insists that all human individuals have fundamental rights. But if human rights are understood as moral absolutes, they lose their value as legal principles, and the high tension of morality does not pass through - to use his expression - the 'transformer' of law. The short-circuit effects that follow this loss are there for all to see.⁴⁴

The criminalization of the adversary or the affirmation of a civilizing mission aimed at spreading the values of democracy and Western human rights against "rogue State" or "the axis of evil" are examples of this short circuit between law and morality, typical of a certain human rights fundamentalism.

In today's world where there is a pluralism or polytheism of values, both internally and externally to societies, it is impossible to reach an ethical consensus, but only a legal consensus. And the function of law, as a normative dimension of social interaction, distinct from both morality and politics in the strict sense, is precisely to allow a ground for consensus between different moral, religious and political values.⁴⁵

4. Realist criticisms of cosmopolitanism

Realists recognize the novelty of globalization, the risks it entails and the problems that go beyond the borders of States and therefore require an international response, but they don't believe in the solutions proposed by what they ironically call *western globalists*. They say that the process of globalization is not really a process of economic interdependence but is above all a process of homogenization and westernization of the world, and specifically the expansion of the US model of life and society over the rest of the world.

⁴⁰ KÜNG, H., *A global ethic for world politics and economics*. Petrópolis: Vozes, 1999

⁴¹ CASSESE, A., *I diritti umani oggi*, Rome-Bari: Laterza, 2005. AA.VV. *Ethos mondiale e globalizzazione*, Genova: Il Melangolo 2005.

⁴² HABERMAS, J. *Perpetual Peace...* op. cit.

⁴³ IDEM, p. 226.

⁴⁴ See, in this collection: BACCELLI, L. *War and human rights. An ambivalence of modernity*.

⁴⁵ See: ZOLO, D. Una discussione con Jürgen Habermas... op. cit. pp. 49-70.

They reaffirm the centrality of the role of national State as the only, or at least the main, actors, both domestically and internationally, and that the project of a world State is not only illusory, but also undesirable. Domestically, because the further away political bodies are from citizens, the more difficult it is for them to guarantee basic rights; internationally, because it is illusory to think of the possibility of a government or a World State, given that this model presupposes that the world's great powers, particularly the United States, voluntarily give up their economic, social, political and military hegemony in favour of other less powerful countries. A monopoly of legitimate force by a world State is not only highly unlikely, but it would also be highly dangerous and could lead to totalitarian successes if it were realized.

As counter-evidence to this, they show that, in fact, the international institutions that the *western globalists* point to as the germ of the future world State are totally unsuited to such tasks: just think of the UN and the reform projects that have so far failed miserably⁴⁶. The UN today only serves as a diplomatic forum, but it can't fulfil its main task, which would be to guarantee peace, because the great powers don't want to delegate the real powers, the strong powers that govern the world, to the UN. The UN thus becomes an organization that serves as an instrument for the ideological legitimization of the hegemonic and imperialist designs of the major Western powers: see the *ex post facto* legitimization of the invasion of Afghanistan and Iraq, carried out in open violation of international law, without the authorization of the Security Council, and which the presence of the UN flag after the invasion ends up legitimizing.

Looking at the world from a realistic point of view, what happened after the fall of the Berlin Wall was the end of bipolarism and the emergence of a unilateral policy, the US Empire. And in fact, the Empire is one of the historically given ways of guaranteeing world order: in a logic dominated by power relations, as international relations are, the Empire is one of the ways to guarantee order and avoid anarchy, say the more conservative royalists.

Realists also deny the existence of a *global civil society* and claim that this is more a wish of *Western globalists* than a reality. What does exist, on the contrary, is that in the face of the West's cultural, economic and military invasion, there is a reaction to globalization in the name of local particularisms: a response that ranges from Islamic fundamentalism to Asian values⁴⁷.

