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Membership, Morality and Global Justice

-A Study of Feminist Contributions to Cosmopolitan Ethics-

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Abstract

This paper is a project based on a theoretical approach, where my aim is to search for the core elements of a viable feminist cosmopolitan ethics. To further that purpose I identify, discuss, and compare some of the main components of such an ethics, as proposed by political theorists Seyla Benhabib and Iris Marion Young. In doing so I hope to contribute to the ongoing project of cosmopolitan feminism. My task in this project is to answer the following questions; what are the main components of Seyla Benhabib and Iris Marion Young's feminist cosmopolitan ethics? Second; where do Benhabib and Young stand with regards to the relationship between the principle of state sovereignty and the human right to membership? Finally based on a comparative reading of Benhabib and Young's theories I ask; what should be some of the core elements of a viable feminist cosmopolitan ethics? I argue that for a feminist cosmopolitan ethics to be considered viable, it must carry within itself an impetus towards increased respect for the basic human rights of the 64.9 million persons that are currently displaced due to conflicts, war, persecutions and human rights violations. Following a comparative reading of some of the main components of Seyla Benhabib and Iris Marion Young's cosmopolitan ethics I promote a vision of feminist cosmopolitan ethics that carries within itself the hope that is inherent to the promise of human rights, while at the same time offering the tools that are necessary to identify and rectify the structural injustice expressed in the status and real-life situations of the 64.9 million persons that are currently displaced due to conflicts, war, persecutions, and human rights violations.

Key words: Cosmopolitanism, Feminist Ethics, Global Justice, Structural Injustice, Human Rights, Right to Membership, State Sovereignty, Displaced Persons.

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1 Introduction

Towards the end of 2017 UNHCR estimates that there were around 19.9 million refugees,¹ 3.1 million asylum seekers,² 39.2 million internally displaced persons,³ and 2.7 million persons who are not considered nationals by any nation state, i.e. what the United Nations have termed as stateless persons,⁴ in the world. Drawing on Hannah Arendt's notion of the *right to have rights*,⁵ feminist theorists have increasingly criticized the overwhelming centrality given to the principle of state sovereignty at cost to the basic human rights of those that are either without membership to a sovereign nation state, or to members of those nation states that due to war, violence, persecution or other disasters detrimental to human flourishing, have failed in upholding the rights of their members, i.e. leaving them without the right to have rights. I argue that for a feminist cosmopolitan ethic to be viable, it must carry within itself an impetus towards increased respect for the basic human rights of these

¹ **Refugees** include individuals recognized under the 1951 Convention relating to the Status of Refugees; its 1967 Protocol; the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa; those recognized in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or those enjoying temporary protection. Since 2007, the refugee population also includes people in a refugee-like situation. Retrieved January 17th, 2019 from http://popstats.unhcr.org/en/overview#_ga=2.61840556.1254246380.1526836150-431058038.1513611995

² **Asylum-seekers** are individuals who have sought international protection and whose claims for refugee status have not yet been determined, irrespective of when they may have been lodged. Retrieved on January 17th, 2019 from <http://popstats.unhcr.org/en/overview>

³ **Internally displaced persons (IDPs)** are people or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or man-made disasters, and who have not crossed an international border. For the purposes of UNHCR's statistics, this population only includes conflict-generated IDPs to whom the Office extends protection and/or assistance. Since 2007, the IDP population also includes people in an IDP-like situation. Retrieved January 17th, 2019 from http://popstats.unhcr.org/en/overview#_ga=2.61840556.1254246380.1526836150-431058038.1513611995

⁴ **Stateless persons** are defined under international law as persons who are not considered as nationals by any State under the operation of its law. In other words, they do not possess the nationality of any State. UNHCR statistics refer to persons who fall under the agency's statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality. Retrieved January 17th 2019 from <http://popstats.unhcr.org/en/overview>
http://popstats.unhcr.org/en/overview#_ga=2.61840556.1254246380.1526836150-431058038.1513611995

⁵ Arendt, *The Origins of Totalitarianism*. 1951. p.390. Arendt's more detailed analysis of her notion of "the right to have rights" is found on p. 380-396.

particular groups of persons, i.e. the as of late 2017, 64.9 million persons that are currently in Arendt's terms without the right to have rights.

In recent years feminist theorists have contributed significantly to discourses on cosmopolitan ethics. This has been done from the standpoint of political theory, philosophical and theological ethics as well as from within the field of international relations. These contributions consist of critical as well as constructive approaches. What has often been criticized is the emphasis placed on a state centred understanding of the principle of state sovereignty dating back to the Westphalia model, which in short accords each sovereign state only with the responsibility of respecting and guarding the interests of its own citizens, thereby leaving sovereign states without any basic duty to honour many basic human rights of those persons who are without membership to the state in question.⁶ In other words the moral community is understood as existing within the boundaries of the nation state. Adherents of a cosmopolitan ethics on the other hand regard the whole of humanity as one moral community, and therefore do not define moral responsibility in accordance with national borders.⁷ The feminist theorists whose theories this project aims to investigate find such a state centred understanding of the moral community troubling, albeit to different degrees. They urge that questions and terms of citizenship not be uncritically considered private matters of each state based on its sovereign status, but rather as questions of justice, and as such should to some degree be addressed on a global scale. Among the constructive aspects of their work are different suggestions on what should be the core elements of a viable feminist cosmopolitan ethics.

⁶ Of late the term *nationstatism* is often used to describe such a state centered understanding of the principle of state sovereignty. I would like to note and emphasize the difference of meaning with regards to terms of *nationstatism* and *nationalism*. This because the term nationalism is now increasingly understood as describing the politics directly associated with right wing extremism that has grown in both Europe and the United States in recent years, as opposed to its previously sometimes understood as being synonymous with that of patriotism

⁷ In recent years some theorists have argued for a wider understanding of the term *cosmopolitanism* on the premise that there are more than one kind of cosmopolitanism, and therefore it is no longer viable to present it as a single ideal, and therefore we should adhere to using the word cosmopolitanism in its plural, cosmopolitanisms. While acknowledging the legitimacy of claims for such a wider understanding of the concept, for the sake of clarity I will however limit my use here to the more traditional singular term of cosmopolitanism. For further discussion and analysis of the plural term cosmopolitanisms see for example: Ed. Horta &Robbins, *Cosmopolitanisms*, 2017.

1.1 Purpose and Research Questions

Questions regarding membership have become increasingly important in our time. Opinions differ on whether this should be considered merely a question of luck of the draw, or if issues of membership should be understood as matters of global justice. It is debated whether the issue of where one is born should be the deciding factor, larger than all others when determining one's possibilities for human flourishing. Following a general consensus of contemporary societies with regards to the importance of respecting the main principle grounding basic human rights, i.e. that all human beings are born equal,⁸ questions arise regarding whether that principle in fact entails that all should have the option of fulfilling their potential as human beings as best possible, without state borders and membership within them being the deciding factor. The growth of transnational interaction on a global scale as well as the increased globalization involved in the processes of our daily lives, adds urgency to questions regarding the moral viability of different understandings of membership. One of the main concerns regarding how we are to understand membership is how we can best address the tension between the principle of state sovereignty and the human right to membership.⁹ It has frequently been argued that the right of states to sovereign rule is more fundamental than the right of human beings to equal opportunities with regards to human flourishing. Underpinning that argument is the understanding that the latter is in fact inherently dependent upon the former, i.e. that respect for the absolute independence of democratic processes of each separate nation state is a prerequisite for the realization of basic human rights, and as such it is therefore not viable to pit one against the other.

Feminist theorists working within the field of cosmopolitan ethics have in recent years criticized traditional conceptions of the importance of the overwhelming centrality of state sovereignty, and suggested alternative ways of understanding and redefining the relationship between state sovereignty and human rights. Resulting from that work are different conceptions of cosmopolitan ethics. The aim of this project is to analyse whether two of such

⁸ See the Universal Declaration of Human Rights, Article 1; All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Retrieved January 17th, 2019 from:

<https://www.un.org/en/universal-declaration-human-rights/>

⁹ See the Universal Declaration of Human Rights, Article 15; (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Retrieved January 17th, 2019 from <http://www.un.org/en/universal-declaration-human-rights/>

feminist understandings of the terms carry within them an impetus towards increased respect for the human right to membership.

In line with that aim I will mainly focus on three problems. First I will ask; what are the main components of Seyla Benhabib and Iris Marion Young's feminist cosmopolitan ethics? Second; where do Benhabib and Young stand with regards to the relationship between the principle of state sovereignty and the human right to membership? Finally based on my comparative reading of Benhabib and Young's theories I ask; what should be some of the core elements of a viable feminist cosmopolitan ethics?

1.2 Theory and Method

This paper is a project based on a theoretical approach, where my main task is to analyse and compare specific aspects of different theories set forth by two leading feminist theorists. In doing so I hope to contribute to the on-going project of cosmopolitan feminism.

Throughout this project I will use the terms feminist theory/theorists understood as umbrella terms for different theoretical perspectives who often times share nothing other than a common commitment to the emancipation of women from the confines of a gendered society and patriarchal structures. I share that commitment and will throughout this project work towards that goal from a standpoint of social justice in dialogue with critical theory. Critical social theorist Max Horkheimer deems theory to be critical so long as its aims "to liberate human beings from the circumstances that enslave them".¹⁰ It is my understanding that feminist theory is in itself always critical and borrowing Horkheimer's understanding I will throughout this project adhere to this main principle of critical theory, and thereby work from the standpoint of a commitment to radical social change. It is also my understanding that while a viable theory of feminist ethics works from the premise of understanding gender as a social system, or as patterns of social relations among people, it must always also be based on an intersectional approach, incorporating the terms of race, class and sexuality. This is based on the understanding that the terms race, class, gender and sexuality are all social systems that are complex, pervasive, variable, persistent, severe and hierarchical, and as such they are deeply connected through intricate systems and structures of oppression, and must therefore all be taken into consideration while working towards increased social justice.¹¹

¹⁰ Horkheimer, *Critical Theory. Selected Essays*. 1982. p. 244.

¹¹ Weber, *Understanding Race, Class, Gender and Sexuality, A Conceptual Framework*, 2001, p.17

The first task is to examine the main ideas on feminist cosmopolitan ethics set forth in the works of political theorists Seyla Benhabib and Iris Marion Young. While undertaking this task I will to the best of my ability adhere to the charity principle, which consist of always looking for the most fair way of understanding and interpreting the research material in question.

The second task is to critically compare and evaluate the viability of Benhabib and Young's ideas on what should be the main components of a feminist cosmopolitan ethics. It is not my intention to make a direct comparison of Benhabib and Young's ideas, rather my aim here is to search for and identify those aspects of their theories that can aid me in completing the third and final task of this project. Based on my comparative reading of the works of Benhabib and Young, and on more constructive note, I suggest what I understand should be some of the core elements of a viable feminist cosmopolitan ethic. While the focus of this project lies within moral theory I will however throughout this project, based on what the context of the different questions calls for, shift my focus between the related but separate spheres of morality and politics. The reason for this being that while the first task is to be understood as questions concerning morality, the second and third tasks with regards to issues of state sovereignty and the human right to membership also have distinct political dimension to them.

1.3 Material

As outlined above it is my intention to analyse and compare the work of two leading feminist theorists within the field of cosmopolitan ethics. Underpinning my choice of material is the purpose of this project, to search for some of the core elements of a viable feminist cosmopolitan ethics. I have therefore chosen to work with the two theorists whom I believe will be most helpful in that search. This in itself is not unproblematic; for they as well as I share certain theoretical standpoints as well as a common goal. This means that my work will to a large extent consist of a comparison of ideas that are to some extent related to each other, as well as my own standpoint, while searching for the sometimes obvious and at other times more subtle distinctions between them.

There are three main reasons for my choice of authors. First is the fact that they have each contributed significantly to discourses on cosmopolitan ethics where the focus of this project lies, and are both considered to have been among leading theorists in the fields of political

theory and ethics. Second, Seyla Benhabib and Iris Marion Young have throughout their careers been in continuous dialogue with important theories of justice and democracy, albeit from different feminist standpoints, which goes to the heart of my third and final reason for choosing their work as the main material for this project. Namely that they are both feminist theorists, and it is in the interest of this project to explore the meaning of the different feminist standpoints employed by each, in my search for the main components of a viable feminist cosmopolitan ethic.

The first theorist whose work I will analyse is political theorist Seyla Benhabib. Standing on the shoulders of Jürgen Habermas, Benhabib has in dialogue with critical theory developed a kind of communicative ethics, working mainly with issues concerning justice, democracy, human rights, citizenship and cosmopolitanism. While advocating for a rigorous reconstruction of Enlightenment traditions of political and moral universalisms, she defends an interactive moral universalism based on common respect and concern for each person in virtue of their shared humanity.¹² In this project I will mainly focus on four of Benhabib's works which are; *Situating the Self. Gender, Community and Postmodernism in Contemporary Ethics* (1992), *The Rights of Others. Aliens, Residents and Citizens* (2004), *Another Cosmopolitanism* (2004) and *Dignity and Adversity, Human Rights in Troubled Times* (2011).

The second theorist whose ideas I will explore is political theorist Iris Marion Young. Like Benhabib, Young builds her theory of communicative ethics in part on certain aspects of the works of Jürgen Habermas. Young's departure from Habermas's discourse theory is however marked by a more postmodern line of thought as is made evident in her lifelong project of working towards a more viable understanding of the relationship between social justice and democracy. Here Young finds issues of structural injustice, social connection and difference to be central as she argues that obligations of justice are to be understood as grounded in social relationships. In this project I will mainly focus on five of Young's works which are; *Justice and the Politics of Difference* (1990), *Intersecting Voices* (1997), *Inclusion and Democracy* (2000), *Global Challenges: War, Self-Determination and Responsibility for Justice* (2006), and *Responsibility for Justice* (2011).

¹² Benhabib, *Situating the Self. Gender, Community and Postmodernism in Contemporary Ethics*, 1992, p. 2-3.

1.4 Previous Research

The idea of being a Cosmopolitan dates back to ancient Greek philosopher Diogenes of Sinope, who when asked, identified himself to be *Kosmopolitês*, or citizen of the world. In recent years scholarly interest in the project of cosmopolitanism both as a philosophical ideal, a political project, as well as a practical project has grown immensely. This is evident in the different varieties of cosmopolitanisms, both when it comes to content, which refers to what values or duties are recommended, and when it comes to intellectual sources, or the different worldviews be they religious, secular or philosophical theories. Examples of different cosmopolitan theories are ones based on utilitarian premises, Kantianism, feminism, natural law-, human rights-, contract-, religious- or environmental theories.¹³ Increased enthusiasm for cosmopolitan thought has led to an increase in literature both on the side of cosmopolitan thinkers as well as its critics.

Cosmopolitanism and its genealogy have been thoroughly researched, a good overview can be found in Brown and Held's *The Cosmopolitan Reader*.¹⁴ The aim of this project however is to evaluate the relevance of a feminist cosmopolitan ethics in present day contexts, from the standpoint of global justice. Underpinning that aim is a challenge to search for some of the main components of a viable feminist cosmopolitan ethics. In light of present day contexts of global problems, I would argue that meeting such a challenge is of great importance. To assist me as I put forth my own analysis is the previous research of scholars wrestling with questions pertaining to cosmopolitan feminism and justice.

