

Globalization, Cosmopolitanism, and Personal Identity

[Tom G. Palmer](#)

[Cato Institute](#)

ABSTRACT

Many critics of increasing freedom of trade and of movement, and the phenomena of cosmopolitanism and globalization that result from such freedom, insist that the consequence of greater trade and movement is a net loss of identity. Globalization is, they allege, destructive of personal identity itself, which they see as reliant on sharply delineated differences among cultures. This paper sets out the anti-globalist critique and then shows that cosmopolitanism and globalization are hardly new phenomena, but have deep roots in European civilization. The threat allegedly posed by globalization to personal identity is described and the arguments of its main proponents given, followed by a critique of the theory of personal identity implicit in the argument and an alternative theory of personal identity (a “focal theory”) is described; that theory is both truer to lived human experience and fully compatible with the securing of personal identity in the context of an increasingly globalized world of free individuals.

Many critics of increasing freedom of trade and of movement, and of the resulting phenomenon of “globalization”, insist that we are witnessing a net loss of identity, of difference and variation, and that that loss represents a net loss of value to humanity. Globalization has been identified with the emergence of a cosmopolis, or universal civilization, that destroys all local differences and robs peoples and persons of their distinctive identities. Even the ability of artists from otherwise obscure artistic traditions to expose their work to the wider world and enrich themselves in the process is portrayed as merely another form of loss of identity and submission to exploitation. (1) Much of that “cultural” critique of globalization has been effectively answered by Tyler Cowen in his book *Creative Destruction: How Globalization is Changing the World’s Cultures*. (2) In this short essay, I address a related topic that has been exploited by a wide variety of political philosophers and theorists to advance an anti-cosmopolitan, anti-liberal, and anti-globalization agenda: the alleged destruction of personal identity by globalization and cosmopolitanism. I believe that the charge is false and rests on a deeply flawed theory of personal identity. I outline an alternative

understanding of personal identity that is, I believe, both more consistent with the lived experiences of many millions of people and fully compatible with globalization and cosmopolitanism.

1. *The Critique of Cosmopolitanism*

In recent years cosmopolitanism has been subject to a remarkable amount of uncharitable criticism. For example, in his extended meditation on the relationship between nationality and obligations of distributive justice, David Miller considers the cosmopolitan alternative only *en passant* and even then with evident disdain. Adherents to a cosmopolitan worldview are described as “those who view the world as a kind of giant supermarket, where place of residence is to be decided by the particular basket of goods (jobs, amenities, climate, etc.) available there.” (3) Unnamed cosmopolitans are portrayed as believing that “they should regard their nationality merely as a historic accident, an identity to be sloughed off in favor of humanity at large.” (4)

Another quite hostile commentator on cosmopolitanism indicates why collectivists find cosmopolitanism so uncongenial. Max Hildebert Boehm asserts:

Any influence, external or internal, which operates independently of the individual's choice to dissolve the organic bonds between him and his native group and to undermine his feeling of solidarity may create the a priori conditions for cosmopolitanism, inasmuch as cosmopolitanism itself provides an escape from specific social authority. That is, by standing, or aiming to stand, in immediate communion with all men, an individual easily avoids the risks and sacrifices which in view of the perpetual conflicts between all particularistic groups beset a social life based on narrower solidarities. The profession of cosmopolitanism may, it is true, bring with it new decisions and trials, for instance in time of war or in a conservative environment. But on the whole the actual obligations which cosmopolitanism lays upon its adherents are comparatively negligible -- the more so because in practice it seldom goes beyond demonstration, sentimentality, propaganda, and sectarian fanaticism. Hence it often exists among persons whom fortune has relieved from the immediate struggle for existence and from pressing social responsibility and who can afford to indulge their fads and enthusiasms. (5)

Thus, cosmopolitanism is typically represented as a kind of adolescent and self-indulgent evasion of responsibilities, something to be expected of shallow and pampered elites, but not of mature people of sound judgment.

But those representations are false. Cosmopolitanism is a tradition of great depth and capable of sustained philosophical defense. It is also a viewpoint with much wider appeal than merely intellectual or financial elites, as witness the many millions upon millions of people who have left hearth and home in search of “jobs, amenities, climate, etc.,” not to mention religious toleration, the rule of law, the freedom to choose one’s spouse, the right to start a business enterprise and offer products to willing buyers, and the right to enjoy the fruits of one’s labors.