⁴⁶ On the "irreformability" of the UN, see in this collection: ZOLO, D. *Fortalecendo e democratizando as relações Internacionais? O caso das Nações Unidas*.

Realists also question the universality of human rights, claiming that human rights belong to Western history, but are not part of the history and culture of other peoples who have not gone through the same historical process, and that they cannot therefore be exported, let alone imposed by force, on pain of becoming mere ideological justifications for the policies of the great Western powers. Recalling Schmitt's famous Statement: "Whoever says humanity is trying to deceive you", they claim that the rhetoric of human rights and the appeal to universal values hides the defense of unconcealed interests⁴⁸.

Finally, the realists draw attention to the phenomenon of war, which, despite Kantian dreams of perpetual peace, not only continues to exist, but is becoming a global war: the global war against terrorism! The most pessimistic realists even talk about a global civil war that could be underway with unpredictable results. They warn of the resurgence of the doctrine of just war, which had been eliminated from the *jus publicum europaeum* with the crisis of medieval universalism and replaced by the doctrine of "*guerre en forme*". In the absence of a superior judge recognized by the parties, each sovereign State had the right to wage war, and the enemy was no longer considered a *perfidus hostis*, a criminal to be punished and destroyed if necessary, but a *justus hostis*.⁴⁹ The benchmark for the contemporary resurgence of the just war doctrine (which is not provided for in the United Nations Charter, which only admits wars of self-defense) can be considered to be Michael Walzer's book *Just and Unjust Wars*⁵⁰. The just war doctrine serves as the ideological justification for the so-called "right of humanitarian intervention", which legitimizes the invasion of the sovereignty of State in human rights violations⁵¹.

The defense of human rights and democracy is thus justified as an instrument for intervening in the sovereignty of State when it is in the interests of the great powers. This is a temptation from which some cosmopolitan thinkers are not exempt, such as Bobbio, who defended the first Gulf War, and Habermas, who defended NATO's intervention in the territories of the former Yugoslavia⁵².

⁴⁷ ZOLO, D., *Cosmopolis. La prospettiva di un governo mondiale*. Milano: Feltrinelli, 1995.

⁴⁸ ZOLO, D., *Chi dice umanità. Guerra, diritto e ordine globale*, Torino: Einaudi, 2000. IDEM, *Use of force and international law after 11 September 2001*, in LYRA, R. P. *Direitos Humanos: os desafios do século XXI. Uma abordagem interdisciplinar*, Brasília: Brasília Jurídica 2002, pp. 47-57.

⁴⁹ SCHMITT, C. *Il nomos della terra....* op. cit., p. 132-140.

⁵⁰ WALZER, M., *Just and Unjust Wars. A moral argument with historical examples*. São Paulo: Martins Fontes. 1993. Walzer's positions are very close to those of John Rawls, as he explicitly recognizes. See: RAWLS, J. *The Right of Peoples. Followed by "The Idea of Public Reason Revised"*. São Paulo: Martins Fontes, 2001 (Part III. Non-ideal theory).

If the range of realist criticisms is very wide, it's even more difficult to find alternative proposals, not least because realism isn't exactly a political doctrine like liberalism or socialism, but a view, a way of interpreting political doctrines, and there are different realisms, both historically⁵³ and today.

In a more conservative realist version, typical of American neo-conservatives, with the victory of the West in World War III would have come the "end of history"⁵⁴ and the moment for the American Empire to exercise its economic, political and military superiority over the rest of the world and thus guarantee the "new international order". This is a way of thinking about *domestic analogy* à la Hobbes and not à la Kant. The solution for overcoming the State of nature between nations is the domination of one sovereign State over the others, a State that becomes, like the Hobbesian sovereign, *legibus solutus*: it dictates the laws, but they don't apply to itself; very common behaviour in US politics in recent decades, as the country demands that the whole world respect international treaties, but refuses to sign most of them and to respect the arbitration of international courts.