Feminist philosopher Alison M. Jaggar presents an outline of the development of global gender justice as a field of philosophical inquiry. She demonstrates how theories of justice are most often framed as answers to numerous structural questions, that for the sake of clarity can be simplified as the: where, when, who, what and how of justice. It is however not enough to answer these questions. To be convincing one must also always address the question of "why", which means that when faced with the challenge of answering central questions of justice one must also always explain why one presents particular answers, or in short, a rationale is required.¹⁵ A key insight of second wave feminism is articulated in the slogan *the personal is political*, where feminist theorists called for a reconstruction/widening of

¹³ Dower, *World Ethics, The New Agenda*, 1998, p. 75-85

¹⁴ For further reading on the genealogy of the concept of Cosmopolitanism see; Ed. Brown and Held, *The Cosmopolitan Reader*, 2010

¹⁵ Jaggar, *The Philosophical Challenges of Global Gender Justice*, 2009, p. 1-2

traditional understandings of the “where” with regards to the limits of moral boundaries of justice. Underpinning this challenge to widen the scope or domain of justice to include the personal sphere is empirical data as well as theoretical arguments that demonstrate the enormity of the scale of injustices that occur in personal life.¹⁶ In her analysis Jaggar dispels the assumption that working for global gender justice is limited to working with issues concerning women specifically. Rather she argues for a wider understanding of the field of global gender justice, where the task for feminist theorists is understood as one of critical exploration of all the issues facing global justice theories.¹⁷

Political theorist and sociologist Niamh Reilly is critical of mainstream cosmopolitan scholarship for oftentimes ignoring the gendered impact of globalization.¹⁸ In her article “Cosmopolitan Feminism and Human Rights”, Reilly presents cosmopolitan feminism as a model of emancipatory political practice, and calls for increased recognition of the gendered impacts of neoliberal globalization. Furthermore Reilly argues that while the promise inherent in the basic idea of human rights is currently undermined by privileged, male, neoliberal, Western and state-centric perspectives, she also contends that there is great emancipatory potential to be found in cosmopolitan feminist commitments to critically reinterpreting universal human rights.¹⁹ Agreeing with other cosmopolitan theorists on the importance of cosmopolitan approaches while addressing current global problems, Reilly argues that women’s experiences make a feminist cosmopolitan response to globalization necessary.²⁰ Here Reilly is adamant that a strongly antiessentialist standpoint is key, as well as an intersectional approach, given that even though gendered power dynamics generally are harmful for women and girls, gendered disadvantage is experienced on multiple different levels owing to other aspects based on both social and territorial location.²¹

In her article “A Wandering Paradigm, or is Cosmopolitanism Good for Women?” social theorist Ksenija Vidmar-Horvat presents an analysis of the theoretical development of cosmopolitan feminism. Through her analysis Vidmar-Horvat discerns a distinct feminist sensitivity consisting of two main strands of thought. The former consists of theorists that

¹⁶ *ibid* p. 6

¹⁷ *ibid* p. 8

¹⁸ Reilly, *Cosmopolitan Feminism and Human Rights*, 2009, p. 21

¹⁹ *ibid*, p. 3

²⁰ *ibid*, p. 14

²¹ *ibid*, p. 15

openly challenge nation-statism and its premises as evident in patriarchal models of brotherly inclusions and exclusions from rights to citizenship and belonging. Here we see an emphasis on challenging the idea of the western social contract, and its premise of territorialized citizenship. The latter, however, is identified by a shared emphasis on the premises of post-colonial theory and the state of postcoloniality. Here moral questions are approached from the point of view of the subaltern that is forced to define their home (or the lack of it) in a global setting where borders are crumbling.²² Following a comparative reading of the arguments of different theorists adhering to both strands of thought, Vidmar-Horvat warns that there is a genuine risk that cosmofeminism (a model based the convergence of a feminist ethics of care and cosmopolitanism) result in nothing more than being an academic endeavour with no real impact on the lives of women suffering from either national violence (first strand of thought) or postcolonial violence (second strain of thought). In order to avoid this fate and fulfil its purpose (being truly good for women) it is imperative for Vidmar-Horvat that we understand cosmofeminism as a multi-perspectival way, based on her argument that a multi-perspectival cosmopolitan ethos is best situated to embody the social vulnerability of the worlds most disadvantaged.²³

1.5 Thesis Structure

Following my introduction I begin chapter two with an introduction and discussion of some of the key concepts of political theorist Seyla Benhabib's cosmopolitan ethics. As Benhabib bases her cosmopolitan ethics largely on principles of discourse ethics, I start with a brief introduction to discourse ethics and its author, philosopher and social theorist Jürgen Habermas. Thereafter I discuss some of Benhabib's critique of and departure from Habermas's ideas. I then move on to discuss Benhabib's analysis of Immanuel Kant's ideas on *the right to hospitality*, and Hannah Arendt's concept of *the right to have rights*. Following that I introduce Benhabib's own key concepts, *the paradox of democratic legitimacy* and *democratic iterations*, which leads me to conclude the first half of the second chapter by answering the question; what are the main components of Seyla Benhabib's feminist cosmopolitan ethics? Having done so, I then fulfil the second task of this chapter, as I examine Benhabib's understanding of the relationship between the principle of state sovereignty and the human right to membership, which leads me to explore her grounds for encouraging a move towards a federation of states and porous borders.

²² Vidmar-Horvat, *A Wandering Paradigm, or Is Cosmopolitanism Good for Women?*, 2013, p. 1-2

²³ *ibid*, p. 12

In chapter three I begin with a short introduction of political theorist Iris Marion Young's analysis on what she terms as the "necessary" relationship between democracy and justice. I proceed with a discussion of some of Young's critique of and departure from Habermas's original theory, as well as her critique of some of Benhabib's reformulation of Habermas's ideas. Here it is my aim to facilitate a deeper understanding of the principles of a communicative ethics that undergird Young's cosmopolitan ethics. Further, I will discuss Young's own key concepts relevant to the purpose of this project. These are; *social justice*, *structural injustice as oppression*, *asymmetrical reciprocity* and finally her construction of a *social connection model of responsibility*. Concluding the first half of chapter three I answer the question; what are the main components of Iris Marion Young's feminist cosmopolitan ethics? Having done so I then move on to fulfilling the second task of the third chapter and examine Young's suggestions on how we may best understand the relationship between the principle of state sovereignty and the human right to membership.

In chapter four I turn to the second task pertinent to the purpose of this paper as I compare and evaluate the viability of some of the main components of Benhabib and Young's cosmopolitan ethics, as well as certain aspects of their understanding of the relationship between the principle of state sovereignty and the human right to membership. Underpinning this comparison is my aim to lay the groundwork necessary to complete my final task and thereby conclude this project as I answer the question; what should be some of the core elements of a viable feminist cosmopolitan ethics?

2 Seyla Benhabib's Cosmopolitan Ethics

In this chapter my purpose is twofold. First my aim is to answer the question; what are the main components of political theorist Seyla Benhabib's feminist cosmopolitan ethics? Secondly, I hope to establish a general understanding of Benhabib's ideas on the relationship between the principle of state sovereignty and the human right to membership, and in doing so laying part of the groundwork necessary for performing a comparative analysis of Benhabib and Young's ideas later on in chapter 4. I begin this chapter by introducing and discussing some of the key concepts of Seyla Benhabib's cosmopolitan ethics. As Benhabib bases her cosmopolitan ethics largely on principles of discourse ethics, I begin with a brief introduction to discourse ethics and its author, philosopher and social theorist Jürgen Habermas. Thereafter I discuss some of Benhabib's critique of and departure from Habermas's ideas. In giving a short but hopefully concise introduction to discourse ethics, as well as discussing some of the ways in which Benhabib's ideas depart from Habermas's original theory, it is my aim to facilitate a deeper understanding of the principles that ground Benhabib's cosmopolitan ethics. I then move on to discuss Benhabib's analysis of Immanuel Kant's ideas on *the right to hospitality*, and Hannah Arendt's concept of *the right to have rights*. Following that I introduce Benhabib's own key concepts, *the paradox of democratic legitimacy* and *democratic iterations*. I then turn to fulfilling the second task of this chapter, as I examine Benhabib's understanding of the relationship between the principle of state sovereignty and the human right to membership, which leads me to explore her grounds for encouraging a move towards a federation of states and porous borders.

2.1 Discourse Ethics, A Communicative Theory

Discourse Ethics is a procedural model of ethics that is aimed at establishing the right moral and political principles. Key here is that the goal of discourse ethics lies in the process of moral conversations of justifications. Thus it is a normative theory of ethics that sets the ground rules for moral communication, while the discovery of solutions to moral problems is understood to be the task of those affected by the solutions. Discourse ethics is a cognitive theory of ethics. This means that it presupposes that moral judgements can be known and justified through argument.²⁴ Imperative here is the process, or the "how" when justifying moral decision-making, or in other words the toolbox of rules and principles of discourse ethics that that we can appeal to while searching for just outcomes to moral dilemmas.

²⁴ Edgar, *Habermas, The Key Concepts*, 2006, p.44-6

2.1.1 Discourse Ethics and Jürgen Habermas

German philosopher and social theorist Jürgen Habermas is widely considered one of the most influential thinkers of our times. A self-proclaimed advocate of “the project of modernity”, Habermas urges that we ought not abandon the “Enlightenment project”, but that we should embrace the Enlightenment conviction that there is a liberational potential to be found in rationality, that is, if we do as he suggests and reconceptualise it as communicative rationality.²⁵ In this context it is important to note the view of humans that undergirds Habermas’s theory. Habermas does not see the participants in moral discourse as purely rational beings, but emphasizes that they are real humans whose personalities are shaped by their personal experiences and upbringings, and that it is this diversity of experience, needs and values that makes the actual discourse worthwhile. The normative validity of the process of discursive rationality rests upon two main principles, which are; (U), *the principle of universalization*, which holds that in order to be considered valid, moral decisions must be agreed upon by all those affected by it. Second is; (D), *the principle of discourse*, which holds that the agreement must be based on a truly open and rational debate. Here a truly open and rational debate is understood to entail that everyone possibly affected is allowed to partake, all that is said is open to questioning, and new assertions in accordance with the will and needs of each participant, and finally that no one may be forcibly kept from participating in the dialogue. This means that if the agreement or “consensus” in the wording of Habermas is reached through any means of coercion or threat to any of the participants the moral validity of the consensus is non-existent.²⁶ The two principles (U) and (D) are to be understood as metanorms, undergirding a normative theory of discourse ethics. In proposing her own theory of discourse ethics, Seyla Benhabib sides with Habermas regarding the importance of such principles, but she is critical towards Habermas’s formulation of (U) and questions his intent to let (U) as it is serve as a test procedure. I will now take a closer look at Benhabib’s critique as well as her suggestions for a more appropriate formulation of the main principles undergirding a theory of discourse ethics

2.1.2 The Principles of Egalitarian Reciprocity and Universal Moral Respect

According to Jürgen Habermas the normative validity of the process entailed in a discourse ethics rests on the two principles (U) and (D). In *Situating the Self*, Benhabib is quite critical towards both Habermas’s formulation and intent regarding (U). She argues that the test of (U)

²⁵ Jaggar & Young, *A Companion to Feminist Philosophy*, 2005, p. 414

²⁶ Edgar, *Habermas, The Key Concepts*, 2006, p. 46

is not sufficient to establish the morally good and questions Habermas's intent to let (U) serve as a test procedure regarding the normative validity of moral decisions.²⁷ She holds that consent in and of itself can not be used as a criterion of moral validity, and maintains that it is the rationality of the procedure that is key to a discourse theory of ethics. Here she emphasizes the importance of understanding consent not as an end goal, but rather as a process of a cooperative generation of validity.

Distancing herself from Habermas's emphasis on consent Benhabib finds (U) to be redundant and suggests that it does little more than add consequentialist confusion to (D) which she deems to be the basic premise of discourse ethics.²⁸ On a more constructive note she sets forth her own understanding of (D) where the metanorm is understood to presuppose the principles of universal moral respect and egalitarian reciprocity. The intuitive idea behind which corresponds to the golden rule, "do unto others as you would have others do unto you".²⁹ Here in her own words;

Universal respect means that we recognize the rights of all beings capable of speech and action to be participants in the moral conversation; *the principle of egalitarian reciprocity*, interpreted within the confines of discourse ethics, stipulates that in discourses each should have the same rights to various speech acts, to initiate new topics, and to ask for justification of the presuppositions of the conversation³⁰

Benhabib sees these two principles as necessary normative constraints providing us with the tools necessary to be able to avoid dilemmas of simple majoritarian political outcomes.³¹ It is here that we are confronted with what can be described as at worst a weakness, and at best as inner tension within theories of discourse ethics. The question confronting discourse ethicists is whether to prioritise the desire for unconstrained dialogue at the risk of having majoritarian decision procedures violating civil rights.³² Benhabib suggests that this need not be a deadly wound to the project of discourse ethics for by understanding the principles of universal moral respect and egalitarian reciprocity as the "rules of the game" one gains the right to question the "rules" only while playing by them.³³ Given that the rules of the game are metanorms, this means that in measuring the validity of any "new rules", they must be

²⁷ Benhabib, *Situating the Self*, 1992, p. 34

²⁸ *ibid.* p. 37

²⁹ *ibid.* p. 32

³⁰ Benhabib, *The Rights of Others*, 2004, p. 13

³¹ Benhabib, *Situating the Self*, 1992, p. 105

³² *ibid.*, p. 106

³³ *ibid.*, p. 107

measured against the principle of universal moral respect and egalitarian reciprocity.³⁴ What does this mean in present day contexts of multicultural societies, where tolerance for different worldviews and embracing cultural diversity is considered a key element of democratic societies? Benhabib is quite adamant here and leaves little room for speculation:

In instances where there is a clash between the metanorms of communicative ethics and the specific norms of a moral way of life, the latter must be subordinated to the former. In situations of coexistence of different ethical communities in one polity, universal human and citizens' rights take precedence over the specific norms of a specific ethical community.³⁵

In effect this means that the right to participate in the moral conversation with the status of a person equal in worth and standing as all other participants in the moral conversation, in fact trumps³⁶ particular understandings of the moral good specific to different moral ways of life. It is my understanding that this is a key insight in Benhabib's thesis with regards to understanding the relationship between the principle of state sovereignty and human rights, and I will therefore return to this topic in greater detail in chapter 2.2.4.

2.1.3 From Consensus to On-going Moral Conversation

Benhabib suggests that instead of aiming for a general consensus of all, a viable discourse ethics should instead focus on the process of reaching a reasonable agreement, or what she terms as *the model of a moral conversation*, understood in part as a way of life. According to Benhabib, in order to partake in moral conversations and make moral judgements we must exercise *enlarged thinking*,³⁷ a concept she borrows from Immanuel Kant and Hannah Arendt.³⁸ Expanding on their understanding Benhabib understands enlarged thought to be the moral obligation to think from the standpoint of everyone involved in the moral conversation, i.e. to be able to reverse perspectives. According to her theory this means that we are called to situate ourselves in the standpoint of everyone affected by the outcome of that which is being discussed, in other words, not simply those present or those in possession of membership but all who stand to be affected by the conclusion drawn within the moral conversation, and by

³⁴ Benhabib, *The Rights of Others*, 2004, p. 12

³⁵ Benhabib, *Situating the Self*, 1992, p. 45

³⁶ Here Benhabib refers to Ronalds Dworkin's conceptualization of "individual rights as political trumps held by individuals" see. Dworkin, *Taking Rights Seriously*, 1977. p.xi

³⁷ In her most recent work, *Exile, Statelessness and Migration*, 2018, Benhabib repeatedly refers to the concept of *enlarged mentality*. It is my understanding that there she uses the term enlarged mentality to describe what she has in the works cited in this project termed as *enlarged thinking*. While acknowledging Benhabib's use of both terms I will for the sake of clarity here limit my use of the term to that of enlarged thinking.

³⁸ Benhabib, *Situating the Self*, 1992, p. 9

doing so we guarantee the right to opinion and action.³⁹ It is my understanding that here we have a second key insight in Benhabib's thought with regards to questions of state sovereignty and human rights, for by drawing the discursive scope in such a wide manner the moral conversation is understood as potentially including all of humanity, or her own words:

Every person, and every moral agent, who has interests and whom my actions and the consequences of my actions can impact and affect in some manner or another is potentially a moral conversation partner with me; I have a moral obligation to *justify my actions with reasons* to this individual or to the representatives of this being. I respect the moral worth of the other by recognizing that I must provide him or her with a justification for my actions.⁴⁰

Here Benhabib is suggesting a universalizability procedure different from that of Habermas's (U) to the extent that by demonstrating the will and ability to reverse perspectives and reason from the standpoint of the other, the ultimate goal is not to reach consensus, but rather lies in the process of the dialogue itself, where one demonstrates both the willingness and ability to understand and reason from the standpoint of the other.⁴¹ It is, however, not enough to be willing and able to reason from the standpoint of the other, as Benhabib distinguishes between the concepts of the standpoint of the generalized other and the concrete other.

The former "requires us to view each and every individual as a being entitled to the same rights and duties we would want to ascribe to ourselves".⁴² Here we are to understand the other on the basis of a common humanity. This while the latter "requires us to view each and every being as an individual with an affective-emotional constitution, concrete history, and individual as well as collective identity"⁴³, i.e. here it is human individuality that is confirmed. By taking the standpoint of the generalized other one demonstrates the norm of respect, and in doing so opens up possibilities of cultivating civic friendships, while the moral categories of the standpoint of the concrete other are those of responsibility, bonding and sharing, and the corresponding moral feelings those of love, care, sympathy and solidarity.⁴⁴ Here it must be noted that it is not Benhabib's intention to set forth a description of human nature but rather to give phenomenological descriptions of human experience.⁴⁵ The relationship of the generalized and the concrete other is to be understood as a model of a continuum. The former being the liberal norm of a universalistic commitment to a recognition

³⁹ *ibid*, p.140

⁴⁰ Benhabib, *Another Cosmopolitanism*, 2006, p.18

⁴¹ Benhabib, *Situating the Self*, 1992, p.9

⁴² Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 69

⁴³ *ibid*, p. 69

⁴⁴ Benhabib, *Situating the Self*, 1992, p.158-9

⁴⁵ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 69

of the equal worth of every human being, while the latter is implicit in our relationships to our families and those nearest to us. Here the continuum is understood to be: “extending from universal respect for all as moral persons at one end to the care, solidarity and solicitation demanded of us and shown to us by those to whom we stand in the closest relationship at the other”.⁴⁶ By differentiating between the generalized and the concrete other while simultaneously taking both into account, Benhabib encourages us to move away from a more traditional understanding where the ethical domain only has room for public relations of justice, on the grounds that ethical life is not restricted to the relationships of rights bearing generalized others to each other.⁴⁷ She maintains that ignoring the standpoint of the concrete other has led to epistemic incoherence in universalistic moral theories.⁴⁸ The reason being that it is not only experiences of a common humanity that are necessary to make good moral arguments and moral judgements, but also the experiences found at the core of human individuality, the different perspectives of concrete others. By asking us to think of the moral self not only as a generalized but also at the same time as a concrete other, Benhabib is in fact suggesting a reformulation of traditional liberal conceptions of the moral self.