Nor is cosmopolitanism a new philosophical viewpoint. Although I cannot provide here a comprehensive history of the cosmopolitan ideal, a brief overview is in order, if only to demonstrate that cosmopolitanism is neither a passing fad among pampered elites nor of recent provenance.

2. *Cosmopolitanism and Civilization*

Cosmopolitanism is nearly as old as recorded history itself and may be the first coherently articulated political philosophy of the western world (at least). About the year 420 BCE the philosopher Democritus of Abdera wrote, “To a wise man, the whole earth is open; for the native land of a good soul is the whole earth.” (6)

It is likely no accident that Democritus and others with similar views were writing during the flourishing of one of the most open, commercial, and scientific civilizations the world had yet seen. (7) The idea of a cosmo-polis, or a universal polity, may come naturally to observers of societies characterized by extensive commercial, scientific, and artistic intercourse among peoples of various nations, religions, and political systems, as the Greek world of the Fifth Century BCE most certainly was. Commercial contact with many different civilizations, cultures, and languages inclined many thinkers (but by no means all) to observe certain regularities in the activities of the many foreigners (“barbarians”: people who could not speak Greek properly, and whose speech sounded like “bar bar bar bar”) with whom they traded. Indeed, those who refused or failed to engage in trade were portrayed as savages. The identification of trade with civilization goes back even further, to the early roots of Greek culture. In Book IX of the *Odyssey* Homer depicts the Cyclopean race as savages precisely because they do not trade or have contact with others:

For the Cyclops have no ships with crimson prows,
no shipwrights there to build them good trim craft
that could sail them out to foreign ports of call
as most men risk the seas to trade with other men. (8)

The observation of regularities is the foundation of the idea of law, whether in the physical world or the social world. Such observed regularities provide the kernel for the universalism that characterizes cosmopolitanism. There is one law, the law of nature (*physis*), that regulates the affairs of humans and that provides the sameness (“the one”) to which “social convention” (*nomos*) provides the difference (“the many”), for difference can only be displayed against a background of sameness, and sameness can only be appreciated against a background of difference, as the Greek dialecticians observed. (9)

Human life manifests regularities that transcend the many differences manifested among the peoples of the world. That transcendent system of regularity, of cause and effect, is the foundation for a law of nature that imposes obligations on all, whether they acknowledge those obligations or not. The universality of natural law was a common feature of Greek culture. Antigone in Sophocles’s play defies the law of the city and justifies her action (burying her brother’s corpse) by invoking a higher law:

Creon: And so you dared to disobey the law?

Antigone: It was not Zeus who published this decree,
Nor have the powers who rule among the dead
Imposed such laws as this upon mankind;
Nor could I think that a decree of yours--
A man--could override the laws of Heaven
Unwritten and unchanging. Not of today
Or yesterday is their authority;
They are eternal; no man saw their birth. (10)

Some rules are universal, others not. The former are always and everywhere obligatory on all who share the same nature; the latter are accounted for in their multiplicity on the basis of consent and opinion, i.e., on the basis of particular instantiations of universal principles. Aristotle neatly distinguished between the two kinds in his *Nicomachean Ethics*

Political justice is of two kinds, one natural, the other conventional. A rule of justice is natural that has the same validity everywhere, and does not depend on our accepting it or not. A rule is conventional that in the first instance may be settled in one way or the other indifferently, though having once been settled it is not indifferent: for example, that the ransom for a prisoner shall be a mina, that a sacrifice shall consist of a goat and not of two sheep. (11)

That observation of unity within multiplicity was further systematized by the Stoic philosophers, especially during the period of Roman domination of *mare nostrum* and the emergence of an extensive commercial civilization involving many cultures and nations and of a systematized law -- the *ius gentium* -- to govern it. The jurist Gaius opened his *Institutes* with the observation that

All peoples who are governed by laws and customs use law which is partly theirs alone and partly shared by all mankind. The law which each people makes for itself is special to itself. It is called 'state law' [*ius ciuile*], the law peculiar to that state. But the law which natural reason makes for all mankind is applied the same way everywhere. It is called 'the law of all peoples' [*ius gentium*] because it is common to every nation. (12)

Cicero transmitted that ancient cosmopolitanism to the medieval Latin West largely through his hugely influential *De Officiis*, in which he reminded his audience that "The great Hercules undertook extreme toils and troubles in order to protect and assist all races of men" and concluded that "a man who is obedient to nature cannot harm another man." (13)