Other defenders of the United States' global dominance propose a doctrine based more on the idea of global hegemony than empire, such as Joseph S. Nye Junior, who was already Undersecretary of Defense in the Clinton administration, who affirms the paradox of American power: "Without the United States, no crisis can be solved, but the United States alone cannot solve any crisis either". For this reason, Nye proposes a "Gramscian" solution for US global hegemony if it wants to continue to last: to base it more on multilateral collaboration and *soft power*, i.e. economic and political influence, cultural and social of the US model than in the *hard power* of weapons, which should be used when necessary⁵⁵.

There is also an anti-imperialist and democratic version of realism, such as that defended by Danilo Zolo, who says that in a complex society like today's, a certain anarchism in international relations⁵⁶ is preferable to the monopoly of force by a single superpower; an anarchism in which the main subjects of international law would continue to be the sovereign State, which, through regional or international agreements, would resolve disputes on an ad hoc basis without resorting to supranational institutions that concentrate power, maintaining a decentralized and diffuse power⁵⁷.

⁵¹ In 2002, a group of sixty US intellectuals, including Walzer, published a manifesto entitled "*What we are fighting for: A letter from America*", in which they justified the US interventions in Afghanistan.

⁵² But who strongly opposed the invasion of Afghanistan and Iraq, See: HABERMAS, J. *O Ocidente dividido*, Rio de Janeiro: Tempo Brasileiro, 2006.

⁵³ Machiavelli's realism, at least the republican Machiavelli of the *Discourses* and Spinoza of the *Political Treatise* takes an *ex parte populi* perspective, unlike Hobbesian realism, which is positioned *ex parte principi*.

⁵⁴ FUKUYAMA, F. *O fim da história e o último homem*, transl. Aulyde Soares Rodrigues, Rocco, Rio de Janeiro, 1992. For a critical view of this famous book see: ANDERSON, P. *O fim da história: de Hegel a Fukuyama*. Trad. Álvaro Cabral. Rio de Janeiro: Jorge Zahar Editor, 1992.

Says Danilo Zolo:

In this sense, I propose the expression "minimal supranational law": according to a federalist logic applied to the relationship between the normative competences of national State and the normative competences of supranational bodies, such a law would leave ample room for the functions of *domestic jurisdiction*, without seeking to replace or suffocate them with supranational normative and judicial bodies. In other words, the "minimum political order" - precisely in order to remain such, i.e. minimum - should be based on a "polycentric regularisation" of international law, and not on a hierarchical structure that would risk provoking a revolt from the "peripheries"⁵⁸.

5. Between cosmopolitanism and realism: polyarchy or regionalisation.

It's hard to say which theory would best interpret the situation of international relations today. From a cosmopolitan point of view, human rights would constitute the "universal code", a "pan-human" law, a "world super-constitution", distinct from and superior to international law. According to Bobbio, the UN's Universal Declaration of Human Rights of 1948 would fulfil the Kantian hope of a moral (or at least legal) progress of humanity, whose *signum prognosticum* and *rememorativum* would be precisely the existence of this set of universal rights that would make the cosmopolitan point of view (*weltbürgerlich*) advocated by Kant a reality⁵⁹. According to Habermas, the conditions would be created for a *Weltinnenpolitik* (internal world politics)⁶⁰.

⁵⁵ NYE, J.S. *Il paradosso del potere americano. Perché l'unica superpotenza non può più agire da sola*, Torino: Einaudi, 2002.

⁵⁶ See: BULL, H. *The anarchical society*, London: Macmillan, 1977.

⁵⁷ ZOLO, D. Per una filosofia moderna e realistica del diritto internazionale, in IDEM, *I signori della pace*, op. cit.

⁵⁸ IDEM, p. 146 (my translation).

⁵⁹ BOBBIO, N. *A era dos direitos*, op. cit.

⁶⁰ See in this collective book: BACCELLI, L. *Guerra e Direitos Humanos. A ambivalência da modernidade*.