2.1.4 Doing Gender

In recent years feminist theorists have demonstrated an increased interest in Habermas’s theory of discourse ethics. Here feminists such as Nancy Frasier, Marie Fleming and Joan Landes as well as Seyla Benhabib agree with Habermas that there is a liberatory potential to be found in the Enlightenment ideals of rationality, with regards to the still unfulfilled promises of democracy, albeit when reconceptualised as a communicative rationality. Their affinity does however not come without critique, and while their appropriations of Habermas’s theory differ significantly, their common thread of critique lies in demonstrating how Habermas’s theory suffers from gender blindness. In response to this they have each in different ways sought to reconstruct areas of his thought to make room for considerations of rights, needs, citizenship and agency from a gendered perspective.⁴⁹ For Seyla Benhabib this has mainly consisted in her reformulation of Habermas’s understanding of the self as discussed in chapter 2.1.3, as well as a critique of what she terms as the “overly rigid boundaries that Habermas has attempted to establish between matters of justice and those of

⁴⁶ Benhabib, *Situating the Self*, 1992, p. 10

⁴⁷ *ibid*, p. 11

⁴⁸ *ibid*, p. 161

⁴⁹ Ed. Jaggar & Young, *A Companion to Feminist Philosophy*, 2005, p. 414-415

the good life, public interests versus private needs, privately held values and publicly shared norms”.⁵⁰

With regards to issues of gender blindness Benhabib is not only critical towards Habermas’s line of thought but she also asks what are the consequences of the invisibility of gender for contemporary normative moral theories. She points out that the absence of women can not be “corrected” simply by reinserting them into the picture, but that we must acknowledge that the exclusion of women leaves such theories systematically skewed and leads to epistemological deficits within them, such as is present in the neglect of issues concerning moral emotions and everyday interactions between concrete others.⁵¹ Imperative here is how questions of justice have been restricted to the “public” sphere, while the “private sphere” has been considered outside the realm of justice, leaving us with two main consequences. First the ignoring of the difference of “female” versus “male” experiences in different domains of life; and second the invisibility of power relations in the “private sphere”, leaving outside the scope of justice for example questions regarding the gendered division of labour.⁵² Here Benhabib echoes the demands of the women’s movement in calling for a renegotiation of the line between public and private, or in Benhabib’s own words of that between; “issues of justice and matters of the good life”.⁵³ Benhabib maintains that this binary opposition between the public and the private, justice and the good life has served as part of a discourse of domination, which has legitimized women’s oppression and exploitation in what has been considered as the private realm. She argues that for a theory of discourse ethics to stand as viable, the agenda of the conversation must always be radically open and participants must be allowed to bring any and all matters under scrutiny and questioning. This means that there is for Benhabib no basis on which to predefine the nature of issues as being public ones of justice, as opposed to private ones of the good life. Such distinctions are subsequent to the discursive process and as such must always be open to renegotiation, reinterpretation and rearticulation.⁵⁴ Again here her critique of the overly rationalistic understanding of the self, embedded in many contemporary normative moral theories is relevant, as Benhabib brings to our attention a possible tension between a discourse theory of ethics and a feminist standpoint. This is because while a discourse theorist would argue that the validity of general

⁵⁰ Benhabib, *Situating the Self*, 1992, p. 111

⁵¹ *ibid*, p. 13

⁵² *ibid*, p. 109

⁵³ *ibid*, p. 39

⁵⁴ *ibid*, p.110

moral norms must always be defined by the moral principles inherent in the discursive procedure itself, and not by principles of utility or human well being for example, while feminist standpoints will always understand the needs and well being of the concrete other to be of equal concern as the dignity and worth of the generalized other. Here Benhabib seeks to solve this potential dilemma by siding with ethicist and psychologist Carol Gilligan, in reminding us that before we are adults we are children. This entails that nurture, care and responsibility of others towards us are essential for our possibilities of developing into morally competent and self-sufficient human beings. Based on this Benhabib assumes neither justice or care to be ontogenetically primary, as they are each considered to be essential aspects of the development of autonomous adult individuals. In short, Benhabib asks us to abandon an understanding of the self as what she calls: “the Enlightenment’s illusions of the rational moral self as a moral geometrician”⁵⁵. Instead she asks that we reconceptualise the moral self in terms of understanding each moral person as a unique individual that has her own life history, needs and limitations, who is able to reason from the standpoint of concrete others, while being endowed with the same moral rights and worth as everyone else.⁵⁶ This understanding of the self as a generalized as well as a concrete other in turn leads to an understanding of the ethical life as occurring both in life within the family, as well as life in the modern constitutional state,⁵⁷ i.e. what has in contemporary normative liberal universalist theories most often been considered as the private and public spheres, or those of care and justice.

2.2 Mediations on Membership, an Open Moral Conversation

Cosmopolitanism is often described as based on the principle that the whole of humanity is to be considered as one moral community. For Seyla Benhabib cosmopolitanism: “involves the recognition that human beings are moral persons equally entitled to legal protection in virtue of rights that accrue to them not as nationals, or members of an ethnic group, but as human beings as such”.⁵⁸ This means that she understands basic human rights to belong to each person in virtue of their humanity, and as such the realisation of basic human rights should not be contingent on one’s membership to a nation state. However she argues that cosmopolitanism does not entail the elimination of the particular, or particular attachments, rather that it calls for us to embark up on the task of: “enlarging the compass of our moral

⁵⁵ *ibid*, p.52

⁵⁶ *ibid*, p. 10

⁵⁷ *ibid*, p. 11

⁵⁸ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 9

sympathy ever wider so that more and more human beings appear to us as “concrete others” for whose rights as “generalized others” we are willing to speak up and fight.”⁵⁹

2.2.1 Kant’s Right to Hospitality

Seyla Benhabib credits German philosopher Immanuel Kant for transforming the term of *cosmopolitan*, from that of symbolizing a denial of citizenship, into that of *citizenship of the world*, thereby linking it to a new conception of human rights as cosmopolitan rights.⁶⁰

Here she is referring to the third article of Kant’s essay on *Perpetual Peace* where it is stated that: “the Law of World Citizenship Shall be Limited to Conditions of Universal Hospitality”.⁶¹ According to Kant implicit within the right of hospitality is a claim to temporary residence, which cannot be refused, that is, if the refusal would lead to the destruction of the other. Benhabib understands Kant here to have set the terms, which guide modern thinking on refugee and asylum claims as well as immigration.⁶² This can be seen in the Geneva Convention on the Status of Refugees as *the principle of non-refoulement*, aimed at protecting refugees and asylum seekers from being forcibly returned to their home countries if doing so poses evident danger to them.⁶³

Benhabib finds three aspects to be of main importance in Kant’s thought regarding the cosmopolitan right to hospitality. First is Kant’s recognition of three distinct levels of rightful relations or “right”, that of domestic, international and cosmopolitan right. Second is Kant’s intent that we must not understand hospitality in this context as a question of philanthropy or social virtue, but as a question of right, that belongs to all human beings understood as potential participants in a world public. Imperative here is the right of the stranger not to be treated as an enemy as long as he comes in peace.⁶⁴ Third is Kant’s insistence that cosmopolitan citizens will still be dependent on individual republics to be citizens in the first place, i.e. his distinction between a world government, which he rejects, and a world federation of states.⁶⁵

⁵⁹ *ibid*, p. 193

⁶⁰ *ibid*, p. 5

⁶¹ Benhabib, *The Rights of Others*, 2004, p. 26

⁶² *ibid*, p. 21

⁶³ <http://www.unhcr.org/3b66c2aa10.html> Retrieved on January 17th 2019

⁶⁴ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 6-7

⁶⁵ Benhabib, *The Rights of Others*, 2004, p. 39

While basing her understanding of cosmopolitan right largely on Kant's insights Benhabib is concerned that Kant's general principle of right, which in short states that "only that political order is legitimate which is based upon a system of general laws that bind the will of each equally"⁶⁶, is in fact, "marred by metaphysical commitments"⁶⁷. Here she cautions that a post-metaphysical justification for the principle of right is in fact only possible:

If I am able to justify to you why it is right that you and I should act in certain ways, then I must respect your capacity to agree or disagree with me on the basis of reasons, which equally apply to us both. But to respect your capacity for communicative freedom - to accept or reject on the basis of reasons - means to respect your capacity for personal autonomy. Human rights, or basic rights, then, are the norms that would undergird and enable the exercise of your personal autonomy.⁶⁸

It is here that Benhabib begins her reformulation of Kant's thought as she gives centre stage to respect for *communicative freedom*, understood as respecting one's capacity for personal autonomy. She then moves on to an attempt to bridge the gap between the right of temporary sojourn and permanent residency, one which Kant claimed was unbridgeable given that he understood the former to be a right but the latter to be a privilege, or a "contract of beneficence".⁶⁹ It is here that Benhabib asks us to go further than Kant may have intended with his ideas on cosmopolitan right, when she posits questions of political membership in the context of cosmopolitan right and asks under what conditions can the guest become a permanent member of the polity. Here she finds Kant lacking in answers and argues that we must understand the right of the temporary resident to membership as a human right to be justified according to principles of a universalistic morality. She does however not depart completely from Kant's thought here as she insists on the importance of understanding the terms and conditions of long-term membership to be the prerogative of the republican sovereign, while insisting on the importance of human rights constraints such as the right to non-discrimination and due process.⁷⁰ By positing questions of political membership into Kant's discourse on cosmopolitan right, Benhabib relates to the work of political theorist Hannah Arendt and so I will now take a closer look of her appropriation of Arendt's concept of *the right to have rights*.

⁶⁶ *ibid*, p. 131

⁶⁷ *ibid*, p. 131

⁶⁸ *ibid*, p. 131-3

⁶⁹ *ibid*, p. 38

⁷⁰ *ibid*, p. 42

2.2.2 Hanna Arendt and the Right to Have Rights

In the aftermath of WWII political theorist Hannah Arendt argued that statelessness is in fact tantamount to the loss of all rights, hence her phrase the *right to have rights*,⁷¹ where she sounds out a plea for the recognition of the right of every human being to belong to some kind of organized community.⁷² Relating to Arendt's insight Benhabib argues that the right to naturalization must be considered a universal human right, and that it, as well as its corresponding abrogation of denaturalization should not be considered sovereign privileges alone.⁷³ Paramount here is Benhabib's analysis of Arendt's phrase as she asks; what kind of a right is entailed in the right to have rights? Benhabib understands the first use of the term "right" to be addressed to humanity as such, and that its purpose is to enjoin us to acknowledge membership in some human group, invoking a moral claim to membership as well as a moral claim to a certain form of treatment that is compatible with the claim to membership. The second use of the term is then built upon the prior claim to membership, which when understood as an entitlement, creates the reciprocal obligations pertaining to civil, political and citizen rights. Benhabib asks us to envision this latter use of the term "right" as suggesting a:

Triangular relationship between the person who is entitled to rights, others upon whom this obligation creates a duty, and the protection of this rights claim and its enforcement through some established legal organ, most commonly the state and its apparatus.⁷⁴

In other words Benhabib understands the former to be a claim to membership and the latter to express what is entailed in that right to membership. In Arendt's thought this means that one's status as a rights bearing individual rests upon the recognition of one's membership.⁷⁵ Benhabib is critical towards Arendt's insistence of positing citizenship as the prime guarantor for the protection of one's human rights, as she (Benhabib) calls for the development of an international regime whose aim it would be to decouple the right to have rights from nationality status. Imperative here is that she herself understands the right to have rights today to entail: "the recognition of the universal status of personhood of each and every human being independently of their national citizenship".⁷⁶

⁷¹ Arendt, *The Origins of Totalitarianism*. 1951, p. 390. Arendt's detailed analysis of the notion of *the right to have rights* is found on p. 380-396.

⁷² Benhabib, *The Rights of Others*, 2004, p. 50-51

⁷³ *ibid*, p. 50

⁷⁴ *ibid*, p. 57

⁷⁵ *ibid*, p. 57

⁷⁶ *ibid*, p. 68

While finding Arendt's insights helpful in building a foundation for her own cosmopolitan ethics, here Benhabib departs from Arendt's thought on the same premises as she did when departing from Kant's original understanding on the right to hospitality. Namely that just as she found Kant's theory unable to bridge the gap between, on the one hand the right of temporary sojourn and the corresponding obligation to grant refuge to those in need, and on the other hand the right to permanent residency, Benhabib also finds Arendt universal moral right to membership and its corresponding duty not to deny membership, to be both politically and judicially too circumscribed by Arendt's understanding of the primacy of the principle of state sovereignty, so that each act of inclusion in Arendt's context will always also generate its own terms of exclusion.⁷⁷ Here Benhabib claims that both Kant's and Arendt's moral cosmopolitanisms fail to deliver on account of their civic and legal particularisms, a problem she herself engages with in her treatment of what she terms as the paradox of democratic legitimacy.

2.2.3 The Paradox of Democratic Legitimacy and Democratic Iterations as Mediation

In an attempt to move away from the civic and legal particularisms of Kant and Arendt, Benhabib describes what she terms as *the paradox of democratic legitimacy*, as:

The paradox is that the republican sovereign should undertake to bind its will by a series of precommitments to a set of forms and substantive norms, usually referred to as "human rights". The rights and claims of others – be they "auxiliaries to the commonwealth" as women, slaves and property less males were considered to be, or be they subjugated peoples or foreigners – are then negotiated upon this terrain flanked by the human rights on the one hand and sovereignty assertions on the other.⁷⁸

Here Benhabib describes what can be said to be constitutive of democratic legitimacy, namely the tension between universal human rights claims on the one hand, and particularistic cultural and national identities on the other.⁷⁹ According to Benhabib ever since the signing of the UDHR in 1948, global civil society has been in a transitional phase, moving from international to cosmopolitan norms of justice. In her own words she understands cosmopolitan norms of justice: "to accrue to individuals as moral and legal persons in a worldwide civil society",⁸⁰ while norms of international justice are understood to: "most commonly arise through treaty obligations and bilateral or multilateral agreements among

⁷⁷ *ibid*, p. 66

⁷⁸ *ibid*, p. 47

⁷⁹ *ibid*, p. 44

⁸⁰ Benhabib, *Another Cosmopolitanism*, 2006, p. 16

states and their representatives”⁸¹. Key here is that rights, claims and entitlements are afforded to individual human beings instead of states, this being evident in numerous human rights agreements signed since WWII. In the history of political thought this is also known as the conflict between liberalism and democracy, where claims of justice and the principle of democratic rule may come into conflict with one another.⁸² Benhabib acknowledges that the paradox can never be fully resolved with regards to democracies, while arguing that: “its impact can be mitigated through a renegotiation and reiteration of the dual commitments to human rights and sovereign self determination”.⁸³ Here she maintains that it is in the interest of liberal democracies that they learn to mediate the paradox between universal human rights, or what she often terms as cosmopolitan norms of justice, and the boundedness of democratic communities.⁸⁴

It is in this context that Benhabib introduces another the key concept of her discourse theory of cosmopolitan ethics, namely that of *democratic iterations*. Here she borrows the term *iteration* from the works of French philosopher Jacques Derrida, who argued that repeating a term or concept always involves a form of variation, and never simply a replica of the original usage. This means that every time one iterates, one contributes to a transformation of the meaning of the term or concept by adding to it in very subtle ways, and so the meaning is enhanced and transformed.⁸⁵ Benhabib explains democratic iterations as:

Complex processes of public argument, deliberation, and exchange through which universalist right claims and principles are contested and contextualized, invoked and revoked, posited and positioned throughout legal and political institutions, as well as in the associations of civil society. These can take place in the “strong” public bodies of legislatures, the judiciary, and the executive, as well as in the informal and “weak” publics of civil society associations and the media.⁸⁶

Benhabib argues that by participating in democratic iterations we are engaging in jurisgenerative politics, which is to be understood as an aspect of the democratic process where one acts as author as well as subject of the law.⁸⁷ She understands democratic iterations to be both moral and political dialogues where democratic citizens are given the opportunity to reappropriate and reiterate global principles and norms, and as such they can offer both

⁸¹ *ibid*, p. 16

⁸² *ibid*, p. 32-33

⁸³ Benhabib, *The Rights of Others*, 2004, p. 47

⁸⁴ Benhabib, *Another Cosmopolitanism*, 2006, p. 36

⁸⁵ *ibid*, 2006, p. 47

⁸⁶ Benhabib, *The Rights of Others*, 2004, p. 79

⁸⁷ *ibid*, 2004, p. 20

normative and institutional solutions to the paradox of democratic legitimacy by mediating the will- and opinion-formation of democratic majorities and cosmopolitan norms.⁸⁸

In her work *Dignity in Adversity*, Benhabib describes the concept of democratic iterations as being a normative concept with empirical import, given that it enables us to judge the processes involved in democratic discourses according to the normative criteria of discourse ethics,⁸⁹ i.e. the principles of universal moral respect and egalitarian reciprocity previously discussed in chapter 2.1.2. Here she refers to the procedural constraints that the principles put on participants moral intuitions. This is especially important when looking at the possibly negative aspects of the process of democratic iterations, whose legitimacy is, as I understand Benhabib argument, totally dependent on two specific conditions being met. First is the inclusive participation of all those affected by it, the inclusion of all topics, including the option of questioning the agenda itself, and second a guarantee of equal participation. Should these conditions not be met within the process of democratic iterations the iterative process becomes unfair, exclusionary and illegitimate.⁹⁰ As such it is no longer the open moral conversation Benhabib is advocating for.

The concept of democratic iterations is in my view central to Benhabib's understanding of the relationship between the principle of state sovereignty and human rights, or what she herself terms as cosmopolitan norms of justice, and so it is to her ideas about this that I now turn.