The Hebraic and Christian traditions strengthened such legal and philosophical considerations with theological ones. The Hebraic belief that God is transcendent to his own creation, and therefore could not be identified with any part of the world, was expressed quite powerfully in Exodus 32, which describes God's anger at the worship by the Israelites of the Golden Calf, a mere part of his creation. The lesson was clear: no part of creation can be God, and, of course, that entailed that no mere human could be God. There is a higher law by which all are judged, a lesson taught again by Jesus of Nazareth when he confounded the Pharisees and Herodians and enjoined all to "Render unto Caesar the things that are Caesar's, and to God the things that are God's." (Matthew 22:21) Christian theologians transmuted that message into the fundamental equality of all humans through references to such passages of the New Testament as Matthew 5:43:

You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust. For if you love those who love you, what reward have you? Do not even the tax collectors do the same?

Innocent IV, one of the great "Lawyer Popes," concluded from that and other sources that "lordship, possession and jurisdiction can belong to infidels licitly and without sin, for these things were not made only for the faithful but for every rational creature as

has been said. For he makes his sun to rise on the just and the wicked and he feeds the birds of the air, Matthew c.5, c.6. Accordingly we say that it is not licit for the pope or the faithful to take away from infidels their belongings or their lordships or jurisdictions because they possess them without sin.” (14) Even infidels are rational creatures who are entitled to their rights.

Nor is cosmopolitanism limited to the worldviews of antiquity or the high middle ages. It constitutes a vitally important part of modern culture, as well. Joseph Addison’s description of his visit to the Royal Exchange of London in 1711 neatly illustrates the modern cosmopolitan viewpoint: “Sometimes I am jostled among a Body of Armenians: Sometimes I am lost in a Crowd of Jews; and sometimes in a Groupe of Dutch-men. I am a Dane, Swede, or Frenchman at different times, or rather fancy myself like the old Philosopher, who upon being asked what Country-man he was, replied, That he was a Citizen of the World.” (15) Years later the editor of the *Encyclopédie*, Denis Diderot, concluded his definition of “COSMOPOLITAIN, ou COSMOPOLITE” with the pregnant phrase, “Voyez PHILOSOPHE.” (16) For Diderot and other figures of the Enlightenment, there was a close connection between knowledge, enlightenment, and cosmopolitanism.

Universalist cosmopolitanism is deeply engrained in the culture of the West and has become in recent years a staple of “world culture,” itself a cosmopolitan ideal made real. The global migration of persons, of ideas, and of capital has tied together the peoples of the world in a cosmopolis. (17) My purpose is not to chronicle or measure the extent of this cosmopolitanization of the world; I do not intend merely to applaud what others are busy decrying. (18) Rather, I wish to consider the implications of globalization and cosmopolitanism for personal identity. First, however, a brief detour through the theory of distributive justice is in order.

3. *Exit Rights as the Core of a Cosmopolitan Theory of Justice*

Let’s take up the suggestion of Max Hildebert Boehm that “cosmopolitanism itself provides an escape from specific social authority,” and focus our attention on the implications for distributive justice of a robust right of exit. As Viktor J. Vanberg and Roger D. Congleton note, “many of the social interaction problems (to which the notion of morality is commonly applied) arise in contexts where the persons involved actually have viable exit options in the sense that they can refuse to interact with their respective counterparts.” (19) The core of a cosmopolitan theory of justice I take to be the right of exit. Actual exercise of the right of exit will entail different costs for different persons in different settings and at different times. For some the act of leaving an accustomed environment is unbearable, for others it is not. But the variable costs of exercising the right of exit have no effect on the moral justification of the right,

pace the implications of David Miller's treatment of the issue. We lack, as Hillel Steiner concluded in his treatment of the transnational migration of people, "any non-contractual power to prevent her or him from removing themselves [sic] and all their property from our jurisdiction." (20)