But the universalist pretensions of the cosmopolitans are more present in documents and declarations than in reality. The systematic and massive violations of human rights are increasing as fast as the treaties are signed and are as universal as the declarations that proclaim them. It would seem that human rights are nothing more than empty rhetoric or a mere ideological justification for the power games of the great powers. The very inability of the UN to prevent the US invasion and occupation of Iraq, which was carried out in defiance of the rules of international law and specifically the UN Charter, and the division caused in the European Union itself over the war, are emblematic examples of an impasse between two major and contrasting conceptions of international relations that coexist today, without one model being able to prevail over the other.

In fact, it would be naive to say that the conditions for the realization of the cosmopolitan project are being satisfactorily met in the international political panorama, nor that cosmopolitanism is dominant in international relations and supranational global political institutions. In fact, everything indicates that the role of national State as subject of international law has not diminished and that the "dialectic" between peoples, i.e. war, continues to prevail in international law: the attempt by the United State to impose a unilateral order after their victory in what they consider World War III is a clear example of this Hobbesian logic that still governs the world.

At the same time, however, it can be seen that the United State' desire to impose a *pax americana* along the lines of the *pax romana* is found more in the documents and desires of the neo and theo conservatives in the current US administration than in the actual reality of things. The world is far too complex and multi-sided for one power, economically and militarily superior and powerful as it is, to be able to control it alone by imposing a unilateral order. The United State' pretensions to exercise an "absolute right" as a nation that, at this moment in history, embodies the Spirit of the world, to use Hegelian language, are met with strong resistance and reluctance on the part of other peoples, who do not recognize this right. The difficulty the United States and its allies have in maintaining control of two poor countries prostrated by decades of war, such as Afghanistan and Iraq, is a sign of the weakness of this hegemonic imperial project, to the point where some analysts are already talking about the "decline of the American Empire", or the "terminal crisis" of US hegemony⁶¹.

If a cosmopolitan vision tends to confuse desires with reality, merely "realist" approach to international relations also fails to take account of all the complex phenomena that globalization has caused. In fact, the two "cosmopolitan" and "realist" logics coexist on the international stage: international relations are currently in dispute, with neither managing to prevail over the other.

⁶¹ WALLERSTEIN, I., 2003: *Decline of American Power: The U.S. in a Chaotic World*. New York: New Press. ARRIGHI, G. - SILVER, B., *Chaos and Governability in the Modern World System*, Rio de Janeiro, Editora UFRJ, 2001.

However, in this undefined scenario, we can perhaps point to some paths and clues. If we eliminate the most extreme positions from the political spectrum, pure cosmopolitanism and pure imperialism, we can find in theory and practice more points of contact between cosmopolitanism and realism than can be imagined⁶². Perhaps the concepts of "chaos", "ordered anarchy" or "polyarchy" might be more appropriate to describe the current situation in international relations, where there is a dispute between various centers of diffuse power that no one can fully control. In this sense, regional blocs between States are becoming increasingly important in order to enable better participation in globalization processes.

In fact, the Kantian "philosophical project" of perpetual peace applies more to United Europe than to the United Nations system, which, as Zolo says, is more like a new Holy Alliance of the powers that control the Security Council than the Federation of free State imagined by Kant⁶³. We could even say that the European Union is the almost literal realization of the Kantian dream of "perpetual peace". In fact, the three "definitive articles for the establishment of perpetual peace among nations" seem to have served as a guide for the formation of the European Union.

The first article defines that each State must give itself a republican constitution, what we would call democratic today: in fact, to be able to participate in the EU, the fundamental principles of the democratic rule of law must be respected and practiced (which creates problems for countries like Turkey to enter).

The second article preaches the need for a federation of republican States, created by the free and spontaneous will of sovereign State, without the hegemony of a dominant country; this is what happened with the creation and expansion of the EU State through accession by governments and, in some cases, referendum by the population.