2.2.4 State Sovereignty and Cosmopolitan Norms of Justice

With regards to the relationship between state sovereignty and human rights Benhabib argues that an internal reconstruction is called for. While affirming the importance of the dual commitments to human rights principles as well as to states sovereign claims, Benhabib urges that we understand the concept of sovereignty as a relational concept, due to the on-going process of constitutional self creation that is intrinsic to the democratic process.⁹¹ Here she also reminds us that cosmopolitan norms of justice are in fact already creating binding guidelines for state sovereignties. This by departing from the Westphalia model of sovereignty, as is evident in the legitimization of international laws, states no longer hold an unchecked prerogative with regards to the treatment of their citizens and residents within their own borders.⁹² In this context she cites three examples of international laws that place

⁸⁸ Benhabib, *Another Cosmopolitanism*, 2006, p. 45

⁸⁹ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 16

⁹⁰ *ibid*, p. 151

⁹¹ Benhabib, *The Rights of Others*, 2004, p. 21

⁹² Benhabib, *Another Cosmopolitanism*, 2006, p. 29

restrictions on the will of sovereign nation states. First are the categories of crimes against humanity, genocide and war crimes; second that of laws regarding humanitarian action, and lastly, of most interest to the purpose of this project, transnational migration. Here transnational migrations:

[...] pertain to the rights of individuals, not in so far as they are considered members of concrete bounded communities but insofar as they are human beings *simpliciter*, when they come into contact with, seek entry into, or want to become members of territorially bounded communities.⁹³

It is not my understanding that Benhabib is suggesting that here a dismantling of Westphalia understandings of sovereignty will automatically lead towards cosmopolitanism, but rather that she is acutely aware of the pull towards privatization and corporatization of sovereignty in this context. In suggesting democratic iterations in the form of mediations, as a possible solution to what she deems to be the unavoidable conflict inherent in the paradox of democratic legitimacy, her aim is rather to suggest: "forms of popular empowerment and political struggle".⁹⁴ In other words, Benhabib intends the concept of democratic iterations to serve as a tool in mediating the tension and sometimes outright contradictions that are inherent in the relationship between state sovereignty and human rights. Central to her understanding on this matter is the importance of differentiating between the concepts of popular sovereignty and territorial sovereignty, where popular sovereignty is linked to the concept of jurisgenerative politics as: "all the members of the demos are entitled to have a voice in the articulation of the laws by which the demos is to govern itself".⁹⁵ In conjunction with this principle of jurisgenerative politics upheld in the concept of popular sovereignty Benhabib argues that there can be a legitimate range of variation in the interpretation and implementation of human rights. This is however contingent up on the right to self-government. Without the right to self-government, a range of variation in the application of universal human rights cannot be justified.⁹⁶ According to Benhabib, it is imperative that we differentiate between the moral concept of a right such as equality or liberty, and specific conceptions of the right to equality and liberty as mediated within each democratic sovereignty by processes of democratic iterations.⁹⁷ It is also in the context of self-government that Benhabib defends the need for borders based on a logic of representation.⁹⁸

⁹³ Benhabib, *The Rights of Others*, 2004, p. 10

⁹⁴ Benhabib, *Another Cosmopolitanism*, 2006, p. 177

⁹⁵ Benhabib, *The Rights of Others*, 2004, p. 20

⁹⁶ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 128

⁹⁷ *ibid*, p. 126-9

⁹⁸ *ibid*, p. 154

From this we can deduct that even though Benhabib understands the right to membership to be a basic human right, whose justification she bases on the moral principles of universal moral respect and egalitarian reciprocity, she understands the terms and conditions under which permanent membership is granted as belonging to the discretion of each sovereign republic, but most importantly not without certain restrictions.

In *The Rights of Others* Benhabib argues that the human right to membership can also be justified by the basic human right to communicative freedom.⁹⁹ In her more recent work *Dignity in Adversity, Human Rights in Troubled Times*, Benhabib deepens her argument, as she maintains that:

Any legal and political justification of human rights, that is, the project of juridical universalism, presupposes recourse to justificatory universalism. The task of justification, in turn, cannot proceed without the acknowledgement of the communicative freedom of the other, that is, of the right of the other to accept as legitimate only those rules of action of whose validity she has been convinced with reasons. Justificatory universalism then rests on moral universalism, that is, equal respect for the other as a being capable of communicative freedom. Justificatory universalism, however need not presuppose a full-fledged theory of human nature or a comprehensive moral, religious, or scientific worldview: an account of human agency in terms of the “generalized” and “concrete” other will suffice [...] Moral universalism does not entail or *dictate* a specific *list of human rights* beyond the protection of the communicative freedom of the person.¹⁰⁰

Furthermore Benhabib relates her understanding of the right to communicative freedom (based on equal moral respect) to her interpretation of Hannah Arendt’s concept of the right to have rights that was discussed in greater detail in chapter 2.2.2. In short, Benhabib proposes that we understand the concept of the right to have rights, in a wider sense, to entail: “the claim of each human person to be recognized as a moral being worthy of equal concern and equally entitled to be protected as a legal personality by his or her own polity, as well as the world community”.¹⁰¹ This, as opposed to Arendt’s more narrow definition of the right to have rights as being a political right to membership in a specific enclosed political community.

2.2.5 Towards Porous Borders and a Federation of States

Benhabib develops her ideas on a cosmopolitan federalism of states in an on going dialogue with the ideas of philosopher Immanuel Kant. She agrees with Kant that individual republics

⁹⁹ Benhabib, *The Rights of Others*, 2004, p. 136

¹⁰⁰ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 64-65

¹⁰¹ *ibid*, p. 62

are key to the development of such a federation, as opposed to a world government.¹⁰² However, as before Benhabib wants us to go a step further than Kant and proposes a more open understanding of the borders guarding each individual republic, i.e. she suggests that we understand borders as being porous, in the sense that their closure requires justification, which is to be sought through the processes of democratic iterations. This based on the standpoint of the infinitely open moral conversation, which dictates that practices of inclusion and exclusion must always be subject to questioning and justification.¹⁰³ Imperative here is her emphasis that following from this understanding of borders as being porous, based on Kant's cosmopolitan right of hospitality, should be a decriminalization of transnational migrations. Here Benhabib wants us to understand the acts of crossing borders and seeking entry, as expressions of human freedom, and that as such must not be understood as criminal in it self.¹⁰⁴

In view of Benhabib's ideas on porous borders within a federation of states, questions arise as to how she proposes that we understand the human right to membership, in this particular context. Here she argues that a cosmopolitan theory of justice must contain a vision of just membership. As I understand Benhabib, her vision of just membership is firstly based on Kant's right to hospitality, which in short means that first entry must be granted if the refusal to do so might lead to the destruction of the other. Second, the conditions of permanent residency of those already granted first entry are the prerogative of the sovereign republic itself, so long as they are found to be both justifiable and made knowable to the seeker through processes of democratic iterations. The cosmopolitan right to communicative freedom is here understood to support the claim to valid justification and knowing of membership conditions.

2.3 Conclusion

The aim of this chapter has been twofold. First I set out to understand and analyse what are the main components of political theorist Seyla Benhabib's cosmopolitan ethics. Second, I have sought to clarify Benhabib's understanding of the relationship between the principle of state sovereignty and the human right to membership.

¹⁰² Benhabib, *Another Cosmopolitanism*, 2006, p. 24

¹⁰³ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 15

¹⁰⁴ Benhabib, *The Rights of Others*, 2004, p. 177

It is my understanding that there are five main components in Benhabib's cosmopolitan ethics. They are largely made known through Benhabib's dialogue with three great theorists, as she builds upon as well as reformulates some of their concepts. These are ethicist and social theorist Jürgen Habermas, philosopher Immanuel Kant and political theorist Hannah Arendt.

While engaging in a critical dialogue with discourse theorist Jürgen Habermas, Benhabib grounds the first main component of her cosmopolitan ethics as she demonstrates how his theory suffers from gender blindness as she rejects his principle of universalization, and argues that it is more viable to rest the normative validity of the process entailed in a communicative ethics upon the *principles of universal moral respect* and *egalitarian reciprocity*. These are the metanorms which undergird her theory and are to be understood as restraints on our moral intuitions, i.e. as rules of the game, as we partake in what she terms as infinitely open moral conversations. Given that discourse ethics is a procedural ethics, according to Benhabib its focus should be on the process of reaching a reasonable agreement.

As I understand it the second main component of Benhabib's cosmopolitan ethics lies in her understanding of the process of *infinitely open moral conversations*. By engaging in infinitely open moral conversations we are called upon to employ *enlarged thinking*, which is here understood to be the moral duty to situate ourselves in the standpoints of all those possibly affected by the outcome of the moral conversation. Key here is her understanding of the discursive scope. Benhabib argues that while partaking in the infinitely open moral conversation one must demonstrate a willingness to understand and reason from the standpoint of both the *concrete* as well as the *generalized* other. Here we have a more gender sensitive understanding of the self, which entails understanding the moral self as a unique individual that has her own life history, needs and limitations. She is able to reason from the standpoint of concrete others while being endowed with the same moral rights and worth as other moral selves. Here the discursive scope is set in such a wide manner that the moral conversation is understood as potentially including all of humanity. Central to Benhabib's thought is her analysis of the consequences of the invisibility of gender in contemporary normative moral theories.

The third main component of Benhabib's cosmopolitan ethics is her reformulation of Immanuel Kant's cosmopolitan *right to hospitality*, which states that upon request first entry

must be granted, given that a refusal might lead to the destruction of the other. Benhabib adds to this her understanding of *the right to communicative freedom*. Here she argues that the right to communicative freedom entails a claim, pertaining to those already granted first entry on the grounds of the right to hospitality, that conditions of political membership be made known and that they must be justifiable according to the terms of the open moral conversation.

As I understand it, the fourth main component is found in Benhabib's understanding of Hannah Arendt's concept of *the right to have rights*. While essentially agreeing with Arendt that statelessness is in fact tantamount to the loss of all rights, Benhabib argues for a decoupling of the right to have rights from one's nationality status. In other words, whether one's basic human rights are to be respected or not, should according to Benhabib, not be contingent on one's membership status within a sovereign state.

The fifth and final main component of Benhabib's cosmopolitan ethics is in my view the concept of *democratic iterations* understood as mediations. Here democratic iterations are understood to be both moral and political dialogues where democratic citizens are given the opportunity to appropriate and reiterate global principles and norms, while partaking in infinitely open moral conversations guided by the principles of universal moral respect and egalitarian reciprocity.

The concept of democratic iterations is key pertaining to the second task of this chapter, the clarification of Benhabib's understanding of the relationship between the principle of state sovereignty and the human right to membership. Benhabib uses the term *the paradox of democratic legitimacy* to describe the sometimes unavoidable conflict between principles of state sovereignty and human rights. While arguing for a more relational understanding of the concept of sovereignty Benhabib affirms the importance of the dual commitments to states sovereign claims, as well as human rights principles. She proposes the process of democratic iterations to serve as a tool in mediating the tension and sometimes-outright contradictions that are inherent in the relationship between principles of state sovereignty and human rights. While defending the need for borders based on a logic of representation, she argues for a move towards a federation of states and an understanding of borders as porous. The concept of porous borders is based on her understanding that the human right to membership, which is justified by the human right to communicative freedom, entails a claim to

justification with regards to the closure of borders. This is based on the ground rules of infinitely open moral conversations, which dictate that practices of inclusion and exclusion must always be subject to questioning and justification.¹⁰⁵ In this context I want to note Benhabib's emphasis on the will and ability to reverse perspectives in conversations of justifications, being able to think and reason from the standpoint of the general as well as the concrete other, or what I find is so aptly reflected in Benhabib's own words as she asks:

“ But what if other kids pushed you into the sand, how would you feel then?”¹⁰⁶

¹⁰⁵ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 15

¹⁰⁶ Benhabib, *Situating the Self*, 1992, p. 52

3 Iris Marion Young's Cosmopolitan Ethics

In this chapter my purpose is again twofold. The first task is to answer the question; what are the main components of political theorist Iris Marion Young's cosmopolitan ethics? Second, I aim to establish a general understanding of Young's ideas on the relationship between the principle of state sovereignty and the basic human right to membership. In doing so I will continue the project begun in chapter two, by laying the groundwork necessary for comparing the ideas of Benhabib and Young later on in chapter four.

I will begin this chapter with a short introduction of Iris Marion Young's analysis on what she terms as the "necessary" relationship between democracy and justice. Although to a lesser degree than Seyla Benhabib, Young also builds her theory of cosmopolitan ethics to some extent on the principles of discourse ethics in general, and the ideas of philosopher and social theorist Jürgen Habermas in particular. Given my previous introduction of Habermas's theory of discourse ethics in chapters 2.1 and 2.1.1, I will begin with a discussion of some of Young's critique of and departure from Habermas's original theory, as well her critique of Benhabib's suggestions previously discussed in chapter 2.1.2. Here it is my aim to facilitate a deeper understanding of the principles of a communicative ethics that undergird Young's cosmopolitan ethics. Further, I will discuss Young's own key concepts relevant to the purpose of this project. These are; *social justice*, *structural injustice as oppression*, *asymmetrical reciprocity*, and finally her construction of *a social connection model of responsibility*.

I will then turn to fulfilling the second task of this chapter, namely to examine Young's suggestions on how we may best understand the relationship between the principle of state sovereignty and the human right to membership.

3.1 Democracy Promoting Justice

Political theorist Iris Marion Young shares a theoretical starting point for a kind of discourse ethics/deliberative democracy, proposed by philosopher and social theorist Jürgen Habermas and later adapted by political theorist Seyla Benhabib, as previously discussed in chapter two. Central to Young's theory is the argument that there is a normative theoretical connection between democracy and justice.¹⁰⁷ This means that for her democracy is equally

¹⁰⁷ Young, *Inclusion and Democracy*, 2000, p.17

an element of, as well as a condition of social justice.¹⁰⁸ In other words, the relationship between democracy and justice is to be understood as a self fulfilling prophecy, where the realization of one is considered to be contingent on the presence of the other. With Habermas and Benhabib, Young argues for a discussion based ideal of democracy, as opposed to an aggregative/interest based model of democracy where democracy is understood primarily as a process for expressing different interests and preferences (where claims of social justice carry no intrinsic value), and then measuring them with a vote.¹⁰⁹ It is, however, also from this common theoretical starting point of the relationship between democracy and justice that Young grounds her departure from the theories of both Habermas and Benhabib, or in her own words:

For democracy to promote justice it must already be just. Formally democratic processes in societies with structural inequalities seem as likely to reinforce injustice as to promote greater justice [...] But what alternatives are there for those who seek social change to bring about more just institutions and relations?¹¹⁰

While acknowledging that most current practices of democracy are problematic in many ways, Young argues that despite this our greatest chances for promoting justice still lie in the practice of democracy. For her this means setting out on a quest for democratic processes that promote social justice. As I understand it the central insight of Young's argument here lies in her emphasis on identifying and rectifying structural inequalities.

3.1.1 From Deliberative to Inclusive Communicative Ethics

While aligning her ideas with Jürgen Habermas's theory of discourse ethics/deliberative democracy, and crediting Seyla Benhabib with refining the theory, Young nevertheless criticizes their theoretical approaches for being too rationalistic and unifying, albeit to different degrees. Wanting to set forth a more nuanced approach Young draws upon certain ideas and insights set forth by French philosophers Luce Irigaray, Emanuel Levinas and Jacques Derrida.¹¹¹ Young finds Habermas's theory of deliberative democracy/discourse ethics to be problematic in a number of ways, but there are mainly two issues that are relevant to the purpose of this project.