Consideration of exit rights and of obligations not to harm strangers has played a prominent role in political theory in the past. Philosophical cosmopolitanism has long been associated with Immanuel Kant, who included an explicitly cosmopolitan element in his proposal for a "*Perpetual Peace*," viz. a "Cosmopolitan Right [which] shall be limited to Conditions of Universal Hospitality." (21) For Kant there is no guaranteed right of entry into a territory, but there should be a guarantee of "the right of a stranger not to be treated with hostility when he arrives on someone else's territory." (22) This right of hospitality arises because "The peoples of the earth have thus entered into varying degrees into a universal community, and it has developed to the point where a violation of rights in one part of the world is felt everywhere. The idea of a cosmopolitan right is therefore not fantastic and overstrained; it is a necessary complement to the unwritten code of political and universal right, transforming it into a universal right of humanity." That right to be received without hostility (if one is received) is complementary to the more fundamental right of exit. In the *Metaphysics of Morals* Kant argued that

The subject (considered also as a citizen) has the right of emigration, for the state could not hold him back as it might a piece of property. (23)

Thomas Jefferson, in his *A Summary View of the Rights of British America*, reminded the British crown that

our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right, which nature has given to all men, of departing from the country in which chance, not choice has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness. (24)

If the right of emigration, or of exit generally, is the core of the cosmopolitan position, it is fair to ask whether such a right is compatible with plausible theories of personhood, or of personal identity. Would one suffer a loss of identity, or a loss of self, if one were to choose to exercise such a right? Globalization and cosmopolitanism would certainly lose much of their moral appeal if there were no plausible account of personal identity that would be compatible with the exercise of the right of exit from a social or political order.

4. *Cosmopolitanism and Personal Identity*

Critics of cosmopolitanism sometimes use the term to refer to a kind of superior attitude, one that characterizes those who have traveled and look down upon their neighbors who have not. Thus, Thomas Hood wrote, “I don’t set up for being a cosmopolite, which to my mind signifies being polite to every country except your own.” (25) David Miller and Max Boehm may have such a cosmopolite in their sights when they extol national patriotism over cosmopolitanism. But there is no necessary connection between such attitudes and cosmopolitanism. Neither the cosmopolitan identity (to be described below) nor the cosmopolitan standard of right (discussed above) entails a lack of respect for any particular country, social group, nation, ethnicity, or other affective social relation, including “your own.” A cosmopolitan would, however, deny that affective social relations are constitutive of identity in the way that certain communitarians have used the term constitutive, i.e., to refer to inextricable and completely inescapable linkages. (26) Michael Sandel argues, for example, that individualism generally (and by implication individualist cosmopolitanism) fails to deal adequately with the problem of personal identity, for “to be capable of a more thoroughgoing reflection, we cannot be wholly unencumbered subjects of possession, individuated in advance and given prior to our ends, but must be subjects constituted in part by our central aspirations and attachments, always open, indeed vulnerable, to growth and transformation in the light of revised self-understandings. And in so far as our constitutive self-understandings comprehend a wider subject than the individual alone, whether a family or tribe or city or class or nation or people, to this extent they define a community in a constitutive sense.” (27) Thus, each of us has certain “constitutive self-understandings” without which we would simply have no fixed identity, and those self-understandings are so connected with the “family or tribe or city or class or nation or people” that what is really identified is not a numerically and materially individuated human person, but a collective person.

What Sandel is arguing is that an epistemological principle can be transformed into an ontological principle: “this notion of community [the constitutive conception] describes a framework of self-understandings that is distinguishable from and in some sense prior to the sentiments and dispositions of individuals within the framework.” (28) Because shared understandings are necessary for our self-understanding, i.e., because they are asserted to be an epistemic criterion for self knowledge, it is asserted that those shared understandings are constitutive of our identity, and that therefore “the bounds of the self are no longer fixed, individuated in advance and given prior to experience.” (29)

That move is unjustified. As John Haldane remarks, “even if this were granted it would not follow from it that subjects of these relationships are anything other than

distinct persons. To suppose otherwise is to infer fallaciously that epistemological considerations enter into the constitution of the object known.”(30) That individuals share notions of justice, compassion, and self-understanding does not imply that the boundaries of those individuals melt into a vast fondue of communal understandings, for, as Haldane points out, “Features can only be shared if they attach to bearers which at base are numerically diverse.” (31)