The third article preaches the need for relations between the States of the Federation to be regulated by cosmopolitan law; this is what is gradually happening, above all with the creation of a European Constitution that limits the powers of sovereign State (despite the current stalemates that have arisen represent a moment of redefinition, but not of failure of the European constitution project).⁶⁴

⁶² A very *sui generis* position of "cosmopolitan realism" is represented by Hardt and Negri's book *Empire*, which we are unable to analyze at the moment. See: NEGRI, T. - HARDT, M., *Impero*. Rio de Janeiro: Ed. Record. 2001. See also: NEGRI, T. *Cinque Lezioni sull'Impero*. Rio de Janeiro: DP & A, 2003.

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This process of integration has ensured the longest period of peace and social and political stability in Europe in its thousand-year history, and it will be able to consolidate itself to the extent that the European Union manages to develop a truly unified foreign policy and the creation of a unified military force, in addition to a unified economic and monetary policy.

The same path could be followed by Latin America, at least South America, as the process of expanding Mercosur progresses: Brazil's position is fundamental to the success of this project, and it should take on the role of the "strong and illustrated" people, as Kant said, capable of becoming the center of this Federation.

What has been happening in recent decades, with the creation of regional blocs, is a process of progressive delegation of powers by national State to inter- and supra-national organizations, through the principle of subsidiarity. The theoretical basis for this process can be found, once again, in the Kantian intuition that the disastrous consequences of wars, the increase in planetary risks, the existence of profound ecological and social imbalances that could endanger the very survival of the human species, constitute a powerful argument in favour of cooperation between nations, since, as the German philosopher said, the earth is round and men must necessarily live together.

In conclusion

The process of globalization of international relations seems to be irreversible and can be tackled in two ways. Leaving their regulation to the invisible hand of the market and, when this proves insufficient, handing them over to the iron glove of armed intervention by the armies of the richest and most powerful nations to defend their "vital interests" anywhere in the world, in a logic of power and clash of interests, which leads to conflicts and wars that are ultimately seen as inevitable and even beneficial for the "progress" of humanity. This process could lead humanity to the perpetual peace that ironically appeared in the tavern insignia described by Kant, and which inspired the title of his treatise, i.e. the peace of the cemeteries.

Promoting an alternative network of international and supranational institutions - both from the State sphere and civil society - with sufficient strength to tackle the problems that the State would allow for a better distribution of wealth at international level and remove the deepest roots of violence and war. From this perspective, national State would not disappear, but would continue to have their own role in guaranteeing the rights and local identities of their citizens, but would delegate to supranational organizations, based on the principle of subsidiarity, the solutions to conflicts and problems that go beyond their borders and based on recognizing not just national, but cosmopolitan citizenship.

From a philosophical point of view, this seems to be the only rational proposal, almost a "requirement" of reason in an age of globalization, a true "categorical imperative" of a thought that wants to be up to date with its time and its problems, without renouncing a universalist justification of its foundations. However, we don't know if reason will prevail in history. We no longer have the religious belief in Providence, nor the Enlightenment confidence in an end "hidden in nature", nor the historicist belief that "reason governs history". Perhaps a catastrophe is needed: a crisis in the global financial system, an ecological collapse, an "atomic" terrorist attack, or something similar, so that humanity can take the path that reason shows it. In the meantime, our task is to continue fighting with all our might so that the principles of "reasonable" (if not rational) human coexistence can prevail. In this sense, the real distinction is not between realists and cosmopolitans, but between those who defend the *status quo*, the injustices and inequalities created by the globalization process and those who propose a more equitable and fair international society for the greatest number of people and peoples. And I believe that this is what all of us who are here at this seminar, whether we are realists or cosmopolitans, want and hope for.

⁶⁴ See: AA.VV. *Kant e l'idea di Europa. Atti del Convegno Internazionale di Studi*, Genova 6-8 maggio 2004, Genova: Il Melangolo, 2005.