First, Young problematizes Habermas's emphasis on argument as the main mode of communication with regards to democratic deliberations. She warns that restricting the forms

¹⁰⁸ Young, *Justice and the Politics of Difference*, 1990, p. 67

¹⁰⁹ Young, *Intersecting Voices*, 1997, p. 61

¹¹⁰ Young, *Inclusion and Democracy*, 2000, p. 35

¹¹¹ Young, *Intersecting Voices*, 1997, p. 7

of communication in democratic deliberations to argument will carry within it an impetus toward cultural biases that can lead to exclusions in practice. This is evident when norms of deliberation privilege speaking styles that are dispassionate and disembodied, the danger being that contributions to discussions then tend to be excluded from consideration based on how things are said, as opposed to what is being said.¹¹² Examples of this are the privileging of what has historically been understood as male speaking style over female.¹¹³ Adhering to a more postmodern line of thought, Young calls for more inclusive speaking styles as a way to more efficiently being able to speak across difference. She proposes adding three elements to the process of democratic deliberations along with argument. These are the communicative forms of greeting, rhetoric and storytelling.¹¹⁴

The ideal of communicative democracy includes more than deliberative democracy, because it recognizes that when political dialogue aims at solving collective problems, it justly requires a plurality of perspectives, speaking styles, and ways of expressing the particularity of social situation as well as the general applicability of principles.¹¹⁵

I prefer to call such a broadened theory communicative rather than deliberative, democracy, to indicate an equal privileging of any forms of communicative interaction where people aim to reach understanding.¹¹⁶

I find it important to note that while advocating for the importance of a plurality of perspectives and speaking styles with regards to democratic deliberations, Young is not suggesting that we do away with argument as a form of communication. Rather she asks that we accept the practices of greeting, rhetoric and storytelling in addition to argument as important modes of communication while engaging in democratic discussions.¹¹⁷

Second, Young criticizes Habermas's model for its emphasis on unity/common good as either the starting point or the goal of democratic deliberations, pointing out that this may also have exclusionary consequences in practice.¹¹⁸ This is especially true under circumstances of structural social injustice, given that the common good is likely to be defined as an expression of the interests and perspectives of dominant/privileged groups.¹¹⁹ Instead Young advocates for a minimal unity which she suggests need only entail three much thinner conditions;

¹¹² Young, *Inclusion and Democracy*, 2000, p. 56

¹¹³ Young, *Intersecting Voices*, 1997, p. 62-63

¹¹⁴ *ibid*, p. 69

¹¹⁵ *ibid*, p. 73

¹¹⁶ *ibid*, p. 65

¹¹⁷ Young, *Inclusion and Democracy*, 2000, p. 79

¹¹⁸ Young, *Intersecting Voices*, 1997, p. 62

¹¹⁹ Young, *Inclusion and Democracy*, 2000, p. 43

significant interdependence, formally equal respect and agreed-on procedure.¹²⁰ Key here is Young's emphasis on the importance of understanding differences of social positions and perspectives as a resource, or in her own words:

Not only does the explicit inclusion of different social groups in democratic discussion and decision-making increase the likelihood of promoting justice because the interest of all is taken into account. It also increases the likelihood by increasing the store of social knowledge available to participants.¹²¹

Grounding her argument for a transition from a deliberative ethics, to what Young terms as a more inclusive communicative ethics, is the proposal that we understand communicative action as involving asymmetrical reciprocity among subjects.¹²²

3.1.2 Asymmetrical Reciprocity

In chapter 2.1.3 I discussed Seyla Benhabib's critique of Habermas's emphasis on the ideal of the generalized other, and introduced her arguments for complementing his ideal of the standpoint of a generalised other, with an ideal of the standpoint of a concrete other/symmetrical reciprocity. While agreeing with Benhabib's efforts to develop a communicative ethics that emphasises the recognition of difference and particularity, Young argues that identifying moral respect with a reversibility and symmetry of perspectives would be detrimental to that purpose. She finds it to be neither possible, nor morally desirable that persons engaged in moral interaction should aim to adopt one another's standpoint.¹²³ Her critique of Benhabib's model of symmetrical reciprocity as normative, while making moral judgements is threefold. First, that it obscures the difference and particularity of other positions than our own. Second, that it is ontologically impossible. Finally Young finds that the idea that moral respect involves taking another persons point of view may have politically undesirable consequences, especially in cases where structural social injustice exists.¹²⁴ Instead of using Benhabib's model of symmetrical reciprocity while making moral judgements, Young suggests an ideal of *asymmetrical reciprocity*, where a structure of gifts and questions is key, as a way of expressing moral respect.¹²⁵ Thus the ideal of asymmetrical reciprocity is central to Young's thesis as she argues for a transition from a deliberative ethics to a more inclusive communicative ethics. She agrees with Benhabib on some aspects of the

¹²⁰ Young, *Intersecting Voices*, 1997, p. 67

¹²¹ Young, *Inclusion and Democracy*, 2000, p. 83

¹²² Young, *Intersecting Voices*, 1997, p. 49

¹²³ *ibid*, p. 39

¹²⁴ *ibid*, p. 44

¹²⁵ *ibid*, p. 41,48

necessary components of a viable communicative ethics, such as the importance of its direct link to the values of democracy, and also that norms of moral respect and egalitarian reciprocity are expressed implicitly in ordinary situations of discussion where the aim is to reach understanding (as opposed to Habermas's aim of reaching a consensus). Both endorse the idea that an actual dialogue where multiple needs, perspectives and interests are adequately represented is the best way to test the viability of moral and political norms.¹²⁶ Rejecting Habermas's ideal of the standpoint of a generalised other, Young is also critical of Benhabib's way of complementing it with an ideal of the standpoint of a concrete other. In her own words:

I wish to develop an account of moral respect and egalitarian reciprocity, however, that uses a language and concepts that more precisely express the specific differences among people than do identifying terms like symmetry, reversibility, and imaginatively occupy the position of others.¹²⁷

Moral respect between people entails reciprocity between them, in the sense that each acknowledges and takes account of the other. But their relation is asymmetrical in terms of the history each has and the social position they occupy.¹²⁸

The ideal of asymmetrical reciprocity is grounded in a stance of moral humility in situations of communicative interaction that have the purpose of arriving at a moral or political judgement. This is central to Young's argument as she explains that the assumption is that it is impossible to see things from another person's perspective, as well as the acknowledgement that we learn by listening to the other person, are based in moral humility.¹²⁹ Young extends French philosopher Luce Irigaray's warning of what Irigaray terms as "the blind spot of an old dream of symmetry".¹³⁰ Here Irigaray is referring to sexual difference, when she argues that the desire for a symmetrical relation with another person denies the other's difference. An example of this is the gender system structuring western culture and philosophy, where women have often been understood as a mirror where men can see themselves objectified, bound and determinate.¹³¹ By adding an intersectional approach to Irigaray's argument Young shows that it can easily be extended to any structured social difference, be that of sex, gender, class, race or religion.¹³²

¹²⁶ *ibid*, p. 49

¹²⁷ *ibid*, p. 49

¹²⁸ *ibid*, p. 41

¹²⁹ *ibid*, p. 49

¹³⁰ *ibid*, p. 44

¹³¹ *ibid*, p. 44

¹³² *ibid*, p. 45

If taking another person's perspective is at worst ontologically impossible, or at best will lead to misunderstanding, then how are we to try to understand one another while making moral judgements, is it even possible? Young explains that understanding across difference is both possible and necessary. Here she asks us to understand communication as a creative process and invites us to apply the concepts of learning, gift and wonder to the act of ethical communication. To gain understanding one must be open to learning about the other person's perspective. The act of ethical relations/communication is understood as an act of gift giving which establishes relations of reciprocity based on the equality and recognition inherent in the act of gift-giving, which is different from the equality of contracts and exchange.¹³³ Young also emphasises the importance of wonder, understood as openness to the newness and mystery of the other person. Without wonder, communication and ethical relations stand in danger of being infected with indifference, which according to Young is detrimental to the project of making moral judgements.¹³⁴

In short, Young argues against the idea of reversing positions with others while making moral judgements. Instead she encourages the practice of taking the perspective of others into account while making moral judgements. Here one should listen to and learn from the expression of the other persons perspective, always with a sense of wonder, as well as the moral humility entailed in the recognition that we always stand in relations of asymmetry and irreversibility with one another, based on our inevitable difference.¹³⁵

3.1.3 Social Justice and Structural Injustice as Oppression

Always underpinning Young's ideas and patterns of thought is her understanding of social justice. For her the goal of social justice must always be social equality. While acknowledging that the distribution of social goods is entailed in the concept of social equality Young argues that equality should be understood as:

The full participation of everyone in a society's major institutions, and the socially supported substantive opportunity for all to develop and exercise their capacities and realize their choices.¹³⁶

Here she offers us what she terms as an enabling conception of justice, where an understanding of justice as mainly a distributive paradigm is rejected, and instead she argues

¹³³ *ibid*, p. 54

¹³⁴ *ibid*, p. 56

¹³⁵ *ibid*, p. 59

¹³⁶ Young, *Justice and the Politics of Difference*, 1990, p. 173

that we should understand social justice as the institutional conditions necessary for the realization of the values that constitute the good life, and not as identical with the good life as such. In other words, for Young social justice is measured in the extent to which society creates and supports the institutional conditions that are necessary for people to be able to realize the two universal values of self-development and self-determination. Central to her thesis is that to these two universal values correspond the two social conditions that she defines as social injustice. These social conditions/injustices are; first that of oppression, understood as the institutional constraint on self-development, and second that of domination, understood as the institutional constraint on self-determination.¹³⁷ I will further discuss Young's analysis of the social condition/injustice of domination and its corresponding value of self-determination in chapter 3.2.1, where I seek to clarify Young's understanding of the relationship between the principle of state sovereignty and the human right to membership. In line with the purpose of this chapter I will now examine her analysis of the social condition of oppression as the corresponding injustice to the value of self-development. As Young explains it:

Oppression, the second aspect of injustice, consists in the systematic institutional processes which prevent some people from learning and using satisfying or expansive skills in socially recognized settings, or which inhibit people's ability to play and communicate with others or to express their feelings and perspective on social life in contexts where others can listen.¹³⁸

Central to Young's thesis here is an emphasis on the structural aspect of oppression. She points out that traditionally oppression has meant the exercise of tyranny by a ruler/ruling group. A wider understanding of the concept of oppression refers to the disadvantage and injustice certain groups of people suffer not on account of the coercion of a tyrannical ruler:

But because of the everyday practices of a well-intended liberal society [...] Oppression in this sense is structural rather than the result of a few people's choices or policies. Its causes are embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules.¹³⁹

It is important to note that the structural phenomena of oppression as Young understands it always refers to social groups. But what is a social group? Young understands social groups to be expressions of social relations. What she means is that a social group entails a collective of persons that have affinities with each other on account of similar experiences, or ways of

¹³⁷ *ibid*, p. 37

¹³⁸ *ibid*, p. 156

¹³⁹ Young, *Justice and the Politics of Difference*, 1990, p. 41

life that lead them to associate with each other in a more intimate way than with those not identified with the group.¹⁴⁰ Young contends that while she acknowledges that it is the shared affinities that make a social group, group difference is nonetheless both an inevitable and desirable aspect of modern social processes. She argues that social justice does not require abolishing difference but rather that it calls for institutions that promote the reproduction of, and respect for, group differences free from oppression.¹⁴¹ Given Young's wider understanding of the concept of oppression as a structural phenomenon (as opposed to the more traditional one of a single tyrant/ruling group as the oppressor), we are now faced with a much harder task of recognizing whether a person or peoples/group are being oppressed. This requires new criteria to measure against. Here Young presents us with a model she calls the *five faces of oppression*; which she intends to function as criteria to identify or refute the practice of oppression. She divides what she terms as a family of concepts and conditions into five categories/faces of oppression that are: exploitation, marginalization, powerlessness, cultural imperialism and violence.¹⁴²

3.1.3 A Social Connection Model of Responsibility

Young introduced her model of the five faces of oppression early on in her career and advocated for its application as a useful criteria to identify the structural aspects of oppression throughout the remainder of her career. In her last major work *Responsibility for Justice* (which she was unfortunately unable to complete before her untimely passing in 2006), Young wrestles with the question of how we as individuals, as well as organizations, are to understand and address our own responsibility in relation to structural injustice.¹⁴³ In other words, given that we now have the criteria to identify different structural aspects of oppression, how are we to prevent and/or rectify these injustices? This is no small task, and in response Young presents us with her ideas on *a social connection model of responsibility*. As I understand it, one of the main components of Young's cosmopolitan ethics lies in her understanding of the concept of responsibility. Here Young turns to the work of political philosopher Hannah Arendt, and proposes that we ground our understanding of responsibility with regards to structural injustice in Arendt's distinction between guilt and responsibility. According to Arendt:

¹⁴⁰ *ibid*, 1990, p. 41

¹⁴¹ *ibid*, 1990, p. 47

¹⁴² *ibid*, 1990, p. 40

¹⁴³ Young, *Responsibility for Justice*, 2011, p.15, 95

Guilt should be attributed to persons who commit crimes or wrongs, or directly contribute by their actions to crimes or wrongs. Being responsible, but not guilty, is a designation that belongs to persons whose active or passive support for governments, institutions and practices enables culprits to commit crimes and wrongs.¹⁴⁴

Drawing on her reading of Arendt, Young argues for an understanding of guilt and responsibility as being different in kind, and not in degree. Most important here is the understanding that guilt does in fact come in degrees, but that the distinction between guilt and responsibility is one of kind, and therefore not a matter of degree.¹⁴⁵ This understanding is different from the more traditional understanding inherent in the liability model, which entails assigning responsibility where guilt or fault for harm is found. In the liability model responsibility is assigned based on specific actions of particular individuals that can be proven to be causally connected to a specific act of harm. I find it important to note here that Young is not proposing that we do away with the liability model with regards to the legal system. There she agrees that an understanding of responsibility as guilt, blame or liability is indispensable. Rather she proposes that we understand responsibility with regards to structural injustice/oppression as a special kind of responsibility, and not as variation belonging to the group concepts of guilt, blame, fault or liability.¹⁴⁶ Young explains:

The social connection model of responsibility says that individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects. Within these processes, each of us expects justice toward ourselves, and others can legitimately make claims of justice on us...in today's world many of these structural processes extend beyond nation-state boundaries to include globally dispersed persons.¹⁴⁷

Here Young not only addresses the nature of our responsibility towards others with regards to structural injustice/oppression, but she also raises questions regarding the scope of justice. Young argues that given the transnational nature of social structures in today's world, as apparent in the globalization of contemporary economic systems, it then follows that the structural injustices that we are faced with, are transnational in scope. This means that the scope of justice with regards to structural injustice/oppression must be understood as extending across borders, and therefore not limited to the boundaries of each nation state.¹⁴⁸ I

¹⁴⁴ *ibid*, p. 91

¹⁴⁵ *ibid*, p. 92

¹⁴⁶ *ibid*, p. 97

¹⁴⁷ *ibid*, p.105

¹⁴⁸ *ibid*, p.142-3

will return to Young's argument regarding the scope of justice pertaining to the scope of the polity in chapter 3.2.2 where my task will be to examine Young's suggestions on how we may best understand the relationship between the principle of state sovereignty and the human right to membership.

As I understand it there are three main components to Young's social connection model of responsibility. First is her understanding that responsibility for structural injustice/oppression is different in kind from guilt or fault that is inherent to the liability model. Significant here is the emphasis on shared responsibility. Second is her argument that the transnational nature of social/economic structures in today's world entails that the scope of justice must be understood to extend across national borders. In short this means that if we are a part of structural social processes that connect us to others that are beyond the borders of our own nation states, we do in fact bear responsibility for any injustices resulting from our actions/social connections. If we are to accept Young's reasoning with regards to her understanding of responsibility as different in kind from guilt, and her argument for extending the scope of justice to all social connections, it is then almost inevitable that one should feel overwhelmed. If obligations of justice with regards to structural injustice are not limited to proven guilt and the geographical borders of each nation state, the moral responsibilities can easily seem to become impossible to fulfill. Young is aware of this danger and acknowledges that no one individual or organisation has the capacity to respond to all the world's injustices. In response she presents us with the third main component of her social connection model of responsibility, namely the parameters necessary for reasoning about what is required morally of each of us in regards to rectifying structural injustice. Most important here is the intuition that: "[...] different agents properly have different kinds and degrees of forward-looking responsibility for justice".¹⁴⁹ Building on this insight Young suggests that we use the parameters of power, privilege, interest and collective ability, when determining how each of us can best take responsibility for rectifying structural injustice. By using these parameters one is acknowledging the reality of the different social positions occupied by each individual in relation to another, within the social processes that lead to structural injustice.¹⁵⁰

¹⁴⁹*ibid*, p.144

¹⁵⁰ *ibid*, p.144-7

3.2 Inclusive Communicative Democracy

Cosmopolitanism can be described as based on the principle that humanity as a whole is to be considered as one moral community. Iris Marion Young agrees with Seyla Benhabib and other cosmopolitan theorists that the basic moral respect owed to all individuals can be grounded in Immanuel Kant's right to hospitality. However, Young argues that the same is not true for obligations of justice. According to Young, obligations of justice can not be based on common humanity, instead she argues that obligations of justice are grounded in social relationships, and increasingly also in transnational social structures.¹⁵¹ In her own words:

I believe that some account needs to be offered of the nature of social relationships that ground claims that people have obligations of justice to one another. It is not enough to say that people are human [...]. Ontologically and morally speaking, though not necessarily temporally, social connection is prior to political institutions. This is the great insight of social contract theory.¹⁵²

This means that before there are nation state borders, there are social connections. Based on this Young argues for an understanding of structural relationships and their vulnerabilities as the generators of obligations of justice.¹⁵³ For Young social connection is therefore always understood as the maker of a moral community.