Sandel makes a serious error in arguing against numerically individuated agents: the epistemological conditions of a certain kind of knowledge are unjustifiably transmuted into ontological foundations of a certain kind of being, with serious results for political theory. That move was anticipated by Thomas Aquinas, who argued that “It is . . . one thing which is understood both by me and by you. But it is understood by me in one way and by you in another, that is, by another intelligible species. And my understanding is one thing, and yours, another; and my intellect is one thing, and yours another.” (32) Thomas recognized the importance of such epistemological and ontological confusion for morality and politics; he noted that “If . . . the intellect does not belong to this man in such a way that it is truly one with him, but is united to him only through phantasms or as a mover, the will will not be in this man, but in the separate intellect. And so this man will not be the master of his act, nor will any act of his be praiseworthy or blameworthy. That is to destroy the principles of moral philosophy. Since this is absurd and contrary to human life (for it would not be necessary to take counsel or to make laws), it follows that the intellect is united to us in such a way that it and we constitute what is truly one being.” (33)

Further, the collectivist/communitarian approach implies that cultures are hermetically sealed one from another, that if you and I are in the “same culture,” we must have the same “self-understandings,” such that together we form a “self,” differentiated from other selves by “bounds that . . . are not given by the physical, bodily differences between individual human beings, but by the capacity of the self through reflection to participate in the constitution of its identity, and where circumstances permit, to arrive at an expansive self-understanding.” (34) (I do not claim to understand precisely what Sandel is getting at here, and I have my doubts whether even he does, but it does seem clear that a mystical collective self -- “whose bounds are not given by the physical, bodily differences between individual human beings” -- is being discussed.)

Sandel is surely wrong to assert that people who participate in the “same” culture have the same self, or even the same self-understandings. There is not one culture anyplace on the globe that could provide “constitutive self-understandings” capable of constituting collective selves of the sort Sandel attempts to describe, for each culture melts imperceptibly into the others. There is no longer any culture that could be identified as “pure,” i.e., that is not a *mélange* of bits and pieces contributed by or drawn from other cultures. Jeremy Waldron subjects a strong claim of the

communitarian theorist Alisdair Macintyre to withering criticism: Macintyre wrote lyrically in *After Virtue* that

It is through hearing stories about wicked stepmothers, lost children, good but misguided kings, wolves that suckle twin boys, youngest sons who receive no inheritance but must make their way in the world and eldest sons who waste their inheritance on riotous living and go into exile to live with the swine, that children learn or mislearn both what a child and what a parent is, what the cast of characters may be in the drama into which they have been born and what the ways of the world are. (35)

Waldron observes “these are heterogeneous characters drawn from a variety of disparate cultural sources: from first-century Palestine, from the heritage of Germanic folklore, and from the mythology of the Roman Republic. They do not come from some *thing* called ‘the structure of our culture.’” (36)

As Waldron asks, “What if there has been nothing but *mélange* all the way down? What if cultures have always been implicated with one another, through trade, war, curiosity, and other forms of inter-communal relation? What if the mingling of cultures is as immemorial as cultural roots themselves? What if purity and homogeneity have always been myths?” (37) And just as the identity of each necessarily cosmopolitan culture may be a shifting focus within overlapping influences, so the identity of the person may be a shifting focus within overlapping influences. (38)

That is not to say that there are no ethnic or national characteristics, no commonalities among persons that distinguish them from others. There clearly are. But pointing that out is no refutation of cosmopolitanism or of a theory of identity consistent with cosmopolitanism. Indeed, it would be impossible to recognize the common nature of humanity in the absence of any identifiable differences; the “same” cannot be recognized without the “other,” the “one” without the “many.” Recognizing that we adopt beliefs and self-understandings that we believe to be true, useful, interesting, moral, amusing, and so on from other persons, other cultures, and other languages is not shameful; it is just a recognition of reality.

The communitarian approach implicitly denies that one’s identity might be constituted by universalist, individualist, cosmopolitan self-understandings. The devout Moslem or Christian, for example, may very well see her attachment to a universalist religious faith as constitutive of her identity in ways that her being American, Albanian, or Arab is not. Such identities are quite common -- and therefore possible -- and collectivist and communitarian theorists have offered little reason to believe that they are unhappier or poorer than are more localized identities.

We can distinguish, then, among at least three different broad understandings of personal identity: 1) “thick” theories, which are associated with a wide variety of

collectivists and communitarians, according to which the individual is constituted by all (or perhaps just by most, or by the most important) of the elements of a complex culture, with all of those elements considered as necessary and unchangeable conditions of identity; 2) “thin” theories, which are associated commonly with Immanuel Kant and his followers, according to which individual identity is associated with a purely formal characteristic of consciousness as such, such as the transcendental unity of apperception; and 3) “focal” theories, such as the “succession” theory of Aristotle and the “closest continuer” theory of Nozick, which are both “thinner” than the collectivist theories, for individual elements of identity may be added or subtracted without obliterating the identity of the person, and “thicker” than the formal or abstract theories, for each person is identified, individuated, and distinguished from others by reference to contingent characteristics.

Focal theories recognize that personal identity can be a matter of both circumstance and choice. They capture better the way in which the elements of one’s identity can change over time, without merely dissolving into unconnected and disparate parts. Unlike thick theories, they do not rule out the widely observed and acknowledged movement of persons from culture to culture, without loss of self. Unlike thin theories, they acknowledge that one’s commitments are not simply phenomenal ornaments somehow stuck on to a merely noumenal transcendental object (or subject), which is posited as a kind of substrate – or pin cushion – that is itself devoid of characteristics. Unlike both thick and thin theories, focal theories of personal identity provide a plausible part of the metaphysical foundation for an increasingly globalized world of free persons.

Notes

(1) “Local musicians are of course excited by the audiences, fame, and money that the international record companies can provide, but some are concerned that their rich cultural traditions are being mined and skimmed to make an international product. The companies, though much agitated about protecting their own intellectual property from pirates, feel no compunction about uprooting the music of indigenous peoples from its native soil and treating it as a free commodity.” Richard Barnett and John Cavanagh, “Homogenization of Global Culture,” in Jerry Mander and Edward Goldsmith, eds., *The Case Against the Global Economy, and For a Turn to the Local* (San Francisco: Sierra Club Books, 1996), pp. 75-76.

(2) Tyler Cowen, *Creative Destruction: How Globalization is Changing the World’s Cultures* (Princeton: Princeton University Press, 2002).

(3) David Miller, *On Nationality* (Oxford: Clarendon Press, 1995), p. 14.

(4) *Ibid.*, p. 184.

- (5) Max Boehm, Hildebert, "Cosmopolitanism," in *Encyclopedia of the Social Sciences* (New York: The Macmillan Company, 1937), pp. 457-461, p. 458.
- (6) Kathleen Freeman ed., *Ancilla to the Pre-Socratic Philosophers* (Cambridge, Mass.: Harvard University Press, 1971), fragment 247, p. 113.
- (7) The similar conditions of the eighteenth century are described, with an emphasis on the international character of science, the growth of international commerce, and the extension of European exploration, in Thomas J. Schlereth, *The Cosmopolitan Ideal in Enlightenment Thought* (Notre Dame: University of Notre Dame Press, 1977). See esp. chapter five, "An Economic and Political Theory of World Order."
- (8) Homer, *The Odyssey*, trans. by Robert Fagles (New York: Penguin, 1997), Book IX, 137-142, p. 215.
- (9) This seems to be the main message - if there is a message - in *The Parmenides* of Plato, esp. the passages around 165c to 166b.
- (10) *Antigone*, in Sophocles, *Antigone, Oedipus the King, Electra*, Edith Hal ed., trans. by H. D. F. Kitto (Oxford: Oxford University Press, 1994), pp. 16-7.
- (11) Aristotle, *Nicomachean Ethics*, H. Rackham ed. (Cambridge, Mass.: Harvard University Press, 1934), Book V, vii, 1134b18-24, p. 295.
- (12) Gaius, *The Institutes of Gaius*, trans. by W. M. Gordon and O. F. Robinson (London: Duckworth, 1988), p. 19. This passage appears in the *Digest* at I.1.9, *The Digest of Justinian*, Alan Watson ed. (Philadelphia: University of Pennsylvania Press, 1998). In *Digest* I.1.1 Ulpian distinguishes between *jus naturale* and *jus gentium*, the former extending to all animals and the latter "that which all human peoples observe."
- (13) Cicero, *On Duties*, M. T. Griffin and E. M. Atkins eds. (Cambridge: Cambridge University Press, 1991), III, 25, p. 109.
- (14) Innocent IV, "On *Decretales*, 3.34.8, *Quod Super, Commentaria* (c. 1250), fol. 429-30," in Brian Tierney ed., *The Crisis of Church and State, 1050-1300* (Toronto: University of Toronto Press, 1988), p. 155. James Muldoon traces out how this cosmopolitan tradition, derived from classical and biblical roots, influenced the formation of international law, with special attention to the case of the Americas, where it was not barbarian or infidel invaders who posed a threat to Europe, but "the Europeans who posed a threat to the peace and security of the inhabitants of the Americas," in James Muldoon, *The Americas in the Spanish World Order: The Justification of Conquest in the Seventeenth Century* (Philadelphia: University of Pennsylvania Press, 1994), pp. 64-82, quotation from p. 74.
- (15) Joseph Addison, *The Spectator*, Saturday, May 19, 1711, reprinted in Joseph Addison and Richard Steele, *Selected Essays from "The Tatler," "The Spectator," and "The Guardian,"* ed. by Daniel McDonald (Indianapolis: Bobbs-Merrill, 1973), p. 238.
- (16) Denis Diderot, "COSMOPOLITAIN, ou COSMOPOLITE," in *Encyclopédie, ou Dictionnaire Raisonné des Sciences, des Arts et des Métiers, par Une Société de Gens de*