3.2.1 Self determination and Freedom as Non-Domination

Iris Marion Young defines social justice as being the institutional conditions necessary for the promotion of the two universal ideals/values of self-development and self-determination.¹⁵⁴ In chapter 3.1.3 I discussed her analysis of the social condition of oppression, understood as the corresponding injustice/institutional constraint to the ideal/value of self-development. In line with the purpose of this chapter, an examination of Young's suggestions for a viable understanding of the relationship between the concept of state sovereignty and the human right to membership, I will now take a closer look at her analysis of the ideal/value of self-determination, and its corresponding institutional constraint/injustice domination. On this matter she says:

¹⁵¹ Young, *Global Challenges*, 2007, p. 161

¹⁵² *ibid*, p. 162

¹⁵³ Young, *Responsibility for Justice*, 2011, p. 139

¹⁵⁴ Young, *Inclusion and Democracy*, 2000, p. 33

Self-determination, the second aspect of justice as I understand it, consists in being able to participate in determining one's actions and the conditions of one's actions; its contrary is domination. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action, either directly or by virtue of the structural consequences of their actions.¹⁵⁵

Here Young argues for an understanding of self-determination as non-domination, as opposed to a more traditional understanding where self-determination has most often been equated with sovereign independence and claims for the right of states to non-intervention and non-interference. Deepening her argument, Young criticises the more traditional understanding of self-determination as non-interference for its individualistic emphasis and exclusionary tendencies, where autonomy is defined as the ontological and moral independence of individuals. Here the danger lies in not taking the importance of social relationships as well as possibilities of domination seriously.¹⁵⁶ Young finds grounds for an alternative understanding of the concept of autonomy in feminist theory, where interdependence and embeddedness in relationships are considered central, at no cost to the value of individual choice. Here she concludes that: "an adequate conception of autonomy should promote the capacity of individuals to pursue their own ends in the context of relationships in which others may do the same."¹⁵⁷ Inherent to Young's argument for understanding self-determination as non-domination, based on her definition of autonomy as a relational concept, is an appeal for a shift in how we understand the concept of state sovereignty. Young explains:

Thus, the interpretation of self-determination as non-domination ultimately implies limiting the rights of existing nation-states and setting these into different, more cooperatively regulated relationships. Just as promoting freedom for individuals involves regulating relationships in order to prevent domination, so promoting self-determination for peoples involves regulating international relations to prevent the domination of peoples.¹⁵⁸

Based on her understanding of autonomy as a relational concept she draws parallels between the micro and macro levels of the connections between individuals and freedom on the one hand, and peoples and self-determination on the other. Central here is her emphasis on the importance of regulating relationships, while aiming to prevent domination, on both the micro level of individual relationships, as well as the macro level of transnational social structures. Young rejects what she terms as "nationalistic interpretations of the distinctness of

¹⁵⁵ *ibid*, p. 32

¹⁵⁶ Young, *Global Challenges*, 2007, p. 46

¹⁵⁷ *ibid*, p. 47

¹⁵⁸ *ibid*, p. 53

peoples”.¹⁵⁹ Failure to recognize the interdependence of peoples renders the non-interference model inadequate as an interpretation of self-determination. Instead Young endorses an understanding of peoples as being relationally constituted, which she argues is more consistent with requirements of global justice.¹⁶⁰

3.2.2 A Global Scope for Obligations of Justice

One of the main tenets of Young’s *social connection model of responsibility* as presented in chapter 3.1.4, is her argument that given the transnational nature of social structures in today’s world, as apparent in contemporary globalized economic systems, it then follows that the structural injustices that we are faced with, are often transnational in scope. This means that the scope of justice with regards to structural injustice (oppression and domination) must be understood as extending across borders, and therefore not limited to the boundaries of each nation state. Here we have a distinctly cosmopolitan strand in Young’s ethics, as she argues against limiting obligations of justice to co-nationals. In one of her main works *Inclusion and Democracy*¹⁶¹ first published in 2000, Young firmly rejects a nationalistic understanding of obligations of justice, which is closely linked to a Westphalia understanding of sovereignty, on the grounds that:

The claims that members of national groups have obligations of justice *only* to fellow nationals, however, appears to be based on contingent psychological and historical circumstances rather than moral principle.¹⁶²

Arguments that people have obligations of justice to others cannot depend on their having feelings of identification with those others [...] Moral arguments for obligations of justice must rest on more objective and normative grounds than feelings of familiarity or cultural affinity.¹⁶³

For Young it is imperative that we construe transnational sentiments of solidarity to correspond to transnational obligations of justice, as opposed to relying on what she terms as “the supposed facts of nationalistic motivation”.¹⁶⁴ This means that we must formulate a new

¹⁵⁹ Young, *Inclusion and Democracy*, 2000, p. 237

¹⁶⁰ *ibid*, p. 258

¹⁶¹ Here Young refers to economic and environmental relations as being the most obvious trans border issues of justice, while also mentioning that of the effects of war to a lesser extent. I would like to suggest that now, nineteen years later, the growing number of refugees/displace persons/stateless persons due to acts of war, as well as economic and environmental factors, means that we must now consider refugee relations as also being one the most obvious trans border issues of global justice facing the world today.

¹⁶² Young, *Inclusion and Democracy*, 2000, p. 241

¹⁶³ *ibid*, p. 242

¹⁶⁴ *ibid*, p. 242-3

ideal of social and political inclusion, and so Young presents an alternative ideal she terms *differentiated solidarity*. In her own words:

Differentiation. The social and political ideal of differentiated solidarity holds that segregation is wrong, but that social group distinction is not wrong. The ideal affirms a freedom to cluster, both in urban space and in religious, cultural, and other affinity group associations. This freedom should be balanced with a commitment to non-discrimination; spatial and social clustering, that cannot be based on acts of exclusion, but rather on affinity attraction.¹⁶⁵

Solidarity. With this term I intend to invoke a sense of commitment and justice owed to people, but precisely not on the basis of a fellow feeling or mutual identification [...] If not fellow feeling, what is the moral basis for such attentiveness across social distance? It is that people live together [...] whether they like it or not.¹⁶⁶

Here the ideal of differentiated solidarity affirms the importance of a positive sense of group difference, while being grounded in a connection between a relational understanding of peoples and responsibility for social justice. Having rejected an understanding of responsibility for justice as based on common membership, Young urges that we “carry the social connection model across borders”.¹⁶⁷ This does not mean that in order to make moral judgements one must at all times consider the consequences of one’s actions on all other moral beings in the world, an altogether overwhelming and impossible task to be sure. Rather, Young argues that while one may have stronger claims of justice towards those in the same country/region, this is not based on national identification, but simply due to the scope and density of social and economic ties.¹⁶⁸ Here the key to Young’s thought lies in her understanding of the concept of social connections. For her social connection is always understood as being ontologically and morally prior to political institutions.¹⁶⁹ This means that when we are connected to other people through a causal web of social institutions, a regulation of relationships based on terms of justice and injustice is called for. In other words, when our actions directly or indirectly affect the lives and/or living conditions of others, we are placed in relations of justice with those affected by our actions/inactions.¹⁷⁰ When faced with one of the most common arguments against theories of cosmopolitan ethics, that of the impossibility of scope and action with regards to moral considerations, Young argues that while obligations of justice do apply to relationships between individual persons, it is in the

¹⁶⁵ *ibid*, p. 224

¹⁶⁶ *ibid*, p. 222

¹⁶⁷ *ibid*, p. 124

¹⁶⁸ *ibid*, p. 250

¹⁶⁹ Young, *Responsibility for Justice*, 2011, p. 139

¹⁷⁰ Young, *Global Challenges*, 2007, p. 27

organization of just institutions that obligations of social and global justice are primarily owed:

The primary obligations of individuals regarding global justice, as well as local and regional justice, is to do what they can to promote institutions and policies that aim for fair relations among people across the globe.¹⁷¹

Here a correspondence between the scope of political institutions, and obligations of global justice is understood as a prerequisite for preventing and/or correcting structural injustice on a global level.

3.2.3 State Sovereignty and Moral Boundaries

Inherent in Young's arguments for a global scope of justice, as well as her analysis of the global interdependence of modern societies, lies a challenge aimed at the more traditional understanding of self-determination as sovereignty/non-interference. Young questions the moral validity of such a Westphalia understanding of sovereignty, both with regards to internal and external affairs of states. Here she is critical of the claim that states alone should have the authority to regulate relationships within their borders, while being free of obligations towards those without membership or dwelling outside said borders. She argues that claims of global justice carry within them a twofold challenge to such moral boundaries of states with regards to economic regulation, human rights intervention, migration and environmental protection. First, when the activities of states or their members affect those that are without membership to or territorially outside the state, those affected must have some claim to influence with regards to regulation of said actions. Second, states and their members have some obligations to those that are without membership or dwell territorially outside the state.¹⁷²

If we agree with Young and accept an understanding of self-determination as non-domination as presented in chapter 3.2.1, then we must also agree to a shift in the way we understand state sovereignty. This means accepting limitations to the rights of nations states to non-interference while moving towards a more collaborative regulation of transnational relations. Here Young again draws a micro-macro parallel, where the promotion of freedom/self-development for individuals as well as the promotion of self-determination for peoples, understood as ways to prevent and correct oppression and domination, both require regulation

¹⁷¹ *ibid*, p. 250

¹⁷² Young, *Global Challenges*, 2007, p. 27-8

of relationships/transnational relations.¹⁷³ Central throughout all of Iris Marion Young's work is her emphasis on the necessary relationship between justice and democracy. Up to this point I have focused on those elements of her critique of the concept of state sovereignty that are of relevance to the purpose of this project, namely those of obligations of global justice with regards to questions of state sovereignty and membership. I will now conclude my study of Young's suggestions for a theory of cosmopolitan ethics with an introduction to her suggestions for what should be the role of democracy in a global context.

3.2.4 Towards a Social Movement for Inclusive Global Democracy

Following her arguments regarding a need for a shift in the way we understand the concept of state sovereignty, as well as her emphasis on the need for increased regulation of transnational relations, Young proposes what she terms as a "thin" global system. Here Young proposes that we invoke the ideal of differentiated solidarity as discussed in chapter 3.2.2, on a global level. She introduces what she terms as *a social movement for inclusive global democracy*. Here Young is not putting forth a "full blown political proposal",¹⁷⁴ but rather her intention is to introduce critical methods or tools to assist in the process of rethinking how we understand the terms of sovereignty, self-determination and membership.¹⁷⁵

As I understand it there are two main components to Young's suggestions for such a social movement for inclusive global democracy. First, that the system should be comprised of individual regulatory regimes, where self-governing entities/regions are connected/interact in a kind of global federalism. Having rejected the logic of nationalism Young accepts the idea of distinct peoples, based on a "relational social ontology".¹⁷⁶ The goal here is to foster the practice of moral respect, while meeting obligations of justice on a global scale. I find it important to note that Young is not in any way advocating a single sovereign government or a world state, as is evident in her emphasis on the principle that a separation of power on a global scale is vital.¹⁷⁷ As a starting point she therefore proposes seven regulatory regimes with legally separate jurisdictional functions relating to issues of peace and security, environmental issues, trade and finance, investment and capital utilization, communication and transportation, human rights, citizenship and migration. Here each regulatory regime is

¹⁷³ *ibid*, p. 52

¹⁷⁴ *ibid*, p. 8

¹⁷⁵ *ibid*, p. 8

¹⁷⁶ Young, *Inclusion and Democracy*, 2000, p. 252

¹⁷⁷ Young, *Global Challenges*, 2007, p. 35

assigned with the task of providing a “thin” set of general laws, on both individual and institutional levels, regarding obligations of consideration with regards to the interests and circumstances of individuals as well as collectives. Central for Young is the deterritorialisation she envisions following such a distinction of regulatory regimes.¹⁷⁸

Second is an emphasis on the centrality of democratic values and institutions, both with regards to the macro level of global regulatory regimes as well as the everyday governance of locales. Fundamental here is an emphasis on a “thin” form of governance on a global level, where the main purpose is to set forth very general principles/laws pertaining to the seven issues listed above, while day to day governance is left to local communities/entities. Equally important is the role that the global regulatory regimes have with regards to the protection of local units and members from domination. Therefore it is imperative that all actions of global governance be public.¹⁷⁹

While looking towards the current structure of the United Nations system with a critical eye, it is in a reform of UN institutions that Young sees possibilities for a stronger and more democratic organisation of global governance. Essential to the viability of such a reform according to Young, is the principle underpinning the ideal for an inclusive global democracy, namely that all those affected by decisions made must have a voice/be represented at different levels of decision-making. Based on that principle Young calls for a radical reformation of the currently undemocratic structure of the Security Council, as well as a creation of a People’s Assembly charged with establishing a global citizenship status. This would mean rendering the recognition of membership to specific nation states unnecessary, with regards to respecting the basic rights of individuals or peoples.¹⁸⁰

3.3 Conclusion

The aim of this chapter has been twofold. First I set out to analyse what are the main components of political theorist Iris Marion Young’s cosmopolitan ethics. Second I have sought to clarify Young’s understanding of the relationship between the principle of state sovereignty and the human right to membership.

¹⁷⁸ Young, *Inclusion and Democracy*, 2000, p. 267

¹⁷⁹ *ibid*, p. 268

¹⁸⁰*ibid*, p. 273

It is my understanding that there are four main components to Iris Marion Young's cosmopolitan ethics. These components are to a large extent made explicit as she builds on the works of social theorist Jürgen Habermas where Young embraces and reformulates some of his concepts, while rejecting others. In this process Young also draws on the works of political philosopher Hannah Arendt, and French philosophers Jacques Derrida and Luce Irigaray.

Central to Iris Marion Young's theory of cosmopolitan ethics is her thesis that there is a normative theoretical connection between democracy and justice. Young shares a theoretical starting point for a kind of discourse ethics/deliberative democracy with social theorist Jürgen Habermas and political theorist Seyla Benhabib, and with them she argues for a discourse based ideal of democracy. She does however criticize their theoretical approaches for being too rationalistic and unifying. It is through Young's critical dialogue with both Habermas and Benhabib we can discern the foundations of the first and second main components of her cosmopolitan ethics. Young criticizes Habermas's theory on two accounts, as she argues for a transition from a theory of deliberative democracy, to what she terms as *a theory of communicative democracy*, which I understand to be the first main component of her cosmopolitan ethics. Here Young rejects the emphasis in Habermas's model of argument as the main mode of communication in democratic deliberations, and also his emphasis on unity and common good, as either the starting point or goal of democratic deliberations. Young warns that both will lead to exclusionary consequences in practice. Instead, she calls for more inclusive speaking styles and argues for a minimal unity comprised of three much thinner conditions than unity. These are significant interdependence, formally equal respect, and agreed upon procedure.

As I understand it, the second main component of Young's cosmopolitan ethic lies in her analysis of the ideal of *asymmetrical reciprocity*. Drawing on the works of philosopher Luce Irigaray, Young expands on Irigaray's warnings of the dangers inherent in ignoring sexual difference, to any structured social difference, be that of gender, class, race or religion. Here Young is critical of Seyla Benhabib's model of symmetrical reciprocity, and argues that it is neither possible nor morally desirable that persons engaged in moral interaction should aim to adopt one another's standpoints. Instead she encourages the practice of taking the perspective of others into account, while making moral judgements. Most important, according to Young, is to listen and learn from the expressions of others; always from the stance of moral humility

that is inherent in the recognition that our inevitable differences entail that we always stand in relations of asymmetry.

The third main component of Young's cosmopolitan ethics is, in my estimation, grounded in her understanding of *social justice* and *structural injustice*. For Young the goal of social justice must always be equality. She rejects an understanding of justice as mainly a distributive paradigm, and argues instead for an understanding of justice as the institutional conditions necessary for the realization of the two universal values of *self-development* and *self-determination*. Central to her thesis is her analysis that these two universal values correspond to the two social conditions that she defines as structural injustice. These are the social conditions of *oppression*, which is understood as the institutional constraint on self-development, and the social condition of *domination*, which is understood as the institutional constraint on self-determination.

The fourth and final main component of Iris Marion Young's cosmopolitan ethics lies in her response to questions of how we as individuals, as well as organisations, are to understand and address our own responsibility regarding structural injustice on a global scale? Here Young presents us with what she terms as *a social connection model of responsibility*. As I understand it, there are three main aspects to Young's model. First is her understanding of responsibility for structural injustice/oppression based on her reading of Hannah Arendt's analysis of the concept of responsibility, as being different in kind from guilt or fault than the understanding of responsibility that is inherent to the liability model. Fundamental here is an emphasis on shared responsibility. Second is the argument that the transnational nature of social structures in today's world entails that the scope of justice must be understood to extend across national borders. The third main aspect of her social connection model of responsibility are the parameters necessary for reasoning about what is required morally of each of us in regards to rectifying structural injustice. Most important in that respect is the intuition that: "different agents properly have different kinds and degrees of forward-looking responsibility for justice".¹⁸¹ Building on this insight Young suggests that we use the parameters of power, privilege, interest and collective ability, when determining how each of us can best bear responsibility for rectifying structural injustice.

¹⁸¹ Young, *Responsibility for Justice*, 2011, p. 144

The second aim of this chapter has been to clarify Young's understanding of the relationship between the principle of state sovereignty and the human right to membership. As I understand it the focal point here is her appeal to a shift in the way we understand the concept of state sovereignty. Central to Young's appeal is her analysis of the connection between the universal value of self-determination and the corresponding social condition of domination, understood as the institutional constraints/injustice on self-determination. Young criticizes a more traditional Westphalia definition of self-determination, understood as non-interference, where autonomy is defined as the ontological and moral independence of individuals, for its individualistic emphasis and exclusionary tendencies. She rejects such an understanding for its failure to recognize the interdependence of peoples. Instead Young looks to feminist theory for an alternative understanding of the concept of autonomy, where interdependence and embeddedness in relationships are considered central, as she builds her argument for an understanding of self-determination as non-domination.

Also grounding Young's appeal for a shift in the way we understand state sovereignty is her argument pertaining to the scope of obligations of justice. One of the main tenets of Young's social connection model of responsibility is her thesis that given the transnational nature of social structure in today's world, it follows that the structural injustices that we are faced with are transnational in scope. For Young this means that the scope of justice with regards to structural injustice/domination must be understood as extending across borders and therefore not to be limited to the boundaries of each nation state. She rejects a nationalistic/Westphalia understanding of state sovereignty that limits obligations of justice to fellow nationals, and emphasises the importance of construing transnational sentiments of solidarity to correspond to transnational obligations. Here Young presents an ideal of social and political inclusion she terms as *differentiated solidarity*, meant to affirm the importance of a positive sense of group difference, while grounded in the connection between a relational understanding of peoples and responsibility for social justice. She asks that we carry the social connection model of responsibility across borders, and thereby acknowledge that when our actions directly or indirectly affect others, we are placed in relations of justice with those affected by our actions/inactions. When faced with arguments for the impossibility of scope and action with regards to moral considerations, Young replies that while obligations of justice do apply to relationships between individuals, it is in the organization of just institutions that obligations of social and global justice are primarily owed.

Young questions the moral validity of a Westphalia understanding of sovereignty both with regards to internal and external affairs of states. She argues that claims of global justice carry within them a twofold challenge to the moral boundaries of states when it comes to economic regulation, human rights intervention, migration and environmental protection. First, when the activities of states or their members affect those that are either without membership to, or are territorially situated outside the state, those affected have some claim regarding the regulation of said actions. Second, states and their members have some obligations to those that are without membership or dwell territorially outside the state. This means accepting limitations to the rights of nation states while moving towards a more collaborative regulation of transnational relations. Here Young proposes a “thin” global system she terms as *a social movement for global democracy* comprised of individual regulatory regimes, where self governing entities/regions are connected in a kind of global federalism. Fundamental here is an emphasis on the centrality of democratic values and institutions. While critical towards the structure of the United Nations, Young is hopeful that a reform of its currently undemocratic institutions could play an important part in establishing strong and democratic global governance.