Lettres, Mis en Ordre et Publié par M. Diderot (Geneve: Jean-Leonard Pellet, Imprimeur de la République, 1779), Tome Neuvieme, p. 600. As Sylvana Tomaselli notes, “To be a true *philosophe*, far from entailing the life of a recluse, was to be a lover of mankind actively engaged in civil society wherever one happened to be.” Sylvana Tomaselli, “Cosmopolitanism,” *The Blackwell Companion to the Enlightenment*, John W. Yolton et al eds. (Oxford: Blackwell, 1995).

(17) On the increasing mobility of capital, see Richard B. McKenzie and Dwight R. Lee, *Quicksilver Capital: How the Rapid Movement of Wealth Has Changed the World* (New York: The Free Press, 1991).

(18) See, for example, John Gray, *False Dawn* (London: Granta, 1998)

(19) Viktor J. Vanberg and Roger D. Congleton, “Rationality, Morality, and Exit,” *American Political Science Review*, Vol. 86, No. 2 (June 1992), p. 419.

(20) Hillel Steiner, “Libertarianism and the transnational migration of people,” in Brian Barry and Robert E. Goodin, eds., *Free Movement: Ethical Issues in the Transnational Migration of People and of Money* (University Park: Pennsylvania State University Press, 1992), p. 94.

(21) Immanuel Kant, *Political Writings*, Hans Reiss ed., trans. by H. B. Nisbet (Cambridge: Cambridge University Press, 1992), p. 105.

(22) *Ibidem*.

(23) *Ibid.*, §50, p. 160.

(24) Thomas Jefferson, “A Summary View of the Rights of British America,” in *The Portable Thomas Jefferson*, Merrill D. Peterson ed. (New York: Penguin Books, 1977), p. 4.

(25) Thomas Hood, *Up the Rhine* (1839), quoted H. L. Mencken ed., *A New Dictionary of Quotations, on Historical Principles from Ancient and Modern Sources* (New York: Alfred A. Knopf, 1942), p. 224.

(26) Jeremy Waldron refers to this as the “One Person: One Culture” model of the relationship between culture and identity. Jeremy Waldron, “Multiculturalism and mélange,” in Robert Fullinwider ed., *Public Education in a Multicultural Society* (Cambridge: Cambridge University Press, 1996), p. 91.

(27) Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), p. 172.

(28) *Ibid.*, p.174.

(29) *Ibid.*, p.183.

(30) John J. Haldane “Individuals and the Theory of Justice,” *Ratio* XXVII 2 (December 1985), p. 195. This is an old debate, and the outlines can be traced quite clearly in the debate between the “Latin Averroists,” notably Siger of Brabant, and St. Thomas Aquinas over whether there is one “intellective soul” for all of mankind. The Averroists argued that, for two individuals to know the same thing, they have to have the same form impressed by the agent intellect into the same material (or possible)

intellect; to know the same form, they must share the same material intellect; and, as some sources reported, it was reported by some in the thirteenth century that that thesis had radical implications for the moral responsibilities of the individual: if Peter was saved, then I will be saved too, as we share the same intellectual soul, so I am free to engage in whatever sinful behavior I wish, in the knowledge that I will be saved nonetheless. Thomas responded that the impressed intelligible species is not literally the very form of the thing raised to a higher level of intelligibility, but rather that *by which* we know the thing. See Siger of Brabant, "On the Intellectual Soul," in John F. Wippel and Allan B. Wolter, O.F.M. eds., *Medieval Philosophy: From St. Augustine to Nicholas of Cusa* (London: Collier Macmillan Publishers, 1969), and Thomas Aquinas, *On the Unity of the Intellect Against the Averroists* (Milwaukee: Marquette University Press, 1968).

(31) Haldane, *op.cit.*, p. 196. A move essentially identical to Sandel's is made by Anna Elisabetta Galeotti in criticizing F. A. Hayek's liberal theory of isonomy and spontaneous order, which, she claims, presupposes a notion of "community/membership": "The simple quest for negative liberty, for impartiality, isonomy, rule of law, makes sense vis-à-vis a world of private individuals, each with his or her own identity aims, and life plans, conceived of as autonomous micro-spheres to be protected from disruptive influences. But, Hayek's social theory holds that the single individual, in his or her isolation, without rules and ties acting as connections to context and environment, would lose his or her identity and common understanding; hence one's resulting liberty would be devoid of any significance. If in Hayek's social theory the need for community is recognized as crucial, is it then plausible in the political sphere to assume that individuals act as independent entities?" (Anna Elisabetta Galeotti, "Individualism, Social Rules, Tradition: The Case of Friedrich A. Hayek," *Political Theory*, Vol. 15, No. 2 [May 1987], p. 178. See also the response by Eugene Heath, "How to Understand Liberalism as Gardening: Galeotti on Hayek," *Political Theory*, Vol. 17, No. 1 [February 1989]). Charles Taylor connects this kind of claim directly with the question of political obligation, by saying that the allegedly constitutive features of the autonomous self that have broken down the boundaries between selves generate a direct obligation to that greater self, and he ties this in with a view of the state ("political society") as the constitutive self to which we constituted selves owe our allegiance: "Now, it is possible that a society and culture propitious for freedom might arise from the spontaneous association of anarchist communes. But it seems much more likely from the historical record that we need rather some species of political society. And if this is so then we must acknowledge an obligation to belong to this kind of society in affirming freedom." (Charles Taylor, "Atomism," in *Philosophy and the Human Sciences: Philosophical Papers, Vol. II* [Cambridge: Cambridge University Press, 1985], p. 208.) It is noteworthy that Hayek would disagree on both counts, first that there is a wider constitutive community into which individuals must

inevitably melt, and second that it is the attainment of unified states, rather than the “spontaneous association of anarchist communes” that is responsible for the conditions of our liberty, isonomy, and law. As Hayek remarks in *The Fatal Conceit* (Chicago: University of Chicago Press, 1988), “the revival of European civilisation” (and the attendant growth of order, law, and culture) “owes its origins and *raison d’être* to political anarchy” (p. 33), i.e., to the fragmentation of Europe into competing and overlapping political and legal jurisdictions with relatively low exit costs. Without a single overarching “constitutive community” or political society to which allegiance must be owed, the answer that would be given by Hayek (and by numerous legal, economic, and political historians) to Galeotti's opening question (“Can a political theory, in its conceptual framework, do away with any reference to a notion of community/membership?”) would be, “Yes.”

(32) Thomas Aquinas, *op.cit.*, Chap. V, paragraph 112, p. 70.

(33) *Ibid.*, Chap. II, paragraph 82, p. 57.

(34) Michael Sandel, *op.cit.*, p. 144.

(35) Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1984), p. 216.

(36) Jeremy Waldron, “Minority Cultures and the Cosmopolitan Alternative,” *University of Michigan Journal of Law Reform*, Vol. 25, 1994, p. 784.

(37) Jeremy Waldron, “Multiculturalism and mélange”, p. 107.

(38) Cf. Aristotle, *Metaphysics* IV, ii. 24, “the unity is in some cases one of reference and in others one of succession.” Aristotle, *Metaphysics*, trans. by Hugh Tredennick (Cambridge, Mass.: Harvard University Press, 1933), 1005a11, p. 157. The identity of the self may best be understood in terms of the “succession” of which Aristotle wrote, which has been explicated in the form of the “closest continuer” theory advanced by Robert Nozick in his criticism of the “property” theory: elements of one’s identity may be deleted or added, such that after a time no element remains from before, and yet the composite remains diachronically identical. See Robert Nozick, *Philosophical Explanations* (Cambridge, Mass.: Harvard University Press, 1981), pp. 29-114.