As I understand it, there are two closely related principles of justice underpinning Young’s vision of a social movement of global democracy, and that these are central to her understanding of the relationship between the concept of state sovereignty and the human right to membership. First is the principle that when our actions directly or indirectly affect the lives and/or living conditions of others, we are thereby placed in relations of justice with those affected by our actions/inactions. Second is the principle that all those affected by decisions made, must have a voice/be represented in different levels of decision-making.

4 Towards a Viable Feminist Cosmopolitan Ethics

In chapters two and three my task was to analyse the theories of Seyla Benhabib and Iris Marion Young relevant to the purpose of this project. In doing so my aim was to answer the first questions presented at the beginning of this paper; what are the main components for a cosmopolitan ethics according to the theories of Seyla Benhabib and Iris Marion Young? Second; where do Benhabib and Young stand with regards to the relationship between the principle of state sovereignty and the human right to membership? Having done so to the best of my ability, I will now move on to the second task pertinent to the purpose of this project, and shift the focus of my approach to a more critical one. I will now compare and evaluate the viability of some of the main components of Benhabib and Young's cosmopolitan ethics, as well as certain aspects of their understanding of the relationship between the principle of state sovereignty and the human right to membership. Underpinning this comparison is the aim that in doing so I will lay the groundwork necessary for completing my final task, namely answering the question; what should be some of the core elements of a viable feminist cosmopolitan ethics?

Substantial theories of justice are most often presented as sets of answers to specific structural questions. As we have seen this is also true for Seyla Benhabib and Iris Marion Young's cosmopolitan ethics, where questions of global justice are central. To aid me in my effort to compare and evaluate the viability of some of the main criteria of Benhabib and Young's cosmopolitan ethics I shall draw upon justice theorist Alison M. Jaggar's model/frame of structural questions central to claims of justice, as presented in her introduction to *Philosophical Topics: Global Gender Justice*. These are:

1. “**Where?**” asks what is the domain or sphere of life within which the moral demands of justice apply.
2. “**When?**” asks what are the social circumstances within which the demands of justice have application.
3. “**Who?**” asks which entities should be regarded as subjects of justice, meaning who or what are entitled to make justice claims deserving of moral consideration.
4. “**What?**” asks which entities should be regarded as objects of justice, meaning which kinds or categories of things should be distributed in a just manner.
5. Finally “**How?**” asks which principles are the most morally appropriate for guiding the allocation of various objects to various subjects in various circumstances.¹⁸²

¹⁸² Jaggar, *The Philosophical Challenges of Global Gender Justice*, 2009, p. 2

As Jaggar also points out, theories of justice must also give a rationale, or in other words explain “**Why?**” they offer said answers to central questions of justice.¹⁸³ This means that when comparing and evaluating Benhabib and Young’s answers to the questions presented above, it is equally important that I compare and evaluate how they justify the basic moral commitments and values that underpin their theories of global justice.

4.1 A Comparative Reading

I will divide my comparison into three parts. First I will use Jaggar’s model/frame as a tool to aid me in my comparison of some of the main components of Young and Benhabib’s cosmopolitan ethics as discussed in chapters two and three. I have chosen to rearrange the sequence of questions presented in Jaggar’s model to better fit the purpose of this project, and group together those questions to which the answers I find are most relevant to each other. I begin with a comparison of Young and Benhabib’s answers to structural questions pertaining to what should be considered the domain, social circumstances and the objects to which the claims of global justice apply. I will then proceed to compare their suggestions for who should be considered subjects of global justice and based on what principles the moral demands of global justice apply. Finally I will complete my comparison with a discussion of Benhabib and Young’s justification for why, or in other words, on what grounds they justify that those specific principles are best suited to guide us when making moral decisions. Given that I have already discussed some of the commonalities found in Benhabib and Young’s theories in chapters 2.1.1 and 3.1.1. I will make an effort not to repeat that discussion here if possible. Rather here it is my aim to compare and discuss the differences found in those aspects of their theories that have not yet been discussed and/or are especially relevant to my final task, namely answering the question; what should be some of the core elements of a viable feminist cosmopolitan ethics?

4.1.1 The Domain, Objects and Social Circumstances of Global Justice

During the 1970s second wave feminism rose from the women’s liberation movement of the 1960s. Following the movements conceptual distinction between sex and gender and the subsequent discoveries of a multitude of complex gender based institutional injustices feminist theorists increasingly shed focus on the gendered power inequalities that structure many aspects of personal life. This central insight of second wave feminism is stated in the now famous slogan “the personal is political”. By arguing that the multitude of systemic

¹⁸³ *ibid*, p. 3

injustices occurring within personal life in fact entail that the home and personal life should not be understood as being outside the domain of justice, feminist activists and theorists of the time were in fact challenging a basic assumption about justice, the question of what should be understood as the domain of justice. This challenge posed by second wave feminism led to an expansion of traditional western philosophies previous understanding of the sphere/domain of justice, now widely understood to include the home and families as well as other areas of personal life.¹⁸⁴

In a similar spirit to that of second wave feminists of the 1970s, but on a more cosmopolitan note, Iris Marion Young and Seyla Benhabib both call for a further widening of traditional understandings of the domain of justice. Young argues that the transnational nature of social structures in current day contexts result in the fact that the structural injustices that we are faced with are often times transnational in scope. For her this means that the domain of justice with regards to structural injustice/oppression is understood as extending across borders, and therefore can not be seen as limited to the boundaries of each nation state or as existing simply between co-nationals.¹⁸⁵ Like Young, Seyla Benhabib also argues for a widening of the domain of justice with regards to membership to extend beyond the borders of the nation-state. However, unlike Young, Benhabib does not ground her argument in the transnational nature of structural injustices, but bases her argument for a widening of the domain of justice on two accounts. First is her understanding that cosmopolitan norms of justice belong to each person as moral and legal persons in a worldwide civil society. This is evident in the many human rights agreements signed since WWII, where rights, claims and entitlements are afforded to individual human beings and not nation-states.¹⁸⁶ Second is her reconstruction of Hannah Arendt's concept of *the right to have rights*. Here Benhabib asks what kind of right is entailed in the right to have rights, and argues that while the former is to be understood as a claim to membership, the latter is to be understood as an expression of what is entailed in that right to membership. While agreeing with Arendt's argument that the right to naturalization must be considered a universal human right grounded in the basic need to belong to some kind of organized community, Benhabib however argues that the corresponding abrogation of denaturalization should not be left to the unchecked privileges of the sovereign state. For Benhabib this means that the recognition of the universal personhood of each human being is

¹⁸⁴ Jaggar, *The Philosophical Challenges of Global Gender Justice*, 2009, p. 6

¹⁸⁵ Young, *Responsibility for Justice*, 2011, p.142-3

¹⁸⁶ Benhabib, *Another Cosmopolitanism*, 2006, p.16 & 32-33

not based on their citizenship/membership to a nation-state, but rather that it is grounded in the cosmopolitan norms of justice as they appear in each human being's right to have rights. As such it is decoupled from nationality status placing the external boundaries of the moral community outside the boundaries of the nation-state.¹⁸⁷

When faced with questions regarding the sphere/domain of justice we can discern signs of the different strands of thought that characterize much of Young and Benhabib's work. Here I refer to Young's focus on structural injustice, as opposed to Benhabib's emphasis on rights language. On that note it is interesting to see how they each respond to questions regarding the "what" and "when" of global justice, or in other words, what entities do they each argue should be regarded as objects of global justice, and what are the social circumstances within which demands of global justice apply?

As I read Benhabib, for her the object of global justice is expressed in the cosmopolitan norms of justice as present in the right to have rights. As discussed above she defines the right to have rights as being a moral claim to membership, which entails the reciprocal obligations pertaining to civil, political and citizen rights. In other words, what is at stake is both the formal claim to membership, and an expression of what is entailed in that right to membership. Following this, and closely related, is Benhabib's response to questions pertaining to which social circumstances the demands of global justice apply. Central here is her analysis of what she terms as *the paradox of democratic legitimacy*. Here Benhabib describes the tension that comes into being when claims of justice (as present in the human right to membership for example) and principles of state sovereignty come into conflict with one another. While acknowledging that the paradox can perhaps never be fully resolved, she argues that it is in the interests of liberal democracies that they seek to mediate this paradox between universal human rights (or in Benhabib's own terms, that of cosmopolitan norms of justice) and the boundedness of said democratic communities.¹⁸⁸ In other words, based on my reading of Benhabib's analysis of the paradox of democratic legitimacy, I would argue that it is her understanding that the demands of global justice should apply in the social circumstances where cosmopolitan norms of justice/the right to have rights come into conflict with principles of state sovereignty.

¹⁸⁷ Benhabib, *The Rights of Others*, 2004, p.68

¹⁸⁸ Benhabib, *Another Cosmopolitanism*, 2006, p.36

Bearing in mind Benhabib's continued emphasis on rights language, it is interesting to look at Young's response to the same questions as to "what" and "when" claims of global justice apply. For Young the object of justice is always social equality, or: "The full participation of everyone in a society's major institutions, and the socially supported substantive opportunity for all to develop and exercise their capacities and realize their choices".¹⁸⁹ Following this Young argues that the social circumstances where the demands of global justice apply are those circumstances where structural inequalities/injustices are present. Central to Young's argument is her understanding of social justice as social equality, or what she defines as the institutional condition necessary for the realization of the two universal values of self-development and self-determination. Most important is Young's analysis that corresponding to these two universal values are the two social conditions that she defines as structural injustice. These are the social condition of oppression, understood as institutional constraints on the universal value of self-development, and the social condition of domination understood as institutional constraints on the universal value of self-determination.¹⁹⁰ In other words, it is my understanding that for Young the demands of global justice apply in the social circumstances where the structural injustices of oppression and domination prevent the realization of what she understands to be the goal of social justice, namely social equality.

At this point I want to acknowledge the presence of a continuous pattern in each theorist's line of thought. While Benhabib answers the first three questions central to global justice, or those of the where, what to and when claims of global justice apply, from within a language of rights, Young's presents her answers from within the language of structural injustices. It is highly relevant to the purpose of this paper to see how this pattern evolves. Having concluded the first part of my comparison I will now move on to the second part, and take a closer look at Benhabib and Young's ideas pertaining to whom and how the claims of global justice apply.

4.1.2 Subjects and Principles of Global Justice

Traditionally modern philosophers have understood the legitimate claimants or subjects of justice to be those living together and/or sharing membership within the bounded territories of nation-states. Such an understanding has increasingly been challenged by cosmopolitan theorists as well as from the standpoints of feminist and post-colonial theories. Critical

¹⁸⁹ Young, *Justice and the Politics of Difference*, 1990, p. 173

¹⁹⁰ *ibid*, p. 37

theorist Nancy Fraser argues that familiar theories of justice offer little guidance in dealing with problems of present day global contexts which she defines as being times of *abnormal justice*, on the grounds that they do not tell us how to proceed when faced with conflicting frames of the central questions of justice. As Frazer explains it, signs of abnormal justice can be identified by the absence of a shared understanding of the structure and/or framing of central questions of justice. Fraser points to evidence of this as she demonstrates how both the framing of the central questions of justice, as well as traditional western philosophy's answers to said questions are increasingly being challenged and disputed from different standpoints.¹⁹¹ I would argue that prominent examples of such challenges can be found in both Benhabib and Young's ideas on who should be counted as the subjects of global justice, as both argue for a decoupling of each person's human right to membership from that of one's nationality status.

Seyla Benhabib argues that anyone who is affected or stands to be affected by my decisions or actions thereby becomes a subject of global justice, and as such is entitled to make justice claims. For Benhabib those claims entail that one has a moral obligation to justify ones actions with reasons to all those who stand to be affected by said actions.¹⁹² Benhabib identifies this as the process of open moral conversations. She argues that in order to be able to partake in such moral conversations and make moral judgments, one must exercise enlarged thinking, which for her consists in the moral obligation to be able to think from the standpoint of everyone involved in the moral conversation, i.e. to be able to reverse perspectives.¹⁹³ Agreeing with Benhabib with regards to what I will hereafter refer to as *the principle of all-affected*, Young similarly argues that when our actions directly or indirectly affect the lives and/or living conditions of others, we are placed in relations of justice with those affected by our actions/inactions.¹⁹⁴ Young is however deeply critical of Benhabib for identifying moral respect with a reversibility and symmetry of perspectives. She argues that it is neither possible nor morally desirable that persons engaged in moral interaction should aim to adopt one another's standpoint.¹⁹⁵ Rather Young proposes an *ideal of asymmetrical reciprocity*, which entails taking the perspective of the other into account while making moral judgements. Key here is to listen and learn from expressions of the other person's perspective;

¹⁹¹ Frazer, *Abnormal Justice*, 2008, p. 395-6

¹⁹² Benhabib, *Another Cosmopolitanism*, 2006, p.18

¹⁹³ Benhabib, *Situating the Self*, 1992, p.140

¹⁹⁴ Young, *Global Challenges*, 2007, p.27

¹⁹⁵ Young, *Intersecting Voices*, 1997, p.39

always with a sense of moral humility that is grounded in the recognition that our inevitable differences mean that we will always stand in relations of asymmetry and irreversibility to each other.¹⁹⁶ In chapter 3.1.2 I discussed Young's critique of Benhabib's ideas regarding symmetrical reciprocity in greater detail and so I will limit my comparison here to the main themes as discussed above.

As previously discussed in chapters 2.1.1 and 3.1.1 both Benhabib and Young base some of the main components of their cosmopolitan ethics on certain premises and principles of traditional discourse ethics. When asked what principles are best suited to guide us when making moral decisions, or in Benhabib's terms, when partaking in open moral conversations, she proposes the *principles of universal moral respect and egalitarian reciprocity*. These are to be understood as metanorms that act as restraints on our moral intuitions, i.e. as rules of the game. In her own words:

Universal respect means that we recognize the rights of all beings capable of speech and action to be participants in the moral conversation; *the principle of egalitarian reciprocity*, interpreted within the confines of discourse ethics, stipulates that in discourses each should have the same rights to various speech acts, to initiate new topics, and to ask for justification of the presuppositions of the conversation.¹⁹⁷

Here Benhabib presents us with the criteria or ground rules against which we are able to measure the validity of moral conversations and moral decision-making. When coupled with her understanding of enlarged thinking and its inherent moral obligation to think from the standpoint of everyone involved in the moral conversation, which according to Benhabib are all those who stand to be affected by the decisions made, it is perhaps not surprising that Young does not agree:

I wish to develop an account of moral respect and egalitarian reciprocity, however, that uses a language and concepts that more precisely express the specific differences among people than do identifying terms like symmetry, reversibility, and imaginatively occupy the position of others.¹⁹⁸

Moral respect between people entails reciprocity between them, in the sense that each acknowledges and takes account of the other. But their relation is asymmetrical in terms of the history each has and the social position they occupy.¹⁹⁹

¹⁹⁶ *ibid*, p.59

¹⁹⁷ Benhabib, *The Rights of Others*, 2004, p. 13

¹⁹⁸ Young, *Intersecting Voices*, 1997, p. 49

While seeing some merit in Benhabib's formulation of the principles of universal respect and egalitarian reciprocity, I am inclined to agree with Young with regards to Benhabib's intent on attaching them to her ideas on symmetrical reciprocity. While I am not convinced that it is wholly impossible to take the standpoint of another while partaking in moral conversations/interactions, and I would argue that it can be a useful and sometimes necessary exercise to attempt to think from the standpoint of others, I am not convinced that it is possible sufficiently often, and in such a way as to be morally desirable. Given the magnitude of the variance in circumstances and opportunities that different people in different places are faced with, it is at best difficult and at worst impossible to expect that they be able to reason and communicate from the standpoint of each other in a way that is conducive with the claims of justice. An example relevant to the purpose of this project are the extremely different circumstances and levels of threats facing the everyday lives and future prospects of those without membership to a functioning nation-state, versus the circumstances of those with membership to a functioning nation-state.²⁰⁰ I would argue that it is difficult at best to try to imagine the complexity and magnitude of said differences however well meaning ones intentions may be. In such instances where we are called to engage in moral communication and to make moral judgments I find Young's suggestion that we should listen and learn from the expressions of others to be more compelling than Benhabib's proposal that we attempt to reason from the standpoint of the other.

Given both Young and Benhabib's endorsement of the principle of all-affected when faced with determining who should be regarded as the subjects of justice, it is interesting to see if/how they respond to what is often cited as one of cosmopolitanism's biggest weaknesses, a perceived impossibility of scope and action. Former proponent of the all-affected principle critical theorist Nancy Frazer credits the principle for acting as a restraint on self-serving notions of membership, while still maintaining an understanding of the importance of social relations. Frazer does however reject the all-affected principle in part due to what she argues

¹⁹⁹ *ibid* p. 41

²⁰⁰ I want to clarify that when using the term functioning nation-state instead of simply nation-state it is my intent to emphasize that I am referring not only to the claims of global justice pertaining to the status of the 2.7 million currently without membership to any nation-state, but rather to the claims of global justice relevant to the status of the 64,9 million persons that are currently displaced due to conflicts, war, persecutions and human rights violations, a significant number of which are considered members of nation-states that continually fail to meet their sovereign duties but nonetheless still enjoy sovereign state privileges.

as being its inevitable danger of falling prey to the butterfly effect, where everyone is thought to eventually be affected by everything, leading to an impossibility of scope and action.²⁰¹

Throughout my reading of Benhabib's main works presented here I have not come across a response from her to such a critique of a seeming impossibility of both scope and action concerning the principle of all-affected. I find this to be unfortunate for I am inclined to agree with Nancy Frazer that it is not only important but rather that it is vital for the credibility of the cosmopolitan project that such accusations of impossibility be met and addressed. However, unlike Frazer I am not convinced that relying on the principle of all-affected inevitably leads to the *reductio ad absurdum* of the butterfly effect. In her last work *A Responsibility for Justice*, Iris Marion Young wrestles with questions of how individuals as well as institutions, can best address our responsibilities when faced with claims of global justice, or in her terms, when faced with situations of structural injustice. In chapter 3.1.3 I introduced Young's model of the 5 faces of oppression, intended as criteria to identify the different structural aspects of injustice/oppression. If we agree with Young and accept the criteria as a useful tool to identify different structural aspects of oppression, we are then immediately faced with questions regarding how we can prevent/and or rectify these structural injustices which on a global scale and coupled with the all-affected principle can easily be experienced as overwhelming in scope. Young is aware of this threat and responds to with a proposal for what she terms as a *social connection model of responsibility*.²⁰² Having discussed the model in some detail in chapter 3.1.4 I will limit my discussion here to the third component of the SCMR, or the parameters Young argues can be useful when reasoning about what is required morally of each of us when faced with claims of global justice. These are the parameters of power, privilege, interest and collective ability. Grounding Young's choice of parameters is the insight that different agents have different kinds and degrees of responsibility when faced with claims of justice, and therefore it is important to acknowledge the reality of the different social positions occupied by each individual within the social processes that lead to structural injustices.²⁰³ Furthermore Young argues that while obligations of justice do apply to relationships between individual persons,

²⁰¹ Frazer, *Abnormal Justice*, 2008, p. 411 I want to note that in her article Frazer is critical of the all-affected principle on numerous grounds, but given the limited scope of this paper I have chosen to limit my account here to that of the butterfly effect.

²⁰² Henceforth referred to as SCMR.

²⁰³ Young, *Responsibility for Justice*, 2011, p.144-147

obligations of social and global justice are primarily owed in the organization of just institutions:

The primary obligations of individuals regarding global justice, as well as local and regional justice, is to do what they can to promote institutions and policies that aim for fair relations among people across the globe.²⁰⁴

I find that by primarily limiting obligations of global justice to the organization of just institutions Young goes a long way towards addressing accusations of impossibility of scope and action regarding claims of global justice and the all-affected principle. Instead of understanding the principle of all-affected to entail that one is at all times required to consider the consequences of each of one's actions on all other moral beings in the world, an overwhelming and impossible task to be sure, Young's understanding that claims of global justice entail that one is primarily (but not exclusively) obligated to promote the development of just institutions leaves us with an altogether more coherent and realistic task.

I also want to argue that if we are to accept Benhabib and Young's proposal and rely on the all-affected principle when determining who is to be understood as legitimate subjects of justice, it is of the utmost importance that we are equipped with the tools necessary to determine how each of us as well as institutions, can best bear responsibility for rectifying the structural injustice identified. In that respect I find that Young's insight as reflected in the parameters presented above to be a significant and valuable contribution to the cosmopolitan project.

4.1.3 Building Bridges

Finally we are left with questions as to why? To put the matter another way, having established which principles or criteria Benhabib and Young argue are best suited to guide us when making moral decisions pertaining to claims of global justice, we must then ask on what grounds do Benhabib and Young defend and justify their challenges of traditional western philosophy's answers to the central questions of justice as discussed above?

For Benhabib the answer lies in her understanding that basic human rights belong to each person in virtue of their humanity. As such the realisation of basic human rights (such as the human right to membership) is not, and cannot be, contingent to one's membership to a

²⁰⁴ Young, *Inclusion and Democracy*, 2000, p. 250

particular nation-state.²⁰⁵ True to her emphasis on the value of difference and social connection Young does not agree with Benhabib, and maintains that obligations of justice cannot be based on common humanity. Rather Young argues that obligations of justice are grounded in social connections, or the social relationships that in present day contexts of global society are increasingly present in transnational social structures. In short this means that while Benhabib argues that we should respond to claims of global justice based on the premise of common humanity, Young finds that social relations and structural relationships are the makers of moral claims and communities. I find that Benhabib's grounding of basic human rights in common humanity has merit; I would argue that it is difficult if not impossible to deny that there is moral value to be found in the shared experiences of simply being human. However, when faced with claims of global justice pertaining to the status of the 64.9 million persons who according to the United Nations²⁰⁶ are currently displaced, I am inclined to question whether Benhabib's grounds alone suffice. Followed by a comparative reading of a number of cosmopolitan feminist theorists and their arguments, social theorist Ksenija Vidmar-Horvat warns that there is a real danger that cosmopolitanism will remain an academic endeavour that has no practical or political effect. She argues that for the ideas of cosmopolitan feminism to have any impact on the real lives of those most vulnerable, it is vital that we think of cosmopolitan feminism in a multi-perspectival way.²⁰⁷ As I understand Vidmar-Horvat, she is suggesting that when faced with questions of justice in modern day contexts of global society it is not always helpful to think in the binary terms of either or, rather that in some cases it can be more helpful to think in terms such as building bridges between different strands of thought.

On that note I want to explore political theorist and sociologist Neimah Reilly's thoughts on what she terms as: "A constructive tension between endorsing universal values -such as human rights- and what it means to enjoy human rights from the standpoint of particular marginalized experiences and identities."²⁰⁸ Reilly argues that while the promise inherent in the basic idea of human rights is currently undermined by privileged, male, neoliberal, western and state-centric perspectives, there is still great emancipatory potential to be found in cosmopolitan feminist commitments to critically reinterpreting

²⁰⁵ Benhabib, *Dignity in Adversity, Human Rights in Troubled Times*, 2011, p. 9

²⁰⁶ Retrieved January 17th, 2019 from <http://popstats.unhcr.org/en/overview>

²⁰⁷ Vidmar-Horvat, *A Wandering Paradigm, or Is Cosmopolitanism Good for Women?*, 2013, p. 12

²⁰⁸ Reilly, *Cosmopolitan Feminism and Human Rights*, 2009, p. 21

universal human rights.²⁰⁹ Agreeing with other cosmopolitan theorists on the importance of cosmopolitan approaches while addressing current global issues, Reilly argues that women's experiences make a feminist cosmopolitan response to globalization necessary.²¹⁰ Here Reilly is adamant that a strongly anti-essentialist standpoint is key as well as an intersectional approach, given that even though gendered power dynamics generally are harmful for women and girls, gendered disadvantage is experienced on multiple different levels owing to other aspects based on both social and territorial status and location.²¹¹ As I understand Reilly what she is in fact arguing here is that it is not only possible, but constructive that when endorsing universal values such as human rights, one not only can but should simultaneously prioritize the principles of difference that are inherent in anti-essentialist standpoints as well as intersectional approaches. In other words, when faced with the task of grounding the claims of global justice as presented in this project, one need not understand the value of what we as human beings have in common and that which sets us apart as binary opposites, but rather that it can be constructive to approach them as mutually enhancing concepts.

Based on Vidmar-Horvat's proposal and Reilly's example above, I would like to suggest that instead of understanding Young's grounds of social connection and difference, and Benhabib's grounds common humanity as a case of either or, it could be constructive at this point to attempt to build a bridge between the two strands of thought. Having acknowledged the merits found in Benhabib's appreciation of the value inherent in common humanity, I would argue that rather than weakening Benhabib's argument, that it can be strengthened by broadening it by making room for Young's emphasis on social connection and difference, as well as her focus on structural injustices. Important in that respect is Young's understanding that social connection is both ontologically and morally prior to political institutions. I would argue that Young's understanding of social connections is highly relatable to Benhabib's understanding of the self as a general, as well as a concrete other as previously discussed in chapter 2.1.4. Highly relevant in that respect is Benhabib's acknowledgement that before we are adults we are children, which means that to become morally competent and self-sufficient human beings we are as children reliant on the nurture, and care of others.²¹² To put the matter another way, we need social connections to become morally competent human beings.

²⁰⁹ *ibid*, p. 3

²¹⁰ *ibid*, p. 14

²¹¹ *ibid*, p. 15

²¹² Benhabib, *Situating the Self*, 1992, p. 188

4.2 A Viable Feminist Cosmopolitan Ethics

In the beginning of this project I set out to search for some of the core elements of a viable feminist cosmopolitan ethics. I argued that for a feminist cosmopolitan ethics to be viable, it must carry within itself an impetus towards increased respect for the basic human rights of the, as of late 2017, 64.9 million persons displaced due to conflicts, war, persecutions and human rights violations,²¹³ or in other words, those who are currently without the right to have rights. Based on my analysis and comparison of what I understand to be some of the main components of political theorists Seyla Benhabib and Iris Marion Young's cosmopolitan ethics, I will now suggest what I believe should be some of the core elements of a viable feminist cosmopolitan ethics. Having found justice theorist Allison Jaggar's model of structural questions helpful in my previous comparison of Benhabib and Young's suggestions, I will continue to draw on her model here, albeit in a less structured manner.

4.2.1 A Feminist Cosmopolitan Vision of Hope and Difference

Underpinning the purpose of this project is a concern for the status and real-life situations of the 64.9 million persons that are currently displaced due to conflicts, war, persecutions and human rights violations. It is in that context that I want to propose a set of components I would argue can serve as some of the core elements of a viable feminist cosmopolitan ethics. When faced with questions regarding the domain of justice, like Benhabib, Young and other cosmopolitan theorists I want to emphasise the importance of a wider understanding of what should be considered the scope of the domain of justice than the one proposed by traditional philosophical theories. Imperative for the real-life situations of those that are without membership to a functioning nation-state is a decoupling of the right to membership from that of nationality status. This means that the external boundaries of the moral community must be understood to lie outside the boundaries of nation-states.

While searching for the core elements of a viable feminist cosmopolitan ethics I have argued that it must carry within itself an impetus towards increased respect for the basic human rights of the currently 64.9 million persons that are currently displaced due to conflicts, war, persecutions and human rights violations. To put the matter another way, when faced with questions regarding when the demands of global justice apply, I would argue that the status and real-life situations of those that are without membership to a functioning nation-state are valid examples of the social circumstances within which the demands of global justice apply.

²¹³ Retrieved on January 17th, 2019 from: <http://popstats.unhcr.org/en/overview>

I find that a viable feminist cosmopolitan ethics would do well to employ Seyla Benhabib's reconstruction of Hannah Arendt's concept of the right to have rights, when faced with defining what is to be understood as the object of global justice. I base my claim largely on the significance inherent in the dual use of the term "right", where the former is understood to be a claim to membership, and the latter is understood to express what is entailed in such a right to membership. I want to argue that such a dual application of the concept of right is imperative for 64.9 million displaced persons that are currently without membership to a functioning nation-state, on the basis that while acknowledging that it is vital that their claims to formal membership be considered as claims of global justice, it is equally important that they also be understood as claims to what that right to membership specifically entails. As I understand it there is some room for variation in the latter use of the term, and would argue that in current contexts of complex global systems and ever growing transnational interactions this can be understood as adding to its value. I find evidence of this as it is in equal measures applicable regardless of whether one understands the human right to membership to first and foremost entail the reciprocal obligations pertaining to civil, political and citizen rights as Benhabib does, and equally so if one prioritizes the object of justice to be that of social equality as Young does.

Pertaining to questions regarding who should be regarded as subjects of global justice I am inclined to follow the lead of both Benhabib and Young and promote the application of the principle of all-affected when determining who is entitled to make claims of global justice that warrant moral consideration. This means acknowledging that when anyone is directly or indirectly affected by my actions or inactions, we are placed in relations of justice with each other and as such become subjects of global justice. To put the matter another way, by promoting the application of the principle of all-affected one recognizes that when ones actions or inactions directly or indirectly affect the living situations/future prospects of those persons that are without membership to a functioning nation-state, said persons are thereby placed in relations of justice with oneself, and thereby become subjects of global justice. As such they are entitled to make claims of justice that I am then obliged to respond to.

Previously I have argued that for a feminist cosmopolitan ethics to be considered viable, it must carry within itself an impetus towards increased respect for the basic human rights of the 64.9 million persons that are currently displaced due to conflicts, war, persecutions and

human rights violations. Therefore, it is of essence that my suggestions for what should be some of the core elements of such a feminist cosmopolitan ethics be based on principles that are morally appropriate to guide one when faced with the global justice claims made by said persons. Here I propose the principle of *all-affected* as discussed above coupled with the metanorms expressed in Young's *ideal of asymmetrical reciprocity* and Benhabib's *principle of egalitarian reciprocity*. The ideal of asymmetrical reciprocity in short entails a commitment to always take the perspective of the other into account while making moral judgements. This means that when one is faced with the claims of global justice set forth by anyone of the 64.9 million persons that are currently displaced and without membership to a functioning nation-state, it is not enough that one should attempt to reason from their standpoint while making moral decisions. Rather, one is called to listen to, and learn from the others perspective with a sense of moral humility that is grounded in the recognition that our inevitable differences mean that we will always stand in relations of asymmetry and irreversibility with each other. When faced with claims of global justice I also want to suggest that Benhabib's reformulation of the classical principle of discourse ethics, the principle of egalitarian reciprocity, can be helpful so long as it is understood as separate from her suggestions for an ideal of symmetrical reciprocity. In short the principle of egalitarian reciprocity states that all those that are participants in moral conversations (all those affected) have the right to speak, to suggest topics, and are entitled to a valid justification of the presuppositions of the conversation, or in other words, the agenda of the conversation must always be radically open and participants must be allowed to bring any and all matters under scrutiny and questioning. I want to argue that when understood as metanorms, these three principles, the ideal of asymmetrical reciprocity, the principle of egalitarian reciprocity as well as the principle of all-affected can together serve as grounding principles of a viable feminist cosmopolitan ethics.

Finally, for a feminist cosmopolitan ethics to be considered viable it must provide a rationale or justification as to why it promotes said principles. I propose a feminist cosmopolitan ethics that is in equal measures grounded in the virtue of common humanity, the differences that set us apart, as well as the social connections that shape and identify our lives as discussed in chapter 4.1.3 Underpinning my suggestion is the understanding that when faced with questions of global justice in modern day contexts of global society, it is not always helpful to think in the binary terms of either or, rather that in some cases it can be more helpful to think in terms of building bridges between different strands of thought. Continuing on that note I

would also argue that to be considered viable, a feminist cosmopolitan ethics must in equal measures encompass the hope that is characteristic of the universal values expressed in rights language, as well as a recognition of the vulnerabilities inherent to real-life circumstances and situations best expressed in a consistent focus on issues concerning structural injustice/inequality.

To put the matter another way, I want to promote a vision of feminist cosmopolitan ethics that carries within itself the hope that is inherent to the promise of human rights, while at the same time offering the tools that are necessary to identify and rectify the structural injustice expressed in the status and real-life situations of the 64.9 million persons that are currently displaced due to conflicts, war, persecutions, and human rights violations.

4.3 Conclusion

The aim of this chapter has been twofold. First I set out to compare and evaluate the viability of some of the main components of Seyla Benhabib and Iris Marion Young's cosmopolitan ethics, as well as certain aspects of their understanding of the relationship between principles of state sovereignty and the human right to membership. Underpinning that comparison was my intention to lay the groundwork necessary for the second aim of this chapter, and thereby complete the final task of this project, namely to answer the question; what should be some of the core elements of a viable feminist cosmopolitan ethics?

To aid me in my effort to compare and evaluate the viability of some of the main components of Benhabib and Young's cosmopolitan ethics I have drawn upon justice theorist Allison M. Jaggar's model/frame of structural questions central to claims of justice. Drawing on Jaggar's model, and bound by the restricted scope of this project, my comparison is limited to those of Benhabib and Young's main components that correspond to the six structural questions that Jaggar's model proposes. I began with a comparison of Benhabib and Young's suggestions as to what they each conclude should be considered the domain of justice, under which social circumstances each theorist argues that the claims of global justice apply and which entities should be regarded as objects of justice. I then proceeded to compare and evaluate the viability of Benhabib and Young's suggestions as to who should be regarded as subjects of global justice, and what principles each theorist argues are best suited to guide us when faced with claims of global justice. Finally I concluded my comparison with a discussion of Benhabib and Young's justifications for why, or on what grounds they each argue said

principles are best suited to guide us when making moral decisions relating to claims of global justice.

As previously stated it has been my aim throughout this project to search for some of the core elements of a viable feminist cosmopolitan ethics. To further that purpose I have identified, discussed and compared some of the main components of such an ethics as proposed by political theorists Seyla Benhabib and Iris Marion Young. Through my comparative reading of their works I have concluded that while not always applicable, it can at times be valuable to attempt to build bridges between each theorist's different strands of thought, including those that at first reading can seem to contradict each other; such as Benhabib's grounds of the virtue of common humanity and Young's emphasis on social connection and difference. It is in that spirit that I wish to conclude this project and promote a vision of feminist cosmopolitan ethics that in equal measures carries within itself the hope that is inherent in the promise of human rights, while simultaneously offering the tools that are necessary to identify and rectify the structural injustices that are expressed in the status and real-life situations of the 64.9 million persons that are currently displaced due to conflicts, war, persecutions, and human rights violations.